

STATE OF
THE UNION
2018



A stronger and more effective European return policy

#SOTEU

12 September 2018

'People who have no right to stay in Europe must be returned to their countries of origin. When only 36% of irregular migrants are returned, it is clear we need to significantly step up our work. This is the only way Europe will be able to show solidarity with refugees in real need of protection.'

Jean-Claude Juncker, State of the Union Address, 13 September 2017

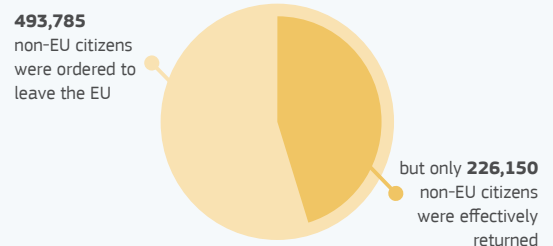


An effective and humane return policy is an essential part of the EU's comprehensive approach to better managing migration and reducing the incentives for irregular migration. Europe will continue to show generosity and solidarity towards those genuinely in need of protection. However, returning those who are not fleeing war or persecution and who do not have the right to stay in the EU, in full respect of their fundamental rights, is equally important for a well-functioning asylum system. It will also send a strong signal against undertaking dangerous irregular journeys to the EU in the first place.

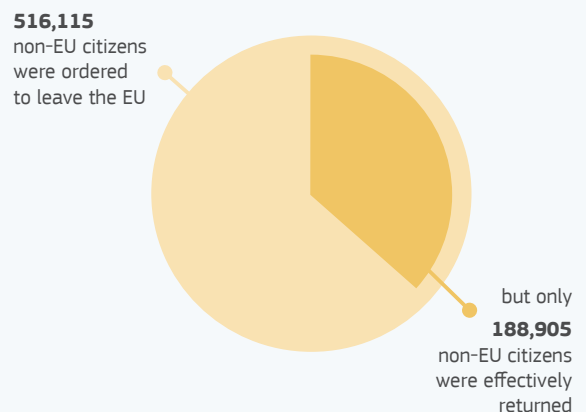
New and stronger rules to increase the effectiveness of the EU's return policy

A targeted review of the EU's Return Directive: adopted in 2008, the **Return Directive** establishes common, fair and transparent standards and procedures for the return of non-EU nationals without a legal right to stay in the EU. However, an inefficient and inconsistent application of the Directive by Member States has affected the overall efficiency of return procedures in the EU. The new rules will remove obstacles and inconsistencies that hinder effective returns. They will help speed up return procedures, prevent absconding and unauthorised secondary movements and increase the overall EU return rate, in full respect of fundamental rights and the principle of *non-refoulement*.

45.8% effective returns in 2016



36.6% effective returns in 2017





CLEAR PROCEDURES

- Return decisions should be systematically issued in parallel with or immediately after a decision terminating legal stay, for example when issuing a negative asylum decision or after the expiry of a visa or residence permit.



ACCELERATED BORDER PROCEDURES

- Simplified return procedures will apply for persons whose asylum applications have been refused during border procedures to ensure return decisions can be quickly adopted and fully enforced at the EU's external borders, including in controlled centres.



BETTER MONITORING

- Member States will have to establish national return management systems to ensure timely information is available on the identity and legal situation of every person to be returned



MORE EFFICIENT VOLUNTARY RETURNS

- Member States should enhance assistance for returnees, including with support for their reintegration in the country of origin.
- Member States will also have the possibility to shorten the period granted for voluntary departure or decide not to grant it in order to prevent absconding or respond to possible threats to public order or national security.



PREVENTING ABUSE

- There will be stronger links with asylum procedures and harmonised timelines for appeals against return decisions in the case of rejected asylum seekers who have to file their appeal against a return decision within five day;
- There will be an obligation to cooperate for persons subject to a return procedure, including on identity verification and to obtain travel documents.



HARMONISED RULES ON DETENTION

To better ensure return procedures can be completed, a more efficient use of detention is needed:

- common criteria for determining the risk of absconding;
- the possibility to detain individuals posing a threat to public order or national security;
- setting a minimum period of detention of at least 3 months



STRONG FUNDAMENTAL RIGHTS SAFEGUARDS

- The existing EU safeguards for the fundamental rights of migrants will not change, including the respect of the principle of *non-refoulement*. This also applies to situations where individuals to be returned are placed in detention.

- Member States must continue to guarantee the respect of family unity, and always take into account the best interests of the child and the special needs of vulnerable persons. The rules also continue to ensure access to an effective remedy to challenge a return decision.

A comprehensive EU policy on return

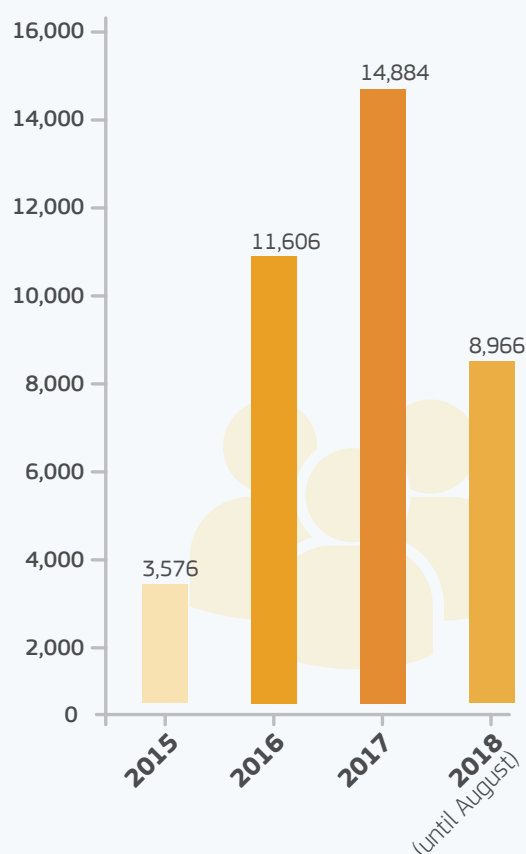
The review of the Return Directive proposed today is part of reinforced efforts at EU level to increase effective returns. These efforts include strengthening the support provided to Member States by the **European Border and Coast Guard** and improving **cooperation with countries of origin** to take back their own nationals as well as **financial support** from the EU budget.

Increased cooperation with non-EU countries

To increase the enforcement rate of return decisions, the EU has been stepping up cooperation with the home countries of irregular migrants so that they fulfil their international obligation to take back their own nationals residing irregularly in Europe. The EU is mobilising **all incentives and leverages** available at national and EU level, including coordinated measures on visa policy, to enhance cooperation on return and readmission. Under the **Migration Partnership Framework** launched in 2016, the European Union and its Member States are employing their collective leverage in a coordinated manner to agree tailor-made approaches with non-EU countries to jointly manage migration and further improve cooperation on return and readmission. Significant progress has been made over the past months.

- The EU has concluded **readmission agreements** with 17 countries, and negotiations are ongoing with an additional six countries (Belarus, Nigeria, Tunisia, China, Jordan, Algeria).
- The EU has also stepped up work to improve **practical cooperation on readmission** with countries of origin of irregular migrants. Work is ongoing with several key countries, with six new arrangements agreed in the last two years alone (Afghanistan, Guinea, Bangladesh, Ethiopia, The Gambia, Côte d'Ivoire).

Persons returned in operations supported by the European Border and Coast Guard Agency



Reinforcing support from the European Border and Coast Guard Agency

Since its establishment in October 2016, the European Border and Coast Guard Agency has become **a true EU hub for returns**, capable of effectively supporting Member States in returning those who have no right to stay in the EU. Today the Commission proposed to **further strengthen the supporting role of the European Border and Coast Guard** which will now be able to assist Member States in carrying out return procedures, including in the preparation of return decisions, the identification of individuals to be returned and the acquisition of travel documents.

So far, the pace of return operations organised by the Agency has continued to grow, reaching a total number of 14,884 persons returned in 2017 and 8,966 from January to August 2018.

Financial support from the EU budget

The Commission is providing substantial financial assistance to support Member States in carrying out effective returns. Under the current financial framework (2014-2020), more than €1 billion in EU funding has already been channelled to Member States' return and readmission activities. For the next period 2021-2027, the Commission has proposed to increase funding for migration management by 51% to reach €10.4 billion with return being one of the main funding priorities. In addition, the **European Border and Coast Guard Agency** fully finances the support it provides to Member States on return.

