
The dichotomy between expulsion and return

Interview with Jean-Pierre Cassarino

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Professor Jean-Pierre Cassarino has more than twenty years of experience in comparative politics. His research interests and publications focus on patterns of international cooperation and modes of norm diffusion and policy transfers in dynamic regional consultative processes, especially with reference to the management of migration and borders. He is most interested in comparatively analyzing policy design and implementation as well as in how policy transfers are administered, and often readjusted, through processes of bilateral and multilateral consultations between the EU and third countries.

Keywords Readmission, expulsion, forced and voluntary return, EU policies, return policies.

Título A dicotomia entre expulsão e regresso

O Professor Jean-Pierre Cassarino tem mais de 20 anos de experiência em política comparada. As suas investigações e publicações têm como temas centrais os padrões de cooperação internacional e os modos de difusão de normas e de transferência de políticas em processos consultivos regionais dinâmicos, especialmente nos domínios da gestão das migrações e das fronteiras. Foca-se, em particular, sobre a análise comparativa da conceção e implementação de políticas, bem como sobre a forma como as transferências de políticas são administradas, e muitas vezes reajustadas, através de processos de concertação bilaterais e multilaterais entre a UE e países terceiros.

Palavras-chave Readmissão, expulsão, regresso forçado e voluntário, políticas da UE, políticas de regresso.

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Observatório da Emigração (ahead OEm) – How did you gain interest in the field of migration? Did it start while you were studying, or was it later during your research work?

Could you tell us a little bit more?

Jean-Pierre Cassarino (ahead JPC) – I started my research on migration when I was at the European University Institute, as a doctoral student. I submitted a research project on the “Entrepreneurship of Return Migrants to Tunisia”, and had the opportunity to be supervised by **Colin Crouch** and **Christian Joppke**. Why Tunisia? Personally, being the son of immigrants, and my parents being Sicilians from Tunisia, it had a certain impact; academically, at that time, during the late 1990s, there was very little on Tunisia and it was extremely difficult to carry out field research due to the political situation and the violent repression in the country, and I wanted to fill a gap in academia, in terms of empirical studies, so I decided to meet this challenge. After I got my PhD in 1998, I decided to quit research for a while and engage in the Middle East, so I started to work in Jordan, where I was in charge of a research project on entrepreneurship. The work I was doing was actually not related to migration, but much more to economic development, which was my speciality at that time. Afterwards, in 2003, I wanted to go back to migration studies, and went back to the EUI as a doctoral researcher, and decided to prepare new research on return migration. When back at the EUI, I realized that many things had changed since the defence of my thesis, especially when it comes to the vocabulary, the lexicon which is used in migration studies. Policy makers were speaking about return policies, the need to “return” irregular migrants. I was intrigued and surprised because of the extensive work I had done on return migration viewed as a stage in the migration cycle of a returnee, and because these were not the categories I’ve been taught at university. I then started to investigate, and very quickly, understood that this was a euphemism which was used by policy makers to speak about expulsion – or nowadays, readmission. This was a new field of research for me because, at that time, I hadn’t worked nor did any research on expulsion, so I started to explore what these euphemisms and these policies implied. These are two fields of investigation which are extremely different; not for IOM, not for UNHCR, not for many governmental agencies, but from an academic point of view, yes, these are two different fields of investigation, and it is extremely important to underline the difference. This was when, in 2004, I published the theoretical piece *Theorising Return Migration: The Conceptual Approach to Return Migrants Revisited*.

OEm – You have been very vocal about the return policies being adopted by the European Union, pointing out that these are very security oriented, and that the difference between voluntary return and expulsion or removal, are not being considered. So, for you, in what ways have the concepts of return and expulsion been confused in political discourses and measures? What is the real difference between these two concepts?

JPC – As I've been saying, return has to be viewed as a stage in the migration cycle of a returnee. I will repeat it again, and again, and again. If I have to do it, I will do it again. And return, of course, may be compelled by adverse circumstances. Not all migrants decide to return because there are positive factors; you may decide on your own initiative to return because there was a disruptive event, the death of your father, for example. This is the interruption of a migration cycle, absolutely. Expulsion is the epitome of the brutal, if not violent, interruption of a migration cycle, but it has nothing to do with return. Expulsion is an expulsion, nothing more, and readmission is a form of expulsion, actually, which is, of course, organised, sponsored, promoted by governmental institutions in order to expel someone who has no right, or has no longer the right, to stay on the territory of a given destination country. But this is totally different: there is a great deal of difference when you think about, for example, someone who had the intention to stay in a destination country, and all of a sudden, is apprehended, put in detention, and then expelled from the territory of a destination country. There's a clear difference, in my opinion, between these two situations, which cannot be mixed together. It's totally different. I have written many times, quite often and on purpose, because I think it's my duty to express my own vision – even if it's against the predominant ideology and against the so-called convention wisdom. So, I think it is our duty, as researchers, not to adhere to predominant schemes of interpretation and we have to question them, we have to reflect, because if we don't reflect then who will? That's my question. If you choose, because it's convenient for your career, to repeat what IOM is expecting you to repeat, do it with your own conscience, but don't forget that for IOM you're just a pawn on the chessboard, you're nothing more than that and there will be someone else after you. It's about your own conscience: you're a researcher and, normally, you have an ethic, you should at least question this dichotomy.

OEm – In many of your works, you address the issues of agreements related to migration, deportation, etc., between neighbouring states, especially between Europe and Mediterranean countries. Why do you think these agreements are increasing, even if the agreements are informal? And, on the other hand, do you think that these agreements are really effective?

JPC – Of course, when we speak about deportation – not about return – and state-to-state cooperation on deportation, and we look at the number of bilateral agreements linked to readmission which have been stipulated in the last fifty years, we see the increase in the number of

bilateral agreements, and think “wow, there’s a growing cooperation on readmission, on deportation between the EU member states and non-EU countries, not only in the Mediterranean but at a global level”. So, we would expect that the growing number will be reflective of a growing cooperation, but the fact is that this is not the case. By looking at the data from Eurostat, it’s possible to see that the absolute number has remained quite constant, around 140/150 thousands readmitted persons. So, yes, more bilateral agreements, but the cooperation in terms of number of expelled persons has not been on the rise. So, we should ask ourselves “what is it for?”. You ask me “is it effective?”. My answer is: this is not the question. Your question is logical because if so much energy, so much political and administrative energy is spent in the negotiations and in the conclusion of a bilateral agreement we say “They are doing all that for something which is so important”. Of course, they are doing something, but there’s a great deal of symbolism around all that. The question of effectiveness is a tricky question, it’s extremely difficult to assess the real effectiveness of a bilateral agreement linked to readmission, be it formal or informal. That’s the biggest issue of all that. Informality has been a key element in the increase in the number of bilateral agreements linked to readmission: it has turned the cooperation into something more flexible, but less controllable, less accountable, less transparent, and raising a lot of problems when it comes to human rights observance – which is a key issue when it comes to readmission indeed. Readmission is not only about expelling people who are irregular or rejected asylum seekers, it’s also an instrument to show that the state has the power to act, to protect its own citizens and it has the means to do so. We have to take into consideration this symbolic dimension, otherwise we will be disappointed when analysing the effectiveness of these bilateral agreements. There’s a great deal of symbolism in it, absolutely.

OEm – So, still on these bilateral agreements, you have developed an inventory, which is available on your website, with the bilateral agreements linked to readmission for the countries of the European Union, Iceland, Norway, Switzerland, United Kingdom, 11 countries of the Balkans, Eastern Europe, Caucasus and five Mediterranean countries. Why did you feel the need to develop this base and what are the main advantages of this inventory?

JPC – That’s a big question. I have worked for the United Nations, at the ILO – the International Labour Organization – and it was crucial for me, firstly because it gave me the opportunity to be out of the research environment, but also because I was able to develop a substantial address book. In other words, I met many stakeholders, officials from all around the world – not only in Mediterranean countries, not only Arab countries. It was a very good opportunity to meet many people, to create contacts and to keep these contacts alive. I then started to realize that there are bilateral agreements on readmission, I did research and I was intrigued by

the typologies of these bilateral agreements which deal with readmission, but some of them are formal, dealing specifically with readmission; others are, well, just a three-page agreement, a memorandum of understanding, not really detailed, or an exchange of letters, an administrative arrangement. So, I tried to draw the whole picture: What does Italy do? What does France do? What about Germany? What about all these countries? And I set out to analyse their own practices. I began to construct a kind of inventory. I investigated whether there was any inventory on these bilateral agreements made by the European Commission. One was done in 1999. Although, it was the only time when the European Commission did it, 1999. I then compared the inventory made by the European Commission with the one I did. The good part was that I saw some overlap, but I also saw that many of the agreements which I had with me – collected from the contacts I had made while at the United Nations – were missing in the inventory made by the European Commission. While I was trying to understand why, I realized that, actually, many Member States didn't want to communicate all this information to the European Commission, and that, of course, leads us to think that we are back to the tensions between intergovernmentalism and supranationalism, where there's a lack of trust between the Member States and Brussels. This was how, in 2006, the inventory was born: it resulted from years of collection of data, which were then, inserted in the inventory. Fifteen years ago, readmission wasn't so sensitive. It was a sensitive issue in the external relations, but people were not really aware of what it implied. Politically speaking, it was not a big issue, that's why many of my contacts, many of my informants, the address book of the United Nations, etc., were extremely happy to help me. Now, today, in 2021, it's extremely difficult. And of course, I cannot say that my networks have the same strength they had fifteen years ago, because people have changed, some people retired, there's a new generation, it's difficult, but there a willingness to try to find new solutions in order to collect some documents. The inventory has now more than 600 bilateral agreements.

OEm – Within the competences that are given to each member state to manage their migration and return, such as bilateral agreements, do you think there are countries within the European Union with better policies than others?

JPC – No, unfortunately. I regret to say that there is no so-called “best practice” in the field of return policies. In other words, readmission. No, I'm sorry to tell you that I have no example, or model, to cite. With regret, of course. Not even a country.

OEm – Not even mine?

JPC – Not even your country.

OEm: Or France, or Italy, or Greece.

JPC – The problem is quite different because of that reality. That statistical reality, indeed.

OEm – In what way do you think the current return policies differ from those implemented in 70s and 80s?

JPC – Well, during the 70s, 80s, of course there were return policies. There were Portuguese nationals who benefited from a return premium in order to leave France, Germany... These were return policies that, in their own right, were addressed to migrants living in destination countries, and gave them the option to accept or not. Regarding, for example, North African migrants, these return premiums were not successful, because many North African migrants were afraid of not being able to be back to France, to be back to Germany. The big difference is that it was based on an option, a choice on the part of the migrant. Nowadays, there's no choice. The choice is made by the administration for you. You're put in detention, and an official will ask you to sign a form where you express your "desire" to return on a voluntary basis. Whereas you're in detention. Now the notion of even voluntariness has been so watered down, it has been extremely flimsy, abused even. Where is the voluntariness in all that? You're in detention, so of course being in detention, maybe you will opt for a so-called assisted voluntary return programme. Otherwise, you be forced to leave and will be shackled. You can call it an option, but for me, it clearly isn't, that's why I wrote a chapter about it. In this book I wanted to denounce that it's not only a question of today's ethics, that it is, even, today, a question of recognition of what the case law of the Court of Justice of the European Union, of the European Court for Human Rights, of the International Law Commission and of the Parliamentary Assembly of the Council of Europe, is. All of these agencies and institutions agree in denouncing that there's something which may be wrong in the way in which assisted voluntary return programmes have been managed to date. As an example, the Parliamentary Assembly of the Council of Europe, in 2010, invited the Member States to make sure that the voluntary return of an irregular migrant is indeed voluntary, and then, there were other decisions. The Court of Justice of the European Union in the case *N.A vs. Finland*, for example.

OEm – You have pointed out that the current temporary work schemes may be a concern for migrants, but also for public authorities – as migration cycles may be interrupted – and these will have consequences for the reintegration process of the returnees. Would you like to elaborate on the challenges that may be faced by countries of origin, the countries of destination and the migrants themselves?

JPC – In the case of an interrupted migration cycle, I think it's important to realize that a whole project is interrupted, and it is abruptly interrupted. The time needed to collect money, to save money, to have contacts, to build networks, to acquire skills, if any, all that time is contracted.

And the big issue with an interrupted migration cycle, is that time is contracted. In other words, that person will have no opportunity, no resource to invest – be there material or immaterial – all that back in the country of origin. What does it mean? How can you re-integrate someone who is psychologically, if not mentally, disturbed by an expulsion? Someone who has been humiliated by the violence of a readmission? By a broken project, just because he didn't have a paper? This is something which is understandable, but it's not necessarily understandable from their point of view, and this has to be made clear. How can you develop reintegration programmes addressed to these people, when their sole objective is to be back again to Europe? They want to leave again; they don't want to stay; I have never met one readmitted person who told me "I'm so happy to be back home. I want to stay here; I was wrong". When doing empirical work and speaking to someone who is desperate about leaving – having a different future, being able, at least, to earn money, to get married, to have a family, to live a life as a man, a normal man, or a normal woman – it is possible to see that these so-called information campaigns addressed to migrants, saying "please, my brother, don't leave your country", are absolutely absurd and illogical. There are millions of public funds, which are spent for nothing, but only for these agencies, IOM or subcontracted so-called Civil Society Organizations. Looking at the country of origin, what is the interest of a country of origin to develop a reintegration programme for readmitted persons? That's a logical question, I think, but the answer is "no interest". Why? Because you know that migration is a safety valve to relieve pressure on domestic unemployment, so you are not going to do exactly the opposite of what you are hoping to do. No, and it's no accident. There is no country in the world that has developed a fully-fledged reintegration programme sponsored by the local institutions for people who are readmitted, people who were expelled, institutionally embedded in the public sector. All that is promoted to date is project-based. There is the case of the Philippines, but it is not addressed to deported people; it's for returnees, not expellees. Now, for the country of destination – to reply to your question – I wonder whether efficiency or effectiveness is the key objective of all that. They want temporary migrants who, after the end of their job contracts, leave for good, and to make sure that they'll not be back, knowing that they will be back. In the September 2020 new pact on migration on asylum there's this new reference on return shopping; Assisted Voluntary Return shopping, and it is terrible. What is AVR shopping? The European Commission, without any evidence, argues – again without any evidence – that there are many generous AVR programmes in Europe which give, for example 500, 1,000, 2,000, 3,000 euros to someone, in order to be back home. And there's a lump sum which is given, depending on many, many criteria. The European Commission argues that someone can abuse the generosity of AVR programmes in Europe by applying several times for such programmes. Do you really believe that? There is no evidence. But can we reflect with logic? Does the Commission think that people are just playing with AVR programmes? They are just cheating the system? For the

European Commission not only asylum seekers are cheaters, but also people benefiting from an AVR programme. But it is extremely cynical, absolutely cynical, and there's no evidence, and the thing which is absolutely contradictory is that the European Commission is the first to say "well, we have no evidence of all that, but let's talk about it". It's absurd, totally absurd. It means that there's no vision, also. A system which is based on expulsion it's a broken system. A migration system, let's put it this way, aimed at dealing with asylum, dealing with migration, when there's so much centrality, when there's so much focus on readmission, I think it's a broken system. It means that there's something wrong, really, and it cannot be this way. But we are in difficult times. There's the rise of anti-immigrant political parties everywhere, from Portugal to Latvia. In Europe, there's a lack of trust with regard to the EU institutions. And of course, all these factors feed into the absurdity we are talking about.

OEm – My next question is a little bit about what you are talking just now. With the increase speeches from the extreme right all over Europe and the large migratory flow (including refugees and asylum seekers) that has hit the European continent due to the humanitarian crisis in Syria, several North African countries, etc., and all the negative reaction that these arrivals have had, do you think that so-called return policies and immigration control in the European Union will increase?

JPC – You ask if I think that the attempt to expel people will increase even more. The attempt, yes. De facto it is a bit different. This morning, President Macron decided that Algeria, Morocco, and Tunisia will have the number of visas delivered to their own citizens halved. Why? Because Macron, his government at least, consider that Algeria, Morocco, and Tunisia do not cooperate enough on the readmission of their own nationals. So, it shows, to reply to your question, that yes, there will be rhetoric on all these issues. I think yes, the drive for expulsion in the political rhetoric will increase, especially now that we will have the presidential elections in France and with what Macron is doing. But it will create more tensions with Algeria, Morocco, and Tunisia. Why has Macron decided to do that? Because he wants to cut the ground from under Mrs Le Pen's feet. This is what he's trying to do: he wants to anticipate any criticism on the part of opposition political parties, not only Marine Le Pen, but also many others. We will see how things will go. But yes, all this is happening just because it has, again, a high symbolic dimension. The drive for readmission will continue. Again, will it be effective? That's not the question! I often joke with my students by saying exactly this. They are surprised to know that a public policy is not necessarily aimed at being effective, and indeed, yes, you have some public policies which do not seek to be effective, they're just symbolic, just to discipline public opinion.

OEm – What impacts do you think a pandemic, like covid-19, might have on migration in general, but especially on return migration? Do you think that we will be facing a greater number of returns to the country of origin and, if so, will these returns be voluntary or forced?

JPC – Regarding covid-19, statistics are extremely clear. By looking at Eurostat – and I did that over the last few weeks – and at the data of the Schengen visas, it is possible to see that, in 2020, far less people moved across borders than in 2019. So, less people were on the move, be they European or non-European, by the way, but especially non-European, and inevitably, less people were subjected to an order to leave the European territory. And indeed, that is the case. There were also obstacles to expulsion.

OEm – You have written the article that is called “Theorizing Return Migration, the Conceptual Approach to the Return Migrants Revisited”. There you argue that there is a need to revisit the conceptual approach to returnees. Why is it that when you wrote this article you felt that there was this need for conceptual change? And seventeen years later do you think that this need still exists?

JPC – I started to write that article in 2003 and I felt it was necessary to revisit the approach to return migration. I was very influenced by the approach of George Gmelch, of Russell King – whom I like very much, by the way and, in my opinion, he provided the most comprehensive studies to return migration – and for me, it was important to reappraise all that and to provide a different approach, which would give more agency to every returnee, and which would also clarify, again, what return migration is all about; not to be mixed with expulsion. This was already an important issue at that time and I was very cautious at that time. Today, I’m no longer cautious, I’m very much explicit. I don’t think that I would have been able to write it 15 years ago. Now I do it very easily, also because I don’t care about negative comments, even comments in general, and I don’t like mainstream opinions. I want to show there are alternatives to alignment with powerful paradigms. So, today, 17 years later, I still think there’s a lot to do. It’s a fight, it’s a real fight, indeed. And we don’t know whether someone will win it, but the fight goes on. Absolutely.

OEm – You focused as an essential issue to the return process the preparedness of the migrants. Why do you think this point is so important?

JPC – Preparedness has nothing to do with preparation, this is important. Preparedness it’s about willingness. You have two main ingredients: willingness and resources, which you have time to collect. If your preparedness is extremely low, inevitably this will have an impact on your ability to reintegrate back home, in terms of willingness, but also in terms of resources, be they material or immaterial. This was a way – at the time, and until today, by the way – to say that you cannot compensate, you cannot offset the lack of time to collect resources. You

cannot offset the lack of willingness. That's why preparedness is central. You can produce your programs, your AVR programs, you can give money thinking that money will be enough, but you're wrong. It's not enough, at all. That's why preparedness is so important in my opinion. It's something that cannot be artificially compensated with money or assistance or whatever. If it is not there, it is not there. I know it's quite deterministic, but it's a way of showing that conditions determine quite a lot in the return process of a person and in the reintegration process of that person, absolutely.

OEm – In one chapter of the "Reintegration and development" (2014) book, you focus on the return migration of Tunisians, using data from two questionnaires – one conducted in 2006 and the other in 2012. There are some relevant differences in return motivations and preparation for return between the two questionnaires. Could you tell us a little bit about which differences are the most relevant? One that I found quite interesting was the fact that younger returnees and those who had emigrated more recently were much more likely to be unemployed after returning to their country of origin.

JPC – This is true, yes, because, again, we have to take into consideration not only the experience of the interviewee in our survey, but also we have to contextualize politically, institutionally, economically, sociologically, the experience of the interviewed persons. And yes, absolutely, it was a way of creating a link between the personal experience, the migration experience of these people, but also the context, which is so important in order to understand reintegration.

OEm – It's not only the context of the country of origin, but also the country of destination.

JPC – The former country. Absolutely, definitely. We used a lot of data which allowed us to show the significance of the past experience in the broadest sense, namely, not only the experience of the individual, but also the context, and how it was perceived, because we also asked questions on how the migrant perceived these situations. But also, afterwards, in the country of origin, indeed, perceptions are extremely important. They are subjective as well. Subjectivities have also an impact on how people plan their future in a specific sociological context, and political context also.

OEm – In another chapter of the same book, you talk about entrepreneur-returnees from Armenia, Mali and Tunisia. What contributes to some of the returnees succeeding as entrepreneurs and others not? Were there different factors depending on the countries?

JPC – I would say, first of all, in the chapter we clarified what we mean by entrepreneur, first to employers – people creating jobs –, but also to self-employed people in the formal and informal sector. We are in a non-European reality where the black market, the informal sector, is quite developed. We decided to take into consideration these self-employed people who were work-

ing in the informal sector. For example, for us, a fruit vendor in the streets was a self-employed person. So, all these three categories (employers, self-employed in the formal sector and the informal sector) reflect different levels of entrepreneurship. The difference between those who became employers was that employers had a complete migration cycle. Not all, but most of them had a complete migration cycle. In other words, they had decided on their own initiative to return, and they found the resources, they had the time to evaluate the market opportunities in terms of market opportunities, etc., and so this is how it went. Although, there are other entrepreneurs who had an interrupted migration cycle, but who worked, for most of them, in the informal sector and as a self-employed. Well, we could say that the type of migration cycle has an impact on the typology of entrepreneurship. Now, the difference between those who became entrepreneurs and those who did not become entrepreneurs, I think it's too vast, it's too broad. It would take too long to explain.

OEm – Based on two research projects that you have led, you make freely available on your website a database on return migrants from Algeria, Armenia, Mali, Morocco and Tunisia, which focuses on post-return conditions and on the various factors shaping return migrants' patterns of reintegration. What kind of information and indicators can users of the database benefit for their work?

JPC – This is a survey which contains 700 variables, which can be processed with STATA or SPSS, easily manageable. All the data are available, you just need to download the database. I think many colleagues, many scholars, many students have exploited this database, and there are a lot of articles which were written based on it.

OEm – So, last question. Is there a topic or question I haven't asked you that you would like to talk about?

JPC – Yes. I think we should speak research and ethics, about independence, about the difficulty in keeping your own independence in research, especially with sensitive topics such as re-admission and return. I think we all have our own responsibility, we cannot adhere to predominant schemes of understanding, it's really important to question them, and I will continue to do that, again and again. And this is what I want to communicate: I have the luck to teach, and I teach at the College of Europe, and I realize each time how lucky I am in transmitting all that to students. I realize that for some of them it's a very different message which they hear, and they are glad to hear it. Because they are thinking persons. They know that something is wrong, but they don't understand what precisely. And so, it's important to give them the tools, the keys, to think their own way.

OEm – Thank you so much.

JPC – You're most welcome.

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