



Dignified, safe and sustainable effectuated voluntary and forced return

Effectuating return for those without the right to stay is crucial to a well-functioning EU migration and asylum system. To achieve higher return rates, we need to 1) enhance return cooperation and reintegration with third-countries, 2) strengthen the EU return system, 3) overcome legal barriers hindering an effective return process, and 4) increase return from third countries. Boosting return numbers will benefit the entire EU by reducing asylum-shopping and repeated asylum applications. It will also be paramount for the effectiveness of the mandatory border procedures introduced under the Pact. After all, if the rejection of an asylum border application is not followed by return, the procedure becomes futile. However, return rates within the EU are lagging; only 39% of individuals who received a return decision have effectively repatriated, with over half of them doing so voluntarily. This paper outlines both immediate and long-term actions in the aforementioned four areas to address the current challenges.

1. Return collaboration and reintegration

- Return cooperation with third countries should be further enhanced by the whole-of-Commission approach and utilizing all available instruments. Return dialogues and (innovative) arrangements should be integrated into broader partnerships between the Commission and partner countries, spanning various areas like migration, infrastructure, energy, and economic development. In parallel, the EU should not shy away from negative measures where appropriate if return cooperation stalls.
- A well-functioning global migration system, in which international protection as outlined in the Global Compact on Refugees is guaranteed, depends on third countries fulfilling their Global Compact of Migration responsibilities by taking back their nationals. The Commission, as a major donor, is in the position to encourage IOM and UNHCR to facilitate and support third countries in improving return and reintegration cooperation. Enhancing coordination among Commission funded activities and programs, including those funded by AMIF, IPA, and NDICI, can improve sustainable return cooperation and facilitate effective reintegration. Also optimizing reintegration programs in third countries involves broader coverage, addressing diverse migration routes, and extensive community-based and national capacity building.

2. Strengthen EU internal return system

- To boost return rates and prevent secondary migration within the EU it is necessary that all Member States enhance their return processes and up their return rates. The Commission and Frontex can play an important role in the supporting and monitoring of the Member States especially for return in the context of the asylum border procedure.
- The fragmented governance within the EU involving a variety of operational, policy and strategic meetings, poses a barrier for effective collaboration. Hence, the Netherlands envisions a more simple governance structure e.g. consisting of one working party for all return matters and one strategic operational meeting, including Frontex management on return issues, while ensuring coordinated agendas.
- The identification and acquisition of emergency travel documents, specifically laissez-passers (LPs), pose a challenge within the return process. The interchangeable use of identification records and LPs among Member States should be further explored.

3. Overcoming legal barriers

- Effectuating return is impeded by subsequent asylum procedures along with limited instruments to prevent absconding. Therefore, the recast of the Return Directive should be altered or reformulated and focus on (1) simplifying return and legal procedures and preventing stalling of the return procedure, especially for migrants with a criminal record or posing a security threat, (2) expanding the instruments to prevent absconding, including detention, establishing an objective and workable criterion and (3) creating legal basis for out-of-the-box return collaborations with third countries.

4. Increasing return from third countries

- To prevent more irregular migrants with no right to protection from entering the EU and ensure sustainable reintegration, the Netherlands advocates to recast the EBCG Regulation in broadening the Frontex' mandate to assist third countries with their return processes. This assistance must align with the Union's values, respect for human rights, and be subject to monitoring.