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icon presenting gradually resuming return procedures

The European Commission highlighted in its Common Implementation Plan for the Pact that "(t)he EU's migration policy can only be sustainable if those who do not have the right to stay in the EU are effectively returned".323 It presented its proposal in March 2025 for the establishment of a common system for the return of third-country nationals who are staying illegally in the EU.324 EU+ countries have long pointed out that this area needs strengthening and the rate of people who are effectively returned after a negative asylum decision must increase.

Instances of criminal acts by people with an immigrant background, including rejected applicants, have fuelled a populist narrative calling for the tightening of return laws, which was reflected in current policies in some countries. Improving returns is a goal for example of the new Finnish government which plans to make legislative changes. To this end, the Ministry of the Interior is gathering experiences from stakeholders who implement returns.325 Major changes happened in Germany as well, where the Return Improvement Act was adopted in February 2024,326 and the Security Package, adopted in October 2024, contained several measures to facilitate returns.327 In Belgium, the Proactive Return Policy Law was adopted.328

Countries aimed to harmonise and streamline the workflow among stakeholders in the return procedure and – anticipating the changes under the Pact – link a negative asylum decision to a return decision, for example, in France329 and Lithuania.330 The Swiss Federal Council contributed to costs related to detention in a cantonal return centre since the number of irregular entries had been exceptionally high. In addition, legal advice and representation providers were given limited access to MIDES, an information system on accommodation at airports, to improve data protection and facilitate the implementation of return processes.331 In Czechia, a consortium of NGOs launched a project providing free legal advice for people in the return procedure.332

In both Belgium and Luxembourg, national authorities reported increased return rates after the establishment of specific return places for rejected applicants.

Many EU+ countries concluded bilateral agreements with third countries including measures that facilitate repatriation and return.333

The ECtHR and national courts frequently assessed cases involving the possibility of a return for people with special needs, especially with medical issues. National courts often deliberated on the lawfulness of detention pending a return or on the legality of an entry ban issued as part of a return decision. A German court referred questions to the CJEU for a preliminary ruling on the latter issue.334 In a previously referred case, the CJEU clarified that authorities must provide a written confirmation when the return temporarily cannot be enforced, but they are not obliged to provide a right to stay on humanitarian grounds.335 In addition, the court also clarified the obligation of national authorities to examine compliance with the principle of *non-refoulement*. 336

At the same time, civil society organisations frequently identified practices leading to fundamental rights violations in 2024.337 FRA observed several gaps through its yearly review of forced return monitoring activities.338 In addition, the agency published a position paper on the conditions that the planned return hubs – closed facilities located in third countries – need to meet to respect fundamental rights and comply with EU law, underlining that these facilities cannot be rights-free zones.339 Academia highlighted the need for carefully balancing the objective of efficiency with the protection of fundamental rights and CJEU and ECtHR principles, when implementing the provisions of the Pact.340

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