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Paying Refugees to Leave

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Abstract

States are increasingly paying refugees to repatriate, hoping to decrease the number of refugees residing within their borders. Drawing on in-depth interviews from East Africa, and data from Israeli Labour Statistics, I provide a description of such payment schemes, and consider whether they are morally permissible. In doing so, I address two types of cases. In the first type of case, governments pay refugees to repatriate to high-risk countries, never coercing them into returning. I argue that such payments are permissible if refugees' choices are voluntary, and states allow refugees to return to the host country in the event of an emergency. I then describe cases where states detain refugees, and non-governmental organizations (NGOs) provide their own payments to refugees wishing to repatriate. In such cases, NGOs are only permitted to provide payments if the funds are sufficient to ensure post-return safety, and if providing payments does not reinforce the government's detention policy.

This article sets out to establish when, if ever, states and organizations are morally permitted to pay refugees to return to their countries of origin. Such payments have become increasingly common over the last decade. In 2007 the Swedish government provided $7,150 to families agreeing to repatriate to Afghanistan (UNHCR, 2007). A year later, the Ghanaian government, working with the UN, gave refugees $100 to return to Liberia (Omata, 2011). Soon after, Denmark began offering $18,700 to anyone returning to Iraq, Iran, and Somalia (The Telegraph 2009). In 2010 the British National Party, in an election campaign, promised to give $78,000 to migrants or refugees who agreed to leave the country. The BNP was never elected, but in 2011 the UK government handed over $3,500 in cash to families agreeing to return to Zimbabwe (Weber, 2011). More recently, Australian Prime Minster Tony Abbott proposed paying asylum seekers $10,000 to go back to their countries of origin (Whyte, 2014) and in 2013 the Israeli government began giving $3,500 to thousands of asylum seekers who agreed to repatriate. Those who refused to repatriate were given $3,500 to accept a one-way ticket to Uganda, Rwanda, or Ethiopia, where they would be unable to obtain any legal status. In all six of these cases, and many more (Riiskjaer, 2008 and Black et al, 2011), a large proportion of those returning were refugees, or owed protection on humanitarian grounds.

Such payments for repatriation are not new (Stoessinger 1963, pp. 68-71 and Barnett and Finnemore, 2004), but there have been few studies describing such policies, nor a philosophical analysis as to whether they are ethical. While many scholars describe forced deportations, arguing that forcing refugees to repatriate is wrong (Fekete, 2005, Carens, ibid; Gibney, ibid), payments often involve no force, serving as incentives alone. It is unclear when, if ever, such incentives are legitimate.

In addressing this question, this article describes and resolves two dilemmas concerning payments. In the following section I address a "Motivation Dilemma." When governments provide payments, we might think the payments are wrong

because they motivate refugees to partake in risky repatriation. But though refugees are motivated to take risks, perhaps this is not wrong, if their choice is voluntary. In Section 2 I will address a "Voluntariness Dilemma." In many cases, refugees or migrants are forced into detention by government authorities. Non-governmental organizations (NGOs), eager to help, provide money to refugees and asylum seekers who return. It is not clear if NGOs should be providing such money, given that recipients are returning involuntarily.

Before addressing these dilemmas, a number of clarifications. The refugees under consideration are primarily those whom the UN claims should not be forcibly returned, but instead given asylum or the opportunity to apply for refugee status. These are individuals whose lives will likely be at risk from persecution if they return (1951 Convention and 1967 Protocol). I will assume that individuals who have fled persecution should only be forced to repatriate if, at the very least, they can return to safety and as equal citizens in their countries of origin, able to obtain restitution of lost property, and compensation for past wrongs (Long, 2013: 162 and Bradley, 2014). I focus on those refugees who cannot obtain such rights in their home countries, and so who should not be forcibly repatriated.

Though I mostly focus on refugees fleeing persecution, I will at times discuss individuals fleeing general violence and food insecurity. I assume that coercing such "survival migrants" (Betts, 2010) to leave is unethical if the state has the capacity to accept such individuals without incurring great costs, and if accepting these migrants is the only way to ensure that they obtain basic human rights. This claim is supported not only by philosophers who believe in open borders, such as Joseph Carens (ibid) but also by those who defend states' right to exclude immigrants, such as David Miller (ibid), Matthew Gibney (ibid), and even some states themselves (Betts ibid). As such, it serves as a "minimal ethical standard" (Hidalgo, ibid) to

determine who states should not deport, leaving open the question of who states should pay to leave.

Though I make the above assumptions, one may accept the general conclusions I reach, while still disagreeing on who deserves asylum. My goal is not to settle the debate about whom states should protect, but to resolve the puzzle of who should be paid to leave, if there is a consensus that protection is warranted.

I focus on monetary incentives throughout this article. The UN has also provided food, soap, and shelter to encourage repatriation (Turton and Marsden, 2002, p. 27). I put such cases aside because there is far less evidence that non-monetary assistance actually encourages repatriation. Nonetheless, if there is evidence that such assistance encourages return in a similar manner to money, then similar dilemmas arise, requiring similar solutions to those I pose.

Throughout the article, I shall raise examples of repatriation from a number of countries. However, I provide far more in-depth descriptions of repatriation from Israel. This is partly because the country has publicized detailed statistics on the number who have returned, the extent of detention, and the amount of money provided to individuals returning. Such details are useful for drawing inferences on how money may motivate return, and how detention may impact refugees' decisions to accept payments for return. Furthermore, due to my ties to the refugee community in Israel, I was able to conduct extensive research on their return, spending a total of half a year in South Sudan, Uganda, and Ethiopia, interviewing 126 former refugees who had returned from Israel.[1] and an additional 29 interviews with individuals who returned, or were about to return, to other countries of

[1] I first contacted three individuals whose phone numbers were provided to me by NGOs who facilitated return. I then interviewed these returnees and their acquaintances, until exhausting all links.

origin.[2] These interviews provided valuable qualitative data on the process of payments themselves, not available in current literature.

Though I present original data on Israel, I shall demonstrate that the case of Israel is not entirely different from other repatriation programs, and raises similar ethical dilemmas to those found in other countries. From these dilemmas I develop a general theory of how governments may develop a more ethical payment policy.

1. Motivation Dilemma

Motivation Dilemmas occur when states offer refugees full protection, and motivate them to decline this protection, providing money on the condition that they repatriate. It is unclear if states are ethically permitted to provide such payments.

Consider, for example, the case of Gatlauk, who fled southern Sudan as a young boy during the Second Sudanese Civil War in the 1980s. As an adult he eventually took a boat to Egypt and crossed into Israel with the help of smugglers. In Israel the government never assessed his claim that he was a refugee, but provided a temporary visa as part of general protection granted to all southern Sudanese refugees. He was satisfied with his life in Israel, as he was free to work in a hotel, experiencing no coercive pressure to leave. When South Sudan became an independent country in 2011 Gatluak still feared returning due to his ethnic identity, and because he lacked family networks to ensure basic food security after returning. He changed his mind in 2012, returning when the Ministry of Interior told him he could receive $1,500 for his repatriation. Upon arriving in Juba, he spent the money on apartment rent and food, but failed to find a job. Within six months his money ran out, and he began living on a concrete patio outside a police station

[2] These included twelve individuals interviewed in Thailand after return, four in Ethiopia, one in the Philippines, two in Guinea, and three in Nigeria. Those I interviewed before return included two individuals from Togo, a woman from Ethiopia, a woman from the Philippines, and three family members planning on returning to Colombia.

in Juba, without shelter, savings, job skills, family, or daily meals. When I visited him that year, strangers were providing him limited food, medicine, and water. He did not know how long their charity would last, and had no access to state services (Interview with Gatluak, 15 March 2012). I was unable to reach him when the South Sudanese Civil War broke out in 2013. Based on my interviews with other former refugees who returned, he was likely displaced, and possibly killed.

We might suppose that, in Gatluak's case, the Israeli government did not truly provide him protection, because they merely let him work, without providing him official residency or the right to apply for asylum. We might also suppose that, when asylum seekers cannot apply for asylum, we cannot be certain they are genuine refugees, because their individual claims are never assessed. But Motivation Dilemmas also arise in cases where states do assess all claims, providing both residency status and money to encourage return. In the 1990s Australia recognized thousands of Afghan asylum seekers as refugees, providing them access to social services, work visas, and healthcare, later offering each family $10,000 to repatriate in 2002. 3,400 refugees chose to return, their fate never monitored by the government, but likely leading to the deaths of at least some of these refugees (Mansouri and Wood, 2006, p. 9). In the 1990s the German government assessed the claims of all Bosnian asylum seekers, and recognized them as refugees, later using monetary incentives to motivate them to repatriate to a country where they faced extreme poverty and discrimination (von Lersner et al, 2008). Sweden, when providing payments to Afghan refugees, similarly assessed their claims, provided both refugee status and money to repatriate (UNHCR, 2007).

The UN's official position is that such payments can be legitimate if there is evidence that conditions have substantially improved in refugees' countries of origin, such that returnees' lives will not be at risk (UNHCR, 1996). The UN will also endorse cash payments when, though conditions remain unsafe, there is evidence

that conditions are improving, and refugees' status will soon be revoked, as when the UN provided $100 to Liberian refugees repatriating from Ghana in 2008 (Omata, 2011, pp. 1 and 14). It is not clear if such payments are truly ethical, nor is it clear if payments are ethical when return is clearly unsafe and will remain unsafe, and governments use no coercion, providing monetary incentives alone.

Before considering the ethics of such policies, it is worth establishing if there is empirical evidence that money really does motivate return. In the cases noted, refugees may be responding only to fear of future detention, or a belief that conditions have improved in their countries of origin.

Data from Israeli labour statistics provides limited evidence that money was, at the very least, strongly correlated with decisions to return, even when detention rates were relatively low, and conditions in countries of origin remained the same. In the months that refugees were paid more money to leave, more refugees agreed to return, even when the detention rates were the same as in other months, and conditions in countries of origin remained the same.[3] For example, in October 2013, the government paid all asylum seekers $1,500 if they left the country, and also began detaining asylum seekers. 180 left. While the number dropped in November, when the High Court of Justice ordered that asylum seekers be released, from the beginning of December the government passed new legislation to detain refugees, and also increased the grant money to $3,500, such that detention policies were similar to October, but the payments greater. 295 returned in December compared to October's 180, a significant increase.

There was also evidence that the government provided money for return precisely when detaining refugees became legally difficult. In March 2013, the UN and Israeli

[3] See Appendix at https://docs.google.com/document/d/1I2uNJ4x3_h8SHRc5Oc64mNUWMijkyvbbYSwVlPERmiM/edit?usp=sharing

High Court of Justice pressured the government to stop detaining refugees and, that same month, the government increased the payments from $100 to $1,500. Between March and August 2013 the government found other ways to detain refugees, using a series of by-laws to circumvent the court's instructions, and it also never raised the payments. The High Court ordered the end of these by-laws in September, requiring the government to once again release refugees, and the government soon began talks to increase the payments again. When the government stalled and never actually released any refugees, the High Court forced the government to release refugees in October, and the Prime Minister rapidly approved an increase in payments from $1,500 to $5,000 (Lior 2013).

The above does not prove that money motivated return, as other unknown variables – such as the rate of policing, or refugees' subjective preferences – may have also changed during these months, explaining the variation in return rates. Nonetheless, the data we do have provides evidence that money may have motivated return, and was intended to motivate return. Similar evidence can be found in studies on repatriation from Pakistan to Afghanistan (Davin et al, 2009); from Tanzania to Burundi (Haver et al, 2009, p. 6); and from the UK to Zimbabwe (Webber, ibid).

If money does motivate return, and is intended to, is it ethically permitted? To answer this question, we might first determine whether, when refugees accept money to return, their choice is truly voluntary. To consider this, we must establish what we mean, precisely, when we claim a choice is voluntary.

In general, there is a broad consensus that three criteria must be met for a choice to be voluntary. Individuals must be fully informed and with full capacity when making a decision (Wertheimer and Miller 2008); they mustn't be physically coerced into their decision (Nozick, 1974; Long, 2013); and they must have at least one option that ensures an acceptable level of welfare (Valdman, 2009, Wolff and

DeShalit, 2007, p. 78; Olsaretti 2004, p. 139). For an example where the third condition is not met, consider a starving individual who accepts a job that pays a piece of bread a day. Her choice is involuntary, as both working and not working fall below an acceptable threshold of welfare (Long, 2013).[4]

Though choices are involuntary when all options fall below an acceptable threshold of welfare, I assume that a single option can be voluntary even if it is the *only* option with acceptable welfare. If a person is living in poverty, and the only option to leave this poverty is to accept a well-paying job, her choice to accept this job seems voluntary (Long 2013, pp. 162-163). Following this reasoning, a choice is also voluntary if one leaves behind a life with an acceptably high level of welfare, and chooses a life without an acceptable level of welfare, such as a woman quitting a pleasant and well-paying job to live a life of extreme poverty. Her choice is voluntary because she has at least one acceptable option.

Based in the above criteria for voluntariness, refugees can voluntarily accept money and repatriate if they are fully informed about the risks of repatriating, have full capacity, face no physical coercion, and are returning from a host country with an acceptable level of welfare. Acceptable welfare, I assume, includes sufficient food, shelter, education, and other basic rights. If Gatluak knew about the risks of returning, then his return was arguably voluntary, as he had access to sufficient employment and medical care in Israel, even if such necessities were not available in South Sudan. Similar voluntariness can be found amongst refugees paid to return from Germany to Bosnia in the 1990, and from Australia and Sweden to

[4] Some might disagree with this claim, raising the following counter-example: There are many individuals living in extreme poverty their whole lives, such that all options in their lives involve unacceptably low levels of welfare. It would be odd to claim they are incapable of making any voluntary choices. To address such counter-examples, it might be accurate to view voluntariness as a range property, rather than a binary property. A choice is less voluntary, rather than completely involuntary, when every option falls below an unacceptable threshold of welfare. Though voluntariness is a range property, I assume that a very low level of voluntariness is a state of affairs we ought to prevent, by improving the options individuals have. For simplicity, therefore, I will call choices "involuntary" when they involve instances where all choices involve low levels of welfare.

Afghanistan in 2002 and 2007. If a refugee lacks acceptable conditions in their host country, their return may still be voluntary if they are returning to a country with acceptable conditions. Just as an impoverished individual can voluntarily accept a job, if the job involves an acceptable level of welfare, a refugee living in destitution can voluntarily repatriate, if repatriation involves an acceptable level of welfare.

This would imply that a refugee living in destitution could voluntary repatriate if, though conditions remain unsafe in their country of origin, they are given enough money to ensure an acceptable level of welfare. We might imagine a refugee returning with her family to a country with widespread persecution, and each family member receiving $78,000 as promised by the BNP. Perhaps such funds, totalling almost half a million dollars, could pay for housing, food, private security, and evacuation services in the event of persecution. In such a scenario, the money would produce an option with a sufficiently high level of welfare, creating a voluntary return.

Therefore, the minimal conditions for voluntariness can be met with payment schemes. But even if returns are voluntary, there is another reason to believe the payments are morally impermissible.

In general, offers can be wrong if they demean and objectify the recipients of the offers (Satz, 2010; Phillips, 2010; Sandel, 2012). When governments directly pay refugees to repatriate, they treat refugees as unwanted individuals whose exit is worth whatever money the government is willing to pay them. The government is essentially telling refugees, "We do not want you so much, that we are willing to sacrifice money so that you repatriate." The greater the money offered, the stronger this message. For this reason, the British Nationalist Party – a fringe party and openly xenophobic – was willing to spend $78,000 for each asylum seeker or refugee

who returned. Refugees have no alternative but to be exposed to this demeaning treatment, whether they accept the money or not.

Though payments to leave are demeaning, and may reinforce stereotypes about refugees, I believe this does not provide a decisive reason against payments. Refugees can turn down the offer, and send a strong counter-message back: "We want to stay so much that we are willing to reject your money in order to stay." The greater the money offered, the stronger this counter-message, strengthening the expressed commitment of refugees to remain, publicizing how dangerous it is to leave. And, in many cases, there may be no demeaning message. If the money is provided as a form of assistance, rather than an incentive, there needn't be any perceived offence, even if one purpose of the money is to encourage return.

There is a second, stronger reason payments are unethical. In general, offers are unethical if they involve great physical harm. If I agree to lend you money, and you agree to give up your right hand if you do not pay me back, no judge should uphold the agreement. In contract law, such "unconscionable contracts" are not upheld partly because it is wrong for the state to encourage or endorse self-harm, given that states were created partly to protect citizens, residents, and refugees within their territories. Were the government to encourage self-harming activity, it would also be forcing citizens to support such contracts, as it is citizens who pay taxes into the judicial system that supports the contracts (Shiffrin, 2000).

Self-harming contracts are also involuntary in one sense. As noted above, for an agent to make a voluntary choice, they must have sufficient capacity to understand the implication of the choice. When an individual accepts money on the condition that they experience possible harm in the future, they may lack the capacity to weigh the future costs of their current actions. This is partly because it may be difficult to imagine what it will feel like to experience a painful outcome in the

future, but also because of the general psychological tendency to discount the future harms for one's current gains (Shane et al, 2002). Even if an individual does have the capacity to comprehend future harm, there may be certain rights that are inalienable, and that we have no right to sell to others. Just as we should never be permitted to sell ourselves into slavery, we should never be permitted to sacrifice basic necessities for money (Sandel, ibid, Freeman, 2011; Satz, ibid).

Payments to repatriate are types of "unconscionable contracts." In Israel, refugees arrived at the office of a civil servant, signed on a dotted line, received $3,500 in an envelope, and their legal status was revoked the moment they boarded a flight. If they faced danger in their home countries, and attempted to re-enter Israel, they would be deported, because they had earlier received money to forgo any future protection (Interview with Voluntary Return official, Tel Aviv, 7 August 2013). Throughout this process, refugees were encouraged to risk their lives, rather than continue to accept protection, and the public was forced to pay taxes into a system that enforced this contract with detrimental consequences.

We might claim that, in the case of Israel, it was not payments that were wrong, but the enforcement of the agreement. If refugees who tried to re-enter Israeli territory were deported, then this was a form of *refoulement*, the illegal forced removal of a refugee according to international law. The problem was not the payments, we might contend, but the wrongful rejection of genuine refugee claims. However, even in cases where refugees are merely paid to repatriate, but not blocked from re-entering, they may still face immediate danger after returning, and be unable to apply for a visa, fly back to the safe country, and again apply for refugee status. When civil war broke out in South Sudan, almost half of my respondents fled to an IDP camp, and could not leave the camp safely because of their Nuer ethnic identity. They also lacked money to pay for a private vehicle to pick them up, take them swiftly to the airport, and flee the country by air. If the risks of return are

significant, then the government is still encouraging self-harming activity, even if it is merely paying for repatriation, rather than blocking refugees from re-entering the state's territory.

The above reasoning suggests that payments may be ethically permissible if individuals can safely repatriate, either because they are returning to countries that are safe, or because they are given a substantial amount of money to pay for private security, healthcare, and other necessitates. If the return is sufficiently safe, these refugees and asylum seekers would not be entering an unconscionable contract.

Even if an individual is returning to an unsafe country, payments could possibly be ethical if returnees have practical and legal mechanisms to later re-enter the host country if they find themselves again in danger. We might imagine a policy where the state paid refugees to leave, but also provided re-entry visas and evacuation services back to the former host state in the event of a crisis. The risks to return would be substantially mitigated, and so payments possibly ethical. A close version of this policy was implemented in the 1990s, when the governments of Sweden, France and the United Kingdom provided funds to Bosnian refugees to travel to Bosnia, where they could easily re-enter these states' territories if they were unhappy with their return (Black, 2001). On a more limited scale, UNHCR organized "go-and-see" visits for Burundian refugees in Tanzania, providing them payments to repatriate, along with transport to again re-enter Tanzania (UNHCR, 2004). Many of these programs do not allow refugees to change their mind more than once: They can repatriate, re-enter the host country once, and if they repatriate a second time they are not offered funds and a visa to again re-enter the host country (Carr, 2014; Koser, 2001). Nonetheless, we might envision a payment scheme involving both the ability to exit and enter the host country indefinitely, and the ability to access emergency evacuations if necessary. Payments would merely incentivize return, without significantly sacrificing refugees' safety.

2. Voluntariness Dilemma

While Motivation Dilemmas address cases where refugees are not coerced into returning, Voluntariness Dilemmas occur when states detain refugees or deny them basic necessities, telling them deportation is a possibility. NGOs and UN agencies, eager to help, provide their own funds to those agreeing to return. In such cases, if the money is insufficient to ensure a safe return, then refugees have no reasonable options, given that staying involves detention, and repatriation involves unacceptable risks. If refugees have no reasonable options, their return is involuntary. But though the choice is involuntary, perhaps it is better to encourage return via repatriation than for refugees to remain in detention, possibly facing a completely forced, violent, and traumatic deportation.

This dilemma focuses not on what governments ought to do, but on what NGOs and the UN ought to do when governments fail to live up to their duties of providing protection to refugees. The Voluntariness Dilemma was especially common in Israel, where the government vowed to detain the majority of Eritrean and Sudanese asylum seekers, including the refugees amongst them. At first, the government was the only body to provide funds to refugees in detention, and most NGOs refused to cooperate, fearing that refugees were accepting funds to avoid detention, rather than because they truly wished to return. NGOs' fears were consistent with Labour Statistics, which demonstrated that rates of return increased when detention increased, and decreased when detention decreased, even when government payments to leave stayed the same.[5] For example, in August 2013 the government passed a new "Anti-Infiltration Law" allowing the Ministry of Interior to arrest refugees and detain them, and 170 returned. When the High Court of Justice nullified the law in September, only 89 returned, even though payments remained the same. When no one was actually released in the beginning of October

[5] See Appendix at https://docs.google.com/document/d/1I2uNJ4x3_h8SHRc5Oc64mNUWMijkyvbbYSwVlPERmiM/edit?usp=sharing

2013, the number of returns increased again, from 89 to 180, even while payments remained the same as in September. If detention was a motivation for return, NGOs wanted nothing to do with payment schemes.

As the Israeli government seemed unwilling to change its policies, some NGOs eventually began offering their own payments of 800 Euro each, feeling this was preferable for especially vulnerable refugees facing detention. One of the first refugees to receive such funds was Tigisti, her husband Hewan, and their two children. All were included in the 38,000 individuals whom UNHCR considered likely refugees (UNHCR, 2015), despite the Israeli government denying them this status. Though UN officials were attempting and resettle some refugees to North America and Europe, Tigisti did not know if she would be included in this resettlement scheme. When her husband was subject to detention, NGOs tried to petition for his release, but failed. Instead, they offered to pay the family 3,200 Euro to repatriate. After returning they were forced to flee to Ethiopia where they obtained asylum seeker status, but no work visas to support themselves (Interview with Tigisti, Addis Ababa, 12 June 2014).

Similar cases of coerced returns occurred in Tanzania when, in the mid-2000s, anti-refugee sentiment increased, prompting the government to confine refugees to camps, denying them the option of working in urban areas, forcing many into detention-like conditions. The UN, hoping to help alleviate these conditions, offered refugees funds to repatriate, even as evidence grew that they would unlikely find food security in Burundi with the money offered (Haver et al, ibid). More recently, the government of Pakistan has announced it would soon revoke the refugee status of millions of Afghan nationals. The UN has responded by providing $400 to those agreeing to repatriate (The Economist 2016). In these and similar cases, it remains unclear if the UN should provide funds.

The dilemma becomes more complex when we consider cases of individuals who are asylum seekers, and yet to prove to the UN or governments that they are refugees. Consider, for example, the case of Solomon. In the 1980s the government of Ethiopia confiscated his ancestral land, forcing him to migrate to Sudan, where he found employment and married, but faced harassment from authorities. He eventually moved with his wife to Egypt, where they found work and gave birth to their daughter, but faced similar harassment from authorities, deciding eventually to pay smugglers to take them into Israel in 2006. Once there, they failed to obtain legal residency, but found illegal employment in a hotel, and a school for their daughter. Six years later, in 2012, Solomon's wife left him, and he raised his daughter on his own for several months. When anti-immigration protests spread throughout the country, he was soon detained, and his daughter placed in foster care. Government officials pressured him to return, telling him they could pay for his flight to Ethiopia, and that he would eventually be deported if he declined the offer. He refused for over a year, demanding that he have access to a Refugee Status Determination process. The government refused, and he finally agreed to return when an NGO offered him 800 Euro for his repatriation, sponsored by the European Refugee Fund. He returned with his daughter in 2013. By 2014 he failed to obtain his ancestral land, and lacked medical care, food security and reliable shelter (Interview with Solomon, Addis Ababa, 10 June 2014).

We might at first suppose that, in the case of both Tigisti and Solomon, NGOs should not have provided money for return. Tigisti and her family were faced with only two unreasonable options, and so their choice was involuntary. If their choice was involuntary, then they were victims of *refoulement*, the wrongful forcing of refugees back to their countries of origin. Solomon was not necessarily a refugee, but he was denied the right to apply for refugee status, and wrongfully forced to return before given this right.

In response to the above reasoning, NGOs might defend their payments with the following three arguments. First, it is not wrong to help a person with an involuntary choice, if there is no other possible choice to provide them. If I am shot by a sniper, and then run to the hospital, I can give valid consent to a doctor for surgery, even if my options are between dying and risky treatment. Refugees may be capable of giving valid consent to accepting NGOs' assistance to return, even though they are coerced into returning by the government. So long as NGOs themselves use no coercion, and can do little else to help, they do no wrong. Of course, NGOs should also work hard to end coercive background conditions (Barnett, 2011 and Gerver forthcoming). But if NGOs do everything in their power to stop detention policies and fail, refugees' consent to return may be valid from the perspective of NGOs. Similarly, in cases where refugees and asylum seekers are denied access to food and shelter, NGOs act rightly when they provide funds to repatriate, if there is nothing else the NGOs can do to help. Though recipients of money are involuntarily accepting the offer, because they have no reasonable options, it would be even more involuntary for refugees to lack the resources to return. This reasoning has been expressed by the UN, which states that, though NGOs should try and assist refugees to obtain their legal rights, if this fails, assisting with return may be ethical if the "life or physical integrity of refugees in the country of asylum is threatened" (UNHCR, 2002, p. 7).

The above argument, however, is not quite enough to justify the payments. NGOs could simply make return possible, but avoid actively encouraging return by offering thousands of dollars to do so. Money may merely encourage unsafe repatriation, and is comparable to the unconscionable contracts described in the previous section. If refugees are only willing to risk repatriation in return for money, and repatriation is riskier than staying, then NGOs ought not to encourage such repatriation, even if making return possible is justified.

NGOs may present a second argument in favour of their payments: providing money to return enhances refugees' choices compared to no money at all. Consider the case of Bessie who, in 2009, fled an East African country, went to Egypt, and paid smugglers who promised to take her to Israel. As they began their journey across the Sinai, she was kidnapped and tortured, but managed to flee to Israel, where she was given a year of residency, and a room at a centre for victims of human trafficking. She wished to return to her country of origin and start a chicken farm, a choice made possible when she received 800 euro from an NGO. Soon after returning, the chickens she bought died, she lost her life savings, and she now works in a restaurant with just enough to live on. She faces regular food insecurity, but is nonetheless happy she had the opportunity to leave Israel with money, a choice she otherwise would not have (Interview with Bessie, Dessie, 9 June 2014).

Bessie's reasoning is widely accepted by a number of repatriation programs, such as the former UK program called "Choices" (http://www.choices-avr.org.uk), which emphasized that funds assist refugees to start businesses or receive job training after return, a choice they otherwise would not have. In Pakistan, the UN similarly emphasized that refugees should have the choice of returning to Afghanistan with funds, rather than no assistance at all, even if they faced insecurity after returning (Davin et al 2009). The UN made similar claims when helping Burundian refugees return from Tanzania (Haver et al ibid). When Solomon returned, he similarly was the choice of returning with money, even if he ultimately was unsuccessful after returning.

Though money may provide an extra choice, it is not clear there is value in providing a choice that fails to increase welfare, and which severely constrains options later on. Once Bessie and Solomon returned, they no longer had the option of again moving to seek employment, or to access reliable food and shelter. If NGOs and governments will be unable or unwilling to send money to those who have

already returned, and those who return will later need money to reach safety and necessities, then funds simply add an additional unacceptable option, and one that may constrain options later on. Given the finite budget that NGOs have, it seems preferable to invest in options that enhance welfare and increase future options, such as in healthcare or education for refugees remaining in the host country.

NGOs may respond to this claim with a third and final argument. In many cases it would be unhelpful to provide healthcare and education to refugees remaining in the host countries, as they will be deported regardless. Encouraging refugees to return is preferable to refugees facing a violent and traumatic deportation. If Solomon were to stay in detention, immigration officials would likely one day open his cell door, force him and his daughter into a van, drive them to the airport, and handcuff both to their seats as the plane lifted off. Deportations throughout Europe involve similar force, and include psychiatrists forcibly sedating refugees on flights and officials physically sitting on refugees until they cannot breath, move, or fight back (Fekete, 2005). If deportation is traumatic, it is better to return without resistance, and money encourages such non-resistance.

Though payments may encourage a safer return compared to forced deportations, there is a reason NGOs should still avoid payments in a range of cases. In general, NGOs should avoid being complicit in coercive policies, and causally contributing to these policies (Lepora and Goodin, 2013; Rubenstein, 2014). When humanitarian organizations provide payments for repatriation, this may be complicit in unjust refugee policies by encouraging the government expand its use of detention.

A number of scholars have published findings suggesting such a causal impact. In 1994 and 1995 UNHCR began facilitating repatriation of the Rohingyan refugees from Bangladesh to Burma, providing limited funds to the most vulnerable, and various forms of aid upon return. Soon after, the Bangladeshi government began

requiring that more refugees live in enclosed camps to pressure return, seeing that their return was sponsored by UNHCR (Barnett and Finnemore ibid, p. 106). In Israel in 2012, one Israeli Knesset report states that NGOs had established that refugees were willing to repatriate when offered funds to do so, and so the government should endorse an even more aggressive return policy for those who had yet to return (Protocol 84). Encouraging return from detention may also increase the government's capacity to detain more refugees. When the NGO in Israel encouraged Solomon to return from detention, the government quickly filled his cell with a new asylum seeker, who had previously not been detained, keeping in line with the government's policy of filling the detention centre to its maximum capacity (The Migrant 2014). If we assume that some of these new detainees are refugees, an assumption held by UNHCR (2015), then repatriation funds may increase the rate of refugee detention at a given time.

Ashutosha and Mountz (2011) raise a similar argument, though do not specify the specific role of payments. They argue that the International Organization of Migration (IOM), which helps asylum seekers return from detention, wrongly legitimates government immigration policies, making the policies seem less coercive than they are (Ashutosha and Mountz, 2011). Payments may further have this effect. If refugees quietly accept cash in an envelope, the public may believe the return is voluntary and safe, when it is not. Even a judge will unlikely see evidence of physically forced returns. This may undermine advocacy efforts, further fuelling detention policies. In contrast, if refugees stay in detention they send a message to the public that they are afraid to return and, if they are eventually deported, the public and judicial system will be aware that they were forced to leave.

Refugee activists in Israel have made a similar argument. These activists would organize hunger strikes in detention, long marches through the desert, and incessant media campaigns documenting precisely why they left Ethiopia, Sudan,

Eritrea, and South Sudan. (Lior, 2013). They encouraged other refugees to lobby the Israeli government, but repatriation funds discouraged such lobbying, encouraging return, rather than resistance. This phenomenon was especially clear in 2012. A month before the planned deportation of South Sudanese nationals, protests against the deportation were widespread. Soon after, representatives from an NGO began offering money to return, explaining to refugees that deportation was likely (Interview with Bol, Juba, 21 December, 2013; Interview with Nathaniel, Juba, 14 December 2013; Interview with Vanessa, Juba, 25 December 2013). The campaign to prevent deportation slowly died down, as more returned, and fewer remained in detention. As the campaign died down, the detention rates further increased, encouraging even more to return. As more returned, more detention cells became available, allowing the government to detain additional refugees.

More evidence is needed to fully establish whether funds causally contribute to coercive policies in the way described. If they do, then NGOs should discontinue such payments. Not only will denying payments help mitigate coercion, but it needn't force refugees to stay in detention or face a traumatic deportation. Refugees can still avoid such deportation by acquiescing to deportation without money. Immigration authorities informed Solomon that his flight would be paid for by immigration authorities, and he could board the flight without handcuffs, even if this also meant returning without money. NGOs, in paying refugees to return, are not increasing refugees' access to acceptable options; they are merely encouraging acquiescence to a silent return, reinforcing the involuntary nature of returns.

The above reasoning suggests it would be ethical for NGOs to provide payments if at least one of two conditions are met. The first condition is that individuals will not be at risk if they returned, because conditions have improved in their countries of origin, or because the amount of money provided is so substantial as to ensure an acceptable level of welfare after return. Such a return would be voluntary because,

as noted in the previous section, choices can be voluntary if they involve at least one acceptable option.

The second condition where payments are permissible is when refugees, though returning to possibly unsafe conditions, will continue to lack rights if they stay, and their returning does not causally contribute to the coercion of others. This might be the case if individuals will almost certainly be deported regardless. In such cases, NGOs do not causally contribute to coercion, because refugees' detention cells will be free regardless of whether they accept money, leading the government to detain a new refugee either way. Payment may also fail to contribute to coercion if governments are unlikely to change their policies regardless of advocacy efforts, or if advocacy efforts are not focused on the population paid to leave. Such a scenario is common when migrants do not fit the definition of "refugee" in the legal sense, such that the government and judiciary are unlikely to ever provide them rights. In such scenario, money has value in that it provides individuals an extra choice, even if this choice still entails an insufficiently low level of welfare.

In the case of Solomon, it may be that the second condition was met, and so paying him was legitimate. If his deportation was likely, then his place in detention would be freed regardless of whether he returned on his own or through deportation. It is also unlikely that his being forcibly deported would strengthen advocacy efforts, as advocacy efforts were focused almost entirely on those who fled persecution, and Solomon had fled poverty. In the case of Bessie, we might reach the same conclusion; she lacked refugee status, nor was she intending to apply for refugee status, and so would likely be deported in the future. Providing her money to start a chicken farm was better than providing nothing at all.

In the case of Tigisti and her family, in contrast, neither of the above conditions was met when they returned to Eritrea, and so payments were not ethically permitted.

The money they received was insufficient to ensure their protection upon return, and their returning causally contributed to the undermining of their protection. This is because they would unlikely have been deported, as there was a strong chance she and her family would eventually secure refugee status, either in Israel or another safe country. The UN in Israel already recognized them as likely refugees and the High Court of Justice had called for the end of indefinite detention of all Eritreans. Though there was a possibility that Tigisti and her family would eventually be violently deported, NGOs should not have encouraged them to acquiesce to returning, given that there was a significant chance they would obtain protection if they stayed. And even if they ultimately would be deported, at least the deportation would be public, unlike quietly returning with money. A public deportation can serve as evidence in a court petition against the government's actions, contributing to greater refugee rights in the future. If there are greater rights in the future, refugees' choices to return will be more voluntary in the future, as they will have the alternative of living in the host country with a sufficient level of welfare.

Some may find the implications of my argument disturbing. By denying payments to refugees, NGOs would be creating a scenario where some refugees will not agree to return and may ultimately face deportation, experiencing police brutality in the process. To deny them payments would seem to be using refugees as a means, discouraging them from returning, possibly leading them to face a much more traumatic return, in order to encourage a more just long-term policy. Encouraging refugees to repatriate, in contrast, addresses the welfare of refugees as individuals with their own needs, rather than objects for a larger scheme.

Though it is true that refusing to give money is for a larger scheme, it is not true that refusing such money is wrongly using refugees. For, we generally do not wrongly use people when denying them an option, unless we have a duty to provide the

option. If I refuse to buy someone cigarettes, out of concern for others who would be harmed from second hand smoking, I am not using the person as a means, because I have no duty to buy these cigarettes. Similarly, if NGOs have no duty to pay refugees to return, they are not using refugees when refusing to provide them money to leave. It is true that refugees may prefer to have money than not, but denial of funds is preferable to help mitigate coercive policies, and improving conditions for refugees.

3. Conclusion

Immigration control involves not just force, but incentives, and one major incentive for refugees is the money they receive when agreeing to repatriate. When refugees voluntarily accept payments to repatriate to unsafe countries, they are accepting a choice that later places their lives at risk. It is wrong for the state to pay individuals to later risk their lives. States should only provide funds to repatriate if they can ensure a safe return, by either paying refugees sufficient funds to obtain security after repatriating, or providing refugees the option of again living in the host country. The latter policy might involve instituting special re-admission agreements, where refugees can return to the host country with the same legal status they had prior to repatriating.

In cases where refugees are detained or destitute, NGOs should avoid providing payments that contribute to the government's coercive policies, either by freeing up a cell in detention, undermining refugee resistance to government detention policies. NGOs should limit their activities to helping those who will be deported regardless, or those who will not be at risk if they return, because conditions are safe in their home countries, or because they are returning with sufficient funds to access security.

To ensure that repatriation does not lead to long-term destitution and persecution, states and NGOs must also be aware of the risks of returning. As such, they should conduct post-return research. If the vast majority of returnees are living in safety and security, it may be justified for states to provide funds to encourage return without the corresponding promise of allowing later re-entrance. It may also be justified for NGOs to provide payments to return, even if they potentially contribute to government coercion.

Though I believe the above would make payments significantly more ethical, there remain serious dilemmas. It is not clear if payments are always ethical when provided to migrants returning to safe countries. If only some ethnic groups or nationalities are offered money to leave, such offers may be wrongfully discriminatory. We may also feel uncomfortable with officials approaching our friends, classmates, and colleagues, telling them they can have cash if they leave, after having established themselves in our neighbourhoods, schools, and businesses. Payments do not become ethically unproblematic when return is safe. They are simply especially problematic when return is unsafe. NGOs and governments should both avoid encouraging such returns, and reconsider their payment practices.

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