

## 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.

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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.**

### **Signatories** (*List updated as of 15 September 2025*)

EU/International

1. 11.11.11
2. Abolish Frontex
3. Academics for Peace-Germany
4. Access Now
5. ActionAid International
6. Africa Advocacy Foundation

7. AlgoRace
8. All Included
9. Alternatif Bilisim
10. Amnesty International
11. Apna Haq
12. ASAM Greece
13. Aspiration
14. Avocats Sans Frontières (ASF)
15. Border Violence Monitoring Network
16. borderline-europe - Menschenrechte ohne Grenzen e.V.
17. Bridge EU
18. Cairo Institute for Human Rights Studies (CIHRS)
19. CCFD-Terre Solidaire
20. Changemakers Lab
21. Civil Rights Defenders
22. COFACE Families Europe
23. Correlation-European Harm Reduction Network
24. COSPE
25. CPT - Aegean Migrant Solidarity
26. de:border // migration justice collective
27. DeZIM, German Centre for Migration and Integration Research
28. EAPN European Anti-Poverty Network
29. ECCHR European Center for Constitutional and Human Rights
30. EL\*C - Eurocentralasian Lesbian\* Community
31. EmpowerVan
32. EPSU
33. Equinox Initiative for Racial Justice
34. EuroMed Rights
35. European Alternatives
36. European Network Against Racism (ENAR)

37. European Network on Religion & Belief
38. European Network on Religion and Belief
39. European Network on Statelessness
40. Famiglie Accoglienti
41. FEANTSA
42. Fenix Humanitarian Legal Aid
43. Forum per Cambiare l'Ordine delle Cose
44. Global Alliance Against Traffic in Women (GAATW)
45. Global Asylum Seeker Human Rights Defenders Committee (GASHDC)
46. Hoffnung leben e.V.
47. Human Rights Watch
48. Humanity Diaspo
49. I Have Rights.
50. Inter Alia
51. InterEuropean Human Aid Association Germany e.V.
52. International Planned Parenthood Federation - European Network (IPPF EN)
53. International Women\* Space e.V
54. iuventa
55. Kerk in Actie
56. La Strada International
57. Madera Creation
58. Médecins du Monde International Network
59. Médecins Sans Frontières
60. Mediterranea Bruxelles
61. Mediterranea Saving Humans
62. Missing Voices (REER)
63. Mission Lifeline International eV
64. Movimiento por la Paz (MPDL)
65. Mujeres Supervivientes
66. Mundo en Movimiento

67. Network Against Migrant Detention
68. New Horizons Project
69. New Women Connectors
70. No Name Kitchen
71. Northern Ireland Council for Racial Equality
72. Platform for International Cooperation on Undocumented Migrants - PICUM
73. Protestantse Kerk Nederland
74. Quaker Council for European Affairs (QCEA)
75. Recosol
76. Roma Feminist Collective
77. Romnja Feminist Library
78. SCI Catalunya
79. Sea-Watch e.V.
80. Service Civil International
81. SOLIDAR
82. SOS Humanity
83. SOS Racism Denmark
84. Spectrum
85. Statewatch
86. Symbiosis-Council of Europe School of Political Studies in Greece
87. Syrian Justice and Accountability Centre
88. Transnational Institute
89. UNESCO Inclusive Policy Lab -People of African Descent & SDGs E-Team
90. Validity Foundation - Mental Disability Advocacy Centre
91. WeMove Europe
92. Women Against Violence Europe (WAVE) Network
93. Yoga and Sport with Refugees National
94. Arbeitsgemeinschaft Migrationsrecht des Deutschen Anwaltvereins
95. Ariadni AMKE
96. ARSIS Association for the Social Support of Youth

97. ASGI
98. ASKV
99. Asociación Por Ti Mujer
100. Association for Integration and Migration (SIMI)
101. Associazione Arturo
102. AWO Bundesverband
103. Ban Ying e.V. coordination and counseling center against trafficking in human beings
104. Boat Refugee Foundation
105. Brot für die Welt
106. CEAR - Comisión Española de Ayuda al Refugiado
107. Center for legal aid - Voice in Bulgaria
108. Centre Avec
109. Centre for Information Technology and Development (CITAD)
110. Centre for Labour Rights, CLR
111. CIEs NO MADRID
112. CIRÉ
113. CNCD-11.11.11
114. Community Rights in Greece
115. Congolese Anti-Poverty Network
116. coop. soc. APE06 - AlterProjectEmpowerment2006
117. Coordinadora CIE No Cádiz
118. Coordinadora Obrim Fronteres
119. Council of Churches Amsterdam
120. Danes je nov dan, Inštitut za druga vprašanja
121. Diaconaal Centrum De Bakkerij
122. Diásporas Association
123. Dutch Council for Refugees
124. ECHO100PLUS
125. Equal Legal Aid

126. Europasilo
127. Famiglie accoglienti Bologna e Torino
128. FEDERACIÓN ANDALUCIA ACOGE
129. Federación SOS Racismo
130. Feministas en Holanda
131. Flüchtlingsrat NRW e.V.
132. Flüchtlingsrat Schleswig-Holstein e.V.
133. forRefugees
134. GAT - Grupo de Ativistas em Tratamentos
135. Greek Council for Refugees (GCR)
136. Greek Forum of Migrants
137. Greek Forum of Refugees
138. Greek Housing Network
139. Hermes Center
140. HOTM
141. Huize Agnes
142. Human Rights Initiatives
143. ICS (Italian Consortium of Solidarity)
144. INTERSOS HELLAS
145. Irídia - Centre per la Defensa dels Drets Humans
146. Italy Must Act
147. Jeannette Noëlhuis
148. Jesuit Refugee Service Belgium
149. Jesuit Refugee Service Greece
150. JRS Malta
151. KOK - German NGO Network against Trafficking in Human Beings
152. Kopanang Africa Against Xenophobia (KAAX)
153. La Cimade
154. Legal Centre Lesvos
155. M.oV.I Caltanissetta

156. Meldpunt Vreemdelingendetentie
157. Migrant Rights Centre Ireland
158. Migrant Tales
159. Migrant Voice UK
160. Mobile Info Team
161. MOC
162. Move Coalition
163. Naga Odv
164. Nazione Umana
165. Network for Children's Rights (Greece)
166. NOF
167. Nomada Association
168. ONE PEOPLE
169. Pauluskerk Rotterdam
170. POUR LA SOLIDARITE
171. PRO ASYL, National Working Group for Refugees
172. Racism and Technology Center
173. RADIO BULLETS APS
174. Red Acoge
175. RED AMINVI, SPAIN
176. RED ESPAÑOLA DE INMIGRACION Y AYUDA AL REFUGIADO
177. Red Interlavapies
178. Refugee Council of Lower Saxony
179. Refugee Legal Support (RLS)
180. Refugees Platform In Egypt-RPE
181. Refugees Welcome Italia
182. Rotterdams Ongedocumenteerden Steunpunt
183. S.P.E.A.K ( moslim woman collectif)
184. SAAMO Antwerpen
185. Salud por Derecho

186. SCI Switzerland
187. SNDVU Seguro
188. SolidarityNow
189. Solidary Wheels
190. Stem in de Stad
191. Steunpunt Ongedocumenteerden Pauluskerk
192. Stichting LOS (NL)
193. Stichting Shiva
194. Stichting Vluchteling Kansen
195. Stichting Vluchtelingen in de Knel
196. STIL Utrecht
197. Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention)
198. The Norwegian Centre Against Racism
199. Tierramatria mujeres migrantes y Refugiadas en Andalucía
200. Turun Valkonauha ry, Finland
201. URGG
202. Villa Vrede
203. Vluchteling Onder Dak
204. Vluchtelingenwerk Nederland
205. Waterford Integration Services, Ireland
206. Wereldhuis - World House (STEK)
207. Wereldvrouwenhuis Mariam van Nijmege