

## Bad Riddance:

# The Dangers of Deportation as a Counterterror Policy

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### Brief Analysis

**S**ami al-Arian's plea agreement, unsealed last week in Tampa, Florida, has been almost universally billed as a domestic counterterrorism victory. Al-Arian pleaded guilty to providing financial and material support to Palestinian Islamic Jihad, a U.S. specially designated terrorist group, and agreed to be deported. He is one of a small but important number of U.S. deportees (out of approximately 200,000 annually) who have connections to international terrorism.

Many in the United States will say good riddance to people like al-Arian, a sentiment shared by a substantial portion of Europeans whose governments are increasing their own efforts to send terrorist suspects back to their countries of origin. Since the July 7 London transit bombings, Britain has signed deportation agreements with Jordan, Libya, and Lebanon, and is negotiating a similar one with Algeria. Spain, Germany, Italy, and the Netherlands have all recently introduced or passed legislation that will facilitate deportation on national security grounds, while the French for their part wonder why other Western democracies have been so slow to catch on. France has been deporting terrorist suspects and other extremists for more than a decade, including more than a dozen radical imams in 2005 alone.

American and European deportation policies differ in key areas. U.S. policy is aimed at lawbreakers generally, whereas Europe, because of its more ingrained challenge of domestic radicalism, targets extremist imams and other purveyors of jihadist ideology who can have a pervasive radicalizing effect on a community. Nevertheless, the same rationale underpins deportation on both sides of the Atlantic, and enthusiasm for the policy seems almost universal. Sending problem immigrants back to their native countries allows Western governments to deal with extremists outside the framework of domestic legal codes that remain woefully ill-equipped to address the threat of terrorism. Deportation minimizes the need to adopt draconian measures such as indefinite detention. It is counterterrorism on the cheap, and has become the policy of first choice for domestic law enforcement agencies that lack the personnel and resources to conduct adequate surveillance on all potential terrorists.

But although deportation of terrorist suspects may be the most appealing of several bad policy options, it is by no means a perfect solution. Deportation is designed to displace the threat, but it may ultimately create a host of other challenges for the West in Muslim countries and ultimately on its own territory.

Out of Sight, Not Out of Mind

Deportees, particularly those who have lived in Europe or the United States for an extended period, have wide personal and professional networks that do not simply dissolve when they return to their native countries. The proliferation of internet and mobile phone technology in Africa, Asia, and the Middle East allows deportees to stay in frequent contact with their American and European connections. Imams especially are able to exploit the internet to reach their constituents. Intelligence agencies, particularly the British, have been effective in locating and shutting down extremist websites, but there remain many radical sites that officials either have not identified or that have been allowed to continue operating. In any case, deportees are likely to be gone but not forgotten. And for some, the very fact of being expelled will endow them with an element of "street credibility" in Western Muslim communities chafing under perceived discrimination.

Deportation may even provide an opportunity for some radicals and proselytizers to broaden their network or to reach a wider audience by developing new contacts in their home countries, from which many have been away for years or decades. In a worst case scenario, newly arrived radicals from Europe and America could seek out other terrorism-minded locals. Militant networks proliferate in some of the key countries that receive deportees from the West. Some, such as those in Jordan or Lebanon, are already well connected to the global jihadist cause. Others, as in Algeria, Libya, and Morocco, are more isolated but actively seek links with international terrorist networks.

It is ill-conceived at best to send extremists back to societies that the United States and Europe would like to see adopt a more moderate forms of Islam, putting the West in the unprecedented position of being an exporter of radical Islam. At worst, it is foolhardy to place well-connected extremists in a position where they can act as a small but strategic bridge between local terrorist groups and an increasingly radical Muslim diaspora that may be eager to support jihad in the homeland.

Proponents of deportation argue that the domestic security agencies in receiving countries are as concerned about terrorism as are Europe and the United States, and consequently will closely monitor a deportee's activities. Some Western officials have even suggested that security services in Muslim countries are as or more competent in dealing with terrorism than Western intelligence and law enforcement due to cultural factors and histories of political violence. Both of these arguments hold some truth, and indeed some deportees will be monitored or detained upon their return. But security services in the key regions are driven by a different threat perception than their European and American counterparts. They remain most concerned about domestic terrorism, and some nations still harbor terrorists with an international focus.

The legal framework for addressing terrorism in these countries tends to reflect their own priorities, and governments are constrained to a certain extent even when they are sympathetic to a Western government's concern about an individual. The case of Omar Bakri Mohamed, a Syrian-born radical imam notorious for praising the September 11 hijackers and inciting youths to join terrorist networks, is a prominent example. While on holiday in Lebanon in November 2005, the British government revoked his indefinite leave to remain in Britain. The move corresponded with his arrest in Beirut by Lebanese authorities, but he was released within twenty-four hours because he could not be charged with a specific crime under Lebanese law.

Even deportees who are charged with a crime and jailed may have their sentences commuted under a prisoner release program. Release of prisoners, either through an amnesty or "reeducation" program, is common in regions receiving deportees and is driven by internal political imperatives in individual countries. Many regimes are deliberately opaque about the process of freeing prisoners, and it remains difficult for Western intelligence agencies to adequately monitor which individuals are included in such programs. However, there have been several recent examples of former prisoners reintegrating into terrorist networks to plan attacks on Western interests.

Conclusion

The bottom line is that deportation will not destroy an individual's bridges to the United States and Europe, and in fact it may provide him with an opportunity to expand his personal network and possibly even infuse struggling local terrorist groups with international connections. Many security services in Muslim countries are concerned about this prospect, but they cannot be expected to realign their security priorities to the liking of Western governments. U.S. and European officials should ask whether it makes sense to deliver potential terrorists into an opportunity-rich environment where Western intelligence agencies cannot adequately conduct surveillance nor rely on proxy surveillance by local agencies. If deportation continues to be a key method of dealing with problem immigrants, U.S. and European officials must anticipate the potential problems it could create and establish corresponding capabilities, including much improved human intelligence in key regions and better monitoring of immigrants' connections and movements both domestically and abroad.

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