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

2025/0059(COD) - 10/03/2026 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Malik AZMANI (Renew, NL) on the proposal for a regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Objective

Members specify that this regulation establishes a comprehensive common system for returning third-country nationals with no right to stay in or enter the Union based on a common procedure for return and readmission, effective cooperation with third countries, a system for the mutual recognition and enforcement of return decisions, a system for preventing and managing the risk of absconding and cooperation based on mutual trust between Member States.

A common procedure for **effective return that is firm and fair** should be set up to ensure that third-country nationals who do not, or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States are returned in a humane and sustainable manner and with full respect for fundamental rights as well as international law without undue delay.

Return decision

Once it is established that the third-country national does not or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States, a return decision should be swiftly issued based on an individual assessment taking into account all facts and circumstances. The return decision should state **the obligation for the third-country national to leave the territory of the Member States**.

A third-country national subject to an obligation to leave should bear the primary responsibility for departing the territory of the Member States in accordance with the return decision.

Return of minors

The report clarifies that where there are reasonable grounds to consider that a person claiming to be a minor may pose a threat to public order or national security, the competent authorities should ensure that the age assessment procedure is conducted as a matter of priority and without undue delay, in full respect of the principles of necessity and proportionality. The competent authority may rely on previous age assessment conducted in previous states of the return or other relevant procedures. A Member State may recognise age assessment decisions taken by other Member States where the age assessments were carried out in compliance with Union law.

Furthermore, a refusal to undergo an age assessment, including the medical examination should not prevent the determining authority from taking a decision on the age of the third-country national.

Obligation to cooperate

Third-country nationals should ***comply with the obligation to leave the territory of the Member States and*** **cooperate with the competent authorities** of the Member States at all stages of the return and readmission procedures. Third-country nationals should:

- remain available to the authorities on the territory of the Member State competent for the return procedure of which the third-country national is the subject and not abscond to another Member State;

- not physically obstruct the enforcement of the return;

- provide, without undue delay, all information and physical and digital documentation, including copies and electronic records necessary for establishing or verifying identity;

- not mislead the authorities or withhold relevant information or provide forged documents;

- provide information on the third countries transited, the travel routes used, or other third countries with which he or she may have a connection or through which he or she may have transited.

In case the obligations to cooperate are not respected, **effective, dissuasive and proportionate consequences** should be imposed, including for instance reduced benefits and allowances granted in accordance with national law, seizure of identity or travel documents or the extension of the duration of an entry ban.

Third-country nationals may, throughout the return procedure, be subject to measures such as the obligation to remain in a geographical area within the territory of the Member State where they can move freely, or the obligation to reside at a specific address or location designated by the competent authority.

Suspensive effect

The proposed regulation does not provide for the automatic suspensive effect of an appeal. However, a third-country national should be able to submit a request to suspend the enforcement of a return decision.

Entry ban

Return decisions should be accompanied by an entry ban when: (i) the third-country national is subject to removal; (ii) the obligation to leave the territory of the Member States has not been complied with within the time limits set; (iii) the third-country national poses a security risk.

Detention

To prepare their effective and timely return, third country nationals can be detained, for example if they are not cooperating, present a risk of absconding, pose a security risk, or for any other relevant factor impeding timely removal. Grounds for detention would be laid down in national law and detention should be ordered by administrative or judicial authorities. Detention can also be ordered for **unaccompanied minors and families with children**, as a measure of last resort and for the shortest appropriate period and taking into account the best interests of the child. The period of detention can be up to **24 months**. Member states can also provide alternatives to detention.

External dimension and cooperation with third countries

The EU and the Member States should pursue balanced and comprehensive partnerships with third countries, in which return, readmission and reintegration constitute core components of their engagement.