

POLICY BRIEF:
VARIATION AND
DRIVERS IN
INTERGOVERNMENTAL
RETURN FRAMEWORKS
D3.2.1

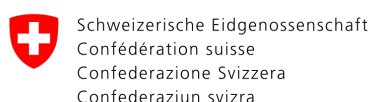
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HISTORY OF CHANGE

Version	Date	Change	Page
1.0	28 July 2025	Completion first draft policy brief based on internal review	1-5

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EXECUTIVE SUMMARY

This Policy Brief presents recommendations for the EU and EU+ states negotiating Intergovernmental Return Frameworks (IRFs) with non-European states.

In recent decades, European states and the EU have increasingly engaged in *extra-European return diplomacy*. This refers to the strategic use of diplomatic actions and internal coordination by European states or the EU aimed at governing the return and readmission of people without valid residence permit to countries outside Europe. Thereby, IRFs have become wider in scope, often linking return and readmission to various policy fields and shifting from legally binding agreements to non-binding arrangements.

Despite growing engagement, extra-European return diplomacy remains fraught with difficulty. Negotiation processes are shaped by unequal interests and diverging normative perspectives, and negotiation outcomes are often not made public. As a result, IRFs face questions of transparency, legitimacy, and effective implementation—especially when they lack shared ownership and common interests.

To address these challenges, this Policy Brief calls for a shift in approach: setting realistic expectations, strengthening intra-governmental coordination, combining broader frameworks with binding commitment and transparency, and prioritizing co-determined processes and outcomes. Ultimately, it is long-term, trust-based relationships that enables effective and sustainable return cooperation.

ABOUT THE FAIR PROJECT

The Finding Agreement in Return (FAiR) project aims to strengthen the governance of return migration in the EU, addressing legitimacy issues around return migration policies and alternatives. The project contributes to generating new insights into the factors and processes that either foster or impede the legitimacy and effectiveness of related policies. The initiative places the perspectives of non-EU realities centre stage and brings together multidisciplinary expertise from academic, policy research, governmental, and migrant advocacy organisations across Europe, Africa, and the Middle East.





INTRODUCTION

Over the past decades, many European governments have made strong public commitments to the return of individuals without valid residence permits, positioning return as a central element of their political agenda. A key instrument in this effort has been the practice of *extra-European return diplomacy*, marked by the negotiation of Intergovernmental Return Frameworks (IRFs) with non-European states.

This has led to both a proliferation of IRFs and a diversification of their form. In addition to legally binding agreements narrowly focused on readmission, there has been a surge in legally non-binding arrangements that span multiple policy areas. These frameworks appear under various labels in practice—such as Memoranda of Understanding, Joint Declarations, or Migration Partnerships.

From an analytical perspective, IRFs can be classified according to their *regulatory properties* along two key dimensions: legal obligations (binding vs. non-binding) and policy scope (narrow, readmission-only focus vs. wide, linkages across policy fields). This typology yields four distinct categories:

- **Readmission Agreements** (legally binding, narrow scope)
- **Readmission Arrangements** (legally non-binding, narrow scope)
- **Composite Agreements** (legally binding, wide scope)
- **Composite Arrangements** (legally non-binding, wide scope)

The dynamics of return diplomacy are shaped not only by the type of IRF adopted, but also by the communicative structures within and between states that characterize the *organizational properties*.

On the domestic level, intra-governmental coordination varies between two ideal types: a *whole-of-government* approach involving extensive horizontal coordination across different branches of government, and a *sectoral approach* where a single ministry or department leads with minimal engagement of other branches of government. At the international level, negotiation styles range from *pre-determined and conditional*, where one side sets the terms, to more *co-determined and consensual* processes in which both parties jointly shape the content and process of cooperation.

Over time, European states have expanded their return diplomacy to nearly all world regions and a wide spectrum of political regimes, both democratic and authoritarian. This has contributed to the globalization of extra-European return diplomacy. Despite this expansion, significant variation in the number and type of IRFs concluded by different European states remains.

METHODOLOGY

The recommendations presented in this Policy Brief are mainly based on data collected by the research teams of the University of Geneva, the University of Milano, the Institute of Law Studies of the Polish Academy of Sciences, and the International Centre for Migration Policy Development through expert interviews and analysis of policy documents on four EU+ states (Germany, Italy, Poland, Switzerland) and two non-EU+ states (Georgia and Nigeria). These interviews were conducted between June 2024 and July 2025, including semi-structured interviews with state representatives involved in negotiating IRFs, representatives of international organizations, and migration experts of the selected countries.

This in-depth analysis of the different approaches in return diplomacy of these countries has been complemented with observations gained from existing data collections on IRFs as well as insights from the new *FAiR inventory*, which provides detailed information on IRFs of eleven EU+ states and non-EU+ states since 2008. The data for the FAiR inventory was collected by FAiR and external country experts, with central coordination led by the Migration Policy Group. Furthermore, the policy brief draws from discussion of participants of the stakeholder workshop *The Politics of Return: Cooperation Frameworks and Negotiation Dynamics* that took place at the University of Geneva in April 2025.



KEY FINDINGS

1. Return diplomacy is a complex and uncertain balancing exercise

Negotiations over IRFs between European and non-European states are shaped by profound asymmetries of interest and normative divergence. While return is a top priority for many European states, it is often unpopular and politically sensitive in partner states. Disagreements about the legitimacy and fairness of return cooperation persist beyond concerns over the perception of the IRF bargaining process. These disagreements are rooted in historical legacies and divergent public narratives, making outcomes uncertain.

2. The quality of internal coordination influences the effectiveness of international cooperation

Intra-governmental coordination and communication play a critical role in shaping inter-governmental cooperation. States with more integrated whole-of-government approaches tend to be more effective in building broad frameworks and navigating complex negotiations. However, many governments struggle with fragmented authority, overlapping responsibilities, and limited horizontal coordination. These internal constraints reduce states' diplomatic agility and constrain their ability to deliver on broader policy packages.

3. Informal and multi-issue arrangements are on the rise—at the cost of accountability and transparency

European governments are increasingly shifting toward informal, legally non-binding arrangements that span across multiple policy fields. These instruments offer flexibility and can foster cooperation by partner states, especially where forced return is unpopular. However, opaque arrangements not only lack clear procedural guidelines but also raise serious concerns about democratic accountability, human rights, and transparency—especially when frameworks are not made publicly available.

4. Many negotiations fall short of delivering mutually beneficial outcomes

Many European states fail to deliver cooperation frameworks that reflect the normative priorities and views of both sides. IRFs commonly feature issues such as migration control and crime prevention, while less frequently include commitments on matters important to partner countries, such as circular migration, human rights, and labor opportunities. Additionally, overarching EU priorities can lead to dissatisfaction in both parties, hindering effective bilateral cooperation.

5. Strong relationships are the foundation of successful negotiations

International cooperation on return and readmission depends on the quality of the relationship between negotiating partners. Trust, historical ties, personal networks, and diplomatic tone all play a critical role. IRFs are most effective when built on cooperative and enduring relationships, rather than on short-term negotiation wins or the selection of a particular framework type.

POLICY RECOMMENDATIONS

1. Set realistic expectations on forced returns

For: *National governments; EU institutions*

Strong public commitments to dramatically increase forced returns ignore the political and normative complexity of extra-European return diplomacy. They often fail to reflect the limited leverage vis-à-vis partner countries, legal safeguards such as the non-refoulement principle, and the uncertainty of negotiated outcomes.

Avoid making return figures or forced deportations a central public benchmark of migration policy success. Refrain from overpromising in public communications. Acknowledge the structural constraints and asymmetries inherent in return cooperation with third countries.



Tempered public expectations reduce the risk of domestic backlash when returns fall short. Setting realistic expectations also improves trust in government, avoids diplomatic friction with partner states, and supports more constructive, long-term cooperation.

2. Strengthen coordination across government branches

For: *National government; ministries of development, foreign affairs, interior, labour, migration, trade*

Fragmented responsibilities, overlapping mandates, and weak horizontal coordination across ministries often undermine a government's position in return diplomacy. Without internal alignment, states risk getting caught in inter-ministerial competition and miss the opportunity to craft broader offers that reflect mutual interests.

Invest early in intra-governmental coordination structures before entering external negotiations. This means clarifying mandates, streamlining decision-making, improving collaboration across key departments, and clearly defining roles across national and sub-national levels.

Well-coordinated governments can speak with one voice, expand the scope of cooperation, and offer more credible and attractive negotiation packages. Strong internal alignment also increases institutional resilience, identifying priorities and common interests, and enables long-term partnerships.

3. Combine broader, balanced frameworks with transparency and oversight

For: *National government; ministries of development, foreign affairs, interior, labour, migration, trade*

Narrow readmission agreements often fail to generate interest or cooperation from partner countries. While informal arrangements offer flexibility, they lack detailed regulation, transparency, and public accountability. This opacity has raised concerns about the true content of negotiations and fuels speculation about the purpose and scope of these frameworks.

Explore the potential of composite agreements that balance interests on both sides—linking return and readmission with non-migration policy fields while also establishing clear, binding commitments. Ensure transparency by specifying readmission criteria, outlining return procedures, and introducing independent monitoring with regular evaluations that are made publicly available alongside the frameworks.

A transparent and balanced approach strengthens both the effectiveness and legitimacy of IRFs. It counters perceptions of hidden agendas, supports democratic oversight, and clarifies what is actually being agreed, both on return policy and on cooperation in areas like development, labor, or mobility.

4. Build win-win solutions through co-determined negotiations

For: *National governments; migration ministries; EU institutions*

Return diplomacy often falters when negotiations rely heavily on conditionality without offering meaningful benefits to partner countries. Attempts to enforce return obligations through pressure alone are set to fail, especially when they ignore the political sensitivities or development priorities of the other side. A key reason for stalled talks is the absence of shared interests and co-owned outcomes.

Instead of imposing pre-set templates, negotiations should prioritize co-determination—focusing on mutual priorities and flexible design. Introducing circular migration pathways, labor mobility schemes, or skills partnerships in return for cooperation on readmission can transform return diplomacy from a zero-sum game into a constructive exchange. For EU member states, it is particularly important that bilateral negotiations are synchronized and coordinated with EU-level diplomatic efforts, commitments are respected, and contradictions avoided.

This approach fosters more durable and implementable frameworks. When both sides see value in the cooperation, resistance to return declines, and trust in the partnership increases. Embedding labor mobility and capacity-building into return diplomacy also strengthens long-term cooperation between states.



5. Prioritize stable relationships over rapid negotiation gains

For: *National governments; migration ministries; EU institutions*

The quality of bilateral relationships can matter more than a formal agreement itself. Return cooperation tends to falter when too much emphasis is placed on sealing an IRF, and too little on building trust and mutual understanding. IRFs are fragile when they lack the foundation of a stable and respectful relationship—especially in politically sensitive contexts.

Governments and institutions should invest in long-term relationship-building that goes beyond negotiations. This includes joint visits, technical cooperation, capacity-building, regular diplomatic engagement, and personal exchanges. Thereby, such exchanges are best oriented towards a broad number of issues that are in the interest and perspectives of both states.

Strong bilateral ties increase resilience when tensions arise, enable flexibility in implementation, and foster more pragmatic cooperation. A relationship-based approach can surface new, more legitimate models of return governance—rooted in shared interests and mutual respect.

FURTHER READING

- Rausis, F., & Lavenex, S. (2025). [*Extra-European return diplomacy: A conceptual and empirical investigation*](#), FAiR Working Paper.
- Conte, C., Yavçan, B., Gorgerino, M., & Khezri, S. (2025). [*Mapping bilateral return agreements: Towards a comprehensive inventory*](#), FAiR Working Paper.