Common system for the return of third-country nationals staying illegally in the Union (Return Regulation)

2025/0059(COD) - 11/03/2025 - Legislative proposal

PURPOSE: to establish a Common European System for Returns with swifter, simpler and more effective return procedures across the EU.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the EU is putting in place an integrated, sustainable and comprehensive EU migration policy, one that is both fair and firm. The Pact on Migration and Asylum agreed between the European Parliament and the Council in 2024 equips the EU with the legal framework and tools to further enhance the effective management of its external borders and set up fast and efficient procedures for asylum. Work is progressing at full speed to ensure its comprehensive implementation by mid-2026.

Establishing a common and effective European return system is a central pillar of the Pact on Immigration and Asylum. Currently, **only around 20% of third-country nationals ordered to leave the EU actually do so**. Those ordered to leave the country often evade authorities and travel to other Member States. In addition, the current patchwork of 27 different national return systems, each with its own approach and procedures, undermines the effectiveness of returns at the Union level. This calls for a thorough overhaul of the way return policy is legislated in the EU.

CONTENT: the proposed regulation repeals the existing Return Directive, which dates back to 2008. The Commission's 2018 proposal to recast the Return Directive will be repealed. The overall objective of this proposal is to increase the efficiency of the return process by providing Member States with clear, modern, simplified, and common rules to effectively manage returns and to make the process clearer for both the competent authorities and the third-country national concerned.

The new common rules include:

Common procedural rules for the issuance of return-related decisions

The proposal includes common rules for the issuance of return decisions and imposition of entry bans. This ensures third-country nationals are treated equally in all Member States and helps ensure that divergences between Member States systems cannot be exploited. Definitions have been updated in the light of the practice since the adoption of the Return Directive and, where applicable, have been aligned with the definitions in the newly adopted legal acts composing the Pact, ensuring uniformity, clarity and predictability across the migration process.

Clear rules on forced return, while incentivising voluntary return

The proposal clarifies when the return decision should be enforced through removal, and defines voluntary return, thus creating clarity and predictability for both the authorities responsible and third-country nationals. This in turns strengthens voluntary returns, as forced return becomes a clear and credible instrument. The proposal clarifies the provisions on forced return monitoring.

Stronger obligations for returnees balanced against clear safeguards

Explicit **obligations for third-country nationals to cooperate with national authorities** throughout the entire return procedure are laid down. These are complemented by clear consequences in case of non-cooperation such as the reduction or refusal of allowances or seizure of travel documents. At the same time, incentives to cooperate will be strengthened, including support for voluntary return.

Strong safeguards throughout the entire return process

All measures related to return must be carried out in full respect of fundamental and international **human rights** standards. This is ensured through clear procedures such as the right to appeal, support for vulnerable persons, strong safeguards for minors and families and the adherence to the principle of non-refoulement.

A European Return Order

While Member States will still issue their own return decisions, the proposal introduces a European Return Order, which will complement Member States' return decisions to provide clarity across Member States. The European Return Order, which is a common form that will include the key elements of the return decision, will be available through the Schengen Information System. The European Return Order will be established through an implementing act. The proposal also introduces a significant procedural simplification by providing a **mechanism for directly enforcing a return decision issued by another Member State**.

Stricter rules to limit abuse and manage absconding

Member States will be equipped with reinforced rules to locate returnees, with the possibility to request a financial guarantee, regular reporting or to reside in a place designated by national authorities. The new rules set out clear conditions for detention if there is a risk of absconding as well as alternatives to detention. Detention may go up to 24 months, compared to 18 months currently. In addition, the suspensive effect of return decisions will no longer be automatic, unless there are issues related to non-refoulement.

Specific rules for people posing security risks

Member States will have to screen early-on whether a person presents a security risk. Once identified, such individuals become subject to **strict rules**, including mandatory forced return, longer entry bans, separate detention grounds. Detention may be extended beyond the normal 24 months on order of a judge.

Return hubs

This proposal introduces the legal possibility to return individuals who are illegally staying in the EU and have received a final return decision, to a third country **based on an agreement or arrangement** concluded bilaterally or at EU level. Such an agreement or arrangement can be concluded with a third country that **respects international human rights standards and principles** in accordance with

international law, including the principle of non-refoulement. Families with minors and unaccompanied minors are excluded and the implementation of such agreements or arrangements must be subject to monitoring.

Readmission

The proposal embeds readmission as an integral part of the return process. It establishes a common procedural approach to the submission of readmission requests, including through a standard form for readmission requests and the systematic follow-up of return decisions with readmission requests. It increases transparency and coordination in the approach towards third countries on readmission, while maintaining flexibility for Member States.