

A MANIFESTO:

FROM FLAWED RETURN POLICY TO A FAIR RETURN POLICY

FOR MANY YEARS,
THE SUCCESS OF RETURN
HAS BEEN JUDGED PRIMARILY BY NUMBERS.
MORE RETURNS MEANT SUCCESS;
FEWER RETURNS MEANT FAILURE.

THIS NARROW METRIC
NO LONGER CAPTURES THE STRUCTURAL REALITIES
FACING EUROPEAN RETURN SYSTEMS.

THE EU IS DEVELOPING THE
NEW RETURN REGULATION. THE FOCUS IS ON
**ENFORCEMENT AND
STRICTER CONTROLS.**

**BUT THIS RISKS FURTHER
UNDERMINING PUBLIC TRUST,**
LEADING TO HUMAN RIGHTS ABUSES,
AND PUSHING EUROPEAN MIGRATION POLICY
**INTO AN EVEN MORE
DIVIDED AND POLARISED DEBATE.**

THERE ARE ALREADY WELL-DOCUMENTED CASES WHERE
HUMAN RIGHTS HAVE BEEN VIOLATED
DURING RETURN PROCEDURES.
IF THE PROTECTIONS MEANT TO PREVENT
THIS ARE NOT STRENGTHENED,
THE SITUATION WILL WORSEN.

THE EU STILL LACKS A SERIOUS CONVERSATION
ABOUT WHAT SHOULD HAPPEN TO PEOPLE WHO
GENUINELY CANNOT GO BACK
TO THEIR COUNTRY OF ORIGIN. DUE TO
DANGER, STATELESSNESS, OR OTHER BARRIERS.

A REALISTIC MIGRATION POLICY
CANNOT SIMPLY RELY ON FORCED
RETURNS AS ITS GO-TO SOLUTION.
GETTING THE POLICY RIGHT
DOES NOT MEAN MAKING THE SYSTEM SOFTER OR LESS EFFECTIVE.

EUROPE CAN HAVE RETURN POLICIES THAT ARE
BOTH FAIR AND CREDIBLE.
BUT TO GET THERE, POLICYMAKERS NEED TO
BASE DECISIONS ON RESEARCH AND EVIDENCE,
RATHER THAN ON POLITICAL PRESSURE.

EFFECTIVE RETURN POLICY REQUIRES LEGITIMACY, COOPERATION AND CREDIBLE MONITORING



Return policy cannot succeed through tough language, forced and assisted voluntary return alone.

Its durability depends on sustained cooperation between countries, institutions and the people directly affected. Where trust is weak, cooperation is short-lived and results remain limited.

Too often, return policies are still developed and implemented without the meaningful involvement of key actors. Local authorities, civil society organisations and returnees themselves are not consistently included. This weakens ownership and reduces partners' willingness to cooperate over time.

FAiR research shows that return cooperation is more effective and sustainable when it is participatory, grounded in dialogue and embedded in long-term relationships with countries of origin. Approaches that rely primarily on pressure tend to produce fragile and short-lived outcomes.

Legitimacy also depends on credible safeguards during implementation. Monitoring across the EU remains uneven. Independent observers do not always have stable funding and full access to forced return operations, standards for voluntary return and reintegration differ across Member States, and systematic post-return follow-up is often limited. These gaps undermine accountability and erode trust with both migrants and partner countries.

To strengthen effectiveness and legitimacy, policy should prioritise:

- The expansion of humane and effective alternatives to detention for returnees.
- Better alignment between migration policy and foreign policy, particularly in cooperation with key third countries.
- Sustained investment in stable bilateral relations and diplomatic presence, rather than short-term, pressure-driven arrangements.
- A clear shift away from return policies that rely primarily on coercion, towards approaches built on structured cooperation and mutual trust.
- Meaningful involvement of civil society, local authorities and returnees in policy design and implementation.
- Transparent agreements with third countries, subject to democratic oversight and accountability.
- Independent monitoring with full and effective access to all forced return operations.
- EU-wide minimum standards for monitoring voluntary return and reintegration programmes.
- Accessible complaint mechanisms and proportionate post-return monitoring to identify rights risks and reintegration challenges.

**RETURN POLICY ONLY WORKS WHEN THE COOPERATION BEHIND IT IS GENUINE.
AND THE PROTECTIONS IT PROMISES MUST ACTUALLY HOLD.**

2

NON-RETURN IS A STRUCTURAL REALITY THAT POLICY CAN MANAGE



Despite intensified enforcement across Europe, a large majority of return orders are not carried out. We all know that many people remain in EU Member States for prolonged periods without regular status due to legal, humanitarian or practical barriers to return.

This is not a temporary implementation gap. It is a structural feature of the migration system.

Treating non-return primarily as a policy failure has led to increasingly restrictive measures that often do not change outcomes but do increase precarity, legal uncertainty and risks of exploitation. In practice, many Member States already manage non-return through tolerated stay, humanitarian provisions or local support arrangements. However, these approaches often remain fragmented, informal and politically contested.

FAiR research indicates that openly recognising and managing non-return can:

- reduce irregularity and labour exploitation
- improve social stability and public order
- enable economic contribution where return is not feasible
- reduce long-term legal limbo

Policy should therefore:

- Explicitly recognise non-return as a structural policy condition and propose regularisation programmes.
- Develop clear and transparent national frameworks for managing cases where return is not feasible in the foreseeable future.
- Reduce long-term irregularity by linking tolerated stay, work access and basic safeguards where appropriate.
- Develop specific frameworks for stateless persons and others facing legally irresolvable barriers to return, including those with pending international protection claims.
- Improve data collection and EU-level monitoring on the scale and drivers of non-return.

**A REALISTIC RETURN POLICY REQUIRES
ACKNOWLEDGING THAT NOT ALL CASES CAN BE RESOLVED THROUGH RETURN ALONE.
MANAGING NON-RETURN IS THEREFORE A NECESSARY COMPONENT OF AN EFFECTIVE MIGRATION SYSTEM.**

3

RESPECT FOR HUMAN RIGHTS IS A CONDITION FOR CREDIBLE RETURN POLICY.



Return procedures inherently carry significant human rights risks. Where legal safeguards are weak or inconsistently applied, the credibility of return systems is undermined and cooperation with partner countries becomes more fragile. Partner countries also demand human rights to be taken into account and embedded in the return processes.

Respect for human rights and international law is not an external constraint on return policy. It is a core condition for lawful and sustainable governance.

FAiR research shows that sustainable return cooperation depends heavily on stable bilateral relations, consistent diplomatic engagement and adequate administrative capacity. Escalating political pressure or restrictive rhetoric has limited impact where these structural conditions are weak. Evidence also indicates that voluntary return increases where credible mobility pathways exist, while forced return outcomes depend largely on operational capacity rather than political toughness.

Policy evaluation and system design should therefore give systematic weight to:

- Full compliance with EU and international human rights obligations
- Full procedural suspension of return where international protection application is pending, and explicit policy coherence between the Return Regulation and the Asylum Procedures Regulation to prevent procedural circumvention.
- Independent, well-resourced monitoring across all return procedures.
- The strength and durability of cooperation with third countries.
- Reductions in irregularity, precarity and exploitation.
- Sustainable reintegration outcomes after returning back to the country of origin.

A CREDIBLE AND EFFECTIVE RETURN POLICY MUST BE ROOTED IN THE PROTECTION OF HUMAN RIGHTS, ROBUST INSTITUTIONAL COOPERATION, AND A COMMITMENT TO SUSTAINABLE REINTEGRATION, WHICH ENSURES BOTH LEGAL INTEGRITY AND LONG-TERM SUCCESS.



A SHARED RESPONSIBILITY

Europe can build a return policy that is fair, effective and anchored in human rights. Doing so requires greater realism about what drives sustainable return outcomes and where current approaches face structural limits.

We call on European and national decision-makers to:

- Reassess the return regulation in light of the growing body of empirical evidence on what drives effective and sustainable cooperation with third countries.
- Strengthen the regulatory balance between enforcement, safeguards and operational feasibility, ensuring that implementation risks are fully addressed.
- Explicitly recognise non-return as a structural feature of migration systems and develop transparent policy responses to manage it responsibly.
- Invest in independent monitoring, diplomatic capacity and long-term partnerships that underpin credible return cooperation.
- Systematically integrate findings from Horizon Europe and other research programmes into the ongoing development and future revision of EU return policy.

**FAIR AND EFFECTIVE ARE NOT OPPOSITES.
TOGETHER, THEY ARE THE FOUNDATION
OF A RETURN POLICY THAT WORKS.**