

Brussels, 12 February 2025
(OR. en)

6041/25

LIMITE

SCH-EVAL 11
SCHENGEN 13
JAI 165
MIGR 55
IXIM 32
VISA 18
COMIX 44

NOTE

From:	Presidency
To:	Working Party on Integration, Migration and Expulsion (IMEX Expulsion) (18 February 2025) Working Party for Schengen Matters (20 February 2025)
Subject:	Implementation of the priorities of the annual Schengen Council cycle - Increasing the effectiveness of the return systems

An **efficient return system** is essential for the proper functioning of the Schengen area, for effective migration management and security, and for effective implementation of the Pact on Migration and Asylum.

In June 2024, **the Schengen Council identified return as a priority for the Schengen Council Cycle 2024-2025¹ and defined concrete operational actions** to increase the effectiveness of the return systems. The Schengen Council also decided to focus on **effective implementation** and established a follow-up process in this regard. The Annex to this note examines the implementation of the operational actions, applying the follow-up process established by the Schengen Council. Furthermore, the Annex outlines a way forward to maintain our collective efforts on implementation.

¹ 10489/24

In addition, **the 2024 thematic Schengen evaluation**² provided useful insights into the implementation of the Schengen acquis on return under the current legal framework and resulted in a number of recommendations to be adopted by the Council³. Implementing these recommendations will facilitate the streamlining of processes, increase resource efficiency and the number of effective returns, and contribute to internal security, in full coherence with the efforts to implement the Pact.

The Commission has started the evaluation of Regulation (EU) 2018/1860⁴ (“SIS Return”) and has announced an upcoming proposal for a renewed legislative framework on returns. Notwithstanding, we should maintain our efforts to ensure the application of existing legislation.

Based on the examination of the implementation of the Schengen Council cycle priority and of the results of the thematic Schengen evaluation in the area of return, the aim of this note is to facilitate the discussion on how the key challenges impacting the functioning of the Schengen area can be better targeted within the current legal framework via further implementation efforts.

Challenges impacting the effectiveness of the return system

Instability in Europe’s neighbourhood and beyond has a direct bearing on the Schengen area, especially as regards migration pressure and security. Unpredictability, combined with persistent high caseload in asylum and return systems, require increased **preparedness to effectively manage common challenges**.

² ‘Bridging national gaps: towards an effective EU return system through common solutions and innovative practices’ (the ‘thematic Schengen evaluation on returns’). This evaluation was carried out on the basis of Article 4(4) of Council Regulation (EU) 2022/922 (‘Scheval Regulation’).

³ [Reference of the Council Decision as it will go to the Council].

⁴ Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals.

As identified in the Commission evaluation report⁵, despite the **significant efforts made in some areas, Member States and Schengen associated countries⁶ still face challenges in effectively returning individuals with no legal right to stay in the Schengen area**. Many of these are common to several Member States; they include: complex national legal frameworks, difficulties in coordinating between various national entities and ensuring robust operational procedures, lack of human resources and suboptimal resource management, repeated asylum applications in order to hamper the removal process, and difficulties in tracking returnees' effective departures.

Addressing the discrepancy between the number of return decisions and effective returns requires **adequate planning and sufficient resources and capabilities integrated into smooth and predictable processes**. However, as the results of the evaluation reveal, the majority of Member States do not have a **contingency plan** covering the area of return⁷.

In many cases the lack of **cooperation by countries of origin and transit** remains an important impediment to effectively return third country nationals without a right to stay. This lack of cooperation concerns in particular the identification of third country nationals and the issuance of the necessary travel documents⁸.

Further work is required to make best use of **existing information exchange tools** (notably the renewed Schengen Information System (SIS)) to help identify returnees, to reduce the risk of absconding and to facilitate mutual recognition of return decisions⁹. One of the main objectives of the SIS in the area of returns, which is supporting Member States in addressing irregular movements of returnees within the Schengen area, is far from being achieved due to its underuse.

As periodic evaluations have highlighted, **different approaches in Member States to voluntary return and reintegration** may encourage irregular migrants to seek the national package that best suits their individual interest and may lead to secondary movements induced by this fragmentation.

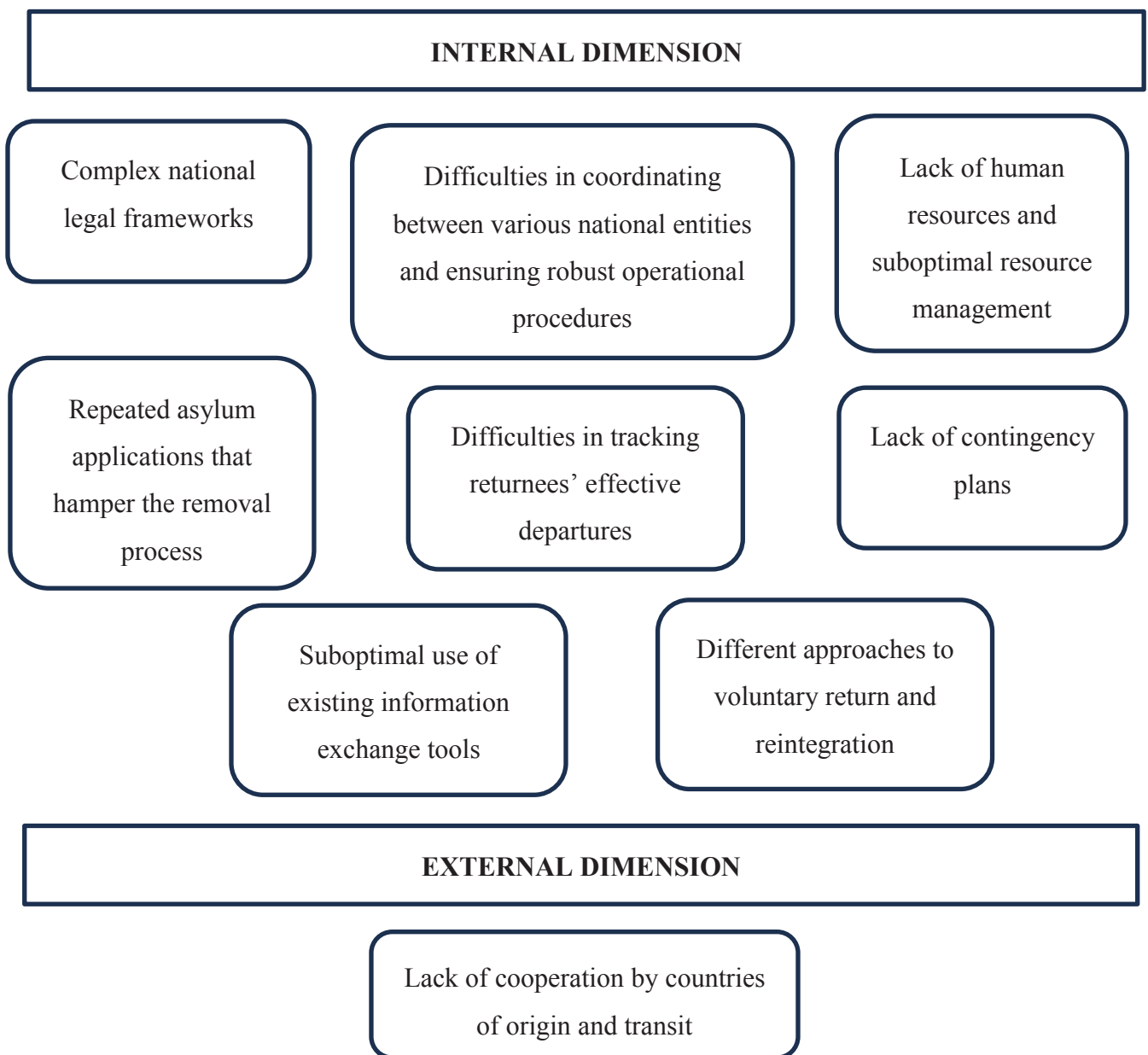
⁵ C(2024) 9171.

⁶ Hereinafter referred to as 'Member States'.

⁷ Ibid. page 8

⁸ Ibid. pages 5, 17.

⁹ Ibid. pages 23, 35-36.



Challenges impacting the effectiveness of the return system as identified in Schengen evaluations.

Stepping up our efforts

We need to **examine our internal processes in order to act upon the main challenges, and to ensure that the allocation of resources is prioritised accordingly**. For instance, efforts should continue to be made to streamline internal processes, in particular by increasing automation in data entry and consultation, as well as data comprehensiveness, quality and relevance. The introduction of a **uniform template for return decisions that can be attached to the SIS return alerts** could further help to make procedures more coherent, also in the context of facilitating the digitalisation of returns.

Only by taking concrete and determined action, in full respect of fundamental rights and in cooperation with and among stakeholders, will we be able to increase the number of returned people today, to prepare for a future legal framework in the medium term and to put in place more tailored solutions for effective departure of persons without a right to stay.

Ministers will be invited to answer the following:

- **Considering their impact on the functioning of Schengen, which challenges should be addressed as a priority within the current legal framework on returns?**
- **How can the EU support Member States' efforts in addressing them?**

The ministerial debate on these two questions will be prepared by Coreper, with prior meetings of the Integration, Migration and Expulsion (IMEX Expulsion) Working Party (on 18 February 2025) and of the Working Party for Schengen Matters (on 20 February 2025):

- IMEX Expulsion delegates will be invited to provide input on the above two questions and to further reflect on difficulties that Member States encounter when making readmission requests to third countries, especially to those countries which have ostensibly improved readmission cooperation or signalled their commitment to cooperate.

- Schengen Matters delegates will be invited to provide input on the above two questions, integrating the situational picture provided by the Schengen Barometer and the lessons learnt from the thematic Schengen evaluation, and examining the state of play of the implementation of the Schengen Council cycle 2024-2025 policy priority on returns.

Technical annex

Overview of the issues identified in the analysis of the implementation of the operational actions

Progress	Challenges
Information exchange in the Schengen Information System (SIS)	
<ul style="list-style-type: none"> Increased use of the SIS for return alerts, which also results in an increased number of hits on return alerts 	<ul style="list-style-type: none"> Lack of biometric data attached to return alerts
	<ul style="list-style-type: none"> Difficulties in tracking compliance with return decisions through the SIS
Digitalised return case management systems	
<ul style="list-style-type: none"> Efforts made by most Member States to digitalise return case management systems 	<ul style="list-style-type: none"> Lack of some key components in return case management systems
	<ul style="list-style-type: none"> Difficulties in ensuring interconnectedness
	<ul style="list-style-type: none"> Lack of seamless interconnection with the Frontex Integrated Return Management Application (IRMA) for statistical data collection purposes
Readmission requests to third countries	
<ul style="list-style-type: none"> To be assessed when the relevant data becomes available 	<ul style="list-style-type: none"> Difficulties in narrowing gap between return decisions issued and readmission requests submitted

Way forward

- Overall, when examining the implementation of the first two operational actions (regarding information exchange in the SIS and digitalised return case management systems), we can see that some progress has been made. However, further implementation efforts are needed.

- Regarding the operational action on readmission requests, the relevant data is still not available for assessing whether any progress has been made in submitting readmission request to third countries, in particular those covered by the Visa Code Article 25a exercise.
- In the coming months the relevant working parties should further examine the progress made in implementing the three operational actions, in the light of the data available.

Situational picture on returns

In the first three quarters of 2024, 336 720 return decisions were issued by Member States and Schengen Associated Countries¹⁰ to nationals of third countries, showing stability compared to the same period in 2023. Most return decisions in this period were issued to citizens of Algeria (26 595, +7%), Morocco (23 605, -12%), Türkiye (21 445, +41%), Syria (18 480, +16%), and Afghanistan (16 820, -10%) [Eurostat]¹¹.

In the first three quarters of 2024, the number of third country nationals returned by Member States following a return decision was 81 270, representing a 27% increase compared to the same period in 2023, and continuing the post-pandemic upwards trend. The top reporting countries in this period are France (10 980, +48%), Germany (9 060, +22%), Spain (7 495, +37%), Sweden (6 955, +8%), and Cyprus (6 715, n/a¹²) [Eurostat]¹³.

In the first three quarters of 2024, 51% of all returns were assisted or non-assisted voluntary returns, which represents a 5% increase in voluntary returns compared to the same period in 2023, as a percentage of all returns [Eurostat]¹⁴.

¹⁰ Hereinafter referred to as 'Member States'.

¹¹ Third country nationals ordered to leave (migr_eiord1), extracted on 31/01/2025 (rounded figures). Data includes provisional data for the Netherlands and Switzerland.

¹² Quarterly figures are not available for Cyprus. The total number of third country nationals returned by Cyprus in 2023 was 7 775 (migr_eirtn1).

¹³ Third country nationals returned following an order to leave (migr_eirtn1), extracted on 31/01/2025 (rounded figures). Data include provisional data for the Netherlands.

It is not advisable to directly compare return decisions to actual returns in the same period by calculating a return rate.

¹⁴ Third country nationals returned following an order to leave (migr_eirtn1), extracted on 31/01/2025 (rounded figures). Data include provisional data for the Netherlands.

Exchange of information through the SIS

In June 2024, the Schengen Council agreed that action should be taken to analyse the factors that hinder the information exchange process in the SIS, especially on supplementary information following an alert on return, and take necessary steps to tackle them.

As is clear from the thematic Schengen evaluation report on returns, challenges in information exchange through the Schengen Information System persist. As of February 1, 2025, 55,27% of the return alerts included fingerprints [eu-LISA]]. This indicates that several Member States do not, or only in limited cases, add dactyloscopic data to return alerts. Although improvements have been made, the thematic evaluations indicate that the lack of the use of biometrics by several Member States diminishes the accuracy of searches and impedes the improvement of the identification process. The evaluation report indicates that several Member States face legal restrictions in their national systems for attaching biometric data to return alerts, which creates an additional challenge to ensuring that all Member States add the required information to SIS return alerts.

Data indicate that there are **some improvements in the use of the SIS for return alerts**. In 2024, 406 038 new return alerts were entered in the SIS. There were 84 925 hits on return alerts in the SIS in 2024, which presents a significant increase of hits on return alerts compared to 2023 (49 343). Member States are increasingly checking the SIS for return alerts, reflecting an improved use of the SIS for return alerts, which may enhance overall situational awareness and the effectiveness of information exchange [eu-LISA], and provide an opportunity for increasing the effectiveness of returns by using the mutual recognition of return decisions issued by other Member States, where appropriate. However, it should be noted that **due to various limitations**, the SIS data on return alerts should be interpreted carefully. **Comparisons between 2023 and 2024 should currently be limited to assessing how extensively Member States use the SIS for return alerts**¹⁵.

¹⁵ Limitations concerning the SIS statistics on return alerts:

- It is not possible to compare the newly created return alerts of 2023 and 2024 because this number is not available for 2023. From 2025 onward, it will be possible to compare the newly created alerts of 2025 to 2024.
- The number of return alerts at a given moment is a snapshot of the alerts in the system at that specific moment.
- The number of hits on return alerts in the SIS at external borders for persons leaving the territory is only reflects people returning or being returned via a Member State other than the Member State that issued the return decision, and thus entered the return alert in the system. This means that the number of hits for persons leaving the territory at the external borders does not give a comprehensive picture of the number of people who are returned, and only represents a fraction of the total returns.

Another challenge highlighted in the evaluation report is the difficulty in tracking compliance with return decisions through the SIS, in particular **recording the departure of persons with a period for voluntary departure and monitoring compliance with their obligations**. When it comes to **third country nationals posing a security threat**, the challenge is that, although most checks related to such individuals are carried out in the relevant national police or criminal records databases, and international databases including the SIS, this **is not systematic in all Member States**.

Return alerts can provide valuable information for assessing the risk of absconding. However, in a few Member States with a comparably large caseload, national legal obligations limit the possibility of using a return alert to establish the risk of absconding. Some **Member States have also reported ineffective exchanges of information from the Member States issuing return alerts**, lengthy information exchange processes through the SIS and the need for additional resources. This must be seen against the broader problem of the lack of (mandatory) standardisation, as well as limited automation in the exchange of information through the SIRENE (Supplementary Information Request at the National Entries) Bureaux¹⁶.

Digitalised national return case management systems

The Schengen Council agreed that action should be taken to set up or update efficient digitalised national return case management systems in line with the updated Frontex reference model and, where such systems are already in place, consider their alignment, including on the basis of a Frontex gap analysis, where necessary.

The thematic Schengen evaluation report indicates that the majority of Member States already have an IT return case management system. As the report also highlights, it is important to **ensure that all national authorities involved in the return process have proportionate access to the necessary information within their legal mandate and competence for return**. Therefore, a digital case management system should enable different authorities to gain access to all the relevant information.

-
- Trends in the number of hits on return alerts in the SIS can at this point only be interpreted as an increased use of the SIS for return alerts.

¹⁶ Council Working party on JHA Information Exchange (IXIM), 11/09/2024.

Frontex carried out gap analyses to assess the digitalisation of the return case management systems based on the RECAMAS model in 21 out of 31 Member States and Schengen Associated Countries, upon those countries' request. Gap analyses were not conducted in some Member States due to a lack of interest or because some of the national return case management systems have been recently developed or are still under development. Frontex reports that most Member States either have digitalised national return case management systems or are actively working on the digitalisation process. The development of some key components of the return case management system, particularly the module dedicated to supporting pre-return activities and statistics, as well as the creation or updating of the detention module, remain areas that require additional efforts from several Member States.

The evaluation report also indicates that the interconnectedness of Member States IT case management systems is key to avoiding significant information gaps or errors and inefficiencies resulting in delays for the transmission and reception of relevant information. The lack of interconnection between various national systems handling data and information related to returns is highlighted as a challenge.

The Frontex gap analyses indicate that additional efforts should be devoted to ensuring a higher level of alignment and integration among the systems that are part of the national return case management system. Several Member States still have to establish a connection between their national systems and the Integrated Return Management Application (IRMA). Frontex continues to recommend the further digitalisation of return case management systems by using the RECAMAS model and conducting gap analyses.

Regarding digitalisation, it is important to note that the Commission has launched a major study on digitalisation on return, readmission and reintegration. In addition, a legislative proposal on digitalisation could be expected in the future.

Cooperation with third countries

The Schengen Council agreed that action should be taken to increase the number of returns by submitting more readmission requests to third countries, in particular those which have improved their cooperation on readmission thanks to visa leverage (Visa Code Article 25a exercise).

The evaluation report identifies an **insufficient cooperation by third countries** during return processes, including difficulties in identifying third-country nationals and refusals by the countries of origin to issue the necessary travel documents, as key challenges that further hamper the effectiveness of returns. At the same time, a further challenge lies in narrowing the gap between the return decisions issued and the readmission requests sent to third countries, especially to those which, following EU initiatives such as visa leverage, have improved their readmission cooperation or have expressed their commitment to improving their readmission cooperation.

It will be possible to assess the dynamics of dealing with this latter challenge once the relevant data becomes available. While the data concerning readmission requests submitted is available for 2023¹⁷, for 2024, the relevant figures are expected to be included in the Article 25a report to be issued by the Commission in the coming months.

¹⁷ 11797/24 R-EU/EU-R.