

Joint Civil Society Statement on the Council's position on the Return Regulation Proposal

December 2025

We, the undersigned civil society organisations across Europe, express deepest concern regarding the direction that discussions on the proposal for a Return Regulation are currently taking in the Council of the European Union. The compromise text prepared by the Danish Presidency, reflecting amendments and positions advanced by several Member States, represents a severe and unprecedented deterioration of safeguards, legal protections, and fundamental rights standards within EU return policy and the broader legislative framework.

From the outset, the European Commission's proposal already marked a significant step backwards by weakening safeguards, introducing more punitive measures, and further narrowing the space for rights-based approaches within the EU return framework. EU institutions and co-legislators have the opportunity to address these shortcomings and take a more rights-based approach during the negotiations. However, for the majority of Member States, the proposed changes do not go far enough. We are alarmed that Member States are systematically weakening and, in some cases, fully removing the limited safeguards contained in the proposal. Rather than reinforcing the EU's human rights obligations, the Council is promoting provisions that would:

- **Increase the risk of indefinite detention** by expanding the scope of detention while extending detention periods beyond the Commission's proposed 24 months with an additional six-month extension, and far beyond the current 18-month limit. Importantly, the maximum detention period could apply separately in each Member State. This could result in individuals being held in detention indefinitely across Member States, well beyond what is necessary, proportionate, or compliant with EU law and the jurisprudence of European courts.
- **Weaken effective remedy and protection against refoulement** by undermining meaningful and individualised non-refoulement assessments through the introduction of multiple exceptions and the removal of ex officio review assessments. The proposal further restricts the suspensive effect of appeals and removes minimum periods in which third-country nationals could lodge an appeal, meaning that people could be deported before having an opportunity to challenge the decision or exercise an effective remedy.
- **Significantly expand the burden of proof and the range of obligations** placed on third-country nationals to demonstrate cooperation during the return procedure. If applied, this would affect almost all individuals in situations of irregularity, including obligations beyond their reasonable control, for instance, a lack of residence or not having a reliable address, which many asylum seekers find themselves in. Those judged as non-cooperative could face severe sanctions, including detention, criminal and financial penalties.
- **Undermine a common return system** by introducing opportunities for Member States to resort to national law in many instances, including on grounds for detention, obligations to cooperate, and financial sanctions, which risks undermining legal certainty, consistency, and the coherent application of EU return policies.
- **Retain the possibility to establish deportation centres ("return hubs")** in EU law, despite the grave human rights risks involved and contravening key principles of international law, such as prohibitions of non-refoulement or arbitrary detention.

The issues highlighted above are just some examples of the many concerning items that Member States are currently discussing. Some of these developments stand in contradiction to the fundamental rights guaranteed in EU primary law, including the Charter of Fundamental Rights, as well as the evolving CJEU and ECtHR jurisprudence. They also risk creating significant legal challenges after adoption, creating complexity, exacerbating divergent standards between Member States and placing additional burdens on the judicial system.

We are deeply concerned that the Council discussions show so little regard for people's safety, dignity, and rights, and fail to uphold the EU's fundamental values. Instead of building a fair, functional, and humane return system, Member States are advancing an approach that is narrowly punitive, increasingly focused on outsourcing responsibilities to countries outside Europe, and prioritising forced return over voluntary departure. The assumption that harsher rules, coercive measures, indefinite detention, and weaker safeguards will increase return rates is both misguided and empirically unfounded. Rights-compliant return systems depend on trust, fair procedures, dignified treatment, and credible protection pathways. An arbitrary, punitive, or unsafe approach will only drive people into irregularity, destitution, reduce cooperation, and undermine the very return objectives Member States claim to advance.

We urge EU institutions and Member States to:

- ✓ **Avoid an excessive and harmful focus** on return rates as the sole indicator of effectiveness in return policies and instead develop an approach that centres the sustainability and rights compliance of return and emphasis on protection, legal pathways, and integration measures.
- ✓ **Prioritise dignified, safe, and sustainable return**, grounded in reintegration support, voluntary return, and respect for human rights and dignity instead of forced returns.
- ✓ **Restore and strengthen fundamental rights safeguards** in the Return Regulation proposal, including robust non-refoulement assessments, effective remedies with automatic suspensive effect, and strict limits on detention such that it remains a measure of last resort, subject to strict proportionality and necessity requirements and applied for the shortest possible time.
- ✓ **Ensure legal certainty and compliance with EU and international law**, including the jurisprudence of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR).

As the negotiations are entering their final stage, we call on Member States to reconsider the current direction of negotiations and to uphold the EU's commitment to human rights, the rule of law, and dignity for all. A return system that disregards fundamental rights is not only unlawful, but also unworkable, unsustainable, and incompatible with the rules and values upon which the European Union is founded.

List of signatories:

Africa Solidarity Centre Ireland (ASCI)
ASGI
AWO Bundesverband e.V.
BRD-Sweden
Caritas Europa
Center for Legal Aid "Voice in Bulgaria
Centre for Peace Studies, Croatia
Churches' Commission for Migrants in Europe (CCME)
Collectif de sauvegarde de la LADDH

Comisión Española de Ayuda al Refugiado (CEAR)
Community Rights in Greece
Croatian Law Centre
Danish Refugee Council (DRC)
Diakonie Deutschland
Dutch Council for Refugees
ECRE
EGCSO European-Global Civil Society Organization
EuroMed Rights
European-Global Civil Society Organization
Extranjeristas en Red
FARR, the Swedish Network of Refugee Support Groups
FEANTSA (European Federation of National Organisations Working with the Homeless)
Female Fellows e.V
Finnish Refugee Advice Centre
Forum réfugiés
France terre d'asile
Greek Committee for International Democratic Solidarity
Greek Council for Refugees (GCR)
Greek Forum of Refugees
Gruppo Melitea
HIAS Greece
Human Rights Legal Project
Human Rights Watch
ICMC Europe
IRC - International Rescue Committee
Italian Council for Refugees
Italiani Senza Cittadinanza
Jesuit Refugee Service (JRS) Europe
JRS Belgium
JRS Croatia
Karama - Collective Solidarity
Klikaktiv
Macedonian Young Lawyers Association
Mediterranea Bruxelles
Mesdhe
Migr/Azioni
Migrante Netherlands
Migration Inc.
Migration Policy Group - MPG
Ocalenie Foundation
Oxfam
Palestina e lire
Passerell
Pinay sa Holland-GABRIELA
Portuguese Refugee Council (CPR)
PRO ASYL National Working Group on Refugees
Right to Protection Charitable Foundation
Safe Passage International
Schweizerische Flüchtlingshilfe
Support Group Network (SGN)
Swedish Refugee Law Center

Symbiosis-Council of Europe School of Political Studies in Greece
The Palestinian Human Rights Organization - PHRO
Vluchtelingenwerk Vlaanderen
WeMove Europe
80:20 Educating and Acting for a Better World