

The Economist

Exit strategies Removing unauthorised immigrants is difficult and expensive

But rich countries are trying ever harder



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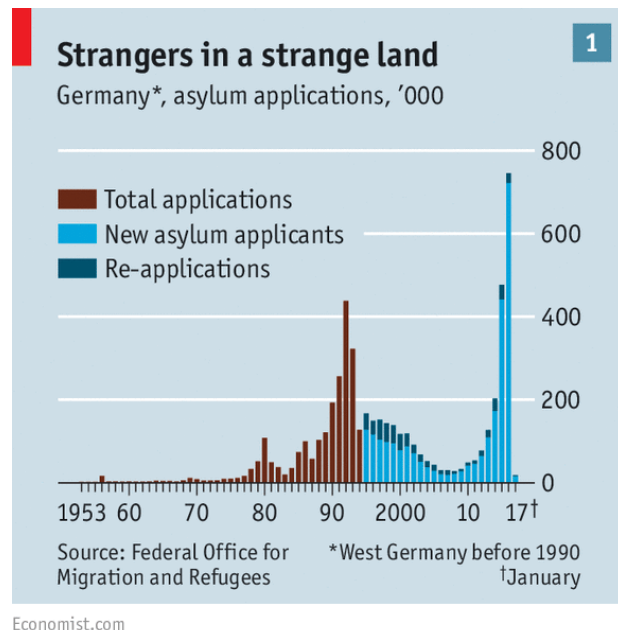
Mar 2nd 2017 | ADELANTO, BERLIN AND LONDON

TEARS stream down Arturo's cheeks and onto his red jumpsuit as he imagines being deported to Mexico. Deep grooves line his face, a map of the hardships he has experienced since coming to America illegally three decades ago, aged 14. He got mixed up in a bad crowd and was convicted of six armed robberies. After 14 years in jail he was moved to the Adelanto immigration detention facility in the Californian desert, where he has spent the past three years. "I made some big mistakes, I know that," he says. "But I did my time and I'm a different person now." His mother, wife and friends are all in California. Yet, with little prospect of being granted leave to remain, he may soon be on a bus to Mexico, where he knows hardly anyone.

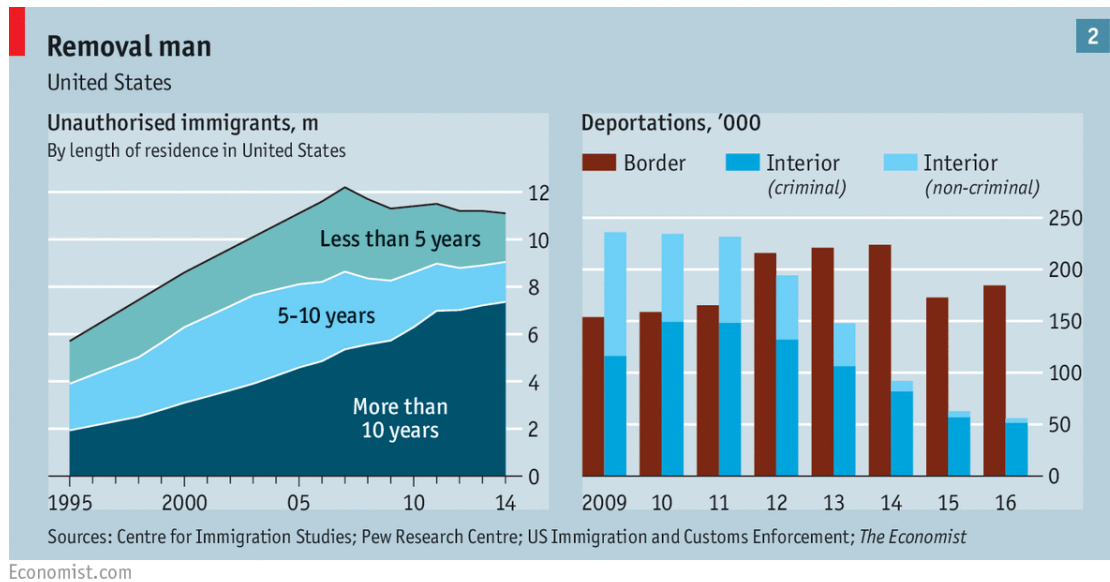
Nearly 10,000km away, in a refugee camp in Berlin, Aws, a 30-year-old Iraqi who travelled to Europe via Turkey on a flimsy boat, has been denied asylum after two years in Germany. He is appealing; a final decision could take another two years. In Iraq he was a driver for the American army, and he is fearful of being targeted by militants if he returns. He wants to open a shop in Berlin, but while he waits he is not allowed to work. He is despondent—and bored. "I've wasted two years of my life," he sighs.

Irene Clennell must have thought that having a British husband and children, and living in Britain for nearly 30 years, would be enough to let her stay there. She was mistaken. In January she was hauled off to a detention centre in Scotland and on February 26th she was put on a flight to Singapore, where she was born. In the 1990s she was granted open-ended permission to remain in Britain, but it lapsed after she spent several years in Singapore looking after her ageing parents. Her later re-applications to live in Britain, where she cared for her sick husband, were denied. After spending time in Britain on a visitor visa she was detained, and then deported with £12 (\$15), no change of clothes and no one lined up to stay with in Singapore.

America, Germany and Britain are all, in different ways, using deportation as part of their efforts to handle unauthorised economic migrants and failed asylum-seekers—and to respond to rising nationalist sentiment. On February 21st America's Department for Homeland Security (DHS) published new guidelines intended to ensure that more illegal immigrants are deported, more speedily. In Germany a proposed law would make it a bit easier to deport failed asylum-seekers, after nearly 1.2m immigrants applied for asylum from the beginning of 2015 (see chart 1). And, as Britain prepares to leave the European Union, its government has restated its aim to cut net annual immigration, now running at around 300,000, to under 100,000. The target, set in 2010, has driven immigration policy ever since.



Barack Obama deported more unauthorised immigrants than any previous president, but most had been caught near the border. By the end of his second term few were deported from the interior of the United States unless they had criminal records (see chart 2). In 2011 67% of those removed from the interior fitted that description; by 2016 it was 92%. Now, however, Donald Trump has said that Immigration and Customs Enforcement (ICE) will seek to deport any who have “committed acts which constitute a chargeable criminal offence”, misrepresented themselves to a government agency or “abused” any public benefits programme. Since so many use fake documents or entered the country without going through passport control, this probably includes almost all of them: an estimated 11m, mostly from Mexico, Central America and Asia.



John Kelly, the boss of DHS, has said he intends to make it easier to carry out deportations without a court hearing. At the moment, only illicit migrants found within 100 miles of America's border who cannot prove they have been in the country for more than 14 days can be removed without being brought before a judge. Mr Kelly has floated the idea of extending such expedited removal to the whole country, and increasing the 14-day limit to two years.

The DHS also wants to work more closely with local law-enforcement agencies. But not all are willing. Some of the largest cities, including New York, San Francisco and Chicago, have declared themselves "sanctuaries", arguing that if their police are known to work with federal immigration authorities, immigrants will be less likely to co-operate with them or report crimes. Some jurisdictions ban police from asking members of the public about their immigration status. Others refuse to notify ICE when releasing inmates from custody, or to smooth the transfer of inmates to deportation centres by holding them past their scheduled release dates.

Mr Trump has threatened to cut federal funding from places deemed unco-operative, though it is not clear that he can do so legally. He has also vowed to build a wall along the border with Mexico and to increase the number of Border Patrol agents from 21,000 to 26,000. Both policies would be wildly expensive. America already spends \$19bn a year on immigration enforcement, more than on the Federal Bureau of Investigations, Drug Enforcement Agency and Secret Service combined. By one estimate, the wall alone will cost \$21.6bn. And an extra 5,000 Border Patrol agents would add around \$900m to an annual staffing budget of \$3.8bn.

It is also unclear whether immigration enforcement near the border can become any stricter. Fewer migrants are arriving from Mexico, not least because the Mexican government has sought to stop Central Americans passing through to get into the United States. The number of expedited removals from the border area is already high. And even if more of the illegal immigrants in the interior are detained, it will be difficult to remove them. Immigration courts are already overwhelmed; in Los

Angeles, queues outside regularly stretch around the block. The number of immigration cases pending nationwide has risen from 175,000 a decade ago to 542,000.

Attempts to expand the use of expedited removal would be challenged in court, says Omar Jadwat, a lawyer for the American Civil Liberties Union, an advocacy group. And anyway, two-thirds of unauthorised adult immigrants have been in America for at least a decade, according to the Pew Research Centre, a think-tank, meaning that even with a two-year cut-off they could not be summarily removed.

As America prepares to beef up its giant deportation system yet further, Germany is building one almost from scratch. Although it is processing asylum claims impressively quickly, considering the large number of recent arrivals, some inevitably fail—and Germans are queasy about what should happen next. Deportation, for many, smacks of the Nazi era. The Social Democrats and Green Party oppose it in pretty much all circumstances.

Decisions on asylum are made by the Federal Office for Migration and Refugees. But it is states that are responsible for removing applicants whose claims fail. Those with left-leaning administrations drag their feet. Although the federal government struck a deal with Afghanistan in October to return its citizens whose asylum applications had failed, Berlin is refusing to return Afghans, deeming their country too dangerous. Nationally, just 77 Afghans have been returned, though 12,000 have been refused the right to remain. More than half of recent deportations have been to three European countries, Albania, Kosovo and Serbia, and hardly any to the Middle Eastern and African ones from which most of the recent immigrants came.

In some cases locals have helped migrants to move into churches, from which they cannot be removed. Deportation is barred for those who cannot get passports from their home countries, or who have medical problems. Some countries, particularly in Africa, refuse to take their citizens back. The result is a fast-growing population of immigrants who have no right to remain. Although more than 25,000 people were deported in 2016, up from 11,000 in 2014, Germany now holds 300,000 failed asylum-seekers who have been told they must leave. That figure is expected to be nearly 500,000 by the end of this year.

Many Germans remain relatively sanguine about the influx: in January 57% said they thought their country could absorb a high number of refugees. But after a failed asylum-seeker from Tunisia killed 12 people in Berlin in December, removal has risen up the political agenda. In the same poll, two-thirds said that Germany needed a tougher deportation law.

A bill approved by the government on February 22nd would, if passed by parliament, take some small steps in that direction. Asylum-seekers whose claims are rejected would have to stay in the area where they were registered, to make it easier to keep track of them. Those thought to be a danger to society could be electronically tagged or, in some circumstances, taken into custody. Germany needs to become a “normal immigration country”, says Daniel Thym of the Expert Council of German Foundations on Integration and Migration. He thinks Germans are starting to understand that deportation is an essential part of a functioning asylum system.

This island's mine

Tucked away at the edge of Europe and surrounded by sea, Britain has neither large numbers of unauthorised economic migrants, like America, nor of asylum-seekers, like Germany. Only about 30,000 people applied for asylum in Britain last year. Figures for illegal immigrants are murky, but an estimate in 2009 by the London School of Economics put the total at 618,000. Most are thought to have arrived legally and overstayed their visas, or to have applied for and been denied asylum.

But in recent years many more people have taken advantage of the EU's freedom-of-movement rules to come to Britain than to leave it. Almost all economists agree that Britain has benefited: it mostly exports retired people and imports Europeans of working age. Even so, rising discontent with immigration has led the government to stick with the 100,000 a year target for net immigration—and to seek a “hard” Brexit that puts ending freedom of movement ahead of staying in the single market.

Worryingly for the 3m citizens of other EU countries living in Britain, their immigration status after Brexit is uncertain. The prime minister, Theresa May, says that she wants to allow them to remain and work, and is waiting only for the 27 other EU countries to guarantee the same for their British residents. But whereas many other European countries have population registration systems, meaning their British immigrants will easily be able to prove that they are residents, Britain does not.

Since the Brexit vote, thousands of EU citizens have applied for formal recognition of their status in Britain by using a complex system modelled on that for migrants from outside Europe. More than a quarter have been rejected, including long-term resident spouses of British citizens, often because of an obscure rule that economically inactive immigrants must have private health insurance. The European Commission says that the requirement breaches free-movement rules, since EU citizens are entitled to use the public National Health Service.

In 2016 British authorities used immigration powers to detain around 4,700 citizens of other EU countries, up from 768 in 2009, the year before the 100,000 target was set. Some had committed serious crimes; others were vagrants (EU rules allow the removal of immigrants who have no means of support). But among the infringements cited were the loss of a foreign identity card and holding a birthday party in a public park. As a share of those detained under immigration law, EU citizens now make up 16%; of those who are removed they make up almost a third.

Endless days

Britain is the only European country to allow indefinite detention under immigration laws. Some of those held are migrants who have committed crimes but cannot be removed, because their home countries are too dangerous. But of those detained last year, more than two-fifths ended up being released. This suggests poor decision-making about who is detained in the first place, says Colin Yeo, an

immigration lawyer. Sweden, which gets far more asylum-seekers than Britain, also manages to return a far higher share of those whose claims fail.

Sweden also has just a tenth as many places in detention centres as Britain does. Rather than locking up immigrants whose applications to remain have failed, officials help them to arrange travel home and to try to work out where they will live and what they will do when they get there. Migrants processed in Sweden feel that they understand the system, says Jerome Phelps of Detention Action, a charity, and so are more likely to accept a decision that they should leave.



A long way from home

In recent years Britain's government has shifted its focus to trying to persuade unauthorised immigrants to leave of their own accord. In 2013 Mrs May, then the home secretary, put up posters and sent vans around British cities emblazoned with: "In the UK illegally? Go home or face arrest". The next year it became government policy to create a "hostile environment", by denying unauthorised immigrants bank accounts and driving licences, making it harder for them to get health care and fining landlords who did not check their tenants' immigration status. In 2016 forced returns of migrants fell by 15% compared with 2014; those of failed asylum-seekers fell by 53%.

But there is little evidence that hostile-environment policies do anything except encourage illegal immigrants to steer clear of the authorities: the posters and vans were abandoned after being deemed a failure. Meanwhile, the attempt to squeeze net immigration down means applications to enter or settle in Britain seem to be denied whenever possible, rather than being decided on their merits.

People whose applications to remain are denied are not supposed to be returned to countries where they are at risk. But the requirement has been relaxed in recent years, says Maddy Crowther of Waging Peace, a group that helps Sudanese asylum-seekers. Darfuris used to be recognised as at risk of mistreatment; officials now say they can be sent back to other parts of Sudan. Ms Crowther says those deported can be subjected to what her organisation describes as torture but officials call "rough handling".

After Nadia's father was killed and her mother was kidnapped by the Janjaweed (a homicidal government-backed militia), she returned to her village in Darfur with her fiancé. He was killed in another attack; she was shot in the leg and raped. When she returned to Khartoum she was seized by security forces who accused her of being a rebel, and beat and raped her. Desperate to leave, she applied for a visa to study in Britain. Under the mistaken impression that her student status meant she could not apply for asylum in Britain, she applied in Ireland instead. After she was rejected, on the ground that with her qualifications she should be able to find work in another part of Sudan, she applied

in Britain, once more without success. Only after a series of appeals and periods of detention, during which she suffered flashbacks, was she finally granted asylum.

Decisions on student and work visas are also being tightened. Shiromini Satkunarajah, a Sri Lankan national, arrived in Britain eight years ago, aged 12, with her father, who held a student visa. After his death in 2011 she was allowed to stay to finish her schooling. She had almost finished a degree when she was told she must leave. In February she was held for a week in Yarl's Wood detention centre, before being released after a national outcry. What makes the case ridiculous as well as brutal is that her skill—engineering—is recognised by the government as being in short supply, meaning that engineering jobs can be offered to people from outside the EU without having to be advertised in Britain first.

The cost of detention and deportation is pushing some places to look at other options. A bed in ICE's adult facilities costs the American taxpayer \$129 a day. Forced removals are also pricey, partly because immigration officials must usually accompany the deportee. In 2015 chartering a flight from Germany to Georgia to return 20 failed asylum-seekers cost €163,000.

Keeping tabs on unauthorised immigrants under a system similar to parole, with electronic ankle tags, telephone check-ins and unannounced house visits, is cheaper and more humane. And as a substitute for deportation, in the past few years Germany has sought to increase the number of "voluntary assisted returns". The idea is to offer failed asylum-seekers a modest but useful amount of cash and a plane ticket home. Last year 54,000 took up the offer, up from 35,000 in 2015 and 13,000 in 2014. A sliding scale has recently been introduced to encourage early voluntary departure: an asylum-seeker whose claim looks unlikely to succeed and withdraws his application will get an extra €1,200. If it is rejected and he does not appeal, he gets around €800.

When it's time to say goodbye

But no matter how fairly and quickly immigration applications are heard, some will be rejected—and some migrants will not go home. In Germany, 150,000 failed asylum-seekers who are supposed to leave have been granted a semi-formal "tolerated" status which gives them access to health care and a small amount of cash; some are allowed to work. Only by integrating those who stay can countries avoid creating a long-term illegal underclass like America's, and poisoning politics for decades to come.

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<http://www.economist.com/news/international/21717839-rich-countries-are-trying-ever-harder-removing-unauthorised-immigrants-difficult-and?fsrc=scn/tw/te/rfd/pe>