

Summary of ad-hoc query on provision of information in the context of return

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Requested by: EMN Belgium

Responses: 24 EMN Member Countries provided a public answer to this query: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden. The answers of Malta are not for wider dissemination and are therefore not included in this summary.

Background

The Member States' obligation to provide information in the context of return to third-country nationals (TCNs) under the Return Directive (Article 12), national legislation, and case law, imposes more and more formalities, which increase the workload.¹ References to information in decisions are becoming increasingly extensive, resulting in longer and longer decisions.

According to Article 12, return decisions and, if issued, entry-bans and decisions on removal shall be issued in writing and give reasons in fact and in law as well as information about available legal remedies.

In Belgium, this required information is typically provided to TCNs in written form, resulting in significant paper usage. Belgian authorities have observed that flyers and brochures are often discarded without being read. To reduce paper waste, an increasing portion of this information is now made available to TCNs in digital format. However, this shift raises concerns regarding whether TCNs actually access and comprehend the information provided. In contrast, when information is delivered in paper form, there is greater assurance that the TCN receives it, and verbal explanations are generally offered at the time of delivery.

The Belgian authorities launched this ad-hoc query to understand how other Member States provide information to TCNs in the context of return, in order to fulfil their obligation under the Return Directive, and to assess whether making this information available via a website or IT application would be considered sufficient to meet these requirements.

¹ Directive (EU) 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, <https://eur-lex.europa.eu/eli/dir/2008/115/oj/eng>, last accessed on 25 September 2025.

Findings might also support the development of the Frontex RECAPP app.

Main findings

1. How are return decisions and orders to leave the territory notified?

- **Paper delivery** remains predominant: all respondents that provided a public answer to this query issue return decisions in written form, typically delivered in person with an acknowledgment of receipt.
- **Digital notification** exists in several EMN Member Countries, when the TCN has provided an email address or has an account in an official portal. For example, in Greece, Ireland², Latvia, Lithuania, the Netherlands³, Poland and Sweden⁴.
- **Translation**: All responding countries (except Estonia) mention in their answer that decisions or key parts of the decisions are provided in a language the TCN understands or is reasonably presumed to understand.

2. How is information provided in the context of return?

- **Type of information in return decision**:
 - Reasons for the return decision, legal basis, and deadlines for voluntary departure or for filing an appeal.
 - Right of appeal and legal assistance.
 - Voluntary return options and reintegration support.
 - Consequences of non-compliance.
- **Formats**: Information is delivered through various formats, including printed flyers and brochures, laminated sheets, posters, audiovisual materials (e.g., videos), dedicated websites, and in-person verbal explanations.
- **Counseling**: Almost half of the responding Member States (Austria, Belgium, Cyprus, Estonia, Finland, Germany, Latvia, Lithuania, the Netherlands, Slovenia and Sweden) mention that they offer return counseling as part of the return process, which may be either mandatory or voluntary depending on the national framework.

3. Is information provided digitally?

- A majority of the responding countries – namely Austria, Belgium, Cyprus, Finland⁵, France, Germany, Greece, Ireland, Latvia, Lithuania, the

² Ireland does not participate in the Return Directive and does not issue return decisions. In Ireland, the TCN can only be emailed if the TCN has given explicit consent.

³ In the Netherlands digital notification is used in some situations.

⁴ In Sweden digital notification is used, but not for rejected asylum seekers.

⁵ In Finland, information related to the Return Directive article 12 (or the return decision itself) is not provided digitally. However, general information on national assisted voluntary return program is available online

Netherlands, Slovenia, Spain⁶ and Sweden - provide information online, often via QR codes or dedicated multilingual websites.

- Other countries rely exclusively on physical delivery, including Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Italy⁷, Luxembourg, Poland, Portugal, and the Slovak Republic.

4. Which methods are used to ensure understanding of the information in the context of return?

- In-person explanations by officials or counsellors.
- The use of interpreters or cultural mediators.
- Digital content made available in multiple languages.
- Signed acknowledgements or declaration forms confirming receipt and/or understanding

5. Some key observations

- Written notification **continues to serve as the legal baseline** due to legal, procedural and practical considerations. Sometimes digital notification is not authorised by law.
- **Digital tools are increasingly utilised**; however, they are generally regarded as supplementary to, rather than a substitute for, in-person explanations.
- **Challenges**: verification of TCN engagement with digital content, not all TCNs have access to digital devices like smartphones, and ensuring compliance with legal requirements.

Disclaimer: The responses regarding this ad-hoc query have been provided primarily for the purpose of information exchange among the EMN national contact points (NCPs) in the framework of the EMN. The contributing EMN NCPs have provided information that is (to the best of their knowledge) up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN Country. The responses are interpreted by the EMN in order to write this summary.

⁶ In Spain, information related to forced return is not provided online. For voluntary return, this is done through NGO websites. The Spanish Ministry of Inclusion, Social Security, and Migration's website offers information for NGOs participating in the grant application process.

⁷ In Italy, information may be provided orally or in writing, including printed material. The presence of cultural mediators and interpreters is guaranteed. All administrative acts related to return procedures are processed through a digital platform that ensures full translation into 28 languages via an AI-based system