

The Revised EU Return Process: What Happens After a Return Order



Disclaimer: This info sheet outlines what happens after a return order. Many migrants reach this stage due to inadmissible or fast-tracked asylum requests, often before their protection needs are fully assessed.

Ismael is a 25-year-old asylum seeker from the Ivory Coast. He transited through Niger and Libya before crossing the Mediterranean to reach Italy. After his asylum request is rejected, his return journey starts when he receives a return order decision, issued by Italian authorities

Where can Ismael be sent?

- His country of origin – Ivory Coast
- A previous country of residence – e.g., Senegal, where Ismael lived for three years
- A transit country – e.g., Niger
- A country where he has entry rights – e.g., Ghana or Singapore
- A “safe third country” for which his asylum application in Italy was rejected as inadmissible
- A “first country of asylum” for which his asylum application in Italy was rejected as inadmissible
- Any country with a return agreement with Italy



Have a look at the recent proposal to review the “safe third country” concept!



Any return can only happen if there is a **readmission agreement** between Italy and the destination country

SCENARIO ONE – Ismael chooses “voluntary return”

- Ismael decides to comply with the order by leaving Italy within a maximum of 30 days
- This deadline can be extended following an individual assessment of his situation – e.g., he has family ties in Italy or he is enrolled in a return and reintegration program



SCENARIO TWO – Ismael can end up in detention while arrangements for his return are made if:



- He is considered at risk of absconding – e.g., he has no fixed address, provides false documents, or shows signs of non-compliance with return procedures, etc.
- He obstructs the return process
- He is assessed as posing a security risk
- His identity or nationality needs to be determined or verified
- He fails to comply with alternative measures to detention – e.g., reporting to authorities, providing identity documents, financial guarantees, electronic monitoring, etc.



Detention limits:

- Ismael could be detained up to 12 months, with a possible extension for another year, and should be held in specialized facilities
- However, if Ismael is considered a security risk, he could be detained in prisons and for longer periods

SCENARIO THREE – Ismael is forcibly deported if:

- He refuses to “cooperate” during the return process – e.g., not staying in Italy, not providing documentation, biometric data, contact details, etc.
- He moves to another EU country without authorization
- He is considered a security risk
- He does not voluntarily leave by the deadline in the return order

Postponement of his deportation is possible if:

- Deportation would violate nonrefoulement – but are there enough safeguards for a thorough assessment of such a risk? Not really!
- Ismael appeals the return order – but he could be deported before the judge has time to decide on his case!
- Ismael’s individual circumstances justify delay – e.g., medical issues, family situations, etc.

An independent mechanism is supposed to oversee Ismael’s deportation— but its mandate and scope of action remain unclear!

Ismael can also be imposed an entry ban of up to 10 years, extendable for another 5 years, or 10 years if he is seen as a security threat by authorities