

Expulsion and Privatization: A Darker Shade of Grey?

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When we look at current expulsion policies and practices adopted by the Global North in the context of migration control, the lack of legal and policy clarity is striking. In this contribution, I argue that this lack of legal and policy clarity is not accidental. To substantiate this claim, I examine the way in which the outsourcing of migration enforcement to private non-state actors has both enabled and accelerated the normalization of expulsions as an acceptable and preferred form of migration management.

I analyse the problematic involvement of for-profit non-state actors (especially private military and security companies), in the business of privatized migration enforcement. First, I will chart the origins of this phenomenon, focusing in particular on the privatization of detention and expulsion, in order to examine their nature, scope and normalization at both legal and policy level. I will then discuss their human rights implications in light of applicable international legal instruments, including the 2014 International Law Commission Draft Articles on the Expulsion of Aliens.

The focus on privatization of migration detention and expulsion sheds light on other concerning trends of current migration control policies, outlined in the contributions by the other participants. Such policies are in fact characterized by externalization and containment measures which revolve around the use of development aid to control migration; informal cooperation on readmission; a wide-spread discourse on ‘voluntary’ returns; and ultimately the reliance on detention and expulsion as normalized migration management tools.