What makes a return legitimate?

Perspectives from Actors Negotiating, Organising and Receiving Returns

Counter-discourses on the (il)legitimacy of return and readmission

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Return policy is often judged by whether returns happen. FAiR research shows that actors involved in negotiating, organising and receiving returns apply a wider test: whether return is carried out in ways they regard as justified and proportionate, whether its consequences are acceptable, and whether responsibilities are fairly shared.

HIGHLIGHTS

A return may be lawful and operationally successful while still being regarded as illegitimate by actors involved in negotiating, implementing or receiving it.

- **Lawfulness and completion of returns are not enough for legitimacy.** Actors also judge return by how it is carried out, the consequences it produces, and how responsibilities are distributed between sending and receiving states.
- **Acceptance of return is not unconditional.** Many actors accept that states may return people after legal remedies are exhausted, while contesting practices that separate families, use degrading enforcement, misidentify people or return people with serious needs without adequate preparation or coordination.
- **Responsibility does not end at arrival.** Receiving actors judge return partly by its consequences after arrival, including whether individuals can access healthcare, livelihoods, psychosocial support and other essential services, and whether receiving institutions have the capacity and resources to respond.
- **Cooperation requires ownership and partnership, not compliance alone.** Receiving-country authorities need meaningful influence over how return cooperation is designed and implemented. Without such ownership, cooperation may exist formally but become fragile when political or operational conditions change.

THE EU POLICY PROBLEM: EFFICIENCY WITHOUT LEGITIMACY

European return policy is often assessed through operational indicators: how many people return, how quickly returns are carried out, whether travel documents are issued, and whether countries of origin cooperate with readmission. These indicators matter, but they capture only part of whether return policy is working. This question has become increasingly relevant under the EU Pact on Migration and Asylum. Regulation (EU) 2024/1348 links negative asylum decisions more closely to return decisions, while Regulation (EU) 2024/1349 introduces a return border procedure for certain rejected asylum applicants. These developments make it particularly important to consider legitimacy alongside the speed and operational effectiveness of return.

Interviews conducted as part of the Finding Agreement in Return (FAiR) consortium, under Work Package 5: *Intergovernmental (Non-)Collaboration in Enforced Return*, show that actors involved in negotiating, organising and receiving returns have a wider understanding of the conditions under which return 'works'. Across Iraq, Nigeria, Türkiye and Georgia, officials, diplomatic actors, international organisations and practitioners assessed return not only in terms of whether it could be implemented, but also whether it was justified, how it was carried out, what consequences it produced, and how responsibilities were shared between sending and receiving states.

In this brief, legitimacy means whether return is regarded by relevant actors as justified and acceptable, not merely lawful or operationally possible. Counter-discourses challenge the assumption that a more efficient return is necessarily a successful or legitimate one.

Why should EU policymakers care about legitimacy? Because returns depend on cooperation. Countries of origin and the officials responsible for identification, documentation, reception and follow-up are not simply implementers of decisions taken elsewhere. Their willingness and ability to cooperate shape whether return arrangements can be implemented consistently and sustained over time. Where return practices are regarded as disproportionate, responsibilities as unfairly distributed, or cooperation as lacking ownership, implementation can become contested, discretionary or fragile. **Legitimacy is therefore not separate from effectiveness: it can help sustain the cooperation on which return depends.**

These judgments varied by context. **Nigerian** respondents highlighted the risks of returning people without adequate resources or preparation; **Iraqi** respondents raised concerns around family separation; **Turkish** officials could cooperate with return while objecting to collective charter operations on dignity and stigma grounds; and **Georgian** actors combined strong institutional cooperation with clear expectations around identification, information exchange and family unity.

Together, these findings point to a practical policy risk: return cooperation can appear successful on paper while remaining contested, fragile or lacking ownership in practice. Measuring whether a return took place is therefore not enough. Policymakers also need to ask whether the process was regarded as justified, whether its consequences were anticipated, whether responsibilities were fairly shared, and whether receiving actors had meaningful ownership of the cooperation.

EVIDENCE AND ANALYSIS: FOUR TESTS OF LEGITIMATE RETURN

Across the four country contexts, interviewees did not assess the legitimacy of return through a single criterion. Their accounts point to four recurring questions:

- **Was the return itself regarded as justified, and how was it carried out?** Was it lawful and proportionate, and were its foreseeable consequences, individual circumstances and dignity adequately considered?
- **How were responsibilities shared?** Were sending and receiving states adequately prepared for and accountable for the consequences of return?
- **What happened after arrival?** Were post-return conditions and prospects for reintegration taken into account?
- **Who owned the cooperation?** Did receiving-country actors have meaningful influence over how return was negotiated and implemented?

These questions matter operationally because they shape how the actors needed to facilitate return understand their responsibilities and their willingness to cooperate.

1. A lawful return is not automatically a legitimate return

Interviewees commonly accepted that states may return their own nationals once all legal remedies have been exhausted, but legal finality did not necessarily settle whether a return was regarded as acceptable. Concerns related not only to how return was carried out, but also to the foreseeable consequences of the return decision itself. Nigerian respondents stressed that legal proceedings should be complete and that long-term residents should have time to secure property and assets before return. Turkish officials described checking whether a right to remain still existed, and raised concerns about collective charter operations that could stigmatise returnees. In Iraq, family separation emerged as a particular concern because of its consequences for reintegration and possible renewed migration.

Policy implication: Legal finality should be accompanied by adequate safeguards and dignified implementation, including attention to foreseeable consequences, family circumstances and individual needs.

2. Return should not transfer disproportionate responsibilities to receiving countries

Receiving-country actors repeatedly framed return as a question of responsibility-sharing. Nigerian respondents described cases in which returnees arrived without essential belongings, adequate information, or arrangements for serious medical and psychosocial needs. Officials also questioned whether people who had worked and accumulated assets abroad should return without access to those resources, leaving receiving institutions to absorb the consequences. The wider concern was not simply the presence of needs, but whether sending states had adequately anticipated and shared responsibility for them before effectuating return.

Policy implication: Make joint pre-return assessment, information exchange and agreement on responsibility-sharing a systematic component of return operations, rather than leaving them to variable procedures or individual discretion.

3. Arrival is not the endpoint of legitimate return

Across the data, reintegration assistance was often described as useful but too narrow. In Türkiye, practitioners called for community-based reintegration alongside individual assistance. In Iraq, interviewees linked sustainability to employment, psychosocial support and functioning referral systems. In Nigeria, respondents criticised standardised packages that did not reflect local economic realities and called for support that could create jobs and strengthen national capacity.

These consequences are therefore not solely a reintegration matter for countries of origin to address after return has taken place. A return may be operationally completed but still be contested if people arrive without realistic access to livelihoods, services, psychosocial support or functioning referral systems.

Policy implication: Treat foreseeable post-return consequences as part of return policy by linking immediate assistance to longer-term local support and monitoring outcomes over time.

4. Cooperation depends on relationships and ownership, not agreements alone

Formal agreements matter, but FAiR evidence shows that return cooperation is also negotiated through everyday relationships between liaison officers, consular staff, ministries and operational actors. In Türkiye, working-level cooperation could continue even where political events blocked formal agreements. Iraq developed inter-ministerial coordination despite the sensitivity of forced return. Georgia offers a more institutionalised model through case management, while Nigerian interviewees pointed to the fragility created by overlapping mandates and differing European procedures. These patterns are better understood as negotiated cooperation than as simple compliance or non-compliance.

Policy implication: Assess cooperation through its ownership, quality and resilience, not only through signed agreements, issued travel documents or completed return flights.

WHY LEGITIMACY MATTERS FOR RETURN COOPERATION

A return can be legally authorised and operationally completed while remaining contested by the actors expected to facilitate or receive it. Across the interviews, legitimacy judgements centred on four dimensions: how return was carried out, how responsibilities were shared, what happened after arrival, and whether receiving actors had meaningful ownership of cooperation.

These judgements matter because return depends on cooperation. Where return arrangements are regarded as disproportionate, poorly coordinated or lacking ownership, formal cooperation may persist while implementation becomes more contested or fragile. Conversely, clearer responsibility-sharing and meaningful ownership can strengthen working relationships and the resilience of cooperation.

Legitimacy should therefore not be treated as separate from return effectiveness. For EU policymakers, taking legitimacy seriously means investing in the relationships, safeguards and shared responsibilities that make cooperation more durable, predictable and implementable over time.

What should EU policymakers do?

1. Assess return through legitimacy, not only operational performance

Complement return-rate and operational indicators with legitimacy-related measures, including dignified and proportionate implementation, responsibility-sharing, post-return outcomes and meaningful ownership of cooperation. Legal finality remains necessary for effectuating return, but should not be treated as sufficient evidence that return is legitimate or that cooperation will be durable.

Treat legal finality and operational completion as important indicators, but not as proxies for legitimacy.

2. Agree on responsibilities before return takes place

Institutionalise joint pre-return assessment and responsibility-sharing as a standard part of return operations rather than relying on variable procedures or individual discretion. Define before implementing return who is responsible for identity verification, medical fitness, information transfer, property and family interests, reception arrangements and follow-up where serious needs are present. Sending and receiving authorities should agree on how financial, logistical and institutional responsibilities will be shared rather than leaving gaps to be resolved after arrival.

Return should allocate responsibilities by agreement, not transfer them by default.

3. Make post-return outcomes part of return policy

Treat foreseeable post-return consequences as part of return policy rather than as a separate reintegration issue or a responsibility that begins only once the country of origin receives the returnee. Differentiate immediate reception, longer-term individual and household support, and investment in services, labour markets and local capacity. Standardised grants or business packages should be adapted to local conditions, and monitoring should extend beyond arrival.

Assess return not only by whether someone arrived, but by whether its foreseeable consequences were addressed.

4. Build ownership into return cooperation

Involve receiving-country ministries, diplomatic actors and operational institutions early enough to influence the design of return arrangements, rather than only once implementation begins. Formal agreements should be complemented by trusted working-level relationships, clear responsibilities and regular mechanisms for joint review.

Assess the quality and ownership of cooperation, not only whether formal compliance occurred.

Policy Checklist – Looking beyond operational performance

Current operational lens	Legitimacy lens emerging from FAiR evidence
More and faster returns: How many people returned, and how quickly?	**Dignified and proportionate implementation:** Was return carried out with dignity and proportionality?
Legal authority and final decisions: Was there a final legal decision?	**Protection of family unity, health and accurate identity:** Were family unity, health, protection needs and identity adequately considered?
Short-term individual assistance: Was reintegration assistance provided?	**Long-term support:** Was support appropriate to longer-term individual, household and structural needs?
Cooperation measured by compliance: Did the country of origin cooperate?	**Joint ownership:** Did receiving actors have meaningful ownership of the process and its design?
Arrival as the endpoint: Was the person successfully returned?	**Post-return outcomes:** What happened after arrival, and were foreseeable post-return consequences adequately addressed?

About the evidence

This brief draws on qualitative interviews and fieldwork notes with government officials, diplomatic actors, international organisations and practitioners involved in return cooperation in Iraq, Nigeria, Türkiye and Georgia. The findings identify recurring and contrasting legitimacy judgements rather than nationally representative positions.

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