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JRS EUROPE JOINT STATEMENT - EU COMMISSION PROPOSED REGULATION ON RETURNS OF THIRD COUNTRY NATIONALS

On Tuesday March 11, the European Commission proposed a draft regulation on a common system for the return of people to third countries. The legislative proposal aims to create a "fair and firm, fast and efficient" pan-European system for returns, bowing to the political demands of certain Member States for "modern" solutions. In doing so, the European Commission's role as a neutral guardian of the Treaties is once again being sidelined.

But we ask: **how fair and modern can human suffering be?** Because if this legislative proposal is adopted as it stands, it will undoubtedly lead to human rights violations and therefore more human suffering. It will shatter the hopes and dreams of people seeking a better life, condemning the vast majority of them to prolonged detention, complex administrative procedures, and confinement in return facilities in third countries—based on vague and informal "agreements or arrangements."

JRS Europe has long [sounded the alarm](#) on the increasingly restrictive Common European Asylum System, set to become a reality with the implementation of the Pact. Now, we oppose this proposed regulation, as we fear it will lead to a de facto *common detention policy*.

Some Member States have called for innovation in the management of returns at the European level. Indeed, this proposal—following [the failed 2018 attempt](#)—introduces some "innovative" elements, but with the primary objective of increasing the number of returns, which currently remains stuck at [20% of total return decisions](#). The introduction of the European Return Order, the possibility of reimbursement to the enforcing Member State by the issuing State, punitive measures for those who do not cooperate with return authorities, and mandatory measures to detect people residing irregularly all overlook the complexity of displacement and migration; they disregard the human dimension and sensitivity required when forcibly removing people from their lives and communities. [The lack of evidence that more immigration detention results in less irregular migration](#) is also blatantly disregarded.

We are also deeply **concerned by the extension of the maximum detention period**, which could under the current proposal exceed two years (24 months). For us, less coercive measures than detention should always be available and considered first. However, electronic monitoring as an alternative to detention, the expanded definition of "risk of absconding," and the reinforcement of the concept of "security risk" are all

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alarmingly broad and open to abuse, to the detriment of people on the move. The proposed 30-day deadline for submitting a request for voluntary return is unrealistically short, especially when compared to the extended and flexible timelines for forced returns. This stark contrast highlights the political and legislative choices embedded in this proposal—choices we firmly oppose. **Voluntary return should always and genuinely be a choice**, ensuring that individuals have the agency to make informed decisions about their lives. This way their autonomy and personal circumstances are respected.

The so-called "return hubs"—detention facilities in third countries where individuals will be deported—are another troubling aspect of this proposal. While presented as a new concept, return hubs were already discussed in 2018 and deemed legally unfeasible. Now, they are being reintroduced under the prerequisite of **foggy, ambiguous "arrangements or agreements" with third countries**, in an attempt to appease Member States that seek to externalize migration management. Thus, this provision seeks to validate model-agreements such as the Italy-Albania deal, which has so far failed, as [Italian judges have refused to validate the detention of people](#), and the EU-Turkey deal, which has been recently challenged as the highest Greek administrative Court found that Turkey cannot be considered a safe third country for certain nationalities including Syrians. While the proposal explicitly excludes unaccompanied minors and families from being sent to these hubs and mentions the creation of an independent monitoring body, there is lack of clarity about how fundamental rights, EU law—including the EU Charter of Fundamental Rights- and the European Convention on Human Rights and international human rights standards, including respect to the *non-refoulement* principle, will be upheld and monitored outside EU territory. At the same time, [the recently announced review of Frontex's role](#) must be taken seriously and should focus on increasing transparency of its role and cooperation with state authorities, ensuring monitoring respect for fundamental rights, and establishing independent oversight over return operations.

At the same time, access to effective remedy and justice is being further restricted. A recent [analysis by the JRS Europe network](#) has already shown that civic space across Europe is shrinking, limiting civil society's ability to access detention facilities. Given the reinforced narrative on security, defence, and border control, how will this situation improve under the new law?

Beyond the dire humanitarian and legal consequences of this proposal, the current focus in the political debate about rising the numbers of

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forced returns fails to recognize the essential role people play, inter alia, in labour markets of Member states. We cannot but note that many people targeted by return policies actively contribute to the further development of our societies, representing essential actors across all social and economic sectors and addressing critical labour shortages. **Ignoring this reality** will not only harm migrant workers but also weaken Europe's labour force and social cohesion.

We urge European legislators to take this opportunity to recalibrate their EU's moral compass and adopt a human-centered approach to return policy. JRS Europe recognizes that EU Member States have the right to manage their borders. However, protecting sovereignty should never imply the automatic use of detention and must never come at the expense of people's rights and dignity. Based on our **collective experience across Europe** and evidence-based analysis, **we call on the European Parliament and the Council to scrutinize and amend this proposal by prioritizing rights-based solutions:**

- **Place human dignity at the center of return procedures.**
- **Always apply first less coercive measures than immigration detention. Ensure detention remains the last resort for everybody, for the shortest necessary period and is always preceded by an individual assessment of each case..**
- **Prohibit the detention of families, minors, and vulnerable individuals in all cases; detention [can never be at the best interest of the child](#).**
- **Recognize and take into account the inherent vulnerability of individuals being returned after long, very often perilous, and exhausting journeys and navigation in complex administrative systems.**
- **Ensure that all possible legal and safe pathways and permits are considered before resorting to detention and forced return.**
- **Extend the deadline for voluntary return requests to three months and make voluntary return the primary mechanism for safe departure from EU territory.**
- **If return is necessary, adopt an approach based on trust rather than suspicion, which leads to punitive measures and harmful practices that in turn hamper the desired effectivity of the return system.**

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- **Abolish the concept of "return hubs" in third countries, where monitoring, transparency, and accountability will be nearly impossible.**
- **Ensure that non-returnable individuals are not left in legal limbo, subject to years of indefinite detention.**
- **Establish genuinely independent monitoring mechanisms with full capacity and enough resources in all Member States, before implementing any new return measures.**
- **Define clearly the role of Frontex and how part of the funding of the agency, as mentioned in the proposal, will be spent in the field of returns.**

If, despite these concerns, the EU chooses to proceed with this proposal, **JRS will remain at the side of forcibly displaced people**, offering accompaniment and support, and advocating *for truly fair* and humane migration policies and legislation.

Signatories:

The JRS Europe network is constituted by JRS Austria, JRS Belgium, JRS France, JRS Germany, JRS Greece, JRS Hungary, JRS Ireland, Centro Astalli (Italy), JRS Luxembourg, JRS Malta, JRS Poland, JRS Portugal, JRS Romania, JRS Slovenia, JRS South East Europe (Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Serbia), SJM España (Spain), JRS Switzerland, JRS United Kingdom, JRS Ukraine and the regional office located in Brussels