

More than 200 Organisations: Inhumane Deportation Rules Should be Rejected

On 11 March 2025, the European Commission presented a new proposal for a Return Regulation to replace the current Return Directive. Behind the euphemistic name, the proposal outlines coercive, traumatising, and rights-violating measures premised on an imperative of increasing deportation rates. Instead of focusing on protection, housing, healthcare and education, the Regulation is premised on punitive policies, detention centres, deportation and enforcement.

The “Deportation Regulation,” as it would be more aptly called, is part of a broader shift in EU migration policy to characterise human movement as a threat to justify derogations from fundamental rights guarantees. EU institutions and Member States have increasingly made criminalisation, surveillance, and discrimination the default tools of migration governance – as opposed to protection, safety, social inclusion measures, the expansion of safe and regular routes and rights based residence permits.

Our organisations are unequivocal: this Regulation must be rejected. It is driven by detention, deportation, externalisation, and punishment, particularly of racialised people, and will result in more people being pushed into legal limbo and dangerous conditions. We call on the European Commission to withdraw the proposal and urge the European Parliament and the Council of the European Union to reject it in its current form.

The Regulation must be rejected for the following reasons:

1. DEPORTATIONS TO COUNTRIES WITH NO PRIOR TIES AND OFFSHORE DEPORTATION CENTRES (Arts. 4, 17)

This proposal – [together with proposed changes](#) to the Asylum Procedures Regulation – would make it possible, for the first time, to deport a person against their will to a non-EU country to which they have no personal connection, either through which they have only briefly transited, or in which they have never set foot.

Sending someone against their will to a country to which they have no link can in no way be considered reasonable, just, or sustainable. Such measures would tear apart families and communities across Europe, undermining the fabric of solidarity that people rely on to live with dignity. Expanding the options for “return” raises serious concerns about fundamental rights, including the risk of people being stranded in third countries, the safety and dignity of removal, the sustainability of inclusion and reintegration, and access to support, rights, and services. Such measures also apply to families and children, with limited exceptions.

The proposed Regulation also enables the establishment of so-called “return hubs”; highly likely to become prison-like detention centres hosting those awaiting deportations, outside of EU territory. This is an egregious departure from international law and human rights standards. These are likely to result in a range of rights violations, including automatic arbitrary detention, direct and indirect *refoulement* (in return hubs or through onward deportations), and denial of access to legal and procedural safeguards. At the same time, they would reinforce discriminatory practices as well as raising substantial challenges in monitoring human rights conditions and determining legal responsibility and jurisdiction. The current provisions in the Regulation are, moreover, alarmingly vague and set no binding standards, exacerbating these concerns. In line with past attempts to offshore or externalise asylum responsibilities, such as those by Australia, the UK, or [Italy](#), such proposals are likely to be [exorbitant in cost](#), carry significant diplomatic and reputational risks, and widen the gaps and divergences between EU countries’ asylum and migration policies. They would divert resources to punitive modes of migration governance instead of policies prioritising protection, care and safety.

2. NEW OBLIGATIONS ON STATES TO ‘DETECT’ AND SURVEIL (Art. 6)

The proposal requires States to put in place measures to detect people staying irregularly in their territory. Over 80 [organisations](#) warned that similar provisions in the 2024 Screening Regulation would result in increased racial profiling and discriminatory treatment. Such provisions pave the way for the expansion of racist [policing practices](#) and immigration raids that foster fear in racialised and migrant communities. Moreover, [detection measures](#) tied to immigration enforcement create serious human rights risks, including those related to the right to health, labour rights, and human dignity, as fear of authorities discourages undocumented people from seeking healthcare, reporting abuse, or accessing protection. Such measures could raise ethical conflicts for professionals and undermine trust in public services. Finally, they risk threatening privacy rights through the unsafe sharing of sensitive personal data, including health data, breaching EU data protection standards and eroding the freedoms of society as a whole.

3. MORE PEOPLE PUSHED INTO IRREGULARITY AND LEGAL LIMBO (Arts. 7, 14)

The proposal requires states to issue deportation orders alongside any decision ending regular stay, without prior consideration of other national-level status options (such as permits for humanitarian, best interests of the child, medical or family reasons, as well as during statelessness determination procedures or in other cases where deportation is not possible). Combined with similar rules in the Pact on Migration and Asylum that link negative asylum and deportation decisions, this would raise further barriers to accessing national residence permits. Alarming, it even foresees issuing deportation orders listing multiple potential countries of return when a country of return cannot be identified.

The proposal also weakens protections for those who cannot be deported - often through no fault of their own. Although it allows for postponement of “removal” in cases where there is a risk of *refoulement*, it removes the current requirement to identify and assess other individual circumstances, ignoring that in many cases “return” may not be appropriate or even possible, such as if a person is stateless, or for other human rights reasons.

This highlights the inconsistency of a proposal developed with the flawed objective of “increasing return rates”, but which at the same time artificially inflates the number of people issued a deportation order. As a result, many more people will be pushed into irregularity and legal limbo, denied basic rights like healthcare, and exposed to destitution, homelessness, exploitation, or prolonged detention. These policies do not only harm individuals: they destabilise and create further fear and insecurity, particularly for migrant and racialised people, as well as the wider communities they are part of.

4. SEVERE EXPANSION OF DETENTION (Arts. 29-35)

The proposal promotes the systematic use of detention by states. It significantly extends the maximum length of detention, from 18 to 24 months. This extension is disproportionate and ineffective, and would only deepen harm to people’s rights, dignity and [health](#). It also expands the grounds for detention, including criteria that, in effect, cover most people who have entered Europe irregularly or who are in an undocumented situation, against the principle of proportionality and necessity. For instance, a lack of documents or experiencing [homelessness](#) would be sufficient grounds for detention. The proposal allows for the detention of children, despite [international](#) human rights law and [standards](#) indicating that it is always a child rights violation and never in a child’s best interests, and [global commitment](#) by governments to work to end the practice. Other vulnerable groups, as well as people who cannot be deported, would also be subject to detention. The proposal appears to allow for indefinite detention of individuals deemed to pose “security risks”, by judicial decision. It also allows Member States to deviate from basic guarantees around detention if systems face a vaguely defined “unforeseen heavy burden.” The expansion of detention capacity will create lucrative

opportunities for private contractors running detention centres, incentivising the growth of a detention industry at the [expense of people's rights and dignity](#).

The “alternatives to detention”, or non-custodial measures, as proposed by the Commission would not serve their purpose as genuine alternatives, and would not need to be considered before applying detention. Rather, they could now be used in addition to detention and after its time limits have been exceeded. Together, these developments amount to a significant expansion of immigration detention, whereby it would no longer even be treated as a measure of last resort or imposed for the shortest possible time, in clear tension with international law requirements.

5. PUNITIVE AND COERCIVE MEASURES (Arts. 10, 12, 13, 16, 22, 29)

The proposal introduces extensive, disproportionate and unrealistic cooperation requirements on people issued a deportation order, such as having to provide identity documents they may not possess, having their bodies and belongings searched, or cooperating with third countries to obtain travel documents. These are coupled with punitive and heavy sanctions in cases of ‘non-compliance’, including financial penalties, entry bans, restrictions on voluntary departure, as well as refusal of benefits, allowances or work permits. With no effective way to challenge the determination that they are not cooperating sufficiently or to ensure that people are not penalised for circumstances beyond their control – such as statelessness, digital or literacy barriers, age, health or trauma – these measures risk being applied arbitrarily and disproportionately punishing [people in vulnerable socio-economic situations](#).

The proposal introduces a further shift from “voluntary departure” to “removals”, making deportation the default option. Even though the notion of [voluntariness](#) in such circumstances remains questionable, the proposal restricts people's options and agency further. It does so by introducing broad grounds on which forced “returns” would be mandatory and by removing even the current minimum period of seven days for voluntary departure, or compliance with a deportation order.

Specific derogations are foreseen for people who “pose a threat to public policy, to public security or to national security” - grounds that are vaguely defined and may be applied abusively. Any cases posing a security risk or concerning a criminal conviction should be dealt with in the context of criminal justice proceedings with the fair trial safeguards required.

6. EROSION OF APPEAL RIGHTS (Art. 28)

In continuity with the erosion of these rights under the [Pact](#), the proposal removes the automatic suspensive effect of appeals against the enforcement of a deportation decision. The suspensive effect will have to be requested together with the appeal, or granted ex-officio. This creates an additional layer of complexity for people at risk of being deported as well as judicial authorities, and removes an [essential safeguard](#) to the right to an effective remedy. With no mandatory minimum time for appeals (the proposal specifies only that the deadline shall not exceed 14 days), Member States could make it impossible for people to effectively challenge deportation orders in practice, against the established jurisprudence of European courts.

7. EXPANDED DIGITAL SURVEILLANCE AND DATA PROTECTION VIOLATIONS (Arts. 6-9, 23, 38-41)

The proposal expands the digital surveillance of people in deportation procedures, denounced by [digital rights experts](#) and the [European Data Protection Supervisor](#). This includes the broad collection and sharing of personal data, including sensitive health and criminal records, between EU Member States and with third countries which may be lacking adequate data protection. It also enables the use of intrusive surveillance [technologies in detention centres](#), and the use of digital “alternatives to detention”, such as [GPS tracking](#) and [mobile phone surveillance](#), which, while supposedly considered an alternative to detention, remain highly intrusive and can amount to [de facto detention](#). Such technologies also create [profitable new markets](#) for surveillance companies.

The creation of a ‘European Return Order’, stored in the Schengen Information System (SIS), further conflates migration management and policing, with foreseen data sharing with law enforcement. There are [documented patterns](#) of data abuse and non-compliance with legal standards on privacy and protection of personal data by authorities under SIS, increasing the likelihood of data breaches and misuse.

8. LACK OF IMPACT ASSESSMENT AND CONSULTATIONS

Like other recent legislative [proposals](#) on migration, this European Commission proposal was issued without a human rights impact assessment or formal consultations, including social partners, in an area in which evidence-based policymaking is especially crucial. This is contrary to the Interinstitutional Agreement on Better Law-Making and the Commission’s own Better Regulation Guidelines when a legislative proposal has significant social impacts and where a choice of policy options exists. A prior fundamental rights impact assessment is essential to ensure compliance with the Charter of Fundamental Rights, *non-refoulement*, the prohibition of torture and inhuman or degrading treatment or punishment, personal liberty, the rights of the child, effective remedy, private and family life, privacy and data protection, and non-discrimination.

9. OVERLOOKING ALTERNATIVES TO PUNITIVE MIGRATION CONTROL

The proposal reflects a false assumption that deportation should be the only option for people whose asylum application has been rejected or whose residence permits have expired or been revoked. To reduce the number of people trapped in irregularity, EU states should uphold access to existing human-rights-related [permits](#), and expand avenues to a broad range of residence permits that allow people to plan their lives, engage in regular work, study, and fully participate in all the economic, social, and cultural facets of the societies in which they live.

We call on the EU to stop catering to racist and xenophobic sentiments and corporate interests and reverse the punitive and discriminatory shift in its migration policy, and instead direct resources towards policies rooted in safety, protection and inclusion, that strengthen communities, uphold dignity, and ensure that all people can live safely regardless of status.

EU institutions and Member States should reject deportation measures that are based on a punitive and coercive approach, lower human rights standards, and disproportionately affect racialised people. In light of the concerns outlined above, we call on the European Commission to withdraw this proposal and urge the European Parliament and the Council of the European Union to reject this proposal.