



European  
Commission

## REFORMING THE COMMON EUROPEAN ASYLUM SYSTEM: WHAT THE INDIVIDUAL REFORMS WOULD CHANGE AND WHY WE NEED THEM NOW

In addition to the 7 proposals to reform the Common European Asylum System tabled in 2016, the Commission put forward 3 new proposals on 12 September 2018 (one of which updates one of the 7), bringing the total to 9.

# 9 Return Directive – a targeted review

December 2018



### Strong added value

The new rules on return will help speed up return procedures, better prevent absconding and secondary movements and increase effective returns in full respect of fundamental rights.



### Commission proposal tabled in September

European Parliament and Council to adopt negotiation positions. Political agreement is possible in early 2019.

## THE RECAST RETURN DIRECTIVE WILL ENSURE:



### A new border procedure

Persons whose asylum applications have been rejected during border procedures will be channelled directly into simplified and accelerated return procedures, with shorter time limits for appeals. This will ensure that return decisions can be quickly adopted and fully enforced at the border and in controlled centres.



### Clear procedures and rules to prevent abuses

To avoid delays, return decisions will have to be issued immediately after or together with a decision ending the legal stay (such as a rejected asylum application). Fixed timelines of a maximum of 5 days will apply for appeals to return decisions in the case of rejected asylum claims. New obligations for migrants to cooperate will be introduced, including on identity verification and to obtain travel documents.



### Efficient voluntary returns

To promote voluntary returns and enhance financial and practical support, Member States will have to set up voluntary return programmes. At the same time, Member States will be able to shorten the period granted for voluntary departure to prevent absconding.



### Clear rules on detention

Common criteria for determining the risk of absconding, the possibility to detain individuals posing a threat to public order or national security and an initial general detention period of not less than 3 months will help ensure return decisions can be effectively carried out.



### Strong fundamental rights safeguards

Existing EU safeguards for the fundamental rights of migrants will continue to apply, including respect for the principle of non-refoulement. This also applies to situations where individuals to be returned are placed in detention.

## NEW COOPERATION AGREEMENTS WITH PARTNER COUNTRIES

To improve cooperation on readmission, the EU is following a cooperative approach with key countries of origin and transit, taking into account the number of potential returnees as well as the possible added value of a common EU approach. With six new readmission arrangements agreed since 2016 (Afghanistan, Guinea, Bangladesh, Ethiopia, The Gambia, Côte d'Ivoire), the EU has now 23 readmission agreements and arrangements in place. Member States must now make full use of these new tools to increase returns. And the European Union as a whole must continue to seek cooperation on return and readmission with key partners.

Top nationalities  
(arrivals 2017)

