Civil society organisations: new EU Commission plans on returns and detention will create more harm and suffering

BRUSSELS, 3 March 2017 – Bowing down to political pressure to be “tough” on irregular migration, the European Commission has turned its back on the full implementation of human rights safeguards in its Returns’ Directive and is actively pushing member states to lower the bar.

Yesterday morning, the European Commission launched a set of recommendations to member states on return and detention. The policy was released without any prior consultation with civil society and local authorities, on the same day they gathered for the EU Migration Forum, the Commission’s official annual forum to consult stakeholders. As well as falling short in terms of good governance, the Commission document puts forward an interpretation of human rights that effectively undermines them. It urges member states to detain migrants more quickly and for longer periods of time, and presents increased returns as a key deterrent to migration. The results of such policies are expected to be a weakening of human rights safeguards in the return and the asylum process. The linking of asylum to return, as well as the explicit targeting of specific nationalities of asylum seekers accused of « abusing » the asylum system is shocking.

As just one of the extremely worrying examples, the Commission instructs member states to opt for prolonged detention and to apply the maximum possible detention period, specifically targeting member states that apply shorter periods as “bad examples”. It encourages widespread detention of persons deemed to be at risk of absconding, a notion which the Commission has significantly broadened. It promotes the wide use of entry bans and insists that member states use all of the flexibility foreseen in the legislation to derogate from the full application of the safeguards in the Returns’ Directive.

There is no evidence that immigration detention or forced removal has a deterrent effect, or is sustainable. Detention and forced returns are extremely harmful practices that have long-lasting severe physical and mental health impacts as well as high risks of suicide. Re-emigration rates among returnees are high and forced removal has not been shown to lower the migration aspirations of the communities where people are returned to.

The Commission has set out to dismantle the key tenets of the EU Returns’ Directive by encouraging member states to interpret the directive in a way that would allow for the lowest possible safeguards to be applied, abandoning positive advances made by a number of member states. The Commission has also stated that it stands ready to revise the Returns’ Directive if it transpires that the safeguards presented in the directive will stand in the way of increasing return rates.

As civil society representatives of citizens and migrant communities we would like to be proud of the Europe we live in and continue to support the European project. We cannot do this unless the EU Commission will hold firm to its commitments to human rights and rule of law, promote the implementation of the highest human rights standards in its legislation, consult with civil society and rely on the strength of evidence on how to best manage a complex social and economic phenomenon in the face of pressure to find quick fixes.

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RESPECT Network
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