



## Advancing Alternative Migration Governance



### **Uncertain, illegible, incomplete:**

### **Exploring categorization in police bureaucracy of deportable migrants from Denmark**

**Paper related to AdMiGov Deliverable 2.2**

***By: Oliver Joel Halpern***

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## Abstract

Since the so-called deportation turn in Europe, Denmark has radically stepped up the use of returns as a technique for managing its migrant population. In public discourse, the difference between ‘forced’ and ‘voluntary’ returns is emphasized. In practice, the Danish police classify returnees using a set of categories which – though they do not neatly align with the terms ‘forced’ and ‘voluntary’ – are substituted to represent these concepts. Drawing on interviews conducted with middle management actors in the field of returns, including the police, this research gains insight into how the data is framed as either forced or voluntary and uses this to explore how these return categories constitute particular state-making practices. Doing so highlights the tendency of middle management actors to construct bureaucratic technologies which reproduce uncertainty, illegibility and incompleteness across the state-making project. As such, the paper reveals that these are not simply street level aberrations from an otherwise panoptic state but, rather, are being systematically produced. Despite this, the inherent structural violence is appropriated by the state for managing and controlling the lives of its returnee subjects. The research thus contributes to the field of border studies by identifying how bureaucratic logics, relationships and rationalities generated at Denmark’s margins become reproduced in other areas of the state.

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## Introduction

A stocky, grey-haired policeman leads me through an open office in a repurposed IT company building that now functions as a police headquarters. Eight or so staff in white shirts sit at a cluster of computer terminals. One woman smiles at me as we pass by and go on to a small, private room. The closing of the door shuts out the tapping of keyboards; such are the privileges of middle management. My informant is a police superintendent, one of the more senior figures in the administration of migrant return operations.

“I just made a pot of coffee for us. Ever drunk police coffee before?”

“I can’t say I have,” I confess. I take a sip and my eyes bulge as I try not to gag from the acrid taste.

“It’s the best coffee in the world,” he teases, laughing at the expression on my face. “We all take it incredibly strong! It takes a while to get used to but then you can’t live without it.”

His laughter is a relief. It came as a surprise when the notoriously cagey North Zealand police agreed to my interview request, even more so that we were conducting it face-to-face during the Covid-19 pandemic, so the last thing I needed was to insult my informant before we’d even started.

“Look,” he says, as we get into the conversation. “I know you want to talk about forced returns – and they do happen, but you have to see it in context. Almost everyone goes home voluntary. We only have about 200 forced returns, and the main part, about 180 of them, we separate in the country with happy faces, sometimes with a handshake or whatever. Saying thank you for your treatment. And we can see that they are relaxed and feel safe. So, yeah. They’d just prefer to stay here, and who can blame them? But when we are there, they often smile and have a good contact with the authorities. And often we see them leaving the airport, sometimes with their family coming to get them. I think it’s ok.”

.....

Despite the calm, almost neutral image painted above, research shows the field of Danish returns to be one of the most prohibitive deportation regimes in Europe (cf. Amit & Lindberg, 2020). Through an investigation focusing on contradictions expressed within interviews with middle-management actors in the Danish police force and other actors in the field of returns, this paper seeks to explore the kinds of biopolitical governance that are enacted through the police’s categorisation of returnees. What information do these categories contain, and what do they lack? Where are there inconsistencies or gaps in informant’s testimonies? What aspects of the returns regime are altered or disguised by this? And how does this contribute to the production of a particular kind of state in Denmark?

This paper builds on a series of qualitative interviews investigating the Danish exit regime which I conducted as part of a research project for the Horizon 2020-sponsored program Advancing Alternative Migration Governance (ADMIGOV) (Kalir et al., 2021). It seeks to investigate the ways in which the Danish police classify returnees using a set of categories which – though they do not neatly align with the terms ‘forced’ and ‘voluntary’ return – are substituted to represent these concepts. Focusing on themes of ‘uncertainty’ (Whyte, 2011), ‘illegibility’ (Das & Poole, 2004) and ‘incompleteness’ (Gupta, 2012) of state bureaucracy, the paper challenges what it terms ‘panoptic bias’; assumptions about the completeness and effectiveness of the Danish state’s biopolitical strategy of governance over its returnee subjects. This serves to nuance what might be understood as a nonrecording strategy – a conscious attempt to avoid documenting certain people or activities in order to abscond from any ensuing responsibilities (Kalir & Schendel, 2017) – by suggesting that although the Danish state does benefit from the management it imposes upon returnees, its ability to realise its panoptic fantasies are limited and redrawn by the same bureaucratic processes through which it aspires to achieve them in the first place.

Globally, international migration is imagined to be a phenomenon on the increase, despite studies showing that it has remained largely stable since the 1960s (Czaika & de Haas, 2014). In Europe during this time, it has become ever more politicised, typically functioning as a central theme in election campaigns. Denmark has been no exception to this, with successive governments promising to ‘get control of migration’ (cf. DR, 2015; Politiken, 2021) through use of increasingly restrictive policies. Since the so-called ‘deportation turn’ (Gibney, 2008), willingness to expel undesired migrants has gained social traction across the political spectrum (Kalir & Wissink, 2016). Despite the incorporation of a humanitarianizing rhetoric into the work of deportation (Lemberg-Pedersen, 2021), rumours of flagrant human rights abuses overshadow this much-discussed, yet highly secretive practice (cf. TV2, 2019).

As well as its mainstream political salience, the field of deportation has long been of interest to social scientists not just from a desire to challenge particular actions but also as a locus point for exploring state behaviour (Gill, 2010). However, critics have noted that there has been a tendency to approach this from structural angles which see the police as “evil” (Sausdal, 2019a) and the state in question as hegemonic (Olwig et al., 2019). The most frequent counter to this approach has been to study the police as ‘street level bureaucrats’ (Lipsky, 2010) to give a more bottom-up analysis of the ways in which individual agents navigate and mediate the structures in which they operate. This typically reveals either how biopolitical strategies are reinforced (Rozakou, 2017) or undermined (Skaarup, 2021). However, this paper contends that such studies still end up reifying the state’s “institutional forms and coercive powers”

(Gill, 2010, p. 1) by assuming the state structure to be a holistically panoptic entity, even if the actual application by its agents ends up compromising this.

The paper primarily explores the bureaucratic techniques by which actors within the Danish state administrate returns, rather than the returns themselves. Doing so gives insight into how the state is being produced through middle management, which I define as the actors overseeing operational activity implemented at street level but who are not tasked with taking government-level strategic decisions. These actors have the capacity to influence the levels both below and above them, though this is often not recognized in research (Floyd & Woolridge, 1993). There has been a lack of studies from this angle, with bureaucratic practices being largely overlooked in terms of their state-building capacity (Borrelli & Lindberg, 2019). Taking this approach foregrounds the limitations that embody bureaucratic technologies and exposes their tendency to be reproduced in other levels of the state structure. This allows the paper to show “a reality that elites have an interest in concealing, namely, that their control of the state apparatus is historically contingent, incomplete, and perhaps even tenuous” (Gupta, 2012, p. 54). It argues that whilst uncertainty, illegibility and incompleteness are perhaps not intentional biopolitical outcomes for the state, they are nonetheless appropriated for managing and controlling the lives of its subjects (Whyte, 2011).

## Conceptual Framework

This paper thus poses the question:

*How do the Danish return categories produce uncertainty, illegibility and incompleteness in the police’s bureaucratic systems and how does this contribute to state-forming practices by middle management in Denmark?*

The Danish return categories are a case study in confusion, where category meanings are unclear, data is inaccurately repurposed and the practices they represent change and overlap. This points to an uncertain, illegible and incomplete state that has been constructed piecemeal from patchy, inadequate data resources. As such, it challenges convention within border studies literature which tends to start from the assumption of a holistic and panoptic state.

Border studies literature has largely taken a structural approach to explain state-forming practices (cf. Agamben, 1997; Bigo, 2002). Where this approach has been challenged, it has typically been through

street level analyses (cf. Rozakou, 2017; Skaarup, 2021). Moreover, the role of bureaucracy has been largely overlooked (Borrelli & Lindberg, 2019). This has led to a gap in the literature, which this paper addresses by drawing on analytical frameworks from police ethnography (Fassin, 2011; Sausdal, 2019a; Soares et al., 2018), the anthropology of bureaucracy (Graeber, 2012; Gupta, 2012) and scholars whose research focuses on the margins of the state (Das & Poole, 2004; Kalir & Schendel, 2017; Whyte, 2011).

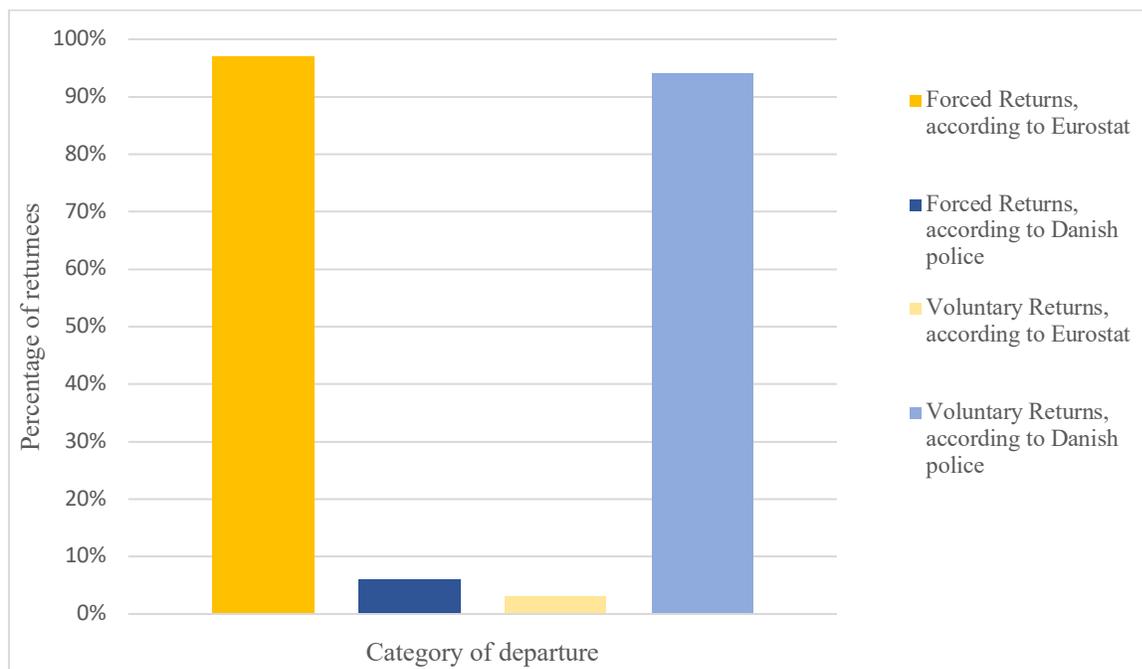
This paper seeks to fulfil two main objectives. First, it contributes to the mapping out of a little-known area in the field of Danish returns; many of the practices of the police in this arena are underdetermined and the study captured some surprising contradictions which need to be addressed in their own right. This includes the practice of police accompanying returnees on ‘Ensured’ (påset) departures – despite also claiming that these returns are undertaken voluntarily by returnees. Moreover, in contrast to the well-understood practice of making forced returns look more ‘voluntary’, Danish return practices also tend to make more voluntary returns appear ‘forced’. This nuances Kalir and Wissinck’s idea of the ‘deportation continuum’ by showing that not only are political and civil society actors positioned along a sliding scale which leads to a broad consensus on deportation (2016), but that practices too can literally slide in both directions along the spectrum between forced and voluntary returns, making them appear increasingly similar.

Second, in charting these practices, the paper will demonstrate how it is through these moments that bureaucracy’s uncertainty, illegibility and incompleteness are reproduced at different levels in the Danish return system. By considering the ways in which the Danish state is both “experienced and undone” (Das & Poole, 2004, p. 8) through its own practices in categorizing returnees, the paper challenges the panoptically-biased assumption that acts of systemic violence are being strategically and intentionally inflicted on returnees (cf. Kalir & Schendel, 2017). Instead, it posits a more ambivalent position which explores how the Danish state is constantly forced to compromise its panoptic fantasies through the very systems by which it seeks to realise these ambitions. This fits with Zachary Whyte’s idea of the ‘Myopticon’ (2011) which gives the paper insight into the ways that the state is thus able to produce or appropriate forms of biopolitical control even in situations where it has limited power.

## A ‘hampered regime’?

Leekes and Van Houte’s comparative analysis of returns data from a number of EU nations considers Denmark to be what it calls a ‘hampered regime’; it aspires to a harsh exit policy but is nonetheless struggling to successfully implement returns. They note that few opportunities for Assisted Voluntary

Return (AVR) mean that migrants are unlikely to return voluntarily from Denmark, while the country's "anti-immigrant and anti-Muslim rhetoric... reduces the legitimacy of immigration law in the eyes of migrants and/or authorities in countries of origin and transit, which may contribute to a reluctance of both to comply with return." (Leerkes & Van Houte, 2020, p. 333). Referring to data from Eurostat, the statistical office of the European Union, Leerkes and Van Houte claim that only 3% of returns from Denmark are made voluntarily. This figure is a stark contrast with my police informant's claim that only about 200 returns a year from Denmark are forced.



*Figure 1*

Bar chart comparing the percentage of forced/voluntary returnees from Denmark in 2019 according to Eurostat vs. the Danish police's interview statements. It can be seen that they give almost exactly inverted statistics; Eurostat (2021) shows nearly all Danish returns to be forced, while the police show almost all returns to be voluntary.

The above bar chart highlights the gigantic disparity between the Eurostat figures which Leerkes and Van Houte worked from, and the statements made by Danish police about their own returns. Eurostat do not collect their own data on migration, but rather rely on data supplied to them by individual member states. This makes the problem even stranger as both Eurostat and the Danish police took point of departure in the same set of figures in producing these statistics, which the Danish police themselves compile and release publicly on their website.

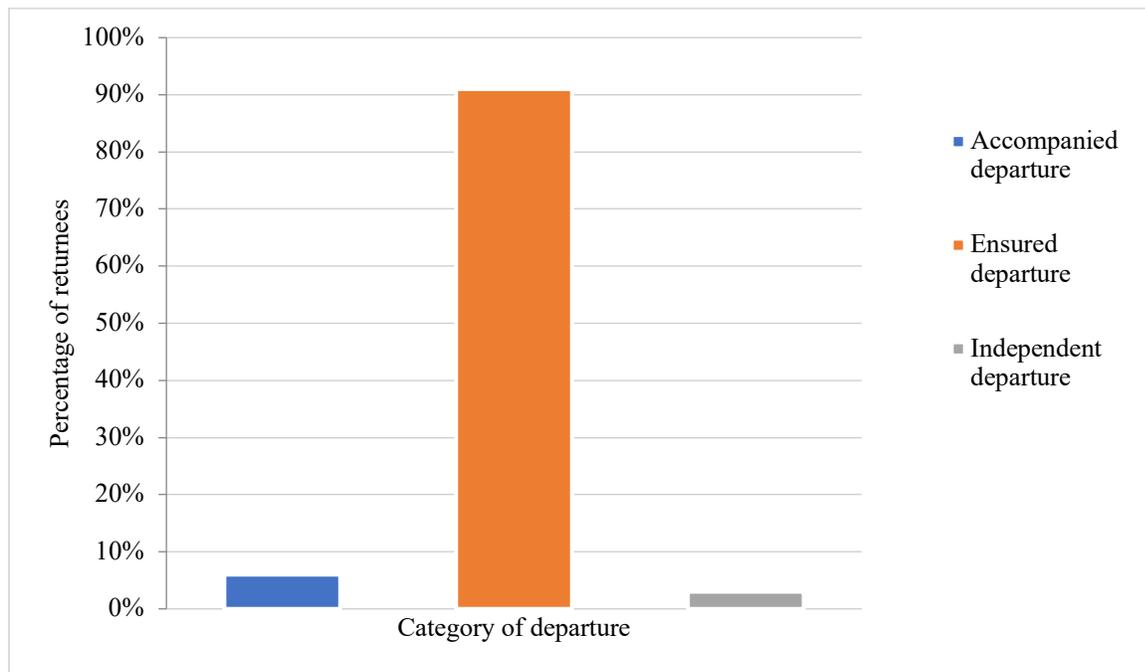


Figure 2

Bar chart showing percentage of returnees from Denmark by category of departure, 2019 according to the Danish police website (Dansk Politi, 2020). It can be seen that almost all returnees leave by 'Ensured departure' (91%), with a small fraction leaving by 'Accompanied departure' (6%) and even fewer by 'Independent departure' (3%).

This bar chart, Figure 2, visualises the returnee numbers which the Danish police publish monthly on their website; it is the source material from which the mutually contradictory figures on the previous bar chart, Figure 1, were constructed. As can be seen, there is no mention of the words 'forced' or 'voluntary', but instead the statistics show three categories; 'Accompanied departure' (*ledsaget udrejse*), 'Ensured departure' (*påset udrejse*) and 'Independent departure' (*rejst selv*). The website explains that Accompanied departure describes a return in which the police physically accompany the returnee for the journey to the country of destination, whilst under Ensured departure, the police have merely 'ensured' that the returnee has boarded the aircraft. Of both these categories, the website contends that departures are typically coercive but may also be voluntary; "*Påsete udsendelser vil typisk være tvangsmæssige, men kan også være frivillige*" (Dansk Politi, 2020). The third category Independent departure describes those who are known to have left Denmark but have done so without the direct supervision of the police.

As the opening vignette showed, my police informants had a clear position in discussing forced and voluntary returns that their own official statistics do not necessarily reflect. During our conversations, they consistently asserted that Accompanied departure corresponded to a forced return, while Ensured and Independent were voluntary. Based on this position, they could claim that 94% of Danish returns were voluntary. By contrast, Leekes and Van Houte's Eurostat data referred to the fact that recipients of Assisted Voluntary Returns (AVR) programs from Denmark get classified by the police as Independent departure (Eurostat, 2021) to determine that only these counted as voluntary, thus the others must be forced. Essentially, the gigantic disparity between the two sets of figures stems from a dispute over how to categorize Ensured departures, which the police claim to be voluntary whilst Eurostat assumes them to be forced. Since over 90% of Danish returns fall under the category of Ensured, the designation of this intermediate, and indeterminate category, becomes instrumental to assessing the overall picture.

Both the Danish police and Eurostat have encountered a problem in that the Danish return categories do not neatly or readily correspond to the conventional understandings of return as being either forced or voluntary. As such, both organisations have sought to make an interpretation of the data – and have arrived at totally opposing outcomes as a result. Taking this empirical confusion as a starting point, the paper seeks to follow the themes of uncertainty, illegibility and incompleteness which these categories generate.

## Relevance of the paper

When examining bureaucratic processes, it is easy to dismiss them as purely administrative and technocratic. Bureaucracy has long been ascribed as the neutral and fair output of a rational, reasonable state (Weber, 1978). As such, the content of this paper could be labelled as petty nit-picking; what does it even matter how a returnee is categorised? After all, they are being returned regardless. However, this paper understands bureaucracies as both partial and affective (Navaro-Yashin, 2007) and seeks to examine the actions of the Danish state from this perspective. This suggests three empirical reasons why accurately capturing the voluntariness of returns is of real-world significance, all of which will be addressed in this paper.

Firstly, the framing of returns as either forced or voluntary significantly affects how the country's return policy is perceived, both domestically and internationally, by migrants, the public and by other states (Leekes & Van Houte, 2020). More accurately mapping this would allow for more realistic appraisals of Denmark's returns regime. This paper seeks to contribute to the collective knowledge about

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Danish returns, which could better inform policy makers, international organizations, NGOs and private individuals.

Secondly, states have enormous power in constructing and telling the story of their subjects' experiences (Scott, 1998). Inaccurately framing forced and voluntary returns is one such method by which the Danish state achieves this. This paper understands this as an act of structural violence imposed on returnees by the state bureaucracy (Graeber, 2012). Accurately categorising returnees is a fair acknowledgement of their lived encounter with the state which has expelled them. By describing in detail the uncertainty, illegibility and incompleteness that exist in the process and practice of categorisation, this paper seeks to challenge the Danish state's hegemony in telling this story.

Thirdly, academic literature focused on the state's margins posits that the violence which is so often a feature of bordering practices is not an aberration from, but rather an expression of, the inherent nature of the relation between state and subject (Das & Poole, 2004). By examining the practices which constitute this violence, it becomes possible to understand some of the biopolitical processes by which the state governs its subjects (Gupta, 2012). In picking apart what at first appears to be a straightforward example of a nonrecording strategy by the Danish state (Kalir & Schendel, 2017), this paper suggests a more nuanced appraisal of the methods by which the Danish state asserts a biopolitical agenda on its returnee subjects, even when it may not have the conscious or directed intention to achieve the outcomes it is producing (Whyte, 2011). As such, the case study also becomes a locus point for understanding the nature of state formation more generally.

To answer the research question I have posed, I start by giving a literature review in which I outline the main direction of research on practices of return. I show that despite widespread interest in deportation as a state-building practice, there is a panoptic bias in the literature, which assumes that biopolitical strategies are seamless and successful. Moreover, within migration studies there is a lack of research into bureaucracy as locus of investigation, and a complete absence of research regarding middle-management bureaucrats. After that, I will go on to describe my methodology for the research. Then I will give some background on the history and development of practice in the field of returns from Denmark. This leads to the analysis, which opens with a detailed description of the empirical findings of the study, based on direct reference to the interview data collected. In the light of this data, considering 'nonrecording strategies' as an analytical lens reveals its limitations for this case, despite some superficial overlaps. I then show how a middle-management approach can benefit from lessons learnt in street level studies of policing, which I combine with literature that studies bureaucracy in order to demonstrate how this case

study can shed light on bureaucratic state-making practices. The conclusion contains some summarising comments and reflections on wider theoretical context as well as possible directions for further research.

## Literature review

Migration studies is a rapidly expanding interdisciplinary field where analytical approaches widely vary, from the philosophical (Arendt, 2010; Carens, 2013), to the political economic (Andersson, 2014; Lemberg Pedersen, 2013), to the legal (Hathaway, 2007; Perruchoud, 2012). The objects of study are also extremely broad, including themes of forced migration (Lubkemann, 2008; Nyers, 2006), transnationalism (Levitt & Waters, 2002) and postcolonialism (Anghie, 2006) as well as these objects becoming a lens for pre-existing discussions such as gender (Tacoli & Mabala, 2010) or class (Bonjour & Chauvin, 2018).

A particularly lively debate is the sub-discipline of border studies, in which the phenomenon of human mobility across state borders is taken as a locus point for investigation. Research consistently points to the border as a site for commentary on the state as a whole (Das & Poole, 2004; Gill, 2010) with discussions such as “governmentality of unease” (Bigo, 2002) and “the border spectacle” (De Genova, 2012) taking centre stage. Within this paradigm, ‘the migrant’ becomes a locus for discussion about the relation between state and subject (Agamben, 1997). This is much in line with a genealogy from Foucault, which theorises the state as a biopolitical entity which produces self-regulating behaviours of obedience and subservience in its subjects, who can then be managed accordingly (Foucault, 1995). Studies have looked into the ways borders become integrated into different spatial and social locations (Sandberg, 2009), debates over the management of migration flows (Holtug, 2011; Miller, 2016), the corporate vested interests in selling border control technologies (Lemberg-Pedersen et al., 2020) and the development of biometric industries around the borderscape (cf. Lemberg-Pedersen & Haioty, 2020; Olwig et al., 2019; Sandvik & Jacobsen, 2016).

Within this arena, the issue of deportation is a practice of central concern which has been firmly linked with debates about the nature of citizenship (Walters, 2002). In this vein, Anderson, Gibney and Paoletti’s statement that “deportation thus shows the citizenry not simply as a community of law, but also as a community of value” (2011, p. 548) highlights the way that ideas of deportation both produce and challenge the complex ideological constructions connecting citizenship, free will and governance. They use the term ‘deportation’ to refer to “a range of practices that go under different terms” (2011, p. 549). Following Kanstroom (2007), they chart the preferencing of more ‘neutral-sounding’ words, including ‘removal’ which has been favoured in the USA following a legislative change in 1996. Notwithstanding

differences in terminology and practice from one state to another, they affirm that they “see the core of deportation as the expulsion of individual non-citizens from the territory of a state by the (threatened or actual) use of force” (Anderson et al., 2011, p. 549). In Europe, the words ‘return’ or ‘departure’ are preferred, usually with additional qualifications as either ‘forced’ or ‘voluntary’. A body of academic literature has subsequently coalesced around the discussion of these terms.

When considering returns, academics have identified that that many of the terms used do not have a strict legal definition. Although at an emic level, some actors still use the word ‘deportation’ to highlight the violent implications of this set of practices, states have been highly effective in eroding the value of this term (Kalir et al., 2021). Axel Kreienbrink notes that although the obligation for an alien to return has a legal mandate, the word ‘return’ itself is not legally defined; nor is voluntary (Kreienbrink, 2007)<sup>1</sup>. This means that although these terms have become commonplace in their discursive usage, they do not necessarily correspond to discrete or definable practices – leaving their implementation largely open to interpretation. Who has the power to construct these rhetorical spaces, and how they do so, has massive implications for the returns regime that is created (Scott, 1998).

Research has made the case that ‘voluntary return’ is in fact anything but voluntary, with a range of coercive methods being imposed upon the migrant to ensure their departure (cf. Gibney 2008). There has been a trend within this research for authors to adopt a position where the state is conceived as having an explicit (and racist) biopolitical project for managing, and ultimately excluding, racialized migrants. Kalir, writing on returns from the Netherlands, coins the term ‘soft deportation’ to describe voluntary return, condemning it as “an integral part of the overall biopolitical scheme that absolves the territorial removal of illegalized subjects under state sovereignty” (Kalir, 2017b, p. 57). Cleton and Chauvin (2020) explore this concept by placing it in the context of Nicholas Rose’s *Powers of Freedom* (1999), arguing that “if modern bureaucratic power, however punitive, regulates conduct by considering agents as autonomous subjects, this mode of government requires significant ideological work in order to ensure the interpretation of conduct as voluntary” (Cleton & Chauvin, 2020, p. 298). Concerning this discussion, Kalir has made the case for a politics of “departheid” (2019) where the central claim is to acknowledge a White supremacist fantasy undergirding the obsessive management of racialized migrants.

The literature in this field follows James C. Scott in understanding the actions of the state as “maps that... would enable much of the reality they depicted to be remade. [The state] does not merely describe a

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<sup>1</sup> Although this report is particularly focused on Germany as a case study, its more general findings are applicable across the EU.

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system... it creates such a system through its ability to give its categories the force of law” (Scott, 1998, p. 3). Whilst in principle I accept this lens, I contend that the subsequent models of the state tend to contain assumptions, handed down from Foucault, that the state’s biopolitical project is intentional, successful and complete. By reifying this ‘panoptic bias’, the literature risks “essentializ[ing] the state and foreground[ing] both its institutional forms and coercive powers” (Gill, 2010, p. 1). This means that it fails to account for the uncertain, illegible and incomplete bureaucratic processes by which state making is realised (Das & Poole, 2004). In responding to Gill’s (2010) call to seek more critically reflexive notions of the state, I challenge this panoptic bias by looking instead at the limits to this logic.

This paper makes the claim that the literature’s panoptic bias has led to a gap in understanding how bordering practices produce certain kinds of state. Studies have thus been unable to capture the ways in which the fragmented aspects of statehood are at play in deportation. Considering this allows this paper to explore the extent to which the state has *not* succeeded in realizing its panoptic fantasies, yet still continues to enact forms of biopolitical control over returnees. To achieve this, it seeks to bridge the gap by constructing a ‘processual approach’ (Swartz, 1969) which focuses on the ways in which bureaucratic activity generates processes that shape and discipline both the behaviour of individual agents and also the structures in which they operate. This way, it takes point of departure in a more dynamic picture of the relationship between agency and structure, that views structures in a less rigid manner. It acknowledges their status as contested relations constructed by agents, whilst simultaneously showing the ways individual agency is moderated by the structures in which it operates (Pedersen & Cliggett, 2021, p. 161).

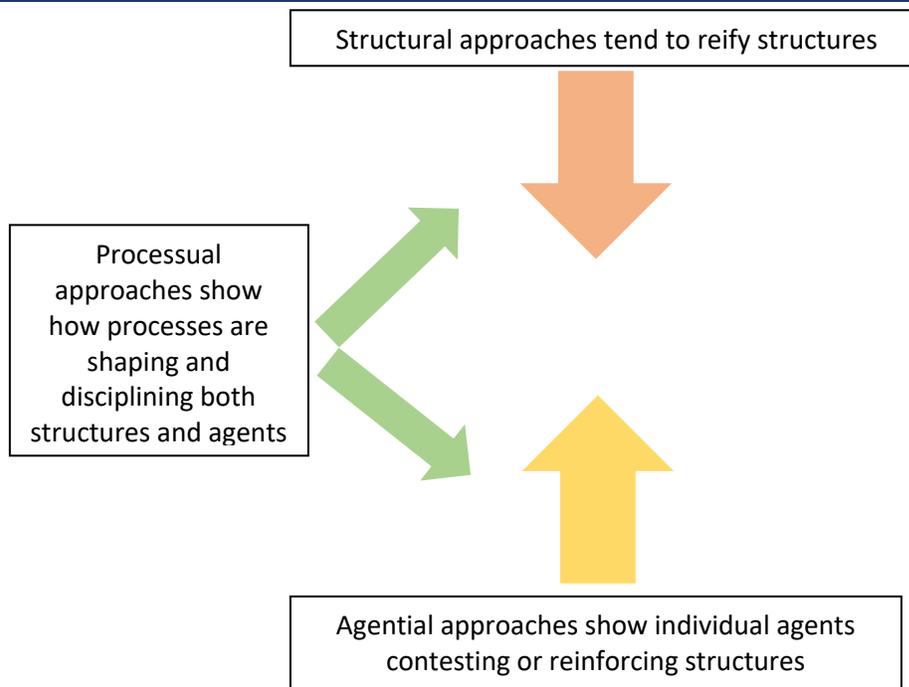


Figure 3

Arrow chart showing the way in which different approaches speak to theories' focus concerning structure vs. agency.

By cross-pollinating the deportation literature with that of bureaucracy, the paper highlights the aspects of uncertainty, illegibility and incompleteness as defining features of the state project. The theme of bureaucracy has been largely neglected within migration studies literature despite repeated calls for further enquiry (cf. Das & Poole, 2004; Gupta, 2012; Navaro-Yashin, 2007). Where studies do exist in the deportation literature, they tend to address 'street level bureaucrats' (Lipsky, 2010), rather than actors within the middle management. While their agential approach is a useful counter to structural studies which consider state apparatuses as "well-oiled machines" (Olwig et al., 2019), their focus is restricted to the way street level encounters affect the state's panoptic potential on a case-by-case basis. Although this does help to acknowledge the role bureaucratic procedures play in generating outcomes at an operational level, such analyses are limited in their analytical scope. An example of this is Borrelli and Lindberg's recent article on bureaucratic practices in the Swedish deportation regime. The article makes valuable contributions in showing "how paperwork is used to obscure the violence inherent to detention and deportation procedures" (Borrelli & Lindberg, 2019, p. 51). However, its analysis of the state-making aspects of these bureaucratic procedures is restricted to an acknowledgement of bureaucracy's central role rather than any commentary as to what this does in terms of the kind of state that is produced as a consequence of this.

I claim that focusing on middle management speaks to a ‘processual approach’ (Swartz, 1969) which allows an exploration of the instrumentally formative role that bureaucracy has in shaping encounters both above and below (Floyd & Woolridge, 1993). Whilst this concept is widely accepted within strategic management studies (Currie & Procter, 2005) and criminology (Kras et al., 2017), its significance is yet to be deeply explored within the field of border studies, where the findings could be applied to make observations on the role bureaucratic processes have on the production of the state itself (Gill, 2010). As a complementary strand of analysis, middle management approaches can thus assist studies conducted at street level in challenging structural assumptions by highlighting the capacity of these actors to construct discourses and categories which, reproduce uncertainty, illegibility and incompleteness at all levels within the state-making project. Showing this helps the research challenge reifications of the state unwittingly reproduced through presenting it as a holistic entity (Gupta, 2012).

The paper approaches this by referring to the work of Zachary Whyte, who riffs on the idea of the panopticon, by coining the phrase ‘the Myopticon’ (2011) to describe governance through blurred vision in Danish asylum centres. He contends that this governance “focusing only on objects that can be bureaucratically processed, and largely ignoring those blurred images beyond its view... relies more on uncertainty than on accurately knowing or disciplining its subjects” (2011, p. 18). Whilst Whyte’s work thus provides a blueprint for modelling the bureaucratically produced, fragmented state, research has not followed up on the ways in which the Myopticon operates as a mode of governmentality beyond the space of the asylum centre. This paper seeks to take Whyte’s idea and examine how it can be applied to understand the field of Danish returns.

This review has sought to show that while research models returns in relation to the kind of states that enact them, these models tend to rely on a panoptic bias which treats the state as a complete and hegemonic project. Alongside this, there is a gap in the research regarding the role of bureaucracy in deportation. This is further compounded by a lack of engagement with middle management, as most studies of bureaucracy focus on the street level, which limits the range of their analysis. I argue that this study can bridge these gaps by viewing middle management as a key level in the state system. This allows the paper to argue that the uncertainty, illegibility and incompleteness of bureaucratic practice become reflexively incorporated into the body of the Danish state.

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## Methodology

In this section, I outline my methodological considerations and practices. I start by describing the original project for which the interviews were conducted, including some reflections on positionality and the impact of the Covid-19 pandemic, under which the study was conducted. I then go on to describe the way in which I repurposed the interview data for this paper, including by supplementing it with original interview material.

### The ADMIGOV Project

The study I conducted built on research originally undertaken whilst working as a research assistant on the Horizon 2020-sponsored project, Advancing Alternative Migration Governance (ADMIGOV). One of my main tasks was to conduct and transcribe interviews with a number of key actors in the field of Danish returns. Relying on contacts from my own network and that of the overseeing professor, Martin Lemberg-Pedersen, I wrote out to a large number of organisations and individuals, including the Danish Refugee Council, Trampoline House and child psychologists who specialize in working with refugees. Where no prior contact existed, I tried ‘cold emailing’, which also resulted in some surprising successes including the North Zealand police, Danish Red Cross, IOM Denmark and the Danish Ombudsman. To some extent, it was also possible to ‘snowball’ from the early interviews (Raworth et al., 2012). In this manner, I was able to establish contact with, for example, a second police officer who was also willing to speak to me.

Many key actors did not respond or refused my request. These included the Immigration Service, the Return Agency, the National ID Centre and the Prison and Probation Service. This meant that important areas within the field were not represented, with actors in the node between government and corporate sectors, such as biometric corporation Saltolog, proving particularly elusive. Notwithstanding, the final selection of eleven interview candidates did represent a wide spread of actors, including some who are notoriously reticent to speak about their work. In particular, the inclusion of two police superintendents gave the study access to actors in the middle management sector of the police force. This makes these candidates ideal for analysing the field through the angle of bureaucracy which this paper has sought to capture.

| Informant Name                  | Organisation            | Position                         |
|---------------------------------|-------------------------|----------------------------------|
| <b>Police 1</b>                 | Danish Police           | Police Superintendent            |
| <b>Police 2</b>                 | Danish Police           | Police Superintendent            |
| <b>Ombudsman 1</b>              | Danish Ombudsman        | Senior monitoring officer        |
| <b>Ombudsman 2</b>              | Danish Ombudsman        | Junior monitoring officer        |
| <b>IOM 1</b>                    | IOM                     | Return and Reintegration Officer |
| <b>Red Cross 1</b>              | Red Cross               | Deputy Officer                   |
| <b>Danish Refugee Council 1</b> | Danish Refugee Council  | Senior management position       |
| <b>Danish Refugee Council 2</b> | Danish Refugee Council  | Middle management position       |
| <b>Michala Bendixen</b>         | Refugees Welcome        | Director                         |
| <b>Tone Nielsen</b>             | Trampoline House        | Director                         |
| <b>Psychologist 1</b>           | Grandparents for Asylum | Independent Psychologist         |

Figure 4

Table showing the participants in the study. The eleven candidates were interviewed in nine original interviews, with joint participation from the two representatives of the Ombudsman and Danish Refugee Council respectively.

## Positionality

Conducting ‘elite interviews’ (Aguar & Schneider, 2012) with higher ranking police officers and other experts in the field of returns required a certain level of preparation in order to capitalize on the opportunity. However, I agree with Glas’ (2021) finding that such a group does not necessarily require a pre-determined and special set of considerations. By being actively reflexive regarding “the variable challenges of power and positionality” (Glas, 2021, p. 1) I sought to establish rapport, respect and trust with my informants according to the discrete conditions of the interview.

All my informants were Danish, so as a UK citizen conducting an interview in English, this clearly placed me as an outsider at a national level. I had the sense that this made me something of a cultural curiosity, and that perhaps informants even “welcomed the opportunity to speak with me *because* of my positionality as a foreign researcher” (Glas, 2021, p. 3). However, being clear that I speak reasonably fluent Danish and assisting with the translation of a particular Danish word here or there during the interview, asserted a level of linguistic competency that somewhat demonstrated insider status nonetheless. Asking questions which showed a clear understanding of Danish cultural and legal practices in the sphere of returns reinforced my insider position as an expert within the field. By playing with and moving within this

binary, I was able to make use of this ‘hybrid insider-outsider’ as a researcher, “striking a balance between proximity and distance in the informant–researcher relation” (Carling et al., 2014, p. 51).

When working within the realm of the Danish returns policy, I was also struck by the recognition that, as a legal resident of Denmark with any national background, I was positioning myself relative to the ‘real’ outsider; the returnee. How to use this in order to build a relationship with my informants varied from interview to interview, but in general I benefitted from a perceived shared position as caring, concerned overseer. All interview subjects sought to frame themselves in this role, regardless of their actual job description – and were keen to find common ground with me as a researcher in this capacity. This may have contributed to their willingness to divulge detailed information, especially amongst those who had the most to ‘prove’ in this regard, such as the police.

### **Conducting Interviews during the Covid-19 pandemic**

Interviews were carried out between March–Nov 2020. With the Covid-19 crisis hitting Denmark just as I prepared to commence the interviews, I was forced to relegate the majority to online video calls. I used the platform Whereby, which has the attraction of a secure online office space from which free, unlimited calls can be made. In the early stages of the pandemic before online meetings had become universalized, it also carried the benefit that the informant simply followed a link rather than having to download an app or plug-in.

Although video calls did mean that other ethnographic techniques such as participant observation were impossible, all interviews went ahead as planned. This was a major success at a time when many other research projects within ADMIGOV were being halted or abandoned. Whilst face-to-face interviews continue to be the ‘gold standard’ (Rettie, 2009), increasingly well-established techniques for interviewing via video conference call provide space for this to form an acceptable substitute. These include awareness of camera angles and having sensitivity to moments when the internet connection is unstable (Weller, 2017). Employing these allowed the study to move beyond purely empirical considerations of video calling as a strategy, in order to ensure that rapport was built with the informant despite the distance caused by the interface. Video calls had the advantage of being possible to conduct quite flexibly and spontaneously. I reflected on how informants who were sat in the comfort of their own home might feel more at ease to speak freely and frankly (Krouwel et al., 2019). On the other hand, on the two occasions where a live interview was possible, the ability to conduct a more in-depth participant observation gave some wider context to their statement. All interviews were recorded so that I could transcribe later. This was ideal as

it allowed me to give my full attention to the conversation and ensured that I could present my informants verbatim.

The ADMIGOV team had a pre-prepared interview guide which formed the backbone of my questions and which was intended to standardize answers for comparison across an international study. However, following the semi-structured format I had agreed upon, I felt at liberty to riff off the guide and frequently asked further questions. In general, I found that these tended to be the moments which revealed the most interesting data, including findings about police on board Ensured departures and conversations between the Ministry of Immigration and the police regarding confusion over the meanings of police categories. Over the course of the interview process, I refined and developed my questioning, integrating questions which had been effective in earlier interviews. In this way, I was able to glean deeper and more useful information, while still generating conversations that would be valid in comparative studies. During interviews, I discussed with participants regarding issues of anonymity and consent to use of the data. All agreed that the information could be used, with some requesting to see a transcript first. In this paper, I have named those informants who gave permission for this.

Following transcription, I read back through the transcripts and identified key themes within the interviews. Where further details were needed, I arranged for follow-ups. This resulted in a further three interviews with, respectively, the Ombudsman, the Danish Refugee Council and Refugees Welcome, which were conducted some weeks after the original interview. Having time between interview rounds allowed for reflection and cross-referencing with other informants to develop the questions that I wanted to ask. It may also have helped with generating trust with my informants that helped them to speak more freely on the second meeting (Natow, 2020). After all interviews were completed, I trawled the transcripts to find suitable quotes to include in the published report. In this process I became intimately familiar with the content of the interviews I had conducted.

## Other Data

The interviews were contextualized and supplemented by material gathered via online resources. Datasets were gathered from publically available sources such as The Ministry of Immigration and Integration, The Ministry for Foreigners and Integration, The Agency for International Recruitment and Integration, and websites including [regeringen.dk](http://regeringen.dk), [New in Denmark](http://New in Denmark) and [politi.dk](http://politi.dk). Denmark is internationally renowned for having highly transparent government practice and at first glance, I was struck by the volume of information available. However, closer inspection revealed the extent to which

this information too was uncertain, illegible and incomplete. This helps to build a picture of the extent to which illegibility exists across the spectrum of platforms which publish data about returns in Denmark and fits with Kalir and Schendel's suggestion that nonrecording can allow states to superficially comply with international standards on transparency (2017). Nonetheless, some useful information was available and this was collected both to triangulate with the interviews and also in order to produce visualisations such as matrices, maps and bar charts, some of which have been included in this paper.

### **New data for this Paper**

In the writing of this paper, I contacted the ADMIGOV team, who kindly gave me permission to use the original interview transcripts for my own separate research. Following up on my intimate knowledge of this source material, I identified a topic which had been discussed across various interviews but which had been largely overlooked in the original report; namely the Danish return categories. This topic caught my attention because the information I had gathered was strikingly inconsistent; while some informants had directly contradicted one another, others had expressed confusion and doubt about the way these categories were applied. Moreover, the statements my informants had made regarding their practice were very much at odds with the statistical information which I had obtained. While this alone suggested that deeper investigation was needed, I also became intrigued by the sense of uncertainty, illegibility and incompleteness itself and suspected that this might ontologically represent an important element in the puzzle. From an analytical angle, the fact that I had two police informants at superintendent level, as well as other actors in middle or senior management positions, fitted extremely well with an analysis focused on bureaucratic practice.

In order to deepen the investigation, I conducted one further follow-up interview with one of my informants as well as asking some clarifying questions via email to others. I also did some more extensive document research, including new material released by the Return Agency, historical data which I had not managed to uncover in time for inclusion in the original ADMIGOV paper and answers to parliamentary questions which are made publicly available on the government website. Comparing these different sources allowed me to create a more concrete overview of the actual practice of the police in this sphere, and to home in on the precise moments of uncertainty, illegibility and incompleteness.

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## Limitations

Obtaining access to informants from supra-street level is more challenging than for actors lower down in the system. I reflected that this was at least partly why street level bureaucrats have been a more popular focus for academic enquiry. As a consequence, my study was restricted in its range by only being able to secure interviews with two police superintendents. Moreover, neither responded to my requests for follow-up interviews after the original conversation. This meant that many lines of enquiry which were exposed during the interviews remained undetermined. One example of this is the methods by which the categories were constructed and the operational logics by which they abide. Although this was largely addressed through cross-referencing with other informants' statements, wider access to informants within the police's own middle management would have helped to substantiate the findings.

## Understanding Danish return practices

In order to understand the police discourses around the Danish return categories, it is important to see them within the context of the wider field of return practices employed by the state. This section gives a brief historical overview, charting trends in this arena and showing how this has led to the contemporary return practices which includes the use of the return categories. It shows how Denmark has sought to contest EU standard humanitarian practices in an attempt to deter future migration from third countries. This becomes connected to discussions of voluntariness among returnees, with increasingly coercive strategies being employed to enforce 'voluntary' returns, especially since the establishment of the new Return Agency, whose explicit mandate is to ensure the return of all migrants issued with a return order.

Denmark has long maintained an ambivalent position on the fringes of EU membership, having negotiated four exceptions, including one on supranational collaboration on affairs of justice. This has had a substantial impact on Danish policy regarding issues of migration, asylum and return where Denmark has made selective use of its EU relations to enjoy Schengen rights for its citizens, whilst absconding from responsibilities towards settling quota refugees, or upholding EU standards on maximum detention times for rejected asylum seekers (Kalir et al 2021, p.134). Especially since the 'deportation turn' (Gibney, 2008), Denmark has thus taken advantage of its exceptions as it has sought to position itself as a frontrunner in the 'race to the bottom' in asylum practice in the EU.

A series of governments have been elected on the basis of promises to ‘get control’ of immigration and return. To this effect, the social democrat government in the early 2010’s opened three ‘departure centres’ to house people issued with return orders. In practice, this has done little to increase rates of return since a lack of readmission agreements with third countries has meant that returns have to be negotiated on a case-by-case basis. Conditions in departure centres have been severely criticized by actors across the field, raising concerns about the prison-like conditions and the debilitating impact on the mental health of inhabitants (Amit & Lindberg, 2020). Many inhabitants become effectively trapped in the system; with no possibility to reopen their asylum case, they cannot enter Denmark, but refusing to cooperate on their return, the Danish system cannot deport them. Nonetheless, the departure centres continue to be presented as a viable and valuable addition to the Danish returns field, despite the collapse of the plan for a new, fiercely contested, departure centre on the island of Langeland (Ekstra Bladet, 2021). The assumption by the Danish state is that the departure centres function as a deterrent to prospective asylum seekers, despite this having never been proven, and being based on simplistic push-pull factors which have not been empirically shown to exist (Kalir et al, 2021).

| Status                              | No. of countries | No. of rejected asylum seekers |
|-------------------------------------|------------------|--------------------------------|
| <b>Total</b>                        | 63               | 1,112                          |
| <b>Locked in</b>                    | 13               | 644                            |
| <b>Limited return possibilities</b> | 16               | 160                            |
| <b>No challenges to return</b>      | 34               | 241                            |
| <b>Other</b>                        | 1                | 67                             |

Figure 5

Table showing the ‘returnability’ of rejected asylum seekers by nationality in Denmark, 2019. It can be seen that over half are ‘locked in’, which corresponds to there being no diplomatic relations with the country of return permitting the returnees’ removal from Denmark. ‘No challenges to return’ suggests either a readmission agreement or a well-established negotiation platform with the country of return, whilst ‘limited return possibilities’ pertains to countries with which there are “narrow, sometimes secret, return agreements” (Kalir et al 2021: 143).

In total, eighteen countries have signed readmission agreements with Denmark, which gives a green light for citizens of those countries to be returned de facto. This includes all the member states of the EU’s Eastern Partnership (EaP) – Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine – and Instrument for Pre-Accession (IPA) – Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro,

Serbia and Turkey – for whom signing readmission agreements was a condition of becoming beneficiaries (EEAS, 2021; European Commission, 2021). Other agreements have been agreed on a more ad hoc basis, the most controversial being with Afghanistan (EEAS, 2016). In practice, this means that citizens of these countries are much more likely to face removal from Denmark, since there are no legal obstacles to their being returned. Having this threat hanging over them, they must agree to return ‘voluntarily’, or be forcibly deported.

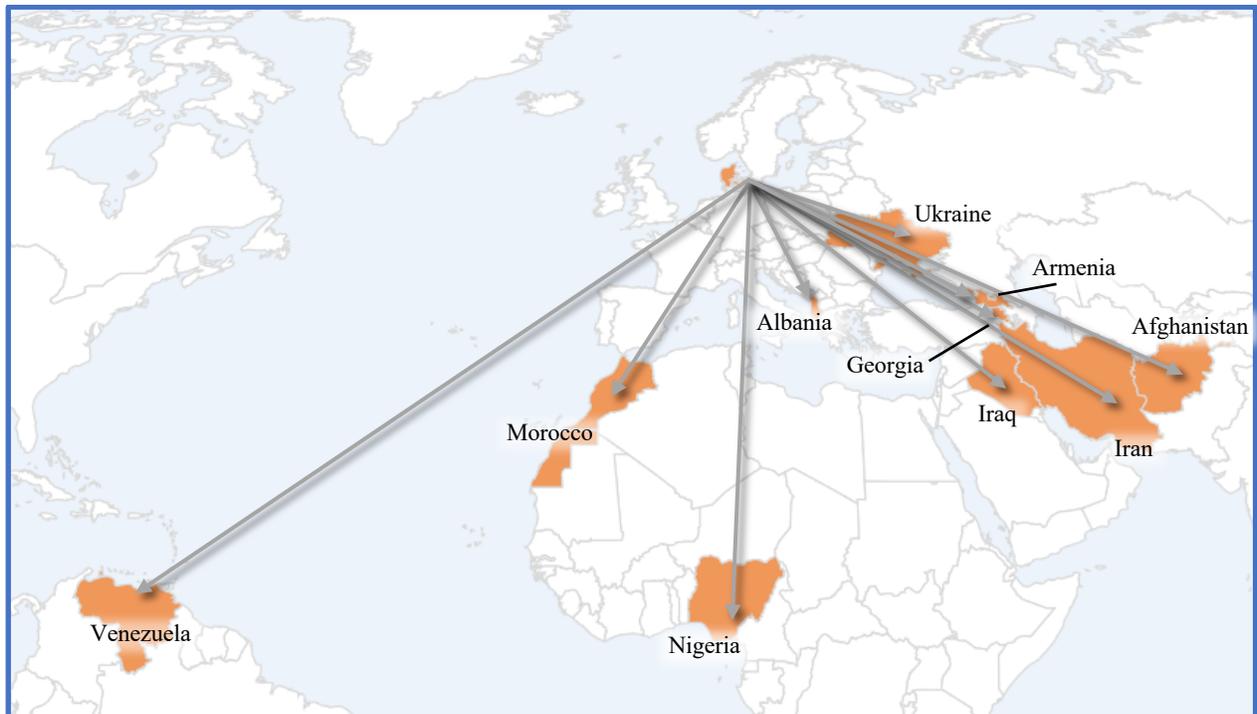


Figure 6

Map showing the top ten return destinations for rejected asylum seekers from Denmark, 2019 (Kalir et al 2021).

Despite widespread support for the idea of ‘voluntary return’, opportunities for joining Assisted Voluntary Return (AVR) programs remains highly restricted in Denmark compared to other EU states. The IOM has only been able to offer specific, targeted programs compared to more blanket programs in the rest of the EU. As a result, only a fraction of returnees were registered under such programs, which ceased entirely after 2017. This has meant that even for citizens of states with signed readmission agreements, opportunities to return have been heavily restricted to take place under the direct auspices of the Danish police.

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## The Return Agency

The establishment of the new Return Agency follows the 2019 Danish government's election promises to get a grip on migration. With the intention of streamlining return procedures and ensuring the return of all migrants subjected to a return order, this has included taking over the administrative roles previously performed by the police, the 'return counselling' contracted to the Danish Refugee Council and a mandate on the handling of so-called voluntary returns operated by the IOM. Returnees are offered 20,000 DKK 'in-kind support' through provision of goods and services in their country of citizenship, provided they cooperate fully with their return. The agency has attempted to establish practices of reducing this support depending on the extent of resistance a returnee puts up, though it is still too early to assess how successful the implementation of this idea will be (Kalir et al 2021, p. 146). This has clear implications for the 'voluntariness' of any returns which the Agency conducts, as they are negotiated under high levels of duress (Kalir, 2017b).

In official documents translated into English, the Danish name *Hjemrejsestyrelse* is translated to Return Agency. However, it should be noted that a more literal translation of the Danish name would be 'Travel Home Agency'. This name thus contains an implicit normativity that racialized migrants have their home 'there' rather than 'here'. Viewing this as a state-making practice which seeks to 'otherise' migrants, this paper wishes to contest that implication. It should be made clear that amongst returnees 'voluntarily repatriating' (Udlændingestyrelsen, 2018) from Denmark, more than half had resided in Denmark for over fifteen years prior to their return, which challenges the notion that their country of citizenship can be called 'home' in any meaningful sense.

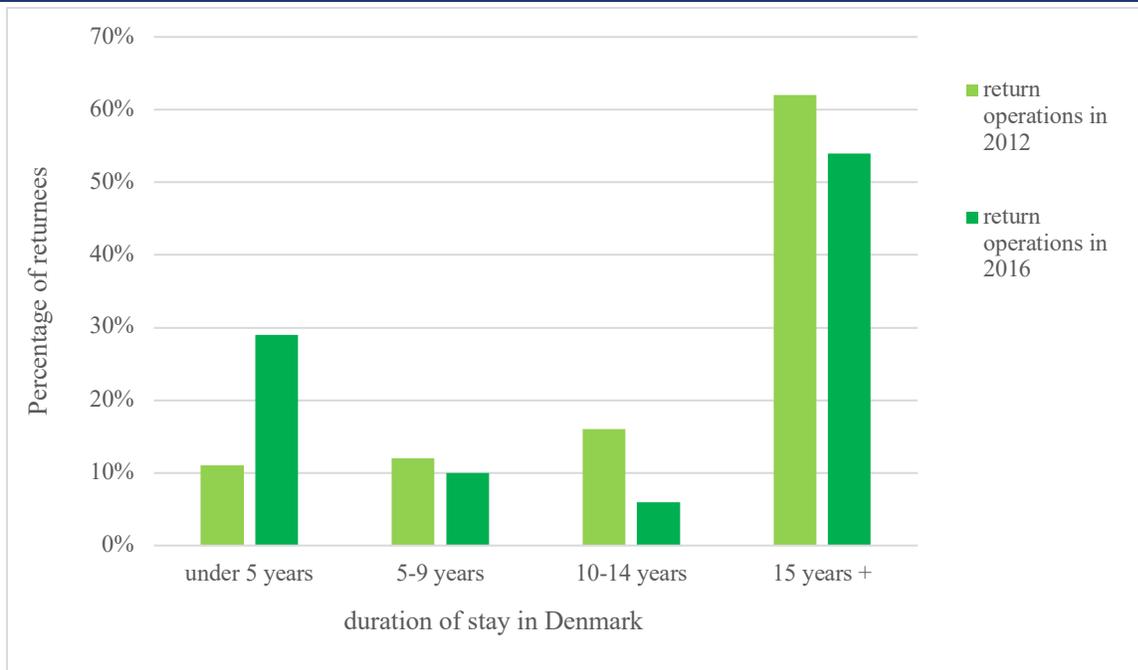


Figure 7

Bar chart comparing the number of years returnees had resided in Denmark before being returned during 2012 and 2016 on AVR. It shows that although the average length of stay in Denmark for returnees fell between 2012 and 2016, over half of returnees in 2016 had still lived in the country for over fifteen years prior to their return. This bar chart was produced from statistics from the Ministry for Immigration and Integration (2018). Unfortunately, no comparable figures have been released since 2016.

In 2020, the Return Agency officially took over police tasks to do with the administration and operationalisation of return operations from Denmark. The police are now only involved at an operational level in situations where there is a mandate for the use of legal force (Kalir et al, 2021). This includes collecting and transporting returnees from their place of residence before handing them over to a Return Agency representative at the airport or accompanying them on a flight, if relevant. As a consequence, since July 2020 they have stopped publishing statistics about their work on the Dansk Politi website, though the Return Agency is yet to release any statistical information of its own. That said, police informants have been clear that they continue to provide their expertise and knowledge of the field to the Return Agency, so that it could reasonably be expected that these categories will continue to be in use if and when the Return Agency does commence the release of statistical information. Moreover, the operational involvement of the police in overseeing both Accompanied and Ensured returns means that their continuing presence in this arena is guaranteed – and serves to further underscore the blurred

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relationship between forcedness and voluntariness within these operations. One of my police informants clarified this, saying;

The way it is now, the police are following that person from the prison to the airport. And at the airport, then the new agency, the Return Agency, they are taking over the responsibility. And they are responsible that the person has the travel ticket and also that the travel documents are clear and ready to go.

From this excerpt, it is clear that the police still play an active role in the operational aspects of a return, even though the administrative work has been handed over to the Return Agency. Although this meant that my police informants often spoke about the work as if it was no longer ‘theirs’, the discussions revealed that actually the operational process of a return is largely unchanged. As such, I contend that a detailed evaluation of the police’s categorization, and the impact of their practices, remain of central concern and will continue to be important in understanding the exit regimes operated by the Danish state.

## **The Danish Return Categories and the State**

### **The Interviews**

In this section, the paper will probe my informants’ testimonies in detail, with a particular interest in the ways they produce uncertainty, illegibility and incompleteness. In this process, moments were foregrounded for their interaction between middle management and the levels above and below them. This serves to highlight the ways in which bureaucratic uncertainty, illegibility and incompleteness become reproduced in other spaces within the state. The conversations with the two police superintendents form the focal point of the investigation, with the official position on the Danish Police website and statements from other actors in the field used to substantiate, triangulate and comment on the findings from the police statements. This section is largely descriptive, compiling the main empirical points which I wish to highlight. Following this, they will be analyzed through the theoretical lenses set out earlier.

## Forced vs. Voluntary Returns

As briefly noted in the introduction, the Danish police do not categorize returnees as ‘forced’ or ‘voluntary’ but rather by reference to three poorly-defined terms (Kalir et al, 2021); ‘Accompanied departure’, ‘Ensured departure’ and ‘Independent departure’. The police define these terms by explaining that Accompanied departures are ones in which the police are physically present on the aircraft, Ensured departures entail the police (or a representative of the Returns Agency) witnessing the returnee board the plane, whilst Independent departures are ones in which the police have received confident assurance that the returnee has left of their own accord without direct police involvement. Both Accompanied and Ensured departures are described as “typically coercive, though they can sometimes be voluntary” (Dansk Politi, 2020). This confusing statement already gives an indication of the way in which the Danish return categories make it difficult to distinguish between forced and voluntary returns (Kalir et al 2021, p. 155).

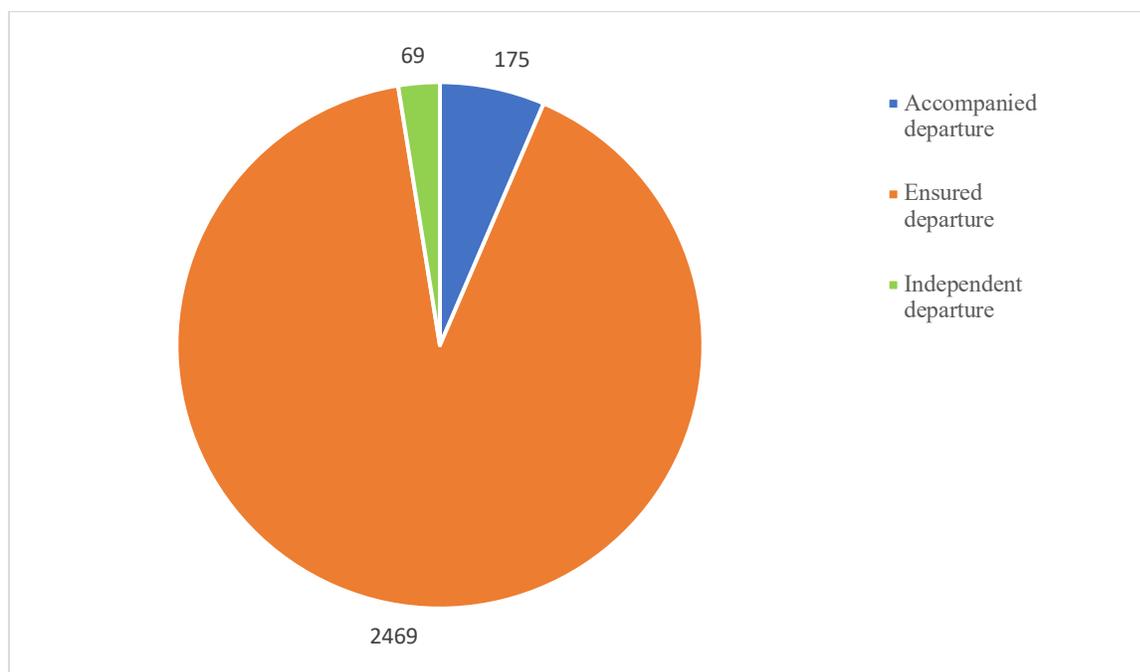


Figure 8

*Pie chart showing the proportion of returnees from Denmark by category of departure, 2019. It can be seen that almost all returnees leave by Ensured departure, with a small fraction leaving by Accompanied departure and even fewer by Independent departure.*

During conversations with my informants, I was interested to find out how they understood the Danish return categories in terms of forced/voluntary returns. From the outset it was clear that there were huge

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uncertainties about how to speak about forced/voluntary returns from Denmark. A spokesperson for IOM Denmark pointed out:

for many years voluntary return in Denmark has not even existed in a formal definition. Everybody says, we want people to return voluntarily. But if you go to the past police statistics, there is no such thing as voluntary return, it's not even a category!

Michala Bendixen of Refugees Welcome was also highly sceptical of any attempt to use the police categories to describe returns as forced or voluntary. She explained:

if you look at the Danish categories, it says somebody left on their own – it doesn't say if that's voluntary also, it just says the police were not involved somehow. But it could be after severe pressure. It doesn't have to be necessarily voluntary, to go on your own. And then you have this påset udrejse, that just means the police have seen you leaving – it doesn't say anything about whether that was under threat or under pressure, or if someone decides to go voluntarily. And then you have the accompanied, ledsaget udrejse, it's just accompanied by the police. It also doesn't say anything about whether it was a physical, if people were forced physically on a plane, if they were handcuffed, things like that.

This fits with the police website's claim that Accompanied and Ensured returns could be either coerced or voluntary. One of my police informants discussed this too and explained how it is a subject that has even been taken up at an official level:

we actually had some discussion between the Minister of Immigration and Integration and the police, that... it's very difficult to make a clear translation for voluntary, forced, rejst selv [Independent departure] and the other Danish categories.

This gives a clear example of the way in which the Danish return categories have an effect on levels above them. The fact that this conversation could be taken at a ministerial level demonstrates the influence that middle management's bureaucratic procedures have in affecting strategic and political levels above them. Since this statement already combines the words forced and voluntary with the Danish name *rejt selv* –

the police category for independent departure – this also already indicates that my informant treats the Danish return categories as interchangeable with the terms forced and voluntary, even as he acknowledges the difficulty in making that translation.

Building on this, the same informant went on to use the words forced and voluntary when describing returns:

voluntary return, it could be full voluntary – the person is leaving Denmark without any help from the police, but it could also be a ‘voluntary departure’ where the persons are leaving Denmark without any resistance. And then you have of course the forced returns where you have to force the person to leave Denmark.

This is a rather confusing statement, but it does clearly show two things. First, the police do talk about returns in terms of forced/voluntary. Second, it appears that he makes a distinction between ‘returning voluntarily’ and what he calls a ‘voluntary departure’. This is backed up by a later statement where he explained:

because *rejist selv* [departed independently] is the person who is leaving on his own. He’s just left, maybe you get a call from somewhere in a foreign country where the person says, now I’m back in the home country. Or maybe he shows up at the Danish embassy and says, now I’ve just left your country... For me, *påset* [Ensured Return] could be, I think I would translate *påset* with voluntary departure. ‘cause we don’t have to use force when they are leaving the country, but they are only leaving the country because they have to. If they didn’t do it, then we were using force to get them to leave. If it’s *påset*, you just bring them to the airplane. When they are leaving, they leave on their own.

This is important because it shows that he does not just speak in abstract terms about forced/voluntary, but also that he directly transposes those terms onto the Danish return categories. As such, it can be deduced that in the earlier quote, ‘returning voluntarily’ was referring to the category Independent departure, and by ‘voluntary departure’ he meant the category Ensured departure. My other police informant took a largely similar line, stating in the opening moments of the interview:

When the task was with the police, we returned about 2700 people, per year. But mainly, volunteers. Of all these people there is about 200 who have been returned as part of a forced return. And of these 200, there's only about 20-25 of them, where we have to use force.

These numbers roughly correspond with the statistics released by the police at the start of 2020 showing that of 2,713 returnees the previous year, 175 went on Accompanied departures.

|              | Accompanied departure | Ensured departure | Independent departure | Total        |
|--------------|-----------------------|-------------------|-----------------------|--------------|
| jan 2019     | 16                    | 242               | 7                     | 265          |
| feb 2019     | 15                    | 231               | 2                     | 248          |
| mar 2019     | 17                    | 257               | 11                    | 285          |
| apr 2019     | 10                    | 200               | 4                     | 214          |
| may 2019     | 15                    | 195               | 5                     | 215          |
| jun 2019     | 13                    | 190               | 8                     | 211          |
| jul 2019     | 16                    | 193               | 6                     | 215          |
| aug 2019     | 14                    | 200               | 4                     | 218          |
| sep 2019     | 8                     | 213               | -                     | 221          |
| oct 2019     | 19                    | 226               | 11                    | 256          |
| nov 2019     | 16                    | 178               | 9                     | 203          |
| dec 2019     | 16                    | 144               | 2                     | 162          |
| <b>Total</b> | <b>175</b>            | <b>2.469</b>      | <b>69</b>             | <b>2.713</b> |

Figure 9

Matrix showing the number of departures from Denmark in 2019 by method of return.

From these statements, it is clear that the police consider an Ensured or Independent departure to be voluntary in nature, whilst an Accompanied departure would be forced – though the likelihood of active force being deployed is downplayed by the police. When I challenged this informant about the logic of this position, he replied by saying:

In our perspective, if they go on the aeroplane freely, they are volunteers. But in many other perspectives that are saying, they really don't want to go, but if the choice is forced return – so are they actually volunteers? But that's the way the police look at it, but you can find a lot of other organisations that say, the part of the word, they're *unvoluntary*

return, it's not forced return 'cause we're not using force. They are leaving by themselves, but is it volunteer, that's the question? Some organisations would say, no they're not, but in our perspective they are.

This clearly shows how the use the term 'voluntary' despite being well aware of the debate around the appropriateness of the word in this context. One thing worth noting here is the absurdity of the suggestion that Accompanied departures might be voluntary. One possible way to account for this is the statement above where my informant pointed out that, generally, actual force (handcuffs etc) is not needed even on an Accompanied return. Within the police's own logic, this might mean that they would thus claim that such an Accompanied return was undertaken 'voluntarily' by the returnee, although this was not explicitly stated by my informants. However, looking from the returnee's perspective, Michala Bendixen was clear that in her experience of working with people facing return, they would never voluntarily be 'accompanied' by the police:

the fact that the police accompanies you will put you in danger very often. In my perspective, I don't see how someone could choose to do that, if it's voluntary. It doesn't make sense... On the contrary, they would do anything to avoid that, because they know it's so dangerous to be handed over to the authorities by the police. Then you have a lot of attention on your person. And there has been examples, or at least suspicions, of the police handing over papers to the authorities in the home countries, which indicate that they have been asking asylum! So I mean, that really puts them in danger.

This highlights the real danger that a police presence engenders for returnees upon their arrival in their country of citizenship. Understanding this, highlights the violent relation that privileges the Danish state's desire to remove the returnee over the returnee's personal safety.

This section has shown that there seems to be a rather schizophrenic approach within the police over how to position themselves with regard to describing their categories as forced/voluntary. On their website, they cast doubt on the possibility to even make the comparison at all, whereas in person, they are unequivocal in doing so. It has also shown that this discussion has implications for policy makers, with my informants in discussion with the Ministry over the issue of how to translate their categories.

For the purposes of this study, I have chosen to place somewhat more weight on the statements of my police informants than the statements on the website. This is partly because I wish to take my informants seriously (James M Nyce et al., 2015) and also because, as higher-ranking police staff, both attested to frequently leasing with journalists and policy makers where their statements become the basis for widely read and potentially influential documents. However, I also consider the contradiction between my informants and the police website to be significant in itself, as it contributes to the air of uncertainty, illegibility and incompleteness which I argue is a prototypical feature of the returns landscape. In the words of Michala Bendixen, “it’s like a kind of Kafka system that we built.”

### The fourth category

Besides the three returns categories that this paper focuses on, there was also a fourth category of returnees from Denmark; ‘presumed departed’ (*skønnet udrejst*) which referred to anyone whose whereabouts were unknown. In the time in which this category was used, it represented the largest of the four. Although ‘presumed departed’ was designated to represent people who could be assumed to have returned to their country of origin without having officially informed the Danish police of their decision, in practice it included all those who had chosen to ‘go underground’ rather than face deportation (Kalir et al, 2021). With estimates suggesting that there were between 23-28,000 undocumented migrants living in Denmark in 2018 (Larsen, C. & Skaksen, J. R. 2019) the scale of this group clearly dwarfs the number of returnees documented in the system. Notwithstanding, following sustained criticism that the use of this category was masking the presence and the living conditions of irregular migrants by acting as if they had left the country, the official response was simply to abandon the category altogether in 2012 (Kalir et al, 2021). This means that these people are no longer statistically accounted for, and official statistics effectively treat them as if they do not exist.

As a strong example of the willingness of the Danish authorities to play “numbers games” (Vollmer, 2011), the disappearance of the fourth category gives a clear indication that the Danish return categories have been a locus point for political maneuvering for some time. As such, it foregrounds the interaction between the level of bureaucratic processes of categorization and the level of politics at which strategic decisions are made. Although the decision to abandon the category must have been made at a political level, the fact that this was necessary stems from the political impact that the existence of this administrative category had in the first place.

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## Operationalizing the Return Categories

From the interview quotes above, another theme that becomes clear is how the police view forcedness and voluntariness from an operational perspective, which lines up neatly with their method of categorizing returnees based on the mode of operation by which they returned. As such, the categories become a means by which ‘forcedness’ or ‘voluntariness’ are demonstrated. However, Michala Bendixen from Refugees Welcome found this problematic:

The... categories don't really say anything about the attitude of the returnee, they just say something about what's happening physically. And that's not very interesting! The interesting thing is to see, under which circumstances does this happen from the person's perspective? How voluntary is it?

None of these categories tell us anything about the motivations of the returnee to leave Denmark. From the position of the police, this makes sense as an administrative procedure because, as Michala Bendixen observed:

it just describes their work. I mean, did these police officers buy a ticket and watch a person board the plane or did they follow all the way to the home country. It's a description on what the police work has done, so it's seen from the police perspective – a description of what they have done. It's not saying anything about the person, the person that's returned or returning.

Clearly, although this method of categorization is useful for internal police admin, it tells the reader nothing about levels of forcedness or voluntariness of the returnee. As such, it shows how the police can be understood to have made these categories from an operational perspective, and subsequently repurposed the information to describe forcedness or voluntariness.

## Sliding Scales of Forcedness and Voluntariness

The practice of making forced return look more voluntary has been well researched (cf. Gibney, 2008; Kalir, 2017b) and the statements examined thus far provide clear empirical examples of this practice alive

and well in Denmark, as might be expected. As a way of understanding deportation practices from Europe, this very much fits with Cleton and Chauvin's analysis that making deportation look voluntary is important to underscore the supposedly transactional nature of the relation between state and state subject (2020). However, a further finding of the study, perhaps more striking and significant, is the rather counter-intuitive observation that in Denmark, what might be thought of as 'voluntary' return is also being made to look more 'forced'.

In discussion with the Danish Refugee Council about voluntary return, my informants assured me that, "there are sometimes rejected asylum seekers who really do want to return, where you might call it voluntary." Intuitively, this seems reasonable as a statement, though Michala Bendixen of Refugees Welcome was more cautious:

People don't *want* to go, so it's not voluntary. But given the circumstances, and the alternatives, they can sometimes be persuaded to go without resisting physically. Like saying, ok if I have to go I'll go peacefully. It's not something I want to do, I'm totally against it [laughs] but I will do it because otherwise you will force me. And I think that's the situation that most asylum seekers are in.

Nonetheless, it is obvious that there must be varying degrees of willingness amongst returnees. This leads to the question of the extent to which this can be captured within the police statistics. My informant from the IOM confirmed that recipients of his organizations' Assisted Voluntary Return (AVR) programs would be placed in the category 'Independent departure':

If IOM had done returns, voluntary returns of rejected asylum seekers, and these had been included in the police statistics, which they were, they were calculated under where they had been [independent] returns together with people where the police knew they had just left the country on their own.

This was already the cause of some statistical confusion, as we saw regarding the discrepancy between Eurostat and Danish police figures regarding forced/voluntary return in this paper's introduction. However, with the IOM no longer conducting AVR programs in Denmark as of 2017, this perhaps more voluntary form of return is no longer captured in the data. The Danish Refugee Council, who since 2018

have been conducting 'return counselling' for rejected asylum seekers on behalf of the Danish state, explain that for those they assist, "it's the police who will pay for the flight and who will make sure to book the flights and depending on the circumstances, the asylum seeker will go to the airport themselves or they will be escorted by the police." Michala Bendixen agreed with this, and pointed out that in practice what this means is that regardless of how willing a returnee is to collaborate, the end result is still an Ensured departure;

even if you collaborate, it will usually be *påset udrejse* [Ensured departure]. Because even if you say ok I will do anything, I will get papers, I will assist you in any way – still the police needs to know that you've actually left the country.

From the police's operational perspective, this obviously makes sense as an administrative necessity, and makes clear how bureaucratic dictates have street level outcomes. It also highlights that operational strategies imposed on the returnee are more or less the same for those who may be offering no resistance and are actually quite willing to comply with their return, as for those who are not. My informants confirmed that these strategies include confiscation of legal documents such as passports, negotiations with third country officials where returnees are identified by name, holding the returnee in a departure centre and transporting them to the airport in a police squad car. As such, this can be seen as a high level of coercion to be universally employed. The underlying threat of violence was made clear during one police informant's description of how Ensured departures are operationalised, where he added:

The police are following that person from the prison to the airport... to secure that the persons are leaving. And of course, if the person makes any resistance at the airport, they take over and they would going to be a forced return.

This underscores the intimate and fluid pathways between categories, where any perceived 'resistance' could see the return operation taking on a more extreme level of coercion. As such, it is a reminder that the discretion of street level actors does have an important role to play; the decision of an overseeing officer as to whether a returnee is 'resisting' or not can determine whether an operation plays out as Ensured or is called off and rescheduled as Accompanied. Moreover, it shows how the presence of police is itself an exacerbating factor in generating more forced outcomes; the longer and more closely they are watching a returnee, the more opportunities can present themselves to construe the situation as requiring

force. Overall, this highlights the violence brooding over an Ensured return, despite its designation as a ‘voluntary’ decision. It is important to note that, for a returnee – who might well have accepted and cooperated fully with the return order – the experience of an Ensured return would surely look and feel profoundly forced.

Noting how Ensured operations become more ‘forced’ becomes especially significant when combining it with another observation that came out of the interview process, namely that Ensured departures may actually have police on board after all. This reveals a level of coercion during Ensured departures that explicitly crosses even the police’s own line of differentiation between a ‘forced’ and a ‘voluntary’ return. Analytically, it also highlights a line of causation from action at the level of middle management to street level, where bureaucratic practice ends up both producing, and simultaneously hiding, uncertainty, illegibility and incompleteness.

### **Police on board during ‘voluntary’ returns**

One of the most striking discrepancies in my informants’ testimonies was an uncertainty as to how returns might be operationalised because of the problem of layovers. Copenhagen Airport being a regional hub but still offering a limited set of destinations, the majority of flights to typical return destinations in Africa or the Middle East have to include a layover, which my police informants explained would be most frequently Istanbul or Frankfurt. In describing such operations, one police informant explained:

if this is volunteered – they really want to go home, we just take them to Istanbul and put them on the next flight, then stay over in Istanbul and go back to Denmark ... But the very latest, before Covid-19, was that we were allowed to put the volunteers on the flight from Denmark, so we did not escort them to Istanbul. It was the latest. But I don’t know how much is left of it, to be honest!

From this statement it is apparent that, alarmingly, many operations categorized as Ensured have actually had police staff accompanying returnees for the first leg of the journey. Although my informant stated that prior to the Covid-19 pandemic, it had become possible to stop this practice, he also suggested that it now may need to be restarted.

Other informants were also puzzled by this conundrum, with the IOM representative saying, “if they travel only to the first point of transit, is it *påset* [Ensured] or *ledsaget* [Accompanied]? I don’t actually

know.” That even experts in this field are uncertain about the precise practices that operationalize returns from Denmark is a clear indication of the murkiness and uncertainty that characterize deportations. Moreover, given that this problem of how to categorize flights that include a layover must apply to the majority of cases, it seems to suggest that the blurriness of the boundary between the categories Accompanied and Ensured departure must typically include the practice of police travelling with returnees under both categories.

Since, as we have seen, even the most willing of returnees will still end up being lumped into an Ensured departure, this must be understood as constituting a display of coercion that is entirely disproportionate and highly disturbing. It also transgresses even the police’s own highly limited definition of what constitutes voluntariness; as we have seen, they draw that line at whether or not the returnee boards a plane alone or with a police escort. Overall, the example demonstrates that uncertainty, illegibility and incompleteness are being simultaneously produced by, and disguised by, middle management’s administrative processes for street level operations.

In summary, what we see here is that the system that is being produced has next to no material difference between an Accompanied and an Ensured return. Returning to the conversation in the introduction concerning Leerkes and Van Houte’s (2020) analysis of data from Eurostat, the confusion over the meaning of the statistics stemmed from a dispute over whether or not Ensured departures should be considered as forced or voluntary. What this section has shown is that, despite the terms ‘forced’ and ‘voluntary’ still being used in public imaginaries of return – and this being fed by the police, who misleadingly transpose the terms onto their own return categories – both terms have been devalued to the point where neither can be said to exist in any meaningful way anywhere within the Danish returns regime.

In following these categories, it has been seen that through them, middle management has strong interactions with levels both above and below them. Above, the categories have been influential on political outcomes; discussions with the Ministry have taken place concerning them and a historical fourth category caused such political strife that it had to be strategically abandoned. Below, the categories have been constructed in a way that channels the majority of returns into a single category (Ensured) and which fails to capture important details of how returns are actually operationalized. This has had disturbing outcomes in contributing to the production of a field in which Ensured returns become increasingly ‘forced-like’, even for returnees who are cooperative – to the point that they may have a police escort on board the flight regardless. Both above and below, the uncertainty, illegibility and incompleteness were

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seen to be striking in their capacity to both produce and disguise coercive practices that potentially expose the returnee to harm.

The following section will try to make sense of this strange and blurry field by first considering it in light of the concept of ‘nonrecording strategies’ (Kalir & Schendel, 2017) which it superficially resembles. This will then be challenged by setting it against some analytical criteria derived from ‘street level’ (Lipsky, 2010) ethnographies of the police and then locating these within the academic literature of bureaucracy. This selection represents an attempt to construct a middle-management focused approach which captures the level at which my informants were operating. This allows the paper to zoom in on the ways in which bureaucratic procedures become state-making apparatus. It will consider these ideas in light of Zachary Whyte’s concept of the ‘Myopticon’ (2011), where it will be discussed how uncertainty, illegibility and incompleteness can be understood as biopolitical tools from which the state benefits. It will argue that rather than being holistic functions of a panoptic entity, they are prototypical of the haphazard nature of the Danish state’s construction. Nonetheless, they do produce biopolitical outcomes which benefit the Danish state, though perhaps in a somewhat altered manner to that which might be expected through a more traditionally Foucauldian reading of the study.

### **Nonrecording strategies**

One of the most striking features that has been noted about the Danish return categories is the lack of information which they impart. As such, they seem to speak to Kalir and Schendel’s concept of the nonrecording strategy (2017). Noting that the modern state is thought to rely increasingly on its legibility both to itself and to its subjects in order to enact biopolitical strategies of governance, Kalir and Schendel make the claim that there are times and spaces where the opposite is true; that it is through ‘looking away’ that the state operates. They claim that this is a necessary measure for states because the increased knowledge that recording brings carries with it an increased level of accountability, which it prefers to avoid. They thus suggest that “state agents employ non-recording as a conscious strategy, allowing them to disregard, outsource, desert, expel, sanction” (Kalir & Schendel, 2017, p. 2) However, they are clear that nonrecording is not a universal tool; it is operated against particular groups at particular times; as “strategic and selective rather than systemic and pervasive, and as episodic rather than continuous” (2017, p. 2). This makes apparent that this is an analysis of limited behaviour, enacted only against certain people, who the state wishes to marginalize and exclude.

The idea of nonrecording could be particularly salient for understanding the Danish return categories because Kalir and Schendel further suggest that it is through “meso- and street-level bureaucrats” (2017, p. 3) that nonrecording is practiced. By placing the burden of this contradictory procedure at the local or regional level, states are able to deploy nonrecording strategies in covert ways whilst still giving the impression of being a fully recording state at national or international level. As such, it speaks to the possibility that both street level and middle management actors are doing the work to cover up the state’s confusion, illegibility and uncertainty. Vrăbiescu shows that in Romania, this allows the government to present itself as up to date and accountable regarding its citizenry when dealing with the EU, while at the same time continually generating bureaucratic strategies which deny access to citizenship for its Roma population (2017). Kalir and Schendel say of this that “states may project an illusion of vigorous recording, while they actually maintain or intensify the arbitrary and exclusionary aspects of their bureaucratic procedures” (2017, p. 3).

In Denmark itself, the concept has been taken up by Amit and Lindberg’s 2020 investigation of the Danish ‘departure camps’ where rejected asylum seekers can spend months or years being incarcerated and largely ignored by the state. They describe this as:

a de-recording governing technology that enables the Danish government effectively to renounce and pass on responsibility for migrants whom the authorities for various reasons cannot forcibly deport, and to consolidate their deterrence regime against unwanted migration (Amit & Lindberg, 2020, p. 240).

This is largely reminiscent of Kalir’s own study of nonrecording in the Netherlands, where he finds that the state effectively ‘writes off’ undeportable rejected asylum seekers by simply closing their files, frequently leaving them undocumented and homeless (Kalir, 2017a).

Although the subject matter of the Danish return categories is a little different – dealing with the bureaucratic processes for administering those who *can* be returned, rather than those who cannot, it seems at first glance that nonrecording is a strong tool for understanding the procedures at stake. The basic features of a nonrecording strategy are met; the target group are a specific population which the Danish government wishes to exclude, information is inadequately compiled, the fact of this inadequacy assists the state in achieving its objectives – both of looking away from the plight of the individuals it is nonrecording and of implementing their removal from the country. Moreover, the work is carried out by

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actors at lower levels within the bureaucracy and the finished product is presented as if it is complete despite the obvious knowledge gaps.

This said, this paper is cautious of subscribing fully to the idea. Kalir and Schendel are clear that nonrecording is an intentional tool; the very term ‘strategy’ reveals the extent to which this is the case. From the get-go, nonrecording is described as “a deliberate strategy and an important modality of state making and nation making” (2017, p. 1). In this vein, Rozakou finds the Greek government to be employing nonrecording as an intentional method for disrupting asylum seeker’s paths to recognition as refugees by rendering their paperwork illegible (2017). As such, for this study of the Danish return categories, the concept places too much weight on the presumed capacity of the state to enact the biopolitical strategies which it fantasizes of achieving.

The one example where nonrecording does appear to be actualized is the abandoned fourth category “assumed departed”. In wiping the paperwork clean of a category which was causing the state to receive direct criticism for its failure to take responsibility over its marginalized subjects, there seems to be a clear case for seeing the Danish state’s action as strategic, cohesive and deliberate. It is noteworthy to observe that such a management decision would have been taken at a ministerial level, rather than by the police’s own middle management, who would merely have operationalized the act. As such, this also speaks to the observation that nonrecording is enacted by ‘meso- and street-level agents’ but benefits the state nationally or internationally. This makes clear that this paper does not outright reject nonrecording as a theme of analysis. There do appear to be specific, limited locations where it takes place even within this case study, just as Kalir and Schendel suggest.

However, when witnessing the way that nonrecording taking place is contributing to potentially pliant returnees being returned with a police entourage on board the plane with them, it may be tempting to call this a deliberate and malicious strategy, but I did not find any indication during my research to support this. In fact, as we have seen, one police informant even pointed out himself that there was an inconsistency with the attempt to transpose the Danish return categories onto the forced/voluntary binary and said that it was a point of conversation with the Ministry. Whilst there can be no doubt that the state is producing biopolitical outcomes through these categories from which it materially benefits its objectives, the data of this paper speaks against this uniformly being intentionally constructed in the form which it takes.

One intriguing study of nonrecording that speaks to this idea, is Ajay Gandhi’s research into the Indian state’s relationship with African and Bangladeshi migrants, which starts from the premise that “Euro-American states are still often seen as templates for how states elsewhere are understood” (2017,

p. 9). Contending that the complete and fully-functioning recording state imagined in the Global North is not a useful model for states in the Global South, he claims that his “analysis is therefore not to be read as the Indian state’s atypical expression; rather, it is more widely symptomatic of how states employ discretionary capacities” (2017, p. 9). This fits with nonrecording’s idea of a strategy that is limited in its extent; it is only practiced against certain groups of people at certain times. Following Gandhi, this paper posits that state building projects are uncertain, illegible and incomplete not just in the Global South, but as a generalized condition of statehood (Das & Poole, 2004). However, by taking a middle management approach, the paper is able to suggest that this incompleteness is not just due to the social or historical particularities of a case (Gandhi, 2017), but rather captures how it is being reflexively reproduced through bureaucratic encounters as an integral function of the state’s attempt to become panoptic. As such, this helps the paper to identify a particular set of biopolitical relations – and a particular kind of state – in Denmark.

The following sections of the analysis represent an attempt to construct a ‘processual approach’ (Swartz, 1969), which gives an explicitly middle-management focused lens. Doing so will infer a wider scope for the analysis than the concept of nonrecording permits, by suggesting that the confusion, illegibility and uncertainty of the Danish return categories are not limited to this one area but are integral aspects of the state system being reflexively reproduced by the bureaucracy. As such, it claims that understanding this has implications for the nature of governance through bureaucratic systems more generally.

## **Ethnographies of the Police**

When studying the police, a central theme to consider is their role as “street-level bureaucracy” (Lipsky, 2010). This seminal concept treats the social worker or police officer as the point of mediation between state and subject. This also affords them the power to enact discretionary measures which can tip the balance of a situation in whichever direction they decide. More critical analyses point out the way that the case-by-case decisions of the street level bureaucrat tend to reinforce pre-existing assumptions, prejudices or privileges (cf. Kelly, 1994; Skaarup, 2021). It is an important concept for reckoning with the relation between state and state subject as it correctly identifies that it tends to be at this level that the state comes face to face with its subjects and that street level agents thus play a key role in enacting the will of the state. As such, it confirms that exploring this encounter can be fruitful for understanding the nature of the system in which these agents operate. Ethnographic accounts of the police unsurprisingly

tend to focus squarely on this level of analysis (Fassin, 2013). However, this paper seeks to model the activities of the bureaucratic actors a step up from 'street level'; the middle management who mediate between practices at street and state level. As this is not something which has been extensively considered in the literature, this paper looks initially to ethnographies of street level policing to identify important themes and concepts which can be combined with studies of bureaucratic practice to build an understanding of how to approach this case.

David Sausdal's ethnographies of Scandinavian police work consistently claim that the police run the risk of being misrepresented in critical studies. He points out that "difference exists between the reasoning of the Danish Police as a societal institution and the thinking of individual frontline police officers" (Sausdal, 2019b, p. 3); something that has already been observed in this study, where the Dansk Politi website contends that both Accompanied and Ensured departures may be either voluntary or coerced, whilst my police informants labelled them as, respectively, forced or voluntary. Although in this study, I have taken this tension as an example of the murkiness that typifies the Danish returns regime, it is also important to recognize that the individual agency of police officers may be at odds with the policy of the institution for which they work. Sausdal is concerned that studies tend to "become a matter of the anthropologist automatically drawing up a simple good evil binary between the policed and policing actors" (2019a, p. 613). He contends that "deprecating and wholesale labels of policing practices as just 'corrupt', 'prejudiced' or 'violent' doesn't provide the reader with much new or nuanced knowledge about contemporary policing practices" (2019a, pp. 614–615). To overcome this problem whilst studying violent practices conducted by the police, I seek to understand the precise mechanisms and locations that produce and legitimate this violence, the ways they are conditioned by the environments in which they are embedded and the ways in which it produces specific sets of relations between state and subject. This allows the study to make some productive commentary about the form and effect the Danish returns regime without making blame into the objective of the investigation.

One problem is deciding what constitutes violence in the first place. As Nancy Scheper-Hughes observes, "it defies easy categorization; it can be everything and nothing; legitimate or illegitimate; visible or invisible; necessary or useless; senseless and gratuitous" (Scheper-Hughes, 1999). Establishing a definition of violence is therefore instrumental for understanding what practices require attention in this context. In discussion of police violence, the police themselves tend to use quite traditional, literal definitions of violence (Soares et al., 2018). This paper, which concentrates mostly on the threat, rather than actualization, of physical violence and on what both Graeber and Gupta call 'structural violence'

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(2012; 2012), takes a much wider scope. It is therefore important to note that the police themselves may reject the notion that the acts described here actually constitute violence. I choose to challenge them on this in line with Soares et al's contention that:

Most of the studies in police violence do not problematize their own internal perspectives of violence. They are thus guided by the same privileged rhetoric that reinforces minimalistic consciousness and intense normative justifiability amongst police officers. (2018, p. 191)

Didier Fassin's meticulous ethnography of police in Paris followed police work through situations such as violent arrests and deportations where actual physical violence is enacted. His research shows that "officers themselves are convinced they are acting in accordance with the moral code of their profession" (Fassin, 2013, p. 198). Subsequent studies have analyzed police testimonials through socio-moral and psychological perspectives in order to gain insight into this puzzle (Soares et al., 2018, p. 175). Soares et al document the various strategies by which officers rationalize their own use of state power in order to position themselves in line with their directives whilst still maintaining their humanity. This includes a level of 'moral disengagement', in part sustained by rationales such as 'just doing their job' or that the subjects of their violence somehow 'deserve it' (2018, pp. 178–179).

Moral disengagement was something I witnessed clearly in interviews with my police informants. Both sought to frame returnees as criminals, freely substituting one word for the other. As one police informant explained, "[there's] a lot of very very skilled people here, who used to make these cases, used to handle these criminal foreigners." This runs the risk of becoming a justification for behaviour which might not otherwise be readily accepted and places the returnee at risk of being exposed to violence which would not be permissible towards a citizen (Soares et al., 2018, p. 179). Considering practices such as this help to build up an understanding of the world view of police actors. This is important in ensuring that the study does not simply paint the police as 'evil' (Sausdal, 2019a) but rather allows for an appreciation of the particular ways in which the police's relationship to their acts of violence helps to construct the field in a particular form.

One superb example of ethnographic street level research in practice is the recent article by Mette Skaarup studying the Swedish border police on the train connection between Copenhagen and Malmø (2021). In this nuanced study, she challenges assumptions about the effectiveness of the Swedish state's

biopolitical regime, characterising the border as a form of “‘leaky’ biopolitics” (Marr, 2012). Her research shows that the Swedish/Danish border is “shaped by ambiguous discretionary powers, decisions, inherent tensions, everyday and functional ‘glitches’” (Skaarup, 2021, p. 157). Her demonstration of how street level agents disrupt the smooth functioning of the state leads her to challenge the understanding of power as ‘omnipotent and frictionless’. Considering the effect this has on governance, Skaarup concludes that “from the perspective of the Swedish state, these misalignments do not necessarily equal dysfunction either. Perhaps the symbolic and possibly preventative effects of performing border control in itself carries more significance than the exact *degree* of control” (Skaarup, 2021, p. 166 italics in original). As such, it also speaks to the suggestion that even imperfect and incomplete biopolitical relations exert an effect on the state’s subjects.

As was seen during the interviews for this paper, street level action did play a role in generating outcomes, especially when looking at how the decision of a police officer as to whether a returnees was ‘resisting’ or not could change an Ensured operation into an Accompanied one. However, in foregrounding the role of middle management rather than street level action, this paper seeks to demonstrate the ways in which ‘leaky’ biopolitics does not just stem from “a distinct misalignment between ‘what is supposed to happen’ and ‘what actually happens’” (Skaarup, 2021, p. 167) but from the ways in which bureaucratic activity produces strategies of biopolitical control in the first place. As such, it forms a complementary approach which captures the systemic ways in which bureaucracy reproduces its own uncertainty, illegibility and incompleteness through the very practices with which it seeks to realise its panoptic fantasies.

This section has sought to tease out some of the nuances that need to be captured in an analysis of police practice, especially one which explores acts of violence which they commit. It has shown that although it is inadequate to simply decry the police as violent, there is a need to build wider definitions of violence and to chart the ways in which this is constituted through specific police practices. It has also shown that while it is mistaken to assume that all officers represent the official stated position of their organisation, looking at the ways they employ strategies such as rationalisation allows us to understand how they locate their actions within officially sanctioned logics that justify their behaviour and that doing so will help us to see more clearly the system in which they operate. Finally, it has shown that employing these considerations allows a study of street level policing to make a more subtle analysis of the limits to the state’s biopolitical capabilities. However, this paper argues that a middle-out approach, focusing on the bureaucratic agents administering the middle management of the state apparatus, reveals that such

limitations are not simply aberrations generated through the interactions of street level encounters, but are being systematically produced. In order to see how a study of police activity from a middle management perspective can speak to a deeper analysis of state-building action, I will develop the argument by turning to literature from the ethnography of bureaucracy. In doing so, I will explore how structural violence is being produced by the police return categories and show that understanding this allows us to consider the state's biopolitical strategies of governance.

## Bureaucracy

Perhaps the most striking feature of the literature on bureaucracy is its sparsity. Having been presented as the natural and neutral expression of a rational state (Weber, 1978), it has long been overlooked as a topic for rich analytical discussion. However, there are some valuable exceptions to this trend. Navaro-Yashin, in her superb ethnography of Cypriots living in London and their responses to state correspondence, seeks to denaturalize Weberian assumptions about bureaucratic relations between state and subject. To do this, she situates her argument in the Anthropology of Things (cf. Gell, 1998) and describes bureaucratic documents as 'affectively loaded phenomena' (2007, p. 81). Her case study does much to show the highly affective impact the receipt of a document can have upon the recipient. In doing so, she draws attention to the "non-rational underside of apparently rationalized state functions" (Navaro-Yashin, 2007, p. 84), showing that bureaucratic documents are both affective and partial. She contends that "legal procedures and regulations... incite affectivities among those at its margins, which are not represented or imagined in formal portrayals of 'the law' in Europe" (2007, p. 81). This is important in showing the lopsided power structure which is enacted through the state's bureaucratic relation with its subjects.

David Graeber takes the argument a step further, casting bureaucratic action as structural violence. He elaborates that "bureaucratic procedures are... ways of managing social situations that are already stupid because they are founded on structural violence" (2012, p. 112), which he describes as the product of fundamentally lopsided power relations between the bureaucrat and the subject. Positioning the police at the heart of his analysis, he describes their role as "the scientific application of physical force to aid in the resolution of administrative problems". His argument shows how this unequal power relation forces those at the bottom of the social spectrum to do the imaginative labour of rationalizing and understanding the (violent) actions of those at the top. This is a suggestion which cannot be tested in this

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case study, as returnees were not interviewed, but what this analysis does highlight is that the imposition of the police's return categories is itself an act of structural violence.

Graeber suggests that in most cases, the actions made by the police are “a matter of applying very simple preexisting templates to complex and often ambiguous situations” (Graeber, 2012, p. 119). In other words, police practice is operationalized by the conversion of complex, messy, real-life situations into formulaic outcomes through following pre-determined protocol. In studying the Danish return categories, it is clear that this proclivity to simply follow protocol ends up becoming a formula for the production of the categories – and especially for the way that they reduce and obscure the motivations of those being returned. This particularly highlights the way that assigning over 90% of returnees into the Ensured departure category is a structurally violent action.

Graeber has given us some strong tools. His idea of bureaucracy as structural violence is a useful means to challenge the police's own limited and rigid definitions of violence (Soares et al., 2018). This brings to attention the important point that the imposition of returnees into these three police categories is an act of violence in itself as it does so disregards the returnee's motivation to return and channels them into a sequence of pre-determined protocols which may include levels of coercion that are disproportionate to the level of resistance the returnee has made. Moreover, it serves to hide the structurally violent implications of the work behind a superficially smooth bureaucratic veneer which disguises the uncertainty, illegibility and incompleteness it produces.

However, although the argument is compelling, Graeber does not really attend to the kind of nuance which Sausdal's police ethnography (2019a) demands. The fact that the text is the transcript of a lecture rather than a journal article, goes some way to corroborating the more sensationalist tone; it was written to be 'performed' rather than read individually. Nonetheless, there is a tendency to present the individual police officer as an unequivocal representative of state power, senselessly imposing violence on the ever-suffering subject. There is also an element of unclarity as Graeber does not clearly define at what level his analysis of bureaucracy is addressed. His blanket reference to police as “bureaucrats with weapons” (2012, p. 119) suggests that he is referring to those at street level although this does not clearly come through in his analysis. As such, for this case study, his conception of bureaucratically-imposed structural violence risks the conflation with physical violence imposed at street level. Graeber's insights can benefit from being positioned relative to the ideas of Akhil Gupta, especially from his book *Red Tape*. It will be seen that Gupta's work contains a blueprint for understanding sovereign decision-making through bureaucratic practices, which gives weight to the relevance of my case study.

Gupta's extensive and highly creative ethnography of India's bureaucracy is one of the most detailed and nuanced accounts within the genre. In contrast with Graeber's entertaining yet somewhat reductive bludgeoning of state bureaucracy, Gupta contends that "broad-brushed dismissal of bureaucratic writing as intrinsically perpetuating structural violence is mistaken and obscures the complexly mediated relationship between forms of writing and structural violence" (2012, p. 142). Like Graeber, Gupta sees the police as a central feature of the bureaucracy, who as a first step in any situation "take out their notebooks" (2012, p. 143). However, his gigantic study considers bureaucracy in many other locations too, particularly the civil service. This is helpful for this paper in creating a clearer differentiation between the levels at which police violence operates, since much of the 'structural violence' which this paper identifies happens far above street level. By teasing out the violence police commit through paperwork, Gupta makes it clear that, for his analysis, writing is the most offensive weapon they have at their disposal. With his research primarily concerned with acts of writing, he defines writing broadly, particularly with regard to that most signature technology of the bureaucrat, the form. He explains:

A witness who gives testimony in court, a refugee or asylum seeker who appears before a tribunal, a taxpayer who is audited by the revenue department, all produce performances that are larger, oral versions of the form. The information they have to impart has to be coded and organized into a particular pattern, a form that is recognizable by the court or the bureaucrat. (2012, p. 145)

This clearly locates the Danish return categories within his frame of analysis. Not only the categories themselves, but also the method of determination by which a returnee falls into one category or the other, can be understood through Gupta's lens. Gupta explains:

A type of writing that defies easy categorization creates the problem of where it is to be filed. This is perhaps one of the most important reasons bureaucracies prefer forms. In the absence of a form, the problem of filing writing in its appropriate place becomes enormous. This is not just a matter of narrowly bureaucratic thinking. If something cannot be filed appropriately, it becomes hard to retrieve. Moreover, if it cannot be categorized, can it be counted? And how is the counting to be done? Problems of classification and statistics therefore go hand in hand: both concern the transformation of the many particulars into the few types that can facilitate comparison. (2012, p. 156)

Seen from this perspective, the police's decision to create a limited and simple set of categories, each associated with a specific and clearly defined practice, is a straightforwardly pragmatic and productive choice. Without this as a method, the problem of how to handle returnees would rapidly spiral out of control. This corresponds with the operationalization of the Danish return categories, which as Michala Bendixen of Refugees Welcome suggested, were probably created from an internal police administrative need. Here, that decision is firmly set in Gupta's analysis, by showing that it was most probably made as a practical solution to help solve a complex administrative task.

What is disturbing about this is that the outcome is being achieved without taking into account the effects that this bureaucratic strategy is having upon the returnees who are subjected to it. This ties with Graeber's suggestion that violent strategies are an effective form of communication because they do not require the perpetrator to understand the victim (2012). To this effect, Gupta himself reminds the reader that the "inherently political nature of statistics should be a warning sign as to its potential for structural violence" (2012, p. 159). The importance of this becomes clear when considering the categories in light of the way they obscure real differences between individual returnees. Not only is this itself an act of structural violence, as we have already seen, but the fact that the police are thus empowered to present their own (uncertain, illegible, incomplete) solution as empirical fact, is also an expression of a highly lopsided power relation which Graeber has shown is a form of structural violence more generally. This harks back to the inherent power of statecraft to write the rule book through its own actions (Scott, 1998); a notion which Gupta challenges by identifying the fragmented nature of statehood (2012).

Referring to Agamben's assertion that the state produces 'bare life' (zoë) among its subjects using bureaucratic writing as a tool (1997), Gupta suggests that "if one directs attention to these practices, one might better understand the operation of the sovereign decision and arrive at a more careful appreciation of exactly what relation such a decision has to the production of bare life" (2012, p. 142). This provides an important validation for the idea that an examination of the police's bureaucratic practices regarding categorization of returnees allows insight into the behaviour of the Danish state and its relation to its subjects.

Gupta's superb observation that "if one may derive from Foucault the suggestion of an inherent affinity between the biopolitical and the statistical, then forms are the critical modality by which one is converted into the other" (2012, p. 145) makes clear that in understanding the ways in which the police categorize returnees, we are able to glimpse the biopolitical strategies of governance which the Danish state employs. The poet and social critic Hillaire Belloc famously quipped, "Statistics are the triumph of

the quantitative method, and the quantitative method is the victory of sterility and death” (Belloc, 2008). Although a tad irreverent, taking this observation at face value gives a suggestion of the inter-relation of biopolitics and thanatopolitics through the medium of bureaucratic technologies. The testimony of my informants certainly seems to support this. Tone Nielsen, director of Trampoline House, an NGO which provided support to asylum seekers in Copenhagen prior to its recent closure, described people in the asylum system who are reduced to “walking around like Zombies... that they deteriorate.” This serves to underscore the very real implications of this overlap for those unfortunates who get caught in the cracks in the returns system. Although beyond the scope of this study, it suggests that structural violence may be an important lens for understanding practices imposed across other areas of the Danish asylum system.

An examination of Gupta’s work has pointed at a more nuanced angle through which to analyze the police’s return categories. Having located the police at the heart of bureaucratic practice, it has afforded a definition of categorization as a method of coding and organizing returnees, which can be understood as a structurally violent relation. This can be seen to run deeper into the practice of categorization than was apparent from Graeber’s analysis. Further, having followed Agamben in making a clear link between bureaucratic practice and biopolitics (1997), it suggests that the practice itself should be the point of investigation in order to understand the state’s actions. Such an analysis can thus be expected to reveal the state’s biopolitical strategies. How to achieve this will now form the basis of the remainder of the analysis.

### **Uncertain, Illegible, Incomplete states**

Weber argued that “a compulsory political organization with continuous operations (*politischer Anstaltsbetrieb*) will be called a ‘state’ in so far as its administrative staff successfully upholds the claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order” (1978, p. 54). Practices of return and the violent acts contained within this field must thus be understood as a way of producing and maintaining the borders of the nation state. Building from this position, Veena Das and Deborah Poole argue that “the forms of illegibility, partial belonging, and disorder that seem to inhabit the margins of the state constitute its necessary condition as a theoretical and political object” (2004, p. 5) In their book, “Anthropology in the margins of the state”, Das and Poole draw together the ethnographies of a number of authors, to make the overarching claim that violent acts undertaken in the margins are not an aberration but rather a locus point at which the universal nature of the state is

exposed. On the basis of this, I argue that my case study has significance for understanding something about the way in which the Danish state is produced beyond just its returns regime.

Das and Poole are, moreover, keen to point out “the many different spaces, forms, and practices through which the state is continually both experienced and undone through the *illegibility* of its own practices, documents, and *words*” (2004, pp. 8–9 emphasis in original). Their work thus weighs in on the suspicion that the uncertainty, illegibility and incompleteness surrounding the Danish return categories is in some way constitutive of the whole field. However, in considering how the state is both ‘experienced’ and ‘undone’ through its illegibility, Das and Poole propose a conundrum which appears to be more complex than a simple biopolitical tool; to say that illegibility has become a biopolitical weapon in the state arsenal against its migrant subjects would be to ignore the ways in which the state is also ‘undone’ by those same practices.

In the case of the Danish return categories, it does seem apparent that their uncertainty, illegibility and incompleteness are being reflexively reproduced through the bureaucratic encounter. As has been seen, there was no evidence to suggest that they were deliberately constructed in this form with an intention to nonrecord. It seems more reasonable to understand that they emerged in a somewhat ad hoc manner from an administrative need to keep a record of the police’s involvement with the cases they were operationalizing. The police themselves even appeared aware of the confusion and claimed to be in discussion about this at a ministerial level.

On the other hand, it is also clear that the peculiar form these categories have taken has generated a biopolitical outcome in which the Danish state is able to manage a regime of highly coercive returns, presented as voluntarily undertaken. This has been achieved by reinterpreting the meanings of the return categories to construct them as indications of forcedness or voluntariness in a way that disguises the pressure imposed on returnees. It also provides a frame to view the contradiction between the police’s statements on the website that both Accompanied and Ensured returns can be either forced or voluntary, and my police informants’ statements that Accompanied is forced and Ensured is voluntary. Though perhaps less direct and effective than a more coherent message would be, the ensuing uncertainty, illegibility and incompleteness itself creates an environment which requires interpretation, thus positioning the police as translators of the field. This position, as both producers and translators of the systems they generate, suggests an understanding of the police as brokers of their own bureaucracy (Berenschot, 2014)<sup>2</sup>. Whilst this is not the focus of this paper, it is worth making the point here as viewing

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<sup>2</sup> As a competing strand in the ethnographic literature, brokerage could have made for an interesting alternative as an analytical framework for this case study. I chose to take a middle management approach instead as I think this

the police as brokers helps to demonstrate how the police's middle management become indispensable actors through acts which 'undo' the production of the Danish state and yet are simultaneously repurposed to create it. Capturing this contradictory environment requires an analytical lens which can describe the interaction between an uncertain, illegible and incomplete bureaucratic system and the people who are subjected to its biopolitical outcomes. To do this, the paper turns to Zachary Whyte, whose idea of the 'Myopticon' is instructive in building an alternative view of this interaction. This permits an understanding of Foucauldian processes at work, whilst still challenging the panoptic bias which this usually generates.

In Jeremy Bentham's Panopticon, the defining characteristic of a prison institution is a central watchtower potentially giving full visual access to all inmates, without the watcher being themselves visible. Bentham's assumption was that in such an environment, where inmates never know whether they are under direct observation in any given moment, they will start to self-regulate their behaviour to always comply with institutional rules *as if* they were being directly observed (McLaughlin & Muncie, 2013). Michael Foucault developed this idea, using it as a metaphor to understand the organization of the entire apparatus of the modern nation state (1995). This compelling analysis has become established as one of the defining descriptions of state power and a central means for understanding processes of social control and hegemony. However, critics of Foucault have challenged his assumptions about the extent to which states can truly wield this enormous power and to which they do so with full consciousness of the oppressive measures which they may inflict upon their subjects (cf. Marr, 2012; Skaarup, 2021). In redetermining the Danish state as myoptic, rather than panoptic, Zachary Whyte rather neatly turns the story on its head (2011).

Whyte's analysis comes from conducting fieldwork in an asylum center on the Danish island of Bornholm. Whyte observed not only the physical layout of the center, but also the bureaucratic processes which residents navigated in order to walk the line between being seen to comply with the rules and also tacitly breaking them in order to enjoy a richer and more meaningful existence than this restrictive environment technically permitted. His research demonstrated that residents were aware that they could to some extent operate 'under the radar' and that complete compliance with the rules was unnecessary.

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better captures the intrinsic relationship that police bureaucrats have with the state. However, the overlaps with brokerage are strong and it would be interesting to consider the police from this angle, which might have better captured the shadier aspects of their activity, though perhaps at the expense of demonstrating their integral location within state structures. As such, a middle management approach is better placed to show how this group generate processes which affect the governmental and street levels above and below.

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However, it was also apparent that there were certain grey zones in which it was highly unclear what the state could and could not see. There appeared to be a consensus that not everything was visible, however, where the actual boundaries lay was murky and out of focus. What this meant in practical terms was that residents of the Myopticon experienced some level of self-regulation of behaviour, though not in the form of perfect adherence to prohibitive rules as ought to occur in a panoptic environment. What was produced instead was a set of informal practices allowing residents to remain in the shadows whilst breaking rules, as well as an environment of uncertainty, insecurity and abounding rumour.

From an analytical perspective, the Myopticon is appealing in that it is as much penetrating as it is playful. The suggestion that the frictionless, panoptic fantasies of the state are contained by the actual, lived experience of operating against the drag of the physical world helps to construct an image of a state which is simultaneously empowered and limited by the bureaucratic processes in which it invests and through which it makes necessary compromises. Whilst thus producing an image of the state which appears perhaps more realistic than Foucault's terrifying, hegemonic behemoth, it also pokes fun at the state's panoptic aspirations. Moreover, this picture has far greater moral ambivalence than the Panopticon. Under the partial, blurry gaze of the Myopticon, it is much less clear whether the state's actual outputs occur as intended functions of the system, or as unexpected byproducts. As such, it suggests that state-making practices are governed by multiple and competing logics whose relative importance is not static, but continually contested and shifting.

Recognizing what happens when the partially-sighted nature of state apparatus is deployed as if it is panoptic, it is clear that this is a superb match for understanding the Danish return categories. It captures how they appear to be bureaucratic, intra-institutional and ad hoc, and how they come to function as substitutes for the overlapping categorical constructs of forced/voluntary that they were never intended to represent – and what happens as a consequence. As has been well understood, these categories may serve a genuinely useful function for police administrators who are interested in keeping tabs on the extent to which the police intervene in a given case and which procedures need to be undertaken to see it through. However, through the lens of the Myopticon, it becomes apparent that this blinkered view of the field quickly devolves into the total sum of knowledge to which the state is privy to regarding its handling of returnees. When the police engage in public discussion about returnees and need to produce statistics to back up their statements, these categories are the only information available. The fact that the information does not readily transfer from one situation to the other becomes obscured through a set of rather reductive rationalisations which the police, as both experts in – and executors of – this field,

can make without being substantially challenged. As a result, the Danish return categories become the substrate for a morally loaded debate about forced vs. voluntary return, despite not containing vital information about returnees' motivation to return. Not only is this presented in ways that disguise its inadequacy, but the resulting confusion is appropriated by the state as a means to push its own strategic agenda of maximizing the number of deportations whilst simultaneously diverting attention from the violence it is unleashing on its subjects.

What is particularly intriguing about this angle of analysis is the way in which, although the Danish state may fantasise of being panoptic, the bureaucratic measures through which it enacts this desire limit its ability to achieve this goal. However, despite the Myopticon's failure to realise its supposed panoptic potential, Whyte suggests that it nonetheless produces forms of biopolitical control that are reminiscent of the Panopticon, though they manifest in a different form. This fits well with Das and Poole's insistence that a state is both 'experienced and undone' through its illegibility (2004). Moreover, it implies an analysis of the subtle ways in which power manages to reproduce itself even in situations where it is not absolute. In achieving this, it invites a more nuanced conversation about the nature of state power. What this shows is that though the Danish state might imagine itself as a panoptic entity, using bureaucratic measures to realise this ambition by definition limits the state's vision to the range of information which its administrative practices can capture. This leaves 'blind spots' which become sites of contestation between state and subject; Whyte's research revealed how some of these were appropriated by asylum residents, although this led to a culture of insecurity which served to somewhat manage asylum seeker behaviour. As such, the Myopticon continues to function as a biopolitical entity, though in a different way to its hypothetical panoptic cousin.

It has not been possible to study the effects of a myoptic Danish state upon returnees in the way that Whyte could within the asylum system. To do so would require a close ethnography of highly marginalized and vulnerable informants, who might risk further trauma or injury as a consequence of their participation. Any case study would need to be carefully weighed up in terms of potential benefits and harms. Nonetheless, the Myopticon points to a potentially much larger mode of operation for a system of governance. As such, it speaks to Gupta's suggestion that through an examination of the process of bureaucratic procedure, it is possible to understand the biopolitical relations which the state produces (2012, p. 142). Whilst any conclusions about the scope or range of myoptical governance must of course remain tentative, this is an invitation for further research to investigate whether it can be seen in other locations, further from the border. Das and Poole's suggestion that the violence at the margins "constitute its necessary condition as a theoretical and political object" (2004, p. 5) certainly seems to imply that the

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Myopticon will be reproduced in less peripheral zones of the state. Such studies could be instrumental in determining the effects of myoptic governance as a more generalized condition of statehood.

This section has shown how this analysis gains depth by following through on Gupta's suggestion that by examining actual bureaucratic practice, it becomes possible to better understand sovereign decision making (2012, p. 142). Considering this case study as an expression of the state being both "experienced and undone" (Das & Poole, 2004) by its bureaucracy has helped to make the case that the Danish return categories are contributing to the production of myoptic government. This has allowed this paper to explore the extent to which the panoptic fantasies of the state are created in a restricted, occluded form – and yet how this itself becomes a biopolitical tool. This also greatly widens the scope of the analysis, by suggesting a mode of governance that may reach far beyond the field of asylum and return.

## Conclusion

Recent debate concerning the (now-abandoned) idea of a new departure centre in Langeland (DR, 2021) demonstrates the growing consensus concerning deportation that is developing across the political spectrum (Kalir & Wissink, 2016). This serves as a reminder that deportations remain of central concern both politically and analytically and underscores the enormous responsibility to question and challenge the underlying assumptions, imbalances and biases that permit such a consensus to operate. This paper has sought to explore the bureaucratic encounters of the Danish police's middle management in the field of returns from Denmark; encounters which have been shown to be a central pillar of state-making practice. As such, it has shown that a middle management approach allows for a complementary critique to the one from street level. Through an examination of the categories which the police use to classify migrant return operations, the paper has demonstrated that levels of structural violence imposed on returnees are being simultaneously produced by and concealed behind the uncertainty, illegibility and incompleteness of the regime. By foregrounding the partial, affective nature of bureaucratic practices (Navaro-Yashin, 2007), it has challenged the reification of the state that is performed through models which idealise it as a complete entity (Gupta, 2012). To achieve this, the paper has questioned the panoptic bias present in much of border studies literature by suggesting that uncertainty, illegibility and incompleteness are not being intentionally constructed, but rather continuously emerge in an accidental and ad hoc manner. This represents the state being simultaneously "experienced and undone" (Das & Poole, 2004) through its bureaucratic infrastructure. In understanding this, the paper has challenged the

study's superficial resemblance to a 'nonrecording strategy' (Kalir & Schendel, 2017). Preferring a myopic (Whyte, 2011) reading of the case study has shown how the categories become biopolitical tools nonetheless, though in an altered form.

The Danish return categories provide rich ground for analysis. Another way of looking at this case would be to consider it in light of the 'humanitarianization' of returns (Fassin, 2005; Lemberg-Pedersen, 2021; Pallister-Wilkins, 2020). Within this paradigm, Assisted Voluntary Return has been presented as meeting Human Development Index goals (IOM, 2020) and even deportation of unaccompanied minors is represented in ways which repurpose and limit human rights discourses, such as those around family reunification, to benefit the state's objective of maximizing returns (Lemberg-Pedersen, 2021). This practice became highly visible during interviews with my police informants. In describing how a return plays out, one explained, "our main focus is to uphold their dignity. To meet them in their culture, to make them understand that – this really is not your choice, let's do this together in the best possible way." I hypothesize that this kind of 'humanitarian-lite' logic, in which human dignity is supposedly upheld through acts which nonetheless endanger or marginalize vulnerable individuals, plays out throughout the case study of the Danish return categories. As such, research could help to demonstrate the ways in which the concept of humanitarianism, at its heart, underscores a 'liberal political order' (Pallister-Wilkins, 2020).

The need to explore the deportation field in this way will continue to warrant studies as the particular constellations that underscore them are dynamic and ever-changing. At this seminal moment in the EU's history, in which the union seeks to recover from the Covid-19 pandemic and reassert itself after Brexit, migration politics are at the heart of many political debates within the EU. This prompts the questions of whether deportations might become more similar across EU states in future, and what role Denmark may play in that. Annika Lindberg points to the way in which other EU states are increasingly looking to follow Scandinavian models of returnee governance (Kristeligt Dagblad, 2019). That said, Matthias Tesfaye, Minister of Immigration and Integration, continues to push for greater independence from EU regulations regarding immigration issues (UIM, 2021). What can be seen is that the hotly contested relationships between the EU and its member states will continue to play out over migration issues and that Denmark will remain an important locus for the ways these debates take form.

The advancing and receding of EU vs. state governance has massive implications for fundamental questions of sovereignty which coalesce within other, more discrete debates and are potently captured by discussions concerning deportation (Anderson et al., 2011). Within the specific case study of the Danish return categories, wide differences between how EU states approach and record deportation (Leerkes &

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Van Houte, 2020) highlight the enormous administrative challenges that need to be overcome in order to centralise deportation policies across the region. My police informants were clear in their resistance to such an idea. Regarding centralizing attempts made by the European Border and Coastguard Agency (Frontex) – including paying for returnees’ flights on multi-national return operations and sending experts to help optimize police work – one police superintendent quipped, “if it made sense, we would use it. That’s the perspective we make on everything that Frontex is offering... why should I have a return specialist sitting here, who doesn’t understand the Danish papers that’s in front of him?” As such, the return categories may serve to foreground new challenges including language barriers and the competition between different ministries, governments and agencies which could be compounding the ways in which uncertainty, illegibility and incompleteness play into EU-wide contestations of power and sovereignty.

Such a field challenges academics to keep looking for new ways to study states. This paper has taken a step in that direction by foregrounding the police’s middle management as producers of state bureaucratic practice. Acknowledging the consequently fragmented nature of the Danish state helps to build a clearer picture of how state-making works in Denmark and beyond. With that, it allows academia, and actors beyond, to advocate for systems of governance which better represent the people who are subjected to them.

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