
The Repatriation & Reintegration Dilemma: How states manage the return of foreign terrorist fighters & their families

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Abstract

This study analyzes the interplay of factors which drive states' approaches to the repatriation and reintegration of Foreign Terrorist Fighters (FTFs) and their family members. The literature is dominated by descriptive studies of state policies that tend to explain states' failure to repatriate and reintegrate citizens as the result of deference to governments' national security decisions. Our study builds on these foundations to offer the scholarly and policy fields both a framework to explain why governments adopt distinct policy postures, and a means to enable these same actors to engage in more systematic analysis and development of repatriation and reintegration policy. This study argues that a balance of four considerations are crucial for explaining state behavior in this policy context: (i.) the scope of the issue, including the number of citizens considered FTFs or affiliated persons, geographic proximity, and access to the conflict, (ii.) existing legal basis for repatriation and reintegration, (iii.) instrumentalization for institution building, and (iv.) programming strategy for repatriation and reintegration. As a pilot study, this paper applies the framework to assess cases of the United States, the Netherlands, Kosovo, and Iraq. As FTF management issues are not a relic of the recent past but a persistent policy concern that warrants more nuanced and forward-looking attention, this study also considers the continued application of the framework to explore the different ways in which states may balance these four considerations in policy design and practice in the future.

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Introduction

The foreign terrorist fighter (FTF) phenomenon has become synonymous with the unprecedented wave of travelers to Iraq and Syria that began almost a decade ago. An estimated forty-one thousand foreigners from eighty countries are thought to be affiliated with

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the Islamic State alone (Cook and Vale, 2018). Foreign fighters from western nations constituted only a fraction of these travelers (European Commission, 2020; Farrall, 2020; Travelers, 2022; Shtuni, 2021; Van Ginkel and Entenmann, 2016). Despite contributing a relatively small number of FTFs, the issue of their repatriation and reintegration remains a key focus — and a notable challenge — for many western states. Yet the issue of citizens traveling from their country of origin to fight in foreign wars is hardly new, nor is it a relic of the past as highlighted by the war in Ukraine (Malet, 2017; Doctor, 2022).

The need to continually assess and advance both scholarly understanding and policy design in managing FTFs and their families remains vital for any comprehensive counterterrorism and preventing/countering violent extremism (P/CVE) approach. Citizens traveling from their country of origin to participate in foreign conflicts raises a myriad of both domestic and international policy issues (RAN, 2017). The most significant of these policy challenges arguably concerns two things. First, the *repatriation* of citizens, i.e., whether and how governments return citizens to their country of origin, and second, their *reintegration* back into society, i.e., what processes, if any, are in place to support them to return to a normal life, while minimizing risk to society. For many nations it was not until their own citizens joined the Islamic State that they were forced to recognize the many gaps in their repatriation and reintegration policies.

The purpose of this article is to identify and analyze the key factors that drive state approaches to the repatriation and reintegration of FTFs and their families. We argue that a balance of four considerations is crucial for explaining state behavior in this policy context: (i.) the scope of the issue, including the number of citizens considered FTFs or affiliated persons, geographic proximity, and accessibility to the conflict, (ii.) existing legal bases for repatriation and reintegration, (iii.) instrumentalization for institution building, and (iv.) strategic versus ad hoc repatriation and reintegration programming. Our quadripartite framework emerges from both scholarly and policy literature, in addition to the authors' discussions and interactions with policymakers, to identify the key factors that appear to impact state behavior. Rather than seeking to offer a predictive model, our study offers these fields a framework to explain why states have adopted their policy posture and,

simultaneously, provide a means by which policymakers can more systematically analyze and develop repatriation and reintegration approaches.

This framework is applied to four case studies that were selected as exemplars of the variability in experience and policy position: the United States, the Netherlands, Kosovo, and Iraq. As a pilot study, this paper applies the framework to the case studies to consider its potential future application to analyze how these four factors have been interpreted and applied in repatriation and reintegration policies in a multiregional or global study. The paper begins by positioning the present study within the context of the current literature. Building on this scholarship, our study then outlines a quadripartite analytical framework before applying it to the four case studies. It concludes with a discussion of the study's overall findings and its implications for future scholarly and policy research.

Positioning the Study within the Literature

The research and policy literature on FTF management has exponentially expanded since 2014. The United Nations Security Council defines Foreign Terrorist Fighters (FTFs) as “Individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training” (U.N.S.C. Res 2178, 2014). The term foreign fighter is gendered, as men have often taken the more public-facing role as combatants. However, the wars in Syria and later Iraq saw an increasing number of women and minors traveling to conflict zones. This paper uses the term FTF as shorthand to refer to both FTFs and their family members. To synthesize the extant literature and position the current study within it, we focus on two broad strands of scholarship.

The first strand of research comprises publications that have adopted a broad overarching approach to analyzing trends in government FTF management policy and practice. While this category of literature typically covers multiple case studies and regions, these works still tend to focus on certain aspects of FTF management, such as civil society and human rights. For instance, major studies by Nemr, Nonningere, van Deventer, and van Ginkel (2018), Setyo, Wiwik, and Agung (2021), Mehra and Paulussen (2019), as well as

Holmer and Shtuni (2017) have examined the issue of FTF management with multi-country case studies that applied a broad lens to the repatriation and reintegration issues. However, unlike the current article, it was not necessarily the intent of these studies to develop an overarching framework through which to analyze trends in FTF management policies and practice. Conversely, other analyses within the first stream of literature adopted a broad analytical lens but tended to focus on a particular case study as an exemplar, such as the Balkans (e.g. Mironova, 2021; Dedeken and Osborne, 2021), or a particular problem area such as Al-Hol Camp (e.g. Hurley, 2020; Margolin and Doctor, 2022). This sub-category of literature also covers work that tended to adopt a particular lens through which to analyze FTF management whether it was through the applicability of extant legal frameworks (e.g. Roithmaier, 2019; Benton and Banulescu-Bogdan, 2019) or migration laws (e.g. Newland, 2017).

The second strand of scholarship are publications that have a specific country and/or thematic focus. Analyses that focused on specific countries played a particularly central role in this study, especially to inform the United States (Mironova, 2021; Vidino et al., 2014), the Netherlands (Wittendorp et al., 2017; van der Heide and Schuurman, 2018; Sandelowsky and Liefwaard, 2019; Mehra, 2022; Wassenaar, 2018), Kosovo (Bytyqi and Mullins, 2019; Ruf and Jansen 2019; Avdimetaj and Coleman, 2020; Shtuni, 2021), and Iraq (EASO, 2020) case studies. In the development of our framework, the practices of other states were taken into account to ensure our approach encapsulated broad FTF management trends including Australia (Hardy and Williams, 2016; Braun, 2020) and Finland (Malkki and Saarinen, 2019; Mustasaari, 2020; Regional Cooperation Council, 2021). Amongst the most important for understanding the full scope of repatriation and reintegration policies and practices were studies that looked beyond counterterrorism and P/CVE and extended to prison rehabilitation (Gaynes, 2005; Bhuller et al., 2022; Love, 2022), disarmament, demobilization, and reintegration (Bureau for Conflict Prevention and Stabilization, 2022; Tessieres, 2022; Schubert, 2017; Mumford, 2021; Millen and Seligsohn, 2021; Petcu, 2020; Muggah and O'Donnell, 2015), and youth gangs (Garbarino et al., 2020). These lessons from outside FTF management helped to provide not only a contrast to but often context for the development of counterterrorism and P/CVE specific initiatives.

Analysis of the literature synthesized for this study reveals a number of under-explored policy trends, some of which may initially appear contradictory. First, there is a tendency to explain the failure of states to repatriate and reintegrate their citizens as a result of deference to national security objectives. While many states have explicitly blocked the return of their nationals on grounds of national security (St. Vincent, 2021), this explanation provides few insights as to why some states perceive repatriation and reintegration as posing a fundamental threat to national security. Conversely, other states, such as Iraq, have highlighted that a far greater risk to national security is posed by *not* returning nationals to their country of origin, a belief shared by some state security apparatuses (Soufan Center, 2019). It also does little to explain why many of these same states have later reversed these decisions and commenced formal repatriation procedures. Deference to national security has also enabled governments to enact policies to block repatriation and reintegration with little recourse for affected individuals. Given the opacity that surrounds decision making on this politically sensitive issue, our study ultimately seeks to explore the range of considerations that may underpin state decision-making in FTF management and offer a framework for assessing the evidence/rationale of those decisions.

Second, the number of FTFs and their ability/inability to return to their country of origin appears to be a significant factor in the urgency demonstrated by governments to design and implement FTF management policies. Iraq, which has around 30,000 citizens in al-Hol camp alone and shares a 600 kilometer border with Syria, has committed to repatriating its nationals who are affiliated with the Islamic State (ICCT and IOM, 2022). Yet it is not only those nations who are geographically closer to the conflict and whose citizens are more likely to return and pose a potential security threat that are more inclined to engage in FTF management. Countries with far fewer FTFs than Iraq, such as Kosovo (Bytyqi and Mullins, 2019), and with stronger barriers to undetected re-entry, such as the United States (DOJ, 2020), have also demonstrated a commitment to repatriation. When applied to case studies, our framework facilitates a broad analysis of the often-varied considerations influencing policy design.

Third, governments with the capacity to repatriate and reintegrate their citizens do not necessarily do so while those with limited capacities may attempt it. Many E.U. countries

have considerable experience in addressing terrorism domestically. Their judicial and other institutions have proven capable of addressing the potential risks to society and the state (Koehler, 2016; Dominguez, 2004). Despite this, European countries have overwhelmingly and continually expressed opposition to repatriation, highlighting concerns over the ability to prosecute FTFs (Mironova, 2021) and acknowledging the many challenges to reintegration (RAN, 2021). At the same time, states with arguably weaker institutional capacities, such as Kosovo, Uzbekistan, and Kazakhstan, have opted for repatriation (Bytyqi and Mullins, 2019; Imamova and Kashgarian, 2021; Farrell et al., 2021). Our study seeks to explain not only *what* capacities appear to be important in this decision-making but contextualize *why* states that may have sufficient capacity choose not to repatriate and reintegrate their citizens while those with relatively less capacity decide to do so.

A Four Pillar Framework for Scholarly & Policy Analysis

Building on the preceding synopsis of scholarly and policy literature, a variety of repatriation and reintegration policies and practices characterize state responses to their citizens traveling to join foreign terrorist groups. It is also possible to draw from this analysis four interrelated factors that appear to be important for explaining state behavior regarding whether to repatriate FTFs and their families and, if so, how to reintegrate them into the society. In addition to conducting the literature review and taking account of policies being implemented, we drew upon discussions and engagements with policymakers² to identify the four factors that represent the primary pillars of our analytical framework. These four pillars do not comprise an exclusive list of the factors that states consider when making decisions in regard to FTF repatriation. Rather, state action — or inaction — on this issue appears to be most informed by these four key factors, but also takes into consideration a myriad of other elements including those that may only subconsciously impact decisionmakers. For both feasibility and comparability, our study does not exhaustively cover all factors that may impact states' decisions on repatriation and reintegration, rather we focus those which we have identified as the most important. Moreover, we hypothesize that no single pillar is a

² This includes *inter alia* Coleman & Ingram discussions based on EU RAN Policy Support work.

decisive predictor for whether a state will repatriate and reintegrate its citizens. Instead, state decisions reflect a balancing act across these four criteria. The quadripartite framework also does not purport to be a predictive model for state behavior; rather, the structure provides a means through which states can more systematically understand both their own repatriation policies and approaches, as well as those of other states.

Pillar 1: Number of Citizens, Proximity, & Access to Conflict

The first pillar of the framework features the most obvious considerations for states seeking to manage FTFs and their families and assess the scope of the policy burden: numbers, proximity, and access. This pillar is ultimately about both scale and feasibility of travel. The number of citizens that are believed to be involved in foreign conflicts, especially the number of those who are believed to have joined foreign terrorist organizations, is clearly a vital consideration in government decision-making. During the wars in Syria and Iraq, it was often difficult for governments to track the total number of citizens that had traveled to the conflict theater and even more difficult to identify which groups those individuals had joined. It may seem intuitive that countries with smaller numbers of citizens who traveled to join the Islamic State would be more willing to repatriate them, under the presumption that fewer individuals would constitute a more manageable caseload. However, in reality, it has often been countries with relatively few affiliated citizens who have been the most reluctant to repatriate them. This may be attributable to states' belief that they will be able to ensure that the individuals (and any risk that they may pose) remain in the conflict zone—or at least are unable to return home. Moreover, small numbers of citizens who traveled to Syria and Iraq correspond to relatively small numbers of family members or others in the country of origin who may be vocal about their demands for repatriation. Whatever the rationale, the presumption that a larger caseload will make a country less willing to repatriate has often not been the observed outcome, as demonstrated by the examples not only of Iraq and Kosovo, but of other countries including Kazakhstan and Uzbekistan.

Numbers alone do not give the full story; rather, they interact with other considerations, including proximity, i.e., the geographic distance between a state and conflict area. Proximity has a clear impact on how easy it is for citizens to travel to the conflict zone,

which correspondingly impacts the potential number of citizens involved in the conflict. However, proximity also crucially affects both the real and perceived immediacy of the returning FTF threat. Countries that are possible to reach across land borders, especially where only one crossing needs to be made in order to return to the country of origin, may account for different considerations than those that are further removed. Moreover, with geographic proximity there is also the issue of access. More stable states may have the security and monitoring agencies as well as the institutions and infrastructure necessary to better protect their borders and limit the travel or return of citizens without the knowledge and consent of the state. Therefore, the number of FTFs and their families, the state's proximity to the conflict, and its ability to monitor and control access in and out are crucial components of pillar 1.

Pillar 2: Legal Basis for Repatriation and Reintegration

The framework's second pillar refers to the existence of laws and legal precedents for repatriation and/or reintegration of citizens. In this regard, two trends appear to be particularly significant for state decisions to repatriate and reintegrate FTFs and their families. The first is the tendency of courts to be deferential to the politics and policies of the day. The high level of deference shown in cases related to national security is not a new phenomenon, but it can lead to particularly troubling outcomes when combined with the common tendency to exceptionalize terrorism. Thus, while it may generally be appropriate for a judge to defer to the executive's decision on matters truly vital to the national security, the bar for what constitutes a threat to national security has arguably been lowered — likely because of the heightened political sensitivities and public scrutiny surrounding terrorism generally and the Islamic State in particular. Thus, there is a tendency for a circular rationale to emerge whereby a government claims confidentiality and deference because a certain decision is related to national security, and because the government has claimed it is a national security issue, courts cannot and do not meaningfully review such decisions.

When this is combined with the second tendency of note, the existence of laws and legal precedents for the deprivation of nationality, together they can create an absolute bar to repatriation that leaves individuals stuck in a legal limbo whereby they are unable to be

physically present in their country of origin to challenge the deprivation order and often do not have the right to know the case against them. This may be a convenient solution for states seeking to ensure that individuals have no possible way to return, but it is doubly problematic because in most cases it is only used by states in instances where the FTF holds dual nationality, so as to not result in statelessness (Bolhuis and van Wijk, 2020). Because dual nationals tend to be those from a migrant background, who often come from a minority ethnic or religious group within the state, revocation of nationality also creates a two-tiered system of nationality (Wautelet, 2016).

For democracies, the willingness of not only courts, but also governments to uphold the rights of citizens and adhere to international laws and precedents broadly sets the legal landscape within which repatriation and reintegration policy is designed and implemented. In the absence of political will to approach repatriation and reintegration through a human rights and rule of law-compliant manner, other factors that states may consider when adopting a policy or approach to these issues are largely rendered moot.

Pillar 3: Instrumentalization for Institution Building

The third pillar refers to how states instrumentalize - or if and how they choose to implement - repatriation to project sovereignty and/or undertake institution building related to FTF management. FTF management is often described as a cascading policy issue that has direct and indirect implications for a variety of other domestic and foreign policy areas (RAN, 2017). Thus, Pillar 3 is deeply interconnected with other pillars. After all, a government's capacity to process returnees will heavily depend on the legal basis and precedent (Pillar 2) and the existence of repatriation and reintegration programs to practically manage FTFs and their families (Pillar 4). However, it is important to acknowledge that FTF management not only has broader impacts in testing the capacities of public policy, but also on the ways in which states project their sovereignty and willingness to adhere to international norms and law.

How these dynamics play out needs to be analyzed on a case-by-case basis because there is no standard measure whereby states instrumentalize their capacities for FTF management upon reaching a certain threshold. It is largely subjective and heavily influenced

by the politics of the day for three key reasons. First, the capacity required to process returnees depends on Pillar 1 considerations (the scope of the FTF returnee problem, proximity, and access issues facing the government). Second, the instrumentalization of FTF management capacities depends on a government's willingness to devote resources, personnel, and time to that issue. Third, FTF management has broader national security and foreign policy implications and is often a mechanism by which states seek to express their position on how to balance national sovereignty and relationships with the international community, and thus whether or not a state will seek to instrumentalize FTF repatriation inherently depends on their need or desire to project sovereignty and capacity.

A consequence of this complicated balancing act is the potential for variations across the case studies. For example, states with comparatively weaker institutional capacities, such as Kosovo and Iraq, may be more inclined to implement FTF management programs to demonstrate legitimacy to the international community. While prosperous and stable democracies may have greater institutional capacities, it has not necessarily followed that they are willing to engage in repatriation and reintegration of FTFs and their families. There are some, like the United States and Finland, that have committed to FTF management and leveraged this to apply international pressure on other states (e.g., DOJ, 2020; Harnisch, 2020). However, in many E.U. countries, as well as in other states such as Australia, there is little public support for or political confidence to respond to FTF returnees.

Pillar 4: Strategic Versus Ad Hoc Repatriation & Reintegration Infrastructure

The existing landscape of repatriation and/or reintegration programs presents another significant influence on state decisions regarding FTF management. It may seem obvious that states with pre-existing programs are more likely to implement FTF management policies, but the practical dynamics can be varied and depend on the other pillars within the framework. For example, states in close proximity and/or with comparative ease of access to the conflict area may not have any formal repatriation policies but, as citizens return to their country of origin, reintegration efforts must be designed and implemented accordingly. Other states may have extant reintegration programs in other sectors (e.g. prison rehabilitation, anti-gang initiatives) which are then amended to deal with FTF threats. Then there are states that

develop repatriation and reintegration programs specifically to deal with FTF management issues.

Summary of Four Pillar Framework

The quadripartite framework is designed to identify the key factors shaping state decision-making regarding FTF management and assess the evidence for those decisions. Table 1 summarizes the framework and the analytical/policy questions that can be used to help guide its application. On the surface, the four criteria may seem obvious. Factors such as FTF numbers, proximity, access, legal precedents, and institutional capacity are important, and this study seeks to incorporate those criteria into a coherent paradigm. However, the framework also encapsulates the complexity and variability *within* each of the framework's four components. Importantly the four components of the framework should not be assessed and applied in isolation. As the case studies section demonstrates, the framework's value as an analytical and policy assessment tool is that its sum is greater than its parts. Ultimately, the four pillar framework offers a systematic tool for assessing the underlying considerations, its dynamics, and evidence base for state decisions regarding the repatriation and reintegration of its citizens. By extension, the framework potentially offers a mechanism for assessing the rigor of FTF management policy architecture; a checklist for identifying areas where further policy focus and capacitation may be needed.

Table 1. Summary of the Four Pillar Framework

	Analytical and Policy Questions
<p>Pillar One</p> <p>FTF numbers, proximity, & access</p>	<ul style="list-style-type: none"> ▪ How many FTFs and their families traveled to the conflict zone? ▪ What is the demographic breakdown of the travelers? ▪ How far away is the conflict zone from the country of origin? ▪ How accessible is the conflict zone for citizens? ▪ Does the country of origin have appropriate security, monitoring and border control institutions and processes to limit access in and out?
<p>Pillar Two</p> <p>Legal basis for repatriation & reintegration</p>	<ul style="list-style-type: none"> ▪ Do laws and legal precedents for repatriation and/or reintegration of citizens exist? ▪ Have courts been willing to be deferential to the politics and policies of the day? ▪ Do laws and legal precedents for the deprivation of nationality exist in the country of origin? ▪ Have courts demonstrated a willingness to uphold the rights of citizens? ▪ Have states been willing to adhere to international laws and precedent regarding repatriation and reintegration policy?
<p>Pillar Three</p> <p>Instrumentalization for institution building</p>	<ul style="list-style-type: none"> ▪ What FTF management institutions and procedures exist? ▪ Has the government demonstrated a willingness to adhere to international norms? ▪ How has national sovereignty been used to justify the decision to/not to repatriate FTFs and their families? ▪ Does the state have the capacity required to process its returnees and/or a willingness to develop that capacity? ▪ Is the state willing to instrumentalize its capacities to engage in FTF management activities? ▪ How has the state sought to balance national sovereignty and its relationships with the international community concerning FTF management?
<p>Pillar Four</p> <p>Strategic versus ad hoc approach to repatriation & reintegration</p>	<ul style="list-style-type: none"> ▪ Are repatriation and/or reintegration programs specific for FTF management already in place? ▪ Has the state extended the scope of repatriation and/or reintegration programs from other sectors? ▪ Have FTFs and their families returned to their country of origin outside of formal repatriation processes? ▪ Have FTFs and their families fled the conflict zone and traveled to other countries from which their country of origin has refused to repatriate? ▪ Does the state have a repatriation program without a reintegration program? ▪ Does the state have a reintegration program without a repatriation program?

Case Studies: Evidence from Across the Global Community

The framework combines four key considerations that jointly contribute to an explanation for states' approaches to repatriation and reintegration. As noted, however, the interplay of these four factors, along with other elements, does not follow a set pattern. Thus, the purpose of this section is to apply the framework to four countries that span a varied approach to FTF management policies (the United States, the Netherlands, Kosovo, and Iraq). Our analysis is a pilot study; its limitations include both the number of case studies featured and the necessity to engage in a broad overarching analysis that risks overseeing some of the strategic-policy minutiae. Methodologically, it draws on both scholarly and policy literature to inform its findings that are based on the application of the framework to case studies. Those case studies were selected to maximize the regional coverage of this paper and the variability within and across the four criteria.

Case Study 1: The United States

When compared to other case studies, a relatively small number of Americans traveled to Syria and Iraq to support the Islamic State campaign. The United States' light FTF burden in combination with its legal and institutional infrastructure has resulted in an ad-hoc repatriation and reintegration process largely defined by strong pressure on the international community and a high rate of criminal prosecution at home.

Number of citizens, proximity, & access to conflict

The United States stands far removed from the conflict in Syria and Iraq, and from the spillover experienced by Europe in the form of a mass refugee crisis (Meleagrou-Hitchens et al., 2018; Ward, 2011). Foreign travelers departing from the Washington, D.C. area, for example, would need to travel overseas at least 5,850 miles (9415 km) to reach the Islamic State's "capital city" of Raqqa, Syria. The logistical constraints faced by would-be American travelers are far more complicated compared to those faced by travelers from many European nations and even parts of northern Africa. As a result, the United States produced a relatively small cohort that are thought to have traveled to join the conflict – estimated to be around 300

individuals (Cook and Vale, 2018; Meleagrou-Hitchens et al., 2018). In a country of approximately 331 million, this comes to a very low ratio of American FTFs per capita.

The same lack of proximity and logistical constraints that likely contributed to the relatively small number of U.S. nationals travelling to Syria and Iraq to join the Islamic State also constitute a barrier to such individuals' informal return (i.e., without the knowledge and/or involvement of U.S. authorities). Despite such barriers, there have been a small number of individuals who have returned to the United States informally and largely under the radar. The Program on Extremism at George Washington University has identified at least 22 adults who returned to the U.S. (18 men and 4 women) and an additional 22 minors that have also returned, a further 15 individuals than acknowledged by U.S. formal repatriation efforts, indicating that these individuals returned informally (Travelers, 2022; Margolin and Doctor, 2022).

Legal basis for repatriation and reintegration

A strong legal system, bolstered by the strength of U.S. political institutions, has equipped the American government to engage U.S.-based travelers across the various stages of their travel, including in the pre-departure phase. In addition, a limited set of non-criminal tools has been used in a select number of cases.

U.S. law prohibits any support of a designated foreign terrorist organization (Halliday and Hanna, 2021; Hoffman and Furlan, 2020). Specifically, under U.S. Code 18 U.S.C. § 2339B individuals may be charged for any of many forms of material or resource support, including: “training,” “expert advice or assistance,” “service,” and “personnel.” This can occur at any stage of foreign travel, pre-departure, in-theater, and upon return.

Moreover, some pre-emptive measures — either through criminal prosecution or administrative measures — have been used within the United States even before departure. The criminal justice tools that generally have been used fairly aggressively to disrupt and deter FTFs are the same used to combat terrorism generally. The U.S. authorities' inclination toward criminal prosecution as the best tool to prevent individuals from leaving the country to join conflict is due to, among other reasons, the vast array of very flexible and effective legal tools at their disposal (Hughes and Margolin, 2019). In other cases, measures outside of

criminal prosecution can and have been used, such as deportation or removal of immigration status, when applicable. In this regard, the U.S. is a bit of an outlier. That is, in terms of legal sanctions – the American approach to counterterrorism has generally relied on harsher and lengthier penalties than many other countries.

For those who successfully travel to join a foreign violent extremist organization and return, as noted by Vidino et al. (2014, p. 16),

“The approach used by US authorities is largely punitive. Some ‘soft’ measures aimed at engaging communities and providing information on how to aid suffering populations abroad without intervening in the conflict do exist. But, for the most part, US authorities opt to pursue those who seek to become [foreign fighters] or have returned from the conflict with the many and extremely comprehensive criminal tools available to them.”

As of May 2022, the U.S. Department of Justice has repatriated 29 U.S. citizens from Syria and Iraq, including 13 adults and 16 children (DOJ, 2020; DOJ, 2022a). Of these, 12 adults have been charged with terrorism-related offenses for their support to the Islamic State. In one rare case, U.S. citizenship of an individual has been denied (Kennedy, 2019). Although increasingly used in many European countries, deprivation of nationality is generally not a tool available in the U.S., as a number of court decisions, most notably *Afroyim v. Rusk* (1967) and government policies have long-established that U.S. citizenship cannot be revoked from an individual. In fact, the U.S. has even returned and put non-U.S. citizens on trial (DOJ, 2021; DOJ, 2022b). Typical measures upon return involve criminal prosecution. The Program on Extremism at George Washington University found that approximately 90 percent of returned adult travelers have been arrested and charged (Travelers, 2022).

Instrumentalization for institution building

With respect to institution-building, the United States has not only focused outward towards building a consensus in the international community on the urgency of FTF repatriation and reintegration, but has been a vocal proponent of a state-led process. The U.S.

has used its executive offices – namely the State Department – to pressure its partners and allies abroad to repatriate and reintegrate their citizens currently in detention in Iraq and Syria (Welna, 2019).

The Trump administration in particular took an out-spoken approach to sparking international buy-in. In 2019, Trump stated, “We have thousands of ISIS fighters that we want Europe to take, and let's see if they take them. If they don't take them, we'll probably have to release them to Europe” (Abbas, 2019). This policy priority has remained front and center under the Biden administration. Regarding those detained in the al-Hol camp in northeast Syria, U.S. CENTCOM commander Gen. Kenneth McKenzie warned in April 2021 that foreign children “are being radicalized, and unless we find a way to repatriate them, reintegrate them and deradicalize them, we are giving ourselves the gift of fighters five to seven years down the road, and that is a profound problem. It will be a military problem in a few years if we do not fix the non-military aspects of it now” (Wintour, 2021).

Strategic versus ad hoc approach to repatriation & reintegration

Our assessment largely mirrors that of the 2018 report published by the Program on Extremism, in that, overall, the U.S. has largely adopted a provisional, case-by-case approach to both repatriating and reintegrating foreign terrorist fighters and their families. In other words, the system exists but is ad-hoc in nature. There are some practical advantages to this approach, namely in flexibility, but a number of associated vulnerabilities as well. In particular, absent a framework for processing different types and categories of travelers, agencies will tend to “default to prosecution” or may avoid returning those for whom a clear risk assessment cannot be determined” (Meleagrou-Hitchens et al., 2018). This can produce inefficient or undesirable outcomes.

The current U.S. approach is more feasible with only a couple dozen cases. The longer this ad hoc approach is used to address incoming cases — extending from the 29 already repatriated — the more difficult it will become to establish new norms or formal processes. It is unclear how many more cases of detained U.S. persons remain, and how the approach addresses those persons who have returned through informal channels.

Case Study 2: The Netherlands

Like many other E.U. states, the Netherlands has shown great reluctance to repatriate and reintegrate FTFs and their families. It acknowledges that many FTFs returned through informal channels, but it has utilized deprivation of nationality and other means to block formal repatriation. Within the past year, however, the Dutch approach has shifted. Faced with the prospect of courts dismissing cases against female adult FTFs, the Netherlands is now more actively repatriating women in order to prosecute them. Child returnees have been allowed to return with their mothers, although repatriation of children is not a priority itself.

Number of citizens, proximity, & access to conflict

The Netherlands had around 300 citizens travel to Syria and Iraq, with the vast majority joining the Islamic State. A third of this number, around 100 persons, were women. Around 90 adults who traveled to Syria and Iraq have returned, either to the Netherlands (70 persons) or to another state (20 persons). The majority of those that returned to the Netherlands did so on their own between 2013-2014, not as part of a state-organized repatriation process. Around 120 Dutch nationals are still in either Syria, Iraq, or Turkey. Around 40 of these are known to be in Syria. The women and children in Syria reside in al-Hol or al-Roj camps in Syria, while the men are housed in various detention centers across northeast Syria. One hundred of the adult Dutch nationals who traveled to Syria and Iraq have subsequently died, along with at least 25 Dutch children (AIVD, 2020). The number of FTFs traveling from the Netherlands, while not insignificant, is lower both in absolute terms and per capita than the number from the neighboring countries of France and Belgium, although higher per capita than the U.S.

Located around 3000km from Syria, the Netherlands is fairly removed from the conflict zone in Syria and Iraq. Yet, the relative ease of travel from Europe to the region may have contributed to the number of Dutch nationals that joined the Islamic State. Moreover, despite the distance, the Dutch intelligence service, the AIVD, warned even in 2014 that returnees, should they be able to make it back to the Netherlands, posed a significant risk of planning and carrying out attacks, or radicalizing others (AIVD, 2014).

Given the number of Dutch returnees prior to the establishment of the Caliphate, it appears that either Dutch authorities were unable to detect their return or did not seek to prohibit it. This changed overtime, with the Dutch approach morphing to one that sought to block the repatriation of any Dutch national, including children, until recently.

Legal basis for repatriation and reintegration

The Dutch government continues to firmly hold the belief that revocation of citizenship wherever possible is the best means to ensure the national security of the country, in that it would prevent those individuals from returning to the Netherlands (Ministry of Justice of the Netherlands, 2022). Given that the Netherlands is a party to the 1961 Convention on the Reduction of Statelessness, in practice this has meant that only dual nationals have been stripped of their Dutch citizenship. For those from whom it is not possible to revoke citizenship, the Dutch government has been steadfast in conveying that accountability through criminal prosecution is the goal. It has not been shy about conveying a strong preference for trials to be held ‘locally’, i.e., in Syria and Iraq, rather than in the Netherlands (Ministry of Justice of the Netherlands, 2022).

But it is indeed the prospect of not being able to prosecute FTFs that has started to open the door for more repatriation to the Netherlands. Initially, in response to a case brought by a group of 23 Dutch women on behalf of themselves and their children, in June 2020 the Supreme Court found that the government did not have to assist in their repatriation (Hoge Raad, 2020; Asser Institute, 2020). The same decision also highlighted the deference shown by the court to the government’s argument that these women and children posed significant security risks to the Netherlands and other Schengen countries. This was despite the NCTV, the Dutch National Coordinator for Security and Counterterrorism, acknowledging that the risks associated with repatriation are controllable, and are less than the risk that will likely be posed to national security if Dutch children, in particular, are not repatriated (Gerechtshof Den Haag, 2019).

By mid-2021, a shift could be seen in the decisions coming from Dutch courts. In particular, as the Dutch legal system prohibits trials in absentia, courts have increasingly forced the government’s hand by warning that if they fail to repatriate a number of adult

women, who are on trial for terrorism-related offenses, the court will drop the case with prejudice, meaning that the Public Prosecution Service will lose the right to try these women for the offenses in the future, should they ever return (NOS, 2022a; NOS, 2022b). With these rulings, the courts have set strict time limits for the government to act. As a result, a number of women and children have been repatriated over the past year.

Thus, the underlying basis for repatriation to the Netherlands is prosecution of the adult women. Government stakeholders have acknowledged that, in contrast with some states who have acted to repatriate children based on the rights of the child, and collaterally have brought back their mothers, the Dutch are primarily acting in order to bring back the women for prosecution, with the children returning as a result of accompanying their mothers.

Instrumentalization for institution building

Despite having strong institutional capacities, the Dutch government's approach has been based in the sense that these capacities will not be able to address the risks posed by the repatriated, from a security perspective and/or from a prosecutorial perspective. Despite this, the government's decision to indeed start to repatriate women in order to ensure that the cases against them are not dismissed indicates that there is at least a level of confidence in domestic institutions to suggest that they can manage the challenges associated with repatriation and reintegration.

Additionally, at the same time that government statements and actions indicated a lack of confidence in the capacities of domestic institutions to manage repatriation, the Netherlands has provided significant support to the Global Framework for United Nations support for Syria/Iraq Third Country National Returnees, which aims to facilitate repatriation from Syria and Iraq (UNOCT, 2021). This suggests that while the government has been wary of political sensitivities domestically, it also recognizes the need for repatriation and does not expect that Syria and Iraq can handle the enormously complex challenge themselves, without the support of the international community.

Strategic versus ad hoc approach to repatriation & reintegration

In January 2022, the Minister of Justice and Security wrote in a letter to Parliament that returnees to the Netherlands had come back since 2013 “drop by drop”, reflecting an acknowledgement that the Dutch approach has been overwhelmingly ad hoc (Ministry of Justice of the Netherlands, 2022). In the same letter, it was stated that if a Dutch citizen could manage to report to an Embassy or Consulate on his or her own, they cannot be refused entry to the Netherlands (assuming they are only a Dutch national and do not possess dual citizenship) (Ministry of Justice of the Netherlands, 2022). This principle also applies to children: if they can reach diplomatic representation, they will be able to return to the Netherlands (Ministry of Justice of the Netherlands, 2022). But this policy remains a far cry from any structured approach to repatriation, and would be implemented only if and when Dutch citizens can manage to report to such locations. As of summer 2022, there appears to be little political will to adopt a strategic approach.

Case Study 3: Kosovo

Kosovo is a unique case in that the number of returnees repatriated (242) is relatively large, both in comparison to its population, but also compared to the number of returnees seen throughout the whole of the European Union which number around 1,250 (Shtuni, 2021). Kosovo is notable for taking a proactive approach to repatriation and reintegration, including bringing back 110 citizens in April 2019 (Bytyqi and Mullins, 2019). Kosovo has sought to prosecute all adult returnees, but has only imprisoned the men, giving suspended sentences to all of the female adult returnees (Avdimetaj and Coleman, 2020). At the same time as it has pursued a prosecution strategy against adult travelers, it has also continually emphasized the need for rehabilitation and reintegration (Kosovo National Strategy Against Terrorism and Action Plan 2018-2022). While government representatives have noted the country’s obligation to its citizens, its repatriation efforts are not entirely altruistic, but rather are likely informed by a number of pragmatic considerations.

Number of citizens, proximity, & access to conflict

Despite Kosovo's long history of moderate Islam, on a per capita basis the small Western Balkan nation contributed a relatively large number of FTFs and affiliated family members in Syria and Iraq. It is estimated that around 403 Kosovars — out of a population of 1.8 million — traveled to join the conflict in Syria and Iraq, including 255 men (Perteshi and Ilazi, 2020). Nearly half of these traveled to the region before the Islamic States formally declared its caliphate and instead sought to join the various militias opposing the Assad regime (Avdimetaj and Coleman, 2020). However, many of these early arrivals ultimately joined the Islamic State. Those who left Kosovo after June 2014 overwhelmingly did so to directly join the Islamic State (Bytyqi and Mullins, 2019) In addition to the men, women, and children who traveled from Kosovo to the conflict zone, at least an additional 78 children were born to a parent (or parents) of Kosovar nationality within Islamic State territory (Shtuni, 2019).

In contrast to travel from distant locations, such as the U.S., or even countries in Western Europe, travel from Kosovo to Syria can be carried out relatively easily, with frequent low-cost flights between the capital, Prishtina, and Istanbul. Buses also operate along routes that connect Kosovo and Turkey, making travel even more accessible. Once in Turkey, Kosovars traveled across the Syrian border to join extremist groups.

Apart from the Islamic State, Kosovo's exposure to foreign fighters is mostly linked not to Kosovars fighting in other foreign conflicts, but rather to the many Muslim foreign fighters who fought in the Yugoslav wars, including in Kosovo's conflict with Serbia in the 1990s (Perteshi, 2020). Many of those who left Kosovo prior to mid-2014 expressly reported that they were motivated by wanting to contribute to helping other Muslims as they had been helped during their own conflict (Peresin et al., 2021) This dynamic explains the involvement of some, but certainly not all, Kosovars with the Islamic State.

Legal basis for repatriation and reintegration

Kosovo's legal system, established after the country declared independence from Serbia in 2008, is largely modeled after the systems seen in continental Europe, and continues to receive support from external actors, including the E.U. Rule of Law Mission in Kosovo

(EULEX). Deficits in the legal system remain, but in 2015 Kosovo passed the Law on Prohibition of Joining Armed Conflicts Outside State Territory of the Republic of Kosovo. Drafted in response to the high number of Kosovar citizens joining the conflict in the Levant, the law criminalizes joining or participating in a foreign army or non-state armed group outside of Kosovo Territory. Moreover, it also prohibits both recruiting or organizing participation in foreign conflicts, including encouraging others to join. Considered a “serious crime” within the Criminal Code, the law provides for sentences ranging from six months to 15 years, depending on the nature of the offense. Kosovo was the first country in the Western Balkans to enact such legislation (Beslin and Ignjatijevic, 2017).

Kosovo, despite not being fully recognized by the international community – including not being a U.N. Member State, nor recognized by the E.U. — has been vocal in its commitment to counter the threat of the Islamic State. It is a member of the Global Coalition to Defeat Daesh. Moreover, the Kosovo Criminal Code amended in 2019 has facilitated the prosecution of terrorists through a range of measures, including new legal provisions to address the financing of terrorism, to identity fraud, and travel for terrorist activities.

Kosovo’s prosecution of adult returnees has been combined with a consistent focus on rehabilitation and reintegration. Of the 124 male FTFs that have returned to Kosovo, around 70% have been prosecuted for terrorism-related offences. The average sentence length for the male returnees has been only 3.5 years (Bytyqi and Mullins, 2019). Women and child returnees have received different treatment. Following the return of 32 women in April 2019, all were taken to a detention center for medical, psychological, and security assessments, which included medical checks, mental health assessment, and other needs-assessment procedures (Perteshi and Ilazi, 2020). These women were released from the center after 72 hours, but were notified that they were under formal investigation. Mostly charged with joining, organizing, or participating in a terrorist group, the women pled guilty and received suspended sentences, in the range of 2-3 years (Avdimetaj and Coleman, 2020). Child returnees also underwent various assessment procedures, including checks on their citizenship status, to make sure they were indeed the children of at least one Kosovar parent (Avdimetaj and Coleman, 2020). Rehabilitation and reintegration programs have been established in prisons, for those serving sentences, although these programs have not always been made

available to all violent extremist offenders (Isufi, 2022). For the women receiving suspended sentences and the children, a number of rehabilitation and reintegration interventions have been implemented, including accelerated education for the children. NGOs have been allowed to engage with the returnee population (Shtuni, 2021).

Instrumentalization for institution building

At least some of the repatriations undertaken by the Kosovo government were facilitated by the U.S., including the mass return in April 2019 (Shtuni, 2021). However, Kosovo's approach does not appear to have been adopted solely because of external pressure. Rather, it appears that Kosovo has also sought to display its authority as a sovereign state through demonstrating its capacity and willingness to repatriate its nationals. Lacking full status as a member of the international community, Kosovo has frequently sought to externally project its adherence to a range of international measures, including treaty obligations to which it is not formally bound, as a means to demonstrate its status as an equal among the community of states (Istrefi and Islami, 2017). It appears that its approach to repatriation is another example of this behavior. In addition, the government of Kosovo has frequently expressed that it is an obligation to repatriate their nationals and has been able to distinguish itself from states that have stronger institutions with lengthier histories, but who have been unwilling to repatriate their nationals.

It is unclear, however, how much of Kosovo's approach is informed by this desire to strengthen institutions and demonstrate statehood, and how much is a result of a sense of national, ethnic, or religious identity that leads to a sense of obligation to support repatriation and reintegration. Unlike in the U.S. or E.U., Kosovars who traveled to Syria and Iraq are not part of the minority, nor do they come from a migrant background. Moreover, Kosovar Albanians have a long history of being a repressed minority, first under Yugoslavia and more acutely during the war with Serbia in the late 90s. These factors likely impact the desire to instrumentalize repatriation in complex ways that may not be applicable to states without a similar dynamic.

Strategic versus ad hoc approach to repatriation & reintegration

In contrast to many countries, Kosovo has not only emphasized prosecution in response to its male FTFs, but has frequently and repeatedly highlighted the need to focus on rehabilitation and reintegration programs. Kosovo authorities started preparing for repatriation as early as 2017 (U.S. Department of State, 2017), and incorporated rehabilitation and reintegration in their Strategy on Prevention of Violent Extremism and Radicalisation Leading to Terrorism 2015-2020 and the National Strategy against Terrorism and Action Plan 2018-2023. The Ministry of Interior has a designated unit, the Division for the Prevention and Reintegration of Radicalized Individuals, who is responsible for coordinating rehabilitation and reintegration of returnees. Other ministries are also involved in the process, including the Ministries of Justice; Labor and Social Welfare; Culture, Youth and Sport; and Education, Science and Technology. An inter-ministerial working group established in 2018 helps the various ministries coordinate in their work on repatriation and reintegration (Shtuni, 2021). External actors, such as IOM, provide further support. Finally, it is worth noting that not all returns were organized by the state. At least some of the 242 returnees came back through informal returns. However, by and large, the process can be categorized as a strategic approach.

Case Study 4: Iraq

Among the states with nationals who have yet to be repatriated from Syria, Iraq has by far the largest number of citizens, with around 30,000 Iraqis in al-Hol camp alone (IOM, 2022). Moreover, an unknown number are in detention facilities administered by the Kurdish Syrian Democratic Forces (SDF), and others' exact whereabouts are unknown, but they are believed to still be in northeast Syria. The sheer number of Iraqis to be repatriated makes repatriation and reintegration a significant challenge. The fact that Iraqi communities suffered directly at the hands of the Islamic State further escalates the complexity of the challenge. Despite this, the Government of Iraq signaled as early as 2018 that it would seek to repatriate its nationals from Syria (Van Wilgenberg, 2022). Repatriation commenced in May 2021, with around 2,400 Iraqis returned through official channels thus far (IOM, 2022). However, Iraq has opted to start with the lowest hanging fruit, i.e., prioritizing the return of women

perceived to not have any criminal liability and who pose little to no risk, along with their children. While some processes are in place, the approach has started in a piecemeal fashion, which may pose challenges of its own as the caseload of returnees grows increasingly complex over time (ICCT and IOM, 2022).

Number of citizens, proximity, & access to conflict

Of the approximately 30,000 Iraqis waiting in al-Hol camp to be repatriated, the overwhelming majority are women and children. Children represent the largest group, with three out of every five residents in al-Hol being under the age of 17 years, and one in every five under the age of 5 (UNAMI, 2022). Among the Iraqis in al-Hol are not only Sunni Muslims, but Yazidi women and other minorities who have been unable to return to their homes in Iraq, and thus remain stuck in camps alongside the group that perpetrated significant acts of violence against them.

Iraq of course is the country that is most proximate to the territory, with al-Hol camp sitting just across the border with Syria. Given the number of Iraqi citizens in al-Hol, combined with the close proximity, Iraq's approach to repatriation is undoubtedly informed by these factors. Officials are aware that in the absence of formal repatriation procedures, many may opt to return on their own, which would move the process out of government control. Already, some Iraqis have indeed come back on their own, often paying smugglers to help them cross the Syria-Iraq border undetected. By acknowledging the likelihood of informal returns taking place, given the geographic realities, Iraq has assessed that playing a more proactive role will leave them in a better position in terms of long-term management of the process and the potential risks that may result from large-scale repatriation.

Despite the proximity, other challenges remain including the fact that northeast Syria is under the control of the SDF, a non-state actor whom the Government of Iraq does not formally recognize. The SDF have called upon states to repatriate their nationals repeatedly, recognizing their lack of capacity to manage the situation of IS-affiliated third country nationals. However, their status and the strained relations with the Government of Iraq (GoI) mean that, despite the lack of distance between Iraqi officials and citizens in al-Hol, it is nonetheless difficult for GoI actors to obtain accurate information about those detained in the

camps (or elsewhere) and limits their ability to conduct in-person visits to carry out screening and assessments. Thus, even with proximity, myriad challenges remain.

Legal basis for repatriation and reintegration

Iraq has not used deprivation of nationality to block the repatriation of its nationals to Iraqi territory, yet the legal basis for the current process of repatriation and rehabilitation remains unclear. Since May 2021, Iraqis at al-Hol camp have been able to indicate that they would like to be repatriated to Iraq. Currently, however, the GoI is seeking to only repatriate those who it believes will not be subject to criminal liability upon their return to Iraq (ICCT and IOM, 2022). As a result, those Iraqis who believe that they may have committed terrorism-related offenses for which they could be prosecuted, are deterred from adding their names to the list of individuals to be repatriated for the time being. Iraqi security officials conduct a screening procedure, which entails checking individuals' names and other identifying details with security databases, to confirm that those individuals are not suspected of offenses. Once an individual is cleared for repatriation, they and their children are taken to a rehabilitation center located in Iraq (ICCT and IOM, 2022). These individuals reside at the federally controlled rehabilitation center, where a limited number of services, including health care, legal services, and some education for children, are available. The rehabilitation center is a closed location, meaning those who are brought there are not free to leave. This is where legal complexities arise, as Iraqi law provides no legal basis to detain the returnees at the rehabilitation center, and nor are they being prosecuted and so are not being detained on that basis, either. Yet, because the rehabilitation center—and the opportunity to return to Iraq more broadly—presents a significant improvement in terms of living conditions, safety, and meeting of basic needs, those who are eligible for return appear to be willing to go to the rehabilitation center, despite the unclear legal grounds.

For those that are being subject to prosecution upon their return — or who will be in the future — the country's Anti-Terrorism Law No. 13 is likely the basis for prosecution (UNAMI, 2020). The Law has been accused of being overly broad and many aspects of terrorism trials in Iraq, much like Iraqi trials for all types of crime, fall short of meeting fair trial rights and due process. The court system in Iraq is backlogged with cases, making

prolonged pre-trial detention a challenge. When cases do come before a judge, they are often exceptionally brief and may lack evidence that meets the required standards for a conviction (UNAMI, 2020). Iraq has also not yet incorporated core international crimes, such as crimes against humanity, into domestic law, meaning that international crimes that have been committed cannot be prosecuted as such (Mehra, 2018). For those in prison, limited rehabilitation interventions exist, but many prisons do not meet minimum standards, (HRW, 2019) making rehabilitation interventions, where they exist, unlikely to adequately address the needs of those who have been prosecuted for their affiliation with the Islamic State. Ultimately, Iraq is one of a small group of countries who is taking a proactive role in repatriating its citizens and has to date repatriated more in one year than the whole of the European Union. However, thus far, it has largely been done without a strong legal basis underpinning the approach.

Instrumentalization for institution building

After years of conflict and instability, with the defeat of the Islamic State and restoration of state control over the territory, government stakeholders may wish to demonstrate their ability to address the returnee population as a means to show their institutional capacities. However, it seems equally likely that they are showing that they are capable of securely managing repatriation in order to use it as leverage over other states.

Iraq has been very vocal about the need for all states to repatriate their IS-affiliated nationals from Syria and Iraq (Yacoubian, 2022). The failure of states to do so is particularly high stakes for Iraq given the potential security risk that those left behind could pose to its national security. The Islamic State has already demonstrated its willingness and ability to continue to plan and conduct attacks on prison to obtain the release of its members. Beyond those who remain loyal to the Islamic State, far more may be particularly susceptible to radicalization to violence, given the dire conditions that they have been forced to endure for years within al-Hol. Given the imperative for returns to take place as soon as possible, it appears certain that part of Iraq's calculation in its own repatriation strategy is that it will put pressure on other states to do the same.

In addition to its own repatriation policies, Iraq is continuing to push other states to repatriate through other means, such as by supporting the Global Framework on United Nations Support on Syria and Iraq Third Country National Returnees, which provides multilateral support to governments to address the challenge of repatriation and reintegration.

Strategic versus ad hoc approach to repatriation & reintegration

Iraq has clearly elucidated its long-term approach to repatriation through its public commitment to the return of all Iraqi citizens from NES. However, despite clarity on the eventual goal, its current approach is mostly ad hoc. Individuals are approved for repatriation from al-Hol on a case-by-case basis. The rehabilitation center being used as a waypoint lacks a legal basis at present. Moreover, a more structured, comprehensive approach to rehabilitation — especially for the more challenging cases that have not yet been repatriated — is warranted, as is reflection on how to address community needs and concerns in order to increase the likelihood of successful reintegration.

Discussion

The picture that emerges from the case study analyses highlights the potential value of applying the four-part framework to examine the FTF management posture adopted by states. As Table 2 highlights, the case studies were selected to ensure that our article covered a varied spectrum of examples. States and their leaders will ultimately act in their perceived interest and according to the constraints they uniquely face. The four pillars provide needed insights into the foundations of states' willingness and opportunity to repatriate and reintegrate their foreign fighters. The purpose of this section is to present a range of observations about this study's findings and its implications.

Table 2. Summary of Case Studies Through Four Pillar Framework

	The United States	The Netherlands	Kosovo	Iraq
Pillar One FTF numbers, proximity, & access	Low numbers, distant proximity, difficult access.	Relatively low numbers, mid-proximity, mid-accessibility.	High numbers, close proximity, accessible.	High numbers, neighbor to conflict zone, accessible.
Pillar Two Legal basis for repatriation & reintegration	Preference for repatriation, strong preference for prosecution of returnees using existing criminal code, no deprivation of nationality.	Preference to block repatriation where possible, including through use deprivation of nationality. In the alternative, strong preference for prosecution of returnees.	Preference for repatriation. prosecution of adult returnees, but all women have received suspended sentences. No deprivation of nationality.	Preference for repatriation, prioritizing those who will not be subject to prosecution. Existing criminal code does provide basis for prosecution. No deprivation of nationality.
Pillar Three Instrumentalization for institution building	High capacity, exert external pressure for repatriation.	High capacity, no instrumentalization of returnees.	Low institutional capacities, instrumentalization of returnees for state building.	Low institutional capacities, instrumentalization of returnees, including exerting external pressure for repatriation.
Pillar Four Strategic versus ad hoc approach to repatriation & reintegration	Repatriation done on largely ad hoc basis without infrastructure for FTF reintegration.	Ongoing resistance to repatriation. Where it does occur, the approach is ad hoc.	Proactive, strategic approach but additional infrastructure for rehabilitation and reintegration needed.	Long-term commitment to repatriation, but ad hoc approach without legal basis and full infrastructure.

The four pillar framework offers insight into not only why states repatriate and reintegrate (or are slow to do so) but the broad strategic-policy design of their approach. It also identifies areas where resources can be allocated to support reintegration efforts in a more holistic manner when states are indeed willing to do so. The combination of these

factors is more than the sum of their parts. To take a holistic approach to repatriation and reintegration, attention to all four pillars must be taken. States encouraging the international community to also bring their FTFs and families back, can also find ways to support their efforts along these four dimensions.

Through the lens of the framework, broad appeals to national security as a justification to not repatriate and reintegrate citizens appears to largely be a rhetorical device that is generally not underpinned by substantive evidence. For example, the Netherlands has the capacity to repatriate on a large scale – especially relative to other cases explored in this study – but is unwilling to do so. This is a cascading policy issue, where reintegration is nested within a set of domestic and international policy considerations of which repatriation and reintegration programs is only one component. The framework offers a means to critically consider the basis upon which states make FTF management policy decisions.

The brief case studies investigated here elucidate the variations across global approaches to repatriation and reintegration. Future research will apply the framework to additional case studies to identify global policy trends, challenges, and needs. As the violent extremist threat landscape evolves it will be essential for FTF management efforts to adapt accordingly. The Islamic State's transition to a global insurgency campaign in 2018 has seen the movement extend its network of affiliates across the Middle East, Africa, and Asia while regularly calling for supporters to travel to these regions to support its archipelagic caliphate (Ingram, Whiteside, Winter, 2020). Moreover, the Taliban's takeover of Afghanistan also highlights the potential for that unstable nation to once again become an appealing location for foreign jihadists to travel (Maley, 2021). The war in Ukraine is a timely reminder of the potential for a range of ideologically-motivated extremists to engage in foreign wars fueling an increasingly complex FTF phenomenon and policy issues.

Conclusion

This study builds on a synthesis of the literature to investigate the interplay of four sets of considerations that drive government approaches to repatriate and reintegrate FTFs and their family members. Our findings offer the scholarly and policy fields a framework through which to not only explain the policy posture of states but a systematic approach to

analyzing/developing repatriation and reintegration policy. Ultimately, we argue that state behavior in an FTF management policy context tends to balance four factors: (i.) the number of citizens considered FTFs or affiliated persons, geographic proximity and access to the conflict, (ii.) existing legal basis for repatriation and reintegration, (iii.) instrumentalization for institution building, and (iv.) strategic versus ad hoc repatriation and reintegration policy and practices. This framework was applied to the case studies of the United States, the Netherlands, Kosovo, and Iraq. As a pilot study, the paper provides the conceptual and analytical foundations for future research that would apply it to both more case studies and, potentially, longitudinally to test shifting threat and policy dynamics over time.

It may be comforting for scholars and policymakers to consider FTF management challenges as largely ending with the collapse of the Islamic State's caliphate. Unfortunately, both history and current events suggest that the phenomenon of citizens traveling from their countries of origin to support and fight in foreign wars will continue well into the future. Indeed, any efforts to adopt a comprehensive and integrated approach to counterterrorism and P/CVE policy architecture will need to include repatriation and reintegration components. This study is a humble contribution to a field of scholarly and policy research that has expanded considerably in recent years. We have sought to build on that legacy by synthesizing the field's findings and examining existent policies and practices to provide a universal framework that may help to guide both scholarly and policy analyses as well as inform how policies could/should evolve with an ever-changing threat landscape.

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