

Box 3. Changes for efficient and fair return procedures

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icon presenting return of former applicants

National migration strategies and the European Commission's 5-year migration strategy continued to identify more efficient return procedures as a key political and policy objective.350 The Commission presented in March 2025 a proposal for the establishment of a common system for the return of third-country nationals who are staying illegally in the EU,351 the Council finalised its position in December 2025, while negotiations with the European Parliament were ongoing.352

Several countries introduced legislative changes to their return framework to address gaps which impede the efficient implementation of returns. The Danish Aliens Act was amended to extend the scope of situations when issuing a return order is mandatory. It now includes cases when a foreigner residing less than 5 years in the country is handed a suspended sentence. Both custodial and criminal prison sentences can now lead to deportation.353 The Repatriation Act was also amended to stipulate that a foreigner may be ordered to repay repatriation assistance if the person returns to Denmark within 2 years, even when the residence permit has not lapsed or was not formally ended.354 The government was planning amendments to introduce stricter reporting obligations for foreigners without legal residence who do not leave voluntarily, including for rejected asylum applicants, following data published by the Danish Return Agency about the high number of violations of the duty to report.355

In Finland, amendments extended the scope of circumstances to issue an entry ban and the possibility to request an extension for a voluntary return was made more exceptional and conditional on the payment of a fee.356 Entry bans pronounced in Sweden are now valid for 5 years from the date that the person can prove to have effectively left the country. Rejected asylum applicants cannot apply for a different residence permit from within the country, without first returning to their country of origin.357 The Greek parliament approved a bill (Law No 5226/2025) to reform the return framework and tackle irregular migration.358

In Poland, in order to speed up the return process, foreigners ordered to leave receive a warning to their e-mail address. Poland underlined that e-mail notifications are utilised as a supplementary tool to encourage voluntary departure and enhance procedural efficiency, without prejudice to formal service requirements. When the return decision is already issued by another Member State, Poland no longer issues its own decision for the purpose of a return but implements that of the other national authority. According to the new law, a return decision will be issued to every foreigner listed in SIS, regardless of their residence status.359 Poland highlighted that this reflects the country's commitment to the principle of mutual recognition of decisions and the full interoperability of national and EU databases to ensure a swift and harmonised return policy.

Voluntary return programmes were strengthened in several EU+ countries, for example in Cyprus. Voluntary returns were specifically encouraged for Syrian nationals in several EU+ countries.360

Austria implemented removals for the first time to Syria since 2011361 and to Afghanistan since 2021.362 Germany resumed returns to Afghanistan, as one of the priorities in the government's programme.363 Malta ramped up its efforts to return irregularly-staying migrants who do not qualify for international protection.364

These changes in legislation and policy spurred reactions from civil society organisations, which highlighted the risks for breaches of fundamental rights.365 In the 2025 update of its Forced Return Monitoring System covering 2024, FRA noted that five Member States did not monitor any forced returns at all, and one in four Frontex-supported return operations were not monitored.366 National monitoring bodies noted issues with the disproportionate use of restraint measures.367

Similarly to recent pilots to establish specialised reception centres facilitating the implementation of Dublin transfers,368 a specialised reception centre was set up in Finland for the more efficient implementation of both returns and Dublin transfers. 369 In Iceland, the legal basis was created to establish administrative detention centres for rejected asylum applicants who are to be returned.370

Projects were implemented to provide legal aid to persons under return in Croatia371 and for providing information on assisted returns in Norway.372

The CJEU delivered several preliminary rulings related to returns in 2025:

- holding that Frontex has the obligation to verify whether return decisions exist for all people included in a return jointly implemented with a Member State and fundamental rights infringements during the operation may give rise to the Agency's liability;373

- underlining that a judicial authority may on its own motion examine whether the principle of *non-refoulement* precludes a removal when reviewing the lawfulness of a detention measure ordered in the return procedure;374

- addressed the legal consequences of refusing to grant a voluntary return period and the possibility of imposing an entry ban.375

Several referrals for a preliminary ruling were pending with the court at the end of 2025, often related to situations when a person's return cannot be implemented due to the *non-refoulement* principle *(see here).*

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  European Commission. (11 March 2025). 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. COM/2025/101 final.

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  European Parliament. (20 March 2026). 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.

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  Swedish Migration Agency (SMA) | Migrationsverket. (13 March 2025). Spårbyte avskaffas och ändrade regler för preskriptionstid [Track replacement abolished and changed rules for limitation period].

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  Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asylm. (6 October 2025). Rund 2.200 Außerlandesbringungen von Menschen aus Syrien und Afghanistan aus Österreich seit 2022 [Around 2,200 returns of Syrian and Afghan nationals from Austria since 2022]; Retsinformation. (10 June 2025). Lov om ændring af udlændingeloven, repatrieringsloven og lov om fuldbyrdelse af straf m.v. (LOV nr 636 af 10/06/2025) [Act amending the Aliens Act, the Repatriation Act and the Enforcement of Sentences etc. (Law No 636 of 10/06/2025); Finnish Immigration Service | Maahanmuuttovirasto Migrationsverket. (1 July 2025). Syyrialaisilla mahdollisuus saada tukea paluumuuttoon [Support and assistance for returning to Syria available]; Federal Office for Migration and Refugees | Bundesamt für Migration und Flüchtlinge. (16 January 2025). Syrien, Arabische Republik [Syria, Arab Republic]; Norwegian Organisation for Asylum Seekers | Norsk organisasjon for asylsøkere. (3 April 2025). Informasjon til syrere som vurderer retur / معلومات للسوريين الذين يفكرون في العودة [Information for Syrians who are considering return]; Federal Ministry of the Interior | Bundesministerium des Innern. (27 April 2025). Sicherheit, Stabilisierung und Rückkehrperspektiven:

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  Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl (BFA). (3 July 2025). Erste Abschiebung nach Syrien seit 2011 erfolgreich durchgeführt [First deportation to Syria successfully carried out since 2011].

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  Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asylm (BFA). (6 October 2025). Rund 2.200 Außerlandesbringungen von Menschen aus Syrien und Afghanistan aus Österreich seit 2022 [Around 2.200 returns of Syrian and Afghan nationals from Austria since 2022].

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  Federal Ministry of the Interior | Das Bundesministerium des Innern. (18 July 2025). Weiterer Abschiebeflug nach Afghanistan gestartet. [Another deportation flight to Afghanistan started].

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  Ministry of the Interior (Croatia) | Ministarstvo unutarnjih. (24 June 2025). Provođenje projekta „Prevođenje i besplatna pravna pomoć u postupku povratka“ [Implementation of the project "Translation and Free Legal Aid in the Return Procedure“].

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  Norwegian Directorate of Immigration | Utlendingsdirektoratet (UDI). (6 November 2024). Tilskot til informasjonstiltak om assistert retur [Addition to information measures on assisted return].

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  European Union, Court of Justice of the European Union [CJEU], *W [Al Hoceima], X [Boghni] v Belgian State*, Joined Cases C-636/23 and C-637/23, ECLI:EU:C:2025:603, 1 August 2025, Link redirects to the English summary in the EUAA Case Law Database.

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