



The Migrant Return Policy Index (MIREX)

A Human Rights-Based
Comparative Analysis

**Carmine Conte &
Marianna Gorgerino**



About the Migration Policy Group: Evidence-Based Change for Inclusive Societies.

The Migration Policy Group is an independent Brussels-based think-and-do tank. We conduct evidence-based projects, research and campaigns in the areas of integration, migration and anti-discrimination.

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About Finding Agreement in Return (FAiR)

The Finding Agreement in Return (FAiR) project aims to strengthen the governance of return migration in the EU, addressing the legitimacy issues around return migration policies and alternatives. The project generates new insights into the factors and processes that either foster or impede the legitimacy and effectiveness of related policies. The initiative places the perspectives of non-EU realities centre stage and brings together multidisciplinary expertise from academic, policy research, governmental, and migrant advocacy organisations across Europe, Africa, and the Middle East.

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Executive Summary

The MIREX Report

This report presents key findings from the Migrant Return Policy Index (MIREX), a tool developed to assess the human rights compliance of return policies across 11 EU+ countries. A core principle guiding this index is that return procedures must be safe, dignified, and sustainable. MIREX uses a comparative, data-driven approach to evaluate national policies across seven areas: Voluntary Return, Assistance to Returnees, Enforced Return, Detention, Human Rights, Alternatives to Return and Stakeholder Involvement. Although centred on human rights compliance, the index also incorporates key elements of legitimacy by analysing the extent of stakeholder involvement in return policymaking, including that of civil society, migrant organisations and countries of return.

MIREX General Patterns

Findings show that while most countries largely promote voluntary return, national policies still rely heavily on punitive enforcement measures and indirect deterrence. Detention policies vary widely, with numerous countries allowing long, extendable detention periods, broad grounds for detention and few alternative measures. The findings reveal systemic gaps in the protection of returnees' fundamental rights, including the use of detention for children, insufficient anti-discrimination safeguards and the lack of independent and systematic monitoring mechanisms. The majority of countries have not implemented regularisation programmes, and access to regularisation mechanisms is often only partial due to restrictive eligibility criteria and limited access to rights and services for migrants undergoing regularisation. Finally, stakeholders' involvement across policymaking, implementation, and monitoring remains very limited, with civil society, migrant associations, and countries of return largely excluded. Across all dimensions, average scores range between 31 and 70, indicating varying degrees of alignment with human rights standards.

- **Voluntary Returns:** This dimension records an average score of 70/100. Most countries have policies promoting voluntary return on paper, with structured procedures and broad eligibility criteria.
- **Assistance to Returnees:** With an average score of 58/100, this dimension highlights that countries provide basic assistance to returnees, such as transport costs and interpretation services, relatively widespread, but more substantive measures, such as reintegration training, community group involvement, and targeted programmes for vulnerable groups, are largely absent.
- **Detention:** Detention policies vary widely, with an average of 50/100. Some countries have safeguards, alternatives, and monitoring systems, while others allow long or extendable detention periods and broad grounds for detention.

- **Human Rights:** Uneven level of protection across countries, with an average of 46/100. While some countries provide some formal protections, systemic problems such as detention of children, lack of independent oversight and poor accountability of authorities reveal significant shortcomings in ensuring that return policies respect fundamental rights.
- **Enforced Return:** A significant area of concern, averaging 41/100. Some countries adopt punitive and hostile policies that offer limited protection to individuals without a legal right to stay.
- **Alternatives to Return:** Alternatives to return score poorly overall, averaging only 37/100. Strict and narrow eligibility criteria, short permit durations, high administrative barriers, and the absence of additional integration support or monitoring mean that only a few states offer more sustainable pathways to stability.
- **Stakeholder Involvement:** Weakest area, with an average of 31/100. Non-governmental organisations (NGOs), migrant associations, civil society, and countries of return are largely excluded from policymaking, implementation and monitoring.

Risks and Concerns

Key risks in the assessed return policies include reliance on punitive enforcement measures, harsh detention policies, and gaps in the protection of fundamental rights. Limited alternatives to return and minimal stakeholder involvement raise concerns about the legitimacy, inclusiveness, and long-term sustainability of return policies.

Policy Implications

The report urges a move toward holistic, rights-based, and legitimate return policies. Key recommendations include expanding access to voluntary return and support for returnees; rethinking enforcement strategies and promoting alternatives to detention; improving regularisation pathways; safeguarding human rights; and ensuring meaningful stakeholder involvement in policymaking and monitoring across all stages of return.

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Table of abbreviations

Abbreviation	Full Form
AOB	Austrian Ombudsman Board
ATD	Alternatives to Detention
AVR	Assisted Voluntary Return
BAMF	German Federal Office for Migration and Refugees
BBU	Austrian Federal Agency for Reception and Support Services
CEAS	Common European Asylum System
CIDOB	Barcelona Centre for International Affairs
CIE	Immigration Detention Centre
DJI	Custodial Institutions Agency
DPAR	Dispositifs de Préparation au Retour
DT&V	Dutch Return and Departure Service
ECHR	European Convention on Human Rights
ECRE	European Council on Refugees and Exiles
ECtHR	European Court of Human Rights
EU	European Union
FAiR	Finding Agreement in Return
GCM	Global Compact for Safe, Orderly, and Regular Migration
IND	Dutch Immigration and Naturalisation Service
IOM	International Organization for Migration
IOPC	Independent Office for Police Conduct
MIPEX	Migrant Integration Index
MPG	Migration Policy Group
NHS	National Health Service
NGO	Non-governmental Organisation
NIEM	National Integration Evaluation Mechanism
PICUM	Platform for International Cooperation on Undocumented Migrants
REA	Research Executive Agency
UK	United Kingdom
UNCAT	UN Convention Against Torture
UNHCR	United Nations High Commissioner for Refugees

PART I

Introduction & Methodology

1. Introduction

Return policies are a central pillar of the EU's migration policy and governance. They are seen as an essential mechanism for enforcing immigration rules and for sustaining state sovereignty over territorial borders (Sinnige, Cleton & Leerkes, 2025; Walters, 2002). They operate as both juridical tools and normative frameworks that delineate who belongs to a national territory and under what conditions (Anderson, Gibney & Paoletti, 2011). Yet, despite strong political commitments and the proliferation of EU-level instruments, a persistent “deportation gap” remains between the number of people issued return decisions and those actually returned (Gibney, 2008). In addition, the way return policies are implemented across EU Member States remains highly fragmented, raising significant concerns about their effectiveness, fairness, and compliance with fundamental rights.

Return policies, especially enforced return, have historically been seen as controversial measures in liberal democracies due to their coercive nature, potential to violate human rights, and excessive reliance on third-country cooperation (Ellermann, 2009; De Genova & Peutz, 2010). At the same time, EU return policies have increasingly focused on enforcement and security-driven logics, aiming to address “irregular migration” by externalising border controls and financing readmission cooperation with third countries (De Haas et al., 2018; El Qadim, 2014).

This approach to return policies remains very prevalent in the EU and national political debates. This comparative report is published at a time of heightened political focus on return. In her letter to EU leaders ahead of the European Council meeting in October 2024, European Commission President Ursula von der Leyen placed returns and external partnerships at the heart of the EU's migration agenda. Her call for a “common approach” to returns across Member States aligns with the broader objectives of the New Pact on Migration and Asylum and reflects the urgent political imperative to increase return rates, combat irregular migration, and curb the activities of smuggling networks (Yavcan & Conte, 2024).

While this political momentum offers an opportunity to improve coordination among Member States, the approach outlined in the EC President's letter also carries long-term risks. The continued emphasis on externalisation, through partnerships with third countries and so-called “return hubs”, risks outsourcing core responsibilities and may undermine human rights safeguards (Yavcan & Conte, 2024).

This report presents the Migrant Return Policy Index (MIREX), a new benchmarking tool developed by the Migration Policy Group (MPG), with support from partners of the Finding Agreement in Return (FAiR) project, to assess how EU+ countries' return policies align with human rights. A key principle underpinning this index is that returns should be safe, dignified, and sustainable. Ensuring this requires moving beyond a narrow enforcement logic and adopting a holistic approach that addresses the full cycle of return policy – from decision-making to reintegration – and recognises the diverse profiles and needs of migrants. The different phases of return policy (pre-return, return, and post-return) are intrinsically interconnected. The pre-return phase, encompassing procedural safeguards, risk assessments and information, fundamentally shapes the conditions under which returns

occur. Likewise, the post-return phase, which includes reintegration support and follow-up mechanisms, critically affects the long-term sustainability and effectiveness of returns. By treating these phases as an integrated continuum, the MIREX index aims to address the diverse profiles and needs of migrants throughout the entire return process. In particular, return policies must be designed and implemented in ways that respect international and EU legal standards, including the principle of non-refoulement and the right to family life.

By offering a comparative and data-driven assessment of return policies across the EU+, this report aims to contribute to a more coherent, rights-based and transparent return legal and policy framework. Including results for Austria, France, Germany, Greece, Italy, the Netherlands, Spain, Sweden, Switzerland, the United Kingdom, and Poland, the report provides evidence-based recommendations to policymakers and stakeholders at the national and EU levels, highlighting both promising practices and areas of concern. As implementation of the New Pact on Migration and Asylum accelerates, the need for humane return policies has never been greater.

2. Methodology

2.1 Normative Framework

The Migration Return Policy Index (MIREX) has been designed to examine the fairness and human rights compliance of return policies across EU+ countries. It offers a structured and comparative overview of whether national return laws and policies respect legal and procedural safeguards and international human rights standards. MIREX focuses on voluntary and forced return procedures, detention, alternatives to return, human rights and stakeholders' involvement.

MIREX evaluates return policies using a migrants' rights-based approach. MIREX follows the approach of similar policy indexes (e.g. [MIPEX](#), [MIPEX-R](#), [NIEM](#)) and adopts a normative framework that evaluates return policies in relation to established legal and policy human rights standards. MIREX also incorporates an assessment of participatory governance, based on the Global Compact for Migration's emphasis on "whole-of-government" and "whole-of-society" approaches. This ensures that the index captures not only compliance with legal norms but also the inclusiveness and sustainability of governance processes.

The benchmarking system is anchored in the highest international and European legal and policy standards, as well as the general principles of non-refoulement, due process, and proportionality. The core international and EU standards MIREX uses to assess all phases of return policy include the following:

- **Common European Asylum System (CEAS):** e.g., Reception Conditions Directive 2024/1346 (Articles 5–22 on reception conditions), Return Directive (2008/115/EC, Articles 3–18 on voluntary and forced return, procedural safeguards, and detention).
- **EU Charter of Fundamental Rights:** Article 4 (Prohibition of Torture), Article 18 (Right to Asylum), Article 47 (Right to an effective remedy and fair trial), and Article 19 (Protection in the event of removal, expulsion or extradition).
- **European Convention on Human Rights (ECHR):** Article 3 (Prohibition of torture or inhuman or degrading treatment), Article 8 (Right to respect for private and family life).
- **UN Convention Against Torture (UNCAT):** Article 3, which prohibits returning persons to states where there are substantial grounds for believing they would be in danger of being subjected to torture.
- **Global Compact for Safe, Orderly, and Regular Migration (GCM):** Objective 21, which calls for humane return, including respect for human rights and dignity, and sustainable reintegration.

2.2 Data Collection

MIREX is built on an expert-based evaluation approach, in which 53 indicators are assessed by national legal and policy experts with strong expertise in migration and return policies. The methodology is designed to ensure a fair, comparable, and rights-aligned assessment of return policies across countries.

MIREX relies on a combination of legal, policy, and empirical evidence. Data sources include:

- Independent expert assessments;
- National laws and policies on return;
- Administrative guidelines and operational procedures from international organisations
- Official statistics and budgetary data;
- National and international reports (e.g., Ombudsman reports, court rulings, monitoring bodies); and
- NGO reports and academic analyses.

To ensure a valid and robust evaluation, MIREX applies a standardised questionnaire. Each indicator is formulated as a question relating to a specific element of return policies. National experts completed the standardised questionnaire based on their expertise on the topic, interviews with stakeholders, and desk research (see acknowledgements for a complete list of the experts).

After initial completion, each national expert's submission undergoes a two-step validation and review process:

1. **Internal Review:** Submissions are reviewed by the research team of the Migration Policy Group (MPG). Each indicator is reviewed comparatively to ensure consistency, inter-coder reliability, and comparability. Particular attention is paid to ensuring that scoring across countries reflects the same interpretive standards.
2. **Clarification Loops:** When inconsistencies or ambiguities are detected, MPG returns to the national expert for additional explanation or sourcing.

MIREX covers return policies in EU+ countries (EU Member States plus selected associated countries) based on data current to 31 December 2024. Policy changes from early 2025 are also reflected, where they had been officially adopted and implemented by that time.

2.3 Index Construction, Aggregation and Policy Dimensions

MIREX applies a 0–100 scoring system to assess the degree to which the elements of return policies meet human rights standards and are safe, dignified, and sustainable. The depiction of results uses a five-tiered colour code. The lower the score, the higher is the need to amend deficient policies:

Table 1: Country performance scoring system

SCORES	DESCRIPTION	COLOUR
0–20	Return policies widely fall short of international human rights and EU standards. Essential safeguards are critically missing for migrants.	
21–40	Return policies include only limited safeguards for migrants and show structural shortcomings and policy gaps.	
41–59	Return policies partially meet international human rights and EU standards, but policy gaps and inconsistencies remain.	
60–79	Legal and procedural safeguards are largely in place on paper for migrants, though certain return policies require improvement to fully align with international and EU standards.	
80–100	Return policies are fully aligned with international human rights and EU standards. Safeguards are robust and consistently provided.	

For each country, scores across indicators are aggregated using a simple arithmetic average, a widely accepted method in policy indexes (e.g., Beine et al., 2016; Huddleston & Solano, 2020). This allows for the construction of composite indicators across several dimensions, ranging from voluntary returns to alternatives to return. Each of these dimensions is scored separately.²

Due to non-normal distribution among countries, median values are used to calculate comparative results across countries, ensuring robustness against outliers and data variance. However, MIREX does not aggregate results into a single composite score for each country. This choice reflects conceptual, normative and methodological considerations. Human rights performance is multidimensional and cannot be reduced to a single score. Conceptually, it would be misleading to suggest that one country has the most dignified and safe return policies, because even if highly ranked, some policy areas may still raise concerns from a human rights perspective. Methodologically, MIREX presents separate dimension scores to allow for a nuanced assessment of how states perform across different aspects of return policy. This approach highlights both strengths and shortcomings of return policies without masking important variation. It also opens the possibility of comparative analysis and targeted policy learning, without implying that one country's overall return system is optimal relative to another's.

Drawing on the main areas of research explored by the FAiR project, the MIREX index was designed to provide a general and synthetic assessment of the fairness, and human right compliance of EU+ return policies. FAiR contends that a key reason for the limited effectiveness of EU return governance is that the current strategy overlooks crucial normative aspects. Compliance with the return agreement is based solely on a rational calculation of costs ("sticks") and benefits ("carrots") (Schimmelfennig & Sedelmeier, 2004), which ignores the shared norms, legitimacy, and social expectations that drive sustainable cooperation and policy. In addition, the increasing political focus on enforcement of returns is downplaying the importance of alternatives to return policies in addressing legitimacy and implementation deficits.

² It is worth noting that to calculate the average scores between regularisation mechanisms and regularisation programmes, a weighted formula was applied to reflect their relative importance. Specifically, regularisation mechanisms, which are established in law and provide a more permanent pathway to legal residence, were given greater weight (0.666), while regularisation programmes, which are temporary or ad hoc in nature, received a lower weight (0.333). This weighting approach ensures that the MIREX scoring system better captures the long-term policy commitment and structural character of regularisation mechanisms compared to short-term initiatives.

Reflecting these insights, the MIREX index encompasses seven interrelated areas that together capture the core elements of return policy and governance:

- i. **voluntary returns**, which evaluates how states design Assisted Voluntary Return (AVR) schemes, with particular attention to scope, eligibility, accessibility, and time limits;
- ii. **assistance to voluntary returnees**, which examines whether states provide adequate logistical, financial, and reintegration support to ensure returns are sustainable and dignified;
- iii. **enforced return**, which looks at the extent and nature of policies designed to discourage irregular stay;
- iv. **detention**, which evaluates the extent to which states regulate the deprivation of liberty of returnees, with a focus on legality, proportionality, and safeguards;
- v. **human rights**, which assesses whether migrants' rights are protected during the different phases of the return procedure in line with international and EU standards;
- vi. **alternatives to return**, which looks at the existence, accessibility, and characteristics of policy tools designed to provide lawful residence to migrants who cannot or should not be returned;
- vii. **stakeholder involvement**, which captures the degree to which NGOs, migrants' organisations, international organisations, and affected communities participate in the design, implementation, and oversight of return policies, thereby promoting accountability, legitimacy, and sustainability.

Together, these seven dimensions operationalise FAiR's normative framework and provide a robust basis for evaluating the quality and human rights compliance of voluntary return policies across 11 EU+ countries. Table 2 provides an overview of all seven dimensions, their related indicators, and their respective scores.

Table 2: Dimensions, indicators and average scores across all 11 countries

POLICY DIMENSION (Average country score by dimension)	INDICATOR	AVERAGE COUNTRY SCORE BY INDICATOR
VOLUNTARY RETURNS (70)	Personal scope of voluntary returns: eligibility criteria	86
	Access to AVRs: preconditions to access voluntary return programmes	82
	Time limits	41
ASSISTANCE TO VOLUNTARY RETURNEES (59)	Pre-return assistance: services provided before returnee's departure	65
	Availability of interpretation services for migrants at the pre-return stage	82
	Refugee and migrants' community groups' participation in counselling or information provision	14
	Scope of reintegration programmes	88
	Legal and administrative requirements to access reintegration programmes	63
	Post-return assistance in reintegration programmes	88
	Reintegration programmes for vulnerable groups	25
	Monitoring mechanism for reintegration programmes	45

ENFORCED RETURNS (41)	Enforced returns and control measures	30
	Denial of basic services	50
	Denial of assistance for rejected asylum seekers	44
DETENTION (50)	Maximum duration of detention period legally prescribed for migrants pending their removal	32
	Further extension: legal grounds for extending the detention period for returnees beyond the standard maximum duration	30
	Detention facilities: type of accommodation facility used by the state during the detention period	66
	Alternatives to detention	45
	Procedural Safeguards in Detention	67
	Independent monitoring of detention	60
ALTERNATIVES TO RETURN (37)		
Programmes (11)	Grounds for Regularisation	4
	Length of permit	18
	Possibility of Retaining Regular Status	7
	Conversion of Permits into More Secure Residence Status	27
	Retention of Status Independent of Employment	14
	Administrative barriers to accessing regularisation programmes	3
	Access to rights and services	20
	Protection against migration enforcement	9
	Additional supporting and integration measures for migrants	0
	Evaluation and monitoring mechanism for regularisation	5
Mechanisms (51)	Grounds for Regularisation	45
	Length of permit	66
	Possibility of Retaining Regular Status	41
	Conversion of Permits into More Secure Residence Status	91
	Retention of Status Independent of Employment	73
	Administrative barriers to accessing regularisation mechanisms	27
	Access to rights and services	70
	Protection against migration enforcement	29
	Additional supporting and integration measures for migrants	20
	Evaluation and monitoring mechanism for regularisation	45
HUMAN RIGHTS (46)	Anti-discrimination measures for the actors involved in immigration enforcement	42
	Assessments on human rights standards in return procedures	80
	Best interests of the child	38
	Human Rights monitoring across the stages of forced return procedures	42
	Human Rights monitoring across the stages of voluntary return procedures	24
	Legal Safeguards in forced return procedures	73
	State measures to uphold human rights standards in detention	64
	Anti-discrimination and human rights safeguards in regularisation mechanisms and programmes	9
	Training and accountability of authorities involved in return procedures	42

STAKEHOLDERS' INVOLVEMENT (31)	Involvement of stakeholders in negotiations and formulation of the return policies	32
	Involvement of stakeholders in implementation of return policies	50
	Involvement of stakeholders in monitoring of return policies	16
	Stakeholder involvement in monitoring and evaluation of alternatives to returns	27

2.4 Limitations of the study

The MIREX index offers an innovative and structured analytical framework for assessing return policies across EU+ countries, but several limitations of this study should also be acknowledged:

- Expert-based evaluation:** Data collection relies primarily on assessments by national legal and policy experts. While their expertise ensures high-quality data, the results may reflect different interpretations of laws, policies, and practices. To mitigate this, the MPG research team applied a robust internal review and clarification process to ensure objectivity and data comparability.
- Focus on law and policy, not implementation:** MIREX primarily evaluates the existence and content of legal and policy frameworks. Although national experts also drew on available evidence of practice, the index does not systematically measure the *implementation gap* between laws on paper and their actual enforcement in practice. This gap is particularly evident in the field of return.
- Data availability and comparability:** Some aspects of the return policy remain under-documented, with limited reliable, comparable data available. This lack of reliable and comparable data is particularly evident in relation to the policy framework applicable to enforced return and the actors responsible for implementing voluntary return programmes at the national level (which, in some countries, are led directly by state authorities, while in others by NGOs or the International Organization for Migration, as mandated by the state).
- Dynamic policy environment:** Migration and return policies are highly dynamic, often changing in response to political events, court rulings, or bilateral agreements with third countries. Although the reference date is 31 December 2024, subsequent reforms may quickly affect the accuracy and comparability of results. Moreover, this first edition of MIREX does not include a longitudinal analysis, which limits the ability to track policy developments and trends over time.
- Scope of the index:** MIREX focuses on the fairness and compliance with rights in return policies. It does not assess other dimensions of migration governance, such as enforcement, admission, integration, or border management, which may influence return dynamics and outcomes.

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6. **Limited country coverage:** For this first edition, MIREX covers 11 EU+ countries. While the sample provides valuable comparative insights, it does not capture the full diversity of approaches across all EU Member States and associated countries. Future iterations of the index may be able to expand coverage and provide a more complete picture.

This report presents the first wave of MIREX, laying the foundation for longitudinal analysis and methodological refinement. Future iterations aim to expand country coverage, strengthen the empirical base, and explore temporal trends. While further development is envisaged, the current framework already provides a robust and rights-aligned benchmark for comparative policy assessment. Its value lies in highlighting strengths, weaknesses, and patterns across countries and in stimulating dialogue on how to develop more safe, sustainable and rights-based return systems. We also encourage researchers, practitioners, and policymakers to use this tool in their work, build upon it for further analysis, and contribute to a deeper, more evidence-based understanding of return policy in Europe.



PART II

Comparative Results by Dimensions



3. Voluntary Returns

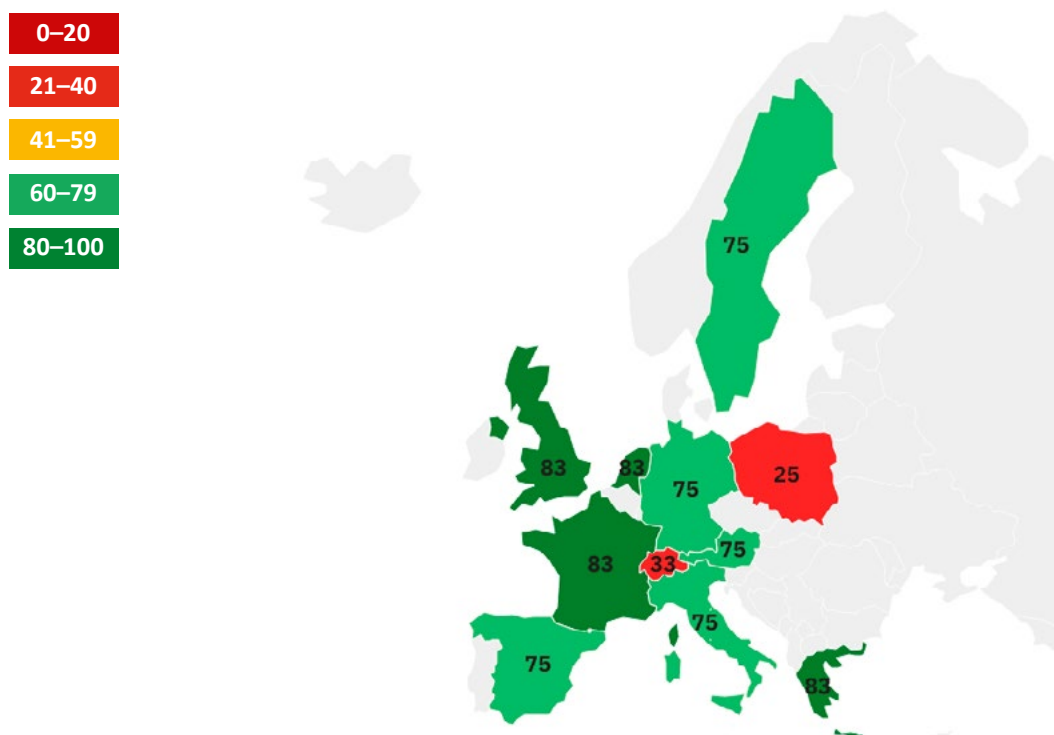
The Voluntary Returns dimension of MIREX assesses how countries approach voluntary return, focusing on the scope and eligibility criteria for Assisted Voluntary Return (AVR), the requirements that may pose barriers to access, and the time limits for eligibility for voluntary departure.

3.1 Legal and Policy Framework

Voluntary return refers to the assisted or independent return of the returnee to the country of origin, transit, or another country based on a voluntary decision (IOM, 2019). Yet the notion of “voluntariness” has been widely questioned by scholars and organisations (Webber, 2011; Bivand Erdal & Oeppen; IOM, Koser, & Kuschminder, 2015), since such decisions often take place under significant constraints, such as legal uncertainty and restricted access to rights and services, and are further shaped by state incentives and pressures to leave. In practice, voluntary return constitutes one dimension of states’ broader strategies to enforce returns. Governments frequently deploy soft power and incentives, such as financial aid, counselling, or reintegration support, designed to encourage migrants to return and increase compliance with return decisions (Torres Chedraui et al., 2024).

Nonetheless, voluntary returns are widely presented as a more humane and effective alternative to forced removals (European Commission, 2021). The 2008 Return Directive acknowledges that voluntary return should be preferred over forced return and that appropriate assistance and counselling should be provided. Although not explicitly addressed by the Directive, voluntary return assistance may be provided in various forms, including administrative, logistical, and financial assistance, and potentially reintegration assistance (IOM, 2019). In April 2021, the European Commission launched its first EU Strategy on Voluntary Return and Reintegration, aiming to promote voluntary return and enhance cooperation with countries of origin to ensure sustainable reintegration. The strategy highlights the importance of voluntary return in achieving more effective and sustainable return outcomes and reflects an increasing emphasis in European policy on promoting the voluntary departure of migrants. However, the new Proposal for a Regulation on Returns, issued in March 2025, significantly reduces the priority given to voluntary returns, shifting the focus primarily to forced returns. It also adopts a stricter approach to voluntary returns by removing the minimum seven-day period during which the return decision could not be enforced, and by introducing a broad range of circumstances that exclude individuals from accessing voluntary return options.

3.2 MIREX General Patterns on Voluntary Returns



Map 1: MIREX General Patterns on Voluntary returns: overall country scores

With an average score of 70 out of 100, the approach to AVR varies across EU+ countries. Overall, most countries have a score of 75 or higher, with the UK, France, the Netherlands, and Greece providing broader eligibility, longer time limits, and fewer preconditions to access voluntary return. Similarly, Sweden, Germany, Austria, Spain and Italy have policies that include safeguards for returnees, though with some limitations, such as shorter deadlines for voluntary departure after a return decision or less inclusive conditions for accessing AVRs. In contrast, Poland and Switzerland have relatively weak policies, primarily due to strict preconditions for access to AVRs, such as the need for a return decision, a rejected asylum application, or a discontinued procedure in Poland, and restrictions that exclude rejected asylum seekers in Switzerland.

Assessed indicators:

- Personal scope of voluntary returns: eligibility criteria
- Access to AVRs: preconditions to access voluntary return programmes
- Time limits

Personal scope of voluntary returns: eligibility criteria

One key aspect assessed in MIREX is the range of migrant groups eligible for AVR programmes. This factor is essential for evaluating how inclusive national laws are in guaranteeing access to AVR, and whether such access is granted to both migrants with legal residence and those without legal status. While states often have a clear interest in incentivising the return of irregular migrants, offering AVR to legal residents is also important. For example, some legal residents may wish to return voluntarily for personal, family, or economic reasons, and AVR can provide a safe and cost-effective alternative to irregular departure.

With an average score of 86, the eligibility criteria indicator ranks relatively and comparatively high among the policy measures within the dimension of voluntary returns. Most countries adopt an extensive and inclusive approach to AVRs, making them accessible to both undocumented migrants and those with valid residence status, earning a score of 100. In France, AVR is available only to migrants who have received a return decision and to all third-country nationals whose country of origin has signed a bilateral return agreement with France that includes assistance provisions. Poland, Switzerland, and the UK apply notable restrictions to eligibility criteria. For instance, the UK and Poland limit access to AVR only to individuals without legal status, excluding those with a residence permit. Switzerland stands out as a unique case, as asylum seekers can access AVR only before a formal return decision is issued.

Access to AVRs: Preconditions to access voluntary return programmes

Access to AVR programmes may be subject to some legal and procedural preconditions, such as the submission of an asylum application or the issuance of a return decision. These requirements can act as barriers, limiting broader accessibility to these programmes. In most MIREX countries, the absence of legal conditions allows a broader range of migrants to access voluntary return schemes. This approach is reflected in the score for this indicator (82). In countries such as Greece, Spain, Austria, and the Netherlands, AVR programmes can be accessed irrespective of a pending asylum application or a removal decision. However, legal and procedural preconditions are found in Poland and Switzerland. In Poland, receiving a return decision or a rejected asylum application is a precondition for accessing AVR, whereas in Switzerland, the opposite applies: individuals with a rejected asylum application are not eligible.

Time limits

Both the Return Directive and the new Proposal for a Regulation set a limit of 30 days for voluntary departure. However, the new proposal removes the minimum seven-day period during which the return decision cannot be enforced and allows enforcement to begin immediately once the decision is issued. National legislation on voluntary departure varies significantly across countries. This area represents a significant weakness among the voluntary return indicators, with an average score of 41. Where time limits are shorter, voluntary return becomes less viable in practice, increasing the likelihood of forced removals. For example, Spain and Austria impose a 2-week deadline after a return decision is issued, which can limit migrants' ability to prepare for return or access counselling and support services.

(European Council of Refugees and Exiles, 2018). Greece and the Netherlands generally allow a longer voluntary departure period of approximately 1 month. In France, the amount of assistance provided under the return programme decreases based on the time elapsed between the return decision and enrolment in AVR, with the maximum support granted when the application is submitted within one month of the return decision. Switzerland and the United Kingdom represent particularly distinct cases. The United Kingdom stands out as the only country without a legal time limit for voluntary departure, offering greater flexibility for migrants to consider enrolling in AVR without time pressure. In Switzerland, instead, there is no possibility of accessing AVR after the return decision has been issued.

4. Assistance to Voluntary Returnees

MIREX assesses how states support migrants in voluntary return and reintegration programmes, covering pre-return support, interpretation services, counselling by migrant community members, eligibility criteria and requirements for accessing reintegration programmes, post-return assistance, the availability of targeted reintegration programmes for vulnerable groups, and reintegration monitoring.

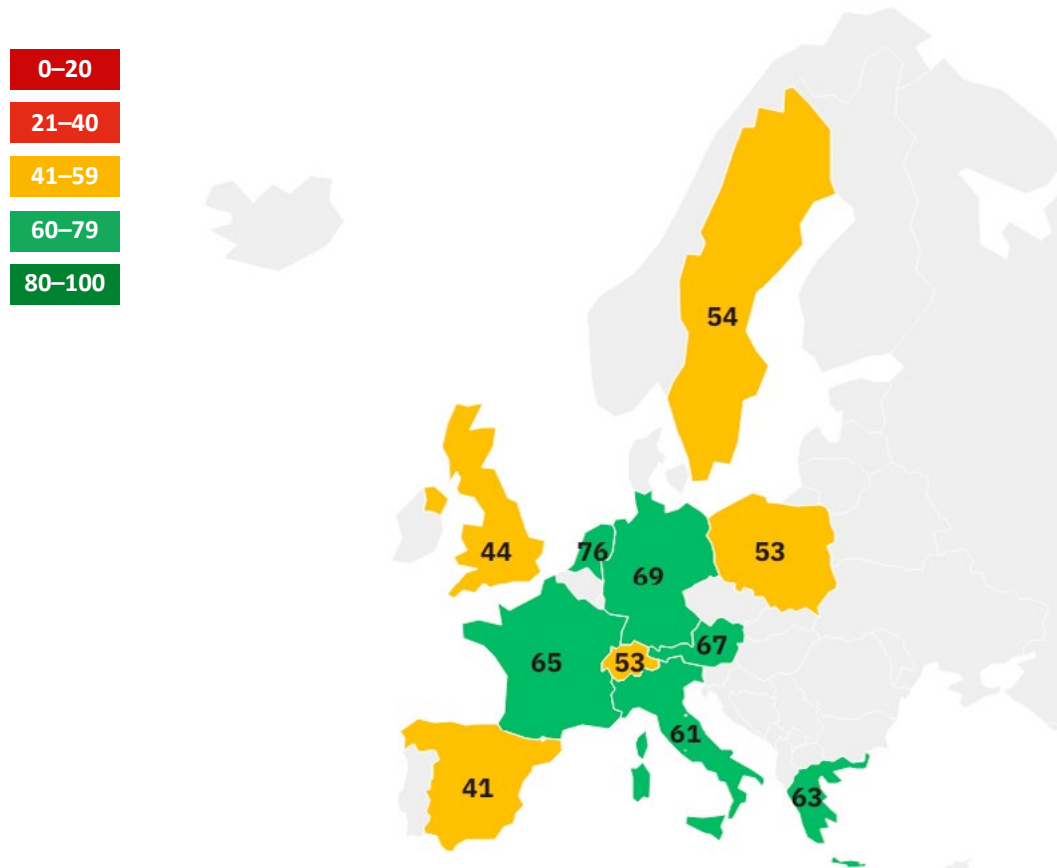
4.1 Legal and Policy Framework

Assistance to voluntary returnees is a crucial component of a comprehensive approach to return policies, aiming to facilitate the return and reintegration of migrants who are unable or unwilling to remain in their host or transit countries. While the 2008 Directive only briefly mentions that “Member States should provide for enhanced return assistance and counselling”, the new Proposal for a Regulation is slightly more detailed. It requires Member States to provide counselling to third-country nationals on return and reintegration options as early as possible in the return process (Art. 46(1) of the Regulation proposal). The assistance should include logistical, financial, material, or in-kind support, including reintegration assistance (Art. 46(3) of the Regulation proposal). However, the proposal introduces limitations that were not present in the Directive (Art. 46(5) of the Regulation proposal). The amount and type of assistance depend on factors like cooperation, nationality, criminal record, and vulnerability. Moreover, assistance cannot be given more than once (Art. 46(6) of the Regulation proposal).

The MIREX framework highlights the importance of including the necessary support in AVR both before and after return. In the pre-return phase, AVR programmes should provide essential services such as information provision, assistance with administrative procedures and documentation, and coverage of travel costs. In the post-return phase, they should offer financial and material aid for reintegration, as well as non-material support, all aimed at fostering long-term reintegration and stability in the country of origin.

A wide range of stakeholders can be involved in AVR programmes, including national and local governments, international organisations such as the International Organization for Migration (IOM), and non-governmental organisations (NGOs) operating in both host and origin countries. The level of involvement and coordination among these actors can vary significantly, shaping the effectiveness and reach of return assistance. In EU+ countries, approaches to AVR differ widely in terms of funding, design, and implementation. While some governments take an active role in managing these programmes, others delegate partial or full responsibility to IOM or NGOs. These variations influence the extent and quality of support available to returnees, highlighting the complexity of return and reintegration policies across Europe.

4.2 MIREX General Patterns on Assistance to Voluntary Returnees



Map 2: Assistance to voluntary returnees: overall country scores

Broad eligibility and access to voluntary return policies in the assessed countries do not necessarily translate into the provision of comprehensive assistance to returnees. This gap is reflected in the average MIREX score for Assistance to Returnees, which stands at 58 (significantly lower than the score of 70 for Voluntary Returns). MIREX shows that, on average, countries provide only partial support to voluntary returnees. However, support levels vary significantly, ranging from minimal assistance in Spain (41) to more supportive policies for migrants in the Netherlands (76). Germany, Austria, France, Greece, and Italy also score above 60, reflecting these countries' strong interest in investing in voluntary returns. In contrast, Sweden, Poland, Switzerland, and the UK only score between 44 and 54.

The scores primarily reflect the availability of return and reintegration assistance but do not account for the extent of state involvement in service provision. States differ significantly in their role, ranging from direct state management to full delegation to external organisations. In highly centralised systems like Sweden and France, the state plays a strong role in both funding and implementing return and reintegration programmes. France even conducts regular monitoring of state-managed reintegration programmes. In contrast, countries such as Spain, Poland, Italy, Austria, Greece, and the Netherlands provide some state funding but delegate programme implementation to international organisations such as IOM or NGOs.

There are also hybrid models. In Germany, the Federal Office for Migration and Refugees (BAMF) funds and implements return programmes, while reintegration assistance is state-funded and promoted, but carried out by IOM. The UK combines state-funded financial reintegration assistance with IOM-managed reintegration programmes. Switzerland, on the other hand, runs specific country reintegration programmes in collaboration with IOM and the Swiss Agency for Development and Cooperation. These differences highlight significant variability in how states provide return and reintegration assistance, shaping the experiences and support available to returnees.

Assessed indicators:

- Pre-return assistance services provided before returnee's departure
- Availability of interpretation services for migrants at the pre-return stage
- Refugee and migrants' community groups' participation in counselling or information provision
- Scope of reintegration programmes
- Legal and administrative requirements to access reintegration programmes
- Post-return assistance in reintegration programmes
- Reintegration programmes for vulnerable groups
- Monitoring mechanism for reintegration programmes

Pre-return assistance: services provided before returnee's departure

Key elements of pre-return assistance include information on return procedures and security conditions in the home country, practical assistance such as document arrangements and access to communication tools, provision of contacts with local organisations in the country of origin, coverage of transport costs, and training or seminars on reintegration.

With an average score of 65, these services appear to be mostly available across EU+ countries, although with some variations. While most countries offer transport cost coverage and administrative support, services like reintegration training and contacts with local organisations remain much less common. The countries offering the most comprehensive set of services are Italy and Sweden (100), followed by the Netherlands (83). In several countries, namely Italy, the Netherlands, Switzerland, and Spain, some variability in the services provided can be found depending on the specific return programme and the organisation in charge. For example, in Italy, the most comprehensive support is offered through the IOM's RI.VOL.ARE IN RE.TE programme, which includes, among other services, individual reintegration plans (piani individuali di reintegrazione). In contrast, other programmes offered by NGOs may offer more limited forms of assistance. In some countries (e.g., Austria, the UK, and Sweden), assistance appears to be extended to forced returnees as well. However, the overall lack of information on forced return procedures hinders a comprehensive assessment of the support provided to them.

Availability of interpretation services for migrants at the pre-return stage

The availability of interpretation services for returnees is essential to ensure they fully understand the return process, make informed decisions, and communicate effectively with relevant authorities and support organisations. Interpretation can be provided systematically, free of charge; offered with limitations (e.g., requiring migrant payment, available only on an ad hoc basis, or restricted to certain migrant groups); or entirely unavailable. With an average score of 82, this indicator suggests that most countries systematically provide interpretation services, and none entirely lack them. However, Spain, Italy, Greece and Poland do not guarantee systematic interpretation. For instance, Greece offers it only for certain groups of returnees, while in Poland, availability depends on the language skills and expertise of the assistance team. Quite often, IOM helps provide interpretation services, as seen in Poland, the Netherlands, and Italy.

Refugee and migrants' community groups' participation in counselling or information provision

The participation of migrant community groups in the pre-return stage helps ensure that information about return and reintegration is communicated in a culturally sensitive way and tailored to the specific needs and concerns of migrants. Their involvement can enhance the effectiveness of pre-return counselling, address potential fears or misconceptions, and ultimately support more informed decisions for returnees (IOM & van Wijk, 2008). This area of assistance is the weakest among all aspects of return assistance, with an average score of only 14.

Among MIREX countries, only three (the Netherlands, Germany, and Austria) involve migrant groups in pre-return assistance, though this remains limited and is provided on an ad hoc basis. In Austria, the Federal Agency for Reception and Support Services reports that most return counsellors have a migration background and often come from the same countries of origin as the returnees they assist, allowing them to provide advice in the returnees' native language.³ In Germany, some refugee-led organisations participate in pre-return assistance, while in the Netherlands, IOM has contracted native-speaking counsellors who can discuss the prospect of Assisted Voluntary Return (AVR) within a shared linguistic and cultural context (IOM & van Wijk, 2008). In other countries, there is little information available on migrant community groups' involvement in pre-return assistance.

Scope of reintegration programmes

In the post-return phase, reintegration programmes play a crucial role in supporting migrants' sustainable reintegration in their country of origin. To determine how sustainable reintegration programmes truly are, it is key to assess whether they are available to a diverse range of migrants, regardless of their legal status or return circumstances. In most MIREX countries, reintegration programmes are accessible to a wide range of migrants, including rejected asylum seekers, irregularly staying third-country nationals with a return order, and other groups such as residence permit holders, overstayers, and refugees. This broad eligibility is reflected in the high average score of 88 for this indicator. However, Sweden and Switzerland stand out as exceptions, as they restrict reintegration programmes to specific

3 <https://www.bbu.gv.at/en/what-we-do#return>.

categories of migrants. In Sweden, where reintegration programmes are entirely state-managed, support is only available to rejected asylum seekers. In Switzerland, eligibility for reintegration aligns with voluntary return criteria: migrants with a return order are excluded, while refugees remain eligible for support.

Legal and administrative requirements to access reintegration programmes

Legal and administrative requirements for accessing reintegration assistance can not only discourage returnees from applying but also create unnecessary bureaucratic hurdles, delay access to essential support, and disproportionately affect vulnerable individuals who may struggle to obtain the required documentation. MIREX assesses how various conditions – such as proof of nationality, age, criminal record, employment history, family status, vulnerabilities, and prior participation in reintegration programmes – act as barriers to accessing reintegration programmes. With an average score of 63, the situation varies significantly across EU+ countries. Some countries adopt a more inclusive approach, with low access requirements (e.g., Sweden, Greece and Poland). In Poland, while vulnerability is not a prerequisite for access, vulnerable individuals are prioritised in cases of limited funding. Conversely, other countries maintain more restrictive eligibility criteria, with Italy imposing the most stringent conditions. These include proof of family status, criminal record, valid identification, or a consular-issued document reconstructing the individual's migration history. Among all MIREX countries, only Austria, Switzerland, and Italy require proof of a criminal record. Additionally, in many countries such as the UK, Switzerland, the Netherlands, Poland, France, and Austria, previous participation in reintegration programmes can limit eligibility for further assistance. Interestingly, to be eligible for reintegration support in Spain, applicants must have been resident in the country for at least 6 months.

Some of these conditions, particularly prior criminal convictions and previous receipt of return assistance, are included in the new Proposal for a Regulation as factors that Member States should consider when determining the type and level of return and reintegration support to be granted.

Post-return assistance in reintegration programmes

The type of support included in reintegration programmes is a key indicator of the breadth and favourability of the assistance for returnees. The high overall average for this area (88) indicates that most MIREX countries offer a range of financial and non-financial assistance, including support for starting a business, funding for accommodation and medical expenses, and information provision and psychological support. Only Spain (66), Greece (66), and the United Kingdom (33) do not offer full reintegration assistance to returnees. Spain and Greece provide financial and material support but lack non-material assistance. While the UK limits its aid to financial support (up to £3,000), Spain offers a much lower amount – typically €450 – sufficient only to cover immediate, short-term needs. However, in Spain, higher levels of support are available for returnees from Colombia, Honduras, and Senegal, including funding to help start a business. Notably, as highlighted in the General Trends, reintegration assistance in most countries is delivered by the IOM or NGOs rather than the state, with Sweden being a significant exception.

Reintegration programmes for vulnerable groups

Targeted reintegration programmes with specific measures for vulnerable groups, such as women, children, LGBTQIA+ individuals, victims of human trafficking, and people with medical needs, are essential components of fair return efforts. This area is one of the weakest within returnee assistance, with an average score of only 25. Several countries, including Spain, Italy, Sweden, Poland and the UK, lack dedicated programmes specifically tailored to these groups. In Italy, Poland and Spain, while targeted programmes are absent, vulnerable individuals are given priority access to general reintegration assistance. Germany offers targeted programmes for victims of human trafficking and microcredit reintegration programmes dedicated to women. France previously piloted a programme in collaboration with the IOM and Georgian health authorities to support returnees with health vulnerabilities, though this initiative ended in 2022. Among MIREX countries, Greece (80) performs best on this indicator, offering targeted support through IOM at different categories, such as beneficiaries with health needs, unaccompanied minors and/or separated children, elderly persons, victims of trafficking, pregnant women, and families. Countries such as the Netherlands and Switzerland emphasise individualised assessments, assessing vulnerabilities on a case-by-case basis to determine targeted assistance.

Monitoring mechanism for reintegration programmes

To assess the impact of reintegration programmes, ensuring that they are continuously improved, effective monitoring is needed. When reintegration projects are outsourced to internationally active organisations such as Caritas or IOM, different evaluation and monitoring frameworks may be applied. Additionally, the criteria and standards often vary depending on the funding body, such as the European Union or national immigration offices, which can impose distinct requirements for each project. These variations make it particularly challenging to assess and compare monitoring practices across countries in a comprehensive manner. Acknowledging these challenges, MIREX focuses its assessment on identifying whether any monitoring is in place and whether it is implemented systematically.

Most MIREX countries have implemented some form of monitoring for reintegration programmes. However, this is often done on an ad hoc basis or not systematically, resulting in an average score of 45. In the UK, Spain, and Sweden, no information on monitoring is available. Only two countries, France and Italy, have established more systematic monitoring procedures. In France, the Immigration Office regularly publishes publicly available activity reports that include information on voluntary return and reintegration support, including statistics on beneficiary profiles, return numbers, and countries of return. However, these reports primarily provide an overview of programmes, with no statistics on reintegration experiences. In Italy, IOM conducts monitoring for up to 6 months following return. This process is individualised and includes regular meetings with returnees, with their outcomes reported to the Ministry of Interior. In other countries, monitoring generally varies depending on the specific project or organisation involved and is typically neither systematic nor publicly accessible. In Switzerland and Germany, some country-level information is available, though it remains limited. In the Netherlands, some NGOs monitor reintegration programmes through their partner organisations in the country of return, although this is not implemented systematically across NGOs.

5. Enforced Returns

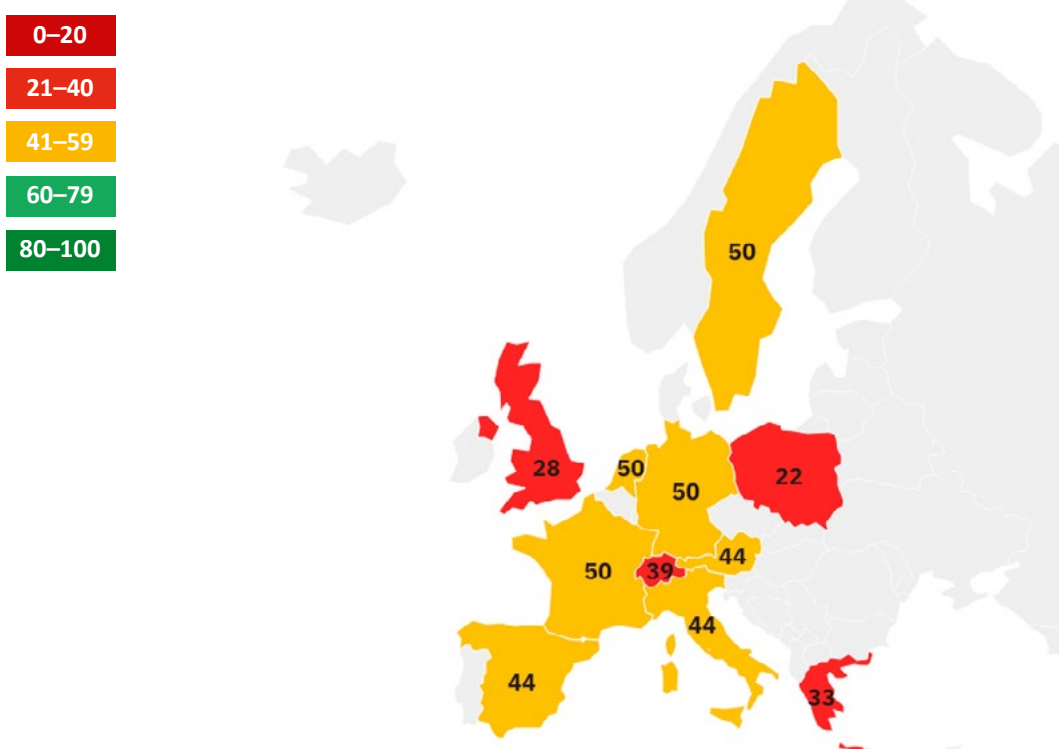
MIREX assesses the extent and nature of deterrence policies across countries, as part of states' strategy to enforce returns and discourage irregular stay. Its indicators cover control measures used to track migrants, access to basic services, and the provision of legal assistance and protections after rejection.

5.1 Legal and Policy Framework

Enforced returns refer to the process by which states compel individuals to leave their territory and return either to their country of origin or, in some cases, to a third country. While voluntary returns are widely regarded as the more desirable option, countries still heavily rely on enforced return mechanisms. The Return Directive states that Member States shall take all necessary measures to enforce the return decision if the period for voluntary departure has expired and the obligation to return has not been complied with within that period. However, removal shall be postponed if it would violate the principle of non-refoulement, if a suspensive effect has been granted, or due to specific individual circumstances, such as the person's physical or mental condition or technical issues, such as a lack of identification.

In addition to formal enforcement measures, countries may adopt indirect strategies to pressure undocumented migrants to leave. Such policies often involve creating a hostile or exclusionary environment that makes continued residence difficult.

5.2 MIREX General Patterns on Enforced Returns



Map 3: Enforced returns: overall country scores

With an average score of 41 in this dimension, MIREX countries generally exhibit hostile policies for immigrants with no right to stay. This represents a notable area of weakness within the broader MIREX framework. Among the least hostile countries are Sweden, France, the Netherlands and Germany, each scoring 50, indicating a comparatively less punitive approach characterised by less restrictive control measures, more comprehensive access to basic services and stronger legal protections. In contrast, Poland (22) and the UK (28) are the most hostile countries, with significantly harsher policy environments. The UK is an illustrative case due to its explicit adoption of so-called “hostile environment” policies, introduced in 2012. Designed to make life in the UK untenable for individuals without legal status, these measures aim to encourage departure through systemic exclusion. Under this framework, undocumented migrants are denied access to essential services such as the National Health Service (NHS) and state support and are legally barred from employment or renting housing. Furthermore, figures of authority, such as doctors, landlords, police officers, and teachers, are required to verify individuals’ immigration status.

Assessed indicators:

- Enforced returns and control measures
- Denial of basic services
- Denial of assistance for rejected asylum seekers

Enforced returns and control measures

Measures of indirect enforcement operate through restrictions and obligations placed on various actors within society. For instance, states may legally require employers or other actors to verify individuals’ migration status and eligibility to work, or mandate that police officers conduct identification checks on individuals suspected of irregular stay, including when they report crimes or act as witnesses. In many cases, the criteria for determining “suspicion of irregularity” remain vague, heightening the risk of arbitrary enforcement and racial profiling. In some cases, the state may also permit the use of surveillance and other control measures to track migrants.

The average score for this indicator across MIREX countries is 30. Notably, all countries in the study require employers to verify individuals’ migration status and allow police checks on individuals suspected of irregular stay. The UK stands out with a score of 0, as it is the only country among those analysed that permits the use of surveillance to track undocumented migrants in the whole territory, including through the use of GPS tags and facial recognition watches (Bhatia, M., & Audibert, L., 2022). However, this does not rule out the possibility that such technologies may also be used in other countries, especially during border checks, even if the law does not explicitly permit their use.

Denial of basic services

Denial of basic services is a common strategy used to deter undocumented migrants from staying in a country. Overall, policies across Europe only provide such services to undocumented migrants, with countries scoring an average of 50 on this indicator.

The services assessed include access to education for minors (primary and secondary) and for adults (e.g., language courses or vocational training), access to medical care, access to public or government-subsidised homeless shelters, public housing, and additional public services (e.g., social services, legal aid, transportation subsidies). Poland (17), Greece (33), and Austria (33) are the countries offering the fewest services. In Poland, all children, regardless of their legal status, are entitled and obliged to attend school, but healthcare, including emergency care, must be paid for. In Austria, access to education is frequently restricted for minors due to the requirement of a confirmation of the place of residence to enrol. In contrast, Germany, Italy, Spain, and France (each scoring 67) have the most inclusive approaches. In France, for example, undocumented migrants may access legal aid, assistance with address registration, and reduced public transportation fares. In Italy, migrant minors can obtain vocational training qualifications even if they no longer hold a residence permit upon reaching adulthood. Middle-scoring countries, such as Switzerland, the Netherlands and Sweden, provide basic rights, although with restrictions. In Switzerland (50), cantonal differences affect access to education. In Sweden (50) and in the Netherlands (50), adult undocumented migrants are generally not provided housing unless they actively cooperate with return procedures.

Denial of assistance for rejected asylum seekers

This indicator aims to assess assistance for rejected asylum seekers by considering different modalities of support. Rejected asylum seekers often find themselves in a particularly vulnerable position. If they do not return “voluntarily” and no legal alternative to remain is granted, they face the prospect of enforced return. In cases where return is delayed or avoided, they risk falling into irregularity and becoming undocumented. Therefore, specific guarantees must be in place to ensure that, after a rejection, individuals can have their situation assessed, have access to due process, and be informed of all legal avenues available to them. Effective assistance should include the automatic assignment of state caseworkers to manage individual cases and systematic assessment for alternative residence permits (either automatic or upon request by the rejected asylum seekers or their legal representatives). Moreover, counselling on Assisted Voluntary Return (AVR) programmes or on possible alternatives to return should also be made available. Finally, the provision of legal aid to appeal the return decisions, with appeals resulting in the suspension of the removal order, should be guaranteed. Most countries fall short in offering this assistance, as reflected in the low average score of 44. Austria (67), Sweden (67), and the Netherlands (67), have some support services in place, while Poland (17), Italy (33), Spain (33), Switzerland (33), and the UK (33) fall significantly behind. Notably, Italy stands out as the only country with evidence of automatic assessments for alternatives to return following a rejected asylum application. In such cases, the Territorial Commission may propose and issue alternative residence permits during the Status Determination Procedure, after international protection is denied. In most other countries, alternatives to return can be assessed only upon the request of a legal representative. State-provided counselling on possible legal alternatives to return is particularly rare, with only Sweden showing some evidence of offering such support. While legal aid to appeal a return decision is generally available, it is often subject to some restrictions. In the UK, for instance, a “merits test” requires legal aid lawyers to show there is at least a 50% chance of winning the appeal in order to continue representation.

6. Detention

MIREX assesses states' policies on detention of returnees, including the maximum duration allowed and legal grounds for extension, the types of detention facilities, the legally prescribed alternatives to detention, the procedural safeguards during detention, and the powers of independent monitoring authorities.

6.1 Legal and Policy Framework

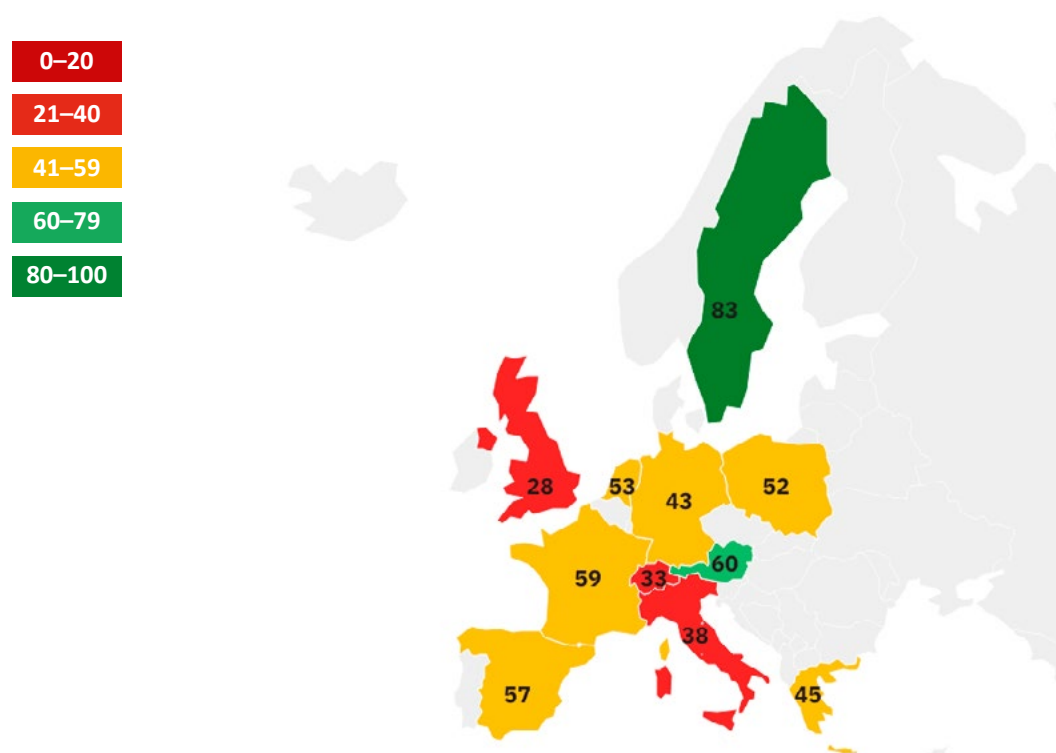
In the context of migration, detention is defined as a “non-punitive administrative measure” that restricts a person’s liberty through confinement to facilitate another legal or administrative process (European Migration Network, 2023). Despite extensive evidence highlighting the harmful effects of immigration detention, European countries are increasingly relying on it as a tool to control and deter irregular migration. However, detention not only fails to effectively deter migration (Leerkes & Kox, 2017) or support case resolution, but it also exposes migrants to heightened risks of human rights violations (International Detention Coalition, 2015).

The Return Directive 2008/115 lays down common standards and procedures for the return of irregularly staying third-country nationals. It allows EU Member States to detain an individual who has been issued a return decision solely to prepare their return and/or to carry out the removal process if less coercive measures are insufficient. Article 15(4) limits detention to cases where there is a reasonable prospect of removal, a risk of absconding, or when the individual obstructs return efforts.

Given its serious impact on the right to liberty, both the Return Directive and the Reception Conditions Directive 2013/33/EU recognise detention as a measure of last resort, strictly subject to the principles of necessity and proportionality.

The new Return Regulation proposal introduces significantly more restrictive conditions. It extends the maximum detention period from 18 to 24 months, even for children, and removes the requirement to prioritise less coercive alternatives. The proposal also expands the grounds for detention, making it the default option in certain situations. For instance, it allows detention to determine or verify the person’s identity or nationality, even where there is no risk of absconding. This ground could lead to unnecessary and prolonged detention of individuals whose nationality is disputed, not recognised, or who are stateless. Detention would also be allowed if the person poses “security risks”, which are broadly defined as threats to national security and public policy. Moreover, the proposal introduces “emergency” possibilities for Member States to disregard safeguards during detention and to limit access to judicial review of detention decisions in situations involving large numbers of people awaiting deportation (PICUM, 2025).

6.2 MIREX General Patterns on Detention



Map 4: Detention: overall country scores

MIREX scores show that, on average, countries only provide partial safeguards for migrants (50) in the area of detention. Sweden is the only country with less inhumane policies on detention (83), followed by Austria (60), which has policies that not only envisage formal safeguards but also alternatives to detention and strong, independent monitoring mechanisms. Most countries, including France, Spain, the Netherlands, Poland, Greece and Germany generally provide basic procedural safeguards, such as access to legal aid and judicial review, but may still allow extended detention periods or fail to systematically use alternatives to detention. On the other hand, Italy, Switzerland and the UK have mostly punitive policies and present critical issues in this field, such as long detention periods and extended lists of grounds for detention.

Assessed indicators:

- Maximum duration of detention period legally prescribed for migrants pending their removal
- Further extension: legal grounds for extending the detention period for returnees beyond the standard maximum duration
- Detention facilities: type of accommodation facility used by the state during the detention period
- Alternatives to detention
- Procedural safeguards in detention
- Independent monitoring of detention

Maximum duration of detention period legally prescribed for migrants pending their removal

One of the most concerning aspects in the evaluation of return policies across EU+ countries is the length of detention periods, which has a low average score of 32. Several EU countries allow detention for up to 6 months under national immigration laws, except for France, Spain, Sweden, and Poland, which impose a 3-month limit. On the contrary, the UK's detention policy is particularly controversial, as there is no statutory time limit, which opens the door to potential indefinite detention (The Right to Remain Toolkit, 2015). While this absence of a time limit raises significant concerns about human rights and legal certainty, the Home Office recognises that indefinite detention is unlawful under domestic case law.⁴

Further extension: legal grounds for extending the detention period for returnees beyond the standard maximum duration

France and Sweden are the countries where detention can only be extended in case the returnee poses a risk to public or national security. In France, for instance, the detention period for people convicted of acts of terrorism can be extended to up to 210 days. Instead, in most countries, detention can be prolonged under multiple circumstances, including risk of absconding and obstruction of the return process. Negatively, Italy and Greece have the most punitive detention policies, allowing detention for other grounds, such as when the returnee refuses to cooperate with the authorities or when necessary documents from the country of origin are still pending.⁵ Overall, this indicator receives a low average score of 30, reflecting the restrictive and often punitive nature of detention across most MIREX countries.

Detention facilities: type of accommodation facility used by the state during the detention period

The Return Directive stipulates that, as a general rule, detention should take place in specialised detention facilities. If a Member State is unable to provide such accommodation and uses prison facilities, third-country nationals in detention must be held separately from ordinary prisoners.

Most EU+ countries operate specialised detention centres or provide alternatives such as community detention for rejected asylum seekers. On average, MIREX countries score 66 in this indicator. In Greece and Switzerland, in some cases, returnees can also be detained in prison accommodations, but separated from ordinary prisoners. However, Sweden has a markedly different approach. Rejected asylum seekers are generally allowed to remain in society, and detention is only imposed in exceptional cases, specifically when an individual is actively resisting return or refusing to cooperate with authorities. This approach reflects a fundamentally different philosophy of return management, prioritising voluntary compliance over coercive measures.

4 Although there is no statutory time limit on immigration detention in the UK, it is not lawfully possible to detain people indefinitely. Domestic case law is clear that, where a person is being detained to effect their removal, the detention power can be exercised lawfully only if there is a realistic prospect of removal within a reasonable timeframe.

5 Law 3907/2011 on the establishment of an asylum service and a first reception service, transposition into Greek legislation of Directive 2008/115/EC on common standards, art 30.

Alternatives to detention

Alternatives to detention are a key legal safeguard to prevent excessive use of detention and to ensure the right to liberty (International Detention Coalition, 2024). While there is no universally recognised definition of alternatives to detention, states have a legal obligation to first evaluate and apply all available alternative measures prior to detaining someone, in accordance with the principles of necessity and proportionality, and based on a presumption of liberty (UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2021, para. 17). The majority of MIREX countries (Austria, Spain, Poland, the Netherlands, Italy and Greece) offer only limited alternatives to returnees, such as bail options or residence restrictions, represented in an average score of 45. In Sweden and France, open or semi-open reception centres are available with caseworker support, while in other countries, designated facilities offer special assistance to vulnerable migrants. In France, these centres, known as Dispositifs de Préparation au Retour (DPAR), are available exclusively for voluntary returnees. Sweden is the only country where a full range of alternative measures to detention are in place, as rejected asylum seekers and those who have received a return order are not generally detained, except in special circumstances. Aside from Sweden, no other country includes non-custodial and trust-based community alternatives in its official return policies.

Procedural safeguards in detention

According to the Return Directive (Art. 15), detention shall be reviewed at reasonable intervals of time, either on application by the third-country national concerned or ex officio. In the case of prolonged detention periods, reviews must be subject to the supervision of a judicial authority and migrants must have access to adequate legal aid (Art. 13). Moreover, relevant and competent national, international, and non-governmental organisations and bodies must have the possibility to visit detention facilities, allowing for regular inspections (Art. 16).

National policies and laws generally provide procedural safeguards for returnees in detention on paper. Sweden and the Netherlands provide a wide range of procedural safeguards for migrants, including judicial oversight and appeals, access to legal aid, and redress and compensation in cases of rights violations, along with mechanisms for transparency, accountability, and monitoring. Greece and Austria also offer most of these procedural measures, but in Greece, no free legal aid system has been set up to challenge their detention.

The majority of countries, including France, Italy, Germany, Spain and Poland, generally have some safeguards in place for migrants, while Switzerland lags further behind with mostly restrictive policies. Unlike other EU+ countries, the UK is critically punitive in this area, as only judicial oversight and appeals are provided in cases of detention. Without comprehensive safeguards, returnees in the UK may face a higher risk of human rights violations and abuses, legal uncertainty, and prolonged detention.

Independent monitoring of detention

Overall, MIREX countries score 60 in this indicator. Austria and Spain have the strongest independent monitoring systems overseeing detention procedures among the countries analysed. The Austrian Ombudsman Board (AOB) plays a critical role in monitoring and investigating human rights violations in detention facilities, particularly in the context of deportation. The AOB can regularly visit and inspect places of deprivation of liberty. Its tasks include monitoring the treatment of detainees, ensuring that no degrading conditions exist, and reviewing issues such as facilities, detainee accommodations, staff conduct, and complaint management. It also has the authority to initiate official investigations and forward its findings and recommendations to relevant authorities.

In Spain, several bodies are involved in monitoring detention in Immigration Detention Centres (CIEs): the Public Prosecutor's Office is responsible for protecting minors, ensuring detainee rights, and conducting inspections; the Competent Judge for Detention Control authorises and monitors detention conditions; NGOs have the right to visit detention centres and assist detainees; the Spanish Ombudsman (Defensor del Pueblo) investigates complaints regarding the conduct of government agencies involved in detention. However, despite these legal safeguards, reports from experts and NGOs indicate a significant gap between the theory and the practice. Issues such as rights violations, poor service conditions, and inadequate monitoring continue to affect CIEs.

Most countries, such as France, Greece, the Netherlands, and the UK have a national independent authority that cannot issue binding recommendations or impose a duty to cooperate on public bodies and detention facilities. On the other hand, Italy and Switzerland have mostly restrictive policies, as the monitoring bodies do not provide legal advice, do not examine individual cases, and cannot refer cases of abuse to the prosecuting authorities. In Germany, there is no national authority with a mandate to oversee detention conditions, but monitoring is conducted through ad hoc investigative commissions established on a case-by-case basis.

7. Alternatives to Return

MIREX evaluates the existence and characteristics of two main alternatives to return: time-limited regularisation programmes and established mechanisms. Indicators in this dimension cover the availability of programmes and/or mechanisms, the grounds for regularisation, the duration of the permits issued, and the possibility of renewing the permit and of transitioning to more secure legal statuses. This dimension also considers whether permits are independent of employment status, the presence of administrative barriers to access, the rights and services granted under regularisation, protection against deportation or permit revocation, the availability of additional support measures for migrants, and the extent to which programmes and mechanisms are monitored and evaluated.

7.1 Legal and Policy Framework

In recent years, the enforcement of return orders for migrants without legal stay in EU+ countries has become increasingly complex and contested. While return remains a central pillar of EU migration policy, a significant proportion of return orders are never executed. Various factors contribute to this implementation gap, including the presence of vulnerable individuals such as unaccompanied minors, lack of identity documentation, and serious risks upon return, such as persecution or social backlash. In this context, there is growing interest among policymakers, civil society organisations, and local authorities in exploring alternatives to return policies that are both humane and sustainable, such as temporary permits to work or study, regularisations, amnesties, and the like.

However, EU+ states remain reluctant to implement or expand such alternatives due to political and practical concerns. These include fears of diminished public support for immigration systems, increased pull factors for irregular migration, and the perceived high costs of alternatives such as regularisation or residence permits on humanitarian grounds. At the same time, human rights NGOs and local governments have raised concerns about the limited long-term effectiveness and ethical implications of some alternatives, including repeated detention or precarious legal statuses that entrench inequality.

The legal framework for the regularisation of irregularly staying third-country nationals in the EU is primarily shaped by the EU Return Directive (2008/115/EC), which obliges Member States to issue return decisions or, alternatively, to authorise stay in accordance with national legislation. However, regularisation remains a national competence, and the EU has refrained from establishing a harmonised framework. References to regularisation exist in EU instruments such as the Directive on Residence Permits for Victims of Trafficking (2004/81/EC) and the Employer Sanctions Directive (2009/52/EC), which allow for permits in specific circumstances, such as cooperation with authorities or exploitation in illegal employment. The EU Strategy on Victims' Rights (2020–2025) also highlights the importance of ensuring safe reporting for migrant victims of crime, regardless of residence status. At the global level, Objective 7 of the Global Compact on Safe, Orderly and Regular Migration (2018)

promotes the establishment of clear pathways to regularisation to address vulnerabilities. Despite periodic recognition of the benefits of regularisation by the European Commission and institutions like the European Economic and Social Committee (EESC), EU policy remains predominantly focused on return and deterrence, leaving regularisation largely fragmented and dependent on individual Member State policies.

Building on PICUM's conceptualisation of regularisations, this report refers to "those procedures that allow individuals to apply for residence permits from within the country, even if they are residing irregularly" (PICUM, 2022). Some regularisation measures specifically target undocumented individuals, others may address those with a temporary or restricted residence permit, or those under a suspension of deportation status (e.g., "Duldung" status in Germany). Two main subsets of regularisation exist:

1. **Regularisation programmes**, which have a limited time period during which individuals can apply.
2. **Regularisation mechanisms** that accept applications on a rolling basis, providing continuous access to regularisation.

time (Ministry of Justice and Security, 2022).⁶ Individuals with this status had access to family reunification, essential services such as healthcare and education, and core dimensions of social protection. However, the programme did not include any additional support or integration measures. The implementation of the Kinderpardon was made public, and basic figures on its outcomes were released (see DT&V and Ministry of Justice and Security), but no formal evaluation or monitoring mechanism accompanied this programme.

Greece introduced a new labour-based regularisation programme in December 2023 under Law 5078/2023. Article 193 of the law aims to address labour shortages in the agricultural, tourism, and construction sectors by allowing undocumented migrants to obtain a special work permit. To qualify, applicants must demonstrate that they have continuously resided in Greece without a residence permit until 30 November 2023, prove at least three consecutive years of prior residence through dated documentation, and provide a declaration of an employment offer from a Greek employer.⁷ Additionally, third-country nationals whose earlier applications for a residence permit for exceptional reasons (under Article 19 of Law 4251/2014) were rejected for non-compliance with the seven-year residence condition may reapply under this new provision, provided they meet its requirements.

The residence permit granted under this scheme has a fixed duration of three years and is non-renewable. However, upon its expiration, beneficiaries may apply for another type of residence permit under the applicable legal framework. While this pathway does not guarantee long-term residence security, it offers a limited opportunity to transition to a more stable legal status. Beneficiaries have equal access to employment, social insurance, healthcare, education (including higher education), social protection, and working conditions. Beneficiaries of the regularisation programme also have the right to family reunification.⁸ Legal residents are also permitted to remain in the country during temporary periods of unemployment, though this applies only to certain categories of residence permits. Despite these provisions, the regularisation scheme does not include additional support or integration measures. Furthermore, there is no publicly available data on the programme's implementation or outcomes, nor has any formal evaluation or monitoring mechanism been established to assess its impact.

In Italy, the only notable regularisation initiative during the reference period was introduced through Decree-Law No. 34 of 19 May 2020. This one-off programme allowed irregular migrants to obtain legal status, provided they had entered Italy before 2020, had remained continuously in the country since then, and were employed in specific sectors such as agriculture and domestic work. The measure was narrowly targeted and time-limited, offering regularisation only for those with existing ties to certain labour sectors and failing to provide broader pathways to legal residence.

6 Vreemdelingencirculaire B9, par. 19; see also https://wetten.overheid.nl/BWBR0012289/2022-10-01#Circulaire.divisieB9_Circulaire.divisie18

7 The application must be submitted before 31 December 2024.

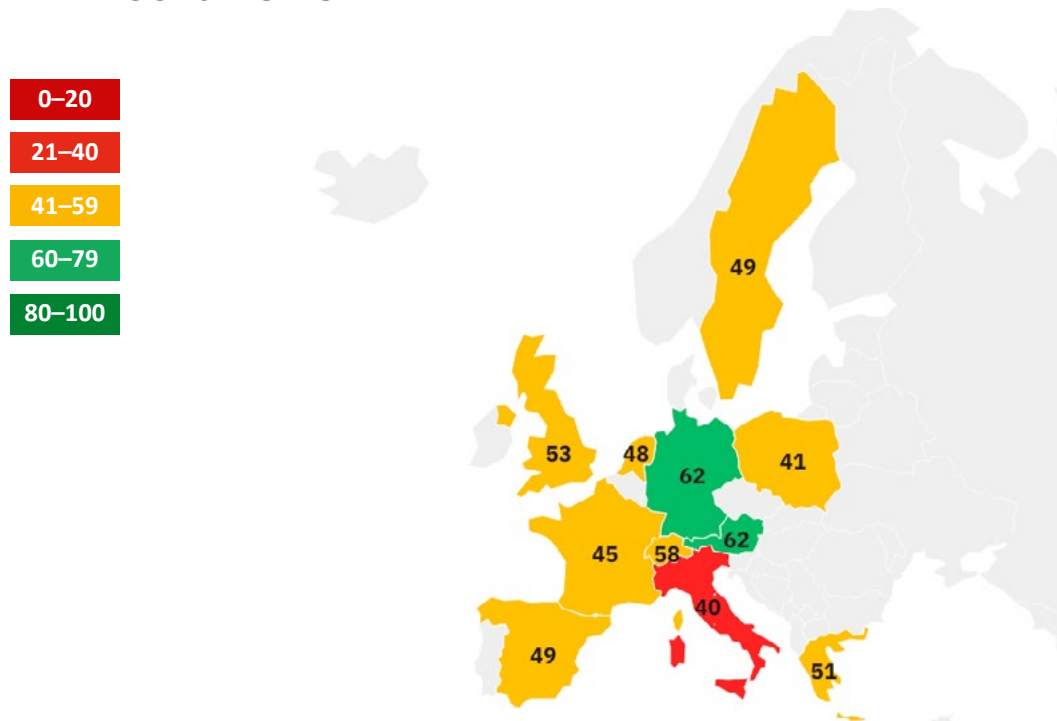
8 Specifically, a residence permit may also be issued to the spouse of the applicant and to their minor children, provided they were present in Greece on or before 30 November 2023. The duration of these permits mirrors that of the initial applicant's 3-year residence status.

The programme provided a six-month residence permit, renewable under certain requirements or converted into an ordinary work permit, depending on the individual's situation and the type of contract (Associazione per gli Studi Giuridici sull'Immigrazione, 2020). However, the permit does not allow holders to remain legally in the country during periods of temporary unemployment. Beneficiaries had access to employment, family reunification, essential services such as healthcare and education, and social protection. Nonetheless, the programme did not offer additional support or integration measures. No formal evaluation or monitoring mechanisms were established to assess the outcomes of this regularisation initiative. The programme's limited duration and sectoral focus, coupled with the absence of support measures, results in only minimal support for beneficiaries' integration and long-term stability.

Assessed indicators:

- Grounds for Regularisation
- Length of permit
- Possibility of Retaining Regular Status
- Conversion of Permits into More Secure Residence Status
- Retention of Status Independent of Employment
- Administrative barriers to accessing regularisation programmes
- Access to rights and services
- Protection against migration enforcement
- Additional supporting and integration measures for migrants
- Evaluation and monitoring mechanism for regularisation

7.3 MIREX General Patterns on Regularisation Mechanisms



Map 6: Alternatives to return – regularisation mechanisms: overall country scores

On average, MIREX countries score 51 on regularisation mechanisms. Only Austria and Germany provide for relatively accessible pathways to legal status and more opportunities for long-term integration. Such policies include multiple grounds for eligibility, permits with sufficient duration, the option to transition to more stable permits, extensive rights, and robust monitoring systems. Most other countries offer some regularisation options, these are often more unstable, limited in scope, or difficult to access in practice. Italy has high administrative barriers, stricter requirements for permit renewal, and weaker monitoring.

Assessed indicators:

- Grounds for Regularisation
- Length of permit
- Possibility of Retaining Regular Status
- Conversion of Permits into More Secure Residence Status
- Retention of Status Independent of Employment
- Administrative barriers to accessing regularisation mechanisms
- Access to rights and services
- Protection against migration enforcement
- Additional supporting and integration measures for migrants
- Evaluation and monitoring mechanism for regularisation

Grounds for regularisation

MIREX countries have policies defining the grounds for regularisation, with an average score of 45. However, the majority of countries have very strict and limited grounds for regularisation, with only a few exceptions, such as Germany, Spain, France, and Austria, which have more safeguards in place for migrants. These countries provide multiple grounds for regularisation, such as humanitarian reasons, long-term residence, work, and family reunification. On the other hand, Switzerland is critically lacking in this area, as regularisation is permitted only under very specific and narrow conditions, such as severe personal hardship. As a result, a broader group of undocumented migrants risks not qualifying for regularisation.

Germany provides a relatively comprehensive framework for regularisation through a variety of residence permits based on humanitarian grounds,⁹ integration efforts,¹⁰ and labour-market participation.¹¹ For example, residence permits are granted for well-integrated adolescents and adults, long-term tolerated individuals under the Chancen-Aufenthaltsrecht (Section 104c), and those who have completed vocational training or hold skilled employment following a tolerated stay (Ausbildungsduldung and Beschäftigungsduldung).

France and Spain also have partially enabling policies in this area. France provides several regularisation mechanisms under national law, including permits on humanitarian grounds (Articles L425-1 to L425-10 of CESEDA), for workers in labour-shortage sectors, for individuals with long-term residence (typically 10 years), on family grounds such as parenthood of a French child, and through the general discretionary mechanism introduced by the 2012 Ministerial Circular. Spain offers multiple regularisation mechanisms, most notably through the Arraigo procedures, which include Arraigo Social (for those with strong community ties), Arraigo Familiar (for individuals with family links in Spain), and Arraigo Laboral (for those with a history of employment). In addition, Spain grants temporary residence permits on humanitarian grounds to individuals facing exceptional situations such as armed conflict, serious illness, or threats to their fundamental rights if returned to their country of origin.

In Austria, the grounds of regularisation mechanisms are shaped by the 2009 “Bleiberechtsnovelle”, which introduced a right to apply for residence permits based on exceptional circumstances, without automatic suspension of return decisions. The reform established the “special protection residence permit” for individuals unable to return due to uncontrollable circumstances (e.g., trafficking victims), and the “residence permit in exceptional cases”.

9 Residence permits are available for individuals with compelling personal circumstances, including medical needs, family unity, or situations preventing return (Section 25, Residence Act).

10 For well-integrated adolescents and young adults (Section 25a): targeting individuals under 21 with long-term residence and school attendance in Germany. For well-integrated adults (Section 25b): based on sustained residence (8 years or more) and demonstrated integration, including livelihood security and language skills. Chancen-Aufenthaltsrecht (Section 104c): a recent mechanism allowing long-term tolerated individuals to regularise if they meet basic integration requirements.

11 For skilled workers and graduates with German or recognised foreign qualifications (Section 18a, 19d): permits are granted to those employed in jobs matching their professional profile. For individuals on a tolerated stay with vocational training (Ausbildungsduldung) or employment (Beschäftigungsduldung): offering a clear pathway to residence upon successful training or continued employment.

Length of permit

In Greece, Switzerland, and the UK, residence permits granted through regularisation mechanisms tend to have longer durations, typically exceeding 2 years. In contrast, countries such as Italy, Sweden, Poland, the Netherlands, and Germany generally issue permits valid for up to two years. Austria, France, and Spain adopt a more restrictive approach and then often grant permits with a validity of just one year. Overall, MIREX countries generally offer sustainable permit durations, reflected in a score of 66.

Possibility of retaining regular status

When it comes to the possibility of retaining regular status in the host country, MIREX countries score on average 41. Spain, Sweden, Poland, the Netherlands, Switzerland, and Germany offer less restrictive conditions. The renewal of residence permits is generally possible free of charge and without the need to meet new requirements, provided that the conditions that allow you to stay persist.

In all other countries assessed, however, the renewal of these residence permits is conditional upon meeting additional criteria, such as participation in language or integration courses, or proof that the initial humanitarian or vulnerability grounds for regularisation remain valid.¹² These conditions may pose significant challenges for migrants seeking to maintain their regularised status.

Conversion of permits into a more secure residence status

In most countries, temporary residence permits can be converted into more secure or permanent residence status. The overall MIREX score in this area stands at 91. However, some exceptions include Poland and the Netherlands. In the Netherlands, permits issued to human rights defenders under the Aliens Circular 2000 (B8), paragraph 15.4, cannot be renewed and are therefore not convertible into a permanent status. Similarly, in Poland, residence permits granted under Article 181.1 of the Act on Foreigners cannot lead to a durable residence permit, regardless of the length of stay.

Retention of status independent of employment

In Austria, Greece, Poland, the Netherlands, Switzerland, and the United Kingdom, individuals are generally allowed to retain their residence status regardless of their employment situation.¹³ This provides a more stable legal status, even in cases of job loss or temporary withdrawal from the labour market. In these countries, this is often because regularisation is based on humanitarian or protection grounds rather than directly tied to labour-market

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- 12 In Austria, only the special victims' residence permit can be extended, and this covers only a small part of the target group. In other cases, for instance, for persons who have been granted a standard residence permit or a residence permit plus (issued on the basis of Article 8 ECHR or in particularly exceptional circumstances), the permit cannot be extended. Instead, they may apply for a Red-White-Red Card plus. However, this requires fulfilling additional criteria, such as completing Module 1 of the Integration Agreement.
- 13 In some cases, although employment status is not a standalone criterion, income and self-sufficiency may be considered when granting residence status, as is the case in Austria.

grounds. In contrast, France, Spain, Italy, and Germany only allow retention of residence status under certain conditions, such as during temporary unemployment, and only for specific types of residence permits. Critically, Sweden does not allow for the retention of residence status if the individual becomes unemployed, making legal stay heavily dependent on continued employment. Overall, MIREX countries have an average score of 73 in this area.

Administrative barriers to accessing regularisation mechanisms

With an overall score of just 27, MIREX countries show mostly restrictive and burdensome conditions for administrative access to regularisation mechanisms. Sweden is the only country that does not impose excessive administrative barriers to migrants' access to regularisation mechanisms. On the other hand, in Italy, Spain, Germany, the Netherlands, and France, the required documentation is often very hard to obtain, and administrative procedures are also marked by excessive delays and long waiting periods. Finally, procedures are frequently subject to discretionary decision-making, with unclear eligibility criteria and uncertain outcomes for applicants.

In all other countries, various obstacles also exist. For instance, in Austria, access is complicated by heavy documentation requirements and the need to prove criteria such as family life, integration, and residence duration, depending on the permit type (Hinterberger 2018, 2023; Unternehmensservice Portal 2023). In Greece, migrants face complex administrative procedures, changing legal frameworks, language barriers, and excessive delays. Recent investigations by the National Transparency Agency uncovered serious irregularities in the processing of residence permits (AIDA 2023 Update; Greek Ombudsman Reports). In Poland, tolerated stay and special permits are granted only in highly exceptional cases and remain very rare. Humanitarian permits are somewhat more accessible but still limited in numbers (Office for Foreigners data). In the UK, the criteria and outcomes are clear, but the process is costly and requires burdensome documentation, which typically takes 6–12 months (Deluxe Law Chambers, 2024). In Switzerland, documentation requirements are extensive, and criteria are partly discretionary (e.g., integration standards). Significant delays are due to local practices rather than being systemic. In all other countries, administrative barriers significantly hinder migrants' access to regularisation mechanisms.

Access to rights and services

Access to fundamental rights and services, including the right to work, family reunification, healthcare, education, and social protection, varies across the countries assessed. MIREX countries have an average score of 70. While some states ensure full access to a wide range of rights and services to migrants under regularisation mechanisms, others impose restrictive conditions or limited access. These disparities highlight different national approaches to integration, which affect migrants' long-term inclusion in society.

In France, Spain, Italy, Sweden, Greece, and Germany, migrants benefiting from regularisation mechanisms generally enjoy broad access to social rights and services. Spain stands out in particular; once an individual has obtained status under the *Arraigo* procedure, they are granted rights comparable to those of EU citizens, including access to healthcare, education, social protection, and the labour market.

Austria, the Netherlands, and Switzerland also provide relatively broad access to rights and services, although certain limitations remain. For instance, in Austria, family reunification is not allowed. In Switzerland, while access to the labour market and other basic services is granted, family reunification is restricted by administratively burdensome conditions, especially for individuals holding a B permit, as outlined by cantonal authorities (e.g., the Canton of Zurich). In the Netherlands, there is a distinction based on the grounds for regularisation. While individuals who enjoy a residence on medical grounds are not automatically entitled to work (Aliens Circular 2000 (B8), paragraph 9.2), those who obtain residence permits on humanitarian grounds do retain the right to employment without restriction (paragraph 15.4).

By contrast, the United Kingdom and Poland impose more significant limitations. Both countries restrict access to family reunification procedures and offer only limited or conditional access to social protection schemes. These constraints may lead to more restrictive integration trajectories for migrants under regularisation schemes in these countries.

Protection against migration enforcement

The protection against migration enforcement refers to the extent to which a residence permit or a regularisation programme protects migrants from losing their status or being deported while their permit remains valid. MIREX countries score only 29 on this indicator. In most countries, the level of protection from immigration enforcement during the validity of residence permits is minimal, offering migrants very limited security and stability. Except for Spain, where the permit provides stronger safeguards throughout its duration, most countries offer only limited protection and allow revocation of the residence permit for serious criminal offences. In Germany, policies are particularly stringent; “Duldung” status can be withdrawn at any time. Similarly, in Sweden, residence is closely tied to employment, meaning that job loss during the permit’s validity can lead to deportation.

Additional supporting and integration measures for migrants

Except for Germany, which provides language courses, vocational training, job coaching, and social counselling to migrants undergoing regularisation, most countries offer only minimal support in terms of additional integration measures (average score of 20). Greece, Poland, Italy, the UK and Spain are particularly lacking in this area, as no significant additional measures are in place. This lack of tailored and additional support can jeopardise migrants’ ability to integrate socially and economically in the country.

Evaluation and monitoring mechanism for regularisation

Evidence-based evaluation and monitoring systems are essential for assessing the effectiveness and long-term impact of regularisation mechanisms on migrants and the broader society. However, MIREX indicators reveal variation in the strength of these mechanisms across countries and highlight a general lack of structured monitoring and evaluation on regularisation, reflected in an average MIREX score of 45.

Austria and Germany are the only countries with systematic, regular evaluation and monitoring mechanisms for regularisation, with publicly available results. In Austria, some aspects of regularisation mechanisms are monitored by the “impact monitoring” system (Wirkungsmonitoring), which is financed by the federal government and tracks the achievement of policy objectives through defined key indicators and target values. Additional transparency is ensured through regular reports by the Ministry of Interior and the Federal Office for Immigration and Asylum in this area. In Germany, the Federal Office for Migration and Refugees (BAMF) publishes the “Educational and Labour Migration Monitoring” within its Reports on Migration and Integration series. This monitoring provides data to guide immigration policy and public debate, with a focus on third-country educational and labour migration. While this does not exclusively target regularisation mechanisms, it supports evidence-based policymaking and public accountability in related areas.

The Netherlands, Switzerland, and the UK have evaluation and monitoring mechanisms in place, though these are conducted infrequently or on an ad hoc basis, with results made publicly available. In France, Spain, and Sweden, similar ad hoc evaluations are carried out, but the results are not made public, limiting transparency and opportunities for policy learning.

By contrast, Italy, Greece, and Poland do not have proper evaluation systems at all. The lack of regular monitoring suggests limited institutional support and commitment to learning and improvement in the field of regularisation policies.

8. Human Rights

To assess human rights in return policies, MIREX considers the presence of anti-discrimination measures for actors involved in migration enforcement; the inclusion of human rights safeguards in return policies; provisions on the best interests of the child; monitoring of forced and voluntary returns; safeguards in forced return procedures and in detention; the training, human rights and anti-discrimination safeguards in regularisation mechanisms/programmes, as well as the training and accountability of the actors involved.

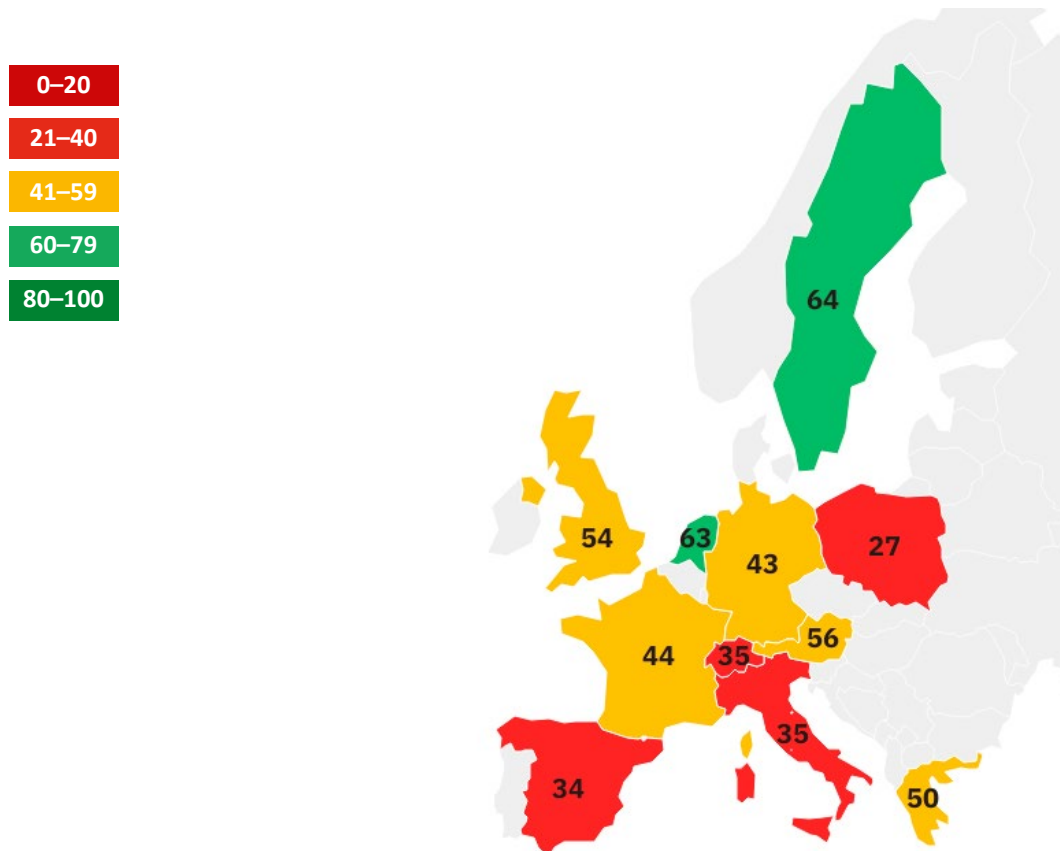
8.1 Legal and Policy Framework

Safe, sustainable and fair return procedures must ensure that individuals are returned in a manner that upholds their dignity and respects their fundamental rights. However, numerous international organisations and institutions have documented systemic violations in return practices. These include arbitrary detention, denial of due process, discrimination, abuse, and deplorable conditions in detention centres (ECRE and Heinrich Böll Stiftung, 2021). Legal safeguards are often lacking: decisions to detain are not always accompanied by access to free legal aid or effective legal consultation (FRA, 2021). Particularly concerning is the detention of children, which continues to be a widespread practice across countries, despite its well-documented, long-term adverse effects on children's health and life outcomes (PICUM, 2019).

The EU Return Directive (Directive 2008/115/EC) requires that, as far as possible, the following principles be respected while return is pending: maintenance of family unity with family members present in the territory, access to emergency healthcare and essential medical treatment, access to basic education for minors, and consideration of the special needs of vulnerable persons. Moreover, States shall guarantee the provision of free legal advice, representation, and linguistic assistance in appeals against return decisions.

Although the Directive requires Member States to establish effective monitoring of forced return procedures, in practice, monitoring mechanisms are frequently compromised. Since the Directive does not specify how monitoring mechanisms should function or what they should cover, national systems have transposed it in heterogeneous ways. This has resulted in uneven standards for monitoring forced return, affecting the fundamental safeguards for forced returnees across European countries (Lepşa-Rogoz et al., 2024). Monitoring is often conducted by the same bodies responsible for carrying out returns, raising serious concerns about independence. When independent monitoring bodies are involved, they frequently face resistance from national authorities, which are often reluctant to provide access to relevant data for the purposes of investigations (FRA, 2024). These shortcomings severely undermine the ability to ensure that return procedures are conducted in a manner that respects fundamental human rights.

8.2 MIREX General Patterns on Human Rights



Map 7: Human rights: overall country scores

MIREX scores indicate that, on average, EU+ countries provide only partial protection of human rights in return procedures, with an overall score of 46. Countries typically guarantee some basic safeguards, such as prohibitions against discrimination or basic protections for children, but fail to ensure consistent application across the full set of rights assessed, such as consistent human rights monitoring, robust detention safeguards, or accountability mechanisms for authorities. Sweden (64) and the Netherlands (63) are the only countries approaching a better level of protection, with more developed legal safeguards in return procedures, including detention-related protections. Several other countries, including Austria (56), the UK (54), Greece (50), France (44), and Germany (43), provide partial protection in this area. In contrast, Poland (27), Spain (34), Switzerland (35), and Italy (35) show largely restrictive policies, with substantial gaps remaining even in basic safeguards.

Assessed indicators:

- Antidiscrimination measures for the actors involved in immigration enforcement
- Assessments on human rights standards in return procedures
- Best interests of the child
- Human Rights monitoring across the stages of forced return procedures
- Human Rights monitoring across the stages of voluntary return procedures
- Legal Safeguards in forced return procedures
- State measures to uphold human rights standards in detention
- Anti-discrimination and human rights safeguards in regularisation mechanisms and programmes
- Training and accountability of authorities involved in return procedures

Anti-discrimination measures for the actors involved in immigration enforcement

Measures against discrimination, including efforts to prevent ethnic and racial profiling and provide anti-discrimination training for enforcement authorities, are often neglected by states, as reflected in the low average score of 42 for this indicator. Several countries, such as Switzerland, Poland, and Spain, lack any formal anti-discrimination measures in the context of migration enforcement. In contrast, Germany and the Netherlands stand out as notable exceptions. In Germany (99), the Federal Anti-Discrimination Agency publishes comprehensive reports every 3 to 4 years that address discrimination across the country, including that faced by migrants and refugees. Additionally, the Federal Integration Commissioner is mandated to address unjustified unequal treatment affecting migrants. In the Netherlands (100), Article 1 of the Constitution prohibits discrimination on any grounds, making equal treatment a basic principle for all government action. This obligation extends to immigration authorities, which must apply the same standard when supervising migrants and processing residence applications. The Aliens Act does not include a separate anti-discrimination clause, as the constitutional protection already covers all immigration-related decisions. This obligation has already been upheld in practice: in 2023, the Court of Appeal in The Hague ruled that the Royal Netherlands Marechaussee, responsible for border control, security, and surveillance, may no longer use ethnicity as a criterion for selecting individuals for surveillance (Billet, 2010).

Assessments on human rights standards in return procedures

National laws governing return procedures often incorporate a range of safeguards, including the principle of non-refoulement, consideration of medical conditions, determination of statelessness, protection of private and family life, the best interests of the child, and gender-based vulnerabilities. At least formally, most countries include many of these protections in their legal frameworks, as reflected in the quite high average score of 80 for this dimension. Some countries, such as Switzerland (100) and the United Kingdom (100), have established comprehensive safeguards in the assessment of whether an individual should be returned. However, others, including Poland (50), Greece (66) and Italy (66), still have room for improvement as they often overlook gender-based vulnerabilities and statelessness determination.

Best interests of the child

Children involved in return procedures are entitled to special protection under international and regional human rights law. The best interests of the child, as outlined in the UN Convention on the Rights of the Child (Article 3), must be a primary consideration in all return-related decisions. Safeguards for children in return procedures include ensuring child-friendly conditions throughout the process, such as accessible information, legal aid, psychosocial support, and appropriate reception facilities. Authorities must protect family unity, avoid detaining children, and conduct a formal, individual, and fully documented determination of the child's best interests. This assessment should be carried out by a multidisciplinary, independent, and impartial team of experts, with the child's meaningful participation throughout the process.

The MIREX average score of 38 for this indicator highlights that many countries fail to provide adequate safeguards for children during detention procedures. Sweden (80) stands out as an interesting case. The principle of *Barnens bästa* (the best interests of the child) is a fundamental pillar of Swedish law, obligating authorities and institutions to consistently prioritise the well-being of children in all relevant decisions. While the legal framework provides strong protections through specialised legislation and administrative procedures, it does not explicitly prohibit the detention of children. Nevertheless, the use of detention, particularly for minors, is exceptionally rare in Sweden and applied only in extraordinary circumstances. Other countries, such as Italy (20), Poland (0), the Netherlands (20), and Austria (20), provide only minimal safeguards for children in the context of detention. In the Netherlands (20), a specialised detention centre exists for families with children, and unaccompanied minors may not be returned if adequate care is not available in the country of return. However, according to some NGOs, this safeguard applies only to children under the age of 15.¹⁴ Among the countries assessed, only France (40) has explicitly prohibited the detention of children under any circumstances, including to preserve family unity. Except for Sweden (80), children are generally not involved as active participants in the assessment of their best interests, which is rarely carried out by a multidisciplinary, impartial team.

Human Rights monitoring across the stages of forced return procedures

Independent human rights monitoring is essential at all stages of the return process: before the procedure (e.g., during apprehension), during the procedure (e.g., during detention), and after return. With an average indicator score of 42, most countries show some level of human rights monitoring during return procedures. However, none have mechanisms in place to monitor the situation once the individual has been handed over to authorities in their country of origin. In some countries, the role of the monitoring authority during the return procedures is defined in detail by law. For example, in Austria (66), the Ombudsman is tasked with participating in pre-deportation contact meetings between the escort leader and the individual being deported, observing charter deportations from the police detention centre to the returnee's arrival in the country of origin, and producing a report on the conduct of the deportation.

¹⁴ Defence for Children. *Nieuw terugkeerbeleid vluchtelingenkinderen houdt nog steeds onvoldoende rekening met belang van het kind*: <https://www.defenceforchildren.nl/actueel/nieuws/migratie/2022/nieuw-terugkeerbeleid-vluchtelingenkinderen-houdt-nog-steeds-onvoldoende-rekening-met-belang-van-het-kind/>.

Human Rights monitoring across the stages of voluntary return procedures

Interestingly, MIREX countries, on average, tend to have more human rights monitoring during forced return procedures (42) than in voluntary returns (24). One possible explanation is that the Return Directive mandates states to establish monitoring systems for forced returns (Article 8(6)), but not for voluntary returns. The limited oversight of voluntary returns may also stem from the fact that they are often managed by external organisations (such as the IOM or NGOs), whereas forced returns are directly implemented by the state. As a result, state monitoring mechanisms (e.g., the Ombudsman), which are mainly designed to oversee state activities, are less effective when it comes to procedures handled externally. Additionally, forced returns more frequently involve the deprivation of liberty, whereas this is less common in voluntary returns. Therefore, the oversight mechanisms responsible for safeguarding human rights in situations involving deprivation of liberty are more actively applied to forced return cases. In several countries, including Germany, the UK, Switzerland, Greece, Spain, and France, monitoring of voluntary returns is notably lacking. In contrast, countries such as Austria (66), Sweden (66), and the Netherlands (66) demonstrate relatively stronger monitoring.

Legal Safeguards in forced return procedures

Safeguards during forced return procedures are essential to ensure the protection of migrants' fundamental rights and to uphold international human rights standards. MIREX highlights several key safeguards that should be in place. These include a careful assessment of individual circumstances and vulnerabilities before issuing return orders, such as the risk of gender-based violence, torture, or ill-treatment, pre-existing psychological trauma, the risk of repeated exploitation and human trafficking. Additionally, decisions regarding forced return must be clearly justified and communicated in accessible formats and languages. Migrants should be fully informed of their rights and have access to legal counsel or assistance throughout the return process. Importantly, they must also have the right to appeal forced return decisions within reasonable time limits, and such appeals should have a suspensive effect to prevent removal before they are decided. Overall, these safeguards are generally embedded in national legal policy frameworks on returns, as reflected by the average score of 73 for this indicator. Four countries – Sweden, Austria, the UK, and Spain – recognise all key safeguards in return procedures, at least formally. In the UK, for instance, the Home Office addresses individual vulnerabilities through detailed case assessments and specific policies, including the Vulnerable Persons Resettlement Scheme. However, in several countries, such as Italy (50), France (50) and Germany (50), decisions on forced returns and related documentation are often not communicated in an accessible language. In Poland (25), the only guaranteed safeguard is the right to appeal, which carries a suspensive effect; however, the process is overseen by the Border Guard.

State measures to uphold human rights standards in detention

Although detention should be used only when strictly necessary and as a last resort in return procedures, States are obliged to take concrete measures to ensure that detention conditions respect human dignity and adhere to international human rights standards. Key safeguards include training detention staff in human rights principles and in working with vulnerable populations; maintaining separate facilities for men and women, as well as for migrants and ordinary detainees; and ensuring that all detainees have access to adequate healthcare services. Protection from violence and abuse must be actively guaranteed. Crucially, children should never be detained due to their migration status and should be directed to community-based alternatives.

With an average score of 64, most MIREX countries offer healthcare services in detention and maintain separate facilities for men and women, as well as for migrants and regular detainees. Staff training on human rights and working with vulnerable populations is also generally implemented, including in Sweden (84), Poland (67), the Netherlands (67), the UK (84), and Germany (67). In the Netherlands, for instance, all executive and managerial staff are specifically trained under the DJI (Custodial Institutions Agency) framework, which includes guidance on working with vulnerable groups and adherence to national and international laws. Facilities are shared with prisons, but immigration detainees remain separated. In contrast, protective measures against abuse and violence are lacking in most of the countries. Although countries like Greece (50), Italy (50), and Spain (67) have legal guarantees for detention conditions, numerous reports from national and international organisations show that these standards are frequently not met in practice (Global Detention Project, 2025; Amnesty International, 2024).

Anti-discrimination and human rights safeguards in regularisation mechanisms and programmes

To uphold human rights in alternatives to return, several measures can be implemented within regularisation programmes and mechanisms. These can include specific provisions against discrimination, measures to promote equal access to justice and the labour market, and measures to prevent exploitation of migrants. Regularisation efforts should also incorporate tailored approaches for vulnerable groups, including victims of trafficking, minors, and those at risk of violence or abuse.

The area of human rights assessment in alternatives to return remains the weakest among all MIREX indicators, with an average score of 9. Most MIREX countries lack measures to uphold human rights in alternatives to return, with only a few exceptions: Greece (50), France (25), and the Netherlands (25). In Greece, regularisation mechanisms were primarily designed to combat the exploitation of migrant workers and provide legal stay for vulnerable groups, especially following the ECtHR judgement in *Chowdury and others v. Greece* (strawberry fields case).¹⁵ This was achieved mainly through the Labour Inspectorate Body, an independent authority empowered to sanction employers and refer cases to the

¹⁵ *Chowdury and Others v Greece*, Application No. 21884/15, 30 March 2017.

Prosecutor's Office. The body plays a key role in investigating exploitation, promoting equal opportunities and treatment, and focusing on the prevention of both abuse and human trafficking. Similarly, France and the Netherlands have implemented limited measures targeting vulnerable groups within their regularisation frameworks, such as victims of trafficking, honour-based violence, domestic abuse, and minors. However, no country has yet introduced comprehensive measures to prevent discrimination or guarantee equal access to justice.

Training and accountability of authorities involved in return procedures

An essential aspect of safeguarding human rights in return procedures is ensuring that the authorities and officials involved are properly trained and held accountable. States play a critical role in setting standards for recruitment, training, and oversight to ensure that return operations are carried out lawfully, safely, and with full respect for fundamental rights. This includes requiring knowledge of human rights and anti-discrimination obligations during recruitment, providing specialised training for staff involved in return procedures, and establishing mechanisms to investigate and address any misconduct or rights violations.

MIREX countries perform relatively poorly in this area, with an average score of 42. Only a few countries (Austria, Sweden, the Netherlands, and the United Kingdom) reach a higher score of 66. The main weaknesses are in ensuring human rights knowledge during recruitment and in holding officials accountable for human rights violations, with each country addressing only one of these areas. Among the better-scoring countries, Austria has an Ombudsman mandated to oversee police operations during raids, public events, assemblies, demonstrations, and deportations. Moreover, staff at the BBU GmbH (Austrian Federal Agency for Reception and Support Services) are required to undergo various forms of training, including human rights training. In recent years, projects such as KOMPASS (implemented by IOM) and BRIDGE (implemented by UNHCR) have supported the training of professionals involved in migration management in Austria. In the Netherlands, the Inspectie Justitie en Veiligheid monitors return procedures, and caseworkers must complete training modules covering the legal framework of asylum and return procedures, the European Convention on Human Rights (ECHR), the EU Return Directive, as well as modules on how to operate with victims of human trafficking and medical issues. In the United Kingdom, while recruitment for immigration enforcement roles requires knowledge of human rights and anti-discrimination obligations under the Public Sector Equality Duty, mechanisms to hold officials accountable are weaker. Although the Independent Office for Police Conduct (IOPC) oversees complaints against immigration officers and can investigate violations during return procedures, disciplinary action following an investigation remains at the discretion of the police.

9. Stakeholder Involvement

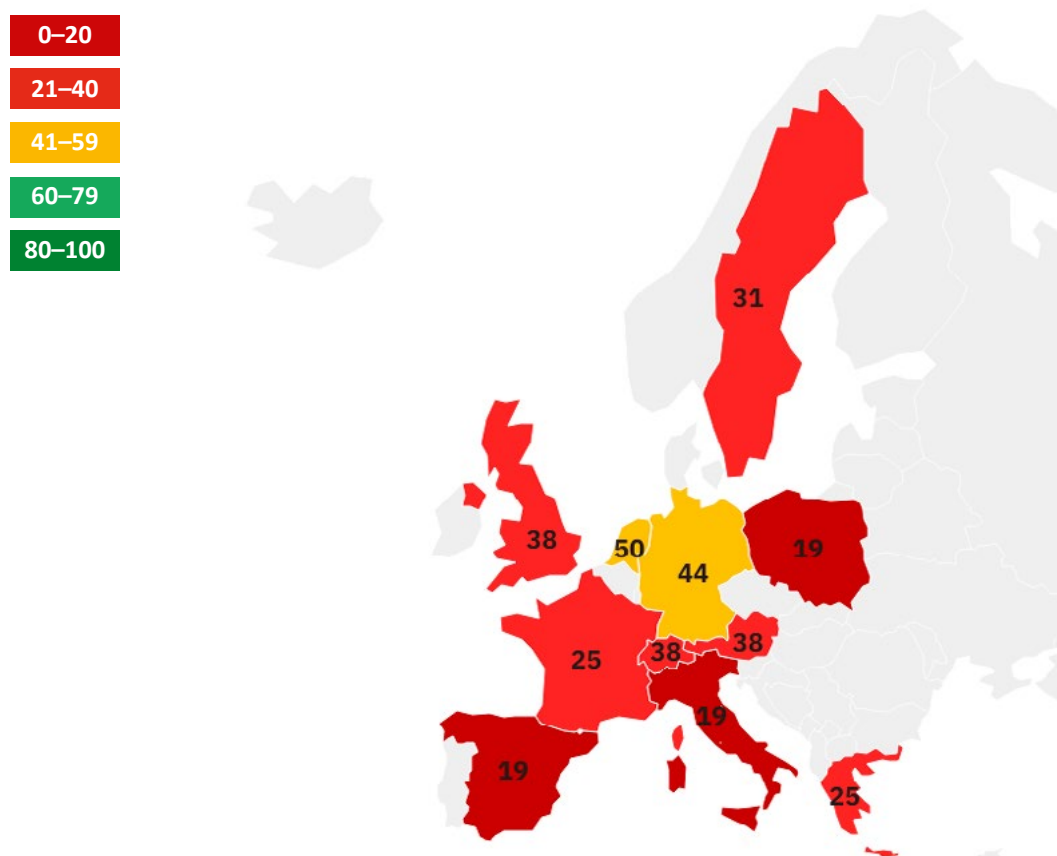
MIREX assesses stakeholder involvement as a key feature of legitimacy in return policies, examining participation across the different stages of the return process: negotiation and formulation, implementation, and monitoring. Stakeholders include countries of origin, other actors from countries of origin, NGOs and civil society organisations, and migrant associations. MIREX also evaluates which stakeholders are involved in the monitoring of alternatives to return.

9.1 Legal and Policy Framework

A fair and effective return policy depends on the meaningful inclusion of all relevant stakeholders throughout the different phases of policymaking. The inclusion of diverse actors in the policymaking process enhances legitimacy by ensuring that a broader range of perspectives and interests are represented (Torres Chedraui et al., 2024). Moreover, when actors are involved early in the formulation of return and readmission policies, the outcomes are more likely to be broadly accepted, particularly when stakeholders feel they have been heard and treated with dignity and respect (Tyler, 2006). However, studies have shown that agreements between the EU and third countries are often presented as finalised packages, offering little opportunity for genuine input or negotiation from partner countries (Billet, 2010; Cassarino, 2012; Reslow, 2013). These agreements tend to focus on implementation, rather than fostering mutual understanding or agreement on the underlying goals and values. In this context, inclusive participation during the negotiation phase is essential to ensure that policies reflect the interests of all parties and support long-term cooperation (Steffek, 2003).

Beyond the formulation stage, the implementation and monitoring phases also play a critical role in determining whether return policies are sustainable, fair and effective. As many actors, such as countries of return, NGOs, and local institutions, are involved in implementation, it is important to assess whether the policy takes into account the needs and concerns of those affected. In the monitoring phase, mechanisms that evaluate return practices and safeguard the rights of returnees are key indicators of whether the policy is functioning fairly and transparently. Ensuring accountability and openness at every step helps build trust and strengthen the quality and legitimacy of return policies.

9.2 MIREX General Patterns on Stakeholder Involvement



Map 8: Stakeholders' involvement: overall country scores

Stakeholder involvement in return policies is the weakest aspect across all dimensions measured by MIREX, with an overall average score of 31. This shows a widespread lack of meaningful participation by key actors, including NGOs, representatives of countries of return, migrant associations, and civil society, in formulating, implementing, and monitoring return policies and regularisation mechanisms. Southern and Eastern European countries like Spain, Italy, and Poland demonstrate particularly limited engagement, each scoring only 19. France and Greece are doing slightly better (25), followed by Sweden (31), Austria (38), Switzerland (38) and the UK (38). Finally, Germany (44) and the Netherlands (50) have a stronger recognition of the importance of inclusive policymaking in return processes.

Assessed indicators:

- Involvement of stakeholders in negotiations and formulation of the return policies
- Involvement of stakeholders in implementation of return policies
- Involvement of stakeholders in monitoring of return policies
- Stakeholder involvement in monitoring and evaluation of alternatives to returns

Involvement of stakeholders in negotiations and formulation of the return policies

Most MIREX countries show only limited stakeholder involvement in the negotiation and formulation of return policies, with an average score of 32 on this indicator. While all countries engage, to some extent, with countries of return, primarily through the conclusion of return agreements, this engagement typically involves only government officials and diplomatic representatives. Although their participation is necessary for formalising such agreements, it rarely reflects a broader or deeper involvement that would indicate a shared understanding of the underlying values or objectives. Very few countries, the Netherlands (75) and Sweden (50), also allow the negotiation and formulation of return policies to be open to public scrutiny of migrant associations and NGOs located in the respective European countries. In Sweden (50), the state allows engagement from NGOs, but due to the country's highly centralised system, much of the process remains firmly managed by the state.

Involvement of stakeholders in implementation of return policies

While the formulation of return policies was very top-down, more engagement in implementation is foreseen. However, on average, all the countries show only partial commitment to involving stakeholders in return procedures, with an average score of 50. While most states engage both the country of return and NGOs to some extent, this involvement is often limited in scope. In particular, cooperation with the country of return is typically limited to the practical need to coordinate with local authorities to facilitate the return process. This approach generally reflects a functional requirement rather than a genuine effort to enhance the legitimacy, inclusiveness, or participatory nature of return procedures.

NGOs are more commonly involved in voluntary return processes, while their role in forced return procedures tends to be much more limited. Sweden stands out as a peculiar case. Swedish NGOs are allowed to be involved in the implementation phase, but, unlike in many other countries where the provision of assistance to returnees is often outsourced to NGOs, in Sweden, these responsibilities are managed directly by the state.

In Austria, the Federal Office for Immigration and Asylum has established a dedicated Country of Origin Information Unit. This unit gathers information on conditions in countries of origin, such as the existence of persecution or unsafe conditions, to inform asylum decisions. However, the extent to which stakeholders in countries of origin are involved in this process is unclear.

Involvement of stakeholders in monitoring of return policies

According to MIREX data, the monitoring of return procedures is the weakest aspect of stakeholder involvement, with an average score of 16. In many countries, such as France, Spain, Italy, Sweden, and Poland, monitoring is either conducted exclusively by government authorities or carried out on an ad hoc, limited basis, with occasional involvement of NGOs. In the context of voluntary returns, NGOs may participate in monitoring efforts coordinated by the International Organization for Migration (IOM), as seen in countries such as Switzerland and Greece.

Some return and readmission agreements establish joint commissions composed of representatives from both signatory states to oversee implementation and resolve disputes. However, these mechanisms tend to focus on the enforcement of the agreements themselves, rather than on the monitoring of individual return procedures.

Stakeholder involvement in monitoring and evaluation of alternatives to returns

Overall, countries have mostly limited approaches to stakeholder involvement in monitoring alternatives to return. In Germany, Switzerland, and the United Kingdom, both government bodies and academic institutions are engaged in statistical analyses and evaluations of regularisation measures. Notably, Germany also includes NGOs in these efforts.

In the UK, research institutions such as the Migration Observatory at the University of Oxford contribute to this work, alongside the UK Home Office, which conducts policy evaluations related to alternatives to return. In the Netherlands, the Immigration and Naturalisation Service (IND), responsible for granting residence permits, has previously conducted monitoring and evaluation activities, including quantitative research and focus groups with employers.

By contrast, in countries such as Italy, Poland, and Greece, no publicly available information indicates the existence of stakeholder involvement in the monitoring of alternatives to return.

PART III

Conclusions & Recommendations

10. Still a Long Way to Rights-Based Return Policies

The MIREX index offers a comparative analysis of return policies across 11 EU+ countries, which outlines both strengths and challenges in the policy area of return. Findings indicate that Assisted Voluntary Return (AVR) schemes are generally accessible on paper, but short timeframes, limited reintegration support, and variable quality of services can constrain their impact. Enforced return policies remain largely coercive for undocumented migrants, while alternatives to detention are not widely foreseen for returnees. Regularisation pathways are often narrowly targeted and characterised by complex administrative procedures, limited access to rights, and minimal monitoring. Notably, stakeholder participation across policy formulation, implementation, and oversight is limited and can compromise transparency, accountability, and the perceived legitimacy of national return policies.

10.1 Facilitating Access to Assisted Voluntary Return

MIREX findings show that access to AVR is more sustainable when fewer legal preconditions are imposed on migrants. AVR should be offered to migrants without requiring a return decision or rejection of an asylum application, to facilitate broader and earlier access. Conversely, short time limits (e.g., 2 weeks) restrict migrants' ability to prepare for return and to access reintegration support.

Policy Recommendations:

- **Incentivise Voluntary Return**
Prioritise voluntary over forced return and provide clear incentives for migrants to access these programmes, rather than penalties for delayed decisions.
- **Expand Access to AVR**
Remove burdensome legal and procedural preconditions, such as requiring a return decision or asylum rejection, to broaden access to AVR for all migrants, including those with regular status.
- **Ensure Sufficient Time for Voluntary Departure**
Guarantee a minimum 30-day period for voluntary departure and discourage policies that shorten this timeframe. States should consider expanding access to AVR as a means of encouraging returns while minimising the risks and costs for returnees.

10.2 Expanding Support for Voluntary Returnees

The MIREX findings reveal that, while voluntary return (AVR) programmes are, on paper, accessible across EU+ countries to returnees, there are considerable disparities in the quality, comprehensiveness, and inclusiveness of assistance provided to migrants in both the pre- and post-return phases. The average MIREX score for Assistance to Returnees is 58 – significantly lower than the average score for Voluntary Returns (70) – highlighting a substantial gap between the policy framework and the support actually available to migrants.

Policy Recommendations:

- **Expand Pre-return Support Services**
Ensure all AVR programmes include access to reintegration training, connections with local organisations in countries of origin, and practical return planning support. This would improve the preparedness of returnees and reduce return-related anxiety.
- **Guarantee Systematic and Free Interpretation Services**
Interpretation must be available at all stages of the return procedure, particularly for vulnerable migrants, to ensure informed consent and rights-based decision-making.
- **Involve Migrant and Diaspora Organisations in Counselling**
Integrate refugee- and migrant-led groups into pre-return counselling frameworks to foster culturally sensitive communication and build trust. Their participation can also help combat misinformation and improve outreach.
- **Expand Post-return Reintegration Support**
Reintegration programmes should be expanded to cover housing, healthcare, education, and psychosocial support, rather than relying solely on one-time cash grants.
- **Adopt Long-term Reintegration Plans and Monitoring**
States should implement structured, long-term reintegration plans covering at least 12 months post-return.
- **Ensure Targeted Support for Vulnerable Groups**
Prioritise vulnerable groups by mandating targeted programmes, including gender-sensitive support, child-specific reintegration, and medical/psychological care for trauma survivors.

Expanding assistance for voluntary returnees – through comprehensive pre-return assistance and post-return reintegration measures – is essential to bridge the gap between formal programme eligibility and effective support available.

10.3 Rethinking Enforced Return Strategies

The MIREX indicators on enforced return reveal that coercive and deterrence-based migration policies remain widespread across Europe, with an average score of only 41 on this dimension – the lowest among all measured areas. This reflects a policy environment that prioritises enforcement over rights-based approaches and offers limited protection for migrants with no right to stay. While voluntary return is generally promoted as the preferred option at the EU level, national policies continue to rely heavily on punitive enforcement and indirect deterrence to drive return.

Policy Recommendations:

- **Ensure a Firewall for Migrants**
Policies and strategies that rely on pressuring migrants to leave, by criminalising everyday activities, enabling racial profiling, and embedding immigration control into public or private service provision, are ineffective, discriminatory, and undermine social cohesion. To build inclusive, rights-based return systems, countries should establish a robust “firewall” between the provision of essential services and immigration enforcement.
- **Guarantee Undocumented Migrants Access to Basic Services**
Countries should ensure universal access to primary and secondary education for all children, regardless of migration status; provide access to basic healthcare, including emergency and preventive services, without fear of detection or reprisal; allow access to shelters and legal aid, and ensure pathways to participation in integration and vocational programmes.
- **Strengthen Support for Rejected Asylum Seekers**
States should automatically assess alternative legal avenues for migrants to remain in the country, including humanitarian or exceptional stay permits, without requiring a legal representative’s request.

Rethinking enforced return strategies to move beyond coercion toward rights-based return systems is essential for protecting migrants while fostering inclusion and social cohesion.

10.4 Implementing Alternative Measures to Detention

Detention remains a highly contentious area of return policies across EU+ countries, marked by significant disparities in the legal safeguards provided to returnees, the use of alternative measures to detention, and oversight mechanisms. The MIREX findings reveal that although procedural guarantees (i.e., judicial oversight and appeals, access to legal aid, redress and compensation, and the like) are generally present on paper in most countries, alternatives to detention remain scarce. Stronger accountability mechanisms in case of human rights violations and a shift toward non-custodial measures are urgently needed to ensure return policies respect the fundamental rights of returnees.

Policy Recommendations:

- **Set Maximum Detention Limits**
Introduce a statutory time limit on detention across all EU+ countries to prevent prolonged or indefinite detention of returnees.
- **Narrow Grounds for Detention**
Limit legal grounds for detention to narrowly defined, proportionate, and necessary circumstances, in line with human rights standards.

- **Promote Alternatives to Detention**

Expand the use and range of community-based alternatives to detention, such as reporting obligations, bail or surety, designated residence or residence restrictions, electronic monitoring, open or semi-open reception centres, community-based case management, and the like.

- **Reinforce Independent Oversight**

Establish or reinforce independent national monitoring bodies with binding powers and duties, requiring public cooperation, to ensure effective oversight of detention conditions.

EU+ countries should prioritise implementing rights-based, community-focused alternatives to detention, coupled with robust oversight and accountability, to ensure return policies uphold human dignity and comply with fundamental rights standards.

10.5 Beyond Return: Expanding and Improving Regularisations

MIREX findings reveal that alternatives to return, including regularisation programmes and mechanisms, remain underdeveloped across EU+ countries. Expanding such pathways is essential not only for protecting individuals who cannot be returned safely and with dignity, but also for enhancing the overall legitimacy and sustainability of return governance.

In particular, MIREX indicators indicate that the majority of countries failed to adopt any regularisation programmes (amnesties and other time-bound initiatives) in the last five years. While such ad hoc and time-limited programmes can play a crucial role in addressing urgent humanitarian needs or labour-market demands, they should not substitute for long-term solutions, such as regularisation mechanisms permanently ingrained in national legislation and policy frameworks. However, the analysis also reveals that most EU+ countries have adopted policies in this field maintaining overly restrictive eligibility criteria and limiting access to rights and services for migrants undergoing regularisation.

Policy Recommendations:

- **Introduce Permanent Regularisation Mechanisms**

Embed stable and accessible regularisation pathways in national legislation which allow migrants with strong ties to the country to obtain legal residence and settle down in the country.

- **Use Ad Hoc Programmes**

Adopt time-limited regularisation programmes when necessary to address urgent labour-market needs or humanitarian concerns and complement permanent regularisation mechanisms.

- **Expand the Grounds for Regularisation**

EU+ countries should broaden the legal grounds under which undocumented migrants can regularise their status by including additional criteria such as: employment in specific or non-specified sectors; length of stay and de facto integration; enrolment in studies; health conditions and other individual vulnerabilities; family ties or specific nationality; inability to return due to conflict, statelessness, or lack of documentation.

- **Ensure Access to Rights Post-Regularisation**
Guarantee that migrants undergoing or having completed regularisation pathways can access essential services such as healthcare, education, employment, social protection, and family reunification and housing.
- **Ensure Longer and Renewable Residence Permits**
Governments should issue residence permits with a minimum duration of 2 years, ensure the possibility of renewal under clear and accessible conditions and allow regularised individuals to build long-term integration trajectories in the host country.
- **Allow Conversion into Permanent Status**
Countries should facilitate the conversion of temporary permits into more secure or permanent statuses.
- **Decouple Residence Status from Employment**
Policymakers should ensure that regularised residence status is not entirely dependent on employment and allow individuals to retain their status during periods of unemployment or temporary inability to work.
- **Remove Administrative Barriers**
Member States should simplify administrative procedures for accessing regularisation mechanisms by reducing documentary requirements, increasing transparency, and ensuring predictable, timely decision-making.
- **Provide Protection from Immigration Enforcement**
Residence permits issued under regularisation schemes should offer clear protection to migrants from immigration enforcement throughout their duration, including legal safeguards against arbitrary detention or deportation during temporary gaps in employment or during status renewal.
- **Invest in Targeted Integration Measures**
Authorities should accompany regularisation schemes with targeted integration support, such as language and vocational training, job placement services, and counselling, to enable individuals to participate fully in society.
- **Establish Independent Monitoring and Evaluation Systems**
Governments should systematically monitor and evaluate regularisation mechanisms through independent bodies, including regular publication of findings to support evidence-based policymaking and public accountability.

Countries should prioritise alternatives to returns as a part of fair and sustainable returns systems. Regularisation pathways should provide secure status and opportunities for full participation in society and long-term integration.

10.6 Building Rights-Based and Accountable Return Policies

The MIREX findings expose significant shortcomings in the protection of returnees' fundamental rights across assessed countries. Core concerns include the use of immigration detention for children, the absence of robust anti-discrimination safeguards, the lack of independent and systematic monitoring mechanisms, and the weak safeguards in voluntary return policies and alternatives to return. These deficits not only compromise the dignity and legal entitlements

of returnees but also erode the perceived legitimacy and fairness of national return policies. Addressing these challenges requires adopting a comprehensive human rights-based approach, grounded in anti-discrimination norms, independent oversight, accountability, and child-sensitive provisions, to ensure that return policies comply with international legal standards and uphold the rights of all migrants.

Policy Recommendations:

- **Prohibit the Detention of Children in Law and Practice**
States must adopt explicit legal bans on the detention of children for immigration purposes and invest in non-custodial and community-based alternatives that uphold the best interests of the child and support family unity.
- **Strengthen the Legal Framework against Racial Profiling and Excessive Use of Force**
The legal framework governing migration enforcement must explicitly prohibit racial or ethnic profiling by law enforcement and immigration authorities. The use of coercive or forceful measures in return procedures must be tightly regulated, permitted only when strictly necessary, proportionate, and as a last resort. The conduct of immigration enforcement authorities should be regularly monitored, with complaints thoroughly investigated and appropriate sanctions imposed for any abuses.
- **Adopt Anti-Discrimination Measures for Enforcement Actors**
Authorities should develop anti-racism and anti-discrimination training for all enforcement personnel, with a focus on preventing ethnic profiling.
- **Strengthen Procedural Safeguards in Return Procedures**
Ensure that migrants are systematically informed of their rights in a language they understand, have access to legal aid and linguistic assistance, and can appeal return decisions with guaranteed suspensive effect. Individual vulnerabilities must be assessed by the relevant authorities before issuing a return order.
- **Improve Human Rights Standards in Detention**
Member States should prohibit the detention of children, provide gender-sensitive and non-criminal facilities for returnees, guarantee access to healthcare, and offer specialised training for staff on the rights and needs of vulnerable groups.
- **Ensure Full Independence of Return Monitoring Mechanisms**
Member States should establish independent monitoring mechanisms related to all stages of the return process, with safe and accessible complaint systems for returnees to report abuse or discrimination, ensuring that allegations are promptly investigated and lead to accountability.

EU+ states should implement systemic reforms that prioritise legal safeguards, independent oversight, and the protection of vulnerable groups throughout return procedures.

10.7 Enhancing Stakeholder Participation in Return Policies

MIREX findings underscore a critical deficit in the meaningful involvement of stakeholders across the different phases of policymaking on return, from formulation to implementation and monitoring. With an average score of just 31, stakeholder engagement emerges as the weakest dimension of the return policy, revealing a tendency toward a top-down, centralised approach that marginalises the voices of NGOs, migrant associations, and actors from countries of return. The lack of structured participation not only undermines the human rights compliance of return systems but also raises serious concerns about their democratic legitimacy and accountability.

Policy Recommendations:

- **Institutionalise Participatory Mechanisms and Enhance Legitimacy**
Governments should establish formal, inclusive platforms for stakeholder engagement that involve civil society organisations, migrant associations, NGOs, and third countries at all stages of return policymaking. Mechanisms such as advisory councils, public consultations, and participatory policy reviews contribute to more legitimate, accountable, and responsive governance.
- **Ensure Independent and Inclusive Monitoring of Return Procedures**
Oversight is essential to ensure legitimacy and to monitor human rights. Multi stakeholder monitoring bodies, including national bodies, NGOs and international organisations, should be mandated to independently monitor detention facilities and return procedures, ensuring transparency and safeguarding fundamental rights.
- **Promote Transparency and Legitimacy in Return Agreements**
Governments should introduce legal obligations for greater transparency in the negotiation and implementation of return agreements. The required transparency includes publishing negotiation processes and human rights impact assessments that incorporate stakeholder input.

EU+ countries should shift from centralised decision-making to inclusive, multi-stakeholder governance. Embedding participatory mechanisms in return policymaking is essential to ensure transparency, accountability, and rights-compliant outcomes.

Appendices

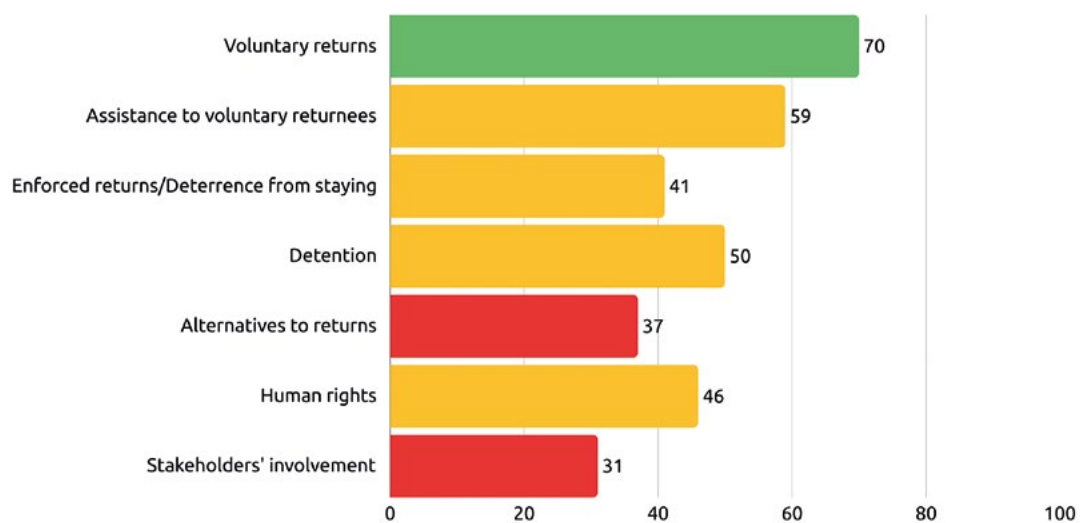


Appendix I:

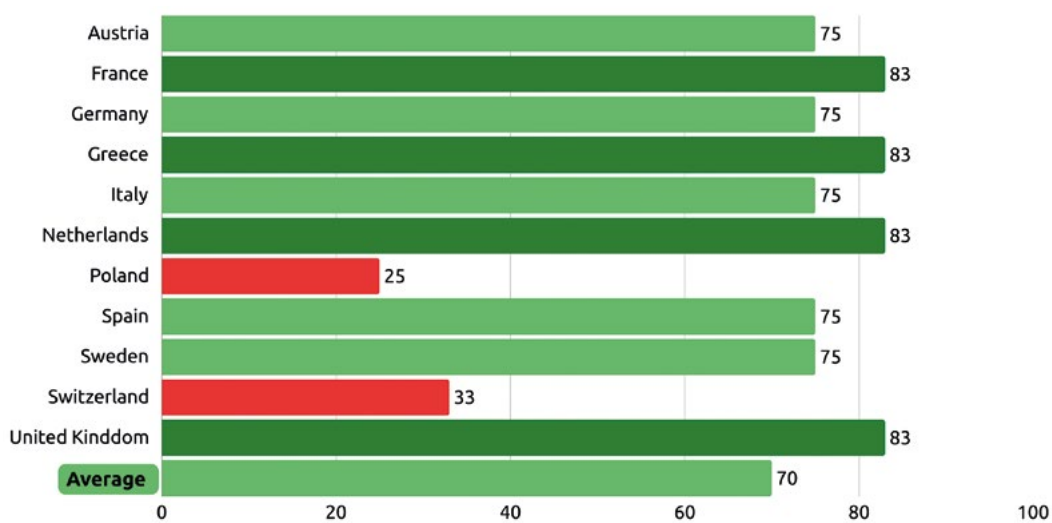
MIREX Comparative Results by Dimensions



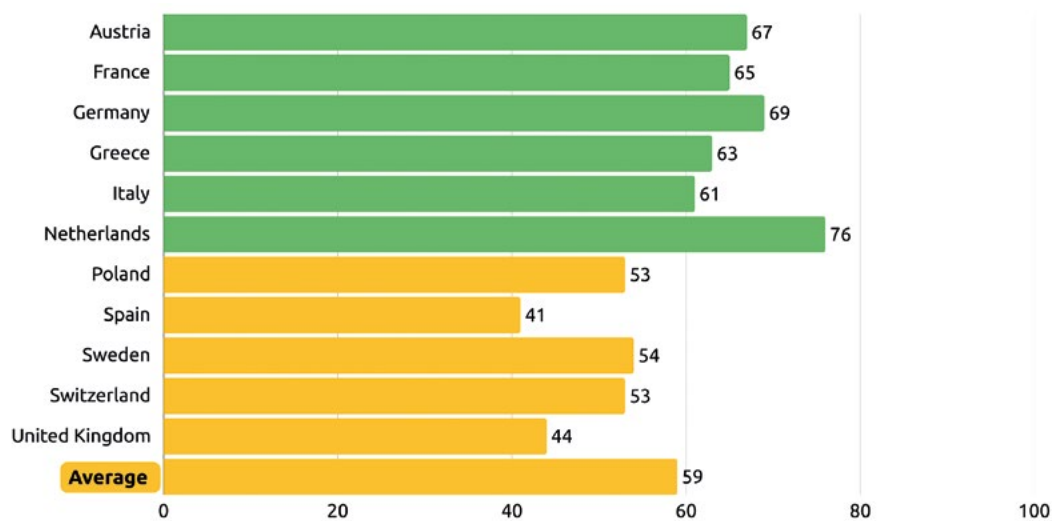
MIREX Dimensions Scores – Average for all 11 Countries



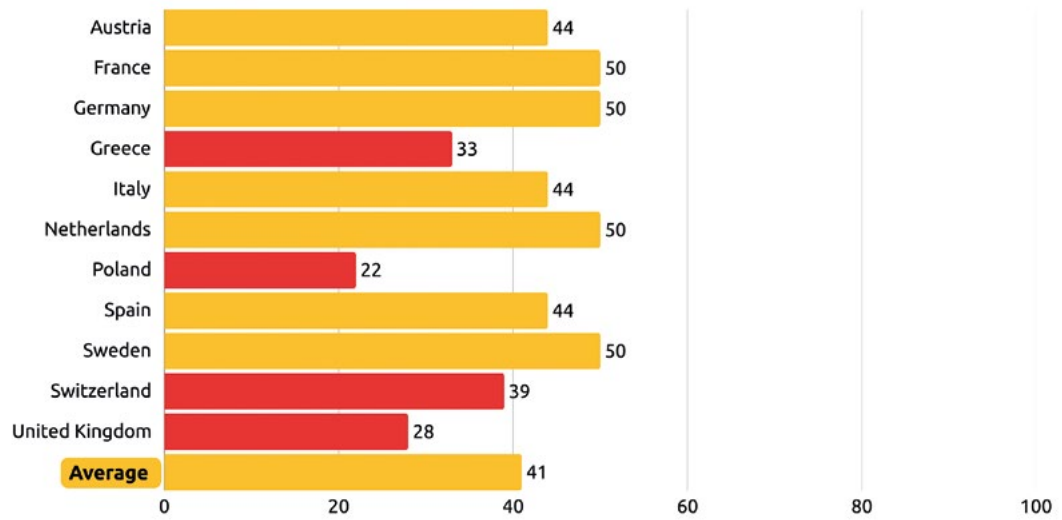
Voluntary Returns by Country



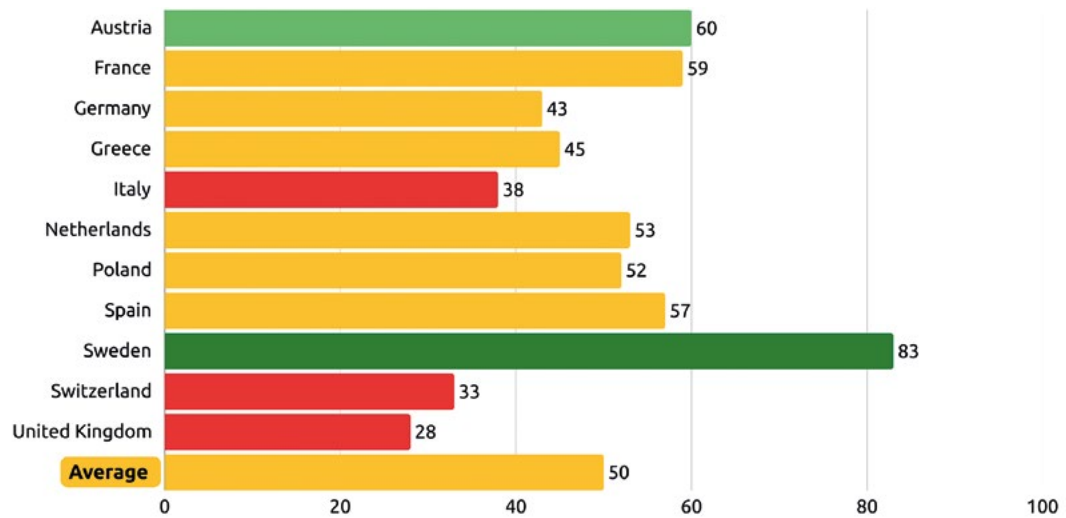
Assistance to Voluntary Returnees by Country



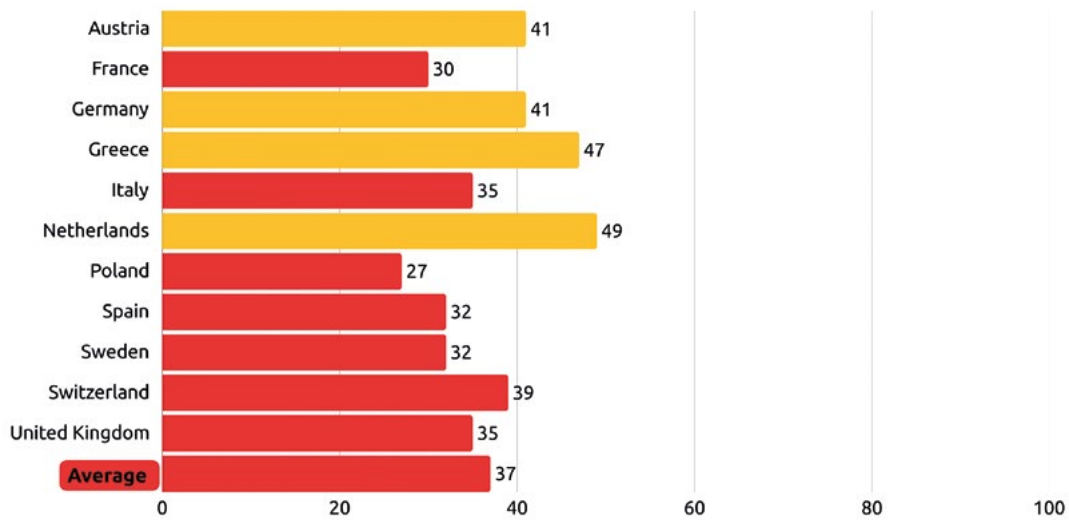
Enforced Returns by Country



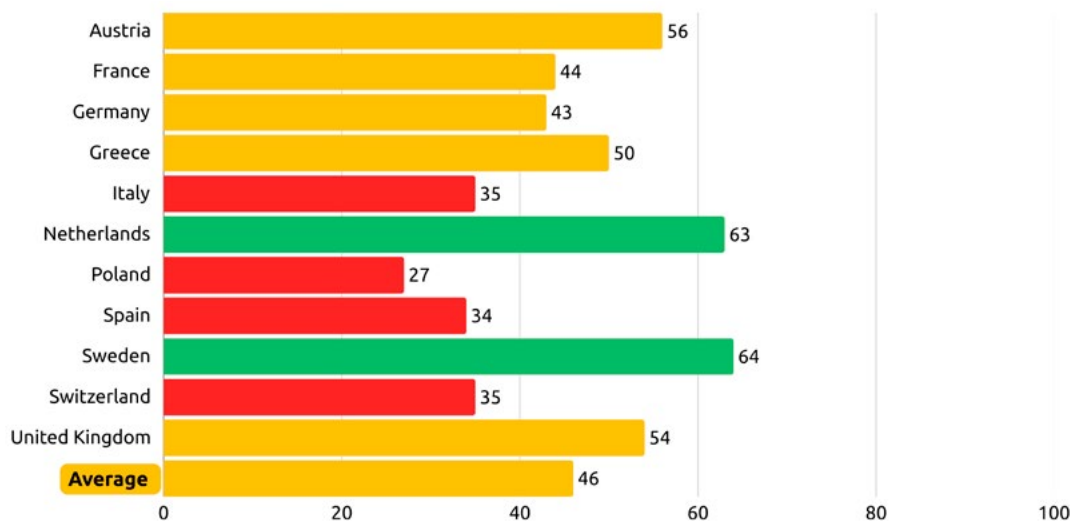
Detention by Country



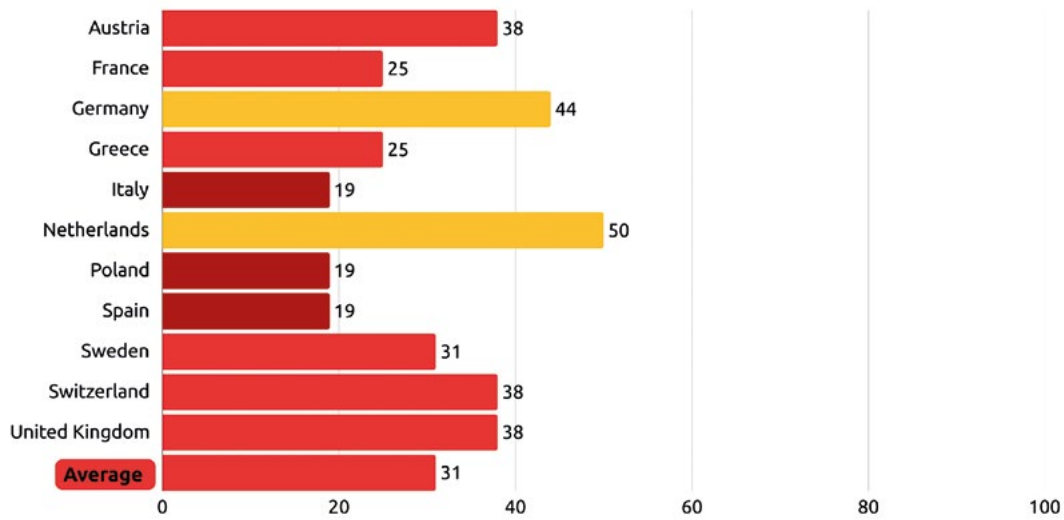
Alternatives to Return by Country



Human Rights by Country



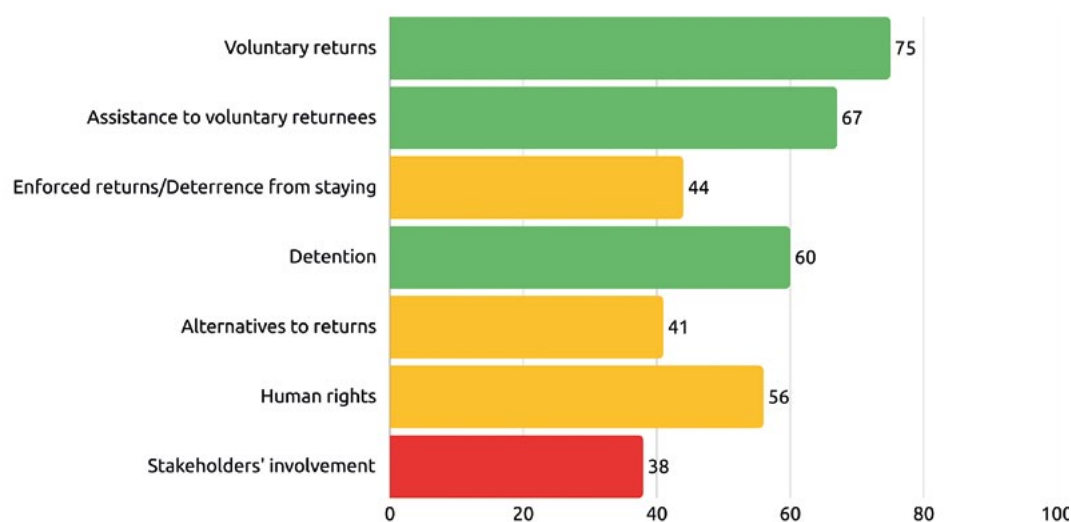
Stakeholder Involvement by Country



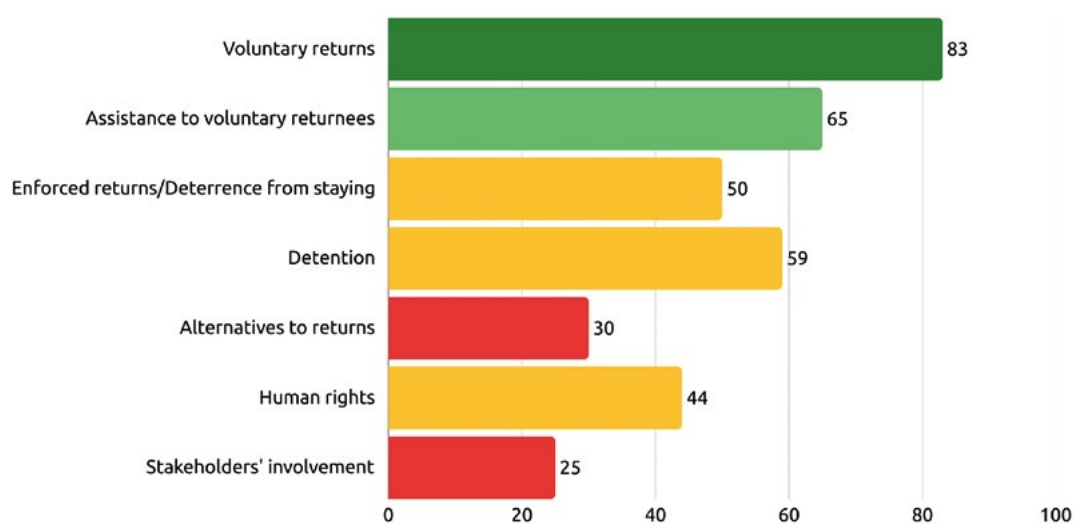
Appendix II:

MIREX Comparative Results by Countries

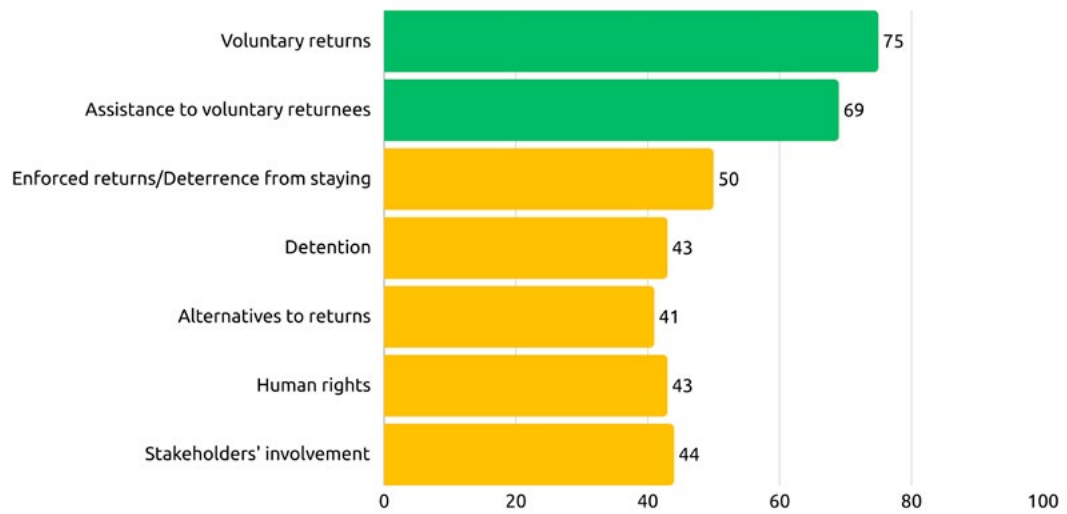
Austria – MIREX Scores



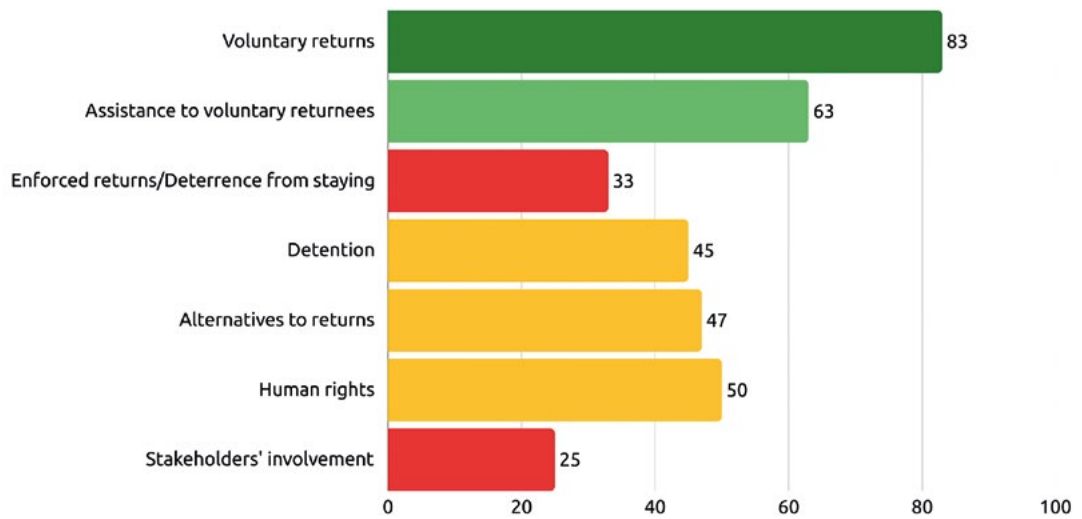
France – MIREX Scores



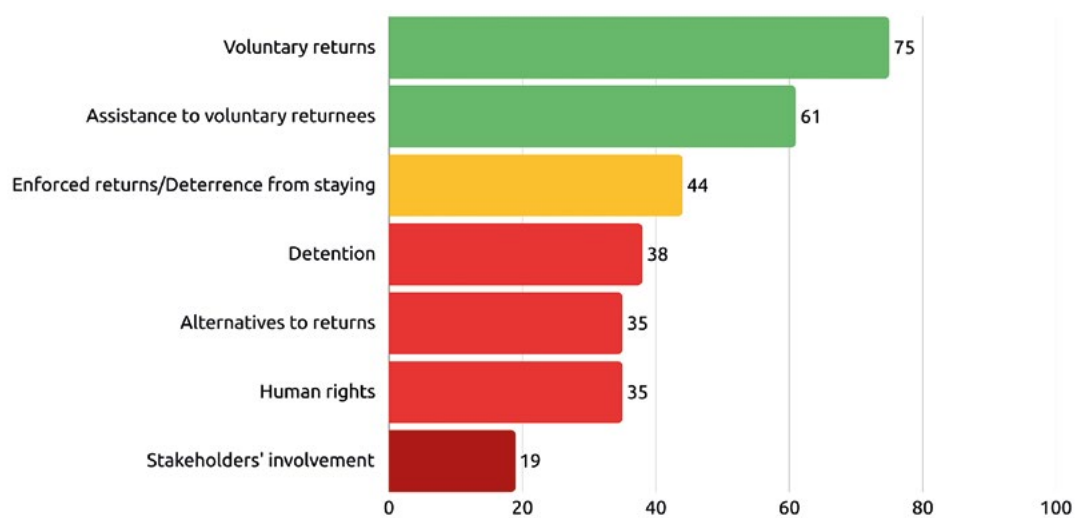
Germany – MIREX Scores



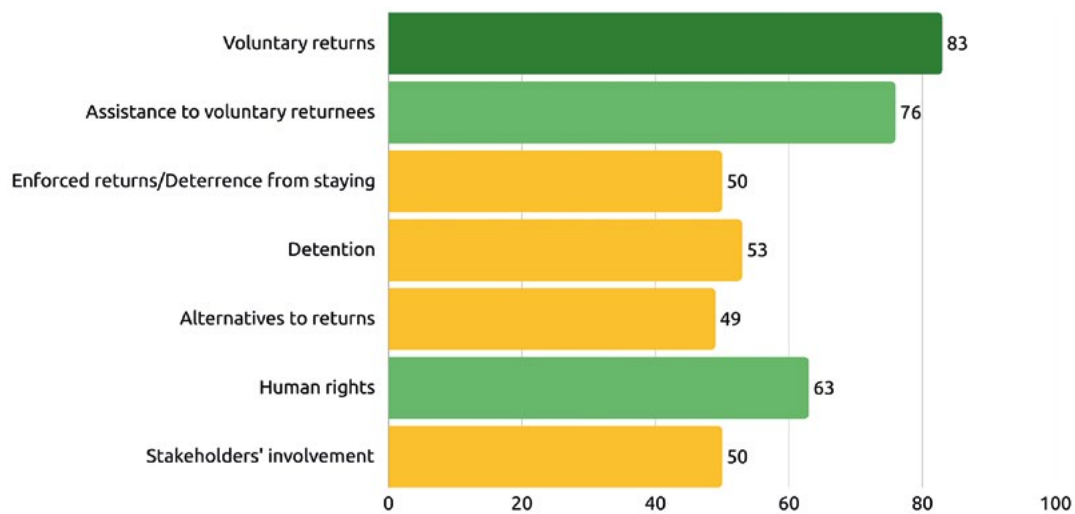
Greece – MIREX Score



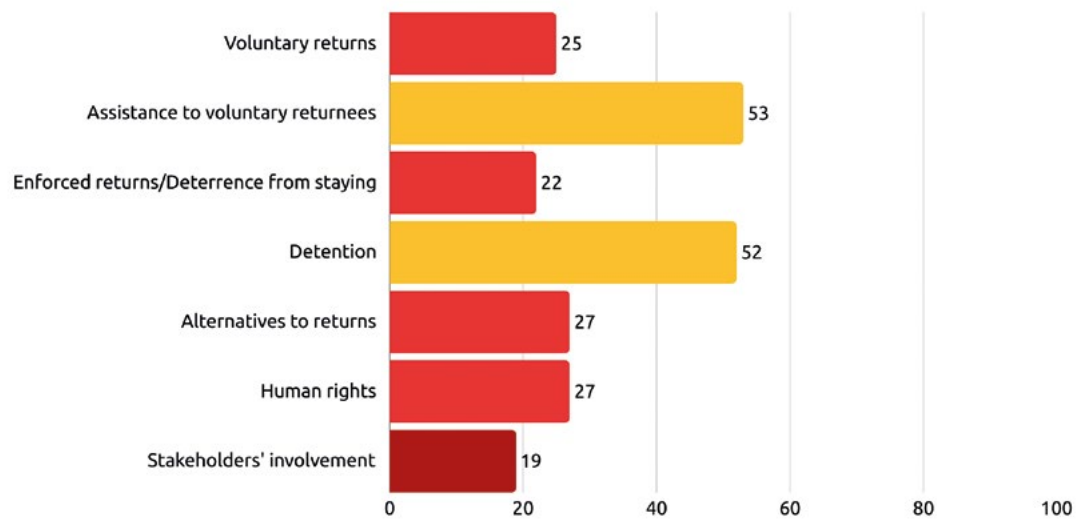
Italy – MIREX Scores



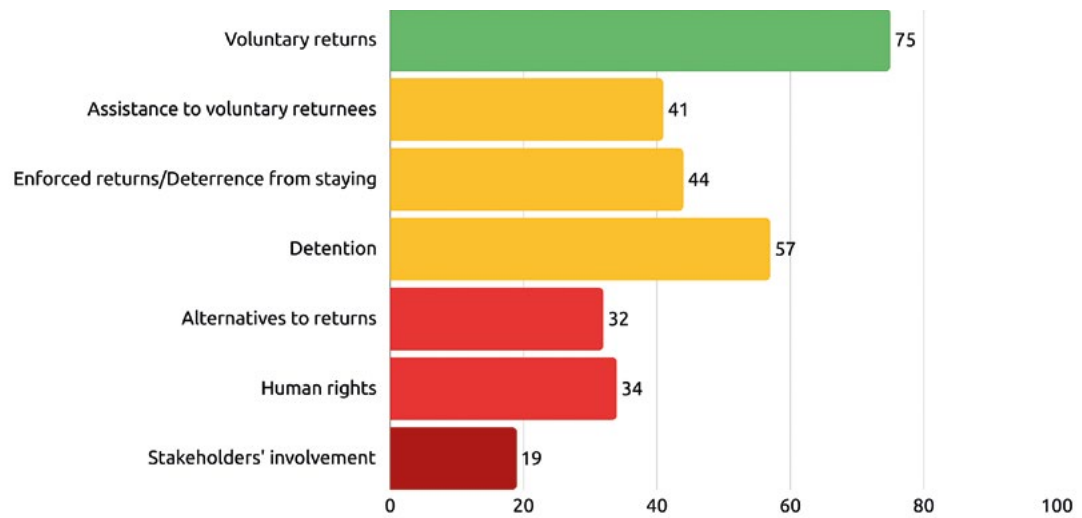
The Netherlands – MIREX Scores



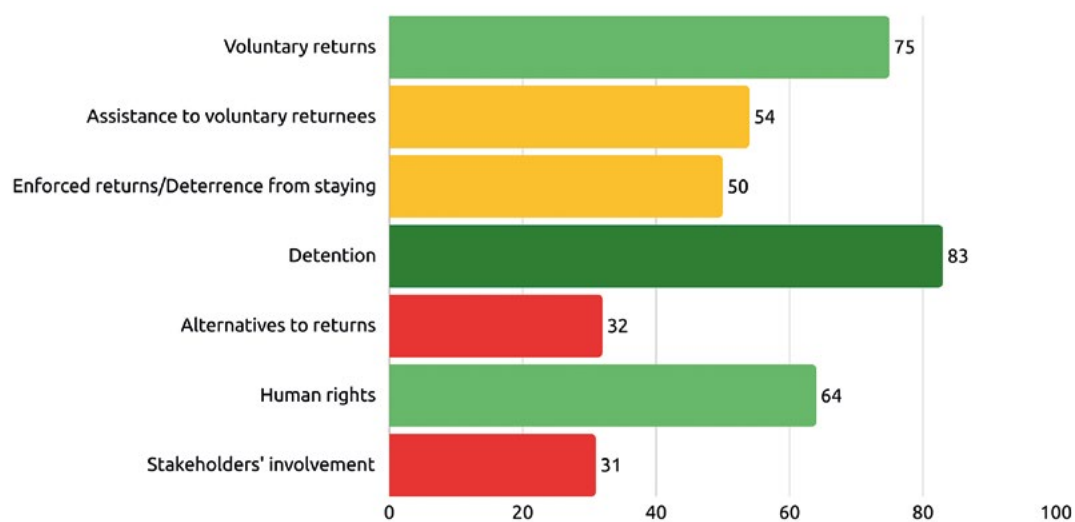
Poland – MIREX Scores



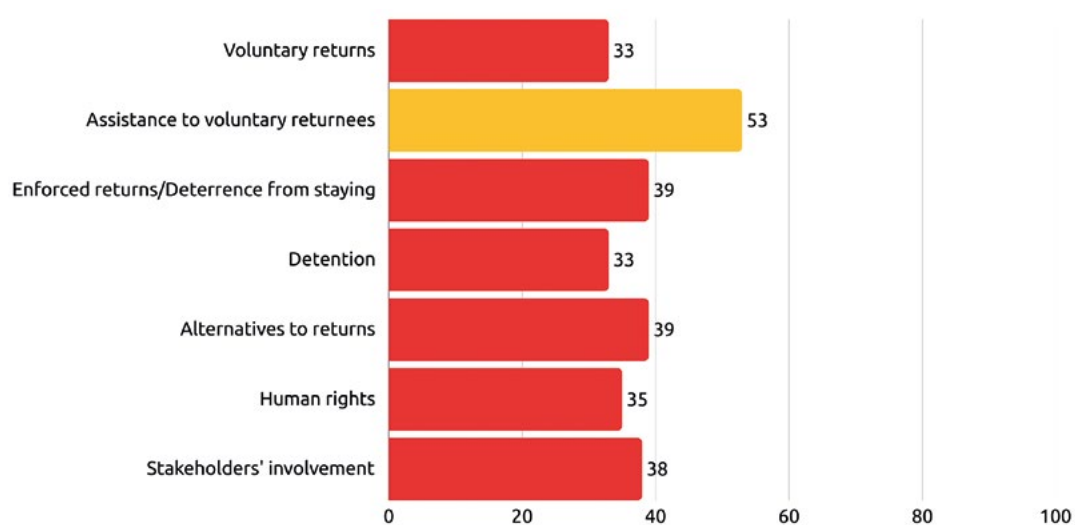
Spain – MIREX Scores



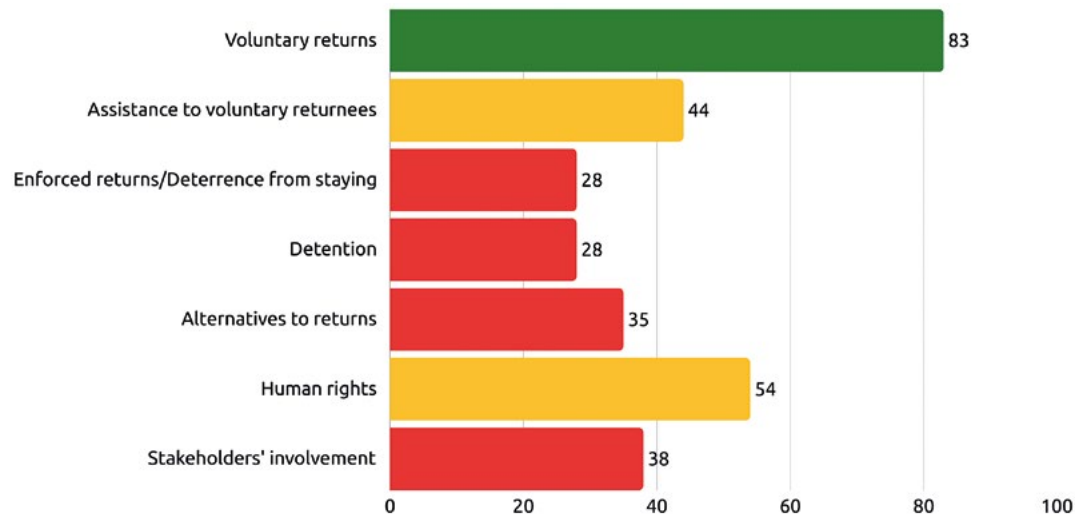
Sweden – MIREX Scores



Switzerland – MIREX Scores



United Kingdom – MIREX Scores



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