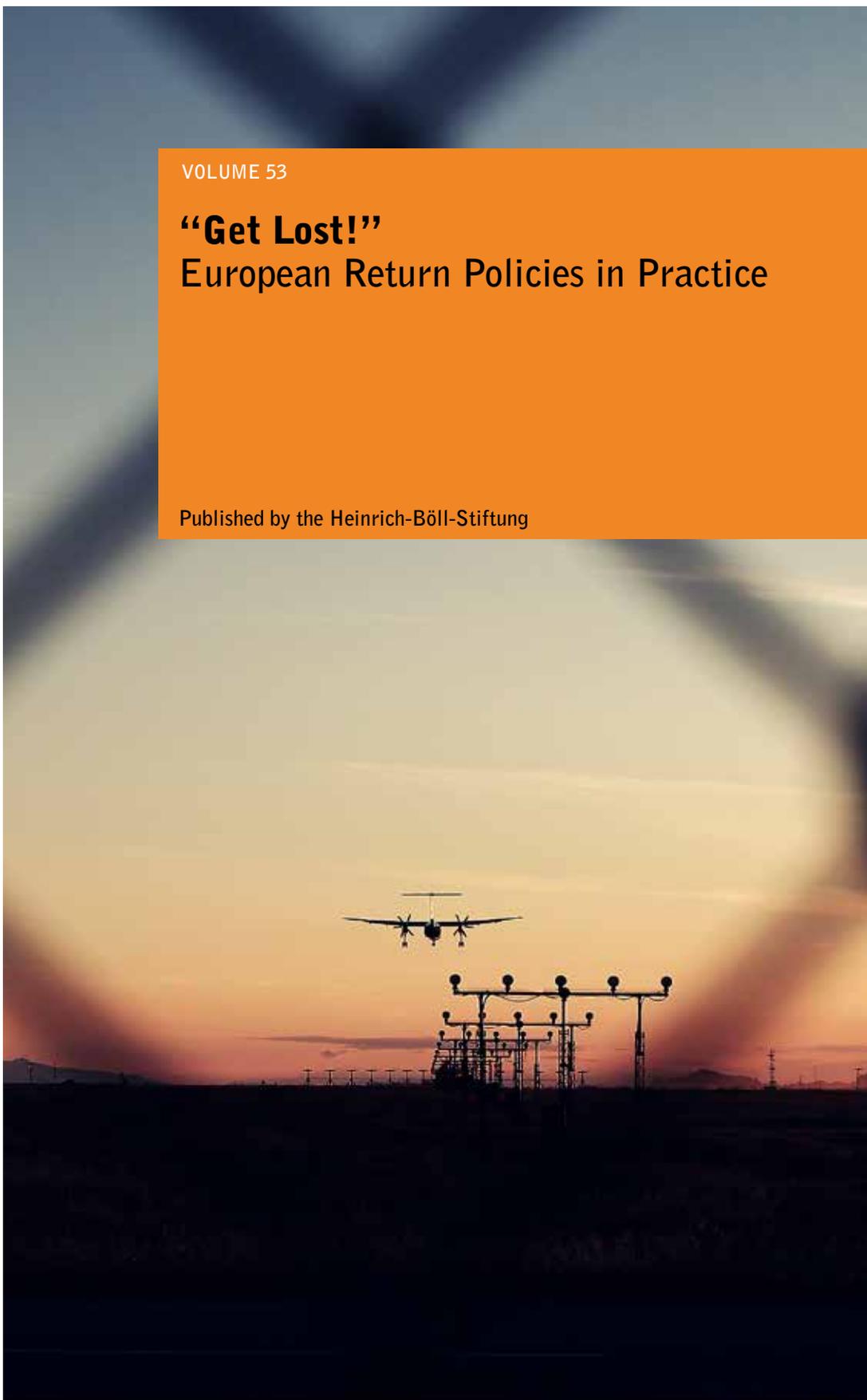


VOLUME 53

“Get Lost!” European Return Policies in Practice

Published by the Heinrich-Böll-Stiftung



**HEINRICH BÖLL STIFTUNG
DEMOCRACY**

“Get Lost!”
European Return Policies in Practice

Published by the Heinrich-Böll-Stiftung



Published under the following Creative Commons License:

<http://creativecommons.org/licenses/by-nc-nd/3.0>. Attribution – You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work). Noncommercial – You may not use this work for commercial purposes. No derivatives – If you remix, transform, or build upon the material, you may not distribute the modified material.

“Get Lost!”

European Return Policies in Practice

Produced by the Heinrich-Böll-Stiftung

Concept and editing: Kirsten Maas-Albert

Translation into English by Jan K. Schwing, ready to read

Production : Micheline Gutman

Title photo: Landing, shot at Vancouver Airport, © 陈涣霖

Special thanks to all the photographers for their consent to use their pictures.

ISBN 978-9-46400-741-1

This publication is available online on eu.boell.org

and can be ordered at Heinrich-Böll-Stiftung European Union

Rue du Luxembourg, 47-51 – B-1050 Brussels – Belgium

T +32 2 743 00 **E** info@eu.boell.org **W** eu.boell.org

CONTENTS

Preface	7
Bente Scheller	
Unwelcome in One's Own Country – Return to Syria	11
Thomas Schmid	
A “Safe Country of Origin” with Persisting Problems – Return to Kosovo	35
Thomas Schmid	
Reintegration under the Pressures of Stabilisation – Return to Tunisia	53
Friederike Stahlmann	
Humanitarian Plight and Violence – Return to Afghanistan	71
Thomas Schmid	
“If You Never Travel, You Will Never Know if Life Is Better Elsewhere” – Return to Senegal	91
The Authors	110

PREFACE

“People who have no right to stay in Europe must be returned to their countries of origin. When only 36% of irregular migrants are returned, it is clear we need to significantly step up our work. This is the only way Europe will be able to show solidarity with refugees in real need of protection.”¹

In his 2017 State of the Union speech, European Commission President Jean-Claude Juncker summed up in two sentences what has become a trend in recent years: the European Commission as well as the EU Member States are putting great effort into building a more “effective” return policy.

Various documents, recommendations and legislative acts have since been published and set in motion by the European Commission and the Council, such as the Commission’s European Agenda on Migration (2015), the EU Action Plan on return (2015), the Renewed Action Plan on return (2017) and a Proposal for the Recast of the Return Directive (2018). The new European Commission President Ursula von der Leyen has already announced a draft proposal for a new migration package. Her Commission is on track to present this in the first or second quarter of 2020, and return policy is high on the agenda.

Yet it is for the EU Member States to take all the necessary steps to make sure migrants are returned. Under EU rules, Member States have to first encourage migrants to participate in a voluntary return programme. As a measure of “last resort”, Member States must enforce return, including by use of “coercive methods”, such as detention.²

The setting up of a Frontex Return Office was therefore intended to scale up the Agency’s assistance to Member States. Among the tasks assigned to Frontex is that of ensuring the coordination or the organisation of joint return operations of Member States, including by means of chartering aircraft for such operations. According to the figures made available by the Agency, in 2017 the number of people removed with support by Frontex (renamed the European Border and Coast Guard Agency after a legislative reform adopted in 2016) exceeded 13,000.³ In parallel with its increasing role in removal operations, Frontex has come under scrutiny regarding the respect of fundamental rights in the context of such operations.⁴ The Commission, however, did make the necessary legislative proposals to expand the role of Frontex on return, to enhance EU information systems, enable an exchange of information on return decisions and facilitate enforcement across the European Union.

-
- 1 Jean-Claude Juncker, State of the Union Address, 13 September 2017, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_17_3165 (retrieved on 25.11.2019)
 - 2 https://ec.europa.eu/home-affairs/e-library/multimedia/publications/towards-an-effective-return-policy_en
 - 3 Frontex (2018). Return. Online: <https://frontex.europa.eu/operations/return/>
 - 4 <https://www.swp-berlin.org/10.18449/2019C47/>

Besides this, the Commission has intensified efforts to convince countries of origin to readmit their nationals. High-level dialogues and financial support to third countries are cornerstones of these efforts. Yet, readmission agreements are often characterised by “unbalanced reciprocities”, pointing to the fact that these agreements involve different costs and benefits for the countries of origin and destination. While readmissions address a key concern for countries of destination (the removal of migrants), they can place substantial economic and even political burdens on countries of origin, while the economy of a country of origin is often dependent on the remittances of its expatriates living abroad.

Funding is mainly coming from the Asylum, Migration and Integration Fund (AMIF). Under AMIF, Member States have been allocated more than €800 million for return operations for the period 2014-2020. The Commission is investing €5 million in a Readmission Capacity Building Facility and has proposed to increase the Frontex budget for returns. As of 2021, AMIF will be integrated into the new “Neighbourhood Development and International Cooperation Instrument (NDICI). “The gist of what is being proposed – vigorously by some Member States – is that EU development assistance should be subject to annual assessments which would review, inter alia, the third country’s performance in relation to the EU’s migration control objectives, which include cooperation on readmission. Depending on the outcome of the assessment, funding allocation would be increased or decreased”⁵

It is true that the flipside of the right to protection is the obligation to leave the country in the event of a failed asylum application. But in spite of all the legal and executive efforts, the number of actual deportations de facto has not increased. In 2018, 478,155 persons were ordered to leave the EU, of which 35.63% effectively returned to a third country,⁶ while in 2017, 36.6% of the 516,115 persons ordered to leave the EU actually left to a third country.⁷

But while forced return is not seen as working well enough, efforts to raise the numbers of “voluntary” returnees are being reinforced. Between 2014 and 2018, 116,723 persons received assistance from EU funds to return “voluntarily” to their country of origin.⁸

In addition, Member States support “voluntary returns” with their own programmes, such as Germany’s “Perspektive Heimat” funded by the Federal Ministry for Economic Cooperation and Development (BMZ). The resources made available for it are enormous and advisory centres for migrants are popping up all over in countries of origin. The centres aim to advise potential migrants, discourage them from leaving the country and help to reintegrate returnees. Often, migrants only have the

5 <https://www.ecre.org/ecre-publications/>

6 European Commission, DG Migration and Home Affairs, 2018 Annual Activity report, June 2019, p. 10, https://ec.europa.eu/info/sites/info/files/home_aar_2018_final.pdf (retrieved on 25.11.2019)

7 ECRE, Return Policy: Desperately seeking evidence and balance, July 2019, p. 2, <https://www.ecre.org/wp-content/uploads/2019/07/Policy-Note-19.pdf> (retrieved on 25.11.2019)

8 Fund facts from the Members State National Programmes in the Asylum, Migration and Integration Fund 2014-2018, https://ec.europa.eu/home-affairs/publications/fund-facts-members-state-national-programmes-asylum-migration-and-integration-fund-2014_en (retrieved on 25.11.2019)

choice to agree to a “voluntary return” or to risk being forcefully deported, which raises serious questions of how voluntary these returns are.

The overall emphasis of current EU policies on increasing the “effectiveness” of return, including through the use of informal and non-binding readmission arrangements, raises a set of issues concerning the impact of those measures on relevant EU standards in a number of areas, including respect of fair and legal remedy procedures, identification and re-documentation of migrants, and the effective protection of personal data. Besides, deportations to Afghanistan which are executed by different European Member States, clearly ignore the situation on the ground and severely endanger the lives of the deportees. The discussions over potential safe returns to Syria equally ignore the situation on the ground and threats and dangers to the individuals.

In general, political and public awareness of deportations, “voluntary” returns and the fate of those affected often go no further than the Member States or EU borders. To date, there has been little interest in the individual’s life or at time survival back in their countries of origin, nor concerning the question whether “voluntary” returns and reintegration efforts had any chance to be successful.

Against this backdrop, this publication intends to shed light on what are at times dramatic realities for people returning to Afghanistan and Syria and aims to contribute facts to the current debate on such returns. The contributions concerning Tunisia, Senegal and Kosovo, on the other hand, provide insights into the current return and reintegration programmes and place them within the policy context of “tackling the root causes of flight” as well as domestic economic situations in countries of origin.

Berlin, January 2020

Kirsten Maas-Albert
Head of Africa Division
Heinrich-Böll-Stiftung

Special thanks to Anna Schwarz, Head of Global Transformation Programme, Heinrich-Böll-Stiftung European Union, who coordinated the English translation and this edition.

Unwelcome in One's Own Country – Return to Syria

“Assad won and he welcomes refugees return to Syria with international guarantees of their safety [sic],” reads a graffito by the Syrian oppositional organisation Kesh Malek of 1 April 2019. And in much smaller print: “Did you believe it? It’s April fool’s.”⁹

Indeed, many of those who fled want to return to Syria. In a survey conducted in early 2019, 69 percent of the Syrian refugees interviewed stated that they would like to return, but did not believe it to be a realistic option within the coming 12 months.¹⁰ This is consistent with the results of all previous surveys, whether in Germany or in Syria’s neighbouring countries. Even though these refugees want to return, the continued fighting is not the only thing that is holding them back. The lack of security in Syria is at least as much due to the political situation as it is to the war. Violence still rules, for instance in the form of “forced disappearances”, with people vanishing without a trace after being arrested. According to the Syrian Network for Human Rights, this has happened to at least 90,000 persons up until August 2018 – with the Syrian regime being accountable for most of these disappearances.¹¹ An end to this politically motivated action of the regime is nowhere in sight.

The fact that in spite of this, Germany’s Federal Office for Migration and Refugees (BAMF) is lowering its level of protection for Syrian refugees and other European states are following this trend, indicates that the anticipated end of military combat is mistakenly equated with security for Syria’s citizens. The reason for this is growing political pressure from right-wing parties and populist trends, resulting in politicians and institutions increasingly turning a blind eye to the right of those in distress to be protected and instead shifting their priority to reducing the number of people seeking, or rather, being granted asylum. While the internal status report of the Federal Foreign Office apparently comes to the conclusion that security is defined by the regime’s practices, all decisions on asylum status are governed by German domestic policy.

9 Kesh Malek: Graffiti. As documented by The Creative Memory of the Syrian Revolution. 01.04.2019, <https://creativememory.org/en/archives/201937/april-fools/>

10 Nasser Yassin: “Although more than 75% of #Syrian #refugees in Syria’s neighboring countries hope to return, vast majority do not intend to return in the next 12 months” [Twitter post], 2019, https://twitter.com/FHS_AUB, <https://reliefweb.int/sites/reliefweb.int/files/resources/68443.pdf>

11 Human Rights Watch: World Report 2019. Syria, Events of 2018, <https://www.hrw.org/world-report/2019/country-chapters/syria>

Less and less protection – Restrictions on asylum status for Syrian refugees

Despite the comparatively low numbers of Syrian refugees in Europe, pressure from the political right, in particular, on the governments of Europe is growing and the question of repatriation being raised ever more forcefully. In Germany, too, the Federal Office for Migration and Refugees (BAMF) is currently changing its stance on Syrian asylum seekers. Starting as far back as 2016, many Syrians were being granted only subsidiary protection, and no longer recognised as refugees under the Geneva Convention. Not threatened by individual persecution, it was argued, they had fled because of the war in Syria. While more than 99 percent of asylum seekers from Syria still received full protection as refugees under the Geneva Convention in 2015, the figure had fallen to slightly under 58 percent in 2016, and to just above 38 percent by 2017.¹² This has a serious impact on the asylum seekers' chances of integration and their rights, particularly concerning family members joining them. The 2016 Asylum Bill II generally suspended family reunification for a duration of two years for those individuals with subsidiary protection.¹³ It is currently limited to 1,000 persons per month.

Since March 2019, protection for Syrian refugees has been restricted even further, with a growing number of applicants being granted only deportation protection and many decisions being deferred – as the BAMF awaits new guidelines. While this is (still) contestable in a court of law, one thing is evident: The BAMF is clearing the path that will soon also allow deportations to Syria.

In contrast to the Federal Foreign Office, the BAMF appears to be ignoring the political violence that has been documented in various reports by international human rights organisations. At the same time, beyond the overt warfare, the killing takes place more silently and selectively, albeit on a similar scale.

Russia added its own share of fuel to the debate by introducing a plan in 2018 which envisioned the repatriation of refugees in return for reconstruction aid. While Europe has always made reconstruction contingent on a political transition in Syria, Russia is attempting to open a different equation, in which refugees are degraded to barter objects. It is only in the fine print where we learn that the plan calls for the return of only 200,000 people from the whole of Europe and thus has only a marginal bearing on the situation in Europe.¹⁴ Therefore, the plan is to be seen not so much as a constructive offer, but as a means for Russia to strengthen the populist, anti-refugee political camp in Europe.

-
- 12** Figures according to ProAsyl, 2015: 99.7 percent granted refugee status under Geneva Convention; 2016: 57.6 percent; 2017: 38.2 percent. <https://www.proasyl.de/thema/fakten-zahlen-argumente/>
- 13** Sasan Abdi-Herrle: "Flüchtlinge: Auf den Status kommt es an". *Die Zeit*, 21.02.2017, <https://www.zeit.de/politik/deutschland/2017-02/fluechtlings-syrien-oberverwaltungsgericht-nordrhein-westfalen-bamf-fluechtlingsstatus>
- 14** Willem Staes: European Union Must Reconsider its Role in Syrian Returns. *Syria Deeply*, 12.12.2018, <https://www.newsdeeply.com/refugees/community/2018/12/12/european-union-must-reconsider-its-role-in-syrian-returns>

The latest event to propel the issue of a repatriation of Syrian refugees right back to the top of the agenda is the victory of the predominantly Kurdish Syrian Democratic Forces over ISIS/Daesh in March 2019. The end of the Caliphate and the subsiding of military operations in most of the Syrian territories should – that is the underlying assumption – clear the path for a return of the millions of refugees. What this view fails to recognise, however, is the reason which prompted more than half of the Syrian population to leave their country since 2011. Despite the situation in Syria dramatically deteriorating since 2012, and despite the fact that the Syrian air force had begun to lay waste to residential quarters, the majority of the Syrian refugees only made their way to foreign countries much later – this shows that most of them, in fact, never wanted to leave Syria, but held out for as long as they could. It was only in 2014/2015, when the strain and suffering became unbearable, that they left their country in great numbers.

There are individual returns to Syria, and there have been repeated campaigns both in Lebanon and Jordan to encourage and organise such returns. Yet although the majority of Syrians would like to go back to Syria, repatriation in actuality is only at a trickle. This should be food for thought for the German and European authorities.

It would be important to understand what the political and humanitarian factors are that caused the people to undertake the often perilous flight in the first place, and why, given roughly 6.6 million internally displaced persons and 5.6 million refugees abroad, returnee figures remain virtually unchanged at a low level; however, those authorities that are to support a return are focussing on military events, not on the underlying political system and its motives. This ties in with the failure to take notice of the Syrian regime's hostile position on the return of refugees and what this means for the returnees' future. A knowledge of this background, however, is essential.

A Syria that was not idyllic

The political violence in Syria has since 2011 reached a level that exceeds anything seen in the past. That does not mean, however, that everything was alright before. To understand why such a large number of people in Syria saw or had no possibility to stay in their home country, one must look back to the beginning of the rebellion in 2011, but also to the years and decades preceding it.

Ruled since 1970 by Hafez al-Assad, who had assumed power in a coup d'état, Syria was a state in which human rights violations were commonplace. De facto, Syria was not a presidential republic with shared power, as laid down in its constitution, but an authoritarian state calling itself "Syrian Arab Republic" despite a significant presence of the Kurdish ethnic minority. Due process had been annulled by means of emergency legislation which applied since 1967, restricting the citizens' freedom of assembly, among other things, but also giving virtually unlimited power to the numerous secret services, and to the Air Force Intelligence Service in particular. Although its name may suggest otherwise, this was and still is the most powerful security service in Syria, possessing the power to interfere massively in civil affairs and being accountable only to the president. The political balance of power in Syria is thus not negotiated between the executive, legislative and judiciary, but between a small power elite and the various competing secret services.

The secret services were an instrument to leverage power that allowed Hafez al-Assad and, after his death in 2000, his son Bashar to exert an all-encompassing degree of control and dominance over the Syrian population with a mixture of repression and cooptation. The practice of granting and withholding privileges was guided by the interests of power. Access to the power elite was granted in return for absolute loyalty.

The state under Hafez al-Assad ensured that the basic needs of the population were met. Mass education through the state school system, healthcare, and also state subsidies for staple foods and a job guarantee for graduates of certain fields, such as engineers or doctors, were part of it.

Hafez al-Assad ruled brutally. Focussing almost entirely on security issues, he instigated no political reforms and was not interested in liberalising the country's economy in any way. An event that stands as a symbol of his brutal reign is Assad's military suppression of a rebellion largely initiated by the Syrian Muslim Brotherhood in the early 1980s, in which thousands, if not tens of thousands, were killed and the centre of the city of Hama was levelled.

When an only 34-year-old Bashar al-Assad succeeded his father in 2000, this was seen by many western states as a glimmer of hope. The western image portrayed by Bashar and his wife Asma, a banker from London, fed this hope, as did his stated intention to allow reforms.

The political reforms were soon reversed, the civic forums which had sprung up in Damascus and Aleppo were shut down, while the arrest of two prominent members of parliament, Riad Seif and Maamoun al-Homsi, ended their efforts to counter corruption and provide a new impetus.

Despite protests from western governments, particularly regarding the court proceedings against the parliamentarians, European states supported the economic reforms which appeared to be a sign that the country might be opening up. These reforms, however, led to rising social tension in Syria: while the sons and daughters of leading members of the regime gave an ever more blatant display of their economic privileges, the cancellation of subsidies and job guarantees represented a further threat to the younger generation's economic survival and their prospects for a better future.¹⁵ The pivotal factor that set off the revolution, however, was not the economic situation, but the regime's demonstration of absolute power over its citizens which followed when the first graffiti appeared in the southern Syrian town of Daraa: the savage brutality employed by the secret services when they arrested and tortured children and adolescents, even killing some of them.

The situation before 2011 was not an expression of contentedness; rather, the people had accepted the fact that there was no chance for change. More precisely put: they were aware that any activity to effect change carried a high risk, because the regime would not tolerate it and would respond with violence. Thus, the driving force behind the Syrian uprising was not the small, politically active oppositional minority, who despite enjoying a certain degree of toleration were nevertheless under threat, nor was it externally controlled – rather, it was a rebellion borne by the masses who

15 It would certainly be worthwhile to prepare a study to examine the degree to which European, and thus, German, development policies contributed to the social tensions building up in Syria before 2011.

saw that the regime was no longer prepared to hold up its end of the unwritten agreement by guaranteeing at least a minimum level of protection from persecution.

The year 2011 – Lawlessness and humiliation

Initially, the protesters had no intention to call for the removal of the regime: they wanted dignity, freedom and an end to corruption – these were neither religious nor secular demands, but rather a courageous insistence on things which in western states are taken for granted.

When the state responded to these demands with a half-hearted or even dismissive stance, attempting to portray the uprising as a socio-economic revolt, and soon thereafter began to denounce the demonstrators as “microbes” and “terrorists”, it prompted citizens throughout the country to take to the streets and stand up for their rights. But even after state violence had begun to claim lives as early as March 2011, Bashar al-Assad still derided the victims in his address to the Syrian parliament.¹⁶

While Bashar al-Assad did not present himself as the paternal leader of the nation in quite the same vein as Hafez had done, the structures to patronize and impose the government’s will on the people became even more engrained. The regime thought the people to be incapable of formulating their own interests. One of the Syrian regime’s mantras was that they were controlled by the West or by states with Islamist leanings.

In the early days of the uprising, the regime announced that it would repeal the emergency laws that had been in place since 1963. These had restricted freedom of assembly and freedom of speech and allowed for civil cases to be referred to military courts. De facto, however, the revocation of these laws did not yield any gain in terms of due process. A 1968 law guarantees the general secret service immunity, and it was confirmed by Bashar al-Assad in 2008 for all of Syria’s intelligence agencies. As this was not part of the emergency legislation, the secret services could continue to use violence with impunity.¹⁷

While the term “police state” may aptly describe the climate in Syria, the actual power lies with secret services. They have their own interrogation centres. Being arrested in Syria is often tantamount to a forced disappearance, as the person is first taken to an interrogation centre to be questioned and tortured. Family members are not informed of the individual’s whereabouts, and it is not possible to receive legal counsel. It is only when prisoners are transferred from the interrogation centre to a prison that the arrest becomes official, and limited support from lawyers and family members is possible.

Deaths in detention due to torture did occur in Syria before 2011. However, the start of the rebellion and the ensuing mass arrests saw the conditions of detention grow significantly more brutal. The death of prisoners was not only an accepted

16 Bashar Al-Assad: “Speech by President Bashar al-Assad to the Syrian Parliament on 30 March 2011 in response to a wave of protests around the country”, 30.03.2011, https://al-bab.com/albab-orig/albab/arab/docs/syria/bashar_assad_speech_110330.htm

17 Hugh Macleod: “Ending the State of Emergency Does not Stop Human Rights Abuses”. Global Post, 21.04.2011, <https://www.pri.org/stories/2011-04-21/syria-ending-state-emergency-does-not-stop-human-rights-abuses>

consequence, but became an essential method for the regime to intimidate the population. The secret service brought the mangled, tortured bodies of prominent activists back to their families, as in the case of Ghiath Matar. Everyone was to see the punishment for civil disobedience. The continuing practice of withholding information about their relatives from most families is another way in which the state exercises power. Those still hoping to see a missing person again will possibly be more compliant. Increasingly, the different levels of the security and judiciary apparatus also recognised the financial opportunities the situation provided. Just in order to receive information about disappeared persons, citizens would sell their houses or got deeply into debt – something which was exploited by authorities and their employees, who often took the money even if the disappeared were already dead.¹⁸

Syrian filmmaker, Orwa Mokdad, describes how the secret services proceeded: “At the beginning of the revolution in 2011, the Syrian regime opened fire on peaceful protesters in Daraa. I was witness to it in my fifteen months of working in Daraa and its suburbs, in Damascus and its suburbs. I saw many of my fellow campaigners among the activists, journalists and civic leaders being specifically targeted and killed, and how even medical personnel coming to the aid of demonstrators were attacked. In addition, there were many other methods of intimidation, for example, blocking the Internet or cutting off power. And that was followed by the sieges imposed on rebellious cities. I documented all of it in videos, photos and articles.”

He continues: “I myself was detained for 60 sixty days by the Air Force Intelligence Service, and there I witnessed many activists being murdered. It was clear that we as peaceful, civilian activists represented a serious threat to the regime. Many officers, many members of the military were also murdered there because they had refused to fire on non-violent protesters. After being released from the prison, I experienced many brutal airstrikes in which various weapons were tried out, and it was always civilians and medical personnel, as well as local community representatives supporting the revolution, who were the primary target of the attacks.”¹⁹

No prospect of due process or independent legal counsel

The most significant impediment to a safe return to Syria arises from the political and legal situation in the country. Jurisdiction is not independent – in contrast to the constitutional provision – but is subject to far-reaching political control, making the prosecution of rights violations impossible.

Rasha Tabshi, a Syrian journalist in Turkey, explains: “I cannot return to Syria because the reasons for my flight still persist. The Syrian regime is still in power, and my participation in the Syrian revolution is reason enough to arrest und persecute me, also because of my previous work... Being part of the Support Coordination Unit, my name was among those that were passed on to the Syrian secret services. And to this day, more than seven years later, the secret services still routinely descend upon

18 Ansar Jasim: “The Malice of Power: Arrests in Syria as Part of a Politico-Economic Rationale”. Heinrich-Böll-Stiftung Middle East, 05.11.2015, <https://lb.boell.org/en/2015/11/05/malice-power-arrests-syria-part-politico-economic-rationale>

19 Orwa Mokdad telephone interview with Nadine Elali, Beirut, March 2019.



Source: Privat

Ahmad al-Quseir

my house in Aleppo and interrogate all the members of my family. That is why it is unlikely that I will return to government-held areas.”²⁰

Syrian journalist and human rights activist, Anas Walid Idris, also known as Ahmad al-Quseir, explains in detail why returning to a Syria under the current regime is not an option for him: “I cannot go back because I am receiving direct threats from the regime. My 65-year-old mother was detained for two months to force me to turn myself in, they shot my father in the leg, my older brother was arrested twice – the first time he was detained for 12 days, the second time was on 30th March 2014. We have not heard from him since. When I was still in Syria, we were bombed and my six-year-old son was badly injured. This is a criminal regime, and I demand that a civilian authority should rule this country, not a security apparatus. The regime is guilty of numerous human rights violations and must be held to account. My return to Syria remains out of the question as long as Assad stays in power. As soon as his rule and that of his militias and the security apparatus has ended, I will be the first to leave Lebanon to live in a free Syria.”²¹

De facto, the unrestricted power of the secret services negates due process of law, and moreover, Bashar al-Assad has granted other forces rights which according to the constitution are unjustified: The referral of civil law cases to military courts or the terrorism court is one example, another is the fact that Assad in 2016 empowered Grand Mufti Ahmad Badreddin Hassoun, a staunch supporter of the regime, to sign death warrants, a right of which the latter has made use of at the prison of Sednaya, among other places, in more than 1,300 cases.²²

20 Rasha Tabshi interviewed by Nadine Elali, Beirut, March 2019.

21 Ahmad al-Quseir interviewed by Nadine Elali, Beirut, 2019.

22 Areeb Ullah: “Syrian grand mufti ‘given power to approve thousands of executions’”. Middle East Eye, 07.02.2017, <https://www.middleeasteye.net/news/syrian-grand-mufti-given-power-approve-thousands-executions>

Syrian state institutions commit human rights abuses which cannot be brought to court in Syria. UN-Resolution 2014/348, by means of which some of the member states wanted to refer Syria to the International Criminal Court, was vetoed by Russia and China.²³ The fact that the German Federal Prosecutor General had accepted the case against the Air Force Intelligence Service and issued a warrant for the arrest of its director, Hassan Jamil, is proof that the Federal Prosecutor's office is also of the opinion that these crimes committed against civilians cannot be brought to trial before Syrian courts and that therefore, the principle of universal jurisdiction applies.

Even legal advice can no longer be rendered independently in Syria. For questions concerning housing, land and property (HLP) rights, in particular, Syrian organisations must obtain a special permit if they want to advise clients on such matters. The fact that in a brochure published jointly with the Syrian interior ministry, the UN Refugee Agency (UNHCR) refers the people concerned to, of all places, the Syria Trust – an organisation of the country's First Lady – speaks for itself.²⁴ This brochure deals not only with land rights, but also with civil status matters, which include matters that concern to the relatives of disappeared people and their rights.

Palestinian refugees from Syria

It was not only Syrian citizens who fled from Syria, but also Palestinian refugees and their descendants who had resided there for decades. Their situation is a particularly difficult one, as it is obvious that they cannot return to their original home country either and often end up as stateless persons. A Palestinian refugee from Syria who meanwhile has made his way to Germany describes his prospects of returning as follows: "Returning to Syria is not an option for me. At the moment, it is next to impossible to find a solution as a Palestinian in Syria which would allow me to go back – if ever. The Syrian regime and its supporters view those Palestinians who supported the Syrian revolution as traitors, and they are not permitting us to return to our homes even if the areas are declared to have been 'freed of terrorists'. At the same time, the opposition generally views us as regime supporters because the PFLP-GC led by Ahmad Jibril is cooperating with the regime; and the fact is that we simply have a different legal and social status in Syria. The situation for Palestinians in Syria is extremely critical and tragic, it is a question of trust and of learning from the Palestinian history in the region. Based on this I can say that the future does not bode well for us, no matter what happens next in Syria. That is my personal opinion and analysis of the situation. I hope that the future proves me wrong, but I think that this will not happen and I probably won't ever be able to return. Not as a Palestinian."²⁵

23 UNSCR: "Referral of Syria to International Criminal Court Fails as Negative Votes Prevent Security Council from Adopting Draft Resolution", 7180th Meeting, 22.05.2014, <https://www.un.org/press/en/2014/sc11407.doc.htm>

24 UNHCR and Ministry of Interior of the Syrian Arab Republic: Civil Documentation and Registration in the Syrian Arab Republic, 2018, <https://www.unhcr.org/sy/wp-content/uploads/sites/3/2018/09/Personal-Documentation-En-Jul-2018.pdf>

25 Nadine Elali interviewing a Palestinian architect currently living in Germany, 2019.

Civil war

The war in Syria is often described in the media as a “civil war”. This may be true in terms of political science theory, whose definition of civil war states, among other things, that there are “more than 100 dead, with more than 5 percent of the victims on each side of the conflict”. In practice, however, the limitations of this definition soon become evident. The UN stopped counting the casualties of the war in 2014. The emergence of the so-called “Islamic State” (Daesh, or ISIS) brought a significant force to the conflict in 2013 which is neither opposition nor regime. Besides thousands of foreign militants fighting on the side of the Islamist rebels, there are tens of thousands of foreign combatants involved on the side of the regime. The most problematic aspect, however, is that the term “civil war” suggests a parity of resources on the part of different population groups whose intent it is to destroy their respective adversaries.

In reality, all of the armed protagonists are committing human rights violations in Syria; at the same time, however, this headline, which has followed every single report from the United Nations, Amnesty International or Human Rights Watch, distorts the picture. Not only has the Syrian regime always used its sovereignty over the airspace to deploy its air force against its own population, but was supported massively by Russia intervening with its own air force and by mercenaries recruited and trained by Iran. They attacked the ill-equipped rebels, who in turn had been under massive pressure from ISIS since 2013.

The West always relied on a political process and – with a certain unease, but significant consequences – thereby allowed states such as Saudi Arabia or Qatar to gain considerable influence among the rebels and simply stood by as they began to dominate the free and democratic forces as these were being attacked both by ISIS and the regime by every possible means.

A representative of the Syrian regime boasted on state television about having invented the barrel bombs that are as inexpensive (\$50) as they are devastating for civilians and were used to level entire cities and residential neighbourhoods. Both before and after the Syrian regime joined the international Chemical Weapons Convention, it has repeatedly used sarin as well as chlorine in very specifically targeted gas attacks. This shows why the Syrian regime is the main cause of flight and displacement: it not only has the means and the backing to bomb its own population into submission, it is also willing to use them without scruple. The interpretation that “both” sides are warring parties of equal stature, however, reaffirms the western misperception that one side’s victory in the conflict will fulfil a basic prerequisite for the return of refugees.

Will the conflict be ended by “exhaustion”?

This is also accompanied by indifferent shoulder-shrugging in view of the complexity of such conflicts as well as the belief that a solution could be found if the warring factions began to feel the effects of fatigue. War weariness is an issue that was pulled into focus by Syrian women activists as early as 2012, when Rima Dahli and her fellow campaigners, dressed in white wedding gowns, walked through the main souk

of Damascus with banners that read: “You are tired and we are tired. We want to live. Another solution – 100% Syrian.” They were arrested for it.²⁶

A point of fatigue would be reached if all of the armed protagonists had equally exhausted their means to carry on the conflict militarily – which will not be the case for the Syrian regime due to massive support from its allies. The deployment of the Russian air force since 2015, the presence of Hezbollah ground troops and foreign combatants supplied by Iran, the Pakistani and Afghan fighters, far outweigh the number of foreign combatants on the side of the opposition. The majority of the internationally active jihadist forces joined ISIS and not the opposition, which means that the Syrian opposition is facing a twofold threat. Indeed, the presence of foreign fighters, but most importantly, the absolute interest of Russia and Iran as allies of the regime, is contributing to a prolongation of the conflict and precludes any form of mutual exhaustion between adversaries of even remotely equal weight from occurring.

While the primary conflict between the regime and its Syrian opponents persists, the issue of power is the determining factor for the foreign backers in the international and regional arena, adding another level on which Syrian civilians are made to suffer, while their concerns are finding increasingly less recognition at the international level, and in particular, in asylum considerations.

War and devastation as causes of flight and displacement

There are certainly not only dissidents among the Syrian refugees, but many who took flight not as potential victims of the bombardments but as potential co-perpetrators: It is estimated that 20 percent of those present as refugees in Germany today fled from Syria because, despite their (often enduring) loyalty to Assad, they as men of military age did not want to serve as fodder for his war machine. For the latter, a return after the cessation of hostilities may appear more realistic.

The looming offensive on Idlib began in May 2019. It also remains to be seen to what extent the regime may communicate with the Kurdish Party of Democratic Union (PYD) and what possible military consequences this might have for future offensives east of the Euphrates.

Satellite images of eastern Aleppo, the city centre of Homs, as well as the entire surrounding area of Damascus show comprehensive destruction. It is clear why the inhabitants had to flee – and that they no longer have any houses or flats they could return to. The World Bank published a study in 2017 which examined the scale of the devastation in Aleppo, Hama and Idlib and found that residential neighbourhoods had sustained the most damage by far.²⁷ United Nations estimates put the cost of

26 Anne Barnard: “Brides of Syria Were Joined in Opposition to Violence,” *The New York Times*, 07.06.2015, <https://www.nytimes.com/2015/06/10/world/middleeast/syria-trials-of-spring.html>

27 World Bank: “Syria Damage Assessment of Selected Syrian Cities, Aleppo, Hama, Idlib”, World Bank Group, March 2017, <http://documents.worldbank.org/curated/en/530541512657033401/pdf/121943-WP-P161647-PUBLIC-Syria-Damage-Assessment.pdf>

rebuilding Syria at more than 250 billion dollars.²⁸ Yet destruction and reconstruction in Syria are not merely technical issues – quite the contrary: Experts have offered a cynical description of the war as an instrument for the Syrian regime to redesign urban areas, or, as architect Lynda Zein put it, an “extreme form of gentrification”.²⁹

The large-scale destruction is, therefore, not to be seen as collateral damage, but as an intended result of the war, as is the concomitant displacement of the population. This also explains the complete lack of initiative on the part of the regime to facilitate repatriation and allow people back into their homes; in fact, the opposite is the case: towns are closed off, others are under tight control and accessible to only very few people, and no-one without a special permit from the security services is allowed to move back in or repair properties.

Only a fraction of the Syrian refugees have documents which prove or certify their ownership of real estate. Internally displaced persons who return thus find themselves confronted with additional requirements: “My family was allowed to see their house, but without a title deed they cannot move back in,” says an activist from Aleppo. And a refugee who is originally from Qaboun and now lives in Germany relates: “Only on the Feast of the Sacrifice, Eid al-Adha, were former residents permitted to go back for a few hours so they could visit the graves of their relatives. Nobody is allowed to return.”³⁰

In the environs of Damascus in particular, the heart of the Assad regime’s power-base, the rebellious inhabitants, predominantly Sunni, were expelled; in many places they will not be able to return. Entire towns were depopulated, thousands deported to Idlib.³¹ As the refugee from Qaboun reports: “Those flats that are still reasonably intact have been occupied by the military and converted into army posts of sorts.”

In other places everything suggests that the regime and its ally, Iran, are working on a demographic transformation. This applies, for instance, to Daraya, which was once Syria’s seventh largest city and was obliterated by the war. Daraya became known as the cradle of the explicitly non-violent resistance against the regime. Here, activists brought the government soldiers drinking water and roses in an attempt to show them that their rebellion was not directed against them, but against the regime. Just as other strongholds of the resistance against the Assad regime, this city was hit particularly hard by siege, destruction and expulsions: “We know that this regime holds a grudge against its opponents for decades. Many of its opponents back in the eighties, whether Islamists or communists, were imprisoned for years. They continued to be punished even after they were released through travel bans, not providing them with security clearances, etc. So even when the fighting stops, the regime will continue trying to punish us for opposing it. Preventing people from returning to the city, taking away our properties are only a

28 Krihnadev Calamur: “No One Wants to Help Bashar al-Assad Rebuild Syria.” *The Atlantic*, 15.03.2019, <https://www.theatlantic.com/international/archive/2019/03/where-will-money-rebuild-syria-come/584935/>

29 Andrea Olea: “Strategic destruction to make way for exclusive reconstruction in post-war Syria.” *Equaltimes*, 26.03.2019, <https://www.equaltimes.org/strategic-destruction-to-make-way?lang=en#.XMYpJwzZPY>

30 Author’s conversation with a refugee from Qaboun, August 2018.

31 Pax, The Syria Institute: “Siege Watch: Tenth Quarterly Report Part 2 – The Culmination of ‘Surrender or Die’”, Mai 2018, Reliefweb, 31.05.2018, <https://reliefweb.int/report/syrian-arab-republic/siege-watch-tenth-quarterly-report-part-2-culmination-surrender-or-die>

few examples of what the regime's discriminatory policy against us will be like," author Haid Haid states, quoting a refugee from Daraya in his paper on the citizens of Daraya.³²

In their case study, "No Return to Homs", The Syria Institute (TSI) and the Dutch organisation PAX for Peace examined the material and administrative barriers put in place by the regime to prevent the former inhabitants of Homs from returning. TSI and PAX arrive at the conclusion that the population is to be restructured along religious lines: the Sunnis, who are perceived as opposition sympathisers, are to be replaced by Shiites, who are viewed as loyal to the government.³³

The forced displacement has a political and an economic component: real or potential political opponents are to be dealt long-lasting punishment, they are to be kept away from places crucial to maintaining power, they are to be permanently weakened politically and economically, while at the same time the regime is granting the loyalists a favour. The design of new projects like "Marota City" or "Basilia", for which existing areas of Damascus were levelled, also shows that the regime's objective in rebuilding is not to alleviate the housing shortage, but to give preferential treatment to economic interests tailored to a tiny elite.

Legal restrictions on return

The regime is making an effort to give an appearance of legitimacy. The displacement and the plans for the redevelopment of certain areas are based on blueprints from before 2011. In the last few years, however, dozens of decrees have been issued to authorise expropriations retroactively. The loss of their residential property and livelihood is one reason why Syrians cannot return.

In Damascus, much can be traced back to a "master plan", and in Homs, too, the city centre was to be reshaped by means of Decree 66.³⁴ Over the past several years, this decree was followed by numerous others, but it was not until 2018 that the issue reached a wider public when Law No. 10 was enacted.³⁵ It sets extremely high requirements for owners of houses and flats in terms of what they must prove and attend to in order to reclaim their property, and specifies a very tight deadline of one year. Above all, one must be present in person to be able to do this – which for many refugees is unrealistic and unthinkable.

The European Council on Foreign Relations (ECFR) in a February 2019 paper³⁶ attempted to portray Law No. 10 as something similar to what any state would enact in a comparable situation, as if Marota City was simply an investment project like any

32 Haid Haid: "Where is Home for the Permanently Displaced Citizens of Daraya", Heinrich-Böll-Stiftung Middle East, September 2018, https://lb.boell.org/sites/default/files/daraya_paper_-_haid_haid.pdf

33 Pax for Peace, The Syria Institute: "No Return to Homs: A Case Study on Demographic Engineering on Syria", 21.02.2017, <https://www.paxforpeace.nl/publications/all-publications/no-return-to-homs>

34 Adopt a Revolution: "Risiken und Nebenwirkungen: Der Wiederaufbau Syriens. Eine Studie über die Strategien, Akteure und Interessen", December 2018, https://adoptrevolution.org/wp-content/uploads/2018/12/Wiederaufbau_Final-2.pdf

35 Jakob Farah: "Assads Gesetz Nr. 10", Le Monde Diplomatique, 12.07.2018, <https://monde-diplomatique.de/artikel/!5512784>

36 Nour Samaha: "The Economic War on Syria. Why Europe Risks Losing", ECFR, 11.02.2019, https://www.ecfr.eu/article/commentary_the_economic_war_on_syria_why_europe_risks_losing

other. Samer Foz, one of the main investors who has in the meantime been hit with sanctions by the European Union, claimed in a since-deleted tweet to have proof that he had paid compensation. Likewise, in other cases only very few people received compensation, often below market value, and moreover, in the form of “shares”: only if the project was built, would the owners profit – which does nothing to help those who were driven away and left destitute.³⁷

However, Marota City in fact exemplifies how reconstruction aid, if given unconditionally and without solid analysis of the ownership details, could contribute to human rights violations and quite literally be cementing injustice. And this would mean assisting in preventing refugees from returning.

Strategic leaks

It is interesting to note the point in time at which Law No. 10 – in contrast to many of its precursors – became known to the West: Russia had shortly before tried to pitch the idea to Europe that it would enable the return of refugees in exchange for European reconstruction activities. It is, in fact, apparent that the Syrian regime is neither pursuing the same objectives as Russia in every regard, nor is it prepared to accept conditions prescribed by its allies – even in spite of its dependence on Russia and Iran. Europe, being in even less of a position to place demands on the regime, should therefore be cognisant that it cannot expect a quid pro quo from the regime in return for reconstruction assistance.

“Clearing your name” – Are there arrest warrants pending against Syrians?

The issue of residential property is one thing. Often, however, there are much more fundamental questions that determine a person’s decision whether or not to return. Before considering even a temporary return, there is the question whether a person is wanted by any of the secret services and, if so, by which one: “I wanted to travel to Syria for the funeral of my father, who had passed away in Syria, and had to pay a four-figure sum to be issued this permit. The amounts were smaller for all my following visits, but because different secret services have various files on me, it is not possible to obtain a permanent entry permit,” says Lina Sinjab, a BBC journalist who still travels to Syria but has to safeguard herself every time.³⁸ This is corroborated by accounts from other Syrian activists, for example by Sawsan, an architect living in the United Kingdom: “Of course I had my name checked before travelling to and from Syria in 2014, but I am fully aware of the fact one cannot rely on the regime’s attitude.”³⁹

The Syrian oppositional website “Zaman al-Wasl” maintains an online database containing 1.5 million entries of people who are wanted in Syria.⁴⁰ The regime itself

-
- 37** Orwa Khalife: “Samer Foz. Assad’s New Favourite Handyman”, Al Jumhuriya, 21.11.2018, <https://www.aljumhuriya.net/en/content/samer-foz-assad%E2%80%99s-new-favorite-handyman>
- 38** Lina Sinjab interviewed by the author, Beirut, May 2019.
- 39** Telephone interview with Nadine Elali, Beirut, March 2019.
- 40** Zaman al-Wasl: “1,5 Gesuchte vom Assad-Regime”, <https://en.zamanawsl.net/news/article/33629/>

has indicated that it has compiled a database of wanted persons that is approximately twice as comprehensive. This is roughly 15 percent of all Syrian citizens.⁴¹

Defamation and threats: How the Syrian regime deters potential returnees

Returning is not just a matter of the refugees' desire to return. In surveys the majority of Syrians have always stated that they wished to return to Syria. But where does the Syrian regime stand on the return of their compatriots?

In his speeches and in interviews, Bashar al-Assad always makes it sound as if they were free to come back to a Syria that is open to all. Further examination, however, casts doubt on these statements, as the legal and administrative barriers described above are underscored by insinuations, defamation and threats from representatives of various institutions of the regime, creating a deterrent effect. In a speech in August 2017, for example, Assad lamented the fact that the country had lost many young people; in the same breath, however, he pointed out that this had made Syrian society "healthier and more homogeneous"⁴² – a choice of words whose historic connotations send chills not only down German spines.

A very explicit message was sent by high-ranking Syrian general Issam Zahreddine who on state television warned refugees never to set foot in Syria again: "We will not forgive them and never forget what they have done."⁴³ Even though on the following day he claimed that he was only speaking of the armed insurgents – a representative of the regime would not make such a statement on tightly controlled state television without prior authorisation. The Syrians with their decades of experience of reading between the lines and understanding a more or less blatant threat as such, are used to this technique of power: a representative of the regime is allowed to make a statement which can later be repudiated as having been a personal misstep.

Statements made by another absolutely loyal supporter of the regime, prominent Syrian member of parliament Fares Shehabi, point in the same direction. While he welcomes the return of refugees in general and emphasises their importance to the country, in his comments on the Rukban refugee camp and other refugees, however, he calls them terrorists and traitors.⁴⁴ Likewise, member of parliament Zuhair Ramadan, who has since 2014 also been the chairman of the Syrian artists' association, judges the refugees harshly, asserting that there were enemies of the state among them and that the names of oppositional artists would, of course, be put on the list of wanted persons.⁴⁵

-
- 41** Middle East Monitor: "Syria regime prepares list of 3m wanted persons", MEMO, 02.08.2018, <https://www.middleeastmonitor.com/20180802-syria-regime-prepares-list-of-3m-wanted-persons/>
- 42** Bashar Al-Assad: "Assad's Speech at the Conference of Ministry Foreign Affairs", YouTube, 20.08.2017, www.youtube.com/watch?v=d1w2Xq3TX5M
- 43** Middle East Eye: "Syrian General Apologizes After Apparently Warning Refugees Against Return" 12.09.2017, <https://www.middleeasteye.net/news/syrian-general-apologises-after-apparently-warning-refugees-against-return>
- 44** Fares Shehabi: Tweets on his Twitter account, https://twitter.com/ShehabiFares/with_replies
- 45** Zuhair Ramadan: "Der Geheimdienst informiert über die oppositionellen Künstler", 09.11.2018, <https://www.almodon.com/media/2018/11/9/>

Perhaps the most bluntly worded comment came from Air Force Intelligence Service chief Jamil Hassan, against whom an arrest warrant was issued in Germany: the refugees would be “treated like sheep” and the “good among them separated from the bad.” In his words, “a Syria with 10 million trustworthy people obedient to the leadership is better than a Syria with 30 million vandals,”⁴⁶ as claimed by an unnamed inside source citing from a meeting of 33 high-ranking officers discussing military and intelligence plans. This cannot be verified, but corresponds with information provided by an Arab diplomat with good contacts within the regime.⁴⁷

Samar Betrawi and Anna Uzelac of the Dutch state-run think-tank “Clingendael Institute” view such verbal abuse and threats as an important tool for the regime to deter potential returnees.⁴⁸ And there is a rationale: time and again the regime has shown its willingness to make short work of opponents. Whether they are non-violent activists, artists or others working in the cultural sector – the regime has threatened, injured or killed many of them in recent years. Nor is the regime perturbed about the headlines caused by cases involving high-profile opposition members – quite the contrary. Domestically, the regime feeds on the fear it is spreading, while demonstrating to the outside world that it will not be influenced.

“Return assistance on the road to death”?

The International Organisation for Migration (IOM) does not support voluntary return to Syria, as in its estimation there is no safe return to Syria. The German Federal office for Migration and Refugees (BAMF), on the other hand, disburses up to 1,200 euros per voluntary return. Up to the first quarter of 2019, 742 Syrians have made use of this option – a serious decision, as in doing so, they are giving up their residence permit as well as the right to request asylum in Europe again in the future.⁴⁹

In an article entitled “Starthilfe in den Tod” (“Start-up assistance on the road to death”), Till Küster of Medico International criticised German financial assistance for voluntary repatriation to Syria. He highlights the cases of two returnees who were interrogated shortly after their arrival and have been missing since.⁵⁰ Due to the restrictive visa policy for foreign journalists, but also because domestic reporters operate at the risk of their lives, it is difficult to follow what happens to returnees in Syria.

The Syrian regime’s actions in the case of the Rukban refugee camp close to the Jordanian border is of particular significance. This refugee camp houses more than

-
- 46** Lucas Scott: “10 Million Trustworthy Syrians Better Than 30 Million Vandals”, Syria Daily, 03.08.2018, <https://eaworldview.com/2018/08/syria-daily-10-million-trustworthy-people-better-than-30-million-vandals/>
- 47** Informal conversations of the author with diplomats from Arab states.
- 48** Samar Betrawi and Ana Uzelac: “How the Syrian Regime Controls Refugee Return: Four Tools”, Clingendael Strategic Monitor, 17.09.2018, www.clingendael.org/publication/how-syrian-regime-controls-refugee-return-four-tools.
- 49** Muriel Asseburg: Warum ein sicheres Leben in Syrien nicht möglich ist, Die Zeit, 29.04.2019, <https://www.zeit.de/politik/ausland/2019-04/fluechtlingspolitik-rueckfuehrungen-syrien-perspektiven-gewalt-sicherheit>
- 50** Till Küster: “Starthilfe in den Tod”, Medico International, 11.02.2019, https://www.medico.de/blog/starthilfe-in-den-tod-17309/?fbclid=IwAR0KfRpAWzGDRMeM94Yw4_TBhBKqMHUPr4DDhDGGorGtQ6Bm7F1vkQ_C5Qk

40,000 people. The regime only occasionally allows the delivery of supplies, and even then, the quantities are insufficient. The Russian foreign ministry in a since-deleted tweet in 2019 mentioned its intention to “eliminate” the camp and opened “escape corridors”. As in the case of Aleppo in December 2016, those trapped inside the camp were not willing to make use of this option despite the dreadful humanitarian situation and a number of people having starved or frozen to death. Their escape to rebel-held areas was blocked by regime troops; the only path out of Rukban led to “refugee centres” set up by the regime. (There are reports of two refugees having been shot there. Yet again, the regime is showing itself unwilling to examine or shed light on these cases. And even the UN is not doing much to clear up the matter or to protect such returnees.)

Even Syrian citizens who are loyal to the regime are not safe from persecution – an experience which a number of Syrian journalists had to go through over the last several months.⁵¹ One of them is Wissam al-Teir, director of the government-tolerated Damascus Now media network. Months after his arrest, there is still no trace of him. Even moderate criticism is viewed by the regime as “subversive” and corrosive “in a time when Syria needs nothing more urgently than unity,” as Bashar al-Assad put it in a 2019 speech.⁵²

Return from Lebanon

The Lebanese government, too, knows from experience that the threats from Damascus are more than intimidating rhetoric. With approximately one million Syrian refugees present in a country that is roughly half the size of the German Federal State of Hesse and has four million inhabitants (while sheltering half a million Palestinian refugees for decades), Lebanon very interested in a return of the Syrian refugees. Yet despite the fact that the Syrian regime owes its own survival in large part to the Lebanese Hezbollah, it is showing itself unwilling to accommodate Lebanon on the refugee issue.

Given the decentralised locations of the informal tent settlements and a lack of funds, even the UN is hardly able to provide assistance to the refugees. In this respect, therefore, there is little incentive to remain in Lebanon.

At the same time, Hezbollah and the Lebanese army are exerting pressure on the refugees. Four Syrian refugees died in detention following a crackdown in the summer of 2017. Images of the tied-up prisoners left lying in the sun for an extended time were posted by the army on its website. Yet neither legal uncertainty nor the violence against refugees or their lack of prospects in Lebanon have moved significant numbers of refugees to return to their country.

Throughout Lebanon there are centres run by the “General Security” (internal security) or Hezbollah where those who want to return voluntarily can get registered. Most of the refugees live in precarious conditions and have no legal status whatso-

⁵¹ The Syrian Observer: “The Regime Punishes Prominent Assad Supporting Journalists”, 07.03.2019, <https://syrianobserver.com/EN/features/48993/the-regime-punishes-prominent-assad-supporting-journalists.html>

⁵² Bashar Al-Assad: “President Al-Assad Speech during His Meeting with Heads of Local Councils from All Provinces”, Syrian Arab News Agency, 18.02.2019, <https://sana.sy/en/?p=158901>

ever in Lebanon. As is the case for returnees from Jordan, the names of those willing to return must be registered and passed on to the Syrian regime, which then decides without stating any reasons who may and who may not return.⁵³

Undesirable political opponents are not the only concern. Rather, the regime is applying a pragmatic calculation: not wanting to further aggravate the social and economic situation on its own territory by allowing the return of refugees who have become completely impoverished over the years, it is keeping them out.

Once again, this shows that Russia's plan to have Europe pay for reconstruction in exchange for Russia facilitating the return of refugees is rendered impossible by the regime's actions. Furthermore, the regime's idea of reconstruction does not correspond to the western notion of focussing mainly on public housing, given the massive destruction of residential property. The known reconstruction schemes of the regime, in fact, are plans for economic centres, city quarters that resemble shopping malls, like Basilia or the better-known Marota City:⁵⁴ built on the land of dispossessed refugees and designed for well-heeled investors. The pro-regime Syrian Law Journal implied that the state was effectively left with no other choice, commenting in a Twitter post that "those most in need of new homes cannot afford them, and any major real estate development projects can only be targeted at the local wealthy classes and expatriates."⁵⁵

By reserving the right to hand-pick returnees, the regime is attempting to force its neighbouring states as well as Europe into a dialogue and trying to dictate terms to them as it does to its own citizens. It is also a rebuff of Russia's initiative – even though the regime is completely dependent on its ally.

European expectations to make a rapprochement, reconstruction or the return of refugees contingent on any conditions are therefore unrealistic – a fact which the proponents of normalisation find difficult to accept.

From the beginning of the conflict, the withholding of civilian goods has been used a weapon against insurgent towns. Cities and entire regions were placed under siege, often for years. Food and certain basic supplies were the only things that could be smuggled into these zones; this made some of the goods prohibitively expensive, as the middlemen of the regime and those of the rebels had to be paid. There were entrepreneurs who made very good money in this war economy. This led to famine, and with it, to malnutrition, starvation and permanent mental and physical impairments due to chronic deprivation. The UN's requests to be allowed to provide emergency aid were mostly left unanswered by the regime. Ultimately, only a fraction of the UN aid convoys that were approved reached their destination, and nearly all of them were stripped of medical supplies.

53 Ammar Hamou; Alaa Nassar; Alice Al Maleh: In First Organized Refugee Returns From Jordan, Dozens of Syrians Head Back to Damascus Suburb, Syria Direct, 16.01.2019, <https://syriadirect.org/news/in-first-%E2%80%99organized%E2%80%99-refugee-returns-from-jordan-dozens-of-syrians-head-back-to-damascus-suburb/>

54 Syrbanism: "Marota City: Is this the type of reconstruction Syrians need?", Youtube, 22.03.2019, <https://www.youtube.com/watch?v=pt78i3ZF334>

55 Syrian Law Journal (23.12.2018): "Developing a housing strategy for Syria is proving challenging for experts as the middle classes have diminished. Those most in need of new homes cannot afford them and any major real estate development projects can only be targeted at the local wealthy classes and expatriates." [Twitter Post], https://twitter.com/syrian_law/status/1076966428576763909

Denial of medical care

The systematic attacks on medical staff and facilities in particular, as well as the denial of medical care illustrate the Syrian regime's intent to target not only armed groups but also the civilian population. It forces healthcare workers to abandon and act against their professional ethics and punishes those who uphold their own standards. From the outset, doctors who treated wounded protesters were arrested. As a result, many who had been injured did not seek medical care. Similarly, there were torture victims who after their release from prison did not dare to go to a public hospital despite having sustained bone fractures and head injuries – for fear of being identified as opposition members by the type of their injuries and thereby running the risk of being persecuted by other secret services as well. The secret services are known to arrest wounded people while they are in hospital. The regime demands absolute loyalty from medical staff in the areas it controls; in opposition-held areas, it bombed the hospitals throughout the conflict. This ultimately led the charity Médecins Sans Frontières (Doctors Without Borders) to stop sharing the GPS coordinates of medical facilities and underground hospitals. What had been a measure to protect precisely these facilities from attacks, had evidently put them in the crosshairs in Syria.⁵⁶

As early as 2015, the UN estimated that more than 60 percent of Syrian hospitals had been damaged or destroyed; thousands of healthcare professionals were killed, disappeared or had to leave the country.⁵⁷ According to the renowned medical journal *The Lancet*, 92 percent of these victims were killed by the Syrian regime.⁵⁸ The regime's snipers made it their own cynical game to target specific parts of the body.⁵⁹

The remaining medical staff in opposition-held areas often had to carry out surgery for which they were not qualified – sometimes supported by external doctors over the Internet and often lacking the required instruments and medicines.

Military hospitals were used to torture detainees, and according to authors Loveluck and Zakaria, who have researched the Syrian prison system extensively for *The Washington Post*, unnecessary amputations were performed.⁶⁰

Medical doctor Annie Sparrow has authored a number of articles that analyse the weaponisation of healthcare by the Syrian regime – in which the withholding of essential public health tools is used on a scale described by Sparrow as “biological

-
- 56 Kareem Shaheen: “MSF stops sharing Syria hospital locations after ‘deliberate’ attacks”, *The Guardian*, 18.02.2016, <https://www.theguardian.com/world/2016/feb/18/msf-will-not-share-syria-gps-locations-after-deliberate-attacks>
- 57 Syrian American Medical Society Foundation: Impact of Attacks on Health Care in Syria, 19.10.2018, <https://reliefweb.int/report/syrian-arab-republic/impacts-attacks-healthcare-syria>
- 58 Fouad M. Fouad und Sophie Sparrow et al.: “Health workers and the weaponisation of health care in Syria: a preliminary inquiry for The Lancet-American University of Beirut Commission on Syria”, *The Lancet* 2017, [https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(17\)30741-9.pdf](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(17)30741-9.pdf)
- 59 Atika Schubert und Bharati Naik: “Syrian snipers target pregnant women, unborn babies, doctor says”, *CNN*, 23.10.2013, <https://edition.cnn.com/2013/10/22/world/meast/syria-snipers-pregnant-women/index.html>
- 60 Louisa Loveluck und Zakaria Zakaria: “‘The hospitals were slaughterhouses’: A journey into Syria’s secret torture wards”, *The Washington Post*, 02.04.2017, https://www.washingtonpost.com/world/middle_east/the-hospitals-were-slaughterhouses-a-journey-intosyrias-secret-torture-wards/2017/04/02/90ccaa6e-0d61-11e7-b2bb-417e331877d9_story.html

warfare by neglect.”⁶¹ She has analysed the qualitative divergence in the medical infrastructure in different parts of the country and in the besieged areas in particular, as this is precisely where access to medical care became increasingly difficult. Even if the Syrian authorities had given permission for an aid convoy to proceed, the medical goods which had been approved by the regime were often not allowed to be delivered. Antiseptic waste bags for potentially infectious clinical waste were removed just as systematically as disinfectants, medicines for diarrhoea and pneumonia, blood bags or midwifery equipment.

The sieges in Syria came to an end when the areas and towns which had been starved out for years were recaptured by the Syrian regime with the help of the Russian air force. A continuation of the policy of strategic neglect is to be expected – on the one hand, because the regime has neither shown itself generous in any instance nor made any attempt at reconciliation; and on the other hand, because it was evident even before the sieges began that the “rebellious areas” were less well-supplied, sometimes to disastrous effect. The regime had denied the inhabitants of Deir ez-Zor polio vaccines in 2012, allowing what was in fact an eradicated disease to spread again. This is a threat to the local population, but a phenomenon that cannot be locally contained due to migratory movements.

The fact that entire areas were the target of such cynical politics is a strong indication that the Syrian regime is likely to continue judging people as worthy or less worthy of being granted access to medical care based on their place of origin or affiliation with a particular social group or religion.

Demographic Engineering – Population shift by violent means

The coexistence of different religious groups has always been one of Syria’s hallmarks: a Sunni majority of approximately 70 percent of the population living alongside Christians of various denominations (15 percent), Alawites (7 percent) and Shiites (1-2 percent). The protection of minorities is one of the United Nations’ fundamental principles. The Syrian case, in which the prime target of the aggression was not a minority, but the Sunni majority of the country’s inhabitants who were disproportionately exposed both to attacks by the regime and the violence perpetrated by ISIS, ran contrary to the usual protective instinct of western states. Just as not all members of the religious minorities are loyal to the regime, not all Sunnis joined the uprising. Notably in the traditionally predominantly Sunni business community there are quite a number of successful Sunni entrepreneurs who did not break with the regime.

Nonetheless, the targeted displacement shows distinct patterns. The depopulation of entire towns, for instance, is a fate shared by cities around Damascus with a Sunni majority, the Baba Amr quarter on the south-western edge of Homs and eastern Aleppo.

61 Annie Sparrow: “Bashar al-Assad Is Waging Biological War – By Neglect”, *Foreign Policy*, 24.10.2018, <https://foreignpolicy.com/2018/10/24/bashar-al-assad-is-waging-biological-war-by-neglect/>

Women's rights and their violation

The presidential couple itself, Bashar al-Assad and Asma al-Akhras, whose appearance and demeanor (western style of dress, Asma virtually like a fashion icon) fulfilled clichéd expectations in Europe of what a modern Middle East should look like, contributed to the fact that the regime's repressive character was often downplayed, and religious tolerance and the presumed appreciation of women's rights overstated. The authoritarian state's disregard of human rights as such and concomitant neglect of women's rights was ignored, and women appearing in public in short skirts and without a headscarf were seen as an indicator of their rights being well-established.

Yet even before 2011, Syria's gender index performance was modest. The attitude of the ruling Baath party toward women's rights did not differ significantly from that of the Muslim Brotherhood: Both recognise women's right to political participation, yet as far as its implementation is concerned, it is up to the women to fight the traditional view of what a woman's role should be and grapple with a system based not on merit but on connections.

While the majority of arrests and forced disappearances directly affected men, the indirect effects are felt by women and children. Every administrative act in Syria requires the presence of the male head of the household. Without him, births cannot be registered, children not enrolled in schools. The death or enforced absence of the father therefore paralyses the family. What this means in regard to the great number of disappeared: without a death certificate, the surviving dependants cannot assert their ownership and inheritance rights.

Arrests are increasingly becoming a means for the corrupt state machine to extort money from relatives, some of whom sold everything they owned just to receive information on the fate of the missing persons. The war economy is hitting those most in need, including women, the hardest.

An escape from Syria, especially to Europe, is expensive. Resettlement programmes to at least make it possible to migrate legally from neighbouring states, have so far been an option only for a few tens of thousands of people. Thus, many families had no choice but to pay human traffickers – an expense so great that in many cases only a single family member was able to flee. As men of military age face the highest risk in Syria, while women are thought to be in greater danger on a perilous voyage across the Mediterranean, it was mostly men who were sent to Europe. The asylum policies of Germany and other western states exacerbate the gender inequality: all those receiving only subsidiary protection or less are not permitted to bring their families – this is one of the reasons why many have accepted a “voluntary” return, as the situation in which many had to leave their families is an unsatisfactory one, and the Syrian practice of kin liability makes the relatives of people who fled to Europe particularly vulnerable.

Even though it was mostly men who were targeted for arrest, there are also hundreds of women who disappeared in the regime's prisons. One of the most prominent cases is that of dentist and Syrian chess champion Rania al-Abbasi, who was taken

from her home along with her six children. There has been no news of any of them since March 11, 2013.⁶²

Other women activists who went underground and fled to rebel-held areas to escape persecution by the regime were abducted by Islamist groups, among them human rights lawyer Razan Zeitouneh and activist Samira al-Khalil, who was kidnapped in Douma.⁶³ Neither has there been any comment from the militant groups in question, nor did the regime make any effort after retaking Douma to find out what had happened to her.

Sexualised violence

Sexualised violence against both sexes is a widely used weapon in the Syrian war. It is perpetrated against women in detention, but also in their own homes or at checkpoints; men are subjected to it mainly in the interrogation centres and prisons. Rape, sexualised torture and humiliation are suffered by almost everyone who falls into the hands of the Syrian secret services; often there are also threats that their wives and children could be ill-treated or abused.

Given the continued abasement of all those who live in areas recaptured by the regime, it is unlikely that this form of violence will significantly decrease once the strictly military operations come to an end.

In this respect, a visit by the UN Special Representative at the time, Zainab de Bangura, played a detrimental role: Following a trip to Damascus and Syria's neighbouring states that lasted several weeks and during which she heard numerous accounts from survivors of sexualised violence perpetrated by various warring parties, the Special Representative limited her comments in press conferences to the subject of sexualised violence inflicted by ISIS and other rebel groups.⁶⁴ The widespread use of sexualised violence by the regime and its institutions was omitted, thereby strengthening the external perception that its extent was limited. In fact, here as in all other forms of violence against civilians, the regime is responsible for the great number of offences.

Throughout the sieges, women in rebel-held areas were viewed as enemies by the Syrian regime and reduced to their role of possibly giving birth to potential enemies. The fact that the regime removed medical goods from aid shipments which were of use only to expectant mothers and their newborn children, such as umbilical clamps, midwifery equipment and powdered milk, testifies to a practice explicitly directed against the lives and the welfare of women.

62 Lorena O'Neil: "Syria: Inside The Lives Of Syria's Disappeared Citizens", Mansour Omari, 19.06.2016, <https://mansouromari.wordpress.com/tag/rania-al-abbas/>

63 The New Arab: "Razan Zaitouneh: More clues come to light in search for kidnapped Syrian lawyer", 13.08.2018, <https://www.alaraby.co.uk/english/news/2018/8/13/razan-zaitouneh-more-clues-in-search-for-syrian-lawyer>

64 UN TV: "Zainab Hawa Bangura (SRSG on Sexual Violence in Conflict) on the Middle East – Press Conference", 07.05.2015, <http://webtv.un.org/www.unwomen.org/en/news/stories/2014/11/un-commemoration-of-25-november-orange-your-neighbourhood/watch/zainab-hawa-bangura-srsg-on-sexual-violence-in-conflict-on-the-middle-east-press-conference/4223596145001/?term=&page=8>

In view of this, the assumption that there are safe areas for women in Syria, or that the threat against them has diminished, is untenable. It is the type of threat which differs, but not the fact that the Syrian regime does not value the lives of women and their offspring and attaches little importance to women's rights. Recognising this would be critical to the process of deciding which status refugees should receive or retain in Germany, or to considerations regarding deportations. Especially in cases where there is no male head of the family, prospects for single women or women with children are extremely precarious in Syria, and an analysis of the risks which women in particular are exposed to is obligatory.

The internal disintegration of the state

When the pros and cons of a western military intervention in Syria were weighed up between 2011 and 2013, a point which was often voiced was that there was too great a risk that Assad's removal from power would sweep away the structures of the state much like it had occurred in Iraq. Eight years later, however, it appears that while the political elite is still in power, the institutions have eroded – with serious consequences for society. The London-based International Institute for Strategic Studies estimates that the Syrian army has shrunk to about half its former size. That is why recruits who had originally been drafted for a limited period of compulsory military service have not been released from duty; at the same time, the regime increasingly resorted to forced conscription and still needed tens of thousands of foreign fighters to be able to recapture rebel-held territories. The fear of being pressed into army service had become a cause of flight, and the presence of foreign armed groups a problem for the population.

The relentless siege on the town of Madaya, for instance, was the work of the Lebanese Hezbollah. Deliberate and far less corrupt than the troops of the Syrian regime, they exerted such a level of control that conditions in the town grew much more severe than in other besieged cities – which resulted in a greater number of people starving to death.

In many parts of the regime-held areas Assad began to relinquish the state's monopoly on violence as early as 2011, by relying on "vigilantes" or the infamous "Shabiha"⁶⁵ – auxiliaries and henchmen of the state who stood outside of the command hierarchy and who were given licence to bolster their income by looting. In the coastal areas it was groups with ties to parts of the Assad family, in particular, who set up private militias. In other places the militias were paid by wealthy Syrian businesspeople. Not only the extent to which the regime's monopoly on power had crumbled, but how it had become impossible for the state to regain control over the new structures, was described by the expert Tobias Schneider in 2016.⁶⁶

65 Yassin Al Haj Saleh: The Syrian Shabiha and Their State, 03.03.2017, <https://lb.boell.org/en/2014/03/03/syrian-shabiha-and-their-state-statehood-participation>

66 Tobias Schneider: The Decay of the Syrian Regime is Much Worse Than you Think. War on the Rocks, 31.08.2016, <https://warontherocks.com/2016/08/the-decay-of-the-syrian-regime-is-much-worse-than-you-think/>

The security situation in the regime-held areas is also impacted by the conflict of interests between Assad's main supporters, Russia and Iran, which have become increasingly evident since 2017. Clashes between the 4th and 5th Divisions of the Syrian army – the 4th under Iranian command, the 5th under Russian command – have repeatedly claimed lives in the province of Hama. There were reports of similar incidents also occurring in Idlib, Aleppo and the southern Syrian town of Daraa.

The Syrian regime with its institutions is not a monolith, but progressively disintegrating into many smaller entities, accompanied by power struggles that threaten the safety of the respective local population.

Fear as an instrument of power

Like many of her compatriots, Syrian writer Dima Wannous has described the fall of the “wall of fear”, torn down by the mass protests, as the most significant change in Syria after 2011. While the trust between people had been broken so often before 2011 because the secret service had infiltrated society with countless informers, and because the massacres perpetrated by the regime in the early 1980s in Hama and Palmyra were still a vivid memory, they became reacquainted in a completely different way in 2011: As more and more people were risking their lives at the non-violent protests, the uprising gained increasing momentum as it became strikingly apparent for the first time how dissatisfied the citizens were with the political and socio-economic system.

Since then, the Syrian regime has effected the forced disappearance or arrest of tens of thousands of people and passed sentences in non-transparent trials before military or terrorism courts. While human rights violations were common even before 2011, the regime has now come to rely on them as an instrument of domination.

Outlook

The fact that combat operations in Syria are presently limited to only a few areas does not automatically make it safe for refugees to return. Many fled not (just) from military violence, but rather from the structural violence engrained in the state, inflicted by the Syrian secret services and purposely designed this way and condoned by the regime. It was not able to address the uprising with a political response, but only to suppress it violently with all its might. Syria before 2011 was an authoritarian state that meted out injustice to its citizens by spying on them, menacing them and arresting and torturing them for even the slightest divergence. In the course of the years of war, the violence and brutality in the regime's interrogation centres and prisons became excessive. Human rights lawyers who previously were still able to practise on a limited basis were arrested, disappeared or went abroad, and obtaining independent legal advice has become impossible.

To be able to return, what refugees need first and foremost is safety – physical safety, guaranteed by due process of law. Only if refugees were no longer subject to arbitrary persecution and did not have to fear for their lives and those of their families, would a return become possible, which could then be supported by European

states and the United Nations. Guarantees and security, however, are what the Syrian regime is not willing, and in part, not able, to give.

The people in Syria have not given in despite the horrors and have taken to the streets again whenever there was a chance to do so: against the regime, against the al-Qaeda-affiliated group Hayat Tahrir al-Sham (HTS), against ISIS. To keep its hold on power, the regime wants to maintain a climate of fear, which thrives on insecurity and therefore precludes transparency and civil rights. The current legal uncertainty is essential for the survival of the regime, but a deterrent to refugees. This constellation should make it obvious to western countries that there will not be any “safe” areas for refugees while Assad remains in power.

THOMAS SCHMID

A “Safe Country of Origin” with Persisting Problems – Return to Kosovo

It is an evident fact and yet was contested for a long time: Germany is a country of immigration. It has been for half a century. For as long as hundreds of thousands of Italians, Greeks, Turks and Yugoslavs have immigrated and, in many cases, stayed. The fact that the latter included many who spoke Albanian and were Muslims was hardly noticed. Until the disintegration of Yugoslavia began 30 years ago, Kosovo was a technical term known to Balkans experts. What followed the collective German experience of immigration – with a lag of approximately one generation – was the admission of the long-denied fact and the development of a migration policy that transcends immigration policing measures and which has been the focal point of the political dispute for years now.

Emigration as a collective background experience

In Kosovo, on the other hand, emigration is the collective background experience. It informs the hopes and frustrations of its inhabitants as well as the development of this youngest European state. Kosovo is located in a region that for centuries has been shaped by migration flows. Likewise, the emergence of national states during the decline and after the collapse of the Ottoman Empire in the 19th and 20th century was accompanied by displacement and land seizure. The religiously-tinged tensions eventually ended in open ethnic conflict between (Orthodox) Serbs and (Muslim) Albanians, time and again resulting in flight and emigration during the latter half of the 20th century. In the turmoil of the Second World War, clashes between Serbian and Albanian militias took the lives of thousands of civilians on both sides. Many Albanians had sympathised or even collaborated with the Italian, and after Mussolini's deposition, the German occupation forces, because Italians and Germans alike had deftly exploited anti-Serbian feelings, and fell victim to acts of revenge once the Wehrmacht had pulled out.

Yet even when Tito, whose partisans were recruited from all ethnic groups, rose to power, peace and calm were not restored in Kosovo. Only the pensioners among the Kosovans today⁶⁷ will remember the terror of the first two decades of communist

67 The term ‘Kosovans’ encompasses all inhabitants of Kosovo irrespective of their ethnicity, and includes Albanians, Serbs, Roma and members of other ethnic minorities.

rule. Tito's long-standing Interior Minister and Head of the Secret Service, Aleksandar Ranković, ordered the arrest of thousands of Albanians, many of whom were also tortured. Serbian police units murdered around 70 people in the province.⁶⁸ Between the war's end and Ranković's downfall (1945 to 1966), close to 100,000 Albanians left Kosovo to begin a new life in Turkey.⁶⁹ A substantial Albanian community was already present there, as both Kosovo and Albania had belonged to the Ottoman Empire until the First Balkan War (1912).

It was not long until in 1968, a new exodus from Kosovo began. The Federal Republic of Germany was seeking additional labour and had concluded a recruitment agreement with a number of countries, including Yugoslavia. Hundreds of thousands of Yugoslavs migrated to Germany, among them many Kosovars, inhabitants of the poorest region of the multi-ethnic state. With the recruitment stop issued in 1973 – as the first oil crisis brought the German post-war economic boom, the “economic miracle”, to an end – immigration from the Balkans was curbed again.

A further mass emigration from Kosovo in 1989 is directly attributable to Slobodan Milošević, then head of the Serbian Communist Party and de facto leader of the Republic of Serbia. Bowing to pressure from Milošević, the Serbian Parliament used unconstitutional means to effectively abolish the extensive autonomy which Kosovo had enjoyed within Serbia since the Yugoslavian constitutional reform of 1974. The province was brought into alignment, the administration radically “Serbianised”. Approximately 150,000 Albanians lost their jobs as public servants between 1989 and 1997.⁷⁰ This affected teachers, doctors, engineers, managing directors of state-owned enterprises, administrators. Many tried their luck abroad, especially in Germany and Switzerland, where the so-called “guest workers” of the previous generation had formed large Kosovo-Albanian diaspora communities. But in contrast to the years when cheap labourers were recruited, the people emigrating now usually had completed vocational training. Likewise, many university students left the country to enrol abroad, after the Albanian professors had been removed and they themselves had to fear being drafted for the war Milošević had set off in Croatia in 1991 and which preceded the even more gruesome war in Bosnia-Herzegovina (1992-1995).

Nora Hasani's parents were amongst those who lost their civil service jobs after the termination of Kosovan autonomy. Her father had worked at the Bureau of Statistics, her mother at the university hospital. Hasani heads the Kosovan-German Economic Association (Kosovarisch-Deutsche Wirtschaftsvereinigung, KD WV), which was founded in 2012 and represents 75 companies. For the most part, these are Kosovan businesses with a connection to Germany, but also German companies (often operated by naturalised Kosovars) advised by the KD WV on their entry into the Kosovan market.

68 Shkëlzen Maliqi: Die politische Geschichte des Kosovo, in: Dunja Melčić (Hrsg.), Der Jugoslawien-Krieg. Handbuch zu Vorgeschichte, Verlauf und Konsequenzen. Opladen/Wiesbaden 1999, p. 127.

69 Noel Malcolm: Kosovo. A Short History, London 1998, p. 323.

70 Aliriza Arenliu/Gersi Gashi: Measuring and evaluating reintegration policies: Evidence based policies to ensure sustainable reintegration (study conducted by “Democracy for Development”), Pristina 2019, p. 12.

Hasani speaks accent-free German. She learned it in Thuringia. She will always feel grateful towards Germany, she says, "for that wonderful time, for the heartfelt hospitality and tremendous support." The enterprising 30-year-old businesswoman wrote down her recollections of their dramatic escape in 1994 many years later: "I remember my mother having a home birth because it was too dangerous and risky to deliver a baby in the hospital, since all Kosovo Albanian health workers had been fired [...] I remember heavily armed officers pulling our Kikirez (Fiat 126) over and pointing their Kalashnikovs at us. [...] I remember how Serbian police arrested our primary school director. It happened right in front of our eyes [...] I remember the day we had to leave home. I was seven years old. Like so many others before and after us, we left everything and everyone behind: Everything we owned, everything my parents ever worked for [...] dear grandparents, relatives and close friends [...] I remember my uncle crying like a baby when we said goodbye (...) when we started our journey towards the West. (...) The worst memory is the one of my family and I stuck in the back of a freezer truck with 30 to 40 strangers. We were crossing the border illegally. The smugglers locked us up from outside [...] We didn't have enough oxygen. I still remember people screaming in panic, babies crying, the gut-wrenching pleas to stop the truck. We couldn't breathe and almost died that day. And then suddenly the truck stopped. There was a problem, so we had to get out and stay in the forest over night. I remember the freezing cold [...] We were lucky to have escaped the war before it began and not have lost relatives or friends."⁷¹ Hasani's parents returned in 1999 to help rebuild the war-torn country.

The war in Kosovo started in 1998. Unnoticed by the general public, an Albanian underground guerrilla, the UÇK, had formed and attempted to shake off Serbian rule over Kosovo with its 80 percent Albanian population. The Serbian counteroffensive drove tens of thousands of Albanians into the woods. More than 100 villages were destroyed. When the war escalated again in early 1999 and the Serbs began a systematic expulsion of Albanians from the conflict zones, NATO finally intervened in March 1999. Within an extremely short time, Serbian security forces expelled 850,000 Albanians to Macedonia, Albania and Montenegro.⁷² However, most of them returned very soon after the NATO-enforced withdrawal of the Serbs from Kosovo and the end of the war in June, to rebuild the houses and villages that had been destroyed. Even before the displaced Albanians returned, tens of thousands of Kosovo-Serbs and members of other minorities in turn left their ancestral homeland along with the retreating Serbian combat units – fearing acts of revenge, a justified fear, as it turned out in 2004, when pogroms perpetrated by tens of thousands of Albanians left 19 Serbs dead, hundreds injured and thousands driven from their homes.⁷³

71 Nora Hasani Llapashtica: Remembering the Past to Build a Better Future, in: *Balkan Perspectives* 06-12/2016.

72 Oliver Jens Schmidt: *Kosovo. Kurze Geschichte einer zentralbalkanischen Landschaft*, Vienna-Cologne-Weimar 2008, p. 330.

73 Information from Human Rights Watch, <https://www.hrw.org/de/news/2006/05/29/kosovo-das-strafrechtssystem-lasst-die-opfer-im-stich>

The latest wave of migration was not anticipated by anyone. Kosovo had been calm for ten years, when in 2014/2015 some 50,000 to 100,000 Kosovans,⁷⁴ approximately five percent of the total population, left their native country. A number of reasons led to this exodus. The deciding factor most likely was an agreement concluded by the former enemies which took effect in September 2014 and made it easier for Kosovars to enter Serbia. A relatively small sum of money would buy a ticket for a bus that would, completely legally, take you from Pristina⁷⁵ directly to Belgrade and on to the Hungarian border near Subotica. Checks at the Serbian-Hungarian border were lax. Business boomed for the bus companies, and quickly a veritable trafficking industry had formed to facilitate subsequent transport to Germany. When Germany signalled that this would jeopardise the envisioned lifting of the visa requirement, however, the government in Pristina intervened. The police stopped buses bound for Serbia, tightened controls on the Serbian border and attempted to spoil the traffickers' business.

Generally, it can be said that a lot of frustration had accumulated by late autumn 2014. Before Kosovan independence in 2008, the crucial political decisions had been taken by international administrators. Since becoming independent, the country had always been governed by a coalition led by the PDK, the most important party to emerge from the UÇK. Corruption and patronage had become endemic, and many had hoped that the elections in the summer of 2014 would bring a political renewal. Instead, it took half a year until finally a grand coalition was formed by the political adversaries – which hardly constituted a renewal. Nor had the economic situation, the main reason for emigration, shown any sign of improvement. “At the time there were people leaving who did or did not have a job, people with and without money, those who no longer saw a future here, who were fed up with corrupt cronyism and political pettiness,” says Gersi Gashi, who works in Pristina as a political analyst for the NGO Democracy for Development, “and to many, even a 1,000-euro wage in Germany seems tempting.”

Between 1969 and 2017 roughly 800,000 Kosovans⁷⁶ emigrated in several waves – generally in search of employment or fleeing from repression and war. This experience of emigration has shaped Kosovan society. One will hardly find an Albanian in Kosovo who does not have relatives or friends who have gone abroad temporarily or permanently, or were born and raised in the diaspora. The primary destinations were Germany, Switzerland and Austria. Many of those who came to Germany were naturalised and therefore no longer appear as foreign nationals in the German statistics. At the end of 2017, the Central Register of Foreign Nationals included only the

74 Data varies widely. However, the massive influx of Kosovans is also in evidence in a statistic of the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge), showing that 6,908 persons from Kosovo applied for asylum (initial applications) in 2014, but 33,427 applied in 2015: http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2017.pdf?__blob=publicationFile (p. 21) (retrieved on 30.01.2019).

75 This is the international spelling of the capital of Kosovo used hereinafter (Albanian: Prishtina; Serbian: Priština).

76 Arenliu/Garshi, l.c., p. 12. Not included here are the Kosovans expelled by Serbian security forces after the start of the 1999 NATO intervention, the vast majority of whom returned after the war had ended.

208,505 Kosovans without a German passport.⁷⁷ That is one-ninth of the population that remains in Kosovo. This rate of emigration puts Kosovo in the lead amongst the seven successor states of the former Yugoslavia.

Remigration – State-supported or enforced

While emigration is part and parcel of the Kosovans' collective experiential background, massive remigration is a new phenomenon. Of course, there have always been Kosovans who returned from their self-imposed exile to start a new life with the money they saved up abroad, or at least build a house and spend their retirement years in their native country. However, – aside from the time immediately after the end of the war, when a fair number of Kosovans returned with a certain sense of euphoria to build a new country that was independent for the first time in its history – truly voluntary repatriation remained very limited in the past three decades. Too severe was the repression in the 1990s, too depressing the economic situation which remains dire still.

Independent since 2008,⁷⁸ Kosovo has approximately half as many inhabitants as the city of Berlin. It is not only the youngest European state, but also the state in Europe with the youngest population. With the average age at 29 years, 44 percent of Kosovans are under 25. These are figures Germany might dream of to secure its pensions. In Kosovo, they spell disaster, as unemployment among young people between 15 and 24 years of age is at 58 percent according to the United Nations Development Programme (UNDP), making it nearly twice as high as the overall unemployment rate (33 percent), and 30 percent of Kosovans live in poverty.⁷⁹ The significance of such figures is open to debate.⁸⁰ Many young people may find work on the black market or with relatives, where they are not making any social security payments, not accumulating pension rights, and often are at risk of being blackmailed. Yet the high unemployment rate is evident. A stroll through any Kosovan town will suffice to get an inkling of the scale of the problem.

77 Statistisches Bundesamt (German Federal Statistical Office), https://www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/MigrationIntegration/AuslaendBevoelkerung2010200177004.pdf?__blob=publicationFile (retrieved on 28.01.2019).

78 Kosovo is recognised as an independent state by 114 of the 193 member states of the United Nations, but not by Russia, China, five EU states (Spain, Slovakia, Romania, Greece and Cyprus) nor by Serbia or Bosnia-Herzegovina.

79 Cf. <http://www.ks.undp.org/content/kosovo/en/home/countryinfo.html> (retrieved on 30.01.2019). In October 2018 the World Bank defined poverty as having less than USD 1.90 available per day – based on 2012 purchasing power.

80 The youth unemployment rate (58 percent in Kosovo) describes the proportion of unemployed youths among the active young people, who include both gainfully employed and unemployed persons but not those undergoing training or not seeking employment for other reasons. The youth unemployment ratio, on the other hand, describes the proportion of unemployed youths in the total population aged 15-24, resulting in a much lower figure. EU Members Spain and Greece, for example, show a youth unemployment rate (2012) of 53.2 and 55.3 percent, while the youth unemployment ratio is only 20.6 and 16.1 percent, respectively. These lower figures are often more meaningful than the horror scenarios. Eurostat points out this significant difference: <https://ec.europa.eu/eurostat/documents/2995521/5160815/3-12072013-BP-DE.PDF> (retrieved on 26.01.2019).

This is the country that many Kosovans are now returning to, some in view of the virtual impossibility of gaining regular resident status in Germany, probably voluntarily, but many only under the pressure of potential deportation. And almost as many were put on an aeroplane and flown to Pristina, forcibly deported. After the aforementioned pogroms against Serbs and Roma in 2004, the German authorities at least deferred the forced repatriation of members of the Kosovan minorities for a number of years. But as of 2009 they, too, are being deported – despite the fact that in many cases they had been tolerated aliens for years. And since September 2010, a repatriation agreement between Germany and Kosovo has been in effect, obliging both states to take back their own citizens in the event of a deportation. The Kosovan authorities have been fully cooperative. Problems in connection with “repatriation”, as they present themselves to the German authorities working with African states – in sub-Saharan Africa as well as the Maghreb – do not arise with the government in Pristina. Kosovo takes back its citizens.

In November 2015 Kosovo – along with Albania and Montenegro – was finally declared a safe country of origin. This means that asylum applications by Kosovans are generally rejected as “manifestly unfounded”. The applicant is required to leave the country within one week (instead of one month) after receiving notice. The period for filing an appeal is only one week. Furthermore, asylum seekers from safe countries of origin are subject to a work ban and do not have access to integration courses.

Only very few Kosovan asylum seekers receive permission to stay, a mere two percent of the applicants in 2018. But not one of them was granted asylum according to Article 16a of the German Basic Law in 2018. However, 30 applicants were at least allowed to stay,⁸¹ for the most part because health reasons prohibited their deportation. Because they have virtually no hope of being granted asylum or toleration status, many Kosovans refrain from bringing an action against a negative decision by the German Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF). Others file an appeal, but do not wait for its foreseeable rejection. For all of them – and also for persons whose appeal has been bindingly and lawfully rejected – there is an offer without legal entitlement. As part of the REAG/GARP Programme,⁸² “voluntary returnees” are reimbursed for their travel expenses – a plane or bus ticket, or 250 euros for petrol. The offer, which is intended primarily for persons who are subject to removal orders, was accepted by a total of 1,449 Kosovans in 2017. In the same year, 2,721 Kosovans were deported by air and 23 others by overland route.⁸³

Persons who want to accept the repatriation assistance must sign a statement that they are withdrawing their asylum application, waiving their right to appeal and, if applicable, any rights arising from residence permits, and intend to leave voluntarily

81 Cf. http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/hkl-antrags-entscheidungs-bestandsstatistik-kumuliert-2018.pdf?__blob=publicationFile (retrieved on 30.01.2019).

82 The acronym stands for “Reintegration and Emigration for Asylum-Seekers in Germany/Government Assisted Repatriation Programme” organised by the International Organisation for Migration (IOM) and funded by the Federal Interior Ministry and the relevant ministries of the Federal States.

83 Cf. <https://dip21.bundestag.de/dip21/btd/19/008/1900800.pdf> (pp. 3, 11) (retrieved on 30.01.2019).

and permanently. The German authorities are not only making an effort to get rid of the Kosovans who entered Germany illegally, but are also trying – as it were, prophylactically – to keep people from leaving Kosovo for Germany in the first place. In this vein, the German Federal Ministry of the Interior (BMI) produced a video in August 2015, after tens of thousands of Kosovans had entered Germany illegally within a period of only a few months. It shows people boarding buses in their home country and then being led to a migrant housing complex by police officers in cold and damp German weather, and people being taken to the airport and deported. An off-camera voice explains: “Many believed the false promises of the conmen who say that it is easy to receive permission to stay in Germany and the other EU states as an asylum seeker and make a lot of money. But the ones who are profiting are the unlawful traffickers, not the people leaving their home country [...]. The truth is that looking for work is not recognised as a reason for asylum in Germany [...].”

The male voice goes on to warn: “People whose request for asylum in Germany has been denied must leave the country again, as required by German law. Anyone who does not comply with these regulations voluntarily must expect to be deported very quickly, and if necessary, under police escort [...]. The considerable deportation costs which usually amount to thousands of euros are then billed to the deportee and remain claimable for many years [...]. Don’t ruin yourself and your family financially and economically by making your way illegally to Germany, but instead contribute actively to your home country’s economic development [...] and thereby build a sustainable future for yourself and your family.”⁸⁴

Forced repatriation is the hovering Damoclean sword that puts the meaning of “voluntary return” into perspective. If anything, it is coerced voluntariness. Nevertheless, it is not a case of the German authorities paying the fare for some and deporting others, rather, an effort is being made to not abandon people after their arrival in their home country and simply leave them to their own devices. Immediate assistance is offered by URA. URA is the Albanian word for “bridge”. The project is supported by the BAMF and provides free counselling, one-time interim allowances, one-time reimbursement for medication and treatment costs, assistance in dealing with authorities, and various other services.⁸⁵

Whereas URA mainly offers initial aid and often already reaches out to returnees when they arrive at the airport, the German Information Centre for Migration, Vocational Training and Career Services, DIMAK (Deutsches Informationszentrum für Migration, Ausbildung und Karriere), is primarily concerned with long-term integration. The DIMAK is a programme of the Centre for International Migration and Development (CIM), which in turn is a working group of the German

84 Cf. <http://www.spiegel.de/politik/ausland/fluechtlinge-diese-kampagnen-sollen-asylbewerber-abschrecken-a-1046719.html>

85 Which of these services are actually used, and to what extent, could not be ascertained by the author during a week-long stay in Pristina. Following an enquiry sent from Pristina by e-mail in the preceding week, the BAMF in Nuremberg responded stating that unfortunately, no-one was available for a conversation on any of three proposed dates. At least URA presents itself on its website as a project with 18 staff members in Pristina (<http://www.asyl-in-deutschland.rs/DE/Rueckkehr/Reintegration/ProjektKosovo/projektkosovo-node.html>) (retrieved on 30.01.2019). In response to a request for an in-house meeting, the author was informed that such briefings were arranged by the BAMF in Nuremberg.

Society for International Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit, GIZ) and the International Placement Office (Zentrale Auslands- und Fachvermittlung, ZAV) of the Federal Employment Agency (Bundesagentur für Arbeit, BA). The programme is implemented on behalf of the German Federal Ministry for Economic Cooperation and Development (Bundesministerium für Entwicklung und Zusammenarbeit, BMZ). Although it was no coincidence that DIMAK began operations in the spring of 2015, when tens of thousands of Kosovans came to Germany illegally, it offers its services not only to returnees but generally to anyone in Kosovo who is interested, and also advises Kosovans intending to travel to Germany to study or work. It provides information on the prerequisites for legal migration to Germany, about training and job opportunities there as well as in Kosovo. Every Friday, 40 people on average turn out for job interview training sessions. The DIMAK offers numerous outsourced services, arranging language courses, social media training, assistance for business start-ups, also addressing women in particular, with NGOs or state agencies. Furthermore, it advises the Kosovan Ministry of Labour, and specifically, the staff of the Kosovan Employment Agency, which is responsible for job placement.

“The DIMAK,” explains Edmond Gashi, national coordinator of the programme in Pristina, “is making an effort to integrate returnees into the job market. This is because work is the main problem; lack of jobs is the reason why the people left in the first place.”⁸⁶ The DIMAK has mobile units that visit schools, universities and institutes across the country to provide information and consultation. Together with the Kosovan Ministry of Labour, the DIMAK also organised a national jobs and careers fair in 2017, at which more than 700 employment contracts were signed. At the 2018 fair, the numerous participating companies had more than 4,000 job openings on offer. 14,000 visitors were counted on a single day. The DIMAK model, which was started in Kosovo, has become a top export. In the meantime, the programme has also been instituted – in some instances under a different name – in Tunisia, Senegal, Morocco, Nigeria, Afghanistan, Egypt and five other countries.

DIMAK probably has directly or indirectly helped to put thousands of Kosovans to work. That is a success. But the problem is enormous. Michael Sauer, who worked as a consultant at the Kosovan Ministry of Labour and Social Affairs from 2015 to 2018, puts the number of new young job seekers coming into the labour market each year at 36,000, only very few of whom can be absorbed. To at least keep unemployment at a constant level would require an annual economic growth rate of 4.7 percent, which according to World Bank figures, however, averaged only 4.0 per year between 2005 and 2015.⁸⁷ Thus, unemployment will keep rising for the time being. Still, each successful job placement, every new employment contract brings a bit of hope not only for the future wage earner, but also for their family and friends, and sends a signal: There are opportunities, there is a chance.

86 Conversation with the author on 19.12.2018 in Pristina.

87 Cf. <https://www.liportal.de/kosovo/wirtschaft-entwicklung/> (updated in September 2018) (retrieved on 25.01.2019).

36-year-old **Sadije Bekteshi**, who comes to our meeting at DIMAK dressed in an elegant grey blazer, is one of those people who have found a new perspective. She is originally from Obiliq, a small town near Pristina. None of the Serbs who made up almost half of the town's population before the 1998/1999 Kosovo war, stayed. They fled out of fear that the Albanians would seek revenge. And Bekteshi, who is Albanian, fled to escape a life of looming poverty. Working for a construction company at the time, she decided to do what hundreds of others did every single day then – and in February 2015, along with her husband and their four-year-old daughter, she took a bus to Belgrade and then a second one bound for Subotica on the Hungarian border. On foot, they crossed over into Schengen territory, and after that, everything was fairly easy at first. In Dortmund, they applied for asylum in Germany and were immediately assigned to a reception centre in Neuss, where they stayed for five months. When her asylum application was turned down, Bekteshi faced the choice of either returning voluntarily or being deported. She signed the document stating that she would return voluntarily, accepted the repatriation assistance that was offered and boarded a plane with her daughter that took them to Pristina. Her husband followed one year later, also voluntarily, after his appeal against the denial of asylum had failed. He was able to rejoin the company where had worked previously.

Sadije Bekteshi could have returned to her old job as well. But what she really wanted was to start up a tailor's shop. She learned about DIMAK on Facebook and went to the agency's office, which is located at the GIZ. There, a staff member attended to her and helped her to obtain a registration through an NGO. Bekteshi had to take a business administration course organised by a state agency. A completed vocational training programme as a seamstress was also required. She then received 3,000 euros in seed capital from the Kosovan state and opened her tailor's shop in Obiliq in October 2018. She has hired three employees, two seamstresses and an accountant. Tailoring and business planning is done in the back room, while the front of the store is used as a showroom. "I have made a dream come true," says Bekteshi. She wants to expand her operation further and also establish an NGO for mothers whom she wants to train in dressmaking and floriculture ("my other hobby"). Then she unwraps a dark blue dress with frills and little roses – self-made like the grey blazer she is wearing. A lot of work went into it. She will offer it for sale at 170 euros. In Germany that would be a throwaway price. In Kosovo, it is half a month's wages.⁸⁸

The NGO, Democracy for Development, conducted a systematic survey among 256 returnees who have benefited from some form of repatriation assistance – job placement, vocational training, business start-up allowances, food aid – in Kosovo. 20 percent were regularly employed before emigrating; this figure then dropped to 6 percent while they were abroad, rising again to 18 percent securing a steady job after their return (either their former positions or a new place of work, often thanks to reintegration measures). Likewise, the migration did little to change the overall picture with regard to temporary employment and unemployment (previously 43 percent,

88 Conversation with the author on 19.12.2018 in Pristina.



subsequently 42 percent).⁸⁹ However, to fund their journey abroad 34 percent had sold property, or even their homes.⁹⁰ Asked whether they intended to emigrate again, 58 percent answered “yes, definitely” and 14 percent “maybe”, 18 percent answered “not at present” and 3 percent “never again”, while the remaining 7 percent did not respond. The survey shows a significantly lower figure for the explicitly stated intention to emigrate again among persons who had received business start-up assistance (36 percent) and those who had received support for vocational training (46 percent).⁹¹

Roma, Ashkali and Egyptians

A disproportionately large number of the emigrants of 2014-15 and also of those who returned in the following two years were Roma, Ashkali and (Balkan) Egyptians.⁹² Only a tiny fraction of these migrants found any kind of work at all while abroad, and in Kosovo itself, the overwhelming majority of them are not regularly employed either. Many occupy themselves with shining shoes, collecting scrap materials or picking rags. Like everywhere in the Balkans, in Kosovo, too, the Roma as a social group are subject to wholesale discrimination and impeded access to education, healthcare and adequate accommodation. Even if there has been progress in terms of birth registration and school enrolment in recent years, they continue to encounter “structural barriers” when seeking employment.⁹³ In Kosovo, poverty is ubiquitous. Most Roma, however, live in appalling squalor in run-down settlements.

Roma Mahala is one of the largest Roma settlements in Kosovo. It is situated on the outskirts of Mitrovica in the north of Kosovo. Mitrovica is a divided city. The Serbs live to the north of the river Ibar, the Albanians to the south. Roma Mahala, located on the southern side, consisted of 750 houses and was home to around 8,000 Roma before the Kosovo war. While the Serbs drove out all the Albanians at the beginning of the the war, they left most of the Roma alone. As soon as the Albanians were back in the city after the war had ended, they burned the Roma neighbourhood to the ground after its inhabitants had hastily made for the northern part of town. The Albanians accused the Roma of general collaboration with the Serbs. The United Nations mission in Kosovo, UNMIK, set up camps for the displaced Roma in the north of the city – on the edge of lead-contaminated landfill sites not far from the Trepça mine. Whether any Roma children, and if so, how many, died of lead poisoning has never

89 Arenliu/Garshi, l.c., p. 25.

90 Ibid., p. 29.

91 Ibid., pp. 46-47.

92 The Ashkali and the (Balkan) Egyptians only emerged as ethnic minorities around 1990. They speak Albanian and differentiate between themselves and the Roma, who besides Albanian speak their mother tongue, Romani, while they are viewed by the Roma as a Roma subgroup. In the 2011 census, in Kosovo 8,824 stated that they were Roma, 11,524 Ashkali and 15,436 Egyptians (<http://pop-stat.mashke.org/kosovo-ethnic-loc2011.htm>) (retrieved on 28.01.2019). According to their own legends, Ashkali and Egyptians emigrated to the Balkans from Ashqelon (Israel) and Egypt. Their dissociation from the European Roma, who can be classified as belonging to the same ethnic group, is most likely primarily due to the existing discrimination against Roma. The international organisations in Kosovo refer to the RAE minority (Roma, Ashkali, Egyptians).

93 UNICEF report of October 2017: https://www.unicef.org/kosovoprogramme/Raporti_unicef_anglisht_web.pdf (retrieved on 29.01.2019).

been conclusively established. Yet the unhealthy living conditions caused a scandal great enough for the old Roma Mahala settlement on the southern side of the river to be rebuilt with international aid funds. The first Roma moved into the reconstructed settlement in 2007. In the meantime, 288 houses have been completed and 3,500 people live there, which is nearly half as many as before the war. Most of them define themselves as Ashkali. A Romani-speaking minority is simply called Roma. And Roma Mahala is also home to three Egyptian families.

A large building stands at the entrance to the new settlement of prefabricated houses. A sign identifies it as the «Learning Center Roma Mahala». It is snowing. Avnora Tahiri, who is only 23 years old, is its director. She sits in her office wearing a quilted jacket. A few men are keeping warm at the furnace in a corner of the room. The centre offers tutoring for the children who live in the settlement. Although they speak Albanian, only 22 of them go to school in the southern, Albanian part of the city, which is also where their quarter is located. 290 children, on the other hand, are taken by bus every day to the Serbian northern part, where there are classes for Serbian children in the morning, and for the Roma children in the afternoon. The children speak Albanian at home, Serbian at school and are taught both languages at the centre by a teacher hired from the northern part of town. “But neither the north nor the south holds a future for them,” says Avnora Tahiri, “like everyone here, they will one day be collecting plastic bottles.” She reports that unemployment in the quarter is at one hundred percent. Not a single Rom holds a public service job. As the director confirms, many Roma from the settlement left for Germany in 2015, and many returned in 2017. URA, the BAMF-funded programme for returnees, paid 200 euros per family and provided furniture. In addition, Diakonie Deutschland, the social services organisation of the Protestant Church, disbursed 150 euros per family and supplied firewood. “Furthermore, it offered various courses, which earned those who completed them certificates, but no jobs,” Tahiri states.

*One of these returnees is **Irfan Krasniqi**, now aged 31. Together with his wife, he joined the great exodus to Germany in early 2015, travelling legally to Serbia, then illegally crossing the virtually unguarded border into Hungary, proceeding on to Munich and northwards from there. In Dortmund, the couple were picked up by police officers. They requested asylum, were registered and assigned to the initial reception centre in Bramsche near Osnabrück. There, three couples – one Syrian, one Albanian and a Roma couple – slept in a single room. For six months. He would have liked to work, Irfan says, to avoid being a financial burden to the German state. “I was young, after all, but we weren’t allowed to.” They were not granted asylum. So they brought an action against the decision and moved to Nienburg near Hanover. “There were Syrians living in the same house, and I got on well with them,” he says, “the Germans, on the other hand, didn’t even answer when I greeted them.”*

He stayed in Nienburg for five months, until the day when, whilst he was visiting his aunt in the town of Rehburg 20 kilometres away, two plainclothes policemen rang the doorbell at 5 a.m. They told him to come with them, stating that his residence permit needed renewal. It had previously been renewed for three months, once again for two

Irfan Krasniqi



months and finally for another two weeks. Irfan was not permitted to call his lawyer, whom he paid 50 euros each month out of his welfare allowance. On December 5, 2015 – his birthday – he was brought to a police bus, handcuffed (“as if I was a terrorist”) and put him on a plane to Pristina. From there, he made his way to Mitrovica, where he initially stayed with his brother. It was winter. He had nothing. URA then gave him 200 euros and furniture for his home. Today Irfan tutors fourth- and fifth-graders, three hours a day, five days a week. And this earns him 100 euros per month. “A judicial decision on my asylum application,” he says, “was never issued to me.”⁹⁴

Anyone forcibly repatriated is subject to a re-entry restriction for a period of five years at the most (in the case of a deportation in connection with an offence or felony, the term can be extended to up to ten years). If the return is voluntary, the re-entry restriction is not to exceed one year. But just because the restriction has been lifted does not mean that re-entry is possible. The fact of the matter is that Kosovo – apart from Russia and Belarus – is the only country in Europe whose citizens need a visa for the Schengen area. This has caused much bitterness in Kosovo.

Waiting for a Schengen visa

Citizens of Bosnia-Herzegovina, Serbia, Albania, Moldavia, and even of Ukraine and Georgia, the latter already being part of Asia geographically, are permitted to enter Germany (and the Schengen area) without a visa – only the Kosovans are not. Talks between the European Commission and Kosovo concerning visa liberalisation have been going on since 2012. Travelling to Kosovo in February 2018, Commission President Jean-Claude Juncker cited the ratification of the border agreement between Kosovo and Montenegro as the most important point, as this was what visa liberalisation depended on. Similar comments were made by EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, and the EU’s Special Representative for Kosovo, Nataliya Apostolova.⁹⁵ While the two countries’ governments had already settled the dispute over an uninhabited, 100-square-kilometre area in the high mountains at the West Balkans Conference in Vienna in August 2015 and signed a border agreement, the nationalists, who did not want to lose a single speck of the contested terrain, continuously blocked the two-thirds vote required for ratification by the Kosovan parliament.

When this majority was finally obtained in March 2018, the EU Commission confirmed in July 2018 that Kosovo had “fulfilled both remaining requirements for visa liberalisation, namely the ratification of the border consolidation agreement with Montenegro as well as achieving further progress in combating crime and corruption, and therefore meets all benchmarks of the roadmap for visa liberalisation.”⁹⁶ The

94 The conversations with Avnora Tahiri and Irfan Krasniqi took place on 18.12.2018 in Mitrovica.

95 See <http://www.ecmikosovo.org/uploads/002.English.pdf> (retrieved on 30.01.2019).

96 Cf. http://europa.eu/rapid/press-release_IP-18-4562_de.htm (retrieved on 30.01.2019).

European Parliament voted in favour of visa liberalisation in September 2018. Since then, the only thing missing has been the assent of the European Council, whose approval must be given by a qualified majority.

And this is where the rub is. First and foremost, it is France, where the Albanians have become the largest group of asylum seekers, but also the Netherlands and Austria that are putting on the brakes. In the course of the three years that it took Kosovo to ratify the signed agreement with Montenegro, the mood has shifted. In the wake of the so-called refugee crisis, the political right with its anti-migration stance has received a boost in many places. And thus, for the time being, the Kosovans – in contrast to the citizens of all the other Western Balkan countries – must still apply for a visa if they want to visit friends, study or work in Germany.

There is no right to an entry visa. But anyone can request it. Those applying at the German embassy in Pristina for a Schengen visa, which is valid for a maximum of 90 days, must appear in person and – as detailed on the embassy's official website – expect a four-and-a-half-month wait for an appointment, ten and a half months for a family reunification visa, and even "more than one year" for a work visa (appointments for a work visa under the "Western Balkan Regulation" were offered in mid-January 2019 to persons who had enquired in August 2017!).⁹⁷ A work visa according to the Western Balkan Regulation requires a binding job offer by an employer in Germany for an open position that cannot be filled by a German or EU citizen. Perhaps there are employers who will make such a commitment a year and a half in advance. It is certainly not the norm.

The waiting periods are shorter for anyone wanting to travel to Germany for a vocational training programme or course of study. These persons receive an appointment within as little as one month. Likewise, the waiting period for a Blue Card is only a few weeks. This was introduced to attract highly qualified skilled labour to Germany. The prerequisites are a university degree that is recognised in Germany and a job contract or proof of a binding job offer with a minimum gross salary of 52,000 euros, or 40,560 euros for natural scientists, mathematicians, engineers and doctors.

The other emigration

Germany needs doctors. According to the Medical Association, almost 2,000 physicians left Germany in 2017 to work abroad, particularly in the high-wage environment of Switzerland.⁹⁸ Kosovo is supplying the replacements. "From April to December 2018 alone, 110 doctors emigrated from tiny Kosovo," says Blerim Shela, "one every other day. Most of them go to Germany – many ostensibly to specialise – and then don't return."⁹⁹ The 52-year-old gynaecologist is the head of the healthcare workers' union. 400 doctors left Kosovo between 2013 and 2018, and the pace has accelerated rapidly in recent months. At this point, the average age of the doctors who have stayed

97 See <https://pristina.diplo.de/xk-de/service/faq/1692116> (cf. menu item: "How long must I wait for an appointment?") (retrieved on 12.01.2019).

98 See https://www.bundesaerztekammer.de/fileadmin/user_upload/downloads/pdf-Ordner/Statistik2017/Stat17Tab13.pdf (retrieved on 28.01.2019).

99 Conversation with the author on 18.12.2018 in Pristina.

is 58. The migration is having an impact on the country. In Kosovo there are 1.4 doctors per 1,000 inhabitants; in the EU, the figure is three times as high.

Healthcare provision in Kosovo is in decline. “We need 5,000 more employees in the healthcare sector,” according to Shela, “but the state has no money to pay them. There are nurses without a job, but there is no money to hire them.” After 26 years of working – 24 of these as a specialist – the gynaecologist only earns a meagre 635 euros per month. The starting salary for physicians is 500 euros. Therefore, almost all of the doctors augment their hospital jobs by working on the side as private physicians. For cash – because to this day, there is no health insurance in Kosovo, even though Shela’s union has been fighting for it since 2004. “Everyone wants to leave,” he concludes. He does not condone it. But he understands the reasons for it.

In December 2018 the governing coalition in Berlin agreed on an immigration law which will permit not only highly qualified academics, but also skilled personnel in crafts and industry to enter the country to work, as trade associations have been demanding for some time. This law has not yet been passed. But Kosovo is prepared. Private schools offering German classes have sprung up like mushrooms everywhere. The Goethe Centre in Pristina, precursor to a future Goethe Institute, provides the opportunity to sit examinations that are recognised in Germany. There are language institutes that offer courses along with job placement for nursing positions in Germany upon completion of the programme. The private vocational school Heimerer has 14 campuses: in 13 German cities and in Pristina. It offers training programmes for nurses, speech therapists, nursing care teachers, occupational therapists and health managers. In Pristina the curriculum also includes German lessons in addition to the job-related classes.

With its approach, the school is acting in anticipation of the German Health Minister’s plan. In late November 2018, Jens Spahn proposed finding cooperation partners for nursing schools abroad. The future specialists are to learn German while still in their home country. Ideally the students should “then be able to start work in Germany directly after finishing their training.” Kosovo, Macedonia, the Philippines and Cuba are named as potential partner countries for such cooperation.¹⁰⁰ This probably would even be cheaper than a project like the one successfully run by Diakonie Württemberg since 2015 in which up to one hundred Kosovan geriatric nursing specialists receive vocational training in Germany each year and are also placed in employment. First, the trainees learn German in Kosovo and take courses in intercultural competence, before travelling legally to Germany on a work visa to enrol in a three-year vocational training programme.

Meanwhile, more students at the University of Pristina are enrolled in German studies than English language and literature. “With a diploma in German, it’s a fairly safe bet that you will find a job,” says German studies professor Blerta Ismajli. “Many of my students are Kosovans who have returned from Germany and find a job in the international community after passing their exams.”¹⁰¹ There is UNMIK (United

100 See https://rp-online.de/politik/deutschland/pflegenotstand-spahn-will-pflegeausbildung-im-ausland-foerdern_aid-34791637 (retrieved on 29.01.2019).

101 Conversation with the author on 22.12.2018 in Pristina.

Nations mission), EULEX (European Union Rule of Law Mission), NATO, where local staff members might benefit from knowing German. GIZ has 136 local employees. In the developing country of Kosovo, there are hundreds of active NGOs that appreciate people with German language skills – and there is a need for hundreds of German teachers: as of September 2017, German is part of the curriculum at every school in Kosovo from 6th grade onwards.

While thousands are returning to Kosovo under the threat of deportation, either “voluntarily”, or as the case may be, in handcuffs, thousands of others are managing to make the leap to Germany. In 2017 alone, 4,963 Kosovans met the requirements for legal entry to pursue a job opportunity, 5,120 entered for the purpose of family reunification. In 2016 there had still been 17,031 Kosovans who left Germany and 13,679 arriving, i.e. more emigrating than immigrating. 2017 saw a reversal of the trend, with now only 8,295 Kosovans emigrating versus 16,736 immigrating.¹⁰² This shows the great wave of people returning to be subsiding somewhat while immigration is on the rise again.

There certainly are some positive aspects of this emigration for Kosovo. “Remittances from Kosovans abroad to their families back home officially amount to approximately 100 million euros annually,” says Safet Gerxhalliu, who was president of the Kosovan Chamber of Commerce from 2010 until October 2018, “while in actual fact, it is probably closer to 1.5 billion, as only part of the money is transferred through banks and a greater portion is taken along by people on home leave or handed over to friends or acquaintances.”¹⁰³ This money primarily feeds into consumption, affording many Kosovans at least a moderate standard of living, but creates hardly any new jobs at all. That can also have a demotivating effect. Why work for an average wage of 400 euros, or even for a minimum wage 200 euros, when your brother or uncle will transfer 400 euros from Germany every month? On the other hand, it is evident that the remittances are bound to decrease as it becomes more important to third-generation immigrants to start families of their own in Germany and to build a future for themselves rather than support the relatives who have stayed behind.

What will impact Kosovo negatively is the brain drain caused by the emigration of a well-trained, highly qualified workforce that would be needed at home to generate economic momentum in Kosovo and create new jobs in sufficient numbers. Much would be gained if the emigrants who go to Germany for vocational or advanced professional training envisioned a future for themselves in Kosovo. Often it is simply the extreme income disparities that preclude this. Then again, many Kosovans abroad are scared off by the corruption and nepotism prevalent in the Kosovan administration, keeping them from applying their know-how to drive progress in their home country or even investing in Kosovo. “Direct investment in Kosovo has been declining for four years,” Safet Gerxhaliu points out, and continues: “As long as the regulatory framework is inadequate, there will not be any major investment activity. Neither the Kosovans nor the foreigners want to invest in a country that is politically unstable.”

102 Cf. http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2017.pdf?__blob=publicationFile (pp. 77, 82) (retrieved on 27.01.2019).

103 Conversation with the author on 21.12.2018 in Pristina.

No shots need to be fired. A small measure of instability often is all it takes to scare off potential investors. In the summer of 2018, Aleksandar Vučić and Hashim Thaçi, the presidents of Serbia and Kosovo, publicly considered a territorial exchange for the purpose of “ethnic consolidation”: Preševo Valley with its Albanian population in the south of Serbia in return for Serb-inhabited northern Kosovo. This counterproductive proposition, whose implementation would almost certainly have provoked a destabilisation of Bosnia-Herzegovina, where the Serbian entity is entertaining the idea of integration with the Serbian state, instantly created new tensions. When Vučić wanted to visit a Serbian village in Kosovo, he was met with burning barricades.

In November the Kosovan government imposed a duty of one hundred percent on all imports from Serbia and Bosnia-Herzegovina – because both states have not recognised Kosovo’s independence and prevented it from joining Interpol. This was a gross violation of the Central European Free Trade Agreement (CEFTA) and immediately caused Serbian exports, in particular, to drop dramatically. In December, Kosovo made the decision to build up an army of its own, whereupon Vučić did not want to rule out a military intervention by Serbian troops in northern Kosovo. On both sides, nationalist forces often undermine what is already difficult communication.

“Without political stabilisation, there is no economic development,” says Gerxhaliu, “and economic development requires open borders. Kosovo is too small a market. Investors think of markets on a regional scale. But when I need to go to Serbia, I have to remove my car licence plate at the border and put a Serbian-issued document written in Cyrillic behind my windscreen. And for Bosnia, we need a visa that we have to obtain in Skopje (Macedonia), Tirana (Albania) or Podgorica (Montenegro) because there is no Bosnian embassy in Pristina. Nobody can plan like that.”

The EU concluded a Stabilisation and Association Agreement with Kosovo in October 2015. It is a prerequisite for talks on accession to the EU to begin. However, there will not be any accession talks unless the historically charged relationship between Serbia and Kosovo is resolved. And without the prospect of membership, a Kosovo that is completely dependent on foreign economic aid will not see the kind of sustained economic development that creates jobs.¹⁰⁴ Until then, Germany will probably continue being a Kosovan dream.

104 In 2017, imports totalling approx. 3 billion euros stood in contrast to exports amounting to roughly 0.4 billion euros.

THOMAS SCHMID

Reintegration under the Pressures of Stabilisation – Return to Tunisia

Until 2011, the German view of Tunisia was primarily that of a tourist's paradise. Each year nearly half a million Germans sunbathed on the beaches of Djerba, Sousse and Monastir, took in the Arabian scents of the souks in the Medina of Tunis and visited the ruins of ancient Carthage. The fact that president Ben Ali's Tunisia was a police state with a democratic facade,¹⁰⁵ where political prisoners were systematically tortured, all media were state-aligned and a huge army of informers controlled every stirring of society, was hardly noticed at all by the German public. And European politicians turned a blind eye to it. Tunisia was the first state of the Maghreb to conclude an Association Agreement with the EU, which took effect in 1998. It was the first Maghreb state to sign an action plan as part of the newly introduced European Neighbourhood Policy in 2004. And the country's long-term dictator, Ben Ali, had good reason to hope that Tunisia would still be granted "Privileged Partnership" status in the summer of 2011 – "due to further progress made in terms of democracy, human rights and good governance," according to the EU Commission's assessment of the dictatorship.

However, the summer of 2011 was preceded by the spring of 2011, and a popular uprising saw Ben Ali flee into exile in Saudi Arabia. The Arab Spring, which began in Tunisia, shook the entire Arab world. In Egypt, the dictatorship of Mubarak was overthrown and soon replaced by one that was even worse, Libya descended into chaos, Syria into a war that has left approximately half a million people dead. Tunisia is the only country where the transition to democracy was successful. There is now a democratic constitution, a parliament and president chosen in free and fair elections, a free press, and an end at least to systematic torture in the prisons and police stations.¹⁰⁶

105 Zine Abidine Ben Ali, having taken office as prime minister a mere five weeks prior, had in 1987 presented seven medical expert opinions as grounds to have Habib Bourguiba, Tunisia's first president since its independence in 1956, declared unfit for office, and subsequently assumed the presidency himself. This action entered the annals as the "medical coup d'état". Ben Ali was elected president in 1989 ostensibly claiming 99.27 percent of the votes, as much as 99.91 percent in 1994, 99.45 percent in 1999, 94.49 percent in 2004, and settling for 89.28 percent in 2009.

106 Numerous breaches of the ban on torture still occur. They are not systematically penalised (further elaboration below).

The route across the sea

Tunisia has achieved the transition; nevertheless, the number of Tunisians clandestinely getting onto boats to make the passage to Lampedusa or Sicily has recently increased sharply: while Italy registered only 569 Tunisians who entered the country illegally in 2015 and only 820 in 2016, the number jumped to 6,151 in 2017 and again to 6,006 for the first eleven months of 2018.¹⁰⁷ Add to that an indeterminate number of migrants landing in Sicily unnoticed and unregistered. Romdhane Ben Amor, press officer of the Forum Tunisien pour les Droits Economiques et Sociaux (FTDES), a Tunisian NGO that addresses the issue of flight and migration, estimates that perhaps as many as 10,000 Tunisians made it to Italy across the Mediterranean last year.¹⁰⁸ And likewise, those who have drowned at sea usually do not appear in any statistic. However, the crossings from Tunisia are far safer than those that originate in Libya, not just because the distances to the coast on the other side are shorter, but mainly because most of the boats that depart from Tunisia are much more seaworthy.

In 2018 roughly the same number of Tunisians made it across the sea as in 2017. Yet at the same time, the Tunisian coast guard became significantly more efficient. While only 3,178 migrants were apprehended in 2017, the figure more than doubled in the first eleven months of 2018 alone, totalling 7,046.¹⁰⁹ Thus, more people were intercepted than managed to cross and be registered in Italy. Article 13 of the UN's Universal Declaration of Human Rights states: "Everyone has the right to leave any country, including his own, and to return to his country." But the Declaration (which is not binding under international law) was written in 1948. At the time, many communist dictatorships did not allow their citizens to leave the country, even though the West would have received them. Today states like Tunisia prevent many citizens from leaving because the destination states, on whose economic aid they depend, will not let them enter. To the prospective emigrants, this difference is secondary. The fact of the matter is: the world is not open to them.

While in Libya it is mainly migrants from sub-Saharan Africa boarding the boats, on the shores of Tunisia, more than nine out of ten of those leaving are Tunisians. Of the migrants picked up by the Tunisian coast guard in 2017, only nine percent were foreign nationals, mostly sub-Saharan Africans.¹¹⁰ Irregular emigration of Tunisians in 2017 was seven and a half times higher than in the preceding year. This was the highest level since the Arab Spring in 2011, when the Tunisian border regime had collapsed completely and around 30,000 Tunisians¹¹¹ seized the opportunity to get away by sea – among them most likely many who had served the dictatorship as informers, and who now, either out of shame or fear of revenge, did not want to show their face in their towns and villages again.

107 Information contained in the 2018 annual report of the Forum Tunisien pour les des Droits Economiques et Sociaux (FTDES): <http://ftdes.net/rapports/stat.migration2018.pdf> (retrieved on 28.02.2019).

108 Conversation with the author in Tunis on 08.02.2019.

109 FTDES 2018 annual report: <http://ftdes.net/rapports/stat.migration2018.pdf> (retrieved on 28.02.2019).

110 FTDES 2017 annual report: <http://ftdes.net/rapports/fr.abs.emigration2017.pdf> (28.02.2019).

111 Frédéric Bobin: La détresse sociale en Tunisie à l'origine d'une nouvelle vague d'émigration, in: *Le Monde*, 24.04.2018.

The fact that six years after the Arab Spring the number of irregular emigrants jumped up and has since remained at an elevated level, is primarily attributable to the economic situation and disenchantment with a political elite that has not succeeded in presenting the young generation with a positive outlook on the future. Economically, the vast majority of Tunisians are worse off today than under the dictatorship. While the economy after two meagre years showed a renewed growth of 1.9 percent in 2017¹¹² and even 2.8 percent in 2018,¹¹³ real wages have fallen drastically – from the equivalent of 290 euros on average in 2011, the year of the revolution, to 223 euros in 2017.¹¹⁴ But first and foremost, the unemployment rate remains persistently high at 14.8 percent, and even 31.9 percent among younger people with a college degree or technical school certificate.¹¹⁵ The general statement can be made: the higher the level of education, the higher the unemployment rate.

The situation is most dramatic in the places where the Arab Spring began: in economically deprived areas, especially in the interior and the border regions with Algeria and Libya. That is where unemployed youths, often well-educated, took to the streets and revolted – for work, freedom and “*karama*”, a term that roughly translates as “dignity”. The opposite of “*karama*” is “*hogra*”, humiliation, debasement. It is humiliating to be helpless in the face of police harassment or the arbitrary whims of corrupt officials. The protagonists of the uprising did not intend to start a revolution, but simply wanted to be able to lead normal lives: work, have a family, build a future for themselves. The “Jasmine Revolution”, which in four weeks swept away a dictator who had ruled for 24 years, cost 338 lives. The highest price was paid by Kasserine, with more than 50 dead. The town is located 300 kilometres south-west of Tunis, not far from the Algerian border. Today, unemployment in Kasserine is at 22.7 percent, and 46.9 percent among young people with a degree.¹¹⁶ The revolution did not pay off for its protagonists.

It is therefore no coincidence that Tunisia, now a democracy, is the country from which, relative to its total population, more recruits joined ISIS than from any other country. Many of them came from the area around Kasserine and Kef, where some 200 Islamists have for years clashed repeatedly with army and national guard units. For many, the alternative to ISIS and Al-Qaeda, both of which have their Tunisian branches in the border region with Algeria, and to twiddling their thumbs in the forgotten province, goes by the name of “*Harraga*”. This is what the people are called who board the boats on the coast to get to Europe. *Harraga* is a word derived from the Arabic verb for “burn”. *Harraga* are those who burn their personal documents so as not to be identifiable.

112 According to Statista (German online portal for statistics): <https://de.statista.com/statistik/daten/studie/348639/umfrage/wachstum-des-bruttoinlandsprodukts-bip-in-tunesien/> (14.02.2019).

113 Frédéric Bobin: La Tunisie au bord de la crise de nerfs sociale, in: *Le Monde*, 04.01.2019.

114 Handelsblatt, 07.07.2018: <https://www.handelsblatt.com/politik/international/migration-anreize-statt-zwang-wie-deutschland-tunesier-zur-freiwilligen-rueckkehr-bewegen-will/22777814.html?ticket=ST-1605-CIF1m90wXiqK2n2dMgk-ap5> (14.02.2019).

115 Frédéric Bobin: La Tunisie au bord de la crise de nerfs sociale, in: *Le Monde*, 04.01.2019. High unemployment among young people with a degree is also attributable to the existing qualification mismatch between the educational offering and actual demand in the labour market. Many young people search for a secure position in public service. Manual professions are generally considered less prestigious.

116 *Ibid.*

Up until 1986 there were no *Harraga*. Anyone looking for a job in their own country and unable to find one could legally travel to France without a visa. Many Tunisians came as guest labourers to the *banlieues* of Paris, Marseille or Lyon, and stayed. A Tunisian community formed, in which new emigrants quickly found people to turn to. Tunisia had been a French protectorate for 75 years before gaining independence in 1956. In Tunisia, French language classes are mandatory to this day. That is why France remains the preferred destination country for Tunisian emigrants. France is still home to the largest Tunisian expatriate community, followed by Italy, the nearest European country in geographic terms, and – only in third place – Germany.¹¹⁷

Twelve percent of all Tunisians live abroad.¹¹⁸ Their remittances account for nearly five percent of the gross domestic product (GDP).¹¹⁹ In addition to this, there is the money brought in by friends and relatives which does not appear in any statistic, as well as cash in foreign currencies left in the country by hundreds of thousands of Tunisians on home leave. Economically, this is certainly more than a marginal amount, and many Tunisians would not get by without these transfers from their relatives. Migration – be it regular or irregular – is part of most Tunisians’ experiential background. Practically everyone has relatives abroad, or may him- or herself have emigrated and returned.

Migration to Tunisia

And besides that, a fact often forgotten today is that there was a long-lasting migration in the opposite direction. As early as the 19th century, thousands of Italians seeking jobs in farming and mining immigrated to Tunisia. When the country became a French protectorate in 1871, it was home to a mere 708 French residents, but to 18,914 Italians.¹²⁰ And at the outbreak of the Second World War the Italians in Tunisia numbered approximately 150,000.¹²¹ Even in 1956, when Tunisia gained its independence, some 66,500 remained.¹²² And there are still some fishermen living in Lampedusa who in their younger years made a living as foreign workers in the fish factories on the Tunisian coast. Tunisia is also where many Italians found political asylum: free-

-
- 117** According to the Tunisian foreign ministry, registers at the respective consulates for 2014 showed 728,094 Tunisians living in France, 197,160 in Italy and 94,536 in Germany, <http://www.leaders.com.tn/article/19702-ces-tunisiens-dans-le-monde-qui-sont-ils-ou-resident-ils> (retrieved on 01.03.2019). The figures include Tunisians with dual citizenship naturalised abroad. According to the German Federal Statistical Office, there were 24,453 Tunisians in Germany in 2012 and 34,140 in 2017. Dual citizens are not included in these figures. Holders of a German passport are no longer listed in the Central Register of Foreign Nationals. <https://www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/MigrationIntegration/AuslaendBevoelkerung2010200177004.pdf> (01.03.2019).
- 118** According to the Centrum für internationale Migration und Entwicklung (CIM): <http://files.returningfromgermany.de/files/Deutsch-Tunesisches%20Zentrum.pdf> (15.02.2019).
- 119** According to Statista: <https://de.statista.com/statistik/daten/studie/952925/umfrage/anteil-der-rueckueberweisungen-inflow-am-bruttoinlandsprodukt-tunesiens/> (15.02.2019).
- 120** J.-F. Martin: *Histoire de la Tunisie contemporaine. De Ferry à Bourguiba. 1881-1956*, Paris 2003, p. 132; quoted from: Marinette Pendola, *Gli italiani di Tunisia. Storia die una comunità (XIX-XX secolo)*, Perugia 2007, p. 21.
- 121** J. Bessis: *La Méditerranée fasciste. L'Italie mussolinienne et la Tunisie*, Paris 1981, p. 15; quoted from: Marinette Pendola, *Gli italiani di Tunisia. Storia die una comunità (XIX-XX secolo)*, Perugia 2007, p. 25.
- 122** N. Pasotti: *Italiani e Italia in Tunisia, Tunis 1970*, p. 166; quoted from: Marinette Pendola, *Gli italiani di Tunisia. Storia di una comunità (XIX-XX secolo)*, Perugia 2007, p. 25.

masons and anarchists in the 19th century, and numerous anti-fascists in the time of Mussolini's rule.

In recent years, too, many foreigners have migrated to Tunisia – mainly from the south. When the insurgency against Gaddafi led to war in Libya in 2011, the people who then fled across the border to Tunisia within not even a year included not only 137,000 Tunisians who had often spent many years in the neighbouring state as guest labourers, but also more than 200,000 foreign nationals,¹²³ among them citizens of third countries such as Egypt, Bangladesh, Chad and Sudan, who had found work in Libya and subsequently soon returned to their home countries. But there were also some 70,000 Libyans who escaped to their western neighbour. How many Libyans live in Tunisia today is a highly disputed issue; their number is likely in the hundreds of thousands. Most of them live in the greater Tunis area, in the major towns along the coastline and on the island of Djerba.

Libyans can enter Tunisia absolutely legally without a visa for a three-month period. Others make an irregular crossing somewhere along the Libyan-Tunisian land border which extends roughly 500 kilometres through the desert. The latter are mostly sub-Saharan Africans. If they are encountered by the army or the police, they are transferred to one of the four houses¹²⁴ – all of which are former student dormitories – rented by the Red Crescent Society in Medenine, a town in the south of Tunisia, or to the recently opened reception centre in the nearby seaport of Zarzis.

*Abdelmajid Khamyès is one of them.*¹²⁵ *He is from Darfur, a region in western Sudan. The country's president, Omar al-Bashir, against whom an arrest warrant was issued by the International Criminal Court and who was ousted in April 2019, had been waging a relentless war against the rebellious province since 2003. When the Janjaweed, the dictatorship's notorious horseback militia that spread terror throughout the region, attacked his village five years ago and killed his brother, Khamyès, only 15 years old at the time, fled to Khartoum, Sudan's capital. Here, he worked on a garbage dump for three years and also attended school, until he was taken in by the police. He was held for three months in an underground jail operated by the secret service. A scar at the root of his nose tells of the abuse he suffered there. When he was released in June 2017, he paid a driver 800 US dollars to take him to the city of Asswan in Upper Egypt. From there he took a bus to Cairo, where he stayed for ten days until he found a trafficker who drove him to the eastern Libyan seaport of Tobruk for 1,500 Egyptian pounds (about 75 euros). Here, the horror began. Khamyès along with 200 other persons was locked up in a warehouse guarded by militiamen, and soon thereafter taken to a dungeon in Ajdabiya, also in eastern Libya, where for over a thousand captives, there was*

123 Katharina Natter: Revolution and Political Transition in Tunisia: A Migration Game Changer?, 2015, <https://www.migrationpolicy.org/article/revolution-and-political-transition-tunisia-migration-game-changer/>

124 According to the IOM, one of them is due to be closed in mid-April 2019, <https://reliefweb.int/report/tunisia/communiqu-fermeture-du-foyer-d-h-bergement-de-migrants-et-demandeurs-d-asile-al-hamdi>

125 The following account of his flight is based entirely on the statements made by Abdelmajid Khamyès in a conversation with the author in Medenine on 02.02.2019. While the information provided was not verifiable, it appears thoroughly plausible.

neither night nor day. From time to time he was beaten up by militiamen who wanted money. Others were tortured. Finally, he was brought to Tripoli, where he and 54 others boarded a boat and proceeded out to sea until the boat's inflatable tube ruptured. A fishing boat rescued 12 survivors and brought them ashore – to Az-Zawiyah and a prison surrounded by militia posts. En route to a forced labour deployment, he managed to escape. He made it to nearby Tripoli, where he found work on a construction site.

Once Khamyas had saved up 1,900 Libyan dinars (1,200 euros), he travelled east towards Misrata and got on a fishing boat with 140 other refugees, only to be intercepted by the Libyan coast guard after just two hours. He was taken to a storage building near the harbour town of Al Khums. "The UNHCR came by once a week and brought soap and food," Khamyas reports, "when the UNHCR came, the abused captives were hidden away, and nobody dared tell the UNHCR about it." After more dreadful experiences in two more prisons he was able to escape once more. He made his way through the desert to Tunisia, where he was arrested by border guards.

Khamyas now lives in Medenine under the care of the Red Crescent, along with approximately 600 other refugees and migrants. He has no way of contacting his family in Darfur, as they have neither a telephone nor access to the Internet. One brother was killed by the Janjaweed. He does not know whether his other three siblings or the eight half-siblings, the children of his father's other two wives, are still alive. "And probably even more brothers and sisters have been born in the meantime," says Khamyas, who is now 20. He fled five years ago.

Most of the people in the Medenine refugee centre crossed the land border illegally. Some were shipwrecked at sea and rescued by the Tunisian coast guard. A small minority had worked in Libya and subsequently entered Tunisia legally – for example, the Senegalese, who do not need a visa to travel to Tunisia – and requested asylum. All of them, with the exception of pregnant women, the sick and those with special needs, are permitted to stay for a maximum duration of 60 days, after which they must leave. "Roughly 30 percent accept a voluntary return to their country of origin, paid for by the International Organisation for Migration (IOM)", as Mongi Slim¹²⁶, regional head of the Red Crescent Society, explains. "People who are recognised as refugees by the UNHCR and cannot find a host country are the ones whom the Red Crescent tries to help integrate in Tunisia. Migrants not eligible for protection must leave the camp. It is left up to them to decide whether they want to fend for themselves in Tunisia or attempt to get to Europe by sea." They are simply left to their own devices. Tunisia, a state which, incidentally, knows neither a foreign nationals act nor asylum law, does not deport anyone.

126 Conversation with the author on 02.02.2019 in Zarzis.

Tunisians in the lead

This does not apply to Italy. Here, deportation is rather commonplace – “*rimpatriato*” (“brought back to the home country”) being the Italian officialese moniker. The number of migrants from Libya and Tunisia taking the central Mediterranean route to Italy dropped to 23,485 in 2018 (it had been five times higher in the preceding year!). This is undoubtedly a (questionable) result of the restrictive immigration policy pushed through by Matteo Salvini, Italy’s far-right interior minister. However, while Tunisians in 2017 still ranked eighth among those registered as irregular migrants, they topped the list in 2018 – ahead of Eritreans and Sudanese.¹²⁷ In 2017, Italy and Tunisia concluded an agreement which allows the deportation of 80 Tunisians per week in two flights. 2,193 Tunisians were deported from Italy in 2017.¹²⁸ Yet nearly three times as many arrived in Italy during the same year. The figures for 2018 are likely to be on a similar scale. Salvini, having made a campaign pledge in January 2018 to deport half a million migrants within five years, was unsuccessful in his attempt to effect higher quotas from the Tunisian government, which, for that matter, is cooperating very well in the repatriation effort.

Italy is also the gateway through which numerous Tunisians have come to Germany. One of them was Anis Amri, who drove a stolen lorry into a crowd of visitors at the Christmas market on Breitscheidtplatz in Berlin on 19 December 2016, killing eleven people. Amri, born in 1992 and raised in very poor conditions in the Tunisian interior along with five sisters and three brothers, boarded a boat during the Arab Spring and landed in Lampedusa. Sentenced to four years imprisonment in Sicily for physical assault and arson, he radicalised himself in jail. Following his release in 2015 he travelled via Switzerland to Germany, where he requested asylum several times using different names and fraudulently obtained welfare benefits in multiple instances. Soon classified as a potential threat (the term used in German parlance literally translates as “endangerer”), the German authorities wanted to deport him. Because his documents were incomplete, the Tunisian authorities, however, did not recognise Amri as a Tunisian citizen and refused to provide him with a substitute passport. It was only after additional papers had been subsequently submitted that the Central Aliens’ Registration Office in Cologne responsible for Amri’s case received a letter from the Tunisian Consulate General indicating the prospect of a substitute passport being issued. That was two days after the deadly attack.

Certainly, many mistakes were made in the Amri case. Warnings went unheeded, cooperation among the authorities was lacking. The attack could probably have been prevented. And when this became known, officials manipulated files to cover up the authorities’ failure to thwart it. Despite all these scandals, the Amri case also shows

127 While in 2017 nearly twice as many migrants came to Europe via the central Mediterranean route as on the western (Morocco-Spain) and eastern (Turkey-Greece) routes combined, in 2018 the western and eastern routes were each used by two and a half times as many as the central route. See Frontex, Risk Analysis 2019: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2019.pdf (28.02.2019).

128 Information provided by the Italian Interior Ministry, cited in The Guardian, 31.01.2018: <https://www.theguardian.com/world/2018/jan/31/interpol-circulates-list-of-suspected-isis-fighters-believed-to-be-in-italy> (28.02.2019).

that in a constitutional state, a deportation is not as easily and promptly executable as right-wing populists would like to see.

The calls for swift deportation grew louder in the wake of the events in Cologne on the night of New Year's Eve 2015. The cathedral square became the scene of hundreds of women being sexually harassed, assaulted and, in some cases, even raped and robbed by men of mostly Maghrebian origin (among them significantly more Moroccans and Algerians than Tunisians). A few weeks later, in March 2016, the residence and asylum laws were tightened. Certain criminal offences, such as assault and battery or crimes against sexual self-determination committed in concurrence with violence, under threat to life or physical condition or with guile, now constitute grounds for a "particularly serious interest to deport", beginning with sentences of one year, even if these have been suspended. Incidentally, this law not only applies to asylum seekers, who indeed accounted for a significant percentage of the perpetrators of the Cologne New Year's Eve incident, but generally to all foreign nationals. However, new legislation notwithstanding, an offender still must be legally convicted before being subject to deportation.

Likewise, a law-abiding asylum seeker can only be expelled after a legally binding rejection of their request has been issued. Given the existing backlog at the courts, this can take a long time if the asylum seeker wants to exhaust all legal avenues. And while an expulsion order that becomes legally binding means that the person is obligated to leave the country, the deportation is often still hampered by obstacles. The person may have gone into hiding or be lacking valid travel documents, or the country of origin may refuse to take the person back.

As at 31 January 2019, a total of 238,740 foreign nationals in Germany were obligated to leave the country, 182,169 of them were tolerated.¹²⁹ Tunisia does not even appear in the ranking of the top 20 states with the highest number of persons subject to expulsion.¹³⁰ At the time, Tunisians obligated to leave may have numbered 1,500 at the most, certainly accounting for less than one percent of all persons obligated to leave the country.¹³¹ Nevertheless, the debate on the deportation of "Nafris" (habitual offenders of North African origin) – a police jargon term soon also adopted by right-wing circles – was rekindled by the Cologne New Year's Eve and Amri's attack on the Berlin Christmas market. Following her state visit to Tunis in early March 2017, German Federal Chancellor Angela Merkel announced that Tunisia had agreed to respond to future identification requests within one month. Germany was to assist

129 Der Spiegel, 02.03.2019. Only approximately half of them were rejected asylum applicants; the obligation to leave the country also applies to tourists whose visa has expired. Toleration is a temporary suspension of the deportation of foreign nationals obligated to leave the country. Tolerated aliens are thus categorically obligated to leave the country. Persons are tolerated, e.g. due to a moratorium on the deportation of certain groups of foreigners or to certain states, due to missing travel documents, pending the completion of a vocational training programme, for medical reasons, because they are caring for sick family members, as parents of well-integrated adolescents.

130 As stated in the federal government's response to a minor interpellation by FDP MPs: <http://dipbt.bundestag.de/doc/btd/19/031/1903150.pdf> (02.03.2019)

131 According to Chancellor Angela Merkel, some 1,500 Tunisians were obligated to leave the country as at March 2017 (<https://www.bundeskanzlerin.de/bkin-de/angela-merkel/terminkalender/reiseberichte/gemeinsam-gegen-illegale-migration-203112>). In following twelve months around 400 Tunisians were deported; in turn, new Tunisians became obligated to leave during the same period.

Tunisia in building a registration system, substitute passports would then be issued within a week. This would expedite the “repatriation” of rejected asylum seekers.¹³² And the number of deported Tunisians indeed soon began to rise. Whereas in 2016 only 116 Tunisians had been “repatriated”, the figure already increased to 251 in 2017. And in the first five months of 2018 alone, another 155 Tunisians were deported.¹³³

The German government had for years tried in vain to conclude a readmission agreement with Tunisia similar to those reached with Morocco in 1998 and Algeria in 2006. Likewise, the EU was unable to forge a deal. The last round of negotiations took place in October 2016. But in the meantime, the federal government’s interest in such an agreement appears to have waned. Answering a minor interpellation by FDP parliamentarians on 3 July 2018, it stated: “In regard to all three states [Tunisia, Algeria, Morocco – the author], however, cooperation on readmission has only seen a lasting improvement in the past two years by virtue of close contacts at the political and technical level, as well as through additional practical arrangements. The momentum of this improvement is no less evident in the non-contractual relationship with Tunisia than it is in relations with the two other Maghreb states with whom we have concluded such agreements.”¹³⁴

Security in the Tunisian homeland

The problems associated with swift deportation to Tunisia – apart from particular cases – tend to lie in Germany rather than in the Maghreb state. This also sheds additional light on the decision of the federal government and the German parliament, the Bundestag, to classify Tunisia, Algeria, Morocco and Georgia as “safe countries of origin”. However, without the approval of the upper house of parliament, the Bundesrat, this resolution will not be enacted, and the Bundesrat is where the federal states governed by coalitions that include the Green Party (except Baden-Württemberg) are (still) blocking the decision.

Germany’s Basic Law as amended by the 1992 “Asylum Compromise” provides that “by a law requiring the consent of the Bundesrat, states may be specified in which, on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists. It shall be presumed that a foreigner from such a state is not persecuted, unless he presents evidence justifying the conclusion that, contrary to this presumption, he is persecuted on political grounds (Basic Law for the Federal Republic of Germany, Article 16a, para. 3).

At first sight, it may appear strange that all three Maghreb states are treated as one block even though the political systems as well as the human rights situation are quite different in the three states. As far as the “general political conditions” are concerned, Morocco is ruled by a king who – as laid down in the new constitution

132 Cf. <https://www.bundeskanzlerin.de/bkin-de/angela-merkel/terminkalender/reiseberichte/gemeinsam-gegen-illegale-migration-203112> (retrieved on 02.03.2019).

133 Cf. <http://www.spiegel.de/politik/deutschland/zahl-der-abschiebungen-nach-tunesien-deutlich-gestiegen-a-1218603.html> (retrieved on 02.03.2019).

134 Cf. <http://dipbt.bundestag.de/doc/btd/19/031/1903150.pdf> (retrieved on 02.03.2019).

of 2011 – retains ultimate control of the executive, judiciary and legislative powers. In Algeria, it is not the state that has an army, but the army that has a state, as the Algerian writer Mohamed Kacimi recently reminded us,¹³⁵ while in Tunisia at least a (semi-presidential) democracy has been established, even if it still is far from being as stable as the democratic system in Germany. This is also one of the reasons why the state of emergency which has been in place since 2015 was extended once again in April 2019.

In terms of the law and inhumane treatment, the situation in Tunisia is certainly better than in the other two Maghreb states. But also in Tunisia – as in most African states –, homosexual acts are punishable, in extreme cases by up to three years imprisonment. 27 prison sentences were imposed on gay people in 2018.¹³⁶ And while torture is certainly no longer practised systematically as it was under the dictatorship of Ben Ali before being toppled by the Arab Spring, torture and abuse are still not uncommon, usually occurring when arrests are made, at the police station or during pre-trial detention. The Tunisian branch of the International Organisation against Torture (OMCT) maintains two centres in the country that offer victims protection, medical and psychological support and legal assistance. “We have helped more than 400 individuals since 2013,” says Gabriele Reiter, head of the OMCT country office, “we have filed 150 lawsuits for torture and ill-treatment – five of which have resulted in prison sentences, most of them for periods of about half a year.”¹³⁷

However, the government’s most important argument for classifying Tunisia as a “safe country of origin” is not a satisfactory human rights situation or tolerance for people whose sexual orientation differs from the majority, but simply one key figure: the recognition rate. From January to November 2018, 174,040 persons applied for asylum in Germany, 657 of whom were Tunisians and thus constituted less than 0.38 percent. And according to the German interior minister, Horst Seehofer, only 1.9 percent of them received a positive reply and were granted protection status.¹³⁸ If Tunisia was to be classified as a “safe country of origin”, the BAMF could generally deny asylum requests by Tunisians as “manifestly unfounded”. An applicant would then have to leave Germany within one week (instead of one month) after being notified of the administrative decision, or file a suit within one week.

The Tunisian government has shown itself cooperative on the issue of taking back irregular Tunisian migrants. However, it flatly refused to allocate Tunisian territory for the “interim storage” of migrants from third countries. The European Heads of State and Government had asked the Commission in June 2018 to explore the possibility of setting up “regional disembarkation platforms” in the Maghreb that could receive refugees and migrants shipwrecked and rescued on the open sea. And there, it was reasoned, international organisations such as the UNHCR or the IOM could

135 Le Monde, 02.03.2019. Whether there would be a successful transition to a democratic system in Algeria following the massive protests against a fifth term for President Abd al-Aziz Bouteflika, and the army placed under political control, was not yet foreseeable at the time of writing.

136 See <http://www.spiegel.de/panorama/justiz/tunesien-homosexueller-zeigt-vergewaltigung-an-und-muss-in-haft-a-1252826.html> (25.04.2019).

137 Conversation with the author in Tunis on 07.02.2019.

138 Cf. <https://www.tagesschau.de/inland/sichere-herkunftsstaaten-113.html> (25.04.2019).

then carry out triage procedures to distinguish between those entitled to protection as political or war refugees and labour migrants (“economic refugees”) to be sent back to their countries of origin.

Tunisia – like Algeria and Morocco – promptly rejected the idea. There is a fear of ending up with the refugees indefinitely, because distributing them across European states will not work – as is already the case –, as well as getting stuck with the migrants, who cannot be returned because their sub-Saharan countries of origin have no interest in taking them back. In October 2018 the President of the European Commission, Jean-Claude Juncker, ultimately backed out. In regard to the establishment of “disembarkation platforms”, Juncker remarked during a joint press conference with the Tunisian prime minister in Tunis: “That is no longer on the agenda – and never should have been.”¹³⁹

Yet the idea of involving the Maghreb states in Europe’s border management, which is increasingly being outsourced to Africa, is still on the table. “Cash-for-migrants” agreements are under discussion, albeit of a different nature than the EU-Turkey deal, and the pressure on transit states to step up their border controls is growing, even if this contradicts the stated long-term goal of the African Union to achieve visa-free travel across the entire continent.

Back from Germany

Germany wants to return Tunisians with an expulsion order to their home country as efficiently as possible. Anyone willing to leave voluntarily may be eligible to have their return flight paid for by the German state and receive reintegration assistance.¹⁴⁰ Moreover, Tunisia helps returnees find work – even if they were forcibly deported and are therefore denied financial assistance. The German-Tunisian Centre, a cooperation between the Tunisian public employment agency ANETI, the German Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Federal Employment Agency initiated in 2017, has taken on the task of counselling returnees and pointing them towards qualification and employment opportunities in Tunisia.

Nabil Bsier is one of the returnees who have gone to the German-Tunisian Centre. He lives in Zarzis, a harbour town located 500 kilometres south of Tunis, not far from the Libyan border. A dozen small fishing boats dot the shallow water along the 20-kilometre beach north of the town. Made of wood or plastic, some are equipped with only one, others with two outboard motors. Early in the morning, at four o’clock and well before sunrise, they take to the open sea. Two hours later – at the break of day – they have long reached international waters. Each boat holds up to 14 people. While the police has

139 See <https://www.euractiv.de/section/eu-aussenpolitik/news/ausschiffungsplattformen-eu-anspruch-und-wirklichkeit/460647/>

140 In 2018 this amounted to 300 euros for each adult and adolescents from the age of twelve and 150 euros for children under the age of twelve (http://files.returningfromgermany.de/files/REAGGARP-Merkblatt%202018_Visa.pdf (04.03.2019)). In 2019 the aid amounts were increased to 1,000 euros per person aged 18 and over as well as per unaccompanied minor, and 500 euro per person under 18, http://files.returningfromgermany.de/files/REAGGARP%20Infoblatt_2019%20mit%20Reintegration.pdf (04.03.2019).

set up several control posts along the unpaved coastal road, there are enough places to hide in the craggy strip of rocks between the road and the sandy beach. And if need be, a banknote will persuade the policemen to turn a blind eye.

This is also where Nabil Bsier began his journey during the Arab Spring. 1,500 dinars, the equivalent of about 770 euros at the time, is what he had to pay for the passage to the island of Lampedusa, which is roughly 250 kilometres away and is Italian territory even though it is situated closer to Tunisia than to Italy. Lampedusa – the gateway to paradise. “Lampedusa” is also the name of a restaurant in Zarzis. Bsier has brought along a thick bundle of papers to our meeting.¹⁴¹ His German AOK health insurance card falls from the stack of documents. It states that Nabil Bsier was born in Zarzis in April 1991.

His father runs a painting business, his mother keeps the bus terminal clean. Both knew he would leave. They did not object to it. “There were 120 of us aboard, nearly all of us young men,” says Bsier, “and back then, the voyage started on big fishing vessels, not in small boats like today.” They went ashore at the port of Lampedusa. Bsier was registered, assigned to a transit camp, and two months later permitted to cross over to Trapani (Sicily), where he worked as a grape-picker. After four months he was given a period of seven days to leave Italy. Bsier entered Switzerland, applied for asylum, was placed in a camp near St. Gallen and was asked to leave the country two months later. He crossed the border by train near Basle, applied for asylum in the first German town – he cannot remember whether it was Lörrach or Weil – and before long was brought to a reception centre in Gießen (Hesse), where he was given a hearing.

Three months later Bsier moved to Neckarstein (Hesse), where he was assigned a small two-room flat which he shared with three other persons who were from Pakistan and Iraq. “There was much conflict,” he recalls, “we were all Muslims, but we came from completely different cultural backgrounds.” After another six months, Bsier moved on to Bensheim (Hesse), where he lived for two to three years. He worked off the books at a kebab shop for six months, and found occasional jobs as a painter. He could have worked legally, but was not able to find regular employment. The social welfare office paid the rent and income support. Finally in 2014, a letter arrived from the Federal Office for Migration and Refugees (BAMF) stating that his asylum request had been denied. By now, he had made many friends in Germany.

The documents Bsier has brought along to our meeting retrace the stations of his odyssey. A paper bearing multiple stamps attests to 13 days of detention for fraudulently obtained social security benefits, or alternatively, a fine amounting to 13 times the day’s rate of 15 euros. A later verdict called for 38 days in jail for drug-related offences, or 38 days at 15 euros. Because he had no money, he was offered the chance to do community work instead of serving his sentence. He began his community service in elderly care, was caught fare dodging on public transport and served the remainder of his sentence in jail in the autumn of 2016.

When Bsier went to get his identity papers extended in Bensheim in January 2017, he was told to wait for half an hour. Then two police officers arrived with handcuffs. After being held for two months in detention pending deportation, he found himself

141 The meeting in Zarzis took place on 01.02.2019.

Nabil Bsier



back in his home country in March – with ten euros in his wallet; neither the German nor the Tunisian border officials discovered the 140 euros he had sewn into his trousers. “The Tunisians probably would have taken half of it away,” he assumes.

He returned to Zarzis, went back to working in his father’s painting business, but completed a training course as a painter and plasterer on the side. Once he has passed the examination in the provincial capital of Medenine, he wants to consult with the German-Tunisian Centre, where he has already appeared in person, and get placed in a business start-up course. He wants to set up his own company. The boats on the nearby beach, he says, are the alternative. His younger brother and sister, too, dream of living abroad – as, in fact, do the vast majority of young people in Zarzis.

Nabil Bsier’s story is one of thousands. Migrants, the nomads of the modern era, often gather more experiences in a few short years than sedentary people are able to acquire over an entire lifetime. One could tell the story of Gasimi Sallah,¹⁴² a man from Zarzis, who worked as a baker in Libya and then at a hotel in France, came back to Tunisia, boarded a ship to Lampedusa and made his way to France once more, finally returned to his home country and used the reintegration assistance provided by the French state to buy a boat which he, in contrast to others, did not sell to traffickers, but used for fishing. Or the story of Wissem Rezgui,¹⁴³ who in his youth sold homemade sandwiches at the Tunis football stadium during half-time breaks, came to Germany via Lampedusa and France, applied for asylum, went underground, ultimately returned “voluntarily” to Tunisia, found a job at a call centre in Tunis with the help of the German-Tunisian Centre, and soon changed over to a different call centre, where it is now his job as an “astrologer” to counsel Swiss pensioners who pay 2.99 Swiss francs (2.60 euros) per minute and have no idea that the person they are talking to is not even in Switzerland but sits in an office in Tunis. The longer they stay on the line, the more money the call centre and the supposed astrologer make. If he works hard, he can earn the equivalent of 200 euros per month. However, Rezgui says he is tired of ripping off naive and trusting retirees, but he has to make a living somehow. With the help of the German-Tunisian Centre, which already supports him and also facilitated his participation in a business start-up programme, he hopes he will soon be able to open his own tobacco kiosk.

120 returnees had turned to the German-Tunisian Centre for assistance in 2018, says its director and GIZ portfolio manager, Aylin Türer-Strzelczyk, and 2,500 Tunisians had visited the jobs and careers fair organised by the Centre, which gave both jobseekers and domestic and international employers the opportunity to communicate directly.¹⁴⁴ The Centre has extended its reach even to remote regions of the country and provides information about its support and advisory services at events held at vocational schools, technical colleges and universities. While its primary aim is to help returnees reintegrate successfully, its services are basically available to all Tunisians. Perhaps a third of those who have come back from Germany contact the

142 Conversation with the author in Zarzis on 02.02.2019.

143 Conversation with the author in Tunis on 09.02.2019.

144 Conversation with the author in Tunis on 06.02.2019.

Gasimi Sallah



Wissem Rezgui



Centre, the other two-thirds directly return to their previous place of work or their previous joblessness.¹⁴⁵

The German-Tunisian Centre not only advises returnees, but also potential emigrants. It points out the dangers of irregular emigration as well as the prerequisites for entering Germany legally. “What Germany is looking for,” Türer-Strzelczyk explains, “are nurses, carers, engineers and hospitality and IT sector specialists, but language proficiency is the reason why many will rather go to France.” Upon request, the GIZ places professionals who have obtained a clinical care degree in Tunisia with private care facilities in Germany. And in Tunisia, German language instructors are now in demand.

The allure of Germany

The German language courses in Tunis are overcrowded. This is not just because of the nursing staff, however. “Tunisian doctors used to prefer to go to France,” says gynaecologist Mounir Youssef Makni, president of Tunisia’s national medical council, “now, Germany is increasingly becoming the destination of choice.”¹⁴⁶ According to Makni, 300 Tunisian physicians migrated abroad between 2013 and 2018 – mainly for specialist training in Germany. In Tunisia, a doctor’s monthly salary amounts to the equivalent of 500 euros at the beginning of their career and tops out at 1,000 after many years of working in a leading position. In Germany, Makni reckons, a Tunisian could earn 4,500 euros even in residency at a hospital.

“At this point, we still have enough doctors,” the gynaecologist continues, “but it could soon get difficult.” In a December 2018 press release, the medical council already warned that “the massive outmigration of physicians exacerbates what is already a precarious situation.” Makni: “Tunisia’s figures for child mortality, life expectancy and healthcare provision are the best in all of Africa.” Since the founding of the state in 1956, he says, no African state had challenged Tunisia’s lead, not even during the dictatorship of Ben Ali. And thus, tens of thousands of Libyans come to Tunisia each year to receive medical care.

Germany is a temptation. Yet Germany also brings jobs to Tunisia. “Since the Arab Spring in 2011, not a single German company has left Tunisia,” says Natascha Boussiga, deputy managing director of the German-Tunisian Chamber of Industry and Commerce in Tunis (AHK), “the number of German enterprises has even marginally increased, but most importantly, the 260 resident German companies have expanded their investment activities.”¹⁴⁷ They currently employ a total staff of 60,000 – the figure was 45,000 in 2011 – mainly in the automotive supply industry, but also in electrical engineering and textile companies.¹⁴⁸ According to a survey conducted by the AHK, the locational advantages German companies especially appreciate

145 How many Tunisians were deported in 2018 was still unclear at the time of writing. Some of the 120 returnees who came to the Centre in 2018 had returned in prior years. It is still too early to assess how many returnees found long-term employment with the help of the Centre.

146 Conversation with the author in Tunis on 05.02.2019.

147 Conversation with the author in Tunis on 06.02.2019.

148 By comparison: There are 1,400 French companies in Tunisia employing 140,000 staff (Le Monde, 01.02.2018)

about Tunisia are its proximity to Europe, competitive manufacturing costs and the exchange rate development. Export-oriented companies in particular benefit from all three of these factors.

The Tunisian education system produces many unemployed academics. The companies, on the other hand, often have to contend with a shortage of qualified specialists. Years ago the AHK in cooperation with the GIZ already established the ‘Centre for Vocational Orientation and Retraining’ to address this discrepancy between the type of qualification offered by the educational institutions and that which the job market demands. Another AHK project, again in cooperation with the GIZ and with a planned launch date in early 2019 is therefore specifically aimed at returnees – at all those with a sufficient knowledge of German, regardless of whether they have been deported or returned voluntarily. “They will receive consultancy services, a profile analysis, retraining if necessary, and then we will try to place them directly with German companies,” Boussiga says, “this can open up a new perspective for this group of people.” In her view, it is certainly worth a try.

Abdeljelil Bedoui,¹⁴⁹ too, is aware of the mismatch between qualifications offered and those in demand on the labour market. “In Tunisia, education is seen as a means of social advancement,” the expert for development policy explains, “but now the elevator is broken, and this is destabilising the state.” In Bedoui’s view, however, the current economic model is not suited to solve the existing problems, generating far too many unqualified jobs and far too few qualified ones. “There should be a targeted effort to develop the sectors that create employment,” he states, “which are agriculture, skilled crafts and trades and construction.”

Since the Investment Act was passed in 1993, however, general tax and customs easements had been applied equally to all sectors, says Badoui, and private banks had stopped loaning money where it would be macroeconomically necessary, namely in the agricultural sector, because this was viewed as being extremely risky. Even the national agricultural bank favoured large-scale industrial plantations which require fewer jobs. Bedoui complains: “The state is no longer investing in the private sector, where jobs are created, but in consumption, to achieve short-term electoral gains.”

Bedoui takes a critical view of the free trade agreement ALECA,¹⁵⁰ over which the EU and Tunisia have been negotiating since 2016. In his estimation, Tunisia is ill-equipped for an opening of its markets to an EU that subsidises its agricultural production and whose productivity is six times as high as that of Tunisia. “Tunisia cannot match that, it will be crushed.” In return for a liberal economic policy, Tunisia expects a liberalisation of the EU states’ visa policies. This in turn raises European fears of new

149 Bedoui advised the Tunisian Association of Trade Unions, UGTT, on economic policy matters for decades and was the first president of the Forum Tunisiens pour les Droits Economiques et Sociaux (FTDES), which he helped to establish and for whose publications he is responsible today. The conversation with him took place in Tunis on 07.02.2019.

150 ALECA stands for “Accord de libre échange complet et approfondi”. The English acronym for the agreement is DCFTA (Deep and Comprehensive Free Trade Area). The last round of negotiations took place in December 2018. Regarding the opportunities and risks of the agreement, see: Bettina Rudloff/Isabelle Werenfels: Vertieftes EU-Handelsabkommen mit Tunesien: Gut gemeint ist nicht genug (SWP-Aktuell, Nr. 62, November 2018, published by Stiftung Wissenschaft und Politik).

waves of immigrants. It is the same old song: Goods should circulate freely, while workers, on the hand, should not.

Whatever one's position on ALECA, the main problem that remains for Tunisia is its high unemployment rate. 100,000 adolescents leave school each year and are faced with a job market incapable of absorbing them. Even 2.8 percent economic growth will achieve little if this growth does not occur in those areas in which new jobs are created, and if – as has been the case in the past several years – the unemployment rate continues to stagnate at a high level despite economic growth. If economic agents informed by a readiness for reforms are met not with political blockade, but with targeted policy support, this can now at best set the course for a long-term development which will ease the unemployment problem over time. There is no short-term remedy for it.

The migratory pressure will persist. Migration can be impeded, reduced. It cannot be prevented. Therefore, it makes all the more sense to regulate it, including opening up new avenues for legal immigration – also with regard to stabilising the only Arab state to achieve a successful transition to democracy after the Arab Spring. Hemmed in between Libya, a largely failed state where tens of thousands of migrants must endure the violence and terror meted out by militias, and Algeria, which faces an uncertain future after the end of the Bouteflika era and is a country that hundreds of thousands of young people would like to leave sooner rather than later, small Tunisia has proven that, contrary to all predictions of doom, democratic development in the Islamic-Arab world is indeed possible. To achieve a stabilisation of the Maghreb and generally of the Mediterranean region, it is therefore very important for Tunisia not to revert to obsolete authoritarian structures of governance. Europa can contribute – also by means of a migration policy not solely dictated by fears, but also informed by Tunisian interests, such as an easing of the restrictions on entry and employment. In that case, a win-win situation may be achievable.

Humanitarian Plight and Violence – Return to Afghanistan

“Our [...] concern in Europe at the moment is the great number of refugees from Afghanistan. We want the message to be heard in Afghanistan: ‘Stay there! We will bring you right back from Europe [...] to Afghanistan!’”¹⁵¹ This statement made in November 2015 by the German Interior Minister at the time, Thomas de Maizière, had a lasting effect on the federal government’s political stance on Afghan asylum seekers. The fact that Afghans constituted the second largest group of refugees was “not acceptable”. “German soldiers and police officers are contributing to making Afghanistan safe. Considerable sums of money have gone to Afghanistan as development assistance, so Afghans can be expected to stay in their country.”¹⁵²

This position does not follow any legal logic, as the right to refuge and protection cannot be limited by political interests. Afghan refugees, too, are therefore entitled to an individual review of their asylum applications. However, a multitude of measures were taken to send out this signal of deterrence: from advertising campaigns in Afghanistan warning of the uncertainty of legal protection in Europe and the risks of fleeing,¹⁵³ to blocking escape routes and making attempts to increase the number of returnees to Afghanistan.

To allow for a greater number of deportations, the EU and Germany presented the Afghan government with the choice of either accepting massive cuts in financial assistance or taking back substantial numbers of rejected asylum seekers.¹⁵⁴ The Afghan government’s decision in favour of the readmission agreement was predictable, as it does not stand a chance of surviving on its own. Furthermore, the matter of a few thousand deportees from Europe pales in comparison to the problems the

151 Federal Ministry of the Interior (BMI): Bundesinnenminister beim Sonderrat der EU-Innenminister, 10.11.2015, <https://www.bmi.bund.de/SharedDocs/kurzmeldungen/DE/2015/11/bundesinnenminister-auf-dem-sonderrat-der-innenminister-in-bruessel.html>

152 Thomas Ruttig: Afghanistan will doch Abschiebungen aus Deutschland akzeptieren, 02.11.2015, <https://thrutrig.wordpress.com/2015/11/02/afghanistan-will-doch-abschiebungen-aus-deutschland-akzeptieren-ap-2-11-15-volltexte-pk-de-maiziere-u-minister-alemi-balkhi-28-10-15-kommentar/>

153 The “Rumours about Germany” campaign utilised posters and billboards on buses and in the streets, video clips shown on television, as well as social media such as Twitter and Facebook. For an analysis see Nerges Azizi and Dana Schmalz: Werben gegen Asyl. Gedanken zur “Rumours about Germany”-Kampagne, 08.01.2018, <https://fluechtlingsforschung.net/werben-gegen-asyl/>

154 The Telegraph: Secret EU plan to deport 80,000 Afghans, 21.03.2016, <https://www.telegraph.co.uk/news/worldnews/asia/afghanistan/12200582/Secret-EU-plan-to-deport-80000-Afghans.html>

government continues to face – the highest number of war dead worldwide by far,¹⁵⁵ combat operations across the entire country, Taliban who have become powerful enough again to even collect taxes in Kabul,¹⁵⁶ 1.65 million internally displaced persons due to warfare since 2016¹⁵⁷ and, not least, 2.6 million Afghan men and women who had to leave Pakistan and Iran over the past several years.¹⁵⁸

The lawfulness of these deportations is in fact formally based on completed asylum procedures. In practice, however, legal protection has become more difficult to obtain due to the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) drastically lowering recognition rates from 78 percent in 2015 to roughly 38 percent in 2018.¹⁵⁹

“We want to contribute to the creation and improvement of domestic alternatives to emigration and flight and will revise and adapt the criteria on which the BAMF bases its decisions accordingly. This will also allow for a greater number of repatriations,”¹⁶⁰ was the wording of a decision formulated by the governing coalition as early as November 2015.

Since this massive reduction of the acceptance rate took place as the security situation in Afghanistan was deteriorating dramatically, it was to be expected that the majority of negative BAMF decisions would be annulled in a court of law.¹⁶¹ An equally foreseeable outcome, however, was the fact that the great number of negative decisions meant that many of those confronted with rejection had little chance of receiving the necessary legal support from qualified lawyers. The progressively deteriorating situation in Afghanistan would, moreover, call for regular reassessments of asylum cases, which would further exacerbate the shortage of legal counsel and place an excessive financial burden on most refugees. At the same time, the possibility to

-
- 155** Josh Groeneveld/Huffington Post: Afghanistan: Kein Krieg ist tödlicher – warum Deutschland trotzdem abschiebt, 13.12.2018, https://www.focus.de/panorama/welt/panorama-afghanistan-kein-krieg-ist-toedlicher-warum-deutschland-trotzdem-abschiebt_id_10066425.html
- 156** For an analysis of the reach of the Taliban shadow governments see Ashley Jackson (June 2018): Life under the Taliban Shadow Government, <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12269.pdf>
- 157** OCHA: Afghanistan. Conflict Induced Displacements, 29.04.2019, <https://www.humanitarianresponse.info/en/operations/afghanistan/idps>
- 158** Vgl. IOM/UNHCR (2018): Returns to Afghanistan in 2017, <https://data2.unhcr.org/ar/documents/download/63077>; IOM: Return of Undocumented Afghans – Weekly Situation Report (1-5 January 2019), 05.01.2019, <https://reliefweb.int/report/afghanistan/return-undocumented-afghans-weekly-situation-report-1-5-january-2019>; IOM: Return of Undocumented Afghans – Weekly Situation Report (31 March - 06 April 2019), 11.04.2019, <https://reliefweb.int/report/afghanistan/return-undocumented-afghans-weekly-situation-report-31-march-06-april-2019>
- 159** ProAsyl (o.J.): Fakten, Zahlen und Argumente, <https://www.proasyl.de/thema/fakten-zahlen-argumente/>; BR 24: Flüchtlingsrat: Afghanen fliehen aus Bayern nach Frankreich, 06.02.2019, <https://www.br.de/nachrichten/bayern/fluechtlingsrat-afghanen-fliehen-aus-bayern-nach-frankreich,RHDfGnd>
- 160** Federal Parliament (Bundestag): Drucksache18/7169, 28.12.2015, <http://dip21.bundestag.de/dip21/btd/18/071/1807169.pdf>
- 161** Accordingly, in 2018, courts ruled in favour of 58 percent of Afghans who had brought an action against their rejection. Max Klöckner/ProAsyl: Anerkennungen/Ablehnungen: Warum man die bereinigte Schutzquote heranziehen sollte, 01.02.2019, <https://www.proasyl.de/hintergrund/aner kennungen-ablehnungen-warum-man-die-bereinig te-schutzquote-heranziehen-sollte/>

obtain protection against imminent deportation by means of expedited proceedings has been severely limited since October 2015, as deportations are no longer announced.¹⁶² With often only a few days or merely hours from arrest to deportation flight, there usually is too little time to claim current grounds for protection by means of expedited proceedings even if lawyers become aware of the arrest.

The chances of legal protection were also curtailed in other areas of residence law. One of the consequences of the massive reduction of the recognition rate was that the prospects for a residence permit were formally rated as being too low for a right to e.g. integration courses and thus, for language courses. But even those who succeed in attaining the qualifications needed to receive an offer for a job or an apprenticeship will often experience the impact of the politically intended deterrence in practice. Some Aliens' Registration Offices refuse to issue work permits to young men even if they can present apprenticeship contracts. Sometimes the only reason given is that this would constitute a "pull factor" which would draw even more refugees from Afghanistan if those who are here were allowed to complete an apprenticeship.

Whether deportations are carried out, who is subject to them or who is given the opportunity to integrate, are ultimately political decisions. The obligation to leave the country, for example, would be rendered obsolete if a decision to suspend deportations to Afghanistan was to be made at the political level, as has been the case in other European countries. A general moratorium on deportations would, however, be diametrically opposed to the desired deterrent effect. And thus, while women and children were exempted so far, people were arrested in hospitals, psychiatric wards, schools and at their places of work, and fathers of small children, fiancés about to get married and converted Christians deported to Afghanistan.¹⁶³

One reason why the actual prospects of residency nevertheless remain high for the 257,000 Afghans and also for 19,000 persons with an "enforceable expulsion order" in Germany is the fact that there are practical limits to deportation.

Thus, since they began in December 2016, collective deportations until April 2019 included 565 Afghans.¹⁶⁴

The Federal Interior Ministry therefore is now more than ever aiming to increase the number of "voluntary repatriations". Apart from long-term programmes like REARG/GARB, "StarthilfePlus" and ERRIN,¹⁶⁵ there are special programmes such as "Dein Land. Deine Zukunft. Jetzt!" ("Your country. Your future. Now!")¹⁶⁶ which provide additional benefits to applicants. At the same time, subsidy amounts for "voluntary" returnees

162 Federal Ministry of the Interior (BMI): BMI-Fact Sheet zur Durchsetzung der Ausreisepflicht (Abschiebung), 26.07.2016,

<https://www.bmi.bund.de/SharedDocs/kurzmeldungen/DE/2016/07/factsheet-abschiebungen.html>

163 Cf. articles on deportation flights by Thomas Ruttig at: <https://thrutrig.wordpress.com/tag/abschiebung/>

164 Thomas Ruttig: Korrigiert und aktualisiert: 23. Sammelabschiebeflug nach Afghanistan mit 32 Betroffenen in Kabul eingetroffen, 26.04.2019, <https://thrutrig.wordpress.com/2019/04/25/23-sammelabschiebeflug-nach-afghanistan-mit-30-betroffenen-in-kabul-eingetroffen-wird-standig-aktualisiert/>

165 Federal Office for Migration and Refugees: Rückkehr- und Reintegrationsprogramme, <https://www.returningfromgermany.de/de/programmes>

166 Federal Parliament: Drucksache 19/7048, 16.01.2019, <http://dipbt.bundestag.de/doc/btd/19/070/1907048.pdf>

have increased over the past several years, and return counselling has been expanded and deepened.¹⁶⁷

There are clear legal and administrative differences between voluntary departures and those effected by forced deportation. Return assistance options for deportees, for example, are fewer and limited to non-monetary resources. Moreover, deportees are banned from re-entry for a number of years and liable to repay the enormous costs of the deportation.

Politically, however, the term is highly controversial, as these “voluntary returnees” in fact are often not free to choose – for instance, if an expectant father is told at the Aliens’ Registration Office that he will never meet his child if he does not leave “voluntarily” right away. Whether a return undertaken with the sole objective of applying for a visa for re-entry should be regarded as a “return” is equally debatable. However, when an applicant has exhausted all legal options and voluntary return is the only way to pre-empt a coercive expulsion, the situation does not present the person concerned with a real choice either.¹⁶⁸

Studies conducted to date show that financial incentives alone are no reason for Afghan men and women to leave. A survey in Norway and the UK, for example, concluded that financial support had no bearing at all on decisions regarding a return as long as there was hope of receiving protection. “Voluntary return” was only a consideration for those who had exhausted their legal possibilities to obtain protection.¹⁶⁹

Sometimes a departure is motivated by an acute emergency. Some Afghans return because while they are Germany, they cannot provide security for their relatives. One of these young men, for instance, found himself confronted with the situation that his wife was suddenly without male protection following the death of her father and

167 Valentin Feneberg: “Perspektive Heimat”? Die neue Verbindung von Entwicklungspolitik und Rückkehrmaßnahmen für abgelehnte Asylsuchende, 08.01.2019, <https://fluechtlingsforschung.net/perspektive-heimat-die-neue-verbinding-von-entwicklungspolitik-und-rueckkehrmasnahmen-fur-abgelehnte-asylsuchende/>. Many of these programmes are also specifically geared to applicants whose asylum procedures are still pending and who can safely be assumed to be entitled to protection, given the added recognition quotas of the courts and the Federal Office for Migration and Refugees (BAMF). One point of criticism regarding these measures is, therefore, that they created the impression that protection granted on the grounds of asylum law was a dispensable luxury in Germany. Cf. Nerges Azizi und Dana Schmalz: Werben gegen Asyl. Gedanken zur “Rumours about Germany”-Kampagne, 08.01.2018, <https://fluechtlingsforschung.net/werben-gegen-asyl/>

168 There are many variants of this type of situation. In a number of conversations with the author, social workers who assist unaccompanied child refugees from Afghanistan in their daily lives reported that they had recommended that the youths should pursue a voluntary return to coincide with their 18th birthday. The youngsters did not have a chance of staying anyhow, they reasoned, and this was a way to at least avoid deportation. The author also met legal guardians who were convinced that it was in the adolescents’ best interest not to have to go through a supposedly futile asylum procedure. Legally speaking, such sweeping assumptions are certainly wrong, yet many counsellors do not have sufficient legal knowledge to make a realistic assessment of the actual prospects for residency. Believing that one has no rights may serve to undermine the chances for protection, but it does not mean, however, that one wants to return.

169 Ceri Oeppen and Nassim Majidi: Can Afghans Reintegrate after Assisted Return from Europe? PRIO Policy Brief, July 2015, http://file.prio.no/publication_files/PRIO/Oeppen%20-%20Can%20Afghans%20Reintegrate%20after%20Assisted%20Return%20from%20Europe,%20PRIO%20Policy%20Brief%207-2015.pdf. Cf. Catherine Gladwell and Hannah Elwyn/UNHCR (2012): Broken futures: young Afghan asylum seekers in the UK and on return to their country of origin, <http://www.refworld.org/docid/5142dc952.html>

consequently was at great risk of violent assault. While his prospects of receiving protection as a refugee were good, the likely duration of the asylum procedure left him little moral choice but to pass up this opportunity and return to Afghanistan immediately. His hope was that he would be able to flee once more with his wife before anyone told the Taliban about his return. (A hope which remained unfulfilled, as he was abducted by Taliban in Kabul and in all probability murdered by them.)

Some who have been granted protection status themselves, see their chances of getting their relatives to safety dashed by the restrictions on family reunification.¹⁷⁰ By returning, they are attempting to offer the modicum of protection that the presence of a man can provide for women, children and younger siblings. Others could not bear the thought of not being able to bid their dying mother farewell.

Due to these various limitations of actual voluntariness, many analysts and, for instance, the Norwegian Directorate of Immigration eschew the term “voluntary”, but instead refer to “assisted” return.¹⁷¹

Likewise, in the eyes of the Afghan population the notion of voluntariness is already rendered meaningless by the fact that a voluntary repatriation without the option to return to the country of refuge would be implausible in view of both the dangers undergone during an escape to Europe and the high investment required, which usually far exceeds the repatriation grants. Whether or not the expectations or hopes harboured by individual refugees were realistic, is another matter. The minimum objective, however, was to at least secure a permanent protection status in Europe. Anyone who returns to Afghanistan without this status, has failed. Socially, the only distinction made in Afghanistan is that between unsuccessful and successful Afghans in exile.¹⁷² As the legal reasons for a rejection of asylum applications,¹⁷³ just

170 Cf. Bellinda Bartolucci/ProAsyl (n.d.): Familiennachzug, <https://www.proasyl.de/thema/familiennachzug/>

171 Liza Schuster and Nassim Majidi: What happens Post-Deportation? The Experiences of Deported Afghans, *Migration Studies* 1(2), 2013, pp. 221-240, <http://openaccess.city.ac.uk/4717/1/2013%20Schuster%20Majidi%20.pdf>. Nassim Majidi: From Forced Migration to Forced Returns in Afghanistan: Policy and Program Implications. Migration Policy Institute, November 2017, <https://www.migrationpolicy.org/sites/default/files/publications/TCM2017-Afghanistan-FINAL.pdf> Even the term “returnee” only applies to some of them. For example, a large number of Afghans who are “returning” were raised in Iran or Pakistan and are setting foot in the country for the first time. Others come from regions which they cannot reach due to ongoing fighting. But even those who are from Kabul are often returning to a city they hardly recognise after many years of warfare – so much change has there been in the city’s appearance, security situation and also, due to the refugee movements, in its population.

172 This also corresponds to the analytic categorisation e.g. by Van Houte/Siegel/Davids, who only list those as “voluntary returnees” who have the right of permanent residence in the country of refuge; cf. Marieke van Houte, Melissa Siegel and Tine Davids: Return to Afghanistan: Migration as Reinforcement of Socio-Economic Stratification, in: *Population, Space and Place* 21, 2015, 692-703. DOI: 10.1002/psp.1876

173 Expert knowledge of asylum law is required to understand the legal justifications which in some European countries have often resulted in a failure to recognise the risks the war poses to healthy men in particular. But also the fact that courts in the same country arrive at such widely differing opinions that even German judges refer to it as an “asylum lottery” contradicts what the Afghan public expects of the European judicial system; cf. SpiegelOnline: Beschleunigte Verfahren. Verwaltungsrichter beklagt “Asylotterie”; 29.06.2018, <https://www.spiegel.de/politik/deutschland/asyl-verwaltungsrichter-jan-bergmann-beklagt-asylotterie-a-1215733.html>. Applicants are therefore regularly accused of lying to cover up their own failure.

as the labour market exclusion of Afghans legally staying in Germany, are impossible to communicate in Afghanistan,¹⁷⁴ failure is usually blamed on the individuals themselves.¹⁷⁵ A popular explanatory approach focusses on the deportations of delinquents and persons classified as potential attackers, which receive prominent coverage in the Afghan press.¹⁷⁶ Thus, it is routinely insinuated that returnees are not only responsible for negligently causing their own failure and thus, the impoverishment of their families,¹⁷⁷ but that they are actually dangerous.¹⁷⁸

How little willingness there is to return is also evidenced by how few Afghans are making use of the programmes issued to support voluntary repatriation, such as REARG/GARP or “Starthilfe Plus”. Even the heavily advertised German interior ministry campaign “Dein Land. Deine Zukunft. Jetzt!” in the winter of 2018 enticed only 38 Afghans to take the opportunity to apply for additional return assistance resources.¹⁷⁹ Legal aid offices often find that information regarding assisted return options is met with indignation. Meanwhile, many of the asylum seekers who are in fear of deportation have moved on to France. As illustrated by the 83-percent acceptance rate, the prospects for Afghans to be granted protection on the basis of French asylum law are significantly better than in Germany (38 percent);¹⁸⁰ however, the applicants must in return accept the hardships of yet another new beginning and at least 18 months of homelessness, coupled with the fear of being deported to Germany and on to Afghanistan. Multiple cases of attempted suicide before, during and after deportations are another indication that for many, a “voluntary” return is out of the question under any circumstances.

To understand this refusal, one must become acquainted with the realities that await those returning to Afghanistan.

-
- 174** The fact that Germany would rather pay welfare money to asylum applicants rather than granting them a work permit, for example, is hardly comprehensible from an Afghan point of view.
- 175** Regarding the stigmatisation of unsuccessful returnees cf. Liza Schuster and Nassim Majidi: *Deportation Stigma and Re-migration*, *Journal of Ethnic and Migration Studies*, 41(4) 2015, S. 635-652, <http://openaccess.city.ac.uk/12992/1/2014JEMS.pdf>
- 176** The Afghan public’s assumption that delinquency is the main reason for deportation is not new, but was reinforced by press releases issued by German politicians in connection with deportations.
- 177** Regarding the existential importance of private transfer payments, see IOM: *Afghanistan. Remittance Overview and Trends. Annex to Afghanistan Migration Profile, 2014*, <https://www.merit.unu.edu/publications/uploads/1442240401.pdf>
- 178** It is a largely unknown fact that many of the returnees do not fall into this category even in official terms. Likewise, reports that even misdemeanors such as fare dodging are prosecuted, that in some cases an asylum procedure was not even initiated, or that a young man was listed as a potential attacker because the Taliban had recruited him as a child, are met with disbelief.
- 179** Federal Parliament: *Drucksache 19/7048*, 16.01.2019, <http://dipbt.bundestag.de/doc/btd/19/070/1907048.pdf>
- 180** BR 24: *Flüchtlingsrat: Afghanen fliehen aus Bayern nach Frankreich*, 06.02.2019, <https://www.br.de/nachrichten/bayern/fluechtlingsrat-afghanen-fliehen-aus-bayern-nach-frankreich,RHDfGnd>

The difficulties of documenting the fate of returnees

The perils that returnees face can be deduced from the general risk analyses on Afghanistan, and the same analyses also prove that it is single men returning from Europe who are particularly exposed to these risks. In addition, there are qualitative studies which examine the specific situation of unsuccessful returnees from Europe.

However, if a quantitative documentation of the returnee experiences is the objective, as demanded, for example, by German courts, the methodical limitations soon become apparent. This is primarily due to the fact that many of the persons concerned are not publicly known and data on them cannot be retrieved for privacy reasons. Thus, the identification of the persons in question is already limited to just those whose friends and relatives were accessible and could provide information. This is much easier to do for deportees than it is in the case of formally voluntary returnees, as a supposedly voluntary decision raises far less public and social interest than a forcible deportation.¹⁸¹

What is even more difficult than obtaining information, however, is reaching out to individual returnees. It would be ethically unacceptable to publicly search for them on social media or to contact them without their prior consent. This is because being a returnee from Europe in and of itself puts their safety and that of their families or supporters in Afghanistan at risk. Returnees will therefore make every effort not to be identified as such.¹⁸² Thus, the only possibility is to engage support groups to search for friends and relatives who can give an account of the whereabouts and experiences of the returnees. It was possible to establish contact with some of them through lawyers in Greece and the NGO AMASO, which provides advisory services to returnees in Kabul. Using this channel, the author was able to compile information on 47 of the 512 men deported through February 2019. To the extent that this was possible, the information gathered by means of standardised questionnaires was augmented by interviews conducted with the contact persons as well as the deportees.¹⁸³

The existing security risks are also the reason why such enquiries can only be partially representative. It is an exception, for instance, that violent assaults can be documented, because they regularly result in communication being terminated. The same applies to criminal attacks, impoverishment and arrests. As early as 2017, the Afghan interior ministry, for example, confirmed the arrest of deportees whose iden-

181 It has so far not been possible for the author to conduct a quantitative survey of significant magnitude of voluntary departures in relation to the overall number of returnees, which is why the survey is limited to deportees.

182 Save the Children therefore referred to them as a “hidden population” in a report on minors returning to Afghanistan: Save the Children Sweden: From Europe to Afghanistan. Experiences of Child Returnees, 2018, https://reliefweb.int/sites/reliefweb.int/files/resources/SC-From_Europe_to_Afghanistan-screen%201610.pdf

183 The questionnaire that forms the basis of the survey covers key issues that are relevant to the legal assessment of asylum applications: housing situation, basis of livelihood, experiences with family members present in the country, experiences with medical care, experiences of violence. Enquiry was also made as to the further migration history and the returnee’s plans. However, given the danger associated with maintaining contact with foreigners, existing contacts are often restricted by security measures; moreover, the liaisons had no information regarding certain issues and were unable to directly request information.

tity remains unknown to this day.¹⁸⁴ Nor can a dead person give an interview, and to be able to document the reasons why a person was murdered, one would require the improbable testimony of the perpetrator. An example is the father of a deportee who had visited his son in his hide-out in Kabul and was murdered on his way home. Even if the route taken speaks to the likelihood that the Taliban were involved, it could not be proven who was responsible and whether the murder was in connection with the son's return and the visit to Kabul. The chances of gaining access to witnesses who are willing to give an account are practically nil; and with violence and misery as commonplace as they are in Afghanistan, it cannot be assumed that the Afghan media would report on individual incidents. Most importantly, victims would be putting themselves at even greater risk if they revealed themselves to be returnees.

The survey results are also limited by the fact that the contacts often are friends or relatives of the deportees, whose safety is of personal concern to them and whom they support financially. This assistance, however, effectively mitigates many of the risks associated with returning, covering not only the basic humanitarian needs but also enabling a majority of the known deportees to take refuge in paid-for hide-outs. This reduces the likelihood of targeted attacks. Such clandestine quarters can be found in hotels, where the sheltering person will, as far as possible, remain at all times, or in private housing. Another variant of the attempt to avoid or delay being identified as a returnee from Europe is to continually change location and find lodging, ostensibly as a traveller, for example, in tea houses. Of 58 accommodation variants listed,¹⁸⁵ 41 were hide-outs or constantly changing hostels. Nine others report that they have been temporarily or permanently homeless. Yet even among them, eight were receiving support from Germany which at least secured a basic supply of food and medicines. In cases where no contact has been established, the likelihood of the returnees becoming victims of destitution and violence is therefore significantly greater. However, this does not mean that in every instance in which contact is lost the person inevitably has become a victim of destitution and violence. Disquieting indeed, however, are the cases in which communication with the deportees has ceased even though they were dependent on financial support from Germany. This was the case for five of the seven persons where contact was lost while they were still in Afghanistan. Social exclusion additionally increases the risk of attacks and compromises the small degree of protection that would potentially be possible in Afghanistan. This applies especially to support from security forces: in this respect, returnees cannot expect any help purely for the reason that they have no social or political backing and often no money for bribes, which would be the usual prerequisites for protection. Moreover, security forces and officials also regularly accuse refugees of having betrayed their country by fleeing instead of fighting like them. Several deportees reported that they had been verbally harassed and threatened with violence by officials or public servants. In some cases, the nationality of returnees was called into question at the airport, and

184 Süddeutsche Zeitung: Achter Abschiebeflug erreicht Kabul, 07.12.2017, <https://www.sueddeutsche.de/news/politik/migration-achter-abschiebeflug-erreicht-kabul-dpa-urn-newsml-dpa-com-20090101-171207-99-177718>

185 Multiple answers were given, as accommodations are often only temporarily available.

it was alleged that they could not be Afghan, as they would otherwise be defending their country and not trying to get to safety. Three deportees also stated that officials had refused to issue a Tazkira, the national identity card, on grounds that they had fled to Germany.

Experiences of violence

Despite the methodical limitations, the survey results confirm the risks seen in previously documented individual cases and general risk analyses. Sometimes threats are carried out immediately. In one case, the Taliban learned within a week that a person had returned; he was taken captive and physically abused for three days as punishment for his flight and to force him into their ranks. He was only able to escape because an acquaintance who had just recently joined the Taliban let him get away.

These dangers, unfortunately, are a daily reality. The 23 deportees who were still in the country two months later and able to provide information¹⁸⁶ reported 34 violent incidents or threats of violence against them or their families due to their return – even though 21 of these 23 mostly remained in hiding.

Also reflected are the general hazards caused by the war. Three deportees were so badly wounded in terrorist attacks that they had to be taken to hospitals for emergency treatment. Another returnee's lodgings were heavily damaged. Two deportees were subjected to recruitment attempts by the Taliban because they had caught their attention as single men.¹⁸⁷

Four others were affected by the war-related proliferation of crime, with two of them being so severely injured that they had to be treated in hospitals. Documenting the perpetrators' motivation in individual cases is, for the most part, practically impossible. Had they been tipped off, or had the perpetrators identified their victims as returnees and therefore thought they were rich? Was the assumption that they lacked powerful supporters? Both factors increase an already significant risk¹⁸⁸ of falling prey to criminal acts.¹⁸⁹ Those who are identified as returnees and abducted, however, will generally not be able to come up with the exorbitant amounts of money

186 11 had left the country again; for 12 others there is no information available beyond the two months (due to earlier communication breakdown or because the returnees did not want to talk about violence); one is dead.

187 The risk here is that the Taliban perceive refusal as political and military opposition and sanction it accordingly. Regarding this risk cf. Samuel Hall (2016): Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, Afghanistan, <http://samuelhall.org/wp-content/uploads/2016/06/UDY-Chapter-1-Mental-Health.pdf>; Asylos (August 2017): Afghanistan. Situation of young male 'Westernised' returnees to Kabul, <https://asylos.eu/wp-content/uploads/2017/08/AFG2017-05-Afghanistan-Situation-of-young-male-Westernised-returnees-to-Kabul-1.pdf>

188 In a survey carried out by the Asia Foundation, respondents were asked if they or anyone in their family had suffered from violence or some criminal act in the past year. 35 percent had suffered physical attacks or beatings, 19 percent racketeering or extortion, 11 percent murder and 11 percent kidnapping. Other incidents included burglary, looting, land grabbing and illegal taxation: The Asia Foundation: A Survey of the Afghan People, 2018, https://asiafoundation.org/wp-content/uploads/2018/12/2018_Afghan-Survey_fullReport-12.4.18.pdf

189 Previous studies have highlighted the particular risk of internally displaced persons to become victims of physical attacks and abductions. Cf. IDMC: Afghanistan Mid-year update 2017 (January-July), 2017, http://www.internal-displacement.org/countries/afghanistan#link_causes

An Afghan family has to leave Pakistan after 20 years due to pressure by Pakistani authorities.



Quelle: US Embassy Kabul Afghanistan (flickr)



demanding from supposedly rich returnees from Europe, and must expect to be killed. Leaving the hide-out – if only for medical care, necessary dealings with authorities or to receive cash remittances from supporters – is thus accompanied by great fear.

The flight itself was the obvious cause in two cases in which deportees were tracked down by creditors. Like so many others, these two were unable to repay the money they had been loaned to finance their flight.¹⁹⁰ One of them was subsequently robbed and both were threatened with violence in the event that they could not settle the outstanding debt.

There are also six cases which confirm that prior persecution can lead to subsequent persecution: in one case this was an open feud, in three other cases family members who had heard about the deportation were searching for the returnees. One of them was a deportee who was being sheltered by a friend, hiding from his brother-in-law whose attempt to recruit him for the Taliban had prompted him to flee. The friend was then arrested by police in Kabul – apparently by order of the Taliban – and asked to reveal the returnee’s whereabouts. The stabbing of the friend’s brother which took place shortly thereafter at least raises the suspicion that it occurred in connection with the refusal to give information, but this cannot be proven. In the case of another person who had fled from recruitment, his family was approached right after his return and told to “hand him over” for punishment – it was known that he was back in the country. The family decided to flee. Another returnee received a renewed death threat by letter from the Taliban in his home province, giving him the choice of either joining them after all or being killed.

In fact, simply having gone to Europe is already sufficient grounds for persecution by the Taliban. Even working for foreigners in Afghanistan or merely being willing to cooperate is reason enough to be threatened with murder. But those who had repeatedly risked their lives, only to then ask the “infidel occupiers” for protection, had obviously defected to the other side. They are accused of not only being “unbelievers”, but also “spies” and “traitors”. There are two cases in which the threat letters explicitly referred to the European countries of refuge where the returnees had applied for asylum. One family had to pay their neighbours protection money to keep them from telling the Taliban that their son had returned and was in hiding. Likewise, supposedly unislamic behaviour in Europe can become a reason for persecution by the Taliban. For example, one deportee had helped with spring cleaning at a local church in Germany. A Facebook link to a regional newspaper article allowed this to become known in Afghanistan. Shortly after his deportation, an attempt was made to coerce his family to turn in the alleged “convert”, and the family had to flee. One returnee was threatened by his own father who, himself a member of the Taliban, had found out that his son had a girlfriend in Germany. Another man travelling overland was arrested at a Taliban checkpoint and physically abused for two days. In this case

190 Cf. Catherine Gladwell: No longer a child: from the UK to Afghanistan, *Forced Migration Review* 44, September 2013, pp. 62-64, <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/detention/gladwell.pdf>

the Taliban did not know that he had been to Europe, but the suspicious trait of being beardless was enough to justify violent treatment.¹⁹¹

Violence due to “Western attributes” or a past in Germany, however, is a threat which those affected also face from society at large if accused of being an apostate, that is, an unbeliever (“*kafir*”). Transgressing against existing religious and social expectations is enough to cause offence, as even social interactions and etiquette in Afghanistan are generally religiously legitimated. The consequences range from stigmatisation and social exclusion to murder.¹⁹² One example is that of the deportee who was physically abused by his own father and by neighbours in his home village, “because they noticed that I am different.” Seven deportees were threatened, pursued or even attacked as “traitors” or “unbelievers” by strangers in the street or in their mosque. In four of the cases, these strangers had apparently identified them as returnees from Europe. This is plausible not just in terms of their typically western demeanor which they cannot simply turn off with a flick of the switch, but also because they are singled out by the regular coverage of deportations in the Afghan press.¹⁹³

All of this makes it particularly unsafe for those returnees who do not know the country because they grew up in neighbouring states or were away for too long. Only those who know exactly how to tell the Taliban from others wearing soldiers’ uniforms, and how to behave towards them, stand a chance of getting out of dangerous situations, such as checkpoint encounters, unharmed.¹⁹⁴ Even a SIM card from an “enemy” telephone company can be a death sentence.¹⁹⁵ And only those who know what kind of data on a mobile phone will be deemed suspicious by the Taliban might be able to hide risky photos, images and contacts with the aid of an app, as one of the deportees managed to do.

Contact with foreigners has also proved risky in practice. One returnee, for example, was beaten and chased away by his landlord when the latter found out that he had been in touch with German journalists. Another deportee was refused treatment of a wound by a doctor who told him that he should go back to Germany and ask for assistance there.

191 Regarding a similar case which resulted in the death of a returnee from Iran, see ProAsyl: Afghanistan ist nicht sicher – ein afghanischer Journalist berichtet, 01.06.2017, <https://www.proasyl.de/news/afghanistan-ist-nicht-sicher-ein-afghanischer-journalist-berichtet/>

192 Liza Schuster and Nassim Majidi: What happens Post-Deportation? The Experiences of Deported Afghans, *Migration Studies* 1(2), 2013, pp. 221-240, <http://openaccess.city.ac.uk/4717/1/2013%20Schuster%20Majidi%20.pdf>

193 Formally voluntary returnees arriving on regular scheduled flights are thus less likely to be identified in this manner.

194 For details on the example of the murder of a returnee from Iran at a Taliban checkpoint, see ProAsyl: Afghanistan ist nicht sicher – ein afghanischer Journalist berichtet, 01.06.2017, <https://www.proasyl.de/news/afghanistan-ist-nicht-sicher-ein-afghanischer-journalist-berichtet/>

195 IWPR: Overnight Ban on Telecoms in Afghan Provinces, 12.03.2018, <https://iwpr.net/global-voices/overnight-ban-telecoms-afghan-provinces>

Livelihood risks

The humanitarian situation in Afghanistan is dramatic and has been deteriorating for years. In 2017 the poverty rate was at 54.5 percent and thus at the same level as it was after the overthrow of the first Taliban regime in 2001.¹⁹⁶ 41 percent of households already had to take measures to be able to buy food.¹⁹⁷ In 2018, the crisis was further escalated by the arrival of an estimated 800,000 additional involuntary returnees from the neighbouring countries,¹⁹⁸ by half a million persons internally displaced by the conflict¹⁹⁹ and, not least, by combat-related damage.

In 2018 alone, the number of people without adequate access to food increased by 6 million to 13.5 million. Yemen is the only country worldwide with higher rates of hunger and starvation.²⁰⁰ In 2019, nearly twice as many people in Afghanistan will be dependent on emergency and humanitarian aid as in 2018.²⁰¹

Furthermore, the droughts of the past several years have caused crop failures, seen fields left untended and eroded the soil to such a degree that the spring rains turned into floods and torrents. Since the beginning of the year, more than 240,000 people have been registered as flood victims in addition to the 2.2 million affected by the drought.²⁰² For 2019, the IOM expects an additional 570,000 returnees from Iran and possibly up to one million Afghan men and women from Pakistan.²⁰³

Since it is virtually impossible to relocate strangers in rural areas, demand will concentrate in the cities and the surrounding areas. At the same time, this is the only place where there is a chance of having access to humanitarian help. In 2016/17, however, 42.1 percent of the urban population already had only insufficient access

-
- 196** Central Statistics Office Afghanistan: Afghanistan Living Conditions Survey 2016-17, 2018, [http://cso.gov.af/Content/files/ALCS/ALCS%202016-17%20Analysis%20report%20%20English%20compressed\(1\).pdf](http://cso.gov.af/Content/files/ALCS/ALCS%202016-17%20Analysis%20report%20%20English%20compressed(1).pdf); Thomas Ruttig: Armutsrate in Afghanistan wieder auf unmittelbarem Nach-Taliban-Stand (und neue Anschläge in Kabul), 09.05.2018, <https://thruttig.wordpress.com/2018/05/09/armutsrate-in-afghanistan-wieder-auf-unmittelbarem-nach-taliban-stand-und-neue-an-schlage-in-kabul/>
- 197** Afghanistan Food Security Cluster: Seasonal Food Security Assessment (SFA), Afghanistan 2017, 2017, http://fsccluster.org/sites/default/files/documents/sfa_2017_initial_findings.pdf
- 198** IOM: Return of Undocumented Afghans – Weekly Situation Report (1 - 5 January 2019), 05.01.2019, <https://reliefweb.int/report/afghanistan/return-undocumented-afghans-weekly-situation-report-1-5-january-2019>
- 199** Humanitarian Response: Afghanistan: Internal Displacement due to Conflict, 29.04.2019, <https://www.humanitarianresponse.info/en/operations/afghanistan/idps>
- 200** The Guardian: 'The country could fall apart': drought and despair in Afghanistan, 25.03.2019, <https://www.theguardian.com/global-development/2019/mar/25/country-could-fall-apart-drought-despair-afghanistan>
- 201** OCHA: Humanitarian Needs Overview 2019, Afghanistan, November 2018, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/afg_2019_humanitarian_needs_overview.pdf
- 202** BBC News: Afghan drought 'displacing more people than Taliban conflict', 17.10.2018, <https://www.bbc.com/news/world-asia-45872897>; Humanitarian Response: Afghanistan: Overview of Natural Disasters, 29.04.2019, <https://www.humanitarianresponse.info/en/operations/afghanistan/natural-disasters-0>
- 203** IOM: Return of undocumented Returnees. Weekly Situation Report 31 March to 06 April 2019, 06.04.2019, https://afghanistan.iom.int/sites/default/files/Reports/iom_afghanistan-return_of_undocumented_afghans_situation_report_31_mar_-_06_apr_2019.pdf

to food.²⁰⁴ The International Labour Organisation (ILO) assumes that Afghanistan has the highest unemployment rate in the world,²⁰⁵ and according to UN Habitat, 86 percent of the urban population already lived in slums in 2016.²⁰⁶ Competition for access to essential resources such as shelter and labour is therefore particularly extreme in major cities like Kabul, Herat and Mazar-e Sharif. The situation of the urban population is further exacerbated by the fact that there is no chance of surviving on subsistence farming. Given the immense deprivation, the only resort for many to obtain food are abusive or criminal acts – including hard child labour, sexual enslavement of boys, forced marriage of girls, prostitution, begging, crime and joining insurgent groups.

Under what conditions is it even possible for returnees to ensure their survival in Afghanistan, in view of the disastrous humanitarian situation? Numerous EU courts assume them to be especially privileged for a number of reasons, and thus, not affected by the humanitarian need to the same degree as others. If someone could afford to flee, the person should then also be able, for instance, to secure their future livelihood. It is, in fact, a privilege to own property which can be sold in order to fund one's escape, or to find someone able to loan money; however, drawing the conclusion that because someone found a way to finance the flight, this person will automatically have options to make a living in the future, is certainly mistaken. Once sold off, this property is irretrievably lost.

But also the benefits in kind, which amount to up to 1000 euros in housing allowance, assumption of medical costs or business start-up assistance for deportees and even more for formally voluntary returnees, represent a privilege and supposedly are to form the basis on which to establish a new livelihood. The fact that in reality, deportees often do not have access to them, for instance, because they have no identity papers,²⁰⁷ are unable to economically bridge the lengthy application processing periods or simply never find out about their entitlement to assistance, may be a problem that is specific to deportees. Whenever such aid is granted, however, these monies certainly make a difference in addressing the immediate situation, but nevertheless raise the question whether they can help to create long-term prospects for returnees to stay in the country and be able to subsist on a minimally adequate level.

Social networks are a critical factor for survival under such circumstances. The assumption that it is possible to survive without benevolent contacts and support from family members has probably never been true in the case of Afghanistan. Being provided for not only in old age, but also in the event of illness or unemployment, has always been reliant on this social setting. Yet even having employment does not

204 Central Statistics Office Afghanistan: Afghanistan Living Conditions Survey 2016-17, 2018, [http://cso.gov.af/Content/files/ALCS/ALCS%202016-17%20Analysis%20report%20%20English%20compressed\(1\).pdf](http://cso.gov.af/Content/files/ALCS/ALCS%202016-17%20Analysis%20report%20%20English%20compressed(1).pdf)

205 TOLONews: Afghanistan Has Highest Unemployed Work Force: ILO, 09.12.2018, <https://www.tolonews.com/business/afghanistan-has-highest-unemployed-work-force-ilo>

206 Amandine Poncin/FAO: Seasonal Food Security Assessment (SfSA), Afghanistan April-June 2016, 01.09.2016,

https://www.humanitarianresponse.info/system/files/documents/files/sfsa_2016_final_report.pdf

207 Apart from those who had none, this has to date been the case for several men whose identity cards were not returned to them when they were deported.

necessarily ensure one's livelihood: in 2016-17, as much as 80 percent of available employment was already classified as insufficient to ensure a living wage.²⁰⁸

Without being protected by the neighbourhood, it would not be possible to open a new shop in Afghanistan that did not face the threat of robbery. Without the support of family members, relatives and friends, no ransom could be paid to kidnappers. And those without protection may be doomed to share the fate of, for example, one of the deportees who began to work for an acquaintance and was then physically abused by him without having a chance to defend himself.

In these social contexts, strangers are fundamentally viewed as competitors, and social networks will try to concentrate existing resources internally and defend them against the outside world. Those who have work or housing space to offer will either utilise it themselves to provide for their own family or to be able to engage in a barter arrangement.

Financial means such as repatriation grants can, for a limited time, make such barter transactions possible – if a number of other conditions are met. First and foremost, the returnee's trustworthiness is crucial. Knowing whether someone is a Taliban informer or a member of a criminal network and thereby constitutes a threat to the entire neighbourhood community, is essential for survival. As it is grown men, in particular, who often have no other options to make a living, they are also eyed with particular suspicion. The fact that returnees are believed to be high-level offenders or potential attackers is often an additional impediment to building the necessary level of trust. In practice, it therefore appears that this confirmation of trustworthiness is only achievable by having someone within the local network who can vouch for the person's integrity. This is borne out by the only instance in which it was possible for the returnee to settle in regularly. He had the support of a friend of the family who owed his life to the young man's father and who in return vouched for him and placed him under his own protection. The friend's influence did not reach far enough to find a job for the young man, and the general opinion is that for safety reasons it was better for him to avoid leaving the house if possible. However, he was able to rent a room (with money from Germany). But even such patronage is often not enough, as returnees indeed represent a real danger to landlords, employers and backers who may also become targets of persecution and criminal assault. This was also the reason why the second returnee who had temporarily found work was soon let go again. Even though the general conditions were almost ideal, as he is a car mechanic and his relatives run a repair shop in Kabul, the family felt that the returnee's public presence constituted too great a danger. He was urged to go back into hiding and to ultimately leave the country again for the sake of his family's safety.

For those who are without influential local protectors, all that remains is the various types of hide-outs. The risk is greatest for those returnees who have nowhere to stay in Kabul and therefore have to travel to their ancestral villages or to friends living

208 Central Statistics Office Afghanistan: Afghanistan Living Conditions Survey 2016-17, 2018, [http://cso.gov.af/Content/files/ALCS/ALCS%202016-17%20Analysis%20report%20%20English%20_compressed\(1\).pdf](http://cso.gov.af/Content/files/ALCS/ALCS%202016-17%20Analysis%20report%20%20English%20_compressed(1).pdf)

in small towns or villages. Aside from the perils of the voyage,²⁰⁹ their arrival alone alerts the entire community to their presence. But even if there is family present in Kabul, they are often not willing for safety reasons to put the deportees up or receive them for more than a short visit or reunion.

For returnees, the patrons are also guarantors of their protection against betrayal or attacks. As long as payments arrive from Germany, landlords have an interest to provide shelter. One-off payments or limited allowances, however, increase the risk of being robbed. Return assistance can therefore ensure partial funding, but also represent a risk if it is not supplemented by additional payments from abroad. Yet revealing oneself to strangers would automatically provoke the risk of direct persecution. Generally, private accommodations for deported persons are therefore arranged by backers in the Afghan community in Germany. However, this is only possible if middlemen can be found who will not only vouch for the persons concerned, but can also guarantee that the landlords themselves do not have an interest in persecuting the deported. Apart from the exception already mentioned, all of these accommodations, too, were clandestine to ensure the safety of not only the returnees but their landlords as well.

In contrast to the deportees, formally voluntary returnees have a chance to prepare for their return and can at least make short-term arrangements beforehand. And if the return was asked for by those who stayed behind, for example, for their immediate support and defence it could also be assumed that conditions would allow for a return that was known to the neighbourhood. However, the author has no knowledge of any example of a formally voluntary returnee whose intention it is to remain in the country in the medium term and who has planned accordingly.

The costs for clandestine accommodation are enormous, not only due to scarcity in the housing market but also because additional payments are required to compensate for the landlord's risk and the protection money to avoid betrayal. That even financial assistance from Germany sometimes is not enough to cover these expenses is evidenced by the eight cases of returnees who despite receiving this external aid were temporarily or permanently without shelter. How insignificant the role of return assistance is in all of this is illustrated by the results for financial provision. Of the 39 cases in which there is information on this,²¹⁰ only six returnees received repatriation assistance, and for none of them it was the primary source of income. Instead, it was private support from Germany in 35 cases, in one instance it was the individual's own funds accrued before his flight,²¹¹ one had family members willing and able to provide temporary support, one had a loan, and in one case it was crime.²¹²

-
- 209** An indication of how unsafe it is to travel is given by the fact that 16 percent of respondents in a national survey stated that they were unable to reach medical facilities because the journey was too dangerous. OCHA: Humanitarian Needs Overview 2019, Afghanistan, November 2018.
- 210** There is no information available on a further seven; one has died.
- 211** Five initially lived on money of their own which they still had available. Four of them, however, soon ran out of funds.
- 212** For this reason, the Higher Administrative Court (VGH) of Baden-Württemberg in its assessment of the significance of return grants assumes that they cannot have a lasting effect in terms of income provision, as they can at best provide initial relief or a temporary offset; VGH Baden-Württemberg: Urteil vom 12.10.2018, A 11 S 316/17, http://lrhw.juris.de/cgi-bin/laender_rechtsprechung/document.py?Gericht=bw&nr=25838, Rn 437

It can hardly be expected of the returnee's families to be able to provide sustenance and protection for additional persons in need. Even if this were possible, healthy men would traditionally be on the bottom rung of eligibility for support, after children, women, the elderly and the sick. This means that even when deportees were able to stay with friends for the short term, all of them – except for one who also received financial support for a limited time – had to cover their own expenses.

Aside from the many who do not have any family members in the country, there are also some who cannot find them. It is easier to search in Afghanistan than from Germany, but like every war, this one, too, has seen many gone missing, and as long as the fighting carries on and those affected by it must still be wary of revealing themselves, it will be extremely difficult to locate them. Of the 20 who assume that they have relatives who are in the country, 3 have not been able to find them, six are being threatened by their relatives, and only one of the others had family who were willing and able to also support him financially for a limited time.

The resulting hardship also affects access to healthcare. As early as 2014, 19 percent of respondents in a study by Doctors Without Borders stated that within one year they had lost a friend or relative due to a lack of access to medical care; in 32 percent of these cases it was for financial reasons.²¹³ This is mainly because even in state hospitals medicines must be paid for by patients, while in private practices the treatment must be paid as well. But in this key area of humanitarian care, too, the gap between supply and demand has grown rapidly over the past several years. This is also reflected in the experience of the deportees, despite far-reaching support from Germany. Only one of 14 who were in need of physical treatment received care free of charge following a terrorist attack. The other 13 stated that medical care was not accessible: for four of them the reason was unavailability, five others had no money for treatment or medicines, and in four cases quality was insufficient or the medication had no effect. Eight had to use commercial providers as the only alternative.²¹⁴ For those without external financial support often the only solution is self-medication with drugs and narcotics – and running the great risk of addiction. Just as those in need of treatment in cases of traumatisation and psychological disorders,²¹⁵ chances for drug addicts of finding professional help among what are now millions of afflicted people throughout the country are virtually nil.²¹⁶

213 MSF (Médecins Sans Frontières): *Between Rhetoric and Reality. The ongoing struggle to access healthcare in Afghanistan*, February 2014, http://cdn.doctorswithoutborders.org/sites/usa/files/attachments/afghanistan_between_rhetoric_and_reality.pdf

214 Multiple answers were given, both in regard to the illnesses and the reasons for non-availability.

215 Cf. SFH (Schweizerische Flüchtlingshilfe): *Afghanistan: Psychiatrische und psychotherapeutische Behandlung*, 05.04.2017, <https://www.fluechtlingshilfe.ch/assets/herkunftslaender/mittlerer-osten-zentralasien/afghanistan/170405-afg-psychiatrische-behandlung.pdf>; WHO Regional Office for the Eastern Mediterranean: *Afghanistan: Mental Health*, o.D., <http://www.emro.who.int/afg/programmes/mental-health.html>

216 UNODC: *Afghanistan National Drug Use Survey, Executive Summary*, May 2015, <https://photos.state.gov/libraries/afghanistan/941877/Reports/Afghanistan%20Drug%20Use%20survey.pdf>

Practical perspectives

What, therefore, are returnees left with if they are generally unwanted, threatened and dependent on outside help for access to food, shelter and medicines? And even if they have external support, the hopelessness of their situation becomes all the more clear the longer they stay. For friends and relatives in Germany, too, the financial strain of providing such aid usually proves excessive in the long run. Conversations and interviews with supporters and backers therefore always revolve around the question of what can be done now. Their own hopelessness reflects that of the returnees – and there is also an element of fear that the powerlessness and the daily threats the returnees have to grapple with might cause them to harm themselves after all. There is only the hope that the single known case of suicide is, in fact, the only one. However, if someone was to take his own life at a later point in time, and not immediately upon his return, that, too, would be nearly impossible to document.

If a man does not have contacts who are benevolent and able to render assistance and at the same time are powerful enough to provide protection locally, and if he is without long-term financial support from an external source, he will, unless he decides to flee once again, generally be left with just two options for survival: a life of crime, or joining the Taliban. While defecting to the Taliban is usually not a problem, it is unthinkable for many. The bitterness and hopelessness felt by many deportees is likely to increase the chance that they will join the Taliban or engage in criminal activity.²¹⁷ However, a representative survey of these choices cannot be undertaken, as it can hardly be assumed that the people in question would come forward – if contact was even possible at all. Accordingly, there has been only one deportee who told his friend that he survived mainly on petty crime.

The first question, therefore, that almost all deportees as well as their friends and acquaintances ask is whether there are options to return on a visa. Those who have this opportunity and can count on backers or relatives abroad to help them pay for hide-outs and daily needs are in a relatively privileged position. This includes some of the formally voluntary returnees. But also 13 of the 19 deportees currently known to still be in the country are hoping for a regular return to Germany. There are fathers among them; others were planning to marry or were already married at the time of their deportation; some are awaiting the outcome of pending procedures or of a review of the lawfulness of their deportation. At any rate, three of the deportees have officially returned to Germany, which, given the lengthy visa process and the impediments presented by re-entry bans and deportation costs, is not a small number. In some cases, however, the money for hide-outs runs out, or the local threats become even greater than the dangers of irregular migration. This led one whose visa procedure was already in progress to decide to flee again nevertheless.

However, many do not see this chance to begin with, or do not have the means to allow them to wait until they are granted the right to return. Again, this leaves but one

217 Vgl. Refugee Support Network: After Return. Documenting the experiences of young people forcibly removed to Afghanistan, April 2016, https://www.refugeesupportnetwork.org/sites/default/files/files/After%20Return_RSN_April%202016.pdf

option: to flee once more – while being fully aware of the risk of renewed deportation and the deadly perils in the countries which need to be crossed. To date, 13 of those who have fled again are currently in Iran, Turkey or Pakistan. In all of these places, however, their legal status is temporary at best, and they must expect to be harassed by police and deported. For most, therefore, the destination of their renewed flight is again Europe, where eight of them have arrived to date.²¹⁸ After being deported to Afghanistan, fleeing a second time and getting as far as the Mediterranean Sea and being deported again from Turkey, arriving in Greece on the next attempt may initially appear to be a success. But what does it mean to arrive in Europe and be stuck for a second time in Samos or Lesbos in camps filled with despair and violence? And what kind of arrival is it, being under subsidiary protection in Greece but without a chance to work and still forced to live on charity, while back home in Germany, friends are keeping a job open for you?

The suffering that these people and their backers and supporters must endure through seemingly endless cycles of flight and renewed displacement, can hardly be imagined. But it has always been foreseeable that they would be the ones to pay the price for a signal which never had a chance of being noticed by the Afghan populace. The fact that deportations and de facto involuntary return to Afghanistan do not work, but only provoke renewed flight, has long been known.²¹⁹ Instead of achieving the intended objective of deterring further refugees, the renewed flight of returnees to Europe is confirmation for those staying behind that the only hope of protection continues to lie in Europe. As long as no protection is offered by neighbouring states and conditions in Afghanistan remain as dangerous and destructive as they are today, the situation is bound to stay the same. Yet even if an official power-sharing deal with the Taliban reached as part of a “peace agreement” should have the rather improbable effect of achieving a significant reduction of violence and distress – it would conceivably serve to even heighten the risks associated with the status of being a returnee from Europe.

218 Five more are hoping for a chance to flee or are already planning their escape. There is no information on three of them, one is dead, and one has given up all hope of fleeing after being deported from Iran once again.

219 Cf. Liza Schuster/Nassim Majidi: Deportation Stigma and Re-migration. *Journal of Ethnic and Migration Studies*, 41(4), 2015, pp. 635-652, <http://openaccess.city.ac.uk/12992/1/2014JEMS.pdf>

THOMAS SCHMID

“If You Never Travel, You Will Never Know if Life Is Better Elsewhere” – Return to Senegal

Senegal, located in the far west of Africa, is among the few countries on the continent in which there has never been a successful military coup, where presidents have always been elected and civil liberties and human rights are largely respected. The country is at peace.²²⁰ Apart from Ghana, Senegal today is the only safe country of origin in Africa according to German asylum law. Therefore, from the German authorities' point of view there is no acceptable reason to immigrate from Senegal.

The Senegalese perspective, of course, is a different one. “The illegal migrants are insisting that the world at large recognise their right to a better life: By rejecting the status quo, they are upsetting a geopolitical order that is unfavourable to them and are thereby contributing to setting things in motion,” as Senegalese writer, economist and musician Felwine Sarr puts it. “But first and foremost, they are carrying on a practice that is as old as humankind: emigrating to seek a better life. The entire history of human migration is based on this.”²²¹

There are many reasons to leave one's native country. Unemployment and the associated lack of prospects for starting a family probably tipped the scales for most of the Senegalese emigrants. But these are not the only motives. “For my ethnic group, the Serer,²²² the voyage is a rite of passage into adulthood,” says filmmaker and musician Saliou Sarr, brother of Felwine Sarr, “the men long for the day when they will get the chance to go abroad, and the women dream of marrying a man who has travelled to Europe.”²²³ And in her strongly autobiographical novel, “*Le ventre de l'Atlantique*” [“*The Belly of the Atlantic*”], author and Senegalese emigré in France, Fatou Diome, writes: “The traditional community provides security, but it will also smother and steamroll you [...] The bonds that bind you to the group will strangle you, and all you can think about is to rip them apart.”²²⁴

There are many reasons to emigrate, and they are not mutually exclusive. “Migration has a hybrid profile,” says Aly Tandian, professor of sociology at the prestigious University of Saint-Louis in the north of the country, “and it is not necessarily

220 The conflict in the southern region of Casamance, where armed clashes between a separatist movement and the Senegalese army had claimed hundreds of lives since 1982 has effectively been settled – certainly since the change of power in 2017 in The Gambia, geographically located between the Casamance region and the rest of Senegal.

221 Felwine Sarr: *Afrotopia*, Berlin 2019, p. 167, note 105.

222 Next to the Wolof and the Peul, the Serer are third largest ethnic group in Senegal, making up roughly 16 percent of the population.

223 Interview in *El País*, 15.11.2017.

224 Fatou Diome: *Der Bauch des Ozeans*, Zürich 2004, p. 182.

the poorest who are emigrating. It does involve a considerable amount of money, after all. Often the young men are encouraged by their families to set out on their journey, hoping, of course, that they will send home some money.”²²⁵ According to Tandian, the structural adjustment programmes imposed on Senegal by the IMF in the 1980s and 1990s resulted in social services cutbacks, rising unemployment and a loss of purchasing power. It is not only jobless people, but also many who are hardly able to feed their families with their meagre income, those known in sociology as the “working poor”, who now view emigration as their only chance.

As an old Senegalese saying goes, “he who never travels will never know if life is better elsewhere.” These words may also have been on Ousmane Sembène’s mind when he, a 23-year-old fisherman’s son, snuck onto a ship in Dakar in 1946 that took him to Marseille, where he made a living as a longshoreman for ten years. His experience as a black dock worker provided him with the material for his first novel (“Le docker noir”). Following Senegal’s independence (1960) Sembène returned to his home country and became one of West Africa’s most recognised writers. He achieved even more prominence as a film director. The former docker, who passed away in 2007, is regarded as the “father of African film”.

Those who had more money available to them than the fisherman’s son Sembène in his day, would travel to France absolutely legally by boat or even by plane. While the French government began generally restricting immigration in 1974, the Senegalese like all inhabitants of former French colonies until 1986 were able to enter France without a visa, stay for three months and find work. Thus, a sizeable Senegalese diaspora gradually formed in Paris, Marseille, Lyon and other French cities which made it easier for the newly arrived to settle in and find a job. More than half a million Senegalese live abroad, about as many in Europe as in Africa, while there is also a significant Senegalese community in America. France is first among the European host countries, followed by Italy and Spain.²²⁶

Compared with France, Italy and Spain, the Senegalese diaspora in Germany is insignificant. In late 2017, the Central Register of Foreign Nationals recorded 4,995 Senegalese citizens.²²⁷ Of the 12,645 Senegalese who requested asylum around the

225 Conversation with the author on 12.03.2019 in Saint-Louis.

226 According to the International Organisation für Migration (IOM), more than 585,000 Senegalese live abroad in 2015; cf. Hélène Porret: *Sénégal: cette diaspora qui rêve de l'expatriation*, in: *Jeune Afrique* [online], 21.01.2019, <https://www.jeuneafrique.com/emploi-formation/712134/senegal-cette-diaspora-qui-reve-dun-retour-aux-sources/> (retrieved on 05.03.2019). According to the 2018 Migration Report published by the Senegalese National Agency for Statistics and Demography (Agence Nationale de Statistique et de la Démographie - ANSD) and the IOM, in 2013 a total of 533,085 Senegalese lived abroad, 266,151 of them in Europe and among these, in turn, 115,909 lived in France, 79,102 in Italy and 59,072 in Spain: <http://www.ansd.sn/ressources/publications/ANSD-OIM%20-%20Profil%20Migratoire%20du%20Senegal%202018.pdf> (p. 44) (retrieved on 08.04.2019). The statistic should be taken with a grain of salt as it does not list Latin America at all, where approximately the same number of Senegalese have settled as in the USA. Given that in recent years the migratory flows have shifted to a great degree from the central Mediterranean route (Libya/Tunisia-Italy) to the western Mediterranean route (Morocco-Spain), it is very likely that today more Senegalese live in Spain than in Italy.

227 Cf. https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Migration-Integration/_inhalt.html - Persons who have a German passport do not appear in the Central Register of Foreign Nationals. Senegalese persons who have been naturalised are therefore not counted as foreigners, even if they should be holders of a Senegalese passport.

world in 2017, 8,285 did so in Italy, 1,068 in France and only 277 in Germany, and the recognition rate in this country is as low as 3.4 percent.²²⁸ Speaking at a joint press conference with German Chancellor Angela Merkel in Dakar in late August 2018, President Macky Sall of Senegal mentioned the number of “roughly 6,300 Senegalese living in Germany, a thousand of whom are currently without a legal residence permit.”²²⁹

A delicate subject

Anyone who has not been granted protection status in Germany is obligated to leave the country – in principle. In actuality there are numerous obstacles to deportation. The migrant sanctioned to deportation might have gone into hiding or may not have a passport. In this case the German authorities must request a substitute passport in Dakar, the Senegalese capital. This requires an exchange of biometric data to verify the person’s identity. Of course, Sall gave assurances of close cooperation at said press conference, but he also called for “greater freedom in terms of the movement of persons and visa policy, so that there can be normalised, legal migration,” and asked whether Germany might also be able to offer a “framework for residence” for some of the rejected asylum seekers, whose dignity had to be considered as well.

This remark, however, was intended more for the Senegalese public rather than being directed at Merkel. A journalist asking a question regarding the “issue of a return” of rejected asylum seekers at the Dakar press conference could not expect the Senegalese president – especially six months ahead of an election which could cost him his office – to publicly declare his willingness to take back failed emigrants. Such a message would have been received very badly by the live television audience of the press conference. For a great many people, their emigrated brother or father, and much more rarely, their sister or mother, are the most important source of income.

The remittances from Senegalese expatriates recorded by the banking system totalled 2.22 billion USD in 2017, by no means an insignificant amount which accounts for 13 percent of the country’s GDP. 647 million USD came from France, 425 million from Italy, 302 million from Spain – and only 18 million from Germany. The Senegalese Ministry of Economy and Finance estimated in 2012 that in reality the amount of money that flows back into the country is 25 percent higher, as many Senegalese bring back cash on home leave or ask friends to take it with them. 85 percent of these remittances go directly to private households and ensure a modest livelihood for millions of Senegalese.²³⁰

228 Cf. <https://www.laenderdaten.info/Afrika/Senegal/fluechtlinge.php> (retrieved on 30.03.2019).

229 Cf. <https://www.bundesregierung.de/breg-de/aktuelles/pressekonferenzen/pressekonferenz-von-bundeskanzlerin-merkel-und-dem-praesidenten-der-republik-senegal-macky-sall-1526744> (retrieved on 30.03.2019).

230 All information from the 2018 Migration Report, <http://www.ansd.sn/ressources/publications/ANSD-OIM%20-%20Profil%20Migratoire%20du%20Senegal%202018.pdf> (retrieved on 30.03.2019).

At the only land border between Africa and the EU

In view of the growing number of irregular migrant entries, Spain as the only European state to share a land border with Africa began to secure its two exclaves Ceuta und Melilla in the north of Morocco with high razor wire fences, starting even before the turn of the millennium. Floodlights, infrared equipment and motion detectors were installed as additional deterrents. These measures were taken because migrants who managed to get to one of the two towns, while not yet in Europe, had made it to Spain.²³¹ The land border was now blocked, and the Strait of Gibraltar, only 14 kilometres across at its narrowest point and dangerous due to its strong currents, was tightly controlled. Thus, many Senegalese sought another path to Spain: They took their colourful pirogues, the long and slender traditional fishing boats powered by outboard engines,²³² out into the Atlantic Ocean, sailed in international waters along the Mauritanian coast to the border of Moroccan-occupied Western Sahara and then headed for the Canary Islands, crossing at the closest point with a distance of roughly one hundred kilometres from the African continent.

Many Senegalese drowned on their way across the Atlantic. Many more, however, went ashore in the Canaries, and thus, in Spain. Finally, in 2006, 901 pirogues carrying 35,488 migrants from various African states landed on one of the Canary Islands. Spain then concluded a bilateral agreement with Senegal to stop the migration. Spain's Guardia Civil and the Senegalese coast guard have been carrying out joint patrols of the West African coastal waters since late 2006 as part of Frontex-coordinated Operation Hera. Success was swift: in the first eleven months of 2007 the number of irregular migrants landing on the archipelago already dropped to 11,565, roughly one-third of the previous year's figure.²³³

Senegal entered into a migration control agreement with France in September 2006 which also encompasses the readmission of irregular emigrants.²³⁴ No such deal was reached with Spain. Nevertheless, Spain was able to deport Senegalese migrants as early as June 2006. A Spanish development assistance loan totalling 20 million euros may have contributed to an accord being reached.²³⁵ Following public protests, however, aircraft carrying the returnees were scheduled to land clandestinely and only at night, often at the small airfield in St. Louis in the north of Senegal and not at

231 While Morocco had entered into a bilateral agreement with Spain in 1992 in which it pledged to readmit irregular migrants from third countries who had travelled to Spain via Moroccan territory, the convention was rarely applied. It is only very recently that so-called "hot extraditions" ("devoluciones calientes" is the Spanish term used) have been repeatedly carried out in both exclaves, where Africans who had scaled the border fence and already reached Spanish territory were illegally handed over to Moroccan border officials. For instance, 116 border breachers were handed over to the Moroccan authorities on a single day in late August 2018; see Thomas Schmid: "Kein Land in Sicht", in: Amnesty Journal 10/2018.

232 These boats are typically 12 to 18 metres long, but only two metres wide, are equipped with a 40-hp engine and hold 60 to 90 people; see Lorenzo Gabrielli: Flux et contre-flux entre l'Espagne et le Sénégal. L'externalisation du contrôle des dynamiques migratoires vers l'Afrique de l'Ouest, in: Revue Asylon(s), No. 3, March 2008, Migration et Sénégal, <http://reseau-terra.eu/rubrique133.html> (retrieved on 31.03.2018).

233 All information according to Lorenzo Gabrielli, *ibid.*

234 Cf. <http://www.ansd.sn/ressources/publications/ANSD-OIM%20-%20Profil%20Migratoire%20du%20Senegal%202018.pdf> (p. 113) (retrieved on 31.03.2019).

235 Lorenzo Gabrielli: Flux et contre-flux entre l'Espagne et le Sénégal, l.c.

the airport in the capital city of Dakar. The Senegalese Interior Minister at the time, Ousmane Ngom, had explicitly insisted on a discreet procedure. The fact that the government was aiding the deportation of fellow citizens was unpopular even then.

Mamadou Niang was one of the people deported during that time. We are meeting him in Gandiol, a village in the northern reaches of Senegal, close to Saint-Louis, the former colonial capital of French West Africa. His white T-shirt is adorned with a sticker that reads "Faramareen". It is the name of the collective and music recording studio of the famous Senegalese Mbalax singer Wally Seck. Naturally, Niang knows all of his albums. After all, he worked as a DJ at weddings and parties before getting on one of the pirogues in 2007 – in the Casamance region in the far south of Senegal; because in the north, where he lived, the coastal waters were monitored much more closely.

His two elder brothers had already reached the Canaries in 2006. Their father passed away shortly thereafter, but the sons did not return for the funeral. "They didn't want to take the risk of crossing a second time," Niang explains, "they told me that they had initially been held at a reception centre, but were released after 40 days. They said they now had a flat and that there was room for me as well. Oh, and then there were those friends who came back to Senegal, built houses and bought cars."

Niang, too, wanted to try his luck. "There were 106 of us in the pirogue, mostly from Senegal, but also many from Mali, Guinea, Burkina Faso and other countries," he recalls. Did he take a headcount? He presents papers prepared by the Spanish Guardia Civil on which all of what he is about to say is documented. 500,000 francs, the equivalent of 760 euros or five monthly wages, was the price everyone on board had paid for the trip. They had journeyed for twelve days. But just as they were finally approaching their destination, the boat began taking on water. The Spanish coast guard rescued the migrants. They spent 37 days in a reception camp and were subsequently flown back to Senegal. "There were five flights that day," says Niang, "and 50 Senegalese and 50 Spanish policemen on each plane." Asked if he wanted to emigrate a second time, Niang answers: "Yes, but only legally, and preferably to Germany or Britain." Twelve years after his deportation, he still works as a DJ.²³⁶

Today the pirogues that set course for the Canary Islands each year could probably be counted on two hands. Tightened monitoring of the coastal waters forced the migrants to find a new route. It ran through Mali and Niger to the Libyan coast. However, the information about migrants being taken captive, abused, tortured, raped and enslaved by militias and other criminal gangs has long spread to even the most far-flung corners of Senegal thanks to WhatsApp, Skype and Facebook. Yet many became aware of the dangers too late. While more than 10,000 Senegalese still reached Italy via the central Mediterranean route in 2016, and an additional 6,000 in 2017, the IOM brought 1,146 Senegalese back from Libya to their home country in the same year. In August 2018, however, there were still 6,533 Senegalese in Libya.²³⁷

²³⁶ Conversation with the author on 14.03.2019 in Gandiol.

²³⁷ Cf. <http://www.ansd.sn/ressources/publications/ANSD-OIM%20-%20Profil%20Migratoire%20du%20Senegal%202018.pdf> (p. 52-54) (retrieved on 31.03.2019).

Mamadou Niang



Due to the disastrous humanitarian situation on the Libyan coast, many Senegalese migrants soon sought an alternative route further to the west and made an attempt to reach the Mediterranean coastline in Algeria by traversing the Sahara. But the Algerians apprehend many of the Senegalese when they are still in the traversing the desert and usually expel them to Morocco close to the Moroccan border town of Oujda. Although Algeria officially closed the border in 1994 following a dispute between the two states, it remains open – at least in one direction – for migrants. There, near Oujda, they wait in the woods until they see an opportunity to make their way to the Mediterranean unnoticed to find a boat that will take them to the Andalusian coast – well east of the Strait of Gibraltar.²³⁸

Senegalese citizens may in fact travel to Morocco without a visa, by land via Mauritania or by air. However, those who intend to travel by bus for several days run the risk of being classified as potential irregular migrants in Mauritania or in Morocco if they are carrying conspicuously little luggage or cannot provide evidence of sufficient funds. In this case, they may be refused entry or prevented from continuing their journey. Those arriving at Moroccan airports must “furnish proof that they are in possession of sufficient means of subsistence, or produce a hotel reservation and a return air ticket,” as the Senegalese Consulate General in Casablanca advised in a communique on 25 February 2019.²³⁹

Regardless of the means of transportation they used, the Senegalese – like all the other tourists from Africa, America or Europe who do not need a visa – are permitted to stay for a maximum of three months. Anyone who is present in the country after that period has elapsed is in breach of the law, is considered an illegal migrant and risks deportation. And there are many. “Probably tens of thousands. Many are tracked down by the police or gendarmerie in the north of Morocco, in the woods on the border with Ceuta or Melilla, or in Tanger and its surrounding area. Often the law enforcers take all their valuables before bringing them to Casablanca or the capital city of Rabat, where they are released,” reports Mustapha Kébé, who heads REMIDEV, a Dakar-based network of NGOs involved in migration-related work, “the first thing they have to do then is find a job to recoup the money they need for their passage to Europe.”²⁴⁰

Others are deported right away. The Senegalese press reported in January 2019 that within a one-month period more than one hundred Senegalese who had been staying in the country illegally had been flown to Dakar in groups of 10 to 20 persons on regular Royal Air Maroc flights.²⁴¹ On the other hand, there have been two phases – 2014 and 2017/2018 – in which Morocco granted about 50,000 foreign nationals²⁴²

-
- 238** Migration expert Aly Tandian, professor of Sociology at the University of Saint-Louis (Senegal) in conversation with the author on 12.03.2019 in Saint-Louis.
- 239** Facsimile of the communique in the Senegalese online newspaper leral.net: https://www.leral.net/Nouvelles-conditions-d-entree-au-Maroc-y-compris-pour-les-Senegalais_a245926.html (retrieved on 01.04.2019).
- 240** Conversation with the author in Dakar on 20.03.2019.
- 241** Cf. https://www.leral.net/Pres-de-100-Senegalais-expulses-du-Maroc_a240869.html (retrieved on 01.04.2019).
- 242** According to Moroccan Minister of the Interior, Abdelouafi Laftit: <https://www.menara.ma/fr/article/le-maroc-r%C3%A9gularis%C3%A9-la-situation-de-50000-migrants-clandestins> (retrieved on 01.04.2019).

who were staying in the country illegally but could present a tenancy agreement or proof of employment a three-year, renewable residency status. 90 percent of them were migrants from sub-Saharan Africa, including many Senegalese. But in terms of blocking the path to Spain, Morocco has become a reliable partner – it is carrying out its duty as Europe’s doorman.

The American alternative

A Senegalese citizen who has not been invited to attend an academic conference in Paris, who is not artist accepting an award in Madrid and is not a tourism manager whose presence is required at the International Tourism Convention in Berlin, but who is an average Senegalese person, will find it rather difficult to travel to Europe legally. “It is easier to obtain a visa for Brazil than one for France,” Aly Tandian says, “and there are now about 20,000 Senegalese in Latin America.”²⁴³ At any rate, a flight to Latin America is cheaper than the dangerous voyage through the desert, where corrupt border officials and traffickers have to be paid off. Until now, Brazil’s immigration policy has been a generous one. This is likely to end now. The country’s far-right president, Jair Bolsonaro, who took office at the beginning of 2019, has already announced that Brazil will leave the UN’s Global Pact for Migration concluded in Marrakesh in December 2018.

Many Senegalese Brazil via Ecuador. They did not need a visa. Article 40 of the small Latin American country’s constitution states: “The people’s right to migrate is recognised. No individual shall be deemed illegal simply for being a migrant.” Ecuador practised an open-door policy. Many came – from Afghanistan, Bangladesh, Pakistan, Eritrea, Somalia. Then in 2010 a visa requirement was introduced for citizens of certain states, which was extended in 2015 to also include Senegalese nationals.²⁴⁴ At that point, however, many had already settled in Argentina, where President Nestor Kirchner legalised some 630,000 irregular migrants between 2003 and 2007. Today, the Senegalese constitute the largest African diaspora in Argentina.²⁴⁵

Documents

While in some Latin American states the doors remained open, or at least half open, for Senegalese people, they had long been closed in Europe. And those who somehow manage to make their way to Europe run the risk of being deported because they have no “documents”. Passport, visa, and most importantly, a residence permit – these are generally the “documents” migrants are concerned with. You have burned your documents, applied for documents, have not received any documents, are without documents (“*sans papier*”). If you are in a foreign country without “documents”, you will not return to your native land voluntarily because the ordeal of a journey across the sea or through the desert would have been in vain. Neither will you return home to visit, because you have no intention of going through this ordeal a second time.

²⁴³ In conversation with the author in Saint-Louis on 12.03.2019.

²⁴⁴ Régis Minvielle, Argentina and Brazil: New Territories for West African Migration, in: Perspectives, Political Analysis and Commentary. Africa. October 2018 (ed. Heinrich Böll Foundation).

²⁴⁵ Ibid.

And usually the first thing for those who finally get their “documents” in a foreign country, i.e. are permitted to stay, is to go back to see their families and friends again after years of separation. And then there are those who have received “documents” and return anyway to settle permanently in their home country. Wali Ndiaye is one of them.

*We meet with **Wali Ndiaye** at the counter of his little restaurant in Ngallele, a small village outside of Saint-Louis, just a few kilometres away from the Mauritanian border. The 35-year-old appears cheerful and alert. He speaks Spanish fluently and laughs a lot. His dreadlocks are held together by a purple bandana. Sitting next to him is a young man, 19 years of age. It is his son. On the terrace, skewers of lamb sizzle on the fire.*

Wali Ndiaye, born in Saint-Louis in 1983, was five years old when his father died. There were five children, he was the youngest. One of his elder brothers was soon recruited by a French headhunter who had come to town in search of young talent for French football teams. When Wali was ten years old, he left school, worked in Saint-Louis as a carpenter for five years, then worked for four years as a bricklayer in Mauritania, where he became a father at 16. He left his son in his mother’s care in Senegal and returned to Mauritania. When he could no longer find any work there, he flew, completely legally, from Dakar to Las Palmas in the Canary Islands, along with one of his brothers and a brother-in-law. Waiting for them was his other brother who by now played in the Rennes football team competing in France’s top division. He had come to Las Palmas having invited the others to join him for a vacation. When Wali’s tourist visa expired after three months, he stayed and became one of the “illegals”.

Wali would have liked to emigrate to France. But being invited as a tourist and then staying on might have caused problems for his brother. So Wali stayed in the Canaries, working odd jobs and earning 20 euros a day. However, he and his brother-in-law received a thousand euros each month from the successful footballer in France. “The two of us had a comfortable two-bedroom flat,” Wali says, “as illegals.” His other brother who had come to the island with him had been arrested by the police soon after their arrival and been flown out to Senegal.

In 2004 the Spanish conservatives lost the elections and socialist José Luís Rodríguez Zapatero took office. He soon legalised more than 700,000 irregular migrants, mostly Latin Americans, but Wali Ndiaye, too, was granted legal residence status. As soon as he held his “documents” in hand, he returned to Senegal for one month. He subsequently worked legally in construction for five years in Tenerife and earned 1,500 euros a month. He married a Spanish woman – not once, but three times: at the registry office, in a church and a mosque – and sent money to one of his uncles who was to buy a piece of land for him. He returned in 2012 and opened his restaurant in Ngallele. His wife, who works at her father’s ceramics company, stayed in Tenerife with their daughter. He lives in Senegal with his 19-year-old son, who goes to grammar school in Saint-Louis. They are a commuting couple. Wali Ndiaye does not want to move back to the Canary Islands, even though he now has two passports.²⁴⁶

246 Conversation with the author on 12.03.2019 in Ngallele.

Wali Ndiaye



Wali Ndiaye, early school leaver turned restaurant owner, was fortunate; he was able to leave legally, his brother sent him money. The usual case is quite different: an undeclared worker harvesting tomatoes in the greenhouses of Andalusia, itinerant vendor in Italian market squares, or a dishwasher in France – they all are without any prospect of obtaining residency status or regular employment. The risk of being deported is greater than the chances of being granted a residence permit and finding a regular job. And many are deported, return to their families and their villages and are ashamed because they did not make it. After all, the entire extended family had pooled their money to fund the young man's dangerous journey to Europe – as an investment in their own future. Mamadou Dia, too, could have become a usual case. But he made it.

A culture centre in Gandiol

Mamadou founded a culture centre in Gandiol, his birthplace. It is called "Hahatay". This is a word in Wolof, mother tongue of 40 percent of all Senegalese and understood by an additional 40 percent of the population, making it the most important national language. The name of the centre can be translated as "laughter". Perhaps Dia chose this word as a defiant counterpoint to a tragedy that befell his village in 2003 whose effects are still widely visible. It was not a natural disaster, but a man-made one. At the time, a breach eight metres wide was dug into the 20-kilometre headland that protected Gandiol from the open sea. The intention was to save the historic centre of Saint-Louis, a UNESCO World Heritage Site, from being flooded by the Senegal River which was running high. The breach was made to allow some of the river water to drain off into the ocean. Instead, the ocean water flowed inland through the breach and destroyed the coast of Gandiol. Today, the breach is eight kilometres wide, and part of the headland has become an island. Two neighbourhoods completely disappeared in the water, hundreds of people lost their houses. Countless acres of land are now salinised, infertile soil. No-one was compensated. And every year the ocean claims another 17 to 18 metres.²⁴⁷

Mamadou Dia is sitting under a mango tree and playing with his three-year-old daughter Xadi. His T-shirt shows an image of a bird calmly perched on barbed wire: no barbed wire, no prison will keep the bird from flying. "There are 20,000 good reasons for leaving the country," says Mamadou Dia, "my cooperative is fighting for the right to travel." Dia got out, too. But he came back. Five years ago he started his project together with 20 Spanish volunteers and ten local Senegalese people. Today, half a dozen buildings surround the courtyard with the mango tree, some made of wood, some of clay reinforced with car tyres or plastic bottles. Surrealist artists were given free reign here. "We built everything," says Mamadou Dia, "and financial support is provided by two Spanish NGOs."

²⁴⁷ Tourism manager Tahir Diop in a conversation with the author in Gandiol on 13.03.2019. See also: Le Monde, 11.12.2013 (Maurien Grisot, Près de Saint-Louis du Sénégal, la mer engloutit les villages): https://www.lemonde.fr/planete/article/2013/12/11/pres-de-saint-louis-du-senegal-la-mer-engloutit-les-villages_3529136_3244.html (retrieved on 02.04.2019).

They have created a culture centre, a radio studio where three radio journalists are currently learning their trade, a nursery school attended by 20 to 30 children from the village, a modest library also occasionally frequented by grammar school pupils, a chicken run and a pen with goats, sheep and two calves. The programme at the community centre lists the courses and dates: cooking, computer literacy, first aid, guitar lessons, women's group. Mamadou Dia has fulfilled a dream.

Mamadou Dia grew up here in Gandiol. On his mother's side he has two brothers who now live in Spain, a sister studying at university in Paris and another sister who is married in Senegal. On his father's side there are over 20 more siblings. This is because his late father, a mason, had three wives and lived polygamously, as many Senegalese do.²⁴⁸ Mamadou Dia's mother was a fish vendor, owned two pirogues and had three families to feed, her own and those of her siblings, who were unemployed.

In 2006, when he was 23 years old, Mamadou Dia also got onto a pirogue – in Yarakh, a suburb of Dakar, where he was a business administration student at the time. He had already applied for a French visa twice. And had been rejected twice. "I wanted to study in France," he says, "I wanted to get to know 'civilisation,' the 'developed world' that we were hearing so much about." In Spain, Mamadou Dia wrote a book that achieved a total of 14,000 copies published. It is dedicated to his numerous school day friends from Gandiol who boarded a boat two months after his departure, but never landed on any of the Canary Islands. The title consists of four digits: "3052". The distance between Yarakh and Murcia, the Spanish city in which he lived for a long period time, is 3052 kilometres.

"A kind of epidemic took hold of Yarakh," writes Mamadou Dia, "and Spain was the only thing that anyone ever talked about anymore. Many sold their shops, their property, whatever they had, to get away from here and seek a better life [...]. My neighbours were also asking me all the time whether I was going to leave too, and told me stories of others who had gone. There were noticeably fewer young people in the streets [...]. In the end the virus got me [...], and without giving it much further thought, I decided to leave. Perhaps the only reason was that if I stayed, it would bring dishonour to the family, because all the young men risked their lives to support their families."²⁴⁹

The passage to the Canaries took eight days. It must have been dreadful. A storm set in. Water was running into the boat. On the fifth day they ran out of food, drinking water and petrol. They were adrift for 72 hours, until a rescue vessel spotted them. "We were 84 when we set out," says Mamadou Dia, "83 when we arrived in the Canaries, dying of thirst; one had apparently jumped into the sea during the night out of fear and despair." Mamadou Dia felt miserable on the boat, and no less miserable in Spain. "I had never really known hunger in my underdeveloped country, because everything

248 In 2013, 35.2 percent of persons married for more than 12 years lived in polygamy, 23.1 percent of men and 44.0 percent of women, <http://www.ansd.sn/ressources/publications/Rapport%20genre%20analyses%20bases.pdf>. The gender-specific difference arises from the fact a man may have up to four wives, the woman, however, is not permitted to have another husband. According to Senegalese law, a man must decide before marriage whether he wants to marry monogamously or polygamously. Marrying monogamously precludes him from marrying any other women. Those who marry polygamously may later have additional wives. Senegal is the state with the highest polygamy rate in Africa.

249 Mamadou Dia: 3052, Murcia 2012, p. 30.

Mamadou Dia



Source: Thomas Schmid

is shared there,” he writes, “but here in Spain, in a developed country. For days I sifted through the garbage and drank undrinkable water [...] I wore the same clothes for three weeks without taking a shower, slept on streets, benches or in public squares [...]. If at least someone had greeted me! But nobody talked to me. It was as if I was invisible.”²⁵⁰

It was a four-year struggle for Mamadou Dia in Spain, until he finally got his “documents”. It did not take very long until the Spanish public-service broadcaster TVE approached him and suggested to film his return to Senegal. Mamadou Dia agreed, but had to fly back to Spain with the television crew, as required by the contract. In 2013 he returned to Senegal for good, and in Saint-Louis he met Laura Feal, a Spanish woman whom he married and who helped him set up Hahatay. They have two children together.

“In the beginning the villagers were sceptical when I showed up with 20 Spaniards and told them about my project,” Mamadou Dia recalls, “but they accommodated the Spaniards, who, after all, came from the country where their sons were living, like their own children. ‘Teranga’, traditional hospitality, is valued very highly in Senegal.” He could work in Europe legally today, and settle into a comfortable life. But that is not something he would consider. “I feel at home here, and I can make myself useful and contribute to the development of my village,” he says, “I’ve had many offers from Spain, but I am not interested in any of them.” Then Mamadou Dia breaks off our conversation. He still has to pack his luggage. That same evening, he and his wife and children are due to fly to Spain, accompanied by seven Senegalese who work for his project – “for book readings, discussions on migration and our perceptions of those on the other side.”²⁵¹

“Most irregular migrants these days seek out opportunities in Spain, and no longer in France,” explains Tahir Diop, who has been in charge of vocational counselling at “Hahatay” since early 2019 and also assists returnees in their job search. “It is easier to obtain ‘documents’ in Spain, and those doing illicit street market work are not picked up by the police as quickly as in France. And France deports people sooner than Spain does.”²⁵² Like Wali Ndiaye and Mamadou Dia, many returned voluntarily, while even more were presumably expelled from Europe. Today, France deports the greatest number of irregular Senegalese migrants, followed by Spain and Italy.²⁵³

Yet even the 2018 Migration Report jointly published by the Senegalese Office of Statistics and Demography (ANSD) and the International Organisation for Migration (IOM) notes: “The repatriation figures are another largely unknown variable of migration, as there are no adequate data. Few studies focus on migrants who have returned to Senegal.” Only “accompanied repatriations” organised by the IOM and rescue operations are recorded reliably. In 2017 this applied to 3,023 Senegalese in total, 1,416 of whom were repatriated to Senegal from Niger, 1,146 from Libya, 21 from Spain and 19 from Germany. France does not appear on this list at all. However, no data on those who were deported or have returned for other reasons are collected anywhere.

250 Ibid., p. 66.

251 Conversation with the author on 13.03.2019 in Gandiol.

252 Ibid.

253 Aly Tandian in a conversation with the author on 12.03.2019 in Saint-Louis.

The German-Senegalese Centre

“I am not against migration; migration is eye-opening, migration is added value,” says Abdourakhmane Wane, “but irregular migration rarely leads to success for the people who set out, and is often very dangerous.”²⁵⁴ Wane studied at universities in Senegal, France and Germany and speaks three African and three European languages. He is the director of the German-Senegalese Centre for Jobs, Migration and Reintegration in Dakar, a cooperation between the German Gesellschaft für Internationale Zusammenarbeit (Society for International Cooperation, GIZ) and the Senegalese Agence Nationale pour la Promotion de l’Emploi des Jeunes (National Agency for the Employment of Young People).

Working within the framework of the “Perspektive Heimat” programme of the German Federal Ministry for Economic Cooperation and Development (BMZ), the German-Senegalese Centre was launched in January 2018 to facilitate the reintegration of returnees.²⁵⁵ “The main focus is on assistance for voluntary returnees, but the services are, of course, open to anyone searching for opportunities in their country of origin,” Wane explains, noting that some 100 returnees, 20 of them from Germany, had already taken up the offer. “The primary task initially was not to broker jobs, but to empower returnees to apply for jobs successfully. Now, however, job placement is becoming one of the core tasks,” says Wade’s colleague Méria Diabira, who herself comes from a migrant family and grew up in France.²⁵⁶ Profiles of the job seekers are compiled, skills and professional experience identified, appropriate qualification programmes and courses selected. The Centre itself also provides job application training.

The German-Senegalese Centre not only welcomes returnees, but also people who intend to emigrate. Potential emigrants are informed about the prerequisites for regular emigration. If necessary, they are put in touch with the Goethe-Institut or the German Academic Exchange Service (DAAD). Around 2,000 Senegalese people wanting to travel to Germany for study, work or other purposes have contacted the Centre already. He is not opposed to migration, Wane reiterates, it is only that irregular emigration had to be prevented, because «those one thousand euros spent on each illegal trip to Europe could go quite a long way if put to use in Senegal.”

The most effective way to curb irregular migration would be to make regular migration easier. But precisely this is not the case. Germany, France, Spain, Italy – everywhere you look, regular entry is being made more difficult, and by externalising the border regime the EU is also responsible for increasingly impeding migration within Africa. Of course, no-one would venture out on an arduous, risky and also expensive journey through the desert or across the sea if there was a cheaper and

254 Conversation with the author on 18.03.2019 in Dakar.

255 The question to what extent BMZ and GIZ and the “Perspektive Heimat” programme are aiding and abetting a restrictive return policy, in which development policy is used to disguise regulatory interests of the state, shall not be discussed here. Critical comments on this matter by Valentin Feneberg, research associate at Deutsches Zentrum für Integrations- und Migrationsforschung (DeZIM): <https://fluechtlingsforschung.net/perspektive-heimat-die-neue-verbinding-von-entwicklungspolitik-und-rueckkehrmasnahmen-fur-abgelehnte-asylsuchende/> (retrieved on 03.04.2019).

256 Conversation with the author on 18.03.2019 in Dakar.

safer method of travelling to Europe legally. It is a mundane statement which should nevertheless serve as a reminder: Whether they are a university professor or a bus driver, any German can travel to Senegal without any problem at all, while a Senegalese professor, if at all, may only fly to Germany after completing a time-consuming bureaucratic procedure, and it simply remains impossible for a Senegalese bus driver, even if relatives were to send the money from Europe.

This is also perceived as an injustice by many in Senegal. People who are trying to obtain a visa must accept waiting periods that can last months, they have to wait in line, submit a dozen different forms, prove that they have sufficient funds. People's dignity can be compromised, after all, even if the consular officials are friendly and perform their task impeccably. The vast majority of Senegalese, however, have no chance of obtaining a visa. This leaves the irregular route as their only option if they want to do what we Germans are able to do without worry, and often, carelessly: go wherever we want to go. The only consideration that might dissuade people from attempting an irregular journey would then be the hefty price and the lethal hazards involved, both of which are ultimately a consequence of European policies.

"In Niodior," says filmmaker and musician, Saliou Sarr, "80 percent of the young people have emigrated."²⁵⁷ And author Fatou Diome writes in her novel, "The Belly of the Atlantic": "Emigration had always been the sole intention of the youths of Niodior anyhow," and the young people "were fed up with constantly having to imagine their dried fish to be a juicy steak."²⁵⁸ Sarr and Diome both grew up in Niodior.

The "coastal people" of Niodior

Niodior is a village with roughly 5,000 inhabitants situated close to the Gambian border, a three-hour drive south of Dakar. It is located right on the ocean, but sits on an island in the expanse of the Saloum River delta. The only way to get there is to take a pirogue. The landing is in Djifer, where the coastal road ends. The crossing takes an hour. All of the passengers put on orange life jackets. They crowd onto wooden benches without a backrest. One of them bails the water seeping into the boat back into the sea.

At the port of Niodior, donkey carts are waiting for the passengers' baggage. There are no cars on the island, but plenty of goats, chickens, sheep and donkeys. Nor is there any running water, but enough groundwater. It is pulled up in pails on rope winches from numerous wells and carried home by balancing it on one's head. The island's inhabitants are all members of the Serer ethnic group, or more precisely, the subgroup of the Niominka, which means "coastal people." They subsist on fish that is caught using traditional methods, they collect and dry wild oysters. Millet, rice and peanuts are grown in the island's interior.

257 Conversation with the author on 21.03.2019 in Dakar.

258 Fatou Diome: *Im Bauch des Ozeans*, Zurich 2004, pp. 264 and 124.

One thing is particularly striking on the island: There are many new houses, there is construction activity everywhere. Adama Sarr wants to build a house, too. In 2007 he joined a group of about one hundred people leaving on a pirogue. He had not told his father or mother, only one of his friends knew about his plan. Their voyage lasted eight days before they landed on Tenerife in the Canary Islands. From there, Sarr was taken to the neighbouring island of Fuerteventura, brought to Getafe, a town outside of Madrid only three days later, and finally – always accompanied by police – to Almería on the Andalusian coast. It was only then that he was released. Upon arrival, he had pretended to be Gambian to avoid being deported as a Senegalese. For eight years, he was an illegal greenhouse worker in Berja in the hinterland of Almería, then worked in the orange plantations around Murcia. “I was making 280 euros a month,” he says, “I needed 150 euros for food, 10 euros for a room which I shared with five other Senegalese, and sent my family 100 euros. I asked Moroccan friends to take it with them, as I couldn’t use Western Union or any other money transfer service as an illegal alien. I would never have entrusted the money to a Spanish person.”²⁵⁹

It was only on his sixth attempt – now aided by a lawyer – that Sarr received his “documents” in 2017, and promptly signed a two-year employment contract with a textile company. That is the only reason why it took two more years until he returned to his home country in mid-February 2019 for the first time after almost twelve years and was reunited with his parents and all his brothers and sisters, which in Senegal, as it does in most sub-Saharan states, also includes one’s cousins. He has taken a two-month vacation. He will then fly back to Spain. “One day, when I have children,” Sarr says in parting, “I want them to grow up in Spain, so they can later provide for me in Senegal.”

The youth of Niodor – this still applies mostly to the young men, although the female proportion is increasing – is emigrating or planning to do so. Macky Sall, Senegal’s president since 2012 and re-elected in February 2019, wants to develop his country. The “Plan Sénégal Emergent” (“Emerging Senegal Plan”) includes funding for large-scale infrastructure projects such as the construction of motorways and a high-speed rail line, as well as the establishment of a new urban centre near the new international airport opened in December 2017 far outside the city of Dakar, where advanced technical colleges and start-up companies are to be located; rural roads are to be paved, access to potable water and electrical power improved, and oil and natural gas fields developed. It is an ambitious plan. 2.85 trillion CFA – the equivalent of 4.35 billion euros – has been allocated for its second phase. The goal is to make Senegal an emerging economy by 2035. Annual per-capita income is to rise from 2,311 USD (2011) to 4,000 USD (2035), allowing a new middle class to form.²⁶⁰

259 In a conversation with the author on 15.03.2019 in Niodior.

260 Details in Viviane Forson: *Sénégal: l'émergence en 2035?*, Le Point, 17.12.2018, https://www.lepoint.fr/economie/senegal-l-emergence-en-2035--17-12-2018-2279717_28.php (retrieved on 05.04.2019). A summary of the plan on the website of the Senegalese government: <http://www.presidence.sn/pse/un-senegal-emergent> (retrieved on 05.04.2019).

Even if the plan was to be fulfilled, the demographic pressure is bound to persist. Each year 250,000 new young people enter the labour market.²⁶¹ Senegal has indeed shown constant economic growth at high rates in recent years: 2014 - 4.1 percent, 2015 - 6.46 percent, 2016 - 6.74 percent, 2017 - 7.16 percent, 2018 - 7.04 percent.²⁶² “It is not an absence of economic growth,” as Gilles Yabi, founder of the West African Think Tank (WATHI), points out, “what is missing is the kind of growth that creates jobs.”²⁶³ In his view, industrialisation would be essential, but is non-existent. The fish industry was another field that offered opportunities, he continues, but the state would have to develop a strategy to make the entire chain of production from catch to industrial processing a Senegalese responsibility. It would also have to ensure that another important prerequisite was met by providing appropriate vocational training to address the current lack of know-how.

The reality in the fisheries industry, however, is a different one: Within the 200-mile zone off the coast of Senegal, where the country has exclusive rights to commercial exploitation according to international conventions, trawlers from Russia, China, Japan and the EU ply their trade, while on-shore Korean, Chinese or Lebanese fish factories produce fishmeal which is subsequently fed to European chickens, and a large portion of the catch is landed, frozen and immediately shipped out again on cargo vessels. A study conducted by British think tank “Overseas Development” concludes that 300,000 new jobs could be generated in West Africa if the states themselves exploited their fishing grounds and handled the industrial processing of the catch.²⁶⁴

According to Gilles Yabi, strengthening the “Compact with Africa”, the G20 project launched under the German presidency and aimed at creating a framework for long-term private investment in African states, was not a priori unsound; Senegal was in need of foreign capital, but it depended on whether the negotiated conditions would promote the development of the Senegalese economy and involve knowledge transfer and technological innovation, or serve only to siphon off profits. In his view, the key factor is that investments should foster Senegalese industry and strengthen the local market to allow for its own sustainable development.

261 Of Senegal’s total population of 15 million, 41 percent are under 15 years of age, i.e. 6.15 million. As only a small percentage goes on to receive vocational training after leaving school, it can be assumed that the Senegalese enter the job market at an average age of 16. An unchanged fertility rate would result in approximately 410,000 persons coming onto the labour market each year. As the fertility rate is slightly decreasing, a figure of 400,000 may be assumed, half of them women and half of them men. However, given that – based on estimates – three-quarters of the girls or young women remain with their families, the actual number of new job market entrants per year is roughly 250,000 (calculation by Stephen Smith, professor of African Studies at Duke University in North Carolina – in conversation with the author on 07.04.2019 in Berlin). At the press conference on 29 August 2018 in Dakar, German Chancellor Angela Merkel spoke of 300,000 persons seeking opportunities in the labour market each year – a round number, which, once cited by the World Bank, has since been circulated repeatedly.

262 Cf. <https://de.statista.com/statistik/daten/studie/385464/umfrage/wachstum-des-bruttoinlandsprodukts-bip-in-senegal/> (retrieved on 05.04.2019).

263 Conversation with the author on 20.03.2019 in Dakar.

264 Cf. <https://www.odi.org/news/793-300000-new-jobs-if-western-africa-invests-fisheries-industry-new-report> (retrieved on 06.04.2019).

“Nor is Macky Sall’s ‘Emerging Senegal’ plan bad a priori,” the political analyst notes, “but it must be embedded – ideally within the framework of the Economic Community of West African States – in a vision guided by the desire to strengthen domestic production and to reduce a debt of increasingly dangerous proportions.” Senegal, a country where 80 percent of persons employed work in the farming and fishing sectors, is not able to feed its own population.²⁶⁵ 80 percent of the rice consumed is imported from Thailand. The agricultural sector must enjoy a certain degree of protection if it is not to be crushed by the forces of the free market.

But even if Macky Sall’s plan should prove successful, even if the “Compact with Africa” was to address and reduce the causes of migration and flight, which is its underlying goal, the labour market will still not be able to absorb the 250,000 new young people leaving school each year for a considerable length of time. Europe will continue to extend and further externalise its border regime, and Senegal’s youth will continue to seek out routes to the north.

265 Caspar Schwietering: “Ausbildung statt Flucht”, FAZ, 11.10.2018, <https://www.faz.net/aktuell/wirtschaft/mehr-wirtschaft/so-will-deutschland-ausbildungen-in-senegal-foerdern-15821405.html> (retrieved on 06.04.2019).

THE AUTHORS

Dr. Bente Scheller became Head of the Heinrich Böll Foundation's Middle East and North Africa Division in Berlin in September 2019. From 2012 to 2019, she headed the Beirut office of the Heinrich Böll Foundation, previously having directed the Foundation's Kabul office between 2008 and 2011 and working at the German embassy in Damascus from 2002 to 2004. Scheller holds a Ph.D. in political science and is the author of the book "The Wisdom of Syria's Waiting Game. Foreign Policy under the Assads." She has been an Associate Fellow at the Centre for the Study of Radicalisation at King's College in London since 2018.

Thomas Schmid has reported as a foreign correspondent primarily from the Balkans, Latin America and the Maghreb states, as well as from Mali and Senegal. Born in Switzerland in 1950, Schmid holds a degree in sociology and has been working as a journalist since 1979. Starting his career as an editor at the German daily "taz", he subsequently worked mainly for "Die Zeit" and Swiss weekly publications, then as a foreign correspondent for "Berliner Zeitung", and has been a freelance journalist since 2015.

Friederike Stahlmann, M.A. in religious studies, M.A. in international and comparative legal studies, has since 2002 specialised in social, religious and legal issues in Afghanistan and conducted long-term research in Afghanistan as a Ph.D. student at the Max Planck Institute for Social Anthropology in Halle (Saale) and member of the International Max Planck Research School on Retaliation, Mediation and Punishment. She regularly serves as an expert consultant on Afghanistan in asylum cases before British and German courts.

Kirsten Maas-Albert, M.A. in Islamic studies, political science and media studies, has headed the Africa Division of the Heinrich Böll Foundation since 2007 and is the coordinator for migration issues in the Foundation's international department. She worked as an Associate Expert for the UN in Gaza from 1995 to 1998, and subsequently directed the Heinrich Böll Foundation's offices in Ramallah and Beirut.

“Get Lost!” European Return Policies in Practice

European migration policy is focusing increasingly on the return of migrants. Politicians in various member states are profiling themselves with promises to enforce the law, deport “effectively” and thus promote “order”. The right to protection in the event of a positive decision on an asylum application is up against the obligation to leave the country in the event of a negative decision. However, there are many difficulties in enforcing this. Some programs and member states are therefore offering financial incentives for “voluntary” return.

Yet, every deportation means the end of a dream; and anyone who asks rejected asylum seekers to “get lost” has no understanding of how hard a deportation actually is. Little does it matter what happens to deportees in their countries of origin, how they live or survive and whether support for “voluntary returns” leads to sustainable success.

Against this backdrop, the publication “Get lost! European Return Policy in Practice” intends to shed light on what are at times dramatic realities for people returning to Afghanistan and Syria and aims to contribute facts to the current debate on such returns. The contributions concerning Tunisia, Senegal and Kosovo, on the other hand, provide insights into the current return and reintegration programmes and place them within the policy context of “tackling the root causes of flight” as well as domestic economic situations in countries of origin.

ISBN 978-9-46400-741-1