



A return policy at the expense of rights: normalising criminalisation and forced deportations

The EU is once again choosing repression over rights. Under the guise of making return policy more “effective”, the proposed Return Regulation deepens one of the most dangerous trends in EU migration policy: the normalisation of criminalisation, detention, forced deportation and externalisation at the expense of human dignity and fundamental rights.

This is not a technical adjustment. It is a political choice. At a time when arrivals to Europe have been falling for consecutive years - up to a 38% drop in irregular border crossings into the EU in 2024 as recorded by Frontex¹ and 20 % drop, compared to the same period in 2024² - the EU’s renewed push on return policy is driven less by migration trends than by political pressure to demonstrate “control” and to complete the Pact on Migration and Asylum, in which returns are positioned as the enforcement backbone of the entire reform

In this context, the European Commission tabled its proposal for a new [Return Regulation in March 2025](#), framing it as the “missing piece” of the Pact, while the [Council swiftly agreed on a mandate centred on accelerating removals](#), expanding detention and enabling return hubs in third countries. The [European Parliament’s position, adopted on 26 March](#) after a highly contentious and protracted process marked by more than 2400 amendments, intense political pressure and threats from right and far-right parties to bypass the rapporteur, ultimately consolidates an approach that prioritises deterrence, control and sanctions, further embedding the criminalisation of people on the move within EU migration policy.

We are deeply concerned about the overall direction of the European Parliament’s position, which endorses a return policy centred on enforcement rather than rights. The EP report advances a framework that criminalises people on the move, expands coercive and externalised removals beyond protection guarantees and erodes procedural safeguards, leaving migrants increasingly defenseless.

1. An EU that consolidates the criminalisation of migrants

The EP report **moves beyond the technical definition of migration** by embedding irregular stay within a broader enforcement and security narrative. Rather than treating irregularity as a temporary or resolvable administrative situation, the text consistently links it to **risk, abuse, absconding and non-compliance**, thereby reinforcing a discourse in which people in irregular situations are primarily seen as subjects to be controlled and removed. This mirrors concerns long raised by [ECRE](#) and [PICUM](#) that EU return policy increasingly conflates irregular migration with criminality, despite the formal administrative nature of irregular stay.

A particularly problematic feature of the EP report is the way it institutionalises suspicion toward migrants, repeatedly implying that individuals will seek to “delay” or “frustrate” return procedures. This logic is explicitly reflected in Article 13, which governs assessments of non-refoulement prior to removal. While the article formally reiterates the obligation to respect the principle of non-refoulement, it simultaneously introduces language that casts doubt on the legitimacy of claims raised by migrants at later stages. This framing is deeply concerning from a fundamental rights

¹ Frontex, [Irregular border crossings into EU drop sharply in 2024](#)

² Politico, [Illegal crossings into EU down 20 percent in first half of 2025, Frontex says](#)



perspective. It reverses the logic of protection by presuming bad faith on the part of individuals seeking to invoke safeguards, rather than recognising that risks of refoulement often emerge over time or become apparent only when removal is imminent. By allowing authorities to dismiss new elements based on perceived intent, the provision creates a deterrent effect on the disclosure of risk, undermining the practical effectiveness of non-refoulement.

2. An EU that builds a system of coercive removal beyond protection

The European Parliament's report further entrenches an appalling model of return by explicitly enabling deportations to third countries with which individuals may have no prior connection, including countries they have never transited through or resided in. By endorsing the use of so-called "countries of return" beyond countries of origin or former residence, the EP position facilitates the removal of people to third states solely based on bilateral or EU-level arrangements, with limited consideration of meaningful links, legal certainty or long-term protection outcomes.

The report's support for "**return hubs**" in **third countries** exemplifies this negative and disruptive trend. Even where certain categories, such as children and families, are nominally excluded, the concept itself institutionalises the transfer of people to **extraterritorial holding facilities**, often in countries with weak asylum systems, limited monitoring capacity and questionable human-rights records. The EP text provides no credible guarantees regarding long-term legal status, access to protection or independent oversight once individuals are transferred, reinforcing fears that return hubs function as **spaces of legal limbo** rather than genuine return solutions.

While references to voluntary return remain, they are structurally subordinated to mechanisms that prioritise enforcement, including shortened timeframes for departure, broadened grounds for detention and increased reliance on compliance-based sanctions. The cumulative effect is a system that incentivises coercion rather than consent, eroding the principle that force should only ever be used as a last resort.

3. An EU that promotes the defencelessness of migrants

Beyond enforcement and suspicion, the EP report significantly **weakens the right of migrants to receive clear, timely and meaningful information** about their own return procedures.

Although return decisions are nominally required to include the **country of return**, the report allows for this information to be **omitted** under certain circumstances, including where the destination cannot yet be determined or relies on arrangements with third countries. This lack of clarity fundamentally undermines the ability of individuals to assess risks, seek remedies or prepare for removal. Even where information is provided, the EP report allows it to be communicated orally and in a language that authorities consider the person is "likely to understand", rather than in the person's mother tongue or a language in which they can demonstrably exercise their rights. This approach falls short of standards repeatedly articulated by civil society and risks making information merely symbolic rather than effective. This constitutes a structural denial of procedural fairness. Without clear information on destination, timeline and consequences, access to legal remedies becomes illusory. The combination of oral communication, discretionary language choice and incomplete information places an excessive burden on the individual while shielding authorities from accountability.

While the European Parliament's report repeatedly affirms the EU's commitment to fundamental rights and international law, these references remain largely declaratory and do not shape the core

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logic of the text. Human rights protections are treated as accompanying safeguards rather than as guiding principles, with little attention paid to how they will be effectively upheld in practice. Crucially, the report fails to establish robust, independent and mandatory monitoring of what happens to people once they are returned or deported, particularly in third countries and so-called return hubs.

As negotiations continue, we, together with sister civil society organisations, have a critical role to play in holding EU institutions to account by demanding binding safeguards, independent monitoring of returns and deportations, meaningful access to information and remedies and policies that treat migrants first and foremost as rights-holders deserving of dignity, protection and respect.

The consequences of this approach extend well beyond those directly targeted by a return decision. It generates fear, distrust and alienation across families and communities, undermining integration and restricting access to rights in other areas of life. As people withdraw from services and become less likely to report abuse, workplaces grow silent and exploitation is allowed to flourish in the shadows.