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From:	Presidency
To:	Integration, Migration and Expulsion (IMEX Expulsion) Working Party
Subject:	Presidency paper on increasing the effectiveness of returns - further exploration of the return hub concept

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At the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on 14 November 2024, Member States held a comprehensive strategic debate on the return hub concept in the presence of the Schengen associated countries. The debate focused on the establishment of return hubs to enhance the effectiveness of return procedures for persons who do not have the right to remain in the EU. Delegates explored the operational challenges, legal implications and identified some key elements to ensure that the return process is in line with fundamental rights and supports the broader objectives of the EU migration policy. They agreed that such return hubs should act as important deterrent to prevent perilous journeys to the EU and increase the uptake in voluntary return, which has always been the EU preferred option for return.

Delegations stressed the need to have a solid legal basis for return hubs and think well through the concept to ensure that it is a success. A majority of Member States strongly supported the continuation of the in-depth examination of the concept, and following the strategic debate, a number of questions remained open to be analysed at technical level.

While some delegations preferred the development of a coordinated model at EU level, some observed that such initiatives perhaps should start with a step-by-step approach, possibly with pilot projects on a smaller scale. Also many delegations stressed that the new EU legal framework on returns should be designed accordingly, incorporating the necessary safeguards, and also allowing for sufficient flexibility.

Some delegations regarded return hubs as transit centres outside the EU, where returnees would be awaiting for their return to their country of origin/transit or where they wish to return. Delegations stressed the need to incentivise voluntary return from such return hubs.

Regarding the personal scope, there was a consensus that irregular migrants who have received a return decision should be subject to this. Examples included those who do not cooperate with the authorities or whose country of origin/transit does not cooperate on readmission. Some delegations also considered that those returnees who pose a security threat should also be transferred to return hubs. There was a broad agreement that vulnerable groups should be excluded from return hubs.

Delegations made a strong call for ensuring the respect of the international obligations and fundamental rights in such hubs, and saw international organisations, notably IOM and UNHCR, playing a crucial role in this respect. Some observed an important role that IOM could play in ensuring voluntary returns from return hubs and reintegration assistance.

Delegations found it challenging that Frontex would not be able to provide a meaningful contribution to the implementation of returns from return hubs under its current mandate, as operational support for return from third countries to third countries is currently not possible.

Although the external dimension was not discussed at the SCIFA meeting, it is evident that it will be crucial for this initiative and the concrete geography would have a fundamental impact on the operational nature of the hub. Some delegations already hinted that it would be ideal to locate hubs in proximity to the main countries of origin.

As a follow up to the SCIFA discussion, the Hungarian Presidency proposes to continue the discussion at technical level in order to provide a more detailed picture of Member States' needs in light of the future legislative framework on returns. Therefore, at the Integration, Migration and Expulsion (IMEX Expulsion) Working Party meeting on 4 December, Member States will be invited to share their views on the following questions:

- *Should the future EU legal framework for the return hub be general and flexible or very detailed? In the former case, would it be enough to expand the definition on returns so as to enable the return to third country return hubs without the returnee's consent, (as done in the Council's general approach on Return Directive<sup>1</sup>) and execute the return order by transfer to the hub? Or would other aspects need to be regulated at EU level as well, in case the hub is considered a place of transit? In the latter case what elements regarding the return hubs should be outlined in the future EU legislation: should the functions, applicable law, detention regime or other aspects be regulated?*
- *Would you support the principle that the personal scope should cover those who have been issued return decisions and who do not cooperate with the authorities and whose country of origin/transit does not cooperate on readmission? Should those who pose a security threat be also included? Shall the vulnerable categories be excluded? If not, do you envisage a narrower or broader personal scope?*
- *What legal and practical challenges do you perceive in creating an open, closed or hybrid hub?*

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<sup>1</sup> The Council general approach proposed to enlarge the definition of returns by adding the following element „ (e) as a last resort, if the return to a third country referred to in points (a) to (d) cannot be enforced due to lack of cooperation in the return process either of the third country or of the third country national, to any third country with which there is an EU or bilateral agreement on the basis of which the third country national is accepted, and is allowed to remain, where international human rights standards according to the International Covenant on Civil and Political Rights are respected, and provided that no international, European or national rules prevent the return. When the return is carried out to a third country, which has a common border with a Member State, the prior agreement of that Member State is required before starting negotiations on any such bilateral agreement.”