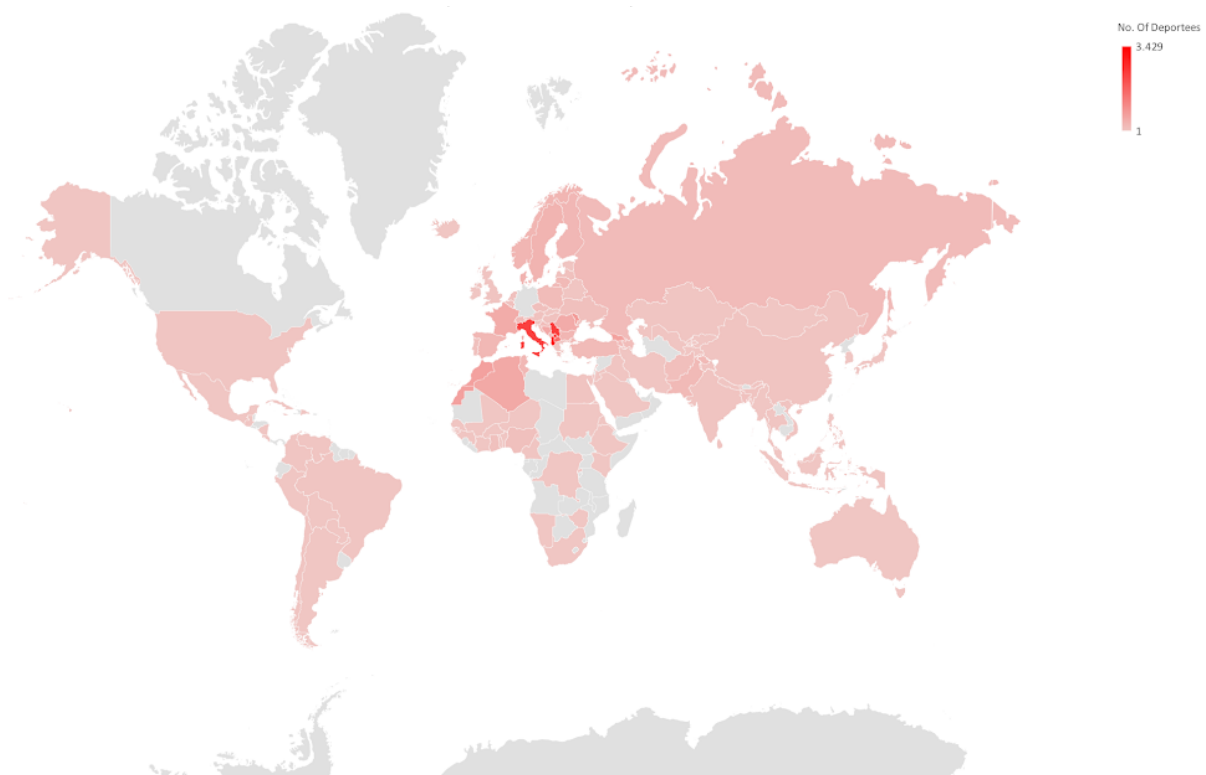


# Mapping Deportation Corridors

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## Case Study of Public-Private Interaction and Industries of Forced Removal in Hamburg, Germany



Master Thesis

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**Submitted:** 30.01.2019

**Characters:** 150.944

## **I. Abstract**

In 2017, a total of 23.966 people were deported from Germany to 115 different countries around the globe. The map on the title page shows these “destinations” of forced removal. This case study presents and analyzes some significant changes in the German deportation system that occurred from 2012-2017 and the role of private actors in this context. Deportations connect different physical, legal, and political spaces and places and involve a wide range of actors, outside the ‘inner circle’ of state officials and people who are subject to forced removal. The role of private actors involved in the deportation system has received little or no attention in academic literature thus far. To address this gap, the author explores changes in the deportation corridors (Drotbohm & Hasselberg 2015) that connect the city-state of Hamburg, Germany with destinations of forced removal from the perspective of a participant observer.

What role do private actors play in this highly politicized field? Who profits financially from the state-sanctioned practice of deportation? What does the privatization of parts of the deportation system entail in terms of transparency and democracy? This paper addresses these and other questions based on the thesis that deportation is becoming a business in and of itself.

This study found that private actors play a significant role in the marketization, humanitarianization, and digitization of parts of the German deportation system. Seeking “innovative concepts” and “solutions” to problems related to deportation, public actors helped create markets in which private firms are competing. The city of Hamburg, the German Federal Government, and the EU mobilized financial resources, aiming at creating more effective deportation systems. These financial flows connect public actors with management consultancies (delivering “expert”-knowledge), software companies, (delivering surveillance technology), and development companies and NGOs, who both play the role of humanitarian actors in emerging transnational return networks. Some of the transformation processes are related to the deterioration of the quality of asylum procedures and the intensification of the deportation policy in Hamburg and Germany respectively. At the same time, this transformation is related to the enhancement of the status of Appeals Courts, and to new counter strategies employed by deportees and activists who challenge the deportation regime.

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## II. List of Abbreviations

AMIF	Asylum Migration and Integration Fund (EU)
BAMF	Federal Office for Migrants and Refugees in Germany
CEAS	Common European Asylum System
EASO	European Asylum Support Office
EC	European Commission
ECRE	European Council on Refugees and Exiles
ECtHR	European Human Rights Court
ERPUM	European Return Platform for Unaccompanied Minors
EU	European Union
EUC	European Council
EURODAC	European Dactyloscopy
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Coast Guard and Border Agency
GFP	German Federal Police (Bundespolizei)
JRO	Joint Return Operation
IRMA	Integrated Returns Management Application
NGO	Nongovernmental Organization
PBL	Forced Removal Escort (Personenbegleiter Luft)
PSC	Private Security Company
UNHCR	United Nations High Commissioner for Refugees

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## 1. Introduction

In 2017, a total of 23.966 people were deported from Germany to 115 different countries around the globe (Jelpke et al. 2018). The map on the title page shows these “destinations” of forced removal. Before the German state used its *deportation powers* (Gibney 2013) to this extent, the German Federal Government initiated reforms from 2015-2017 aiming at effecting more departures of people who are, by law, obliged to leave the country (cf. Teuteberg et al. 2018). However, it is not only state actors who are engaging in *industries of forced removal* (Peutz 2006: 221).

This study presents and analyzes some significant changes in the German deportation system that occurred from 2012-2017 and the role of private actors in this context. The author explores the processes of *marketization*, *humanitarianization*, and *digitization* of the German deportation system, applying the concept of *deportation corridors* (Drotbohm & Hasselberg 2015) to the case of Hamburg, Germany. Deportations connect different physical, legal, and political spaces and places and involve a wide range of actors, outside the ‘inner circle’ of state officials and people who are subject to forced removal. While state actors, state institutions and people affected are often in the focus of research on deportation (Eule 2017; Hasselberg 2016; Peutz 2006), the role of private actors, management consulting firms, NGOs and medical experts has received little or no attention thus far. This study seeks to address this gap in the research literature to some extent and give impulses for further scientific investigation.

Deportation has become a dominant issue in the political debate in Germany. The need for an intensification of the deportation policy is often justified by politicians who refer to an *enforcement- or deportation gap* (cf. Gibney 2008; Günther 2018; Rosenberger & Küffner 2016). According to German authorities (c.f. Jelpke et al. 2018), the number of people legally obliged to leave Germany is higher, than the number of people deported to the territory of the state, where they are citizens or where they are legally entitled to stay. This situation creates a perception among politicians of different shades that Germany’s state institutions responsible for deportation are incapable of completing their tasks and thus need to be reformed (cf. Müller-Neuhof et al. 2018; Krauß 2018; Schröter 2018). The consequential policy-shift towards stricter deportation rules and practices is becoming visible in the form of new *deportation infrastructure* (Walters 2018) like the pre-deportation-detention facility in Hamburg that was recently reconstructed. On the policy

side laws that justify extended periods of pre-removal detention and cooperation with neighboring federal states Schleswig-Holstein and Mecklenburg-Vorpommern indicate changes, occurring in the deportation corridor that connects Hamburg with destinations of forced removal (Hamburger Senat 2018). While national politics play a significant role in these developments in Hamburg, the EU-policy dimension must also be taken into consideration. In the context of increasing border-militarization and enforcement, and the extension of surveillance regimes in the whole of the European Union (Lemberg-Pedersen 2015) questions concerning the forced (im-)mobility of (un-)deportable populations arise (cf. De Genova & Peutz 2010; Gibney 2013; Lemberg-Pedersen 2018a).

For this study, the author attended forced return operations in Hamburg as a participant observer. Furthermore, he held informal conversations and conducted interviews with a medical expert, NGO staff, legal experts and *deportees* (cf. Section 2; Peutz 2006) involved in the deportation system in Hamburg. Usually, deportation procedures are not open to the public and are difficult to access for outsiders. The author's employment as forced return operation monitor - begun in February 2018 - makes it possible for him to refer to first-hand information while exploring some of the changes in the deportation process from an insider perspective. However, this job entails a confidentiality agreement which limits the use of classified personal data or sensitive information (cf. Section 3.1). Thus, neither of these types of data/information are included in this paper.

The author's place of employment, the forced return monitoring project is a local initiative in Hamburg created by *Diakonie*, a faith-based NGO, working with the local immigration authority (*Ausländerbehörde*) and the German Federal Police (GFP; *Bundespolizei*) at Hamburg Airport. This project focuses on observing and keeping records of forced return proceedings from an external and objective perspective (cf. Diakonie 2018; Schukat 2015). Furthermore, the idea of the participating institutions, as laid out in the contractual agreement, is to guarantee transparency in this highly politicized field. For deportees, the deportation process entails a forced displacement where their desire to stay in a specific place is confronted by the legally sanctioned state practice of removal. This confrontation between the individual and state power leads to deportations that are often conflictual or in some cases even violent.

The history of forced return monitoring in Germany is illustrative, as it mirrors developments in the German deportation system over the last decade. Forced return

monitoring in Germany was initiated after Sudanese deportee Amir Ageeb, died on May 28th, 1999 on board of Lufthansa Flight LH588. Three officers of the Federal German Border Guards (*Bundesgrenzschutz* - now renamed *Bundespolizei*) escorted Ageeb during the flight towards Cairo. After he refused to sit down, the police escorts forced him into the seat and pressed his head down (Fekete 2003). During a post mortem forensic examination, asphyxiation induced by the officers' use of force was identified as Ageeb's cause of death (Dahlkamp & Mascolo 2001).

The Ageeb incident sparked a public debate, led to trials against the officers, and to reforms of the deportation practices introduced by the minister of the interior Otto Schily. In 2003, three officers involved in the incident were convicted for bodily harm with lethal consequence (Woldin 2015). After the Ageeb incident, enforcement agents had to receive training before they become deportation escorts. Furthermore, the enforcement agencies developed a code of conduct, outlined in a confidential paper called *BestRückLuft* (GFP 2016). This incident also motivated the engagement of the church of Northrhine-Westfalia that demanded the creation of a civil society control mechanism to monitor deportation proceedings. In 2001, the church instituted the first independent monitoring of forced removals at the airport in Dusseldorf (Schukat 2015).

Today, forced return monitoring projects exist in Dusseldorf, Berlin, Frankfurt, and Hamburg. The cooperation between public and non-public parties in the forced return monitoring project is contractual and based on Art. 8 Section 6 of the EU Return Directive (2008/115/EG) which demands an effective forced return monitoring mechanism exist in all EU-member states. The first monitoring project was instituted in Hamburg between 2010-2015 in Hamburg and then discontinued. It was reinstalled by *Diakonie* in 2018 and is now funded by the city of Hamburg. The Green Party, which is currently in the government coalition of the *Senat*, Hamburg's government, made the forced monitoring project a dependent claim in the coalition contract when partnering with the Social Democratic Party (SPD).

While other European states have realized comprehensive nationwide monitoring mechanisms (FRA 2018), the German ministry of the interior (BMI) remains reluctant to install independent monitoring at all airports and instead refers to the institutions and the rule of law already in place (Nationale Stelle zur Verhütung von Folter 2018: 42). Because of this ministry stance, only four German airports are monitored by six professionals. The practitioners have backgrounds in law or, as in the case of the author,



in development and international relations. Concretely, monitoring takes place directly at the airport in the time window between the arrival of deportees and likely departure of flights. Due to his employment, the author has access to leading staff of the local administration, public and private actors and persons directly affected by forced removal procedures. Being physically present and documenting deportation procedures at various stages allowed the author to grasp the complexity and the many different trajectories in processes of deportation, which, as will be shown in this thesis, begin long before and carry on long after the actual moment of forced removal (Drotbohm & Hasselberg 2015).

This paper is based on fieldwork in Hamburg, Berlin and Athens conducted between March and December 2018. During this time, the author attended forced return operations from Hamburg Airport as a participant observer, visited Asylum Law Conferences in Hamburg, Berlin, and Athens and conducted qualitative semi-structured interviews with state, and non-state actors involved in the deportation corridor in Hamburg. The following main research question and aligned sub-questions guided this research project, and are addressed in this thesis:

- 1) What role do private actors play in the German deportation system and particularly in the case of Hamburg?
  - a) What significant changes in the deportation system in Hamburg and Germany occurred during the years 2012-2017 and how did these changes affect the practice of deportation?
  - b) Who profits financially from the state-sanctioned practice of deporting people from Germany?
  - c) Does the privatization of aspects of deportation corridors mean that non-state actors gain influence and help shape policies concerning citizenship, and the concepts of belonging and un-belonging?

Accordingly, the central thesis of this paper is, that the deportation system is increasingly becoming a business in and of itself and a field of economic competition for private actors (Peutz 2006; 221).

This point will be discussed over the course of this paper using the following structure: chapter 2 reflects on key concepts used in this study, chapter 3 defines the scope of the case study and presents contextual information, including recent statistical data on deportations from Germany. Chapter 4 outlines the methodological approach that bridges ethnographic fieldwork and approaches to the political economy of deportation. Chapter 5 presents literature from the field of deportation studies (Coutin 2015), border studies (Brambilla 2014; Lemberg-Pedersen 2015) and differing theoretical approaches to the study of deportation (De Genova & Peutz 2010; Drotbohm & Hasselberg 2015). Chapter 6 maps out deportation systems existent in Germany and Hamburg. In Chapter 7, recent changes in the assemblage of deportation corridors (Deleuze & Guattari 1987; Drotbohm & Hasselberg 2015) are mapped and analyzed. Chapter 8 analyzes the results of the study in the light of theories of deportation before conclusions to this analysis are drawn in Chapter 9.

As this thesis deals with highly politicized concepts and categories that carry different meanings depending on the context and perspective employed, the next section reflects on the key concepts used in this study.

## **2. Reflections on Key Concepts**

First, one must problematize the critical notion of *deportation* and the context wherein this notion is employed. In academic and public political discourse, one finds a vast array of terms that refer to deportation (cf. GFP 2018; Günther 2018; Schneider 2016; Walters 2010). In the German context, the word deportation is associated with the horrific practices during the Nazi-Regime, and the Holocaust as the German word *Deportation* literally refers to the systematic seizure and deportation of Jews and other minorities to ghettos and, detention- and death-camps (Longerich 1998). The legal, technical term that is used today for the state-sanctioned practice of deportation in Germany is *Abschiebung* (§50 Residence Act) which translates into the English word “push-away.” Alternatively, Matthew Gibney (2013: 119) defines deportation as the “legalized forced removal of non-citizens against their will under the use of coercion from the territory of

a state.” Gibney’s definition highlights the coercive dimension of deportation as an activity that is, in some cases, carried out involving direct physical force against the deportee. In a similar vein, Nicholas De Genova (De Genova & Peutz 2010) declares that deportation is a state-technique involving the use of force that draws lines between those belonging to the legalized community of citizens and *other* non-citizens.

Therefore, scholars argue, deportation is a “state technique that is constitutive of citizenship” (Walters 2002). However, legalized removal of a person from the territory of a state does not always imply the use of direct force. More subtle means thought to motivate a person’s return to their country of origin, or a third country, are at the disposal of the state (cf. Section 6.2). In the European context, lawful forced removal is often called *return* (see for instance EU return directive 2008/115/EG). While *forced return* seems to imply the use of direct coercion in the context of administrative enforcement, assisted (or non-assisted) *voluntary return* is understood to be the ‘humane’ deportation alternative (Ministry of Interior 2018). From the perspective of this paper’s author, voluntary return can be attributed to deportation regimes as the term ‘voluntary’ is often controversial in this context (cf. Webber 2011). The concept of assisted voluntary return will be discussed in more detail in the analysis of international removal networks found in section 6.2. As it seems difficult to pinpoint a clear and definite meaning of the term, the word deportation in this paper will refer to a broad range of practices of forced removal. As such, the term deportation as used in this paper describes a process, rather than singular events (Drotbohm & Hasselberg 2015). The concept of ‘return’, is, accordingly, only used when being quoted directly from the references (e.g., EU-Commission 2017, 2018; Ministry of Interior 2018).

Deportation and asylum regimes (De Genova & Peutz 2010) are closely intertwined as failed or rejected asylum seekers are most commonly the subjects of deportation proceedings (cf. Section 4). However, the expulsion of criminal foreign-nationals also takes place in Germany. Referring to terms such as *refugee*, *asylum seeker*, *illegal migrant* or *deportee* can be problematic. For example, deportee is a notion that was introduced by anthropologist Nathalie Peutz in the context of her anthropology of removal (Peutz 2006). She uses deportee as a contrast category “that catapults the state and its exclusions directly into the transnational arena and shows how neoliberal globalization generates a disturbing sort of im-mobility (and opacity) for some individuals in conjunction with the more transparent “flexibilities” forced upon others”

(Peutz 2006: 218). However, by using this category one may create and project imaginations of homogenous groups of people who share an experience: this is highly problematic.

As Lisa Malkki (1998: 496) points out, using categories such as *refugee* acts to silence the multiple different individual stories behind the generalization inherent in the terms. Thus, one risks disregarding the qualitatively different situations and predicaments people find themselves in. Therefore, we might better understand deportees as being part of what Malkki calls an “accidental community” (Malkki 1999: 99). Statements of deportees are used as sources in this paper to illustrate experiences individuals made within the (changing) deportation system. As Nathalie Peutz (2006: 222) argues, people affected by deportation are usually made to vanish from the society that deports them. According to Peutz an anthropology of removal is useful to record and re-visualize stories of deportees that would otherwise be forgotten or remain untold. Peutz makes this point speaking of deportees. This paper highlights, that other (private) actors involved in deportation are also (made) invisible to some extent, as their public role in society may not be perceived as being related to deportation, even though they are very much involved. Therefore, this paper explores the perspectives and roles of some of these ‘hidden’ or ‘unusual’ actors in deportation systems.

The following chapter outlines the scope of this study and presents contextual information. The chapter also contains reflections on the choice of subject, time-frame and fieldwork location and presents statistical data regarding deportations from Germany.

### **3. Scope of this Study**

This study draws on data from the years 2012 to 2017. In addition, fieldwork was conducted from February until November 2018. Two key reasons led to choosing this time-span for this project. Official statistical data on deportation in Germany is available since 1977 (Ellermann 2009: 19) and if one follows the trajectory of the numbers of deportations taking place two distinct ‘phases of removal’ may be identified. The first phase of removal occurred in the early 1990s after the collapse of the Soviet Union. Subsequent power-struggles in the region and outburst of war in the countries of former Yugoslavia forced many people to leave their homes to escape violence, and large

numbers of these people sought protection in Germany. While less than 10.000 deportations from Germany were registered in the first year of official recordings, 1977, over 50.000 took place in 1993 before the numbers started going down again (cf. Figure 1 below).

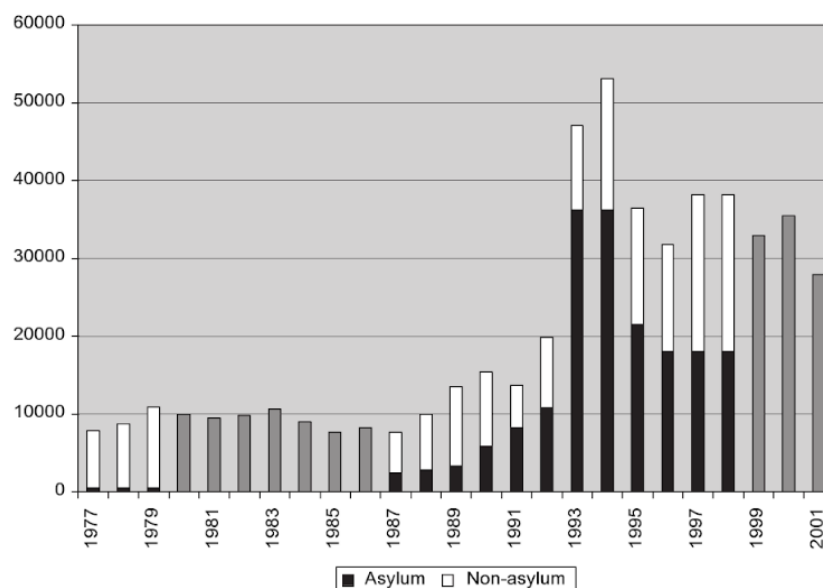


Figure 1: Deportations from Germany between 1977-2001

Source: Ellermann (2009: 19)

The rising numbers of asylum applications were accompanied by increasing hostility towards so-called foreigners, which then contributed to the electoral success of right-wing parties in several state-level parliaments. Neo-Nazis began attacking migrants in the streets and their homes (Kirchhoff & Lorenz 2018). One of the most shocking and widely published events occurred in August 1992 when an outburst of racist violence led a mob of more than 1000 people to attack asylum seekers in their accommodation in Rostock Lichtenhagen (Stepputat 2017). These attackers threw stones and Molotov-cocktails at people, and many bystanders applauded while police forces were unable or, from the perspective of some observers, unwilling to control the situation (Mauersberger 2017). At the same time, terms/notions such as *asylum abuse*, *asylum flood*, and *economic migrant* were introduced into the public political debate on asylum by conservative or openly racist actors. These actors painted a dark scenario of Germany's political and economic decay, presenting asylum seekers as a threat (Mauersberger 2017). In the wake of this uptick in racial violence, a significant amendment to the constitutional right to

asylum was introduced in May 1993 under the framing of an *Asylum Compromise*. In the light of its national-socialist past, the right to asylum in Germany had not only been grounded in international obligations, namely the 1951 Refugee Convention but also had constitutional status since 1949, that reads: “Persons persecuted on political grounds shall have the right of asylum” (Art 16 Grundgesetz, GG).

The amendment of the German Basic Law and the Asylum Procedures Act in 1993 fundamentally restricted the right to asylum. The concepts of *safe country of origin* and *safe third country* were introduced: these concepts required that asylum would not be granted if an asylum seeker either came from a safe country of origin or if she had entered Germany through safe third countries. Due to its geographical location, Germany is surrounded by countries legally defined as safe. Therefore, following the Asylum Compromise, large numbers of asylum applications were rejected, since claims of being in danger of persecution could now be declared unfounded according to the safe country principles. Consequently, the number of people legally subjected to deportation rose significantly, as reflected in the statistical data provided in figure 1 and 2. The first removal phase during which the number of deportations rose during the 1990s has been subject to detailed scientific investigation (cf. Kirchhoff & Lorenz 2018; Müller 2010). Developments in recent years, and more specifically developments of the deportation regime in Germany over the last five years have yet to be studied extensively. As the statistical data in figure 2 below shows, history seems to repeat itself and the number of people deported from Germany rose again from less than 8.000 people forcibly returned in 2010 to almost 25.000 in 2017. These increases in deportation numbers correlate with a steep rise in asylum applications, peaking at over 700.000 applications in 2015 and then dropping to less than 250.000, a number that continues to fall over time. Simultaneously, the number of asylum rejections and failed appeals against asylum decisions is also on the rise: this implies that the number of people who could face deportation proceedings is rising in tandem.

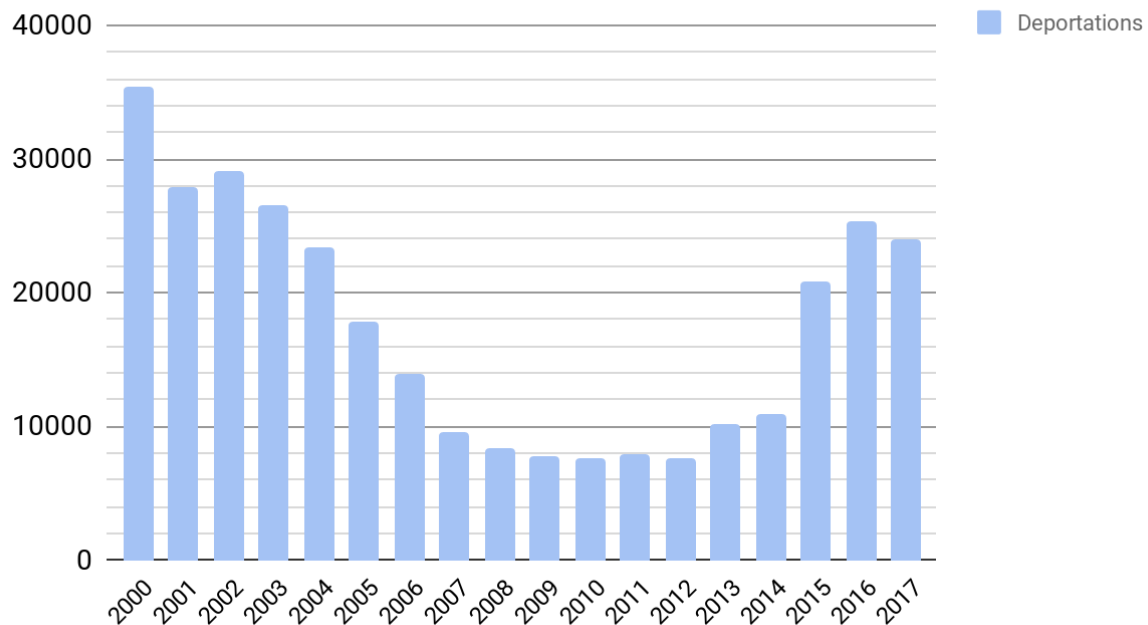


Figure 2: Deportations from Germany since the year 2000  
 Author's own graph. Source: statista.de (2018)

These statistical data, findings, and questions that arise from them will be discussed in more detail in the mapping section of the German deportation system in chapter 5.

Another critical consideration for limiting the case study to the time-span from 2012-2017 are the changing dynamics in the public-political discourse around deportation in Germany. As mentioned in the introduction, deportation enforcement has become a dominant topic, both in Germany and other democratic states. Repeatedly officials on the EU, federal and municipal levels have called for more effective deportation processes (cf. European Commission 2018; Frankfurter Allgemeine Zeitung 2017; Günther 2018), and significant changes and reconfigurations of the system seem to have occurred (as will be highlighted in sections 5 and 6). One case in point here is the amendments to asylum and so-called residence law that took effect in 2016 and 2017 with the aim of facilitating more deportations (cf. Bundesgesetzblatt 2017).

To further manage the scope of this explorative research project, it was necessary to narrow down the field of attention to a limited geographical location in Germany, namely the city of Hamburg. Hamburg was chosen as a research location because it has an international airport, a deportation detention facility, federal state authorities, and other crucial deportation infrastructure (Walters 2018). Furthermore, the city is one of Germany's sixteen federal states. Its local immigration authority is responsible for the

administration of foreign-national residents. This also entails the enforcement of deportation. However, Hamburg is a unique case since it exists as a city-state with centralized institutions. Other federal states, like Lower Saxony, are home to several immigration authorities dispersed over their territory which are responsible for separate districts. Hamburg has a central reception center as well as a field office of the *Bundesamt für Migration und Flüchtlinge* (BAMF; Federal Authority for Migration and Refugees) where assessment of legal statuses and so-called voluntary return counseling take place.

At the same time, Hamburg has a politically active and visible civil society and left-wing scene and is host to many NGOs that advocate for refugees rights. This environment made Hamburg an exciting site for investigating the political dimension of deportation. For example, amidst the rise of the political right wing in Germany, Hamburg experienced a demonstration populated by than 25.000 people who protested for an open society, and against racism, under the slogan, “We’ll Come United” (Jakob 2018). Anti-Deportation campaigners were seen amongst those protesting, claiming: “No border, no nation - stop deportation!” The influential role of anti-deportation activists and civil society actors will be discussed in more detail in section 6.5.

By performing this case study of changes in the German deportation system, the author seeks to contribute to the literature in the field of deportation studies (Coutin 2015). While generalization will only be possible to a limited extent, changes in the deportation system in Hamburg and effects of overarching developments shall be illuminated and discussed. Thereby the author hopes to contribute to a more informed discussion about an issue guiding political agendas in Europe and Germany. In the following chapter, the methodological approach of this thesis will be outlined.

## **4. Methodology**

This research is an interdisciplinary case study that employs mixed methods inspired by an anthropological perspective on forced removal (Peutz 2006) and approaches to the political economy of deportation (Lemberg-Pedersen 2015). A case study design was chosen, as the author’s primary objective objective was to explore the recent changes in the deportation system that he encountered during his employment in Hamburg, Germany. The research process did not follow a rigid pattern and did not include multiple comparable cases which would have helped to generate broader and more general



insights. Instead, this paper presents findings from a specific case, identifying new emerging problems and phenomena. Thereby, the author seeks to inspire further discussion and scientific investigation of deportation.

To shed light on the perspectives of actors involved in deportation, the author used the methods of *participant observation*, *semi-structured interviews* and *informal conversations* to obtain qualitative data (Spradley 2016). After the research problem was formulated and the field was chosen, the study was carried out and written in a process that followed a research cycle (Ibid: 29). The first step was (1) formulating and asking questions before (2) collecting data, (3) recording and analyzing the data and (4) returning to step one and revisiting the original research questions. By employing this research cycle, it was possible for the researcher to narrow down the complex research field, to focus on specific developments and actors, and to keep up with new developments. Accordingly, the project was updated throughout the study. Field research was carried out during the time the author was present at the airport in Hamburg. As was outlined in the introduction, the author's employment as forced return monitor entails documenting deportation procedures. The monitoring records are confidential and cannot be used as sources. However, the author observed significant changes in the deportation system and explored the perspectives of actors involved 'on the ground'. In four cases persons agreed to participate in an interview. To protect the integrity of the informants, their names were changed:

#### List of Interviewees

1. Abel - Deportee, born in Somalia – Interviewed 3 October 2018 – Duration: 45 min.
2. Hakan – Deportee, born in Turkey – Interviewed – 5 September 2018 – Duration: 60 min.
3. Alex – Medical Expert, born in Germany – Interviewed 12 November 2018 – Duration: 35 min.
4. Frank – Lawyer, born in Germany – Interviewed 14 November 2018 – Duration: 50 min.

In addition, the author held conversations with NGO staff, Frontex officers, private security staff and airport staff. Their statements are not quoted directly. However, these conversations were a valuable source of information during this research and helped to identify significant developments in the deportation system. During the fieldwork process, the author found that the transnational nature of deportation was of such striking importance, that he decided to expand the field research to some extent. To

expand his knowledge beyond the city-state of Hamburg the author collected additional information at conferences in Berlin and Athens, where current developments concerning the EU asylum and deportation policy were being discussed (CCME 2018; 18th Berlin Conference on Refugee Protection).

In addition to drawing on fieldwork, this paper also examines deportation from the angle of forced migration industries (Lemberg-Pedersen 2015) in line with the central thesis that deportation is increasingly becoming a business in and of itself. Thus, existing datasets, official statistics, scholarly literature, NGO and news media reports regarding deportation in the EU, Germany, and Hamburg were collected and analyzed (cf. References and Appendices). The primary objectives during desk research were finding and tracing financial flows related to deportation and learning more about the interaction between public and private actors in deportation corridors.

Statistical data and official statements regarding deportations in Germany are accessible through the websites of the German Parliament (Bundestag 2018) and Hamburg's city parliament, called *Bürgerschaft* (Hamburgische Bürgerschaft 2018). Parts of the statistics regarding deportations from Germany were transformed into maps of forced removal from Germany and Hamburg respectively. They are presented in chapter 5 below. The limitations of these methods and the research project are presented in the next chapter. The section also reflects on ethical implications of social scientific research in the field of deportation.

#### **4.1 Limitations and Ethical Considerations**

The reader should note that the deportation system is continually being transformed as we speak. Thus, this case study does not claim to be complete. It sheds light on some of the changes in the deportation system in Hamburg that occurred during the chosen time-span between 2012-2018. Though deportation corridors in Hamburg were carefully examined during this project, a lot of research work remains yet to be done. For example, the role of the executive staff of private security companies or pilots should be included in future research. Both actors seem to play a significant role in deportation corridors. Beyond this, a long-term comparative study of a number different cases of deportation corridors in different regions would be useful to test the findings of this project and gain further insights.

The focus of this project was placed on the assessment, pre-departure and departure phase of deportation proceedings and the analysis of processes of reassembly with emphasis on deportation corridors (cf chapter 4 & Drotbohm & Hasselberg 2015) in Hamburg. It is for this reason that *forced arrival*, so-called *reintegration* (cf. Section 5), litigation, and the lived experience of return in post-deportation phases are only covered to a minimal extent. Further research that covers the phases mentioned above would be necessary to gain a more complete image of deportation trajectories.

In addition, deportation is a highly politicized issue and framed by authorities as a matter of state security. Due to the delicate nature of their situation, most actors approached over the course of this project either rejected to participate or seemed reluctant to speak openly about their involvement in deportation corridors. Thus, audio-recording a satisfying amount of statements was, unfortunately, impossible. Four persons have agreed to participate in interviews.

As Nathalie Peutz points out, social science tends to reify categories and intervenes in actors' lives (Peutz 2006). Of the most significant concern in this context are the experiences of individuals who face deportation. The author's the experience from fieldwork showed that most deportees in the acute moment of departure find themselves in an extraordinary and charged situation. Most of them are deeply troubled, or in fear and others express anger (from my fieldnotes). For this reason, approaching people in such a situation as a researcher demands awareness of the situation of the individual, paying close attention to the own privileged position of the researcher. Throughout this study, all interviewees were approached with the highest respect, honoring the charged nature of their situation. The aim of this study was to present individual perspectives and accounts to enrich research regarding current changes in the deportation system. Interviews always took place with the explicit consent of the interview partners and against the backdrop of a clear description and explanation of the research project.

In short, this thesis is designed as an interdisciplinary case study that employs methods inspired by an anthropology of removal (Peutz 2006) and theories of the political economy of forced removal (Lemberg-Pedersen 2015, 2018). Recent changes in the deportation system, data from public sources, academic literature, legal documents, NGO reports, and news outlets are analyzed. The next chapter reviews literature from the field of deportation studies and outlines the theoretical framework used in this research project.

## 5. Literature Review & Theoretical Approach

While the CEAS - Common European Asylum System that aims at harmonizing reception and refugee protection in Europe is an honorable idea, it seems to be running in crisis mode (Lavenex 2018), and scholars have identified that states prioritize deterring migrants and refugees and militarizing borders over fulfilling their obligation vis-a-vis international human-rights law (cf. Lemberg-Pedersen 2013). States prioritize intrastate cooperation under the buzzwords “integrated border management” and “integrated return management” (cf. BMI 2015). According to official documents “effective return policies” and “joint implementation efforts” of EU-member-states are needed to control and govern migratory movement (Lemberg-Pedersen 2018; European Commission 2018). This study aims to examine and situate the case of Hamburg in the context of these overarching developments beyond the boundaries of the Hamburg city-state. Thus, recent developments are analyzed in section 6 under the title “Private-Public Interaction in Deportation Corridors.” As the author argues in the following review, this can be accomplished using the concept of deportation corridors introduced by Heike Drotbohm and Ines Hasselberg (2015) in combination with a political-economic perspective on deportation. From this angle, deportation is understood as a form of forced migration or even *border-induced-displacement* (Lemberg-Pedersen 2018). This conceptual framework has yet to be used to study deportation and the involvement of private actors in this field in the geographic areas of Germany and Hamburg respectively.

### 5.1 Forced Removal, Forced Arrival - Forced Migration?

According to Matthew Gibney, “deportation power in liberal States is generally viewed as a power that is correlative with the State’s right to control the entry of non-citizens” (Gibney 2013). The argument put forward in favor of deportation is that systems of citizenship and immigration would be meaningless if states could not legally exclude and physically remove individuals who are deemed unsuitable for the collective of citizens. Gibney asserts that deportation is a technique that is *constitutive of citizenship* by which states distinguish between legally present members and non-members (cf. Ibid.). Since liberal democratic states have used their deportation powers increasingly over the last decades, which is documented in statistical data and reports, Gibney has introduced what he calls *deportation turn* (Anderson, Gibney & Paoletti 2011: 549) in the Asylum policies

of states. In using the term deportation turn, Gibney refers to the widespread use of deportation and expansions of systems of forced removal in which the latter is increasingly becoming a normalized state technique (Peutz & De Genova 2010). With the proliferation of deportation as a state power, scholarly interest in this area grew, and the field of deportation studies emerged during the late 2000s (Coutin 2015). It is related to, but also distinguishable from, the areas of security and migration studies. As Susan Bibler Coutin asserts, the direction and quality of the movement of people are seen in a different view from this newly emerging perspective, and common theoretical assumptions stemming from the field of migration studies are called into question as,

“deportation is forcible rather than voluntary, the decision to deport is in the hands of the state rather than that of individual migrants, the direction of movement is from so-called ‘receiving’ country to ‘sending’ country and definitions of ‘origin’ and ‘membership’ are disrupted by the act of removal” (Coutin 2015: 672).

Furthermore, Coutin argues, that referring to deportation as a form of migration, challenges the conventional notion of migration and opens a new field of inquiry. Gibney takes this a step further by arguing, that this issue is also commonly overlooked by scholars of forced migration, since for him deportation represents the *epitome of forced migration* as migrants affected have no choice whether to stay or leave a particular state; they are forced to depart under the threat or actual use of force (Gibney 2013). It could be added that migrants are also *forced to arrive*. This disrupts the existing notion of arrival, allowing it to take on a different meaning in this context. As Schuster and Majidi (2013) documented in their work on *returnees* to Afghanistan, arrival to a destination of forced removal can be highly problematic for the people affected.

In some cases, deportees are “returned” to a country they have little or no social ties to or might have never actually lived before. In other cases, the deportation may be understood as a failure by the receiving community at home (cf. Ibid). Therefore, Schuster and Majidi argue that deportation cannot be understood as a one-directional process and singular event. Rather, it must be seen through the prism of *circular movements* as people might choose to re-migrate after deportation. According to their study, returnees frequently see their stay or *sojourn* in the countries to which they are deported as a temporary return or break before a new phase in the migration cycle (cf. Ibid).

## 5.2 Deportation as a (Contested) Form of Expulsion

For William Walters, deportation is a state technique that succeeded other forms of *expulsion*, such as exile and population transfer. Therefore, it is not a merely new phenomenon but a distinct type of expulsion in yet another form and historical context that serves other purposes than its predecessors. While exile, for instance, was aimed at the exclusion of political enemies, deportation or transportation, in the colonial context, is a technique of labor stratification and disciplinary action in societies that are ruled indirectly, by governmental power, as opposed to earlier historical contexts of a direct sovereign rule (Walters 2002). Expulsion in its current form is contested and contradictory, and it creates double binds and challenges the actors involved, what Coutin (2015: 676) explains with the notion of “contradictions intrinsic to deportation.” These contradictions include the dichotomy between individuals’ rights to have families and states’ rights to control entry or the dichotomy existing between humanitarianism and enforcement (Ibid.). However, humanitarianism and enforcement do not necessarily contradict each other but may even go hand in hand as parts of the same regime. As scholars of critical border studies assert, framing enforcement not only in terms of security but also in a humanitarian language has become a critical aspect of border regimes (Section 4.3; Brambilla 2014; Pallister-Wilkins 2015; Walters 2011).

On the one hand, states like Germany ground their political practice in human rights and the rule of law, and the right to asylum is inscribed in the constitution of the Federal Republic (Art. 16a Constitution). On the other hand, the state also decides to force people to return aboard chartered flights to Afghanistan, a country that is riddled by war, chaos and violence (UNAMA 2014, UNHCR 2014, 2018a). An example of a double bind on the level of singular actors that may occur in this context can be illustrated by referencing the dual role of NGO workers who may, from their perspective, have good intentions and are motivated by the wish to help people who are possibly affected by deportation. By registering migrants with precarious legal status, these NGO workers may be playing into the hands of state authorities by making the recipients of their ‘help’ more visible to them (from my fieldnotes). Unknowingly (or not) they might work as a node in the state surveillance network, working against the wish of a person who seeks to avoid forced return (cf. Schneider 2016).

### 5.3 The Political Economy of Border Control

Surveillance and security play significant roles in deportation systems. As Heike Drotbohm (2013) emphasizes, deportation needs to be seen in the broader context of border control. In her understanding the policing of migrants has migrated inwards, from the loci of external borders as zones of immigration back into the demarcated territories, “turning living arrangements and everyday lives of transmigrants into border zones of law enforcement in which state officials seek to distinguish between desired and undesired individuals” (Drotbohm 2013: 2). This raises questions, as to (1) how these border zones or internal borderscapes - as spatial arrangements of surveillance, control, and forced mobility - are assembled, (2) how and by whom they are set up, run and financed and (3) what living and moving in and through them entails in social reality.

To answer this last question Nathalie Peutz calls for an anthropology of removal that follows the trajectories of deportees from their incarceration in the host state to their reception or the processes of reintegration into their alleged home countries (Peutz 2008). Peutz proposes to broaden this inquiry to include private corporations that benefit from practices of exclusion, transnational organizations or local networks that, in some countries, assist arriving deportees, as well as the activist groups that rally the opposition to deportation (Peutz 2006: 219). This paper follows Peutz’s proposal and includes not only to-be-displaced deportees and people who fear such situation but also doctors, NGO staff, ground-transport providers, and lawyers all of whom seem to play significant roles in the deportation system in Germany (from my fieldnotes).

Questions (1) and (2) above refer to political-economic structures and the assemblage (Section 4.8) of deportation systems which can be seen as the changing framework for actors involved. Complementing an ethnographic approach that includes the perspective of actors, a political-economic perspective is also helpful for illuminating the changing structures and rationalizations of deportation systems. Peutz proposes to examine the growing *industry of removals*, that functions according to neoliberal market mechanisms and “models new methods of economic rationalization: flexibility, low-cost buildings, less organized labor, and increasing privatization [...]” (Peutz 2006: 221). She asserts that studies of the business of deportation may help to illuminate what appears to be an expanding relationship between government and privatization in today’s “security” state.

As pointed out in the case of Germany, it needs to be noted, that issues of migration are increasingly "europeanized" and dealt with in the supranational arena of the European Union. Currently, migration is increasingly being framed in terms of security, framing the movement of people across borders as issues in need of solutions, for instance, the issue of controlling migration would be met with the solution of increasing border control. The increase in border control understood and presented by EU-actors and actors in its member-states as an inevitable necessity in a bid to regularize mobility and to put an end to business opportunities of people-smugglers and prevent human tragedies at sea in the Mediterranean (European Commission 2018).

Due to this viewpoint, major funds are being channeled to the common European border control project, as one can see in the form of the European Agency for the Management of Operational Cooperation at the External Borders - Frontex - which has A budget of 302 Mio € allocated in 2017 (BMI 2018b). Martin Lemberg-Pedersen has described and analyzed the growing influence of a border control industry, that capitalizes on the European Union's perceived need to invest in upgraded control measures at its external borders and beyond. The author examines the interaction between Private Security Companies and Frontex, the key actor in the field of EU-border control. Instead of understanding borders as a geographically fixed phenomenon, Lemberg-Pedersen uses the notion of borderscapes which he understands "as dynamic and multifaceted sites of intervention for public and private actors" (Lemberg-Pedersen 2013: 152). In a similar vein, Chiara Brambilla argues that using borderscapes as a methodological angle enables "a productive understanding of the processual, de-territorialized and dispersed nature of borders and their ensuing regimes and ensembles of practices" (Brambilla 2015: 221). In this sense, borders are not considered geographically fixed, but instead, borders are made and re-structured through processes of borderscaping (see Lemberg-Pedersen 2013: 152.).

As key actors in these processes, Lemberg-Pedersen identifies members of an "emergent class of security professionals" who successfully recode borders "from mobility channels of labour, trade, and protection, to control nodes countering threats" (Lemberg Pedersen 2018: 241). However, the notion of security used in these areas seems to disregard the situation of people on the move in search for protection while prioritizing the security of an imagined community of privileged citizens. As Lemberg Pedersen argues, borderscaping leads to a distinct type of forced migration for those



already displaced: border-induced displacement (Ibid.). This concept refers to “state-sanctioned practices where already-displaced people are intercepted, detained or deported across territories and between states reluctant to assume the responsibility of assessing their asylum claims” (Lemberg-Pedersen 2018: 242). As was mentioned earlier, deportation may also be understood as being intimately related to border-regimes. The next section will delve deeper into borderscaping as a fruitful concept for the study of deportation.

#### **5.4 Deportation in Processes of Borderscaping**

This paper follows Lemberg-Pedersen's point on border induced displacement and transfers the notion of borderscaping to the context of deportation studies. From this view, deportations are part of border regimes as they connect the *inside* of alleged boundaries of the EU and the German national territory with multiple destinations of forced removal on the *outside*. Deportations are practically acting as a tool in processes for re-making and rationalizing borders. This is reflected in the annual report of the Federal German Border Police, that states: a border-regime would be incomplete without the state's capacity to enforce deportation as an act of sovereignty (GFP 2018).

From this perspective, processes of borderscaping include the activities of (inward migrated) border control: registration, assessment of legal status, categorization, surveillance, detention and finally the act of removal of non-citizens, which is usually understood to fall under the term deportation. These activities are not only rationalized and carried out by state actors but involve private actors as well. Together they form what can be called an industry of (forced) migration (cf. Lemberg-Pedersen 2013). Transportation, detention, screening software, and catering are just a few aspects of deportation that involve non-state actors. From this perspective, it can be stated that the drive of states to carry out deportation as part of border protection creates a market for private actors in which there is money to be earned.

Concluding his analysis of the re-configuration of the European border regime, Lemberg-Pedersen states that the increasing involvement of private actors, and more specifically Private Security Companies (PSC's), presents severe problems concerning democratic transparency and humanitarian standards in European borderscapes. These problems are intimately related to the extensive funding directed to private actors who act according to economic self-interests in the field of border security and gain influence

on critical decision making and policy development (Lemberg-Pedersen 2013). As an offshoot of Lemberg-Pedersen's work, this project raises the question of whether non-state actors gain influence in the field of deportation in Germany as well.

From the view of state actors, deportation is linked to the field border control and constitutes problems in need of new solutions (European Commission 2017: 2). This problem/solution dichotomy is reflected in a statement by German Chancellor Angela Merkel who called for a “national exertion” (Nationale Kraftanstrengung) to realize the deportation of rejected asylum seekers present in Germany without legal permission to stay (Merkel 2017). The remarks followed a terror attack on a German Christmas-market in Berlin committed by rejected asylum seeker Anis Amri from Tunisia. Statements framing deportation as a matter of national or European security, and reflecting a deportation turn (Gibney 2013), are virulent in public political discourse on the European level. In a recent press release, the European Commission pointed out that “an effective and humane [sic!] return policy is an essential part of the European Union's comprehensive approach to addressing migration challenges and reducing the incentives for irregular migration” (EC 2018a). This is an illustrative example of how authorities frame deportation and border control in a language of care and humanitarianism.

The processes of borderscaping are not exclusively based on rationalities of enforcement and control; they are also based on concepts of *humanitarianism*. (Brambilla, 2015: 240). While it seems counterintuitive to speak of a *humanitarian border*, “it is important to recognize the ways in which the exercise of humanitarian power is connected to the actualization of new spaces” (Walters 2011). Whether by its redefinition of certain locales as humanitarian “zones” and crises as “emergencies” (Ibid. 139). In a press statement, the head of UNHCR's office in Germany Dominic Bartsch asserted, that return, and therefore deportation, is an integral part of the asylum system. He argued that the credibility of the asylum system faces challenges when rejected asylum seekers are not swiftly returned. According to Bartsch, this would create a false impression of the protection system in so far as it would appear flawed and susceptible to misuse by people, who are not in need of protection under the international refugee regime. Bartsch argues that deporting some is a justified means to maintain humanitarian protection for others (Bartsch 2018). The next section sheds light on the multiple levels of deportation governance and discusses the role of Frontex in the EU deportation system.

## 5.5 Multi-Levelled Governance of Deportation

Since irregular migration, border control, and deportation are seemingly viewed by state actors as belonging to a common set of migration challenges it comes as no big surprise that Frontex, introduced earlier as one of the significant drivers of border militarization, is also involved in EU- and German deportation systems respectively. According to the official Frontex website, the agency is financing, coordinating and monitoring Frontex Charter Flights (Frontex 2018a). The idea behind involving the supranational agency was to expel people from several member-states in joint-return-operations (JROs) under the supervision of the agency. According to a study published by members of the EU-parliament, this plan was initiated in France in 2005 by interior ministers of France, Germany, Italy, Spain, and the UK. (Keller et al. 2011: 14). The first Frontex Charter Flights took place in 2006. Austria, Poland, and France cooperated then and deported eight people to Armenia and Georgia. In the following years, the number of JROs rose. In 2016 a total of 39 Frontex Charter Flights took place. (Frontex 2016). Thus far the most significant number of Frontex Charter Operations was conducted in 2015 when the agency financed and coordinated 66 so-called JRO's. Germany participated in 44. A total of €4.65 million of costs for these operations were reimbursed to member-states by Frontex in 2016 (asktheeu.org 2016).

Another area of activity for the agency concerns a crucial precondition for forced return: the negotiation, conclusion, and implementation of so-called readmission agreements (Cassarino 2014; Trauner & Kruse 2008;). While states usually negotiate bilateral agreements, Frontex aims at concluding joint arrangements for all member-states. So far, 14 such agreements between the EU and so-called third countries have entered into force (EU-Commission 2018a). However, many receiving states seem reluctant to conclude readmission agreements with the whole of all EU-members. Agreements between the deporting and the receiving state which guarantee a frictionless forced arrival of deportees so-called readmission agreements are a common form of international cooperation in this field. As pointed out in the "Renewed Action Plan on a More Effective Return Policy in the European Union" published by the EU Commission in March 2017, readmission presents a challenge, as "member-states notably report difficulties to obtain emergency travel documents from third countries" (EU-Parliament and Commission 2017: 12). These receiving countries seem to regularly refuse to allow the entry of deportees with EU-travel document substitutes (Ibid.). Readmission

agreements are usually reached through bilateral negotiations. Therefore, diplomacy and international cooperation may be seen as an element in the processes of borderscaping as defining boundaries also involves the facilitation of coerced migration through identity documentation. As pointed out in a paper by the think-tank European Institute for Security Studies, the European Union can use the leverage of market-access, and conditions on payment of development aid, and should use pragmatic diplomacy to reach more agreements with third countries that ensure swift return of so-called irregular migrants (Liesiecka & Parkes 2017).

However, on the other end, in a number of cases, receiving states targeted during such negotiations seem to have little or no interest in receiving deportees, but rather seek to maintain the flow of remittances, streaming into their national economies, as migrants abroad send back money to support their families (Coleman 2009: 129). In some of these countries, remittances are a decisive economic factor and amount to more than any development aid being offered in return for re-admission. For instance, according to data provided by the World Bank remittances make up more than 20% of the national GDP in Gambia (20,5%), Haiti (26,5%), and Tajikistan (32,2 %) (World Bank 2018). This might make it ever more costly for deporting states to set up systems of forced removal as they may encounter other states and their economic self-interest as prohibiting factors vis-à-vis their interest in deportation. To tackle this “problem” EU actors are perceiving the approach of supranational coordination as being capable of producing solutions. Furthermore, the EU continues to work towards agreements with migrant and refugee-sending countries that are of special concern, for instance, the Sahel zone and Subsahara Africa. Under the Rabat and Khartoum frameworks the areas of migration, return, and readmission are mentioned as top priorities (ICMPD 2018; Khartoumprocess 2018). Joint EU efforts are also increasingly data-driven. To facilitate readmission and returns, the EU created the Integrated Returns Management Application (IRMA) which, according to the EU-returns action plan is “expected to facilitate the planning, coordination, and management of return capacities and operations by the Member States, the European Border and Coast Guard Agency, EASO and Eurostat” (EU-Commission 2017).

As was illustrated in this section, deportation policy is not only a matter of national politics in the German context. The European Union has also started initiatives to coordinate and facilitate “return.” However, Joint Return Operations and Joint EU Readmission Agreements have not proven to be very useful or feasible in achieving the

goal of facilitating more deportations. The next section reflects on *forced* mobility and immobility, crucial aspects of deportation regimes.

## 5.6 Forced (Im-)Mobility

Private actors, it seems, are not only influential actors in the field of surveillance at external borders, but they are also increasingly involved in crucial areas of borderscaping, in mobilizing or immobilizing migrants. The latter has been studied in the context of the prison industrial complex (cf. Arbogast 2016; Velasquez 2017). To expand the scope of research further and beyond the security sector, this study includes humanitarian and management businesses that are related to forced mobility. According to Walters (2018: 2799), several sectors are crucial to understanding what he calls deportation infrastructures that have been overlooked by deportation studies scholars. From this view, a close examination of commercial aviation as a part of the deportation system can bring to the fore the multitude of different trajectories of deportation proceedings. Walters (Ibid.) states that “the coerced mobility of the deportee does not resemble a straight line of ejection or conveyance between two states but operates amidst networks in which identity papers, risk assessment forms, goods, data, experts and diplomats, free and unfree people, and sometimes bribes are being set in motion on multiple directions, scales, and speeds.”

The next section presents a selection of academic studies on deportation in Germany to help situate this project in the chosen field.

## 5.7 Deportation Studies - The German Case

The literature on deportation in Germany often belongs to strands of legal scholarship (cf. Eule 2014; Hörich 2015) which is not surprising as deportation continues to be a complex and relevant issue from the legal perspective. At the same time, its political dimension has been thoroughly studied. Antje Ellermann, who conceptualizes deportation as politics of *coercive social regulation*, is an example of such a scholar, as can be seen in her comprehensive political-scientific study, *States against Migrants* (2009). Ellermann’s comparative study focuses on deportations in Germany and the United States of America (Ibid. 3). She presents deportation in the context of the broader field of migration control, a field that she sees as one among many challenges for liberal democratic states. As Ellermann writes, the desire of states to deport creates

contradictions and problems concerning policy development and implementation. Ellermann uses *state capacity* as a critical analytical concept for understanding the capabilities of individual states to develop and implement policies of forced removal, arguing that these types of policies impose severe costs on both the deporting state and the affected individual. Capacity, she argues, varies across different nation-states and must be explained by studying the implementation of policies rather than focusing only on the legislative arena while emphasizing, in particular, the role of bureaucrats that need to be taken into account as essential actors in this field (Ellermann 2009: 9).

In a similar vein, legal scholar Tobias Eule (2014) studies the implementation stage of immigration law in Germany, choosing immigration offices as the site for his case study, because he asserts that the work of bureaucrats is vastly overlooked. According to Eule, civil servants are not present in public discourse which is related to their role, however, as he explains, decisions made by single actors in the immigration offices,

[...] have an immense impact on the lives of individuals and families, as residence law is superior to all other laws save the constitution, directly affects and regulates all aspects of life from social welfare to employment and is of particular relevance in countries with low naturalization rates such as Germany. (Eule 2014: 3)

In his study, Eule found that implementation of immigration law can be a chaotic, improvisatory and sometimes arbitrary practice and he attributes this to the complex, politically charged and continually changing nature of the German immigration law. Furthermore, he argues that outcomes of assessment procedures are influenced by several sub-state levels of both executive and judicial power, and by local representatives of civil society (Eule 2014: 4). Ellermann and Eule both provide rich accounts of the legal and political dimensions of the German deportation system. Furthermore, they expand the scope of political scientific and legal research on deportation beyond the realms of the state and include actors that had been less visible in previous studies.

Liz Fekete (2003) presents a different argument, asserting that immigration officials are only fulfilling their task under the pressure of deportation rates determined by the top of governmental systems: “The actions of government ministers, politicians, press and the extreme Right all constrain the civil servants, immigration officials and police officers who have to enforce these targets to act with greater zeal” (Ibid.). Fekete

argues that it is the most vulnerable who are targeted because they are easiest to remove. She highlights the fact that both the EU's and Germany's deportation drive includes "torture victims, those severely traumatized by war, psychiatric patients and the terminally ill" (Ibid.).

A recent study on the specific case of Germany with a focus on the situation of deportees was released by Biskup et al. (2018). The authors analyze the situation of returnees who arrived in Kosovo from a psychological perspective applying a qualitative approach. Biskup and her colleagues found that voluntary return and deportation are both experienced by returnees as "critical life events" (Ibid. 302). The main difference between experiencing voluntary and forced return is a different sense of control during each of the different procedures. Interviewees who experienced a voluntary return to Kosovo stated that they had a sense of control and made own decisions that would have been impossible in the context of forced removal (cf. Ibid.). Stephan Dünwald (2011) examines the practice of return counseling in the context of (voluntary) return programs. In his study, he focuses on the role of social welfare organizations which are "stuck somewhere between states' institutional interest to implement legally binding return decisions and their clients wish to stay in Germany" (Ibid.). Dünwald concluded that few social networks exist in the countries of arrival that would fulfill the promise of the programs to ensure a re-integration of the returnee into society in her alleged country of origin (Ibid.).

As explained in this review, the German deportation system has been studied from interdisciplinary perspectives. However, thus far, interdisciplinary approaches that draw on deportation studies and bridge an anthropology of removal and approaches to political-economy have not been applied to the case of Germany or the case of Hamburg. In the next two sections, the deportation corridor approach and the notion assemblage will be introduced as key theoretical concepts applied in the analysis, presenting this new approach to studying the German deportation system.

## **5.8 Re-Assemblage of Deportation Corridors**

As mentioned previously, deportations entail complex interaction between actors, ideas, policies and technology in emergent and changing systems. The notion of assemblage will be used throughout this study to grasp the complexity and processual character of deportation systems. The concept of *assemblage* was introduced by Felix Guattari and

Gilles Deleuze in *A Thousand Plateaus* originally released in 1980 (Deleuze & Guattari 1987: 4). At first glance ‘deportation system’ or ‘-infrastructure’ are terms that might create the illusion of fixed entities that are observable in their entirety and comparable to others. However, the theoretical approach applied here emphasizes the processual character of deportation systems as assemblages. Thereby, the changeability of arrangements as well as the re-configuration that takes place as interoperation of social activity, ideas, laws, policies, actors, and technologies is also taken into consideration. Blurred boundaries and contradictions that occur during the re-configuration and becoming of assemblages will be analyzed accordingly.

This is done by mapping processes of becoming, a technique borrowed from Bruno Latour (2005) who proposes to leave behind the idea of analyzing social phenomena through a predefined set of ideas, and instead he suggests we approach issues by accepting the associative and temporary character of assemblages and the significance of actors’ perspectives on the issue at stake. While Actor-Network-Theory will not be used in such sophisticated manner as outlined in Latour’s body of work, the category of assemblage is used to “follow the actors themselves” (Latour 2005: 12). The idea that deportation involves different actors came from Heike Drotbohm and Ines Hasselberg (2015). Together, they developed a distinct approach to studying deportation that is outlined in the next section.

## **5.9 Deportation Corridors**

A broad range of different actors such as enforcement agents, NGO workers, business (wo)men and consultants are involved in processes of deportation. At the same time, deportations connect multiple spaces and places and can be perceived as a process, rather than as a singular event. So, a theoretical framework, suitable for analyzing this complex (temporal, spatial, and contextual) issue is needed. Towards this end, the concept of deportation corridors will be applied to this analysis (Drotbohm & Hasselberg 2015: 553). As Hasselberg states, recent developments regarding deportation need to be examined, using a transnational optic that observes techniques, processes, and social conditions of forced return, all of which link societies and territories across vast geographic distances and include a multitude of actors. The transnational character of deportation lies at the core of the deportation corridor concept, based on Peter Nyers notion *corridors of expulsion*: “the spatial continuity of waiting areas, detention facilities,



and deportation flights can be seen as constituting a ‘transnational corridor of expulsion’ [...] extending across territorial and national boundaries“ (Drotbohm 2013: 3).

Focusing on a recent and urgent example of a deportation corridor, Martin Lemberg-Pedersen (2018a) analyzes the ERPUM Project (European Return Platform for Unaccompanied Minors). This was the first EU project with the ambition to organize the administrative deportation of unaccompanied minors to Afghanistan: Nordic countries Norway, Denmark, and Sweden were primary drivers in this project, accompanied by Great Britain, Belgium and the Netherlands (Lemberg-Pedersen 2018a). Using the analytical lens of deportation corridors, the author succeeds in showing how “return relies on transnational and multilocal practices, varied geographies, and different actors and institutions” and that there exist “infrastructures underpinning the policy, including the governments and national and international organizations and institutions” (Lemberg-Pedersen 2018a: 49).

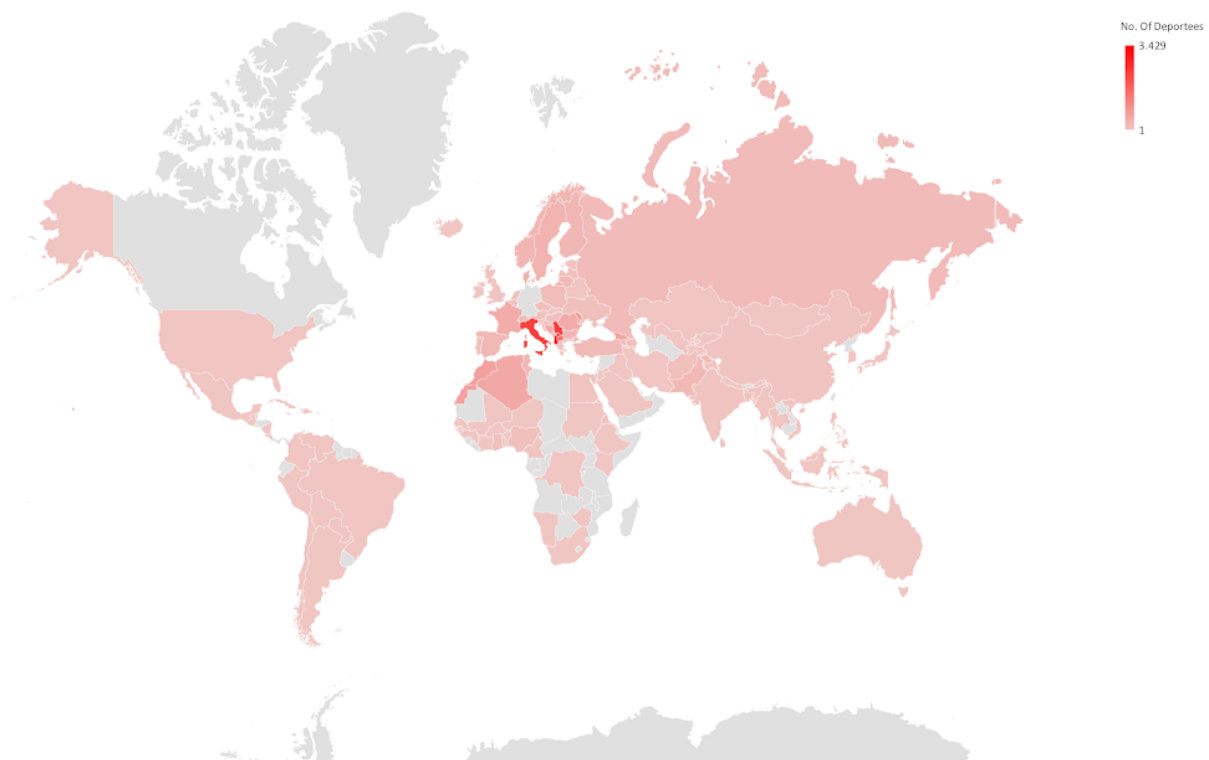
In this specific case, the corridor project was a failure and discontinued “after much public criticism, increasing bureaucratic resistance, and a changed EU landscape where the Dublin III Regulation (2013) provisions on UAMs seem to run counter to the pilot’s rationale” (Lemberg-Pedersen 2015a). Nationalist arguments in favor of deportation, framed in the language of humanitarianism and quoting the credibility of asylum systems, were unable (in this case) to overshadow and obscure the realities of the devastating humanitarian actuality in the war-torn country of Afghanistan. Accordingly, feasibility constraints led to a halt of the ERPUM project (Lemberg-Pedersen 2018a: 61).

In the following section, the German deportation system is mapped out. The chapter contributes to an alternative geography of forced removal inspired by the work of Jean Pierre Cassarino (2019). The subsections that follow present crucial aspects of the German asylum and deportation regime.

## **6. Mapping the German Deportation System**

When questions concerning the movement of refugees and migrants are discussed from the EU and German perspective, one observes what Walters (2018: 2799) has called an *ingression bias*. Walters points out that in public discourse and mediascapes scholars, media and security experts regularly draw attention to the routes which migrants take to reach European shores, while a similar focus on routes of expulsion is missing (Walters

2018: 2799). Jean Pierre Cassarino (2019) has addressed this gap, mapping out forced removal routes. He created maps illustrating networks of forced removal, -readmission and -detention which are available from his website (cf. Cassarino 2019). Both Walter's and Cassarino's work have inspired the attempts at an alternative geography of forced removal depicted below. The maps were generated from official statistical data on deportations from Germany in 2017 (cf. Jelpke et al. 2017). They allow the reader to partially visualize deportation corridors connecting Germany with destinations of forced removal around the globe. The map below highlights all countries where people have been deported from Germany by plane in 2017 in different intensities of red color. The color scale indicates the number of deportees per country from light red for one, to intensive red for the most significant number of 3429 deportees.



Ten of 115 countries with the highest number of individual deportations in 2017

Country	Albania	Kosovo	Serbia	Italy	Macedonia	Moldova	Morocco	Georgia	Algeria	Bosnia
No. of deportees	3429	2721	2359	2321	1530	751	634	612	504	496

Figure 3: Deportations from Germany 2017- "World"

Author's own graph. Source: Jelpke et al. (2018).

In 2017, a total of 23.966 people were displaced through German deportation corridors to 115 different countries around the globe. 91 % of them were deported aboard of planes (21.904). However, state authorities also enforced 2.011 deportations across land-, and 51 across sea-borders. The five countries receiving the most significant numbers deportees from Germany were all in Europe, including Albania, Kosovo, Serbia, Italy, and Macedonia. All these countries fall under the category of so-called *safe third countries*. Italy is an exception here as the number of 2.321 individual cases accounts almost entirely for so-called Dublin deportations. They affect asylum seekers for whose asylum procedure or protection provision Italian authorities are legally responsible under the Dublin III regulation (discussed in greater detail below). In the Appendix, a link to the interactive excel map is provided. Besides offering a larger image in a better resolution, this map makes it possible to look up the numbers of deportees by country or to zoom in on specific regions. Europe was the focus region with 82.47 % of all deportations from Germany. Therefore, the map segment is shown in more detail below.

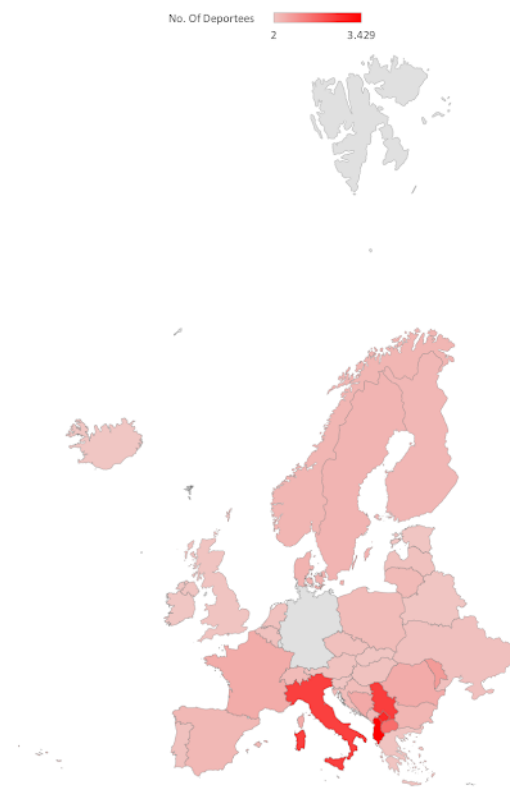


Figure 4: Deportations from Germany 2017 - "Europe"  
Author's own graph. Source: Jelpke et al. (2018)

However, one must stress that in 2017, deportations took place to some of the least peaceful countries in the world according to the Global Peace Index (GPI 2017), including Afghanistan (121), Iraq (14), and Sudan (2). The development of the deportation corridor connecting Germany and Afghanistan is analyzed in section 7.3.

The next section presents the basics of the legal framework concerning asylum, the residence of foreign-nationals and deportation in Germany. Moreover, the chapter presents and analyzes additional statistical data.

## **6.1 The German Residence and Asylum Regime**

While deportation proceedings in Germany are based on and involve a number of different national- international and supranational legal provisions, the rules most directly related to the deportation regime in Germany are specified in the *Aufenthaltsgesetz* (Residence Act), that regulates “the entry, residence, economic activity and integration of foreign-nationals in Germany” (§1 Residence Act).

To stay in Germany legally, holding a residence permit is generally obligatory for foreign nationals, except for citizens of EU member-states or stateless persons for whom other rules apply (Section 4 Residence Act). Individuals may receive indefinite or temporary permissions that provide different rights for the holder, for example, permission for engaging in economic activity and labor. Temporary residence is also legally possible for the purpose of study and education (Section 16 Residence Act), for the purpose of gainful employment (Section 18 Residence Act), in concurrence with international law for humanitarian or political purposes (Section 22 Residence Act), for reasons of family reunification (Section 27 Residence Act) and according to special rights of residence (Section 37 Residence Act). Individuals may apply for a residence permit with the immigration authorities (*Ausländerbehörde*) if one of these reasons mentioned above applies to their case.

As of 31 December 2017, German authorities registered 10.62 Mio foreign-nationals in Germany approximately half of which, 4.68 Mio, are obliged to be in possession of a residence permit as third-country nationals. The other half is exempted from the obligation as individuals in this group are citizens of EU member-states or stateless persons (BAMF 2017). Approximately 50 % of third-country nationals, received an indefinite title (*Niederlassungserlaubnis*) according to Section 9 of the Residence Act that is available for holders of temporary permissions after five years of permanent

residence given that the individual can economically sustain him or herself and the family, prove skills in German language and have a clean criminal record among other preconditions (BAMF 2016). The majority of foreign-nationals, who were granted a temporary residence permit according to Section 7 of the Residence Act, received the title for reasons under Section 22 and 27 of the Residence Act, either following a positive asylum decision or the possibility to reunite with family members who enjoy international or refugee protection in Germany (shown in the table below). As of 31 December 2017, the total number of temporary permits issued on the grounds of humanitarian or political reasons is 1.68 Mio.

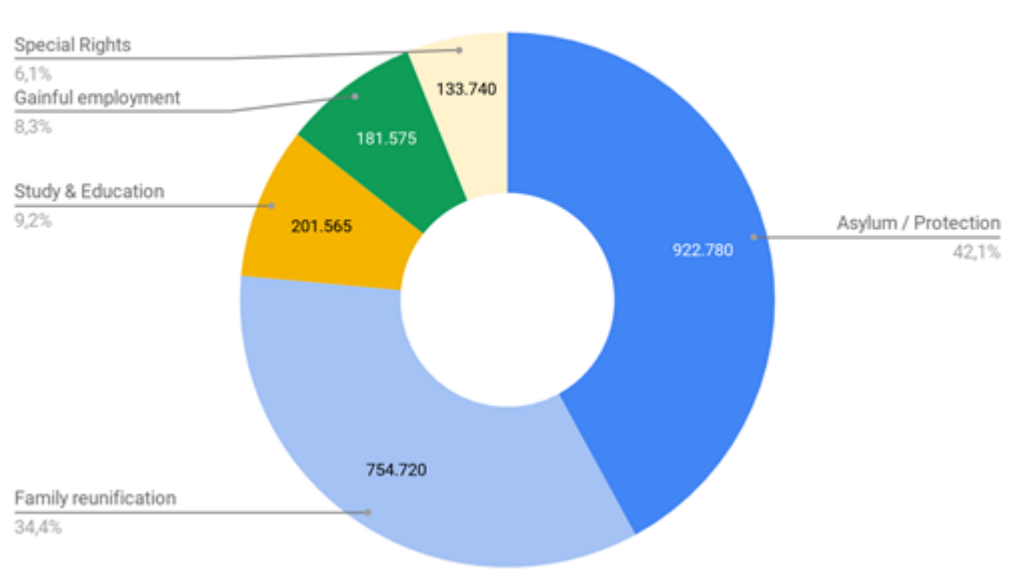


Figure 5: Temporary Residence Permits as of 31.12.2017

Author's own graph. Source: BAMF (2017)

As a member state of the European Union and signatory state of the 1951 Refugee Convention Germany provides individuals who reach its territory with access to an asylum procedure and legal protection in concurrence with inter- and supranational human rights law including Art. 16a of the Constitution (Right to Asylum). Every person who claims the right to asylum within the jurisdiction of German territory needs to file a formal asylum application with BAMF. The Federal Authority for Migration and Refugees is a government entity that is responsible for asylum procedure and decision making. Caseworkers employed by the authority conduct interviews with asylum seekers and decide their cases based on provisions of the Asylum Procedure Act and the Asylum Act. The entity belongs to the federal level of government, while immigration authorities

belong to federal states (for example to the city-state of Hamburg). It is worth noting that responsibilities and tasks involved in the deportation system are shared between the two levels of government.

Upon arrival, asylum seekers in Germany receive an *Aufenthaltsgestattung* (temporary permission) according to Section 55 of the Asylum Act. This document legalizes their presence in the German territory for the duration of the asylum procedure, yet also entails some restrictions and is therefore different from the temporary permission (*Aufenthaltserlaubnis*) mentioned above. Asylum applicants are obliged to stay within the limited territorial space and jurisdiction of the immigration authority in the appointed federal state. In the beginning stages of the asylum procedure, they must also stay within one of the reception centers. Asylum seekers are being appointed to a specific center according to the *Königsteiner Schlüssel*, a mechanism that calculates the proportional distribution of newly arriving asylum seekers amongst the 16 federal states in Germany. With these precautionary measures in place, their place of residence will be known to the authorities, who seek to maintain access to these persons in case of the necessity of forced removal proceedings (Section 56 Asylum Act). Therefore, when they first arrive, asylum seekers do not possess a residence permit in the full sense, are less likely to build social ties in Germany and happen to be vulnerable to deportation once they receive a negative decision. During the past five years, increasing numbers of people were seeking protection and had filed formal asylum applications in Germany.

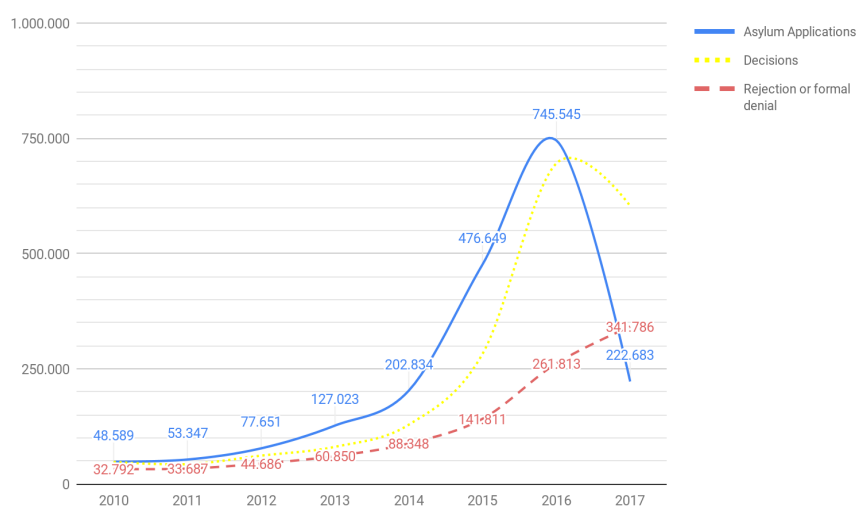


Figure 6 – Asylum Applications, -Decisions, and -Rejections in Germany 2010-2017

Author's own graph. Source: BAMF (2017)

As shown in figure 6 above, during 2015 the number of applications peaked at 745.545 applications. Escalating wars in Syria, Iraq, and Afghanistan, resulted in large movements of people and a significant rise in numbers of asylum seekers in 2015 (Kirchhoff & Lorenz 2018). Figure 6 shows a constant rise in numbers of rejections while applications and decisions are decreasing again since 2016. Open cases are being decided and closed, and numbers of new arrivals decrease (BAMF 2017). Of utmost concern for the deportation system in Germany are these groups of persons legally defined as “rejected”, or “failed” asylum seekers. After rejection, asylum seekers are registered as obliged to return, a legal status that is discussed in the next section.

## 6.2 Obligation to Return

When foreign-nationals (asylum seekers for example), lose their legal residence status in Germany they possibly become subject to deportation proceedings. According to the Residence Act deportation is the enforcement of the legal obligation to return (Ausreisepflicht), as defined in chapter five: *termination of stay*:

“A foreigner is obligated to leave the country if he is not / not anymore in possession of a residence permit and a right to remain cannot be granted according to the association agreement between the EEC and Turkey” (Section 50 Residence Act).

Fulfilling this obligation using the logic of the Residence Act means, that the foreign-national must leave German territory immediately or depart before a deadline of one week or up to six months has expired (Section 50.2 Residence Act). Crossing a border inside the Schengen-area and entering another member-state fulfills the requirement if the person concerned has a residence permit in that state and may stay there legally (Section 50.3 Residence Act). In this sense, an eviction order from German territory may amount to eviction from the Schengen zone, where free cross-border movement is legally possible for citizens of the European Union and legally present non-EU nationals under the Schengen agreement (European Commission 2018).

The table below shows the number of people who are registered with the legal status of being obliged to return in the central foreigners' database (AZR), and it shows the number of people deported from Germany since 2010. One sees evidence of a clear increase in all of these categories over the last seven years, and a drop in the numbers of

deportations when comparing 2016 and 2017 is evident. It is striking that the number of actual deportations carried out remains low in comparison to the number of people that could be possibly affected, due to their legal status. Scholars, as well as politicians, recognize this phenomenon referring to a *deportation gap*. (Cf. Gibney 2008; Günther 2018; Rosenberger & Küffner 2016)

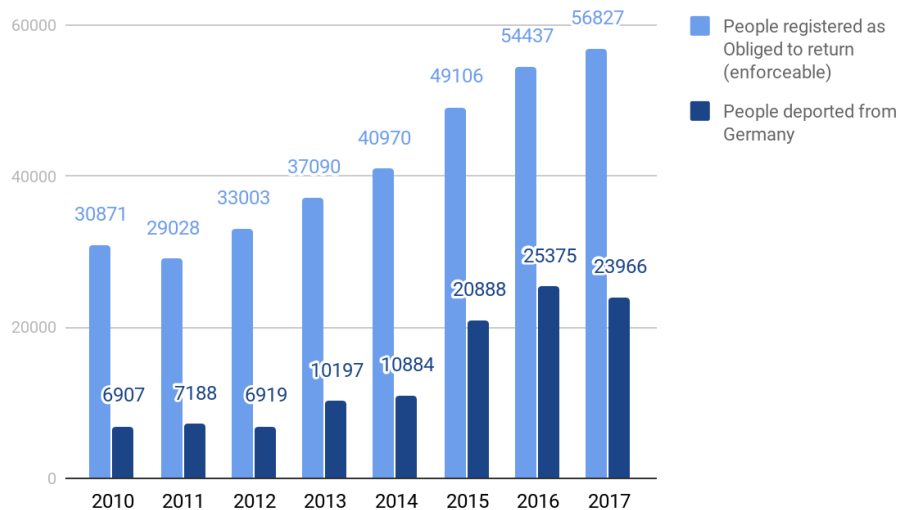


Figure 7: Number of People “Obligated to Return” & Deported 2010-2017  
 Author’s own graph. Sources: Jelpke et al. (2017); Teuteberg et al. (2018)

Registration of a foreign-national as obliged to return does not automatically lead to the initiation of deportation proceedings. Enforcement is either prohibited by law or practically impossible in some of the individual cases. The distinction between the legal status of a decision which can be ‘non-enforceable’ or ‘enforceable’ according to Section 58 of the Residence Act is critical. A deportation decision is only legally enforceable when the person concerned has not left the country voluntarily, if no further stay was granted or if the supervision of return by authorities, e.g., a police escort is deemed inevitable for reasons of public security and order (Section 58.1 Residence Act). A further stay is granted to people who are otherwise obliged to return if they are eligible to enjoy the protection of legal safeguards (Deportation Bans). Thus, some people who appear in the statistic above as obliged to return, are factually protected from deportation by law. The next section presents deportation bans defined in the residence act.



### **6.3 Deportation Bans and Duldung**

Section 60 of the Residence Act on deportation bans is crucial from a human rights perspective, and it is a distinct feature in the legal dimension of the German asylum and deportation regime. It introduces the provisions of the EU Directive 2004/38/EC (Qualification directive) into national law and entails safeguards for asylum seekers who would otherwise face deportation after having their cases rejected (Molitor 2018)

Section 60.1 of the Residence Act quotes the 1951 Refugee Convention and establishes protection from deportation for all individuals who were granted refugee status. According to the rule, no person shall be deported if he or she faces a threat to her life or liberty on account of her race, religion, nationality, or membership of a particular social group or political conviction in the state where they shall otherwise be deported. However, under Section 60.8 this protection mechanism is qualified so that Section 60.1 does not apply if the foreign national is regarded as a threat to the general public of Germany, e.g., after a criminal conviction for serious crimes. This provision reflects the tension between human rights protection and security concerns both expressed with regards to the residence of foreign nationals. While an explicit reference to the obligations under the international refugee regime is made, the state still keeps the option to initiate deportation proceedings a person if he or she is thought to pose a threat.

In case BAMF finds no protection reasons that justify political asylum or subsidiary protection during the asylum procedure the authority has to examine whether a deportation ban according to section 60.2,5 or 7 of the Residence Act applies. 60.2 Residence Act refers to the Asylum Act and prohibits deportation of an individual to a country where he or she faces serious harm. 60.5 prohibits deportation if it would conflict with provisions of the 1950 convention for the Protection of Human Rights and Fundamental Freedoms while the section that follows asserts that deportation is unlawful if the person concerned “faces a substantial concrete danger to his life and limb or liberty” (Section 60.7 Residence Act). This includes severe or life-threatening illnesses that would significantly worsen in case of deportation. These safeguards are crucial with regards to legal contestation of eviction orders and deportation proceedings respectively.

Administrative courts are the appeals body in the German asylum and deportation system. Individuals may file complaints about administrative decisions by BAMF and the local immigration authorities. According to the law, asylum applicants have the right to

appeal against a negative asylum decision or a deportation order. The possibilities and technicalities of such appeal procedures as part of the asylum system are very much depending on the quality of the decision made by BAMF. If a claim was found being inadmissible (e.g., Dublin case) or manifestly unfounded, the person only is given one weeks' time to file an appeal, others have time up to 30 days to have their case reviewed at an administrative court. Furthermore, affected persons who file a complaint against a Dublin decision need to request a suspensive effect of the court appeal separately which will prevent initiation of deportation proceedings, as opposed to other appeals processes which automatically suspend deportation until the final court ruling.

During the past two years, administrative courts have become an increasingly important instance in the asylum and deportation system. According to a publication from the *Bundestag* by the end of 2017, a total of 372.443 open cases concerning asylum were pending at courts in Germany. While 16,1 % of BAMF asylum decisions were appealed in 2015, this quota almost tripled and reached 49,8% in 2017 (Jelpke et al. 2018). This important development will be analyzed in chapter 6.1. on the role of management consultancies. In case BAMF, the immigration authority or the administrative court find a reason for a deportation ban, the enforcement of the deportation decision is temporarily suspended. While the obligation to return formally persists, the person receives *Duldung*, (toleration) status. Heide Castañeda (2010: 253) has called this status a "rather undignified condition" that marks people as neither "fully legal nor illegal and does not alter the fact that the person must leave the country." Furthermore, it entails a *hypervisibility* (Ibid.) to the authorities as persons with *Duldung* status are obliged to remain in the district they were assigned to by the dispersal system.

The next section discusses a distinct type of deportation, so-called "Dublin transfers." As was pointed out above, a considerable proportion of forced removals from Germany take place inside Europe in concurrence with the rules of the Dublin III Regulation. This paper argues that Dublin deportations are a distinct feature of the EU-, and German deportation system.

#### **6.4 Dublin Procedure & Transfers**

One of the first steps during the asylum procedure in one of BAMF regional field offices is determination of whether Germany is responsible for examining the application, or if another signatory state of the so-called Dublin III Regulation (Regulation (EU) No

604/2013) already received an asylum application or provided protection to the person in question. This is done by way of taking and comparing fingerprints of asylum applicants with the EURODAC database through which member-states of the EU and four EU-non-members share information on persons registered as asylum seekers in Europe (Regulation EU 604/213). EURODAC, (European Dactyloscopy) may be understood as ‘digital border’ or digital surveillance system of asylum seekers movements in Europe and was introduced to put in effect the Dublin Regulation III, signed by all EU-member-states as well as Norway, Iceland, Liechtenstein and Switzerland (BAMF 2018a).

If it is determined during the procedure that another Dublin state is responsible, then the asylum application in Germany will be classified inadmissible according to Section 29 of the Asylum Act. It is then assumed that a person can find protection within the country of first registration and that a return to that country must be the consequence (BAMF 2018). If the other responsible member-state approves a take-charge request, a transfer has to take place within six up to 18 months after approval. In case the deadline is not met, Germany becomes responsible for processing the asylum claim. As soon as a Dublin decision comes into effect BAMF informs the immigration authority that registers the person as obliged to return, without granting a deadline for voluntary return which then initiates deportation proceedings. Therefore, Dublin transfers are usually carried out as deportations.

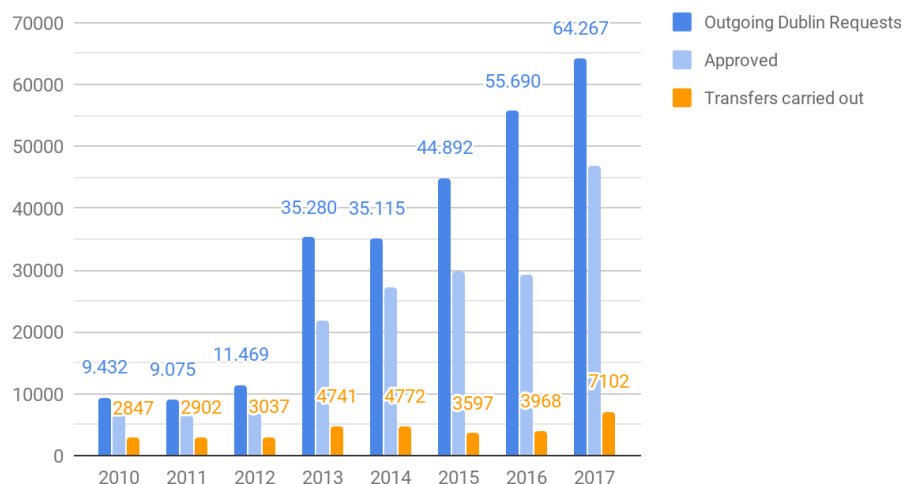


Figure 8: Dublin requests and Transfers from Germany 2010-2017

Author's own graph. Source: Teuteberg et al. (2018)

As figure 8 shows, the number of take-back requests from Germany to other signatory states of the Dublin III regulation has continuously risen from 9432 requests in 2010 to 64.267 in 2017. However, the number of actual transfers remains low even though a rising share of the requests issued by Germany are being approved by receiving member states. Only 11% of the transfers Germany requested did take place in 2017. Still, the number of Dublin deportations had almost doubled from 2016 to 2017 when 7102 people were deported to other European states.

The reasons for the gap between take back requests and enforced deportations are manifold. In many cases, it is impossible for authorities to enforce a decision in the time frame defined in the Dublin regulation (field notes). Furthermore, legal guarantees exist that protect vulnerable individuals who still appear in the statistics as obliged to return. Minors, for instance, may only be transferred to another Dublin-state if family members are residing there and the authorities can guarantee a safe reunification upon arrival that is in line with the best interest of the child. Additional safeguards are in place for persons who need treatment or support from close relatives due to serious illness. If the relative or the person in need of treatment would under normal circumstances be obliged to move to another EU-member-state, the member-state where the person resides usually does not separate the family unit according to Art. 16 of the Dublin regulation in case a relationship of dependency was identified (Art. 16 Dublin III Regulation). Besides these and other legal guarantees for affected persons already implemented in the Dublin III agreement, the reality of failing asylum and reception systems in southern European states as well as political unwillingness and practices of non-cooperation in states like Hungary influence the potential of German authorities to deport people under the Dublin agreement.

During the past years, especially since 2014, rising numbers of asylum seekers have arrived at the southern borders of Europe. They are met by asylum and reception systems - especially in Italy and Greece - that have proven to be inadequate to receive, accommodate and protect asylum seekers according to the standards of the Common European Asylum System (ECRE 2018; UNHCR 2018). The Dublin system has been heavily criticized by scholars, politicians and public actors for placing a burden on countries such as Italy and Greece (ECRE 2018, Lavenex 2018). Due to their geographical proximity to crisis regions in the Middle East and states on the African continent from which people departed in their search for protection in Europe, Italy and Greece saw the

most significant number of first arrivals. As reception and accommodation situations for asylum seekers further deteriorated, courts found that fundamental rights breaches may occur when asylum seekers who were registered in Greece or Italy and had moved on to other EU-member states were returned. One of the most prominent and influential cases was the November 2014 ruling by the Grand Chamber of the European Court of Human Rights' (ECtHR). In *Tarakhel vs. Switzerland*, the court ruled that authorities in sending member states need to obtain individual guarantees as to whether the fundamental rights of the applicants would be met, particularly in situations where the ability of member states to provide adequate living conditions was called into question. In a similar vein, the German Constitutional Court ruled that transfers to member-states that were found to have systemic flaws regarding the reception and asylum procedure conditions may only take place if individual guarantees are granted (Asylumineurope 2018a).

Therefore, before deportations to Italy, Hungary, Malta, Italy or Greece may take place, BAMF is obliged to request individualized guarantees, that returnees will be treated in accordance with EU asylum directives. This situation has led to an almost complete halt of transfers to Greece and Hungary in 2017. Beyond general suspension of deportation, some individual cases that were brought before administrative courts in Germany were ruled in favor of the applicants, suspending their transfers to Dublin signatory states (Asylumineurope 2018a). The motives for asylum seekers and refugees to re-migrate or continue their journey from another European state to Germany are manifold. As highlighted above, dire accommodation and reception conditions may motivate people to move on. However, also social or community relations and job opportunities may count as motivators for secondary movement (from my fieldnotes).

The next section presents the deportation enforcement procedure in more detail, highlighting the interaction between authorities belonging to different levels of government and presenting recent changes in the deportation corridor that connects Hamburg with multiple destinations of forced removal.

## **6.5 Deportation Enforcement in the Case of Hamburg**

Hamburg's government supervises one of the local immigration authorities in Germany, responsible for the administration of matters related to the residence of foreign-nationals in Hamburg including deportations: the Einwohnerzentralamt (Central Citizens Office). In case a person is registered as enforceably obliged to return, appeals have been

unsuccessful, and no deportation bans apply, caseworkers working for the local immigration authority ought to organize the forced removal of a person. This includes the acquisition of travel documents which may involve the embassies of receiving states and take considerable time depending on whether a readmission agreement (Cassarino 2014) is in place with the country of origin (from my fieldnotes). Once deportation is ordered, a flight is booked and, if deemed necessary, security escorts are organized when a date for the removal procedure is fixed. The person concerned receives a deportation note without the actual date on which the procedure may take place. Before, October 2015 deportees were informed about the date of enforcement. However, since an amendment to the Asylum and Residence law called Aslypaket 1 entered into force on October 25, 2015, deportation enforcement is carried out without prior notice (Section 59.1 Residence Act). Rejected asylum seekers who live in public accommodation, are ordered to remain in their apartments during night time as preparation for the enforcement procedure. If a person has not appeared at hearings in the foreign administration or has “shown the will” to abscond and prevent deportation, authorities may also request pre-removal detention which will be decided by a court.

At this stage of the procedure, the immigration authorities start cooperating closely with another principal public authority in the deportation system of Germany: The German Federal Police (GFP). This authority oversees border control, aviation security, protection of federal agencies and public infrastructure such as railway stations (Annual Report of the GFP 2017). The GFP is responsible for controlling all border-crossings, including the forced border-crossing of deportees. Thus, they are present at all German Airports and have specified deportation units that carry out tasks related to forced removal. The GFP work for the local immigration offices, providing administrative assistance (Amtshilfe) as their jurisdiction ends at the airport. Mostly early in the morning, a charge of the immigration authority and local police (Landespolizei) will enter the residence of the persons concerned, order them to pack their belongings and follow them to the police car. If the person resists to follow police orders, officers can use coercion, e.g., to subdue and handcuff the person, or use cable straps to constrain the movement of the deportees. Afterward, the deportee is driven to a specified airport. Standard travel-busses are used for this task when more people are “collected” for a charter flight deportation (different types of enforcement procedures are described in section 6.5.2 below).

Officers of the GFP receive deportees from the local immigration authorities at the airport. At this moment, the responsibility for the enforcement procedure is transferred to the *Bundespolizei*. The federal authorities then search the person and her luggage and bring them to a closed waiting area where he/she is under constant supervision. In cases where a detention enactment exists, the person is immediately brought into a closed cell. The deportee's travel documents are handed over, and the airline is informed whether the person has arrived and what their risks assessment level is. Before departure, officers check in the baggage, bring deportees to the plane or escort them during the whole flight. This is usually done as a pre-boarding process happening before "regular" flight-guests arrive in cases where commercial standard flights are used for deportation. Then the GFP issue re-entry bans that are noted in deportees' identification papers and registered in the border police database. If at any stage of the procedure, the person concerned refuses to follow police orders, officers may use handcuffs or a so-called body cuff. This is a specialized belt, with attached handcuffs. With this device, the movement of a person can be constrained completely. The police escorts receive specialized training in using these devices and other forms of coercion. After they completed this training, they receive the title *Personenbegleiter Luft* (PBL - personal escort air). As of October 2018, the GFP has 1190 PBL forces at their disposal all of which also carry out other duties and do not exclusively attend deportation proceedings (Thomae et al. 2018). As mentioned in the introduction, the training of the forces was introduced after the death of Amin Ageeb. Policemen and women are trained according to the Best-Rück-Luft, a confidential paper that includes the national standards for deportation procedures that were also a product of the Ageeb case. In the next section, statistical data regarding deportations from Hamburg is presented and analyzed.

#### 6.5.1 Deportations from Hamburg in 2017

In 2017, a total number of 950 people were deported from Hamburg airport. 59% of the deportations were executed on the order of Hamburg's local immigration authority (light blue). The remaining deportations were executed on the order of authorities in other federal states, which use the deportation corridor that connects Hamburg with destinations of forced removal. The table below shows that the total number of deportations from Hamburg airport (dark blue) has increased severely from 2013 to

2015, yet it is now dropping again. The statistic of deportations carried out by the GFP at Hamburg airport on behalf of Hamburg authorities shows a similar trajectory.

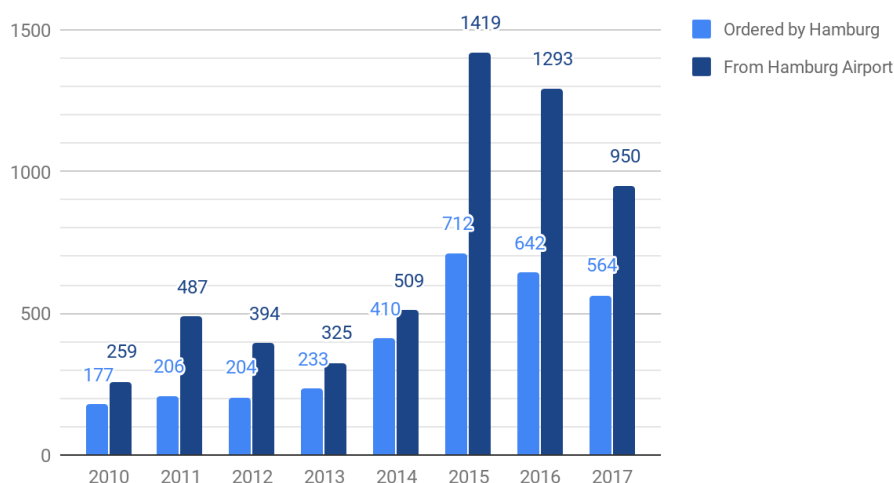
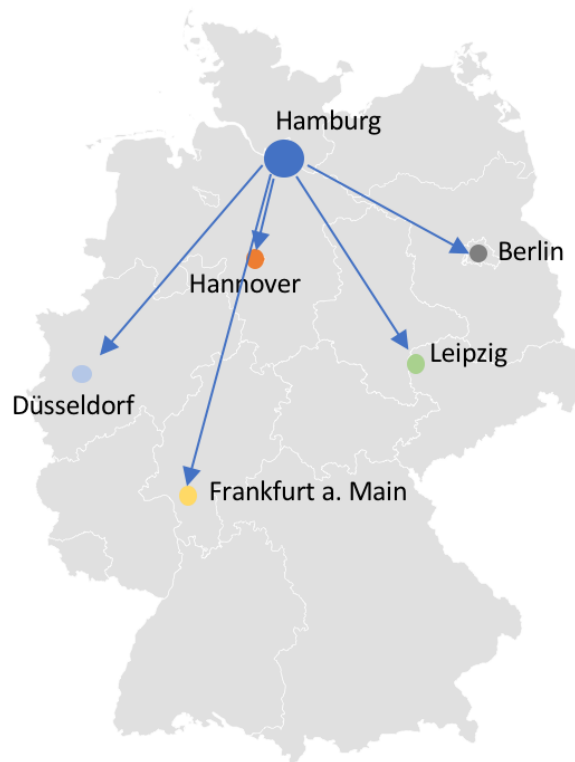


Figure 9: Deportations from Hamburg 2010-2017

Author's own graph. Sources: Jelpke et al.(2017); Schneider (2018)

One possible explanation for this decline in total numbers concerns the deportation infrastructure in Hamburg. Charter flight deportations from Hamburg are carried out by the GFP, using a specialized terminal. These type of deportation flights carry up to 80 deportees to destinations of forced removal in a day. Thus, airports from which several charter deportations start every week record high total numbers of deportations per year: Dusseldorf: 4854, Frankfurt am Main: 6756 (cf. Jelpke et al. 2018). However, as the airport in Hamburg is currently reconstructed, the charter terminal cannot be used as frequently, and most of the deportees leave Hamburg airport aboard of regular commercial flights. These usually carry not more than two or three deportees at once. Still, this does not mean, that people who face deportation on the order of Hamburg's immigration authority are less likely to be placed on charter flights. Being registered and residing in Hamburg does not automatically mean that the eventual deportation will take place from that location. Therefore, a distinction needs to be made between deportations from Hamburg Airport and deportation executed on the order of Hamburg's immigration authority. Figure 10 below shows the airports that were used for deportations by Hamburg's immigration authority in the last quarter of 2017.





Airport	Hamburg	Frankfurt a. Main	Berlin	Düsseldorf	Leipzig	Hannover
No. of deportations	54	36	12	12	5	2

Figure 10: Land Routes of Deportees from Hamburg 2017 (4th Quarter)

Author's own graph. Source: Schneider (2018)

Thus, deportations take place in interregional networks, connecting cities with airports and finally with destinations of forced removal. This type of map could be generated for other cities in Germany as well. Only 14 cities in Germany host international airports where specialized deportation police units are present. In the next section, different types of forced removal procedures are described according to observations at the airport of Hamburg.

### 6.5.2 Types of Forced Removal Procedures

Currently, at least four different types of removal procedures exist in Germany, and they differ according to the so-called *risk assessment* and *actors* involved. Furthermore, in each of these types of enforcement procedures, police officers use different levels of force.

Type (1) is a forced removal of an individual or family without any police escort on board of a commercial flight, type (2) is a forced removal with an escort on board of a

commercial flight, type (3) is removal on board of a charter flight carrying only deportees and type (4) is a small charter flight, booked for one or a few deportees. Usually, authorities seek to deport all “obliged to return” persons using type 1 flights. However, due to the presence of other customers on board, pilots, who have the responsibility for safety on board may refuse to carry the person if the risk assessment shows, that the deportee would refuse to comply with the orders of the airplane staff. Therefore, if a type 1 approach “fails” a security police escort of 2-3 persons will be organized for another attempt.

Authorities refer to “failure” in the context of deportation enforcement when a procedure was canceled, and the deportee stays in Germany. This occurs when, for example, deportees refuse to follow the instructions of airline staff or when court rulings (*Eilantrag*) or acute medical reasons (e.g., severe injuries) prohibit a continuation of the enforcement procedures in the last minutes. However, what authorities perceive as “failure” is viewed as “relief” by those affected (field notes). Chapter 7.5 sheds light on this difference between the two perspectives in greater detail. When an escorted deportation attempt also fails, the person will be registered for a charter flight, where no public (excepting airline staff) is present and where police use all instruments available, and direct force/constraint to ensure a departure of the person. Type (4) is reserved for the most “complicated” cases or if the German state has interest in deporting a person (e.g., convicted terrorists). Medical charters which are specially equipped small jet-planes carrying medical equipment also fall under this category. Usually, these planes are used to transfer patients from abroad back to Germany, provided as a service by travel insurance companies (from my fieldnotes).

So far, this paper described and mapped the deportation system in Hamburg and Germany, described the legal-administrative framework, the role of public actors and presented some of the crucial developments that occurred between 2012-2017. Now we turn to an analysis of the role of private actors in the deportation system. It will be discussed whether deportation is increasingly becoming a business in and of itself. Furthermore, the research questions will be addressed in this section.

## **7. Public-Private Interaction in Deportation Corridors**

Five significant areas of change in the assemblage of the German deportation system related to public-private interactions were identified during the author's fieldwork. Thus, the next section is subdivided into five parts. Section 7.1 addresses the recent cooperation between governmental agencies and multinational consulting firms. Section 7.2 analyzes the ongoing digitization of the asylum and deportation system in Germany. Section 7.3 sheds light on the role of international organizations and private corporations in the establishment of deportation corridors under the umbrella of development networks and humanitarianism. The role of medical experts and recent legal developments concerning documentation of illnesses will be analyzed in section 7.4. The final section before the conclusion analyzes the role of carriers and transportation firms, deportees' resistance and the "Anti-Deportation Industry."

It will be argued, that using deportation systems as inward migrated border control develops along trajectories comparable to processes of borderscaping at external frontiers as outlined in section 5.4 (Lemberg-Pedersen 2015).

### **7.1 Speeding up Procedures - The Role of Multinational Consultancy Firms**

In 2015 an exceedingly large number of asylum applications challenged the existing asylum and reception system in Germany. The reception centers and responsible authorities in Germany were simply not capable of processing the large number of applications and providing essential services in due time to all applicants. From the administrative perspective, an immense backlog of asylum cases piled up in the Federal Migration Agency (BAMF) over a short period of time. In 2015 more than 300.000 open applications were pending, yet the *Bundesamt* had only 2000 caseworkers to process this workload (Lobenstein 2017). Because of this backlog, asylum seekers were facing years of waiting time in reception centers (that were not equipped for hosting people over long periods) until they received a final decision on their application. At the same time, public criticism towards Angela Merkel's asylum policy pressured the German Federal Government to find workable solutions and make effective decisions on how to handle the situation (Biselli 2018; Bundesregierung 2015; Lobenstein 2017; Lutz & Bewarder 2016). The trajectory that followed is a remarkable example of increasing private-public interaction in the area of asylum and deportation politics. In the search for solutions to

this “unmanageable problem,” the German Federal Government designated Frank-Jürgen Weise who led the Federal Labor Agency as the person to seek solutions to the immigration/deportation issues. In his official capacity, Weise decided to hire external consultants and called in multinational management consulting firms McKinsey & Partners, Roland Berger and Ernest and Young who were tasked with streamlining the asylum procedure and transforming the administrative structure of BAMF (Stanley-Becker 2017). McKinsey was had already been hired earlier by Weise for the task of converting of the Federal Labor Agency. McKinsey’s take on migration and refugee-related issues is reflected in their 2016 report *People on the Move*, published by in-house think tank McKinsey Global Institute. The paper examines global migration and refugee moves in the light of economic analysis and according to the views of business leaders. The report states that the movement of people can increase the productivity of economies and benefit aging societies of receiving countries (McKinsey 2016: 3). The authors concluded that using migrants’ economic potential depends heavily on the ability of societies to integrate newly arriving immigrants.

Changes that were made during and after the involvement of McKinsey were publicly communicated under the buzzword “Integrated Refugee Management” (Bundesregierung 2015). One crucial aspect was a new categorization or clustering of asylum seekers during the procedure according to the protection quota. Asylum seekers from countries with high recognition rates (such as Syria) were placed in Cluster A, those who would probably face a rejection (safe third countries such as Kosovo) were included in cluster B, cluster C was for complicated cases (Iran, Somalia) and cluster D was reserved for Dublin cases (Lobenstein 2017). Furthermore, consultants proposed changing the job profiles of caseworkers and increasing their workloads. Before the reform, the same person would interview asylum seekers and make the decision, but with the new system, decisions are now made by a different person who draws only on the reports and papers provided by the interviewer. While this process saves time, these important, life-altering decisions are now made by an individual that has never spoken to the person who seeks protection (Ibid. 2017). One of the effects of the new sped-up decision practice is an increase in rejections. However, this does not lead to more enforceable obligations to return and more deportations. As the quality of decisions deteriorated, individuals were better able to leverage their possibilities to appeal against BAMF decisions (Ibid. 2017). As a staff member of the local BAMF branch in Hamburg,

pointed out to the author, their workplace was changed dramatically both during and after the crisis. The agency hired new staff, mostly so-called “deciders” and translators, who either conduct interviews or make decisions.

Furthermore, a quality management system was implemented, and the so-called Cluster system was adopted. This new approach increased the pressure on individual caseworkers as they need to meet decision quotas and have to attend so-called performance dialogues where their work is closely monitored (Ibid. 2017). The effects of this management turn in the asylum administration are not pleasing from a human rights perspective. From an outsider perspective, it seems that the initial problem is far from being solved. Instead of providing a sustainable solution to the backlog problem of the administration outlined above, cases now pile up in administrative courts as the quality of BAMF decisions appears to have deteriorated. Now, asylum seekers not only face insecurity about their status but also have to wait longer for their final court decisions. Between 2015 and the first quarter of 2017 the German Federal Government paid approximately €20 million to McKinsey for “analysis, process visualization and optimizing.” Another €6.5 million was allocated to Roland Berger.

McKinsey was not simply hired to streamline the asylum authority’s process. In 2016 the German Federal Government placed an order for a report on the enforcement gap mentioned above and asked McKinsey to find solutions for problems arising during deportation enforcement. The confidential report cost €1.8 million and was delivered the end of 2016 (Lutz & Bewarder 2016). It stated that by the end of 2017 more than 480.000 people would be obliged to return to their home countries or other third states from Germany. In their analysis, the consultants proposed 14 measures for a “more effective return policy.” Most significantly, McKinsey called for the establishment of more pre-removal detention facilities, more funds for so-called voluntary return, consequent digital tracking of foreigners in the central foreigners' database (AZR), centralization of responsibilities and additional staff in the foreign administrations (Ibid. 2016). Also, the authors of the study proposed to “limit the economic flexibility” of rejected asylum seekers who are registered as obliged to return by resorting to an in-kind provision of social benefits (Ibid. 2016). The logic behind this last proposal leads to the conclusion that McKinsey analysts viewed asylum seekers as economic actors who rely on social benefits. Put differently, the argument of the proposal states: simply take away their money, and they will leave. This “reveals” an obvious, but very crucial point: McKinsey

analysts are experts in economics, not in human rights. Still, they were hired (in return for incredible rates of up to €2000/hour) for solving complex “problems,” involving international- and domestic residence and asylum law. What they produced, are “solutions” based on management thought, lacking both empathy for the situation of affected people, and in-depth knowledge of the subject at stake.

Furthermore, the McKinsey report created fear of an increasing deportation enforcement gap. As was mentioned above, the legal category “obligation to return” needs to be handled with great care and must be seen in context. This label does not automatically entail that a person has to leave Germany. Legal remedies may be available, and deportation bans may apply. Furthermore, the data in the foreigners' database may be incorrect. The actual number of people obliged to return in 2017 was 56.827, instead of 480.000 projected by McKinsey (see table 5 in chapter 3 above). Thus, one sees that the consultancy created a false statistical picture of the situation that, despite its flaws, has led to actual changes of law, decision-making procedures and the creation of new deportation infrastructure.

This was also true in the case of Hamburg as the *Senat* (local government) decided to reconstruct its detention facility and aspired to make more use of detention to effect departure of deportees (field notes). The reconstruction that was finished at the end of 2018 was underpinned with a new law that provides a broader use of pre-departure detention. It entered into force on April 10th, 2018 (cf. Hamburgische Bürgerschaft 2018). Today there are 20 places available in Hamburg's detention facility, places which are also used by neighboring federal states. Nevertheless, as was shown above, using detention has not led to an increase in the numbers of deportation. The next section outlines the recent drive to digitize the asylum and deportation system before concluding with a discussion of the role of private consultancy firms.

## **7.2 Digitization of the Internal Borderscape**

As pointed out earlier, an important strategy proposed by McKinsey was the digitization of foreigner administration procedures. This section highlights how processes of digitization change the asylum- and the deportation system. Private actors play a significant role in these processes of re-configuring the assessment phase and changing the functionality of internal borderscapes. Humans are being replaced by machines which are becoming an integral part of critical decision-making procedures.

In 2017, BAMF started using new IT-Systems (Jelpke et al. 2018a) all of which aim at determining the identity of asylum seekers. One of them is a transliteration application (TraLitA) with which BAMF seeks to translate Arabic letters into the Latin alphabet to avoid ambiguities in its data set. The system cost €3.1 million and is designed to identify whether a name stated by an applicant is typical for the region the person claims to come from. While TraLitA works reasonably correctly with “regular” names, unusual names and especially data related to Maghreb states are identified in only 35% of the cases. Therefore, in 65% of the cases, the system produces a dataset that creates suspicion regarding the veracity of the information provided by the applicant. Even though the system is (in theory) not a decisive factor in the outcome of the application (yet), a general suspicion raised by the system might still act to inform the conversation between case-worker and applicant and influence this critical procedure (Biselli 2018).

The second system that was introduced in 2017 in the asylum system assemblage is a language detection tool created by the private company Nuance. The company received a total of € 2.1 million until 2019 for licenses and support from the federal agency. Further extension of the licenses will entail further costs. According to journalist and IT-expert Anna Biselli (2018), the system is not capable of correctly analyzing unusual dialects and creates insecurities when case-workers get wrong information regarding the origin of a person. Thus, it can be stated that discrimination is encoded in both systems. If a person happens to have a name that is “atypical” in a specific region or happens to speak a dialect that is unknown in the database, he or she is more likely to be suspected of identity fraud.

Of particular concern to those worried about privacy and personal rights of asylum seekers is the use of the third new IT system by MSAB, as this system is capable of retrieving data from mobile devices such as smartphones. In 2017, the law on the improvement of deportation enforcement paved the way for its usage (Bundesgesetzblatt 2017). Under the new rules, it is legally possible for BAMF caseworkers to request full access to asylum seekers’ private data, in case they cannot prove their identity with documents. If a person refuses to unlock her phone and share information, authorities can request the dataset from the telephone provider (Jelpke et al. 2018a). The system retrieves incoming and outgoing phone calls, chats, GPS positions, app data, and identification data for apps. While it is claimed that a content-analysis is not made, the possibilities are far-ranging and create covetousness (Biselli 2018). The aim of the system

is reconstructing the route a person has taken to reach Germany and verifying the information provided in interviews by the asylum seekers. This system will cost €11.2 million up until the end of 2019, and it was provided by private data forensic company MSAB from Sweden. This contractor operates globally and has military institutions and secret services in its customer portfolio (MSAB 2018).

So far, the MSAB system has been used to retrieve data from 27.000 phones. This data was analyzed in 9710 of the cases. In only 2845 cases the data was deemed usable, and in the end, less than 60 [sic!] cases of identity fraud or false statements were identified (Jelpke et al. 2018a). Thus, each successful case of fraud-identification cost taxpayers approximately €187.000. It is evident that the system is somewhat inefficient from a cost perspective if the aim is to identify fraudulent information presented by asylum applicants. At the same time using this tool is a severe intrusion into the privacy of individuals who seek protection. Not only can authorities access private data, but this data is also stored for ten or more years (Biselli 2018). In addition, this process of digitization creates dependencies between the state institutions/actors and providers. The German Federal Government states that MSAB employees do not have access to the personal data of asylum seekers. However, for ongoing maintenance and updates, the company must access the systems (Jelpke et al. 2018a). At the same time, the *Bundesregierung* has stated recently, that it is possible to prepare fake-phones, carrying datasets that provide evidence for a specific flight-story (Ibid.).

MSAB is not the only competitor in the global market of IT surveillance and data forensics. Before BAMF concluded a contract with the Swedish multinational corporation the authority ran a “Prove-of-Concept” program, testing software from two other competitors: T3K and Cellebrite. During this testing phase, another €585.480 were spent by the German Federal Government to find the appropriate provider (Jelpke et al. 2018a). Thus, the drive to digitize administrations creates markets for economic competition in which private companies seek to sell their products.

In the end, this drive to digitize asylum procedures may be viewed as a significant change in the assemblage of the internal surveillance system or borderscape. Detecting identities and determining belonging and un-belonging seems to have become a task carried out by machines, which are configured and provided by private companies. If we return to Guattari’s and Deleuze’s notion of the assemblage, it can be noted that ideas and technologies provided by private actors from the field of software engineering and



management consulting are now being *plugged into* (Deleuze & Guattari 1987: 4) the asylum and deportation system. Former systems and institutions responsible for human rights protection are transformed into laboratories where new surveillance soft- and hardware is tested. This development is driven by the logic of economic competition in what can be called a management turn in the asylum and deportation regime in Germany.

This chapter partly answered the main research question and aligned sub-questions. As was argued in this chapter, management consulting firms and software companies profit financially from the drive of the German state to deport unwanted foreign-nationals. Now we turn to the role of NGOs and development companies in deportation corridors. As will be argued, they are actors in processes of borderscaping, engaging in “humanitarian” return activities.

### **7.3 Corridors of Dignified Return? – Public-Private Interaction in Return Networks**

Efforts of the EU and Germany to establish deportation corridors are linked to development initiatives and expanding networks and funding flows. This section presents a recent example of emerging deportation corridors that are being established between the EU and Afghanistan framed in the vocabulary of humanitarianism. It will be shown how private companies are involved in the establishment of return corridors and networks.

The European Return and Reintegration Network (ERRIN) is a joint project of 16 European states, including Germany. The self-declared purpose of the network is establishing services and providing counseling and reintegration to voluntary or forced returnees in their countries of origin. The focus of the program is the return and reintegration of vulnerable persons, development of innovative concepts in the area of return and reintegration, development of methods for the improvement of pre-return counseling, and cooperation with third countries for the implementation of return (cf. [returningfromgermany.de](http://returningfromgermany.de) 2018). Voluntary returnees from Germany may receive up to €2000 per person or €3.300 for families plus €500 when a vulnerability was proven. Forced returnees (deportees) may be awarded up to €1000 after arrival. According to official statements, ERRIN offers counseling, job training, assistance with setting up businesses and qualification through local partners in the countries of origin (cf. *Ibid.*). Currently, ERRIN projects are present and available with services existing in sixteen countries, including Afghanistan, Iraq, and Sudan. Private actors, who provide counseling

and reintegration services in the countries were chosen during an EU-tender program. The funding for ERRIN stems from AMIF the EU- Asylum Migration and Integration Fund that was set up for the period from 2014-2020 with a total budget of €3.137 billion. According to the department of migration and home affairs of the EU-Commission, the priorities of the funding scheme are strengthening of the CEAS, legal migration and integration, solidarity and support for EU-members most affected by migration and asylum flows and, as in this case, return (EC 2018-Amif).

The largest share or 88% of AMIF is allocated directly to institutions in member-states (in Germany BAMF) which administrate and distribute funding to projects according to a shared management approach. The ERRIN tender was announced in 2017 as a specific action program by the sixteen participating countries and is administered by the Ministry of Justice and Security in the Netherlands. The official text of the tender message stated that it aimed to acquire service providers that deliver assistance in the form of information, counseling, referral, and reintegration to returnees. According to the statement, it was essential for the service providers to have a broad network regarding return and reintegration in the country. The aim was to enable foreign nationals to reintegrate and rebuild their life again after returning to their country (neederlandenwereldwijd.nl 2018). By the time of publishing the tender, its initiators searched for private providers in 22 countries. On 1 of August 2018, 11 contracts were awarded to four different organizations (shown in the table below). For eleven other countries, no tender was received, or the proposals were rejected.

Caritas International (Brussels / BE)	Irara Services Ltd. (Sheffield / UK)	European Technology and Training Center (Erbil / Iraq)	Women Empowerment Literacy and Development Organisation (Rawalpindi / PAK)
Brazil Ghana India Morocco Nigeria Ukraine	Afghanistan Bangladesh Sri Lanka	Iraq	Pakistan

Figure 11: Results of EU Tender Program (ERRIN 2019-21)

Author's own graph. Source: EU-Supply.com (2018)

The procurement involves the establishment of a framework agreement while the net worth of the contract was set to 1 Euro per contract, meaning services provided by the

contractors will all be accounted for separately. As for transparency, the framework agreements are not available publicly. However, it was possible to trace one of the contractor's activities to shed light on the nature of the institution and better describe the kind of network created around the return project.

IRARA Services Limited was awarded contracts for services in Afghanistan, Sri Lanka and Bangladesh. IRARA is a private company from the UK founded by consultant Jamie McCallum in 2017 under the name Corvid International Limited with a total capital of £300 in shares. It was rebranded on February 22, 2018, and registered under its current name. Three shareholders including McCallum own the company. According to the financial statement of IRARA Services Limited, in the period from the 3<sup>rd</sup> of January to 31<sup>st</sup> of March, the company supplied services amounting to 141.173 GBP to International Returns and Reintegration Assistance (Companieshouse.gov.uk 2018) a non-profit organization also called IRARA which is not registered in the charity-register in the UK. According to their website, the non-profit provides re-integration and counseling for returnees through local partners. In Afghanistan services are provided by the Afghan Center for Excellence (ACE), a consultancy firm based in Kabul that, according to its website, has successfully helped return 1900 people to Afghanistan, employed 2700 people through own programs, trained 8000 people and completed 73 different projects. How is this related to Hamburg, one might ask. Deportations to Afghanistan are disputed, and not all federal states participate in the charter flights to Kabul which regularly take place. Regardless of ongoing protest, Hamburg does, however, return people to Afghanistan, claiming that "only" individuals with criminal records and people who faked their identity or resisted to cooperate with authorities would be returned. At the same time, authorities refer to the reintegration programs and voluntary returnees as justifications for their forced removal agenda (field notes). It is argued, that a rebuilding process in Afghanistan depends on well-educated returnees, and therefore influential actors continue to frame, assisted return, forced removal, and reintegration in a language of humanitarianism (cf. Fiedler 2018).

In the case pointed out above EU funds for return projects are in this case channeled through a private limited company to an unregistered charitable organization, which is cooperating with a local partner (ACE) to provide return assistance. This structure leaves many open questions and may serve as an example of the type of network structure that is established in the field of return and reintegration. It remains

unclear how many EU-funds are spent on what kind of services and what happens in between the various stages and this leaves room for further research. In the past, non-transparent funding schemes and public-private interaction in the development industry have led to the misuse of funds, and in one prominent case, this involved the participation of a German development company (Lemberg- Pedersen 2015a).

In a spectacular case in 2011, journalists uncovered a scandal connected to return and reintegration projects in Iraq and Afghanistan. The German Federal Government had tasked the Berlin-based firm AGEF (*Arbeitsgruppe Entwicklung und Fachkräfte*) with developing business opportunities in the two countries and running return- and reintegration programs. Between 1999 and 2010 the company had a turnover of around €52 million in development funds for the region excluding further projects coordinated by EU-member-states. An investigation in 2012 found that the CEO of AGEF Klaus Dünnhaupt had systematically deceived his clients, the German Foreign Office and the Ministry of Development. Both received bills for reintegration services of persons that never existed or never actually returned to Afghanistan (Reisinger & Marquard 2013). An investigation by public accounting firm Pricewaterhouse Coopers later confirmed the allegations and concluded, that Dünnhaupt and his confidants misused almost €1 million in German tax money (Ibid.).

Against this background, it can be logically stated that transparency should be the key objective for all activities in the field of development. In this case, the non-transparent As mentioned earlier, the EU and Germany create return networks and allocate funds to the actors in these networks with the aim of innovating return processes and establishing return corridors that allow for deportations, even to the war-ridden country of Afghanistan. As has been explicated here, company networks are created, and private actors profit from the EU's and Germanys drive to deport unwanted foreign-nationals to their purported country of origin. Further research on the outcomes of these return projects is necessary. In the next section, the role of private actors in the field of return counseling in the case of Hamburg is discussed.

### 7.3.1 Return Networks in the Local Context

Assisted voluntary return is often presented as the preferable alternative to deportation as is it is “more humane and less expensive” (cf. Return Handbook; Ministry of Interior 2018). As was mentioned above, consultancies have advised expanding this branch of the

removal industry as it is less costly for the states and may serve as an effective part of development policy. Return funding in Germany was founded in 1979 when the so-called REAG (Reintegration and Emigration Program for Asylum Seekers in Germany) program was introduced. Later the program was supplemented by the Government Assisted Repatriation System (GARP) fund in 1989 before the two return funding schemes were merged in 2000. Foreign-nationals who seek to return to their country of origin may apply for funding from the REAG/GARP program which is facilitated by the International Organization for Migration (IOM 2018). Rejected Asylum seekers and other foreign-nationals who are obliged to return may apply for financial support for travel expenses and a private budget in return for assisted “voluntary” departure. Figure 12 below shows the number of people who participated in the state-funded return programs from 2013-2017. As one can see the number of so-called voluntary returns higher than the number of deportations in that time-span (cf. figure 7, p. 39). The trajectory is comparable to some extent, showing a peak in numbers in 2016, and now declining again.

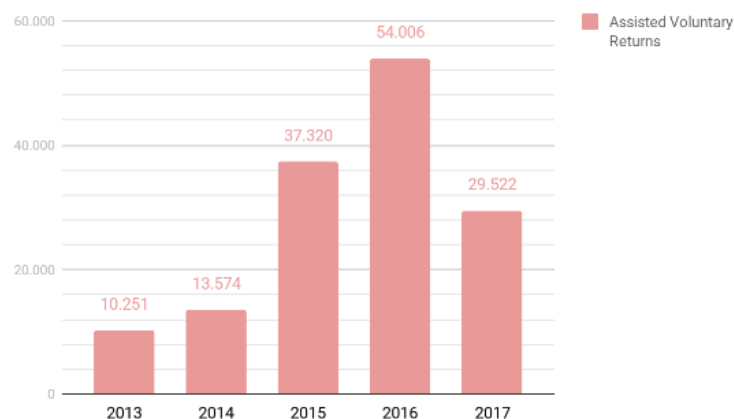


Figure 12: Assisted Voluntary Returns from Germany 2013-2017

Author's own graph. Source: Teuteberg et al. (2018)

BAMF and local immigration authorities both offer return counseling services, and some private entities engage in this field as well. The number of jobs for social workers, language teachers and others in the field of migration and asylum has grown significantly, after the arrival of rising numbers of people seeking protection (Spiegel 2016). Due to its social state structure and historical reasons Germany has influential faith-based non-governmental organizations providing social services and care. Caritas (catholic church) and Diakonie (evangelical church) being the two most significant in this arena. Diakonie

is one of the single largest employers with more than 500.000 employees and more than 700.000 volunteers (cf. Diakonie 2018). This organization provides social services beyond issues related to migration, including areas such as elderly care, care for homeless people and debt counseling to name a few. The social welfare state in Germany is organized according to the subsidiarity principle which means that social services are not directly run by state agencies but by intermediaries who receive funding by the state or from other sources such as donations or EU funds. The intermediaries, in this case, faith-based NGOs provide the actual service based on the legal framework provided by the legislature. Caritas and Diakonie dominate this market, (along with Red Cross) and their role in the field of migration is interesting. Both organizations advocate for refugees rights and the protection of vulnerable persons and promote protection. Working toward this end, Diakonie and Caritas offer state- and EU-funded integration programs, psychosocial services and run advocacy campaigns. However, due to the direct state funding, it seems logical to view these large and influential actors as partly belonging to the public sector. While state officials do not direct their course of action, the organizations still depend on state funding and the maintenance of good cooperation and collaboration. The ambiguities and paradoxes that face individual actors in this field may be best exemplified with reference to assisted voluntary return activity.

In Hamburg, return counseling is provided by state authorities, directly in the asylum reception center, the field office of BAMF and the foreign offices. Immediately upon arrival, asylum seekers are informed about the possibilities to return to their country of origin which reflects a clear political priority of seeking to avoid large numbers of costly deportations. However, also non-state actors are also active in this field. For example, the Flüchtlingszentrum (Refugee-Center) is a charitable private limited company, run by Caritas, Red Cross, and AWO and funded directly by the city of Hamburg as well as the EU. Their services include legal and social counseling in multiple languages as well as return counseling for people with precarious legal status. They are part of a network that also includes branches of charitable organizations abroad. According to their self-understanding, counselors focus on creating possibilities for a “dignified return” for persons who have exhausted their legal possibilities to stay in Germany. As one respondent explained, return counseling is conducted in a way that leaves all possibilities open to the client. This means that no one is pressured to leave. The motivation to return has different sources. However, external pressures play an

important role, including dire possibilities to enter a job market for people holding a Duldung status or facing discriminatory behavior by authorities (field notes).

Assisted voluntary return counseling is based on the programs REAG, and GARP, two state initiatives which offer money to returnees. Recently the program claimed renewed fame as the Federal Ministry of the Interior ran a marketing campaign in several languages offering a special extra payment to returnees if they decided to leave before the end of the year 2018. The campaign was run all over Germany using posters at airports, railway stations, and road billboards. Its slogan read (translated from German): Your Country, Your Future. Now! Offers for increased return rewards were translated into multiple languages (see picture below).



Figure 13: “Voluntary” Return Campaign 2018

Source: Author’s photograph

While the direct involvement of the external management consultants is not evident in this case, the management and marketization approach to return still reverberates in this project. Framing a campaign that should motivate asylum seekers to return to their countries of origin in marketing language is a new phenomenon that needs be critically analyzed. Public campaigning for return may create an aggravating atmosphere for

asylum seekers in which they feel unwanted. Furthermore, the campaign normalizes secondary displacement by framing it as a mere consumer choice which is a clear indicator of a marketization process taking place. Charitable organizations should carefully reflect on whether or not it is adequate to participate in this kind of return management system as they run the risk of justifying such policies that view asylum seekers as an exchangeable matter that may be transferred back in case it is not perceived as useful or needed (for instance in the labor market).

In sum, the return system in Germany seems increasingly re-assembled according to cost-benefit calculations framed in the language of human rights and protection. The next section zooms in on the role of a critical *gate-keeper* in the German deportation system: the medical expert. So far, the role of doctors has not been a significant subject of deportation studies even though they may have a decisive influence on deportation trajectories and benefit economically from their participation in deportation corridors and the deportation process.

#### **7.4 Medical Experts - Expertise for Money**

As mentioned earlier, medical screening and documentation is a critical aspect of the deportation process and can play a significant role in this process for both deportees and authorities alike. Due to the legal safeguards that protect ill people from deportation, medical screening results may be decisive factors that influence the result of an asylum or residence law case. The statement of a doctor either helps to justify deportation enforcement or leads to the issuance of a residence permit on the grounds of a deportation ban due to medical issues. Because they are at risk of getting caught between the interest of state authorities to facilitate deportation and the deportees desire to stay in the country, the role of medical experts in this field is a critical one (cf. Bühring & Korzilius 2016).

In principle, authorities assume that a person that is to be deported is fit to travel unless she provides documentation of a severe or even life-threatening illness that would worsen during deportation. In such a case, medical issues become a reason for enacting a deportation ban (see section 6.1.5). These rules came out in 2016 after an amendment to the asylum law (called Asylpaket II) which shifts the burden of proof to the affected person. Before Asylpaket II deporting authorities also had to make sure, that medical treatment was available in the receiving country. However due to the amendment, this



standard was lowered, and authorities are now only responsible for the safety of the person during the deportation procedure. The underlying legislative initiative follows the argument that falsified medical documentation present an enforcement obstacle. Thus, required standards for medical documents were increased severely as a reaction to alleged falsified and gratuitous medical reports (cf. De Maizière 2017). Part of the argument was that deportees informed authorities about medical problems strategically and only at the moment they received a deportation order, knowing that this action would prevent removal from taking place. A medical expert who works for the state authorities pointed out that medical reports were often just copies stating the same illnesses. “They just changed the names and sent the same paper to prevent the deportation. These people were all healthy, yet on paper they all had post-traumatic-stress-disorder. It is ridiculous” (Interview: medical-expert). If a health condition is known to the authorities, deportation may still take place under the supervision of an authorized doctor.

While single cases are rarely escorted, charter flights always carry at least one medic who is responsible for the medical wellbeing of the deportees on board of flights. This occupation is relatively lucrative for licensed doctors. In 2017, 47 out of 564 deportations ordered by the immigration authority of the city-state of Hamburg were escorted by medical experts (cf. Schneider 2018). In the same year, the city of Hamburg spent €160.000 in honoraria to doctors who participated in forced removal operations. This also includes services in the pre-removal detention center and pre-removal medical screenings in which a deportee’s travel-ability is assessed. According to an official statement, doctors earn a minimum of €500 per deployment, depending on the length of the operation (cf. Ibid.).

As pointed out by independent doctors and psychotherapists, state-funded medical experts disregard the situation of affected individuals and the professionalism of their expert colleagues, which can be dangerous. (cf. Bühring & Korzilius 2016). A report in the German medical professional journal criticizes the new legislation of the Asylpaket II as it follows the suspicion of false medical reports at the cost of people with severe mental illnesses. As Bühring and Korzilius write in the German Medical Journal (*Deutsches Ärzteblatt*), the new legislation was mainly criticized by psychotherapists who count post-traumatic stress disease into the category of severe illnesses which can lead to self-harming behavior in some cases (Ibid. 2016). The extreme situation of forced removal in which a person might experience direct physical force from enforcement

officers and other probably traumatizing things may exacerbate already persisting mental issues.

Medical experts are confronted with different intersecting interests and have critical decision power regarding whether individuals may stay in a country or be deported. As it was shown earlier, neutrality is rarely achievable in a field governed by strong interests (and monetary incentives) acting in alignment with the state's objective to deport vulnerable people under supervision. In Hamburg the medical aspect of deportation seems to have become a lucrative business branch of the deportation industry. The credibility of licensed psychotherapists, on the other hand, is often questioned or even discredited by new legislation.

The last section of this analysis discusses counter-strategies employed by deportees and activists who challenge the deportation regime. As first-hand information provided by interviewees is classified, the next section refers to a case that was reported in news media and happened in Sweden.

### **7.5 Migrant Action and the “Anti-Deportation Industry”**

Private airline companies increasingly reject transporting persons against their will in cases when they are not escorted by police officers (field notes). Deportees are viewed as a risk factor on board airplanes and they are often expected to use violence either against the cabin crew or other passengers to delay the flight by not adhering to the rules in their bid to stop the forced return. In the past, tactics of resistance have proven effective, and deportees were allowed to leave the aircraft. One particular case was brought to the attention of the public. A recent example of this activity featured a Swedish activist who refused to sit down in an aircraft on which an Afghan man was placed for forced removal to his war-torn country of origin. Elin Ersson made a live video and shared her action against the deportation, that caused different reactions from other passengers, which ranged from support to anger and intervention (Crouch 2018). Finally, both Ersson and the deportee disembarked the plane.

However, the story of both these actors continued and later developments paint a more complete picture regarding the use of force in the deportation system. While Ersson found her activism first to be successful, she now eventually faces jail time in a trial on the grounds of interference in a police measure. The Afghan man, on the other hand, was placed on another plane soon after the first interrupted deportation attempt

and was eventually flown to Kabul. This shows the paradox situations, occurring in deportation corridors. While Ersson acted in solidarity with the deportee and used civil disobedience to question the policy of returning people to a war-zone like Afghanistan the state responded by showing “strength”, eventually displacing both her and the Afghan man in different ways.

In the case of Germany, the intensification of the deportation policy has sparked massive criticism from civil society actors, churches, doctors, politicians, lawyers, activists, representatives of employers’ associations, and people who themselves experience deportability (field notes). It would be an exciting endeavor to examine their motives, and forms of protest and contestation, related to the changes of the deportation system described and analyzed in this paper. The next section draws conclusions to the study and points to further questions that could be addressed in future research.

## **8.Conclusion**

As was explained in this thesis, various private actors are involved in industries of forced removal in Germany and Hamburg. While seeking innovative concepts and solutions to problems related to deportation public actors helped create markets in which private firms are competing. The city of Hamburg, the German Federal Government, and the EU mobilized financial resources, aiming at creating more effective deportation systems. These financial flows connect public actors with management consultancies (delivering “expert”-knowledge), software companies, (delivering surveillance technology), and development companies and NGOs, who both play the role of humanitarian actors in emerging transnational return networks. Some of the transformation processes are related to the deterioration in the quality of asylum procedures and the intensification of the deportation policy in Hamburg and Germany respectively.

Whether a person obtains a protection status or becomes eligible for deportation is now partly a matter of statistical calculation and computing. As Peutz argues, “the transfer of bodies cannot be executed today, [...] without the prior determination of where they belong. Foreign bodies are made legible through techniques requiring expert knowledge” (Peutz 2006: 222). It was shown earlier that it is precisely this “production of deportable subjects” around which new markets emerged.

Private actors are engaging and competing in the newly emerging deportation corridor markets, profiting from the administrations need to find solutions to a lack of administrative capacity and the growing enforcement gap. At the same time, “experts” from the field of economics sell forecasts on the situation that can be flawed as shown in the case of the obligation to return statistics mentioned above. The solutions promoted so far appear to produce new issues instead of solving problems. Furthermore, they undermine the human rights regime in place and discriminate against non-citizens regarding their privacy and personal rights. Instead of solving problems, new ambiguities arise from the public-private interaction.

As the rule of law guarantees legal remedies to protect individual rights from arbitrary administrative decisions the responsibility to protect these rights was shifted from the responsible asylum authority to the administrative courts. As of the end of 2018, every third appeal was decided in favor of (formerly) rejected asylum seekers (Jelpke 2018). Economically, this responsibility shift has proven to be costly. McKinsey received as €20 million for their consultancy work. The digitization drive at BAMF will cost more than €15 million until the end of 2019. Further costs for additional staff at courts or legal remedy funds are not yet included. Another critical point needs to be made regarding the interaction between private firms and public actors: their conduct and cooperation in the field of deportation are widely non-transparent. Contracts are awarded using non-transparent procedures, and reports and proposals are discussed behind closed doors.

Consultancies such as McKinsey are not only active in Germany. The company’s work on migration issues also has taken its consultants to Greece and Sweden. In 2017, McKinsey submitted a bid for a project with the United Nations (Stanley-Becker 2017). Because of their growing influence on policies and processes, the activity of actors such as international consultancies should be closely monitored in other regions as well. As of 2018, the Federal Ministry of the Interior has officially stopped consultations with McKinsey after public criticism and an analysis of the results (Knauß 2018; Vates 2018).

Against this background, it seems necessary to further examine the ongoing public-private interaction in deportation corridors. In future research, the question of whether new dependencies between policymakers and private actors were created could be addressed. Also, the roles of other private actors, for example, airline companies, ground transport companies, and security companies could be addressed. A long-term comparative study of different cases of deportation corridors in different regions would

be useful to gain further insights. From the author`s perspective, the vast amount of tax money that was spent on consulting and software solutions could have been used in other, more meaningful ways. From his perspective, it would have been beneficial to invest more in the education and social sector to help create an environment in which people who newly arrived in Germany and citizens find opportunities to address “problems” emerging in complex societies together.

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## **Appendix**

Link to the interactive world map:

[https://www.dropbox.com/s/kxu5mevx7x3lbhw/Destinations%20of%20Forced%20Removal%20from%20Germany%202017\\_interactive%20map.xlsx?dl=0&m=](https://www.dropbox.com/s/kxu5mevx7x3lbhw/Destinations%20of%20Forced%20Removal%20from%20Germany%202017_interactive%20map.xlsx?dl=0&m=)