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After being significantly impacted by COVID-19 restrictions in 2020, the implementation of returns of rejected asylum applicants resumed in 2021. Nonetheless, many countries did not reach the level of operations as before the pandemic. To increase efficiency in the area of returns, many countries introduced legal and procedural changes to create interlinks between asylum and return procedures. These included, for example, return counselling in connection with a negative asylum decision and incorporating a return order in a negative asylum decision.

EU+ countries continued their efforts to enhance voluntary returns through partnerships, reintegration programmes and personalised counselling to third-country nationals. Countries also used tools supported by Frontex, such as the Frontex Application for Return (FAR), to improve the implementation of returns.

The CJEU, the ECtHR and national courts examined a number of return-related cases in 2021 to ensure adherence to procedural guarantees and human rights standards, including cases related to the proper assessment of individual risks in the event of a person’s return; due account of the best interests of the child before adopting a return decision, even when the person to whom that decision is addressed is not a minor but the parent; payment of compensation for damages suffered by rejected asylum applicants who have been subjected to inhuman and degrading treatment after deportation; and the suspension of detention in the absence of a viable prospect for a return.

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