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From:	Presidency
To:	Working Party on Integration, Migration and Expulsion (IMEX Expulsion)
Subject:	The future of Frontex: comprehensive strategy for returns, readmission, and enhanced third country cooperation - Discussion paper

1. Strategic Objectives and Context

Considering the upcoming legislative proposal to amend the European Border and Coast Guard Regulation in 2026, and drawing upon positions previously expressed by Member States, the Presidency is issuing the current document to facilitate discussions regarding possible elements to be included in the future proposal.

Increased and more efficient returns is a key political objective as recalled regularly by the Justice and Home Affairs Council as well as the European Council. The return proposal aims to render the return process more efficient. The revision of the European Border and Coast Guard Regulation is an opportunity to review and enhance the role Frontex plays in the area of return to match the ambition of increased and more efficient returns.

2. Expanding Mandate for Return and Readmission

a. Returns from third countries to third countries

The changing security landscape of the EU's external borders and the evolving policy framework on return prompted the re-evaluation of the operational scope of the European Border and Coast Guard Agency, including in the area of return. This includes the possibility to revisit the question of Frontex capacities to assist in the return of illegally staying migrants from one third country to another, including in the context of the proposed 'return hubs'. While this was excluded from the current regulation in the course of interinstitutional negotiations, there is agreement among Member States that this role is essential. Stronger Frontex's support in this area could help reduce migratory pressure on the EU, strengthen the capacity of third countries in key critical tasks such as identification, and make Frontex a more attractive partner for third countries that are themselves struggling with illegal transit migration.

Moreover, this could also include considerations about how Frontex could be involved in any future 'return hub' concept currently being developed.

The scope of possible Frontex support on return could range from providing more and stronger training and capacity building to return operations. The nature of the support will also differ depending on whether Frontex is supporting voluntary or forced returns. Consideration needs to be given to the type of activities on return in third countries which Frontex could support and how this would be framed including with appropriate safeguards and taking account Frontex's obligations under EU law and international standards.

b. Governance and National Coordination

To ensure that the return dimension of Frontex mandate is effectively managed and integrated into its overall operations several Member States have called for a strengthened and streamlined governance structure for return, aimed at enhancing strategic direction, coordination and political oversight. In this context. This would ensure that national return policymakers are more effectively represented in the Agency's strategic decision-making processes.

c. Future of the Standing Corps

With the proposed Return Regulation, together with the border procedure set to enter into application in June 2026, Member States' operational needs in the field of returns are expected to increase significantly. This may also involve the need for new and more specialised return expert profiles in the standing corps to be reflected in the upcoming revision of the EBCG regulation. Such an approach is particularly vital in the context of return, readmission and reintegration, where the complexity and sensitivity of tasks demand a highly skilled and adaptable workforce. In this regard, it is essential that recruitment and training strategies focus on attracting and developing specialised profiles with advanced competencies in key operational areas.

Specifically, for returns, there is a need for:

- **Categories of return specialists:** return case managers, officers specialised for the return border procedure, officers providing logistical support, return cultural mediators, return digitalisation experts, interpreters, and specialist to deal with vulnerable returnees, with those posing a security risk or with those having specific medical needs; as well as
- **Experts in the field of document fraud and risk analysis: whose expertise is indispensable for ensuring that return procedures are carried out securely and in accordance with international and EU law; and**
- **Experts in identification and readmission procedures:** Effective identification and readmission processes are crucial for upholding the integrity of return decisions and for facilitating smooth cooperation between Member States and partner countries, especially during the very tight timelines required by the border procedure.

d. Safeguards and Monitoring

The expansion of the scope and number of return operations —necessitates a rigorous and robust legal and monitoring framework. Such expansion must be accompanied by strengthened safeguards ensuring that all activities are carried out in full compliance with international and EU law, including fundamental rights obligations and the principle of non-refoulement.

- **Forced return monitoring:** the current return monitoring system is fragmented and heavily reliant on monitors from the national systems appointed to the Forced Return Monitoring Pools. Many national oversight bodies lack sufficient staffing or funding to effectively participate. This creates gaps in coverage and inconsistencies in oversight quality and translates into Frontex having access only to a limited number of resources provided by the Member States.
- **Article 46 Reform:** This oversight mechanism applies to all Frontex activities, including return operations, ensuring a consistent standard of accountability across the agency's mandate. There is broad support among Member States for revisiting and reforming Article 46 of the Frontex Regulation. The objective of such reform would be to enhance the clarity, transparency, and effectiveness of procedures related to the suspension, termination, or non-initiation of operational activities in cases where credible assertions or evidence of fundamental rights violations arise. This approach seeks to balance the operational needs of effective return operations with an overarching obligation to protect the rights and dignity of all individuals subject to these procedures.

3. Questions for Discussion

At the forthcoming Integration, Migration and Expulsion (IMEX Expulsion) working party meeting the Presidency invites delegations to reflect on the following points in preparation for the next phase of discussions:

1. **Returns from third countries:** Considering the elements highlighted by delegations during previous discussions, as well as those outlined in this document, how should Frontex's role evolve to support and operationalise return activities from third countries, particularly in key transit countries? How could Frontex activities on return in third countries be framed?
2. **Governance:** What changes to Frontex's governance structure do you consider necessary to ensure that the return dimension of its mandate is effectively managed, and integrated into its overall operations?
3. **Future of the Standing Corps:** considering the political ambition to increase returns, how can the Standing Corps be adjusted to better fit the operational needs of the Member States?
4. **Monitoring Mechanism:** How can the forced return monitoring mechanism be improved to ensure a more effective monitoring of the EBCG's return activities?