Memorandum 2022-2

# Intergovernmental relations and return

*Part 2: From paper to practice?*

EU-wide and bilateral return frameworks between EU+ and non-EU+ countries and their effects on enforced return

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A.S. Leerkes
M. Maliepaard
M. van der Meer

**Memorandum**

This series comprises overviews of studies carried out by or for the WODC Research and Documentation Centre. Inclusion in the series does not mean that the sheet's contents reflect the viewpoint of the Dutch Minister of Justice and Security.

# Acknowledgements

Each year the Member States of the European Union issue around 500,000 return decisions to persons who do not, or no longer, have legal stay. A return decision requires the person to leave the territory of the state issuing the return decision and to go to a country where he/she does have legal stay, usually his/her country of citizenship. If persons do not leave themselves, they risk being returned by force. The implementation of assisted and forced return often requires cooperation by the countries of citizenship of the person receiving the return decision, and thus partially depends on the intergovernmental relations between EU+ (EU Member States plus Norway, Switzerland, and the United Kingdom) and non-EU+ countries. The WODC has conducted three interrelated studies on the influence of these relations on return:

1 A preparatory study to critically assess the validity and reliability of the European data on enforced return.
2 A quantitative longitudinal analysis of the effects of different types of EU-wide and bilateral intergovernmental return frameworks (e.g., re-admission agreements, Mobility Partnerships) on the registered rates of enforced return from the EU+ countries to the non-EU+ countries.
3 A pilot for the Netherlands and Norway to qualitatively explore the role of return frameworks and other (inter)governmental return strategies during concrete procedures to implement assisted and forced return to Afghanistan, Iran, and Iraq, and to identify possible opportunities for mutual learning between EU+ countries.

The first two studies were carried out by the WODC. For the comparative pilot, the WODC collaborated with the Norwegian Institute for Social Research (ISF).

During the project, the researchers were assisted by an Advisory Committee that consisted of: Prof. dr. Mirjam van Reisen (Tilburg University, chair), Prof. dr. Mathias Czaika (University for Continuing Education Krems), Dr. Natascha Wagner (Radboud University), and Maykel Bouma, LL.M. (Ministry of Justice and Security). I would like to express my gratitude to all the members of the advisory committee for their valuable feedback. In addition, I would like to thank ISF for its gracious offer to collaborate on the comparative pilot. I would like to thank all the professionals from various organisations at the EU-level, the Netherlands, and Norway for their participation in the first study and the comparative pilot.

Lastly, many thanks as well to WODC-colleagues Nikolaj Tollenaar and Sanne Boschman, who were very helpful in thinking along during the analytical stage of the second study, and to Marita Kok for editing the reports.

Prof. dr. G.J.L.M. (Gerty) Lensvelt-Mulders
Director WODC

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# 1    Introduction

## 1.1    Background and research questions

Over the last few decades, the EU+ countries – the EU Member States, four associated EFTA countries (Norway, Switzerland, Iceland, and Liechtenstein), and the United Kingdom – have concluded a steadily increasing number of intergovernmental return frameworks with non-EU+ countries. These frameworks seek to regulate and promote the return and re-admission of irregularly staying migrants.

Most intergovernmental return frameworks are concluded at the bilateral level directly between one EU+ country and one non-EU+ country, and cover a single 'return dyad' – a combination of one EU+ country (e.g., France) and one non-EU+ country (e.g., Morocco). Cassarino (2018) has argued that return and re-admission policy is predominantly bilateral. For example, in the early 2000s, more than 100 bilateral return frameworks had already been concluded between individual EU+ states and specific non-EU+ countries (Cassarino 2018). Indeed, migration currently remains a policy field closely connected to the national sovereignty of national states. This also holds for Member States of the European Union (Reslow & Vink, 2015; cf. Cassarino, 2018; Slominski & Trauner, 2018).

In addition to occurring at the bilateral level, frameworks are increasingly being concluded via the European Commission. The commission has sought to develop such frameworks on behalf of all – or a considerable number of – EU Member States to negotiate European re-admission agreements (EURAs) with third countries (ACVZ, 2015; Cassarino, 2018). These EU-wide frameworks cover a multitude of return dyads involving all or at least several EU Member States and one non-EU+ country. The EU started with negotiating and concluding EURAs and increasingly moved towards concluding other types of frameworks. For example, in 2013, the EU and Morocco concluded a 'Mobility Partnership'. Nine EU Member States (Belgium, Denmark, France, Germany, the Netherlands, Poland, Portugal, Spain, and Sweden) and one former Member State (the United Kingdom) partake in this framework. In 2016, the EU concluded a 'Joint Way Forward' on migration issues with Afghanistan on behalf of all EU Member States.

The steady increase in the number of return frameworks (Cassarino, 2018) suggests that the EU+ states have some confidence in the ability of such frameworks to facilitate enforced return. An overview of the literature, however, indicates that scientific evidence on the effects of return frameworks on enforced return is scarce, while the existing studies also have various limitations. Based on descriptive statistics, interviews, and document analysis, Janmyr (2016) looked at the effectiveness of Norway's re-admission agreement with Iraq (2009), and Janmyr (2016) and Slagter (2019) assessed the outcomes of Norway's Memorandum of Understanding (MoU) on return with Ethiopia. Janmyr observed that the framework signed between Norway and Iraq was not supported by the Kurdish Regional Government (KRG), which claimed that forced returns violate human rights, and was later also rejected by the central Iraqi government. For Ethiopia, Janmyr observed that the Ethiopian Embassy kept refusing to issue identity documents for a considerable number of rejected asylum seekers, while Norway never had problems returning Ethiopians who were convicted of criminal convictions – a category of returnees that was not mentioned in the framework. Slagter (2019), too, concludes that the results of the Norwegian MoU with Ethiopia were 'underwhelming'. Recently, Stutz & Trauner (2021) explored the effects of EU-wide return arrangements on the rate of enforced return using Eurostat data

from 2008, the first year for which public EU data are available, up to and including 2018. The authors report that EU-wide return arrangements do not seem to lead to structurally higher rates of enforced return.

Existing research thus convincingly shows that both bilateral and EU-wide frameworks do not guarantee that irregular migrants are being re-admitted (on the limits to enforce return also see Ellerman (2008), Carrera (2016), Leerkes & Van Houte (2020)), and that the effects of these frameworks are limited at best. However, it is still unclear whether return frameworks do not affect rates of enforced return at all. Janmyr (2016), Slagter (2019), and Stutz & Trauner (2021) have all carried out relatively straightforward descriptive analyses, but these are unlikely to sufficiently control for other factors that might influence enforced return. Effects on the rate of enforced return may not have been observed in descriptive research because other factors may have supressed (negated) such effects. We know, for example, that some EU+ countries have much higher rates of registered return than other EU+ countries, both because of real differences in enforced return, and because of differences in the definition and registration of returns (see Maliepaard, Van der Meer, Leerkes & Ramdin, 2022). If the distribution of irregular migrants with a given nationality across the EU+ countries changes over time, it will also lead to changes in the registered rate of enforced return for that nationality in the EU+ zone as a whole. Changes in the rate of enforced return, or an apparent lack thereof, may also be due to changes in the societal conditions in the non-EU+ country, such as the rate of political terror or authoritarianism (cf. Leerkes et al. 2014, Leerkes, Van Os & Boersema, 2017). The effects of intergovernmental policies therefore may not be immediately apparent.

This leads to our first research question: *To what extent do bilateral and/or EU-wide return frameworks lead to higher rates of enforced return from the EU+ country, or EU+ countries, to the non-EU+ countries that have agreed on these frameworks?*

Intergovernmental return frameworks do not only differ in the 'level' at which they are concluded. Both the bilateral and EU-wide frameworks also differ in *legal binding*: some frameworks include legally binding stipulations, whereas others contain non-binding 'mutual understandings' on enforced return. Return frameworks also differ, among other things, in *degree and type of issue linkage:* for some frameworks interstate cooperation on return has been linked to cooperation on other intergovernmental policy issues between the EU+ and non-EU+ states, such as the facilitation of legal international mobility or development aid. Other frameworks are not explicitly linked to other interstate issues.

There has been a trend to increasingly conduct EU-wide, non-binding, and issue-linked frameworks (Cassarino, 2007, 2017, 2018; ACVZ, 2015; for discussions on developments in EU policy on return and re-admission see e.g. Carrera, 2019; Carrera, den Hertog & Panizzon, 2019). This trend towards 'informalisation' first emerged in 2005 (Cassarino, 2018) but especially took off from 2015 onwards in the context of the so-called 'migration crisis', which was arguably used by policymakers to develop more quick and flexible soft law instruments, and link migration policy to other policy fields, such as trade or development (Carrera et al., 2019; Slominski & Trauner, 2020; for a critical reading see Vara, 2019).

The Netherlands is among the EU+ states that have been participating in several of these EU-wide initiatives. This participation is based on the assumption that they are more effective and efficient than bilateral initiatives, particularly for smaller EU Member States. For the same reasons, the three Benelux countries (The Netherlands, Belgium, and Luxembourg) have, in a more distant past, also jointly concluded return frameworks with other countries. The Netherlands is also among the EU Member States that advocate for so-called issue-linked return arrangements, where cooperation on return is linked to other policy domains – such as development aid or

trade (also see ACVZ, 2015). The current coalition agreement, for example, states that the Dutch cabinet aims to link return frameworks with intergovernmental agreements on resettlement (similar to the 2016 'EU-Turkey deal').

The trend to increasingly conduct EU-wide, non-binding, and issue-linked frameworks, suggests that EU+ states believe that EU-wide, non-binding, and issue-linked frameworks are relatively effective – or at least have certain advantages over bilateral, binding, and 'unlinked' frameworks.[1] Whether this is truly the case remains unclear. We are not aware of any studies that have systematically compared the effects of different *types* of return frameworks. It therefore remains an empirical question to what extent different frameworks – with different characteristics: bilateral, EU-wide, binding/non-binding, issue-linked) – differentially affect return rates.

This leads to our second research question: *is there any evidence that the effect of return frameworks on the rate of enforced return depends on the type of framework in terms of level (bilateral versus EU-wide), legal binding, and degree and type of issue linkage (focusing on Schengen visa facilitation and development aid[2])?*

## 1.2 Methodology and main limitations

The analyses are based on Eurostat data on enforced return ('returns to a third country') and return decisions ('orders to leave') for the 2008-2019 period, which we merged with data from Cassarino's 'inventory of bilateral agreements linked to re-admission' (downloaded in the first quarter of 2020). We also added data to our research database from the European Migration Network, which conducted an 'inform' (small study) in 2021 with a view to checking and complementing Cassarino's database.

The data were analysed using different fixed effects models, controlling with differing levels of strictness for relevant confounding influences, including stable differences in enforced return among the EU+ countries, among non-EU+ countries, and among return dyads, and trends in enforced return in general and in the non-EU+ countries. The models allowed us to control changes in the distribution of return decisions and returns across the EU+ countries over time, and also to control for societal conditions, and changes in these conditions, in the non-EU+ countries. A downside of the models is that they only allow us to estimate the effects of relatively new return frameworks that came into existence in the 2008-2019 period. No estimates could be obtained for the effects of frameworks that were introduced before 2008.

The results of the analyses are meant to be *indicative*. In Part 1 one of this study (Maliepaard et al., 2022), we identified various methodological limitations with regards to the validity and comparability of the Eurostat data on enforced return, and suggested that researchers also analyse other data (should they be made available for scientific research in the future), such as information on the outcomes of laissez passer requests, and individual-level information on returns and non-returns of persons receiving return decisions. The present study has considerable methodological advantages compared to the quantitative methods that have been used in the field so far, and we have tried to minimise different sources of bias. However, we still believe that additional research is warranted for the field to reach firmer conclusions.

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[1]  The trend of increasingly concluding 'informal' frameworks is probably not based on the assumption that non-binding frameworks are more effective; they are mostly concluded when the non-EU+ country is unwilling to agree on a legally binding re-admission arrangement. A non-binding framework may be better than no framework at all, and may be a stepping-stone towards a legally binding framework. There may also be an interest to conclude frameworks for symbolic reasons (i.e., to signal that progress is being made in the field of migrant return).

[2]  We use a broad definition of development aid that also includes cooperation with non-EU+ countries on their institutional capacities, including migration management capacities.

## 1.3 Structure of the report

In Chapter 2, we conceptualise enforced return, provide more information about the characteristics of return frameworks that are central in the present analysis, and formulate tentative theoretical expectations about the possible effects of (different types of) return frameworks on enforced return. We contrast two theoretical perspectives – one based on rational choice institutionalism and one based on sociological institutionalism. Chapter 3 explains the methodology in more detail. Chapter 4 reports the main results of the analysis. In the conclusion, we summarise the main results, discuss policy implications, and describe some avenues for future research. Some readers may prefer to skip chapter 3, as it is somewhat 'technical'.

# 2 Return frameworks and plausible effects on enforced return

## 2.1 Enforced return and re-admission

The term enforced return is used in this report as an umbrella term for all returns that fall under the scope of the EU Return Directive (2008/115/EC), including assisted and unassisted voluntary return, and forced return. Voluntary return refers to the process by which someone who is not allowed to legally stay in the EU leaves the EU 'freely' (i.e., without direct physical force being applied) and moves to a country where they have legal permission to stay. Voluntary return can be assisted or unassisted, depending on whether the returnee receives support (financial, logistic, administrative) by any of the EU+ governments, by international organisations – such as the International Organization on Migration (IOM) – or by civil society organisations. Forced return refers to the process by which someone who is not allowed to legally stay in the EU is coercively removed to a country where they have legal permission to stay. Enforced return usually means relocating returnees to their country of citizenship, though returnees are also sometimes returned to other countries, including 'transit countries' (a country the person has travelled through before reaching the state that requires that person to return). The destination of enforced return does not have to be the person's final destination, both because of 'chain deportation' (a series of removals by different states, also see Fekete (2005)), and because returnees often engage in new (irregular) migration projects, perhaps after having experienced re-integration difficulties (Schuster & Majidi, 2013).

To implement return decisions, EU+ countries require the cooperation from the authorities of the source or transit countries, as the authorities of these countries need to be willing to re-admit the returnee. This is especially true for the return of persons who do not possess a valid travel document or do not hand over their travel document to the authorities, which is not uncommon in the case of forced return in particular (cf. Van Houte et al., 2021). While interstate cooperation is especially important for the implementation of forced return, it is also relevant for voluntary return. Some of those who decide to return are undocumented; they can only return if their country of citizenship issue a new travel document. Additionally, some migrants decide to return relatively voluntarily because they do not want to take the risk to be returned forcefully (cf. Gibney, 2008; Leerkes, Van Os & Boersema, 2017). If there is more collaboration on forced return, it may therefore also lead to more (relatively) voluntary returns.

## 2.2 Classification of intergovernmental return frameworks

EU+ countries have concluded a substantial and still increasing number of return frameworks with non-EU+ countries with a view to promoting interstate cooperation on enforced return. We use the term return frameworks as an umbrella term referring to all texts ('re-admission agreements', 'memoranda of understanding', 'mobility partnerships', 'exchange of letters', and so forth) in which states describe in general terms how they will cooperate on enforced return.[3] In this study, we classified return frameworks into several categories based on differences in *level*, *legal binding*, and

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[3]    We prefer the term 'framework' to the term 'arrangement', which has also been used in the literature,

*issue linkage*. A taxonomy of intergovernmental return frameworks based on these three dimensions is shown in Figure 1.

*Level*. In this report, we distinguish between two different levels at which return frameworks are concluded. On the one hand, there are bilateral return frameworks that have been concluded directly between one EU+ country and one non-EU+ country. These form the majority of the existing frameworks. On the other hand, there are EU-wide return frameworks – frameworks with non-EU+ countries at the initiative of the European Commission. In some cases, whether frameworks are bilateral, or EU-wide is not clear-cut. For instance, in the past, the Netherlands, Belgium, and Luxembourg concluded a number of joint frameworks within the Benelux framework. For the sake of simplicity, these are classified as 'bilateral return frameworks' in this study. Some EU-wide frameworks have bilateral components: various EU Member States have concluded bilateral 'implementation protocols' that specify bilateral procedures on enforced return within one type of EU-wide framework, namely the EU re-admission frameworks (see under legal binding). For the sake of simplicity, we also call the frameworks that were concluded at the initiative of the European Commission on behalf of selected groups of EU Member States 'EU-wide frameworks', even if not all EU member states partake in these frameworks. As was mentioned in Chapter 1, the Mobility Partnership with Morocco, for example, only pertains to Belgium, Denmark, France, Germany, the Netherlands, Poland, Portugal, Spain, Sweden, and the United Kingdom.

**Figure 1    A taxonomy of intergovernmental return frameworks**
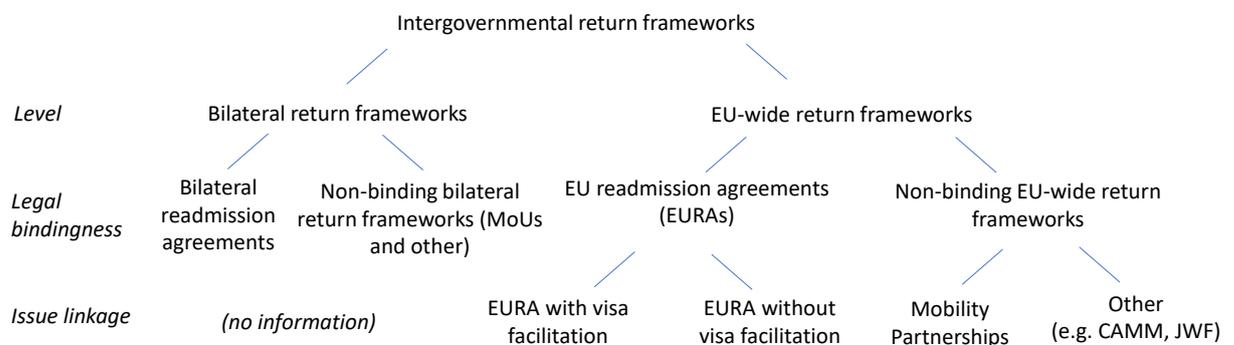


*Legal binding.* Both the bilateral and EU-wide frameworks differ in their levels of legal binding or what is sometimes called degree of formalisation. 'Re-admission agreements' are considered legally binding as they constitute official treaties between sovereign nations that usually also need to be approved by the national parliaments of the countries involved. They exist both at the bilateral and the EU level. The EU-wide legally binding frameworks are called 'EU re-admission agreements'. The first EU re-admission agreements came into force in 2004. To our knowledge, the agreements are only binding 'in principle', as there is currently no international court to which signatories can turn in case of a perceived violation of such agreements. Other return frameworks are *non-binding* and do not have to be approved by parliaments. Such informal arrangements are sometimes also called 'non-standard agreements'. Non-binding bilateral frameworks are often called 'Memoranda of Understanding' (MoUs). In 1950, for example, the Netherlands concluded a MoU with Indonesia, a former Dutch colony that gained independence in 1945. The EU+ countries also use various other terms to refer to non-binding frameworks, including an 'Exchange of letters' (an exchange of 'viewpoints' between two governments on return matters), or a 'Pact on

joint migration management' (a non-binding arrangement that France uses to promote returns to African countries in particular). Non-binding EU-wide frameworks are often called 'Mobility Partnerships' (MPs), but other variants, including the 'Common Agenda on Migration and Mobility' (CAMM) and the 'Joint Migration Declaration' also exist. *Issue linkage.* The frameworks also differ in degree and type of issue linkage: some, but not all, frameworks are linked to a promise to facilitate legal migration and/or international mobility (e.g. through the facilitation of Schengen visa), or to come with a promise on the part of the EU+ country, or countries, to promote the economic development and/or institutional capacities of the non-EU+ country (cf. Jurje & Lavenex, 2014). The EU has, for example, concluded various re-admission agreements with Eastern European countries. These include stipulations about the issuance of Schengen visas enabling nationals of these Eastern European countries to legally visit the Schengen countries for business, tourism, and/or family matters. These arrangements ('EURA-Visa') are called EU Re-admission agreements with visa facilitation in this report. Other frameworks, especially the Mobility Partnership, are, in spite of their name, mostly linked to capacity building/development aid.[4] Mobility Partnerships do nonetheless come with a more distant promise on the part of the EU to facilitate legal mobility: states that have agreed on an MP are invited, for example, to enter into negotiations on the facilitation of Schengen visas in the future.[5] Unfortunately, there is no systematic information about the type and degree of issue linkages in the bilateral return frameworks. In some cases, (e.g., between Spain and Morocco) cooperation on forced return seems to be linked to agreements on legal migration; in other cases (e.g., the more recent frameworks by the United Kingdom), agreements about re-admission seem to be linked to agreements on the treatment and re-integration of returnees (Anderson & Walker, 2017). EMN (2022) also gives some examples of issue linkages related to legal migration, but these are exceptions; according to EMN, EU member states generally do not seem to use (explicit) issue linkages in their relations with non-EU countries.

There are notable geographical differences in the type of return frameworks that are being concluded. Cassarino's inventory indicates that a relatively large number of EU-wide re-admission agreements have been concluded with Eastern European countries (8 out of 17 currently being in force). The agreements with Eastern European countries are also relatively likely to be linked to visa facilitation (7 out of the 8 agreements with Eastern European countries, against 4 out of 9 agreements with non-European countries). African and Asian countries, by contrast, are overrepresented among the countries that have only concluded a non-binding return framework (8 out of 13), and only two of these are MPs (with Morocco and Tunisia), which are associated with capacity building and come with a promise on the part of the EU to facilitate legal mobility.

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[4]  Some academics have sarcastically called these partnerships 'immobility partnerships' as these partnerships are not really linked to legal migration and mobility (cf. Poli & Cinelli, 2017).
[5]  Such negotiations are not necessarily successful: at the time of writing, the EU and Morocco have still not reached an agreement about visa facilitation since signing the MP in 2013.

**Figure 2    Geographical distribution of EU-wide return frameworks (2019)**



*Source:* 'Inventory of bilateral agreements linked to re-admission' (Jean Pierre Cassarino)

### 2.3    Why return frameworks may increase enforced return

Schimmelfennig & Sedelmeier (2004) have contrasted two main theoretical models that can explain why non-EU states may agree to adopt EU rules, including the return frameworks in the form of EU re-admission agreements. The 'external incentives model' – which has become dominant in the literature on intergovernmental return frameworks – is based on rational choice institutionalism and is also in line with 'realist theories' in international relations theory. It works from the assumption that the authorities of non-EU+ countries will make rational choices by comparing the costs and benefits of different courses of action, eventually selecting the action with the highest 'utility' to them (benefits minus costs). In strong versions of rational choice theory, actors are assumed to only pursue self-interests, and this also holds, in principle, for the external incentives model. Non-EU+ states are assumed to experience 'domestic costs' when they would allow enforced returns because of re-integration issues among returnees, a loss of remittances from the EU+ country, and so forth. Because of these costs, the non-EU+ country will only agree on a return arrangement if the 'external incentives' or rewards offered by other states offset the domestic costs, or if the externally offered negative sanctions in case of non-cooperation would become more costly than the domestic costs. This type of *quid pro quo* or *tit-for-tat* mechanism to obtain compliance is called 'conditionality' in the literature (see for example, Carrera et al. 2016). Following this reasoning, the non-EU+ state will make cost-benefit calculations both when making decisions about whether or not to enter into a

(particular type of) return arrangement, and when making decisions about its implementation. In other words, it is not only the external incentives during negotiations on return arrangement that matter; it is also important what incentives still exist after the arrangement has been concluded.

Based on this line of reasoning we would expect that return arrangements have a positive effect on enforced return, especially if EU+ countries are able to provide sufficient ongoing rewards for compliance and/or punishments for non-compliance. Such sanctioning capacities are assumed to depend, among other things, on the 'determinacy of conditions' (the extent to which rules are clear); the 'size and speediness of rewards' (large and speedy rewards are more likely to foster compliance than small and/or slow rewards); and the 'credibility of threats and promises' (credible threats and promises are more likely to foster compliance than incredible threats and promises). The model would thus lead us to expect that issue-linked arrangements will have a stronger effect on returns than non-issue-linked arrangements (because of larger rewards) and that EU Member States that have signed implementation protocols within the context of the EU re-admission frameworks will experience a stronger positive effect of the existence of the framework than countries that have not agreed on such protocols. This would be because of stronger determinacy; protocols make the agreement more specific and therefore clearer. In a similar manner, it can be expected that EU countries that are actually involved in a European Mobility Partnership will experience stronger increases in enforced returns than other EU Member States. This is because compliance on the part of the non-EU+ country in relation to these EU countries will come with larger rewards than compliance to EU countries that are not involved in it. In principle, based on this theory, we can formulate the expectation that EU-wide return frameworks will have a stronger effect on enforced returns than bilateral arrangements. When acting together, EU Member States can, in principle, pool their sanctioning capacities and thus have more opportunities to tip the non-EU+ countries' cost-benefit calculations in their favour. The model does not lead us to expect that legally binding frameworks, as such, will have stronger effects on return than non-binding frameworks. There are no real sanctions for violating a legally binding framework; it may lead the EU+ state to try to negatively sanction the non-EU+ state, but it could employ the same sanctions if the non-EU+ country violates a non-binding framework (there currently is no international court to which states can if they believe that a legally binding return framework is being violated). From this perspective, if there are differences in the effects of binding and non-binding frameworks, such effects are likely to be related to differences in the content of the two types of frameworks. Legally binding frameworks may include more specific, more enforceable rules, than non-binding frameworks, but that does not depend on the 'bindingness' of the framework as such.

Schimmelfennig & Sedelmeier (2004) contrast the external incentive model with the 'social learning model'. The latter model makes uses of assumptions and insights from sociological institutionalism.[6] In contrast to the external incentives model, which assumes that actors follow a 'logic of instrumentality' by comparing the utility of different means to reach their self-interested goals, the social learning model assumes that actors mostly follow a 'logic of appropriateness' by consciously, or more unconsciously, following social expectations regarding socially acceptable behaviour in a given situation. This perspective on intergovernmental collaboration is also more akin to liberalism in international relations theory, a theoretical orientation that argues that the actions of states are also influenced by international norms, not just by their naked self-interest. Liberalism also assumes that states may not only influence the

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[6]   For more information on the similarities and differences between rational choice and sociological institutionalism, see Scott (2013).

actions of other states by using their hard power (e.g., economic and military capabilities) to bend cost-benefit calculations; they may also influence these actions by using their soft power, e.g., their perceived legitimacy (which is also based on the extent to which their actions are in line with influential social norms) (cf. Keohane & Nye, 1970; Nye, 1990; Hurd, 1999, 2007). The relevance of the logic of appropriateness and the social learning model is, for example, confirmed by the Janmyr's (2016) observation that countries that are hesitant to re-admit their nationals, such as Ethiopia or Iraq, generally do agree to re-admit nationals convicted of crimes. Rational choice institutionalism would predict that states would be particularly unwilling to re-admit such nationals, and indeed authorities seem to have accepted the norm that one's nationals should not commit crimes abroad.

Based on this second perspective, we would similarly hypothesise that return frameworks would have a positive effect on return rates, as such arrangements are likely to create a perceived obligation on the part of the non-EU+ country to comply with returns, unless the non-EU+ country believes that the arrangement has been merely forced upon it. It should be noted, in that respect, that authors indicate that the latter belief is not uncommon among non-EU+ countries (cf. Tittel-Mosser, 2018). Contrary to the external incentive model, the social learning model would imply that legally binding arrangements are likely to have a stronger effect on enforced return than non-binding arrangements, to the extent that the former type of arrangements are associated with a stronger perceived obligation to comply, which could occur because states have also concluded a host of international agreements in other policy domains that have obtained some measure of legitimacy under international law. When approaching the effects of issue linkage on returns from the social learning model, we are more agnostic in our expectations: issue linkage may promote cooperation on return to the extent that the linkage is considered appropriate and fair. If the incentives are below what is expected of the EU+ countries in the situation, given the norms and beliefs that the non-EU+ countries orient themselves to; or if the EU+ countries try to create a link with a policy domain that, in the perspective of the non-EU+ countries, cannot be appropriately linked to return, they may try to resist the signing of a return framework; or, if they cannot afford to overtly refuse, try to hamper its implementation (cf. Scott, 2008). The effects may thus also depend on the issue that return is linked to. A contribution to migration control in exchange for an agreement on regular migration and mobility may be seen as more appropriate, as this would keep the issues within the migration system and align with the interests of the non-EU+ states to develop economically in the global economy, than a contribution in exchange for development aid (including assistance in the developing of migration control systems) or trade, which may send the signal that migration from these countries is unwanted. Some authors also indicate that the efforts by the EU+ countries to condition development aid or trade on cooperation on migration control is seen are a sign of neo-colonialism (cf. Cham & Adam, 2021). In keeping with expectations derived from the social learning model, there is some evidence that money as such, and hence the linkage with development aid and trade, may not be sufficient to realise intergovernmental cooperation on return. Ellerman (2008), for example, has documented a case where Vietnamese authorities eventually did not take back Vietnamese nationals who had resided in East Germany during the Cold War despite having officially agreed to a return arrangement that included substantial payments on the part of Germany (see also Leerkes, 2016).

Based on the social learning perspective we would also be sceptical about the assumption that the pooling of economic and political power by EU+ states will necessarily lead to more cooperation on enforced return. It may be easier to develop genuinely shared social norms on the regulation of return if power differences are

more limited, and when the EU+ country has a stronger need to inquire about the beliefs and needs of the non-EU+ country (also see Mouthaan 2019; Olakpe, 2022; Pannizon, 2012). Switzerland, for example, seems to have been relatively successful in establishing partnerships with non-EU+ countries that also include agreements on enforced return (Kunz, Lavenex & Pannizon, 2011).

In sum, the external incentive model would lead us to expect positive effects of intergovernmental return frameworks, especially for EU-wide and issue-linked frameworks, and especially for EU+ states that have signed implementation protocols. The social learning model leads us to similarly expect a positive effect of intergovernmental return frameworks, especially for legally binding frameworks; it does not have clear a priori expectations about possible effects of the level at which frameworks are concluded, nor about the effects of 'issue linkage'.

# 3 Methods

## 3.1 Data and variables

To answer our research questions, we constructed a dataset combining data from a range of sources. The dataset has a countrypair-year (hereafter: 'dyad-year') format, meaning that each record contains information on a combination of an EU+ country and a non-EU+ country, in a given year, i.e. The Netherlands – Afghanistan in 2015. There are 32 EU+ countries, 174 third countries, and 12 years in the data, thus yielding a maximum of 66,816 records (a*b*c). Because not all countries are present in all years, the actual number of records is somewhat lower (N=57,163).

As a dependent variable, we use the rate of enforced return. This variable is constructed based on Eurostat EIL data. EU+ countries have been collecting information on Enforcement of Immigration Legislation (EIL) for Eurostat since 2008. EIL data consists of an array of statistics, including information on orders to leave issued to citizens of non-EU+ countries or, more formally, 'Third Country Nationals' (TCNs) ('migr_eiord', which approximates the population at risk for return), as well as returns 'to a third country' following an order to leave ('migr_eirtn'). The statistics are compiled annually for each EU+ country. The EIL statistics include forced returns and assisted voluntary returns (separate data on forced and voluntary returns is only available for a limited number of EU+ countries; these have not been used for this study). Unassisted voluntary returns are included 'where these are reliably recorded' (Eurostat metadata EIL).[7] The rate of enforced return is calculated by dividing the number of 'returns to a third country' in a given year by the number of orders to leave issued in that year, multiplied by 100. Since we are interested in the question of the proportion of TCNs returning to a third country of all of those 'at risk' of doing so, we excluded all TCNs who left to another EU country from both the numerator and the denominator. These are most likely migrants who are in possession of a residence permit from another EU country. As such, we only assess the proportion of TCNs who returned, as a function of those TCNs at risk of return.

Our key independent variables are the intergovernmental return frameworks. We include both EU-wide and bilateral frameworks. We include both legally binding frameworks (re-admission agreements) and more 'informal', non-binding arrangements, such as Memoranda of Understanding. Data are derived from a dataset developed by Jean-Pierre Cassarino and updated with information from an EMN Ad Hoc Query (see EMN, 2022).[8] Certain intergovernmental frameworks are not included in the database, such as the stipulations on return that are embedded in the texts of some of the EU's trade agreements.

For each record (dyad-year), we firstly indicate whether there was any return framework in place for the dyad regardless of whether it was at the bilateral or at the EU level and regardless of legal binding and issue linkage (1 dichotomous variable); secondly, we specified whether the framework was bilateral or EU-wide (2 dichotomous variables); thirdly, we coded for both the bilateral and EU-wide frameworks whether or not they were binding or non-binding (4 dummies); and finally,

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[7] It is important to note that, based on the data, the category of 'non-returnees' also includes those TCNs who returned voluntarily without the assistance of organisations like IOM, thus yielding a structural underestimation of return (for all countries in all years). In addition, we cannot be sure that TCNs returned to their origin country, although for the majority, this will be the case (ibid.). Eurostat currently only gives separate information about persons returning to their country of citizenship for a limited number of EU+ states.

[8] The dataset by Prof. Cassarino can be accessed via https://www.jeanpierrecassarino.com/datasets/ra/.

for our most refined measurement of return frameworks by type distinction we also added information on degree and type of issue linkage (e.g. EU re-admission agreements with and without visa facilitation) and also further specified the non-binding frameworks by type (MoU, Mobility Partnership, bilateral framework other, EU-wide framework other). In the latter step, there were seven dichotomous policy variables. For the bilateral frameworks we distinguished between (1) re-admission agreements; (2) Memoranda of Understanding; and (3) other non-binding frameworks. For the EU-wide frameworks, we differentiated between (4) EURA without visa facilitation; (5) EURA with visa facilitation; (6) Mobility Partnerships (MP); and (7) other non-binding re-admission agreements, such as the CAMM and JWF.
In all analyses, we only considered re-admission agreements that were 'in force' at some point between 2008 and 2019.[9] All EU+ countries received a 1 for dyad-years when an EU-wide return framework existed for a given non-EU+ country. This rule was also used for the Mobility Partnerships, although not all EU Member States formally partake in them. To see whether the specific participation of an EU Member State in these partnerships has an additional effect on enforced return we included a two dummy variables as a final step, indicating whether or not a Member State participated in a Mobility Partnership (for a given third country) and whether or not a Member State has concluded an Implementing Protocols for an EURA (for a given third country). Negotiations are not included in the analyses at either the EU or bilateral level.
A dataset was constructed, including all variables mentioned above, for the period 2008-2019. All records which had missing values on the dependent variable were excluded from the analyses. This includes all records (dyad-years) in which 0 orders to leave were given (60% of all cases). Since the research question focuses on the number of returns conditional on the people having to return (population at risk), excluding cases with 0 orders does not pose a problem. Given that the data are not cohort data, return rates may exceed 100%. However, in some cases, return rates are well above 100% (up to 6800%). We assumed that these outliers are most likely due to registration errors. Throughout the analyses we have therefore opted to exclude cases in which return rates are more than 2 standard deviations above the mean. This means that cases with return rates exceeding 310% are excluded. After data selection, we were left with 20,485 records (31%). About 87% of the excluded cases were excluded because a return rate could not be calculated, since the EU+ country issued zero return decisions involving nationals of a given non-EU country in a given year (the return rate is defined as the number of returns in a countrypair-year divided by the number of return decisions issued for that countrypair-year). The remaining cases that were excluded mostly pertain to countrypair-years with a limited number of return decisions. For statistical reasons, outliers are relatively likely to occur if the number of return decisions for a countrypair-year is low, for example when four nationals from a given non-EU+ country returned from an EU+ country 'to a third country' in a given year, while only one return decision was issued that year for the country pair (some of the four returnees may have received a return decision during an earlier year, or there may have been certain registration inaccuracies which can influence the measured return rate considerably when the number of return decisions and/or returns is low). In addition, we mostly deleted cases involving the United Kingdom, as we noticed that the data for the United Kingdom was relatively likely to lead to extraordinarily high measured rates of return, even when the number of return decisions was not

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9     Unfortunately, the data only include separate information on the year during which bilateral re-admission agreements were signed in case the agreement never came into force. For bilateral re-admission agreements that are currently in force, we do not know when they were signed. We therefore opt to analyse only bilateral re-admission agreements that are in force.

particularly low. All in all, we do not think that the data selections have biased our findings, as we have mostly eliminated 'statistical noise' from the data, and minimised the possible influence of measurement errors in relation to the United Kingdom. In Box 1, we describe the methodology in more detail. Descriptive statistics for the dependent and independent variables for cases that were included in the fixed effects models are shown in Appendix 1, Table A.1.

In Part 1 of this study, we have written at length about the problems pertaining to the reliability and validity of the Eurostat EIL data (and the return rate) (see Maliepaard et al., 2022). These include the limited comparability between different EU+ countries in the definition and measurement of return decisions and enforced return. It is important to note that the methodology controls for relatively stable differences between the EU+ countries in these respects, as well as general trends that could arise in the EU+ country due to a change in the definition or measurement of return decisions and/or returns. The fixed effect models, and the exclusion of unreliable observations ('outliers') from the analysis, gives us some confidence in the validity of the results. Our results provide an important first indication of the effects of the return frameworks on enforced return, which future studies could investigate further should better data become available.

## Box 1    Methodological approach

As an analysis strategy, we used a stepwise approach. In the simplest model, we first conducted a bivariate assessment on whether dyads for which a specific type of return framework was in place for a given year differed in terms of return rates for these years, to dyads lacking such a framework. Subsequently, we estimated four different linear fixed effects regression models (each fixed effect model was estimated in six varieties, each with different, increasingly refined coding of the return frameworks, as explained in section 3.1). The results of all models are shown in Appendix 1, Table A.3 and A.4.

In the first fixed effect model, we estimated the effect of return frameworks when we take into account stable country differences between the EU+ countries in the rate of enforced return (by adding dummies for each EU+ country), as well the general time trend (by adding dummies for different years in the period of observation). These dummies also control for relatively stable differences between the EU+ countries in how states measure and register enforced returns.

In Model 2 we then also added fixed effects for the non-EU+ countries. These models allowed us to get a sense of to what extent stable differences among the EU+ and non-EU+ countries in the rate of return explain the differences in return rates between country pairs with or without return frameworks. For instance, imagine if the UK was the only country with MoUs and it also consistently had very high return rates, either because it had a lot of returns or because it registered returns in such a way that the rate of enforced return was higher than for other EU+ countries. Bivariately, it would then seem that MoUs lead to higher returns, when in fact the effect is spurious. These regression models with dummies for origin and destination countries would correct that. Including dummies for years allowed us to rule out the possibility that the measured effects of return frameworks, or the lack of observed effects, is due to general trends in the registered rate of return. If the EU+ countries register more of their enforced returns over time, we could find a spurious effect of the return frameworks as the number of frameworks also increases over time.

Causality (that a framework causes changes in return rates) can still not be firmly established in model 2, however. This is because there may also be other factors that cause differences between country pairs in the return rates. Think for instance of (pre-existing) trade relations, a colonial history, a diasporic presence from a specific third country in a specific host country, aid flows, etc. When this is not taken into account in the analyses, this would lead to a misestimation of the effects of re-admission agreements. Model 3 therefore included fixed effects for all EU+/non-EU+ dyads (dummies for all dyads) and a general time trend (dummies for different years). Model 3 captures 'bilateral factors that are specific to country pairs but constant over time, so that all sources of time-invariant country-pair variability [..] can be included in the model' (Yang & Martinez-Zarzoso, 2014, p. 22). This is fitting given the fact that the return frameworks also take place at the dyadic level.

Finally, Model 4 –the strictest model – included fixed effects for all dyads, as well as time trends per EU+ country, and time trends per non-EU+ country. This way, we control for all time-varying origin- and host country determinants. Adding host-country-and-year and origin-country-and-year dummies to the model (on top of the time-invariant dyadic effects) is informative, because it is possible that there is additional variation in return rates which stems from (time-varying) origin- and/or destination-country characteristics. For example: more people are leaving from the EU+ country because of general economic or political changes in the country concerned, or more people are returning to a specific non-EU+ country because of improvements in the societal conditions in the country.

Based on these final models, we can assess with more certainty whether any differences in return rates can in fact be ascribed to the return frameworks. Running different varieties of these four models also allows us to assess the impact of return frameworks by type. The more complex models in particular form a very stringent test of such effects, given that they only take into account cases in which there is change (i.e., the transition from there being no framework to there being a framework in a given country pair).

A main limitation of these models is that they only give estimates of the effects of *newer* return frameworks on return that came into existence in the 2008-2019 period. Country pairs that already had an agreement prior to 2008 may have higher (or lower) returns as a consequence, but this cannot be tested. Given that relatively few 'new' return frameworks came into existence in the 2008-2019 period – particularly EU-wide frameworks – these models may be less suitable for assessing the impact of those frameworks.

To assess the stability of the models, also given the issues with the dependent variable presented above, we performed a number of robustness checks, such as excluding country pairs with return rates exceeding 200%; excluding the United Kingdom and excluding EU border countries (see Appendix 2). These robustness analyses indicated that the results are somewhat sensitive to changes in the data selection, indicating that some caution should be applied when interpreting the results. At the same time, the conclusions do not change dramatically. Rather than changing the direction of effects, changing the data selections mostly affects the effect sizes (and corresponding significance levels).

# 4 Results

## 4.1 How many re-admission agreements are in place, and with which countries?

There were 28 EU-wide return frameworks in the period 2008-2019.[10] Ten of these were already in place at the start of data collection. In our data, there are 4,375 cases (combinations of dyads and years or 'dyad-years') in which an EU-wide framework was in place.
At the bilateral level, there are agreements with a broader range of origin countries. 53 countries had a bilateral Re-admission Agreement (RA) in force with one or more EU+ countries during at least one year in the 2008-2019 period; 28 non-EU+ countries had MoUs; and 46 countries had a non-binding framework other than a MoU with at least one EU+ country in at least one year. Countries such as North Macedonia and Kosovo have agreements with many nations; whereas others only have an agreement with a single EU+ country (e.g., Kuwait-Switzerland). In total, in our dataset, there are 2,481 cases in which there is a bilateral framework in place. In total, a little under a third of cases in our data had an intergovernmental return framework of some kind (31%).[11]

## 4.2 Do dyads with re-admission frameworks have higher return rates?

We will first explore whether or not return dyads for which bilateral or EU-wide return frameworks of some kind existed in a given year had higher rates of enforced in these years than return dyads that lacked any frameworks in the years of observation. Simple t-tests indicate that across the board, it is indeed the case that for country pairs where there is any kind of framework in a given year, the return rates are higher – between 8 and 18 percent points – than for country pairs where there is no agreement. We observe higher rates of return for the bilateral and EU-wide frameworks (see Figure 3). Taking a closer look, we see variation in how different types of frameworks are associated with return rates. Bilateral re-admission agreements are associated with higher returns compared to cases without such bilateral frameworks or other frameworks. However, cases with MoUs do not show higher, or lower, returns than cases without MoUs. Other non-binding bilateral frameworks are associated with significantly *lower* returns, which probably indicates that such frameworks are primarily used for non-EU+ countries that are not particularly inclined to cooperate on return, and are unwilling to agree on a MoU or, even more so, a Re-admission Agreement (the latter frameworks may be seen as representing a stronger commitment to cooperate on enforced return). For the EU-wide re-admission agreements, a simple comparison of means indicates that an EURA with visa facilitation is particularly associated with higher returns, and to a lesser extent also EURA without visa facilitation and the MPs. Other non-binding EU-wide frameworks such as CAMM and JWF are associated with significantly lower returns

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[10] Armenia, Azerbaijan, Belarus, Cabo Verde, Georgia, Jordan, Moldova, Morocco, and Tunisia had a Mobility Partnership; Moldova, Pakistan, Sri Lanka, and Turkey had an EURA without VF; Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Cabo Verde*, Georgia, Moldova, Montenegro, North Macedonia, Russia, Serbia, and Ukraine had an EURA with VF; Afghanistan, Bangladesh, Cote d'Ivoire, Ethiopia, Ghana, Guinea, India, Niger, Nigeria, and Turkey had other non-binding agreements with the EU.

[11] It should be noted that this figure is not representative, given that dyad-years with no orders to leave are excluded from the data at this point. These country pairs are much less likely to have re-admission agreements.

compared to country pairs without these frameworks, which may similarly indicate that these countries are relatively unlikely to cooperate on return and prefer to only agree on a framework that is not seen as representing a strong commitment on return and re-admission.
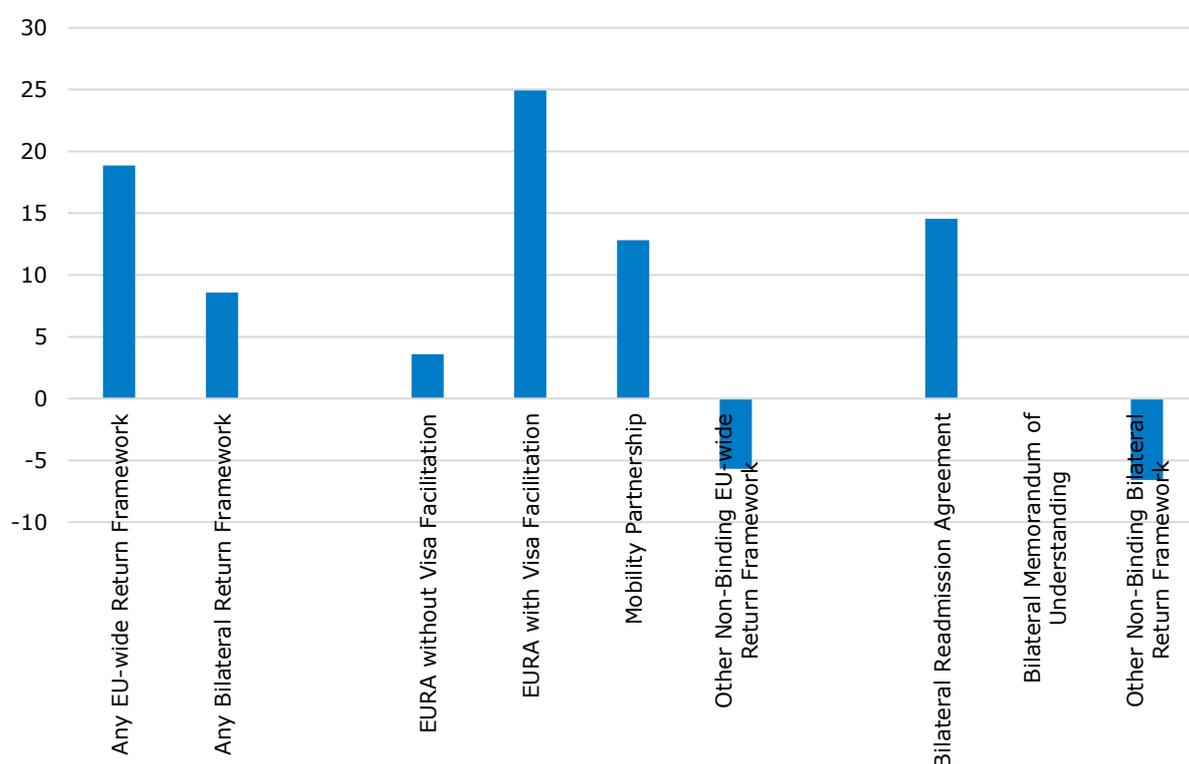
The differences in return rates, reported in Figure 3, cannot be simply interpreted to mean that re-admission agreements cause changes in return rates, either boosting or, in some cases, diminishing returns. Simple mean comparisons obscure the fact that there are most likely other characteristics that account for (part of) the differences in return rates. It is for instance possible that non-EU+ countries where return conditions were relatively favourable (e.g., countries that had more favourable economic conditions, experienced less political violence and so forth) and/or where the authorities were relatively likely to cooperate on enforced return anyway, were also more likely to agree on a return framework, especially in the form of legally binding re-admission agreements. The higher returns are then not *caused* by the frameworks. To better control for different confounding factors and get better estimates of the actual effects of intergovernmental return frameworks on enforced return, we now turn to our regression analyses.

## 4.3    Do return frameworks as such affect return rates?

We are firstly interested in exploring to what extent having a bilateral or EU-wide framework, regardless of its binding and degree and type of issue linkage affects

return. We do so using the stepwise approach explained in Box 1. Where we find significant effects, these are shown in Figure 4. Tables including all (also non-significant) effects and more information on modelling can be found in Appendix 1, Table A.3.

The first model (M1) investigates to what extent the effects of re-admission agreements can be attributed to stable differences across EU+ countries in the rate of registered return – this is done by including dummies for each Member State into the regression analysis (Figure 4, Model 1). The effect sizes of the dummies (not shown, available upon request) immediately stand out, indicating large country differences in return rates, ranging from -47 percent points to +61 percent points as compared to the reference category (Austria) (For a methodological discussion on this see Maliepaard et al., 2022). In M1, we see that taking into account stable differences in return from the EU+, including the definition and registration of enforced return, do not explain the higher rates of return for cases with bilateral and EU frameworks: cases with return frameworks still have between 9-14 percent point higher rates of enforced return.

**Figure 4    Estimated effects of EU-wide and bilateral agreements on the % of enforced returns under increasingly restrictive models**
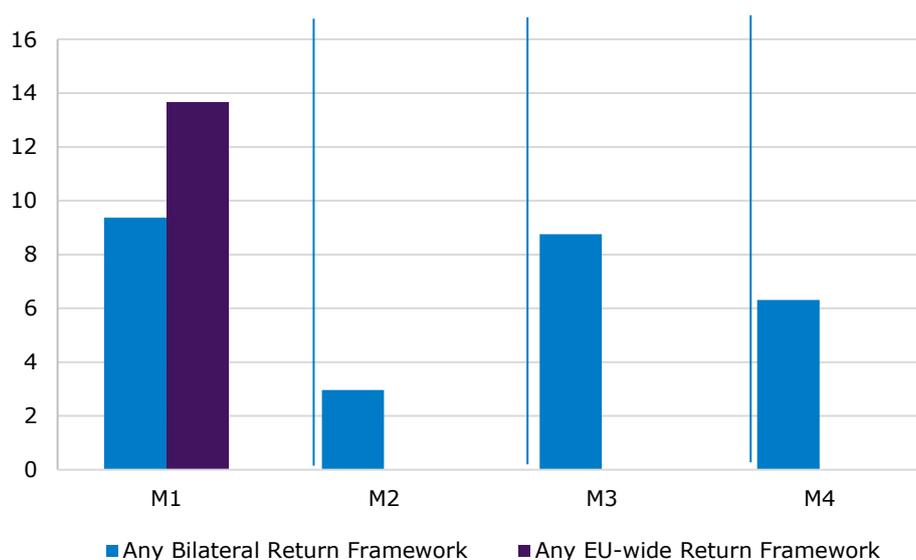


Note: only effects significant at the P<0.05 level are displayed.

In the second model (Figure 4, M2), we add non-EU+ country dummies to the regression analysis. The reason for doing so is to exclude the possibility that the relationship between return frameworks and return rates is caused by stable differences among the non-EU+ countries in the rate of enforced return. For instance, this might be due to the fact that origin countries with higher/lower return rates are more/less likely to have a return framework; the conditions in Eastern European countries, for example, are generally more favourable to return than the conditions in countries like Afghanistan (see also Leerkes et al., 2017). Additionally, we added a general time trend (dummies for different years) to rule out the possibility that the positive association between return frameworks and higher rates of enforced return is merely caused by general time trends e.g., more complete registrations by the EU+ countries of the number of enforced returns.

Adding the non-EU+ country dummies in particular has a very strong effect on the coefficients for EU-wide return frameworks, rendering them close to zero and non-significant. This observation indicates that the results from the bivariate analyses (Figure 3) and from the previous paragraph (Model 1 in Figure 4) – showing that having an EU-wide framework was associated with significantly higher return – are indeed spurious. The European frameworks do not seem to be the cause of higher levels of return, but rather non-EU+ countries to which there are already higher levels of return, are more likely, on average, to partake in an EU-wide framework. Adding non-EU+ country fixed effects to the model also affects the effects of bilateral frameworks, though less strongly. When taking into account stable EU+ and non-EU+ country differences, having a bilateral framework of some kind is associated with slightly higher levels of return as compared to having no framework (about 3 percentage points in Model 2).

Although the models presented above take into account stable differences among EU+ and non-EU+ countries in return rates, as well as the general time trend, they do not take into account the fact that there might be stable *dyadic characteristics* affecting the rate of return, such as more favourable international relations (e.g., because of economic interdependence or a shared colonial past). We therefore move to a final set of models. These models (Models 3 and 4) form an even more stringent test of the effects of (different types of) return frameworks. While Model 3 only takes into account stable differences between all return dyads, Model 4 additionally takes into account general trends over time in return rates. When looking at EU-wide frameworks, we see that these still have no significant effect on the return rate. Overall, it thus seems that introducing an EU-wide framework does not, on average, boost return rates. For bilateral frameworks on the other hand, we see that there still is a modest but significant effect. In Model 4 – the strictest model – this is about six percentage points. It thus seems that introducing a bilateral framework does boost return rates to some extent.

The next logical question is: are other relevant framework characteristics – beyond the distinction between EU-wide and bilateral frameworks – differentially associated with the rate of enforced return? Does it make a difference whether or not a framework is considered legally binding, and whether or not a framework is linked with the facilitation of legal international mobility (as with the EU re-admission agreements with visa facilitation) or development aid/capacity-building (as in the case of the Mobility Partnerships)?

## 4.4 Additional characteristics of return frameworks affecting return rates

To more fully answer the question regarding the extent to which different frameworks differentially affect return rates, in Figure 5 we differentiate between three different types of bilateral frameworks (re-admission agreements, MoUs, and other non-binding bilateral frameworks), and four types of EU-wide frameworks (EURA with visa facilitation, EURA without visa facilitation, Mobility Partnerships, and other non-binding EU-wide frameworks). The descriptive results show that some frameworks are associated with lower returns, and others with higher returns. In this paragraph, we assess whether there are indications that some types of framework indeed boost return whereas others possibly diminish return when other influences on the rate of enforced return are kept constant.

We follow the same steps as in the previous paragraph, building up the models (see Figure 5), discussing each of the agreements in turn. Tables including all (also non-

significant) effects and more information on modelling can be found in Appendix 1, Table A.3.

**Figure 5** **Estimated effects of EU-wide and bilateral frameworks on the % of enforced returns under increasingly restrictive models (specific policy indicators)**
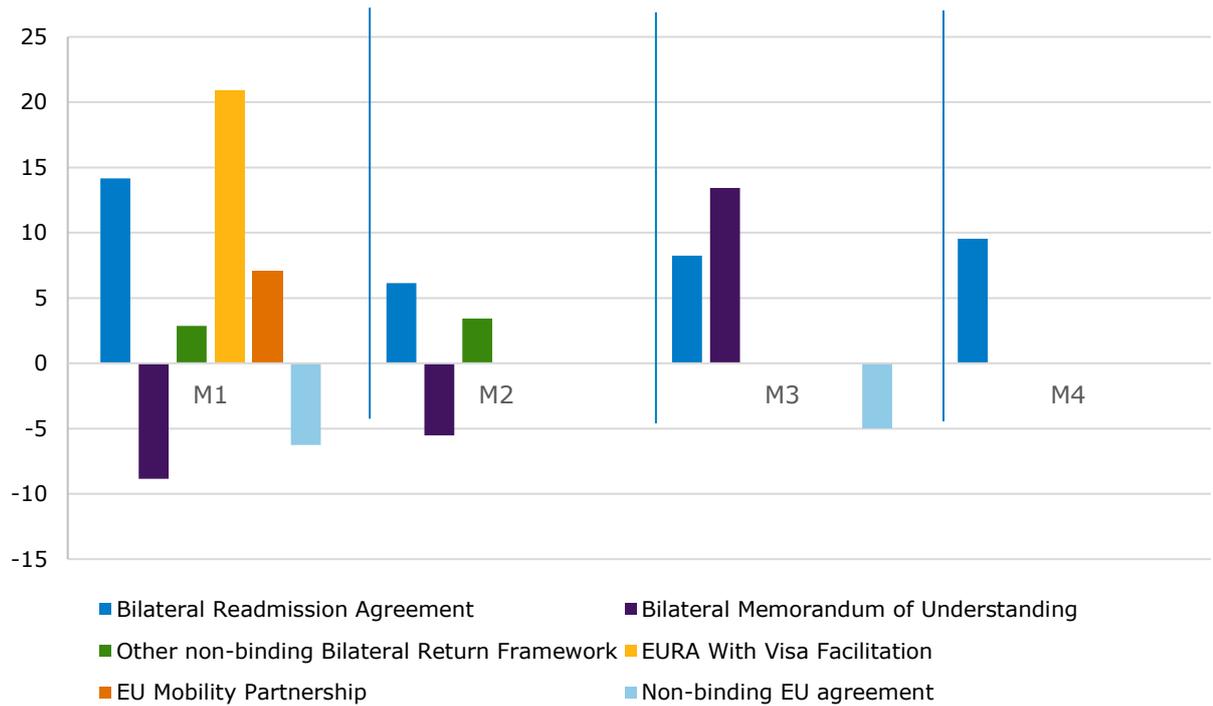


Note: only effects significant at the P<0.05 level are displayed.

At the bivariate level, we saw that bilateral RAs were associated with about 14 percentage-point higher return rates (Figure 3), The fixed effects models (M2, M3, and M4) by and large confirm that the higher return rates are indeed a response to the bilateral agreements, rather than a spurious finding. In all four models, having an RA in place is associated with higher levels of return, with the final models indicating an increase of 8 or 9 percentage points following the introduction of a bilateral re-admission agreement.

For the non-binding bilateral frameworks, we see a more differentiated picture. We saw no bivariate association between return rates and whether or not an MoU was in place (Figure 3). In the multivariate models, we see that the MoU effect is quite volatile, turning negative in models M1 and M2, positive in M3 and non-significant in M4. It seems that this volatility is largely due to the United Kingdom's data issues. The UK reports very high return rates across third countries, which may be a registration issue (its averaged return rate across all cases prior to data selection exceeded 170%, with percentages up to 4900%). The UK, together with Italy, is also the country with most MoUs in place (175 cases). When all observations from the UK are removed from the dataset (apart from statistical outliers that had already been removed from all analyses), the effect of establishing an MoU on return is non-significant in all models. The category other non-binding bilateral frameworks had a bivariate association with lower returns. However, when taking into account stable country differences in models

1 (EU+ states) and 2 (non-EU+ states), this negative association disappears and becomes positive (although the size of the effect, around three percentage points, is very limited). In the final, most stringent models, the effect becomes non-significant, indicating that introducing a non-binding bilateral agreement of this type does not affect the return rate in any way, and higher return rates in these dyads are more likely a reflection of somewhat better interstate relations. France, for example, has several 'migration partnerships' with African countries in particular. These are included in the category other non-binding frameworks. However, France also has better relationships with various former African colonies. These, rather than the frameworks with these countries, may explain the higher returns.

Looking at the EU-wide frameworks, we see that EURA with visa facilitation has a bivariate association with very high return rates. However, the models show that this 'effect' disappears once origin country differences are taken into account (M2), and in the stricter models it is also absent; it thus seems that whereas there are higher return rates to third countries with which there is a EURA, especially with visa facilitation, the EURAs do not cause the higher levels of return (i.e. third countries to which there are on average higher return rates, are also more likely to have a EURA with visa facilitation, but establishing the EURA does not boost return rates).

In some models, we do see indications that EURA with visa facilitation could have somewhat stronger effects on returns than EURA without visa facilitation, but these differences are not significant. The same goes for Mobility Partnerships: the positive bivariate relation is due to stable differences between origin countries, rather than an effect of introducing the MP. In some specifications, however, we do see a modest positive effect of Mobility Partnerships (3 to 4 percentage points) that is significant at the p=0.05 level (see Appendix 2, Table A.6 and A.9) Having a EURA without visa facilitations is not significantly associated with higher returns in any of the regression models.

Finally, the category other non-binding EU-wide frameworks does not show a positive effect in any of the models. In some models, we even find a *negative* effect of about 5 percentage points, but that negative effect is not very robust, and could be coincidental.

As a final step, we tested whether the EU-wide frameworks do have significant effects for the EU Member States that concluded Implementation Protocols within a given EU re-admission agreement, and whether states that explicitly contributed to the Mobility Partnerships did experience increases in enforced return. We find no evidence for such effects in the data (see Appendix 1, Table A.4).

# 5 Conclusion

## 5.1 Answer to the research questions

Over the years, EU+ countries have invested considerably in developing bilateral and EU-wide intergovernmental return frameworks with a host of non-EU+ countries. While these frameworks are intended to facilitate the enforced return of irregular migrants to the non-EU+ countries, few empirical studies have been carried out to assess whether intergovernmental return frameworks indeed result in higher rates of enforced return. There has also been a trend of increasingly concluding EU-wide, non-binding, and issue-linked frameworks, but there is a dearth of research that can help assess whether such frameworks facilitate enforced return in particular. It is also unclear whether policy effects are in line with the theoretical assumptions of the 'external incentives model' or should (also) be understood using sociological institutionalist perspectives, which include the 'social learning model'.

Against this backdrop we posed two related research questions:
1 To what extent do bilateral and/or EU-wide return frameworks lead to higher rates of enforced return from the EU+ country, or EU+ countries, to the non-EU+ countries that have agreed on these frameworks?
2 is there any evidence that the effect of return frameworks on the rate of enforced return depends on the type of framework in terms of level (bilateral versus EU-wide), legal binding, and degree and type of issue linkage (focusing on Schengen visa facilitation and development aid)?

We observe higher rates of enforced return for dyad-years (unique combinations of EU+, non-EU+ countries, and years of observation) where return frameworks existed than for dyad-years where such frameworks were lacking. However, that is not to say that the frameworks *caused* the higher rates of enforced return: the findings suggest that dyads with return frameworks had, on average, other characteristics that were relatively favourable to voluntary and/or forced return (e.g., better economic and political conditions in these non-EU+ counties and/or relatively strong bilateral ties with the EU+ countries apart from the bilateral frameworks). Apparently, such conditions are likely to facilitate the development of return frameworks, especially in the form of legally binding re-admission agreements.
Various fixed effect models were used to keep relevant confounding factors constant and obtain better estimates of the actual causal effects of (different types of) return frameworks on enforced return. The resulting models show that only bilateral re-admission agreements have, on average, a significant, albeit limited positive effect on the rate of enforced return. On average, these agreements are found to increase enforced return by 5 to 10 percentage points. When controlling for relevant confounders, we do not find positive effects for any of the EU-wide return frameworks on enforced return.[12] Furthermore, we do not find that EU-wide frameworks led to higher rates of enforced return for EU Member States that invested the most in them by signing Implementation Protocols within the EURAs and/or by explicitly partaking in

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[12] Several checks were conducted to assess the robustness of the findings. In some of the alternative models (see Appendix 2) we did find small positive effects of the Mobility Partnerships when controlling relevant confounders (the effect size is about four percentage points), but never in the strictest model (Model 4). The finding is also very unstable.

the European 'Mobility Partnerships'. Non-binding bilateral frameworks, such as the Memoranda of Understanding, are also not found to significantly impact enforced return. We thus conclude that only the bilateral re-admission agreements are found to have a limited positive effect on the percentage of enforced return, increasing it by about 5 to 10 percentage points. These findings are in line with the recently published EMN inform on bilateral re-admission agreements (EMN, 2022), in which Member States argue that their bilateral re-admission agreements increase returns, facilitate return operations, and improve cooperation with non-EU countries.

The study also gives an indication of the extent to which different types of return frameworks affect enforced return differentially (research question 2): our results suggest that the *combination* of level and legal binding matters. As was mentioned, we found indications that legally binding, bilateral frameworks increase enforced return to some extent, but not the EU-wide frameworks, and not the non-binding bilateral frameworks. We also did not find that the effects of return frameworks on enforced return depend on degree and type of issue linkage: neither the EU-wide frameworks that score relatively low on issue linkage (CAMM) nor those that score relatively high on issue linkage (re-admission agreements with visa facilitation and the Mobility Partnerships) show a significant effect on enforced return. Perhaps it can be said that issue-linked EU-wide frameworks at least do not show a *negative* effect on enforced return, which, at least in some models, was found for the category other non-binding EU-wide frameworks, the category with the weakest issue linkage. Unfortunately, we could not explore whether issue linkage matters at the bilateral level; there is currently insufficient information about issue linkage in the bilateral return frameworks.

Limitations in statistical power may have prevented us from finding significant effects of the EU-wide frameworks on enforced return. For statistical reasons, the analysis had to be limited to the effects of return frameworks that have come into existence in the 2008-2019 period, which is the case for 18 of the 28 EU-wide frameworks that existed by 2019 (the 18 new EU-wide frameworks nonetheless cover a considerable number of dyad-years, as they might be expected to affect the rates of enforced return from all EU Member States to the countries agreeing on these frameworks). While the possibility cannot be ruled out that future studies will find a significant effect if a larger number of cases became available for analysis, it can be safely concluded that the EU-wide frameworks, of the types that have been concluded in the 2008-2019 period, are unlikely to considerably increase enforced return. If strong effects had occurred, they should have become visible in the present models.

All in all, this study mostly confirms the results of earlier descriptive studies and case studies: intergovernmental return frameworks do not have strong effects on the rate of enforced return. Contrary to the existing studies, we nonetheless observe that specific intergovernmental return frameworks – namely the bilateral re-admission agreements – do seem to increase rates of enforced return to some extent, namely by about 5 to 10 percentage points. So, despite the efforts of the European Commission to strengthen its role in EU-wide re-admission policy, in our study the bilateral level is where we see some effects on enforced return rates, not the EU level.

## 5.2      Limitations and suggestions for future research

Various data limitations exist in the Eurostat data as well as in the data on intergovernmental return frameworks (see Maliepaard et al., 2022). These include: (1) differences between EU+ states in the use and registration of return decisions and enforced return; (2) the inability in the data to identify, for most EU+ states, the

precise destination of the returns 'to a third country' (e.g. whether persons are returning to their country of citizenship or another non-EU+ country); (3) the inability to separately measure, for most EU+ countries, the rates of forced and rates of (assisted) voluntary return; (4) the lack of registrations on unassisted voluntary returns (e.g. people who return without any assistance from organisations like IOM); (5) no or limited information on relevant individual-level characteristics of persons returning and receiving return decisions/orders to leave, such as age of emigration and whether nor not persons receiving return decisions had applied for asylum (the data can only be specified by gender); and (6) the lack of information about the 'quality' of the returns (e.g., on migrant experiences during and after return procedures, including information about post-return social integration and possible subsequent irregular migrations).

This analysis used more advanced methodologies than existing quantitative and more descriptive studies in this field (e.g., Stutz & Trauner, 2021). The methodology used in this report allows us to better eliminate the effects of confounding factors, and to reduce various possible sources of bias (see Chapter 3). The first limitation was addressed by employing fixed effects models (e.g., by including dummies for the EU+ countries) and by excluding statistical outliers from the analysis. It is unlikely, therefore, that this limitation makes the present findings invalid. The latter limitations could not be addressed in the same manner. It is therefore useful to explain how they may have affected the results.

Because of the second and third limitation, we could not separately assess the effect of the return frameworks on forced and more voluntary return by nationality of the returnees. The effects on forced return may be stronger than what is found here for enforced return as a whole, especially when the analysis would have been limited to forced returns of nationals.[13]

In theory, the fourth limitation may have led us to underestimate the effects of return frameworks on enforced return to some extent: the frameworks possibly create a stronger interest for migrants to return on their own to prevent deportation, increasing rates of unassisted voluntary return, which mostly remains outside of the registrations. However, we do not think it is likely that such effects will be strong – most persons would probably use assisted rather than unassisted return, given the cost of returning without assistance.

Individual-level data would also be useful: having such data would result in better models, would give more insight into the micro-level determinants of enforced return, and would allow researchers to explore whether the outcomes of the frameworks differ for different groups of potential returnees (e.g., rejected asylum seekers versus (other) irregular migrants, younger vs. older returnees). However, we do not think that this limitation has biased the results.[14] As a result of the final limitation, we cannot assess how many of the returnees who were returned under the influence of the bilateral re-admission frameworks engaged in new irregular migration projects to Europe, or elsewhere, and how they fared after being returned from the EU+ countries. If more data would become available on the outcomes of the returns,

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[13] Arguably, the frameworks mostly serve to increase collaboration on forced return, and only impact voluntary return more indirectly by creating an additional incentive for migrants to return themselves (as returnees may anticipate that they will be deported otherwise). Additionally, return frameworks may not include stipulations on the return and re-admission of nationals from other countries (there is currently no systematic data about whether the frameworks include such stipulations).

[14] A possible consequence of the fifth limitation is that the observed effects of the return frameworks, or the lack of such effects, are caused, or suppressed, by changes in the composition of the population that is supposed to return in the dyads concerned. However, we do not see why the composition of the population in these dyads would have changed in a specific direction (in some cases we will have overestimated the effect of the frameworks to some extent, in other cases we will have underestimated the effect).

researchers could learn more about sustainability and 'quality' of the returns, and also examine the effects of return frameworks on more relevant outcomes.

The quantitative data on the return frameworks have two main limitations, which future research may be able to address: (1) there is no systematic, integrated information about relevant characteristics of the bilateral frameworks in particular (e.g. on issue linkage), on the procedures that that different EU+ countries have used to reach agreement on return frameworks with non-EU+ countries, and whether not the framework only pertains to nationals of the countries included in the framework or also nationals of other countries who travelled through the non-EU+ country on their way to the EU+ country ('scope'); (2) there is limited information on how relevant actors in the non-EU+ countries (authorities, public opinion) *perceive* different bilateral and EU-wide frameworks and initiatives, and whether different initiatives and frameworks have differential legitimacy in the eyes of these actors.

Our analysis strategy provides a first step towards answering questions regarding the effects of return frameworks on return rates. We limited ourselves to assessing the effects of return frameworks that were introduced in the 2008-2019 period. Future research could try to also estimate the effects of frameworks that already existed in 2008. We nonetheless believe that such an endeavour will probably only be successful if the Eurostat return data become more comparable between different EU+ countries and country dyads. In addition, in the current study we did not examine whether the effects of (different types of) frameworks on the return rate *change over time*. There is a possibility that the effects diminish because the initially offered incentives wane, but it could also be the case that their effects persist, or even increase over time, because of increased institutionalisation. More work is needed to answer these questions.

Finally, more work is clearly also warranted on the theoretical models through which we think about the effects of intergovernmental return frameworks on enforced return. In Chapter 2, we argued that the following expectations are implied in the 'external incentive model': (1) EU-wide frameworks are more effective in promoting enforced return than bilateral frameworks; (2) the EU-wide frameworks with stronger issue linkage are more effective than EU frameworks with weaker issue linkage; (3) Member States that have signed implementation protocols and explicitly partake in Mobility Partnerships see significantly stronger increases in enforced return than other Member States; and (4) the legal binding of a framework as such does not increase its effects on enforced return. The social learning model, by contrast, is more agnostic about the effects of pooling and issue linkage and led us to expect a positive effect of legally binding frameworks in particular. Interestingly, none of the expectations that seem to be implied in the external incentives model were confirmed in this analysis, although we did find partial support for the expectation derived from the social learning model (namely on the bilateral level).
The findings may not refute the external incentive model as such, but merely show that the EU currently gives insufficient incentives to non-EU+ states, and that the same is true for individual EU+ states entering into non-binding bilateral frameworks (such as MoUs). The EU's promises and threats are not credible enough because the EU Member States are divided, possibly because Member States cannot overcome what is called the second-order free riding problem in rational choice theory (Coleman, 1994): if sanctions are costly to individual actors, while the benefits of sanctioning are not limited to the sanctioning actor -here: if one Member States sanctions a non-EU+ state for its compliance or non-compliance with an EU-wide agreement, the other Member States also benefit from these sanctions-, the actors have an interest in

forgoing sanctions, and letting the other states incur the costs. This may lead to an overall lack of sanctioning. Another possibility is that the EU, despite an appearance of joint power, cannot offer incentives that are really valued by the non-EU+ states. For example, the EU does not have the mandate to reach agreements with the non-EU+ countries about regular migration to individual EU Member States in return for cooperation of enforced return; it is limited to offering some facilitation of 'mobility' (Schengen visa), and can ask coalitions of interested Member States to make resources available for capacity-building and other forms of development aid. Some authors have noted that non-EU+ countries prefer bilateral initiatives because these allow them to also negotiate on legal migration (Mouthaan, 2019; Olakpe, 2022, Pannizon, 2012).

However, it could also be that the external incentives model simply overlooks relevant mechanisms that are highlighted by sociological institutionalism and the social learning model. Non-EU+ states are possibly more inclined to comply with legally binding bilateral re-admission agreements not because of stronger 'incentives' per se, but because authorities have come to recognise that 'legally binding agreements' cannot be fully disregarded, especially if they have entered into such an agreement with another 'sovereign state'. There also is the possibility that the more equal power balance in bilateral policy making, and the greater resulting need to take the interests of the non-EU+ countries into consideration, results in frameworks that are perceived as fairer than the EU-wide frameworks, and have more procedural and outcome legitimacy in the eyes of the non-EU+ countries. Researchers have found that the (il)legitimacy of migration rules in the eyes of migrants partially explains why people obey, or violate, migration rules, and why people may decide to return voluntarily after having received a return decision (for publications in English see Ryo, 2013, 2015; Leerkes, 2016; Leerkes & Kox, 2017; Leerkes et al., 2017; Van Houte et al., 2021; for publications in Dutch see Van Alphen et al., 2013; Leerkes et al., 2014). Similar normative mechanisms, which risk being overlooked by rational choice perspectives, including the external incentive model, may also partially explain (non-) compliance among *states* (also see Leerkes, 2016). Future qualitative studies could examine which elements in bilateral re-admission frameworks explain the quantitative effects that we observed.

## 5.3      Policy implications

The European Court of Auditors (2021) has estimated that, according to registrations, about one third of the roughly 500,000 return decisions that EU Member States issue annually to non-EU+ nationals demonstrably resulted in 'voluntary' or 'forced' returns. If only returns to non-European countries are counted, the registered return rate drops below 20%. To promote enforced return and reduce the gap between return decisions and actual returns, the European Commission and the EU Member States, including the Netherlands, have increasingly bet on binding and non-binding EU-wide frameworks, and have increasingly sought to link the return frameworks with other intergovernmental issues such as visa facilitation, capacity building and (other) development aid. The present findings raise questions about the effectiveness of these strategies: the introduction of EU-wide frameworks, including the more issue-linked frameworks, has not resulted in notably higher rates of registered enforced return. EU Member States may therefore be advised to (a) consider bilateral initiatives in relation to one or a few non-EU+ countries (although even bilateral initiatives seem to have

limited effects on enforced return)[15]; and/or (b) to accept some measure of non-return and make use of alternatives to return policies (also see Chauvin, Garcés-Mascareñas, & Kraler, 2013; Leerkes & Van Houte, 2021; Jonitz & Leerkes, 2022).

A final and related policy implication is that the implementation of enforced return clearly requires more than return frameworks as such, given the limited effects of even the bilateral re-admission agreements on enforced return. It therefore seems advisable to combine return frameworks with strong international relations and contacts with non-EU+ countries (e.g., embassies), and to go beyond return frameworks, which is done in part 3 of the study (see Leerkes et al., 2022).

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[15] The EU does not allow such initiatives during ongoing negotiations with non-EU+ countries, but Member States could engage in them with non-EU+ countries that are not currently negotiating with the EU.

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# Appendix 1 Tables

### Table A.1   Descriptive statistics

| Variable | Obs | Mean | Std. Dev. | Min | Max |
|---|---|---|---|---|---|
| Any framework | 20,485 | 0.28 | 0.45 | 0 | 1 |
| Any EU framework | 20,485 | 0.21 | 0.41 | 0 | 1 |
| Any bilateral framework | 20,485 | 0.12 | 0.33 | 0 | 1 |
| | | | | | |
| Bilateral re-admission agreement | 20,485 | 0.07 | 0.26 | 0 | 1 |
| Memorandum of Understanding | 20,485 | 0.02 | 0.14 | 0 | 1 |
| Other bilateral framework | 20,485 | 0.04 | 0.18 | 0 | 1 |
| | | | | | |
| EURA w/o visa facilitation | 20,485 | 0.03 | 0.18 | 0 | 1 |
| EURA with visa facilitation. | 20,485 | 0.12 | 0.32 | 0 | 1 |
| Mobility Partnership | 20,485 | 0.07 | 0.25 | 0 | 1 |
| Other non-binding EU framework | 20,485 | 0.04 | 0.19 | 0 | 1 |
| | | | | | |
| Signed the MP | 20,485 | 0.03 | 0.18 | 0 | 1 |
| EURA Implementation Protocol | 20,485 | 0.04 | 0.20 | 0 | 1 |
| | | | | | |
| Return Rate | 20,485 | 40.53 | 49.13 | 0.00 | 305.00 |

**Table A.2   Comparing mean return rates across cases with and without a return framework**

| | 0 | 1 | t |
|---|---|---|---|
| Any type of framework | 36.52 | 49.35 | 17.45(20,483), p<0.001 |
| Any EU-wide framework | 37.18 | 52.85 | 18.87(20,483), p<0.001 |
| Any bilateral framework | 39.43 | 48.46 | 8.59(20,483), p<0.001 |
| *EU-wide frameworks* | | | |
| EURA w/o visa facilitation * | 37.23 [no EURA] | 43.88 | 3.59(20,483), p<0.001 |
| EURA with visa facilitation * | 37.23 [no EURA] | 63.64 | 24.94(20,483), p<0.001 |
| Mobility Partnership | 39.35 | 56.79 | 12.82(20,483), p<0.001 |
| Other non-binding | 40.91 | 30.69 | -5.69(20,483), p<0.001 |
| *Bilateral frameworks* | | | |
| RA in force | 39.14 | 58.31 | 14.55(20,483), p<0.001 |
| MoU signed and/or in force | 40.46 | 43.64 | 1.29(20,483), p>0.1 |
| Other bilateral framework | 40.96 | 28.72 | -6.58(20,483), p<0.001 |

Note: the '0' categories are all other cases (those without any framework or another type of framework). T-tests used to test significance of the differences between groups do not take into account the data structure.

## Table A.3 Linear regression models predicting percentage of enforced return

| | Model 1 | Model 2 | Model 3 | Model 4 |
|---|---|---|---|---|
| | Model 1a | Model 2a | Model 3a | Model 4a |
| Any return framework (bilateral or EU-wide) | 13.792*** | 0.994 | -0.940 | 3.927 |
| *Constant* | 48.781*** | 40.008*** | 40.794*** | 39.783*** |
| | Model 1b | Model 2b | Model 3b | Model 4b |
| Any EU-wide framework | 13.663*** | -0.565 | -1.862 | 0.182 |
| Any bilateral framework | 9.368*** | 2.959** | 8.755** | 6.311* |
| *Constant* | 48.392*** | 39.972*** | 39.864*** | 40.326*** |
| | Model 1c | Model 2c | Model 3c | Model 4c |
| EU-wide re-admission agreement | 17.616*** | 2.846 | 1.159 | 8.071 |
| Bilateral RA | 15.993*** | 6.205*** | 8.731* | 9.554* |
| Non-binding EU framework | 2.060* | -1.134 | -1.819 | 0.002 |
| Non-binding bilateral framework | -2.811* | -0.710 | 8.358* | 3.621 |
| *Constant* | 47.222*** | 40.583*** | 39.466*** | 38.843*** |
| | Model 1d | Model 2d | Model 3d | Model 4d |
| Bilateral RA in force | 14.165*** | 6.139*** | 8.240* | 9.551* |
| MoU signed and/or in force | -8.850*** | -5.530* | 13.425* | 4.383 |
| Other bilateral framework | 2.867** | 3.433** | 4.465 | 3.054 |
| EURA w/o visa facilitation (ref = no EURA) | 2.146 | -1.499 | -2.126 | 18.290 |
| EURA with visa facilitation | 20.875*** | 4.426 | 1.786 | 1.537 |
| Other non-binding EU framework | -6.256*** | -2.801 | -4.995*** | -4.666 |
| Mobility Partnership | 7.041*** | 1.465 | 3.302 | 7.145 |
| *Constant* | 47.434*** | 42.113*** | 39.336*** | 39.091*** |
| *Includes FE for* | | | | |
| Time | x | x | x | x |
| EU Member State | x | x | | |
| Third Country | | x | | |
| Dyads (countrypair) | | | x | x |
| EU country*year | | | | x |
| Third country*year | | | | x |

Note: N in all models is 20.485; *** $p<0.001$; ** $p<0.01$; * $p<0.05$. Models 1 and 2 are regression models with robust standard errors and dummies for time, EU member state and third country; models 3 and 4 are panelmodels estimated using xtreg, with dyads as the panelvariable.

**Table A.4   Regression models including Implementation Protocols and signatories MP**

|  | Model 1e | Model 2e | Model 3e | Model 4e |
|---|---|---|---|---|
| Bilateral RA in force | 14.295*** | 6.246*** | 7.602* | 9.755* |
| MoU signed and/or in force | -8.911*** | -5.488* | 6.420 | 4.618 |
| Other bilateral framework | 2.899** | 3.481** | 0.635 | 3.207 |
| EURA w/o visa facilitation (ref = no EURA) | 1.984 | -1.259 | -0.555 | 18.200 |
| EURA with visa facilitation | 18.874*** | 3.831 | 2.945 | 1.391 |
| Mobility Partnership | 8.745*** | 2.489 | 4.560 | 9.041 |
| Other non-binding EU framework | -6.083*** | -2.727 | -3.269* | -4.654 |
| Member State has an IP for EURA | 6.160*** | 2.930 | 0.261 | -0.191 |
| Member State Signed the MP | -3.174 | -2.028 | -3.417 | -4.172 |
| *Constant* | 47.212*** | 41.992*** | 38.179*** | 39.119 |
| *Includes FE for* |  |  |  |  |
| Time | x | x | x | x |
| EU Member State | x | x |  |  |
| Third Country |  | x |  |  |
| Dyads (Countrypair) |  |  | x | x |
| EU country*year |  |  |  | x |
| Third country*year |  |  |  | x |

Note: N in all models is 20.485; *** p<0.001; ** p<0.01; * p<0.05. Models 1 and 2 are regression models with robust standard errors and dummies for time, EU member state and third country; models 3 and 4 are panelmodels estimated using xtreg, with countrypair as the panelvariable.

# Appendix 2 Robustness checks

**Table A.5 Linear regression models predicting percentage of enforced return; only cases with 10 or more 'orders to leave'**

|  | Model 1b | Model 2b | Model 3b | Model 4b | Model 1d | Model 2d | Model 3d | Model 4d |
|---|---|---|---|---|---|---|---|---|
|  | b | b | b | b | b | b | b | b |
| Any bilateral framework | 7.872*** | 2.311* | 8.127** | 7.447** |  |  |  |  |
| Any EU-wide framework | 13.407*** | -0.743 | -2.903** | -0.709 |  |  |  |  |
| Bilateral RA |  |  |  |  | 11.695*** | 3.757** | 7.303* | 10.167* |
| MoU |  |  |  |  | -6.825** | -1.633 | 14.137** | 5.234 |
| Other bilateral framework |  |  |  |  | 3.106** | 3.590** | 2.768 | 4.387 |
| EURA without visa facilitation (ref = no EURA) |  |  |  |  | 0.490 | -2.360 | -2.032 | -15.098 |
| EURA with visa facilitation |  |  |  |  | 20.619*** | 4.662 | 0.868 | 19.347 |
| Other non-binding EU-wide framework |  |  |  |  | -7.741*** | -3.702* | -5.811*** | -1.515 |
| Mobility Partnership |  |  |  |  | 8.138*** | 2.452 | 3.026 | 0.759 |
| *Constant* | 48.647*** | 37.522*** | 41.222*** | 42.605*** | 47.322*** | 39.388*** | 40.583*** | 39.889*** |
| *R2* | 0.362 | 0.490 | 0.001 | 0.331 | 0.385 | 0.491 | 0.003 | 0.331 |
| N | 13,822 | 13,822 | 13,822 | 13,822 | 13,822 | 13,822 | 13,822 | 13,822 |

Note: *** $p<0.001$; ** $p<0.01$; * $p<0.05$. Models 1 and 2 are regression models with robust standard errors and dummies for time, EU member state and third country; models 3 and 4 are panelmodels estimated using xtreg, with countrypair as the panelvariable.

**Table A.6  Linear regression models predicting percentage of enforced return; only cases with a maximum return rate of 200%**

| | Model 1b | Model 2b | Model 3b | Model 4b | Model 1d | Model 2d | Model 3d | Model 4d |
|---|---|---|---|---|---|---|---|---|
| | b | b | b | b | b | b | b | b |
| Any bilateral framework | 10.189*** | 3.680*** | 4.988 | 1.639 | | | | |
| Any EU-wide framework | 12.893*** | -0.218 | -1.398 | 0.356 | | | | |
| Bilateral RA in force | | | | | 14.358*** | 6.275*** | 4.404 | 2.847 |
| MoU signed and/or in force | | | | | -4.821** | -2.997 | 6.200 | -0.984 |
| Other bilateral framework | | | | | 3.223** | 3.562** | 4.660 | 2.559 |
| EURA without visa facilitation (ref = no EURA) | | | | | 3.417** | 1.950 | 0.264 | 20.452 |
| EURA with visa facilitation | | | | | 19.189*** | 3.254 | 0.993 | 0.697 |
| Other non-binding EU framework | | | | | -5.226*** | -2.903* | -4.776*** | -5.016 |
| Mobility Partnership | | | | | 6.784*** | 2.250 | 3.990* | 8.178 |
| *Constant* | 45.987*** | 39.084*** | 37.840*** | 37.854*** | 45.180*** | 41.073*** | 37.327*** | 36.689*** |
| *R2* | 0.317 | 0.410 | 0.000 | 0.247 | 0.333 | 0.411 | 0.001 | 0.248 |
| N | 20,266 | 20,266 | 20,266 | 20,266 | 20,266 | 20,266 | 20,266 | 20,266 |

Note: *** $p<0.001$; ** $p<0.01$; *$p<0.05$. Models 1 and 2 are regression models with robust standard errors and dummies for time, EU member state and third country; models 3 and 4 are panelmodels estimated using xtreg, with countrypair as the panelvariable.

**Table A.7 Linear regression models predicting percentage of enforced return; excluding EU+-countries on the Southern and Eastern EU border**

| | Model 1b | Model 2b | Model 3b | Model 4b | Model 1d | Model 2d | Model 3d | Model 4d |
|---|---|---|---|---|---|---|---|---|
| | b | b | b | b | b | b | b | b |
| Any bilateral framework | 8.415*** | 2.998** | 8.833** | 6.636 | | | | |
| Any EU-wide framework | 13.007*** | -1.905 | -4.138** | -0.191 | | | | |
| Bilateral RA in force | | | | | 15.285*** | 6.999*** | 7.137 | 5.875 |
| MoU signed and/or in force | | | | | -8.307*** | -4.021 | 15.954* | 8.395 |
| Other bilateral framework | | | | | 1.916 | 4.212*** | 3.298 | 4.041 |
| EURA without visa facilitation (ref = no EURA) | | | | | 2.182 | -1.466 | -3.298 | 20.141 |
| EURA with visa facilitation | | | | | 21.418*** | 3.692 | -2.068 | 1.291 |
| Other non-binding EU framework | | | | | -9.098*** | -4.608** | -6.314*** | -4.426 |
| Mobility Partnership | | | | | 4.756** | -0.126 | 1.396 | 5.087 |
| *Constant* | 48.606*** | 36.826*** | 37.021*** | 37.584*** | 47.394*** | 39.369*** | 36.765*** | 36.740*** |
| *R2* | 0.293 | 0.408 | 0.001 | 0.279 | 0.312 | 0.409 | 0.002 | 0.279 |
| N | 15,301 | 15,301 | 15,301 | 15,301 | 15,301 | 15,301 | 15,301 | 15,301 |

Note: *** $p<0.001$; ** $p<0.01$; * $p<0.05$. Models 1 and 2 are regression models with robust standard errors and dummies for time, EU member state and third country; models 3 and 4 are panelmodels estimated using xtreg, with countrypair as the panelvariable.

**Table A.8  Linear regression models predicting percentage of enforced return; excluding the United Kingdom**

| | Model 1b | Model 2b | Model 3b | Model 4b | Model 1d | Model 2d | Model 3d | Model 4d |
|---|---|---|---|---|---|---|---|---|
| | b | b | b | b | b | b | b | b |
| Any bilateral framework | 12.214*** | 5.022*** | 6.377* | 3.666 | | | | |
| Any EU-wide framework | 13.495*** | -0.971 | -1.636 | 0.839 | | | | |
| Bilateral RA in force | | | | | 15.287*** | 7.484*** | 8.201* | 7.932 |
| MoU signed and/or in force | | | | | -1.560 | -0.626 | 3.200 | -3.341 |
| Other bilateral framework | | | | | 2.494* | 3.286** | 4.766 | 3.238 |
| EURA without visa facilitation (ref = no EURA) | | | | | 3.233* | -0.492 | -1.219 | 19.079 |
| EURA with visa facilitation | | | | | 20.981*** | 5.057* | 3.059 | 4.453 |
| Other non-binding EU framework | | | | | -5.465*** | -3.649* | -4.846** | -4.499 |
| Mobility Partnership | | | | | 6.088*** | 1.131 | 3.208 | 7.979 |
| *Constant* | 48.157*** | 42.351*** | 36.553*** | 35.789*** | 47.364*** | 43.940*** | 35.757*** | 34.081*** |
| *R2* | 0.274 | 0.363 | 0.000 | 0.232 | 0.292 | 0.364 | 0.001 | 0.232 |
| N | 19,464 | 19,464 | 19,464 | 19,464 | 19,464 | 19,464 | 19,464 | 19,464 |

Note: *** $p<0.001$; ** $p<0.01$; * $p<0.05$. Models 1 and 2 are regression models with robust standard errors and dummies for time, EU member state and third country; models 3 and 4 are panelmodels estimated using xtreg, with countrypair as the panelvariable.

**Table A.9  Linear regression models predicting percentage of enforced return; only cases with a maximum return rate of 100%**

| | Model 1b | Model 2b | Model 3b | Model 4b | Model 1d | Model 2d | Model 3d | Model 4d |
|---|---|---|---|---|---|---|---|---|
| | b | b | b | b | b | b | b | b |
| Any bilateral framework | 9.072*** | 3.715*** | 2.204 | 1.150 | | | | |
| Any EU-wide framework | 10.136*** | -0.681 | -0.724 | -1.572 | | | | |
| Bilateral RA in force | | | | | 12.060*** | 5.561*** | -1.861 | -1.580 |
| MoU signed and/or in force | | | | | -1.398 | -0.716 | 4.500 | 0.691 |
| Other bilateral framework | | | | | 3.437*** | 3.525*** | 6.402 | 4.108 |
| EURA without visa facilitation (ref = no EURA) | | | | | 2.973** | 1.524 | 1.361 | 17.155 |
| EURA with visa facilitation | | | | | 15.773*** | 3.304 | 2.973 | 0.375 |
| Other non-binding EU framework | | | | | -3.439*** | -2.313 | -3.767*** | -6.134 |
| Mobility Partnership | | | | | 5.188*** | 1.194 | 3.563* | 6.012 |
| *Constant* | 35.354*** | 30.169*** | 32.264*** | 32.320*** | 35.011*** | 31.504*** | 31.725*** | 31.271*** |
| *R2* | 0.331 | 0.421 | 0.000 | 0.236 | 0.346 | 0.422 | 0.002 | 0.236 |
| N | 19.248 | 19.248 | 19.248 | 19.248 | 19.248 | 19.248 | 19.248 | 19.248 |

Note: *** $p<0.001$; ** $p<0.01$; * $p<0.05$. Models 1 and 2 are regression models with robust standard errors and dummies for time, EU member state and third country; models 3 and 4 are panelmodels estimated using xtreg, with countrypair as the panelvariable

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