

# The Revised EU Return Process: What's new and key risks



In March 2025, the European Commission published a proposal for a regulation that will revise the EU return system, replacing the 2008 Return Directive. Here is EMR analysis of key changes and concerns:



## Choice of instrument

Unlike directives, **regulations** apply **directly and immediately** in all MSs, without requiring national legislation, thus speeding up implementation.

However, **vague provisions** on key aspects leave broad discretion to MSs, raising concerns on accelerating returns with weakened safeguards on due process and fundamental rights.



## Focus on forced removal

**Voluntary returns** become the **exception** rather than the rule, with 30 days as the maximum time limits for voluntary departure.

**Entry bans** period are extended to up to **10 years**, with a possible **5-year extension** and **10-years extension** for people posing security risks, i.e. up to 20-year entry bans.



## Broadened concept of country of return

Return destinations now include non-EU countries holding **bilateral agreements** with MSs — even those with poor HR records.

**“Return hubs”** are introduced but remain undefined, raising concerns about countries like Egypt and Tunisia being considered “safe” and designated for establishing return facilities.



## Increased detention and weakened safeguards

Detention **grounds are expanded**, broadly defining "security risks" and "risks of absconding" (e.g. lack of a fixed address or non-compliance with authorities). The **maximum detention** period is extended from 18 months to up to **24 months**.

The proposal **reduces** the access to free **legal assistance** and **weakens remedy rights**, i.e. removing the automatic suspensive effect of appeals. It also introduces punitive measures for non-cooperation.



## Renewed role of Frontex

Stronger role of Frontex is envisioned in **coordination** between MSs, **readmission** and **return** procedures, and **data sharing** between MSs and to third countries.

Risks increase for compromising privacy rights and reinforcing repressive and security apparatus of non-EU countries.



## HR violations and non-refoulement

Non-refoulement protections during return procedures remains vague, offering limited safeguards.

**A new independent monitoring body** to oversee forced return procedures and agreements enforcement with third countries is introduced, but remains vague, raising concerns about its effectiveness, neutrality, and access in practice.

