

Common standards and procedures for returning illegally staying third-country nationals. "Return Directive"

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The Presidency updated the members of the Mixed Committee on the latest developments concerning a proposal for a Directive on common standards and procedures in Member States for returning illegally staying third-country nationals, and in particular on the outcome of the recent discussion with the European Parliament.

This proposal was submitted by the Commission in 2005 and has been examined at length under successive Presidencies. It sets out common standards and procedures to be applied in Member States for returning illegally staying third-country nationals, in accordance with fundamental rights as general principles of Community law as well as international law, including refugee protection and human rights obligations.

The draft Directive deals with key issues in the policy of return such as the voluntary departure of the returnees, the execution of a return decision through a removal procedure, the postponement of removal, the imposition of entry bans as accompanying measure to a return decision, the form of the return decision, the remedies against a return decision and the safeguards for a returnee pending return, the possibility of accelerated procedure of return in certain cases and the detention of returnees and its conditions.

The Council had committed itself to pursuing work in close contact with the European Parliament with a view to reaching agreement for the draft Directive. The Portuguese Presidency has therefore prioritised work on the proposal at the level of the Council and continues to maintain close contact with the Parliament with a view to achieving agreement on the proposal.