

# EU lawmakers: Reject the Returns Deportation Regulation

A case against the "Returns  
Regulation" proposal





**We're a queer,  
feminist, racialised-led  
organisation working  
towards societies of  
care, not control.**

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# The view from our communities

“This new law dehumanises asylum seekers by detaining, surveilling and deporting them to places they have no ties to. The creation of return hubs is basically outsourcing cruelty through state sanctioned suffering under the guise of efficiency. Stop weaponising migration!”

**Jennifer Kamau, International Women\* Space, Germany**

“The so-called “Returns Regulation” is actually a deportation Regulation. It reduces people to cases to be expelled, rather than human beings with rights and dignity. Europe must not adopt a policy that endangers lives and undermines its own human rights commitments,”

**Adla Shashati, Greek Forum of Migrants, Greece**

“The Deportation Regulation threatens to further undermine fundamental safeguards for people on the move, which are already in danger in the Netherlands: recent reports revealed the frequent use of force against children during forced deportations. New Women Connectors is gravely concerned about this regulation and the approach it represents: surveillance, criminalization, punishment, detention and cruelty. No one is illegal - we must stand together to protect racialised and marginalised communities.”

**New Women Connectors, the Netherlands**

“The principle of non-refoulement forbids States from returning a migrant to a country where they’d face serious harm including ‘torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm’. With countries framing the movement of people for safety as a problem and rushing to deport them, we’ve seen this principle undermined. For instance, Ireland recently deported a gay asylum-seeking man to Nigeria - a country that criminalises his sexual orientation. It is not just a violation of international law and his fundamental human rights. It is also an act of cruelty.”

**Bulelani Mfaco, Movement of Asylum Seekers in Ireland**

“The Trumpization the EU is embracing is not only about migrants; it is an attack on queer, disabled, youth and all justice movements, whether white-dominant spaces recognise it or not. What harms us today will strip everyone’s rights tomorrow, dragging Europe and every privileged & complicit “bystander” who separates themselves from these inhumane practices and realities into another dark chapter of human rights history.”

**Yassine Chagh, Equinox Steering Group Member**



# The EU's New Returns Deportation Law

In March 2025, the European Commission presented its [proposal for a Return Regulation](#), updating [original legislation](#) from 2008.

The Commission [presented](#) the draft law simply as an attempt to harmonise differences across Member States - creating a “truly European system” to facilitate deportations, legally and administratively.

Although phrased neutrally as legislation on ‘returns’, and an exercise in efficiency and innovation, the so-called ‘Return Regulation’ is in reality an [EU-sanctioned fatal deportations regime](#).

*“This new law is part of a much longer trajectory of punitive migration policies, developing a fully fledged criminal response to migration.”*

**Sarah Chander, Director, Equinox Initiative for Racial Justice**

The proposal expands detentions, deportations, and the EU’s digital surveillance infrastructure, whilst simultaneously legitimising racial profiling by encouraging state-led persecution of migrants (and anyone perceived as such).

It includes provisions aimed at expanding the rate of detentions and deportations in the EU, broadening the EU’s increasingly punitive framework on migration, and constructing loopholes for legally disputed [‘return hubs’](#) - meaning deportation prisons.

This law, more accurately named a Deportation Regulation, is yet another instance of the EU’s increasing securitisation of migration. Closely following the adoption of the [Migration and Asylum Pact](#) in April 2024, and on-going negotiations over the [Facilitator’s Package](#) (presented in November 2024), this latest proposal is part and parcel of Fortress Europe’s increasingly militarised border regime.



The European Data Protection Supervisor's [opinion](#) acknowledged the proposal's impact on the fundamental rights of migrants, and recommended "an in-depth fundamental rights impact assessment" and the need for additional safeguards on the data and privacy rights of migrants and their children.

This proposal directly contradicts international refugee law and the EU's own Charter of Fundamental Rights. The European Commission has made limited attempts to align this draft law with existing fundamental rights legislation, however, at its core, this proposal inherently violates international standards and, if passed, will further worsen standards of protection for people on the move.

Rather than spending millions on new offshore prison-like centres, and illegal and costly deportation procedures, the EU must invest in policies geared toward addressing the cost-of-living crisis and ensuring safety and protection for all people.

This briefing paper outlines the urgent need for EU legislators to reject the Deportation Regulation in its entirety.

## Our demand to EU legislators: Reject the Deportation Regulation

Equinox Initiative for Racial Justice firmly rejects the proposal and the premise of the EU's Deportation Regulation.

We do so on the basis that the fundamental premise of the law is political in nature, unsubstantiated by any evidence, in contradiction of EU fundamental rights, undermines international refugee law, to the detriment of human life and benefiting only corporations and politicians.

Minor and incremental reforms cannot reverse the gravity of the harm this proposal will inflict. By nature, the proposed law is designed to criminalise and punish people on the move.

Any legislative or policy response to migration must acknowledge the EU's historical and contemporary role in the domination, extraction and exploitation of the vast majority of the world, driving people to seek safety and dignity elsewhere.



Without consideration for international standards or evidence-based policymaking, the European Commission's proposal instrumentalises manufactured fears of migration to whitewash domestic political failures and push for increased spending on defence, law enforcement, and border militarisation.

The proposed Deportation Regulation expands the criminalisation of migration through policing responses by encouraging racial profiling as a tool of law enforcement agencies, border authorities, and public sector workers. This will result in the increased suspicion of migrants and those perceived as such across every part of society and public life.

It prioritises the punishment of migrants instead of providing protection and care through welfare denial and fines – as well as so-called alternatives to detention that are designed to humiliate, isolate and control (e.g. ankle bracelets).

The Regulation's reliance on detention and deportation prisons aka 'return hubs' erodes international refugee and human rights law standards.

It violates data protection standards and expands the digital surveillance state through mass sensitive data collection and unlawful data sharing.

Finally, the proposal encourages the externalisation of migration management and encourages offshore deportation prisons by encouraging bilateral agreements with non-EU countries for building illegal offshore deportation prisons.

It completely fails to protect the lives of migrants, refugees, asylum seekers, and racialised people, including children.

Forming part of a regressive, punitive turn in EU migration policy, this legislative proposal and the current political climate leave no room for any plausible safeguarding of international or EU law, or fundamental and refugee rights.

National governments leading or following global far-right trends on migration and society more broadly cannot be relied upon as allies to defend fundamental rights. In such a hostile political climate, the European Commission's proposal - already alarming - is likely to emerge from institutional negotiations significantly worsened.

While the European Commission has eagerly pursued a scorched-earth approach to regulatory protections in almost every policy sector, migration policy has become inundated with over-regulated, unsubstantiated, and violent reams of legislation designed to restrict the rights of people seeking safety from war, persecution, climate change, and poverty.

**The Deportation Regulation is simply the latest EU law in a long-term, punitive migration policy project.**

The securitisation of migration - treating migrants, refugees and asylum seekers as an existential threat - and the subsequent [criminalisation of people seeking safety](#) - has become the European Commission's default governance approach to managing a social phenomenon protected under international law. Claims that an austere approach to human movement is necessary to protect the EU, protect migrants, and solve domestic economic woes are purposefully misleading.

Criminalisation does not make ordinary people in Europe better-off - it only [benefits the prison and border industrial complex](#) building the infrastructure and weaponry used to [violently maintain Fortress Europe](#).

[Criminalisation does not make Europe 'safer'](#) - it is rooted in the political appeasement of the right and racist far-right narratives who seek to divide and conquer for short-term electoral gains, and to distract from the growing push for militarisation that takes public funds away from social needs.

The EU's criminalisation response completely ignores its own role in manufacturing the root causes of migration - investment in war and conflict, economic and resource extraction, climate degradation, and a legacy of colonialism - that push the global majority to leave their homes by force.

Securitisation and criminalisation policy approaches only add to the fear-mongering around migration, and the demonisation of racialised people seeking safety - building on the EU's existing historical, institutional and systemic racism.

**The Migration and Asylum Pact, the Facilitator's Package, and now the Deportation Regulation are quickly ensuring the EU is on a path to American-style state-sponsored kidnappings, deportation and terrorisation of racialised and migrant communities propelled by invasive surveillance tech.**

No amount of reforms will be able to compensate for such a bonfire of rights.



# The Deportation Regulation in context: The EU's punitive turn in migration policy

Legislation	Impact and consequences
<p><u>Migration and Asylum Pact</u> 2020 (adopted 2024, enters into force 2026)</p>	<ul style="list-style-type: none"> <li>• Restricted people's right to move and seek asylum</li> <li>• Large scale sensitive personal data collection, including children</li> <li>• Increase in detention, including of families and children</li> <li>• Included a law on 'returns' (Border Returns Procedure Regulation)</li> </ul>
<p><u>Facilitator's Package</u> (proposed 2024):</p> <ul style="list-style-type: none"> <li>• Facilitation Directive</li> <li>• Europol Regulation</li> </ul>	<ul style="list-style-type: none"> <li>• Criminalises migration and humanitarian support</li> <li>• Increased the EU police agency (Europol) budget and powers</li> <li>• Expanded digital surveillance and racial profiling against migrants</li> </ul>
<p><u>Return/Deportation Regulation</u> (proposed 2025, expected to enter into force 2026)</p>	<ul style="list-style-type: none"> <li>• Expands grounds for detention</li> <li>• Increases length of detention, including children</li> <li>• Reduces potential for 'voluntary' returns</li> <li>• Increases rate of deportations</li> <li>• Paves the way for EU governments to build offshore deportation prisons aka 'return hubs'</li> <li>• Encourages EU government 'cooperation' through mass data collection and mutual recognition of deportation orders</li> <li>• Obliges Member States to 'detect' irregular migrants</li> <li>• Increases punishments for migrants including entry bans, denial of benefits, fines</li> <li>• Expands list of countries to which migrants can be deported</li> <li>• Effectively ends potential for fair appeals process after deportation</li> </ul>

<p><u>'Safe Country of Origin' Regulation</u> (proposed April 2025)</p>	<ul style="list-style-type: none"> <li>• Establishes an EU-approved list of 'safe' countries that obliges accelerated asylum procedures for third country nationals of those countries</li> <li>• Directly infringes on the fair and full implementation of an individual's right to seek asylum</li> <li>• Allows national governments to dismiss asylum applications more easily, without taking into account individual protection needs of each applicant</li> </ul>
<p>Review of <u>'Safe Third Country'</u> concept (required as part of Migration and Asylum Pact law on Asylum Procedures, proposed May 2025)</p>	<ul style="list-style-type: none"> <li>• Removes existing requirement for Member States to prove a connection between an asylum seeker and a third country that is not their country of origin or previous residence</li> <li>• Allows asylum seekers to be deported to any country they may have transited through or any country deemed 'safe' by the EU</li> <li>• Allows national governments to dismiss asylum applications more easily</li> </ul>
<p><u>Digitalisation of case management</u> (a requirement under the draft Deportation Regulation, expected proposal end 2025)</p>	<ul style="list-style-type: none"> <li>• Supplementary legislation on the use of digital systems to facilitate the deportation, readmission and reintegration of third country nationals</li> <li>• Likely to rely heavily on increased biometric data collection and sharing, as well as flawed and biased automated decision-making systems</li> <li>• Likely to result in widespread and unsafe data exchanges</li> </ul>

The ensemble of these laws as the construction of a hostile environment and anti-immigration infrastructure:

- The Migration and Asylum Pact effectively abolished the right to seek asylum
- The Facilitation Directive criminalises migration (and humanitarian assistance)
- The Europol Regulation expands data collection and surveillance of migrants, refugees and asylum seekers
- The Deportation Regulation puts the above into practice by pushing profiling, mass detention and deportation.



# Analysis: Deportation Regulation

This paper outlines the position of the Equinox Initiative for Racial Justice on the EU's Deportation Regulation.

Below we explain why EU legislators must reject the European Commission's proposal and push back against the continued criminalisation of migration. This proposal prioritises a punitive response to migration over providing protection and care towards vulnerable people and respecting human rights and international law.

Rejecting the Deportation Regulation is the first step to reversing the EU's punitive turn in migration policy and redirecting public funds towards the needs of all people in society.

**Here are the main reasons EU legislators must reject the EU Deportation Regulation:**

## 1. It allows governments to deport people to countries where they have no personal connection

The Deportation Regulation aims to make it possible to deport a person without their consent to a non-EU third country to which they have no personal connection, a third country they have merely travelled through, or indeed any third country the EU has deemed appropriate and with which the EU has a bilateral agreement - regardless of whether the person being deported has ever entered that country (Art. 4.3). Until now, this has never been allowed, and marks an enormous departure from and violation of international laws and norms. The draft Regulation does this by pre-empting proposed changes to the Safe Third Country concept - existing rules governing deportations and EU relationships with third countries.

Currently, the definition of a 'safe third country' in the Asylum Procedures Regulation (Migration and Asylum Pact 2024) includes a "connection criterion" in the definition of a safe third country - meaning there must be a connection between the subject of a deportation order and the country "on the basis of which it would be reasonable for him or her to go to that country". At the same time however, it does make it easier to designate third countries as 'safe', even when they do not respect the UN Refugee Convention.

The APR also contains provisions to review the safe third country concept yearly and make targeted amendments “where appropriate”. A separate review of the Safe Third Country concept is already underway, where the European Commission has proposed a loosening of the connection criterion, a broadening of the definition of safe third country to include anywhere a migrant may have transited through or any country with which the EU makes an arrangement with for outsourcing migration management. The review also allows for safe third countries to be defined under national law - in flagrant contradiction of the Deportation Regulations objective of a harmonised European approach to deportations. It also proposes the automatic suspensive effect of appeals on the deportation process - meaning deportees will have to undergo their appeal in the country they are immediately deported to, regardless of their safety. This wholly undermines the principle of non-refoulement.

The Deportation Regulation therefore bypasses the Safe Third Country review process, assuming confirmation of the review’s proposed changes to continue the erosion of the safe third country concept.

It expands this definition to include any country “with which there is an agreement or arrangement” (Art.4.3.g, Art.17) and can be chosen at the discretion of the authority issuing the deportation order (Art.7.4). It therefore prematurely amends the safe third country concept in the Asylum Procedures Regulation, which does not even come into force until 2026.

This is clearly an unnecessary and politically motivated manoeuvre designed to support and expand the EU’s deportation capabilities with no regard to the individual circumstances and protection needs of deportees. It undermines and contradicts international refugee law, as well as EU fundamental rights laws.

## **2. It expands the criminalisation of migration through racist policing responses**

The effect of widespread criminalisation of migrants creates a hostile environment - by default, it designates some in society as criminals that must be treated with suspicion and turns the rest into de facto immigration and law enforcement officers.

This proposal further contributes to the criminalisation of foreign nationals and expands racialised fear and suspicion to those perceived as such - anyone racialised, speaking a different language, or anyone that deviates from an imaginary ‘European’ appearance.



Article 6 of the Deportation Regulation imposes a duty on national governments to 'detect' third country nationals overstaying visas or permits. This essentially legitimises racial profiling in daily law enforcement practice, since race, ethnicity, religion, and language will be used as proxies to conclude someone's nationality or legal status. This puts a target on the back of all racialised people living or travelling through the EU who will be disproportionately chosen for 'checks' and 'screening'.

As well as within our communities, these 'checks' can be performed at the EU's internal borders - exposing 'free movement' and the Schengen area as privileges that racialised people are excluded from, rather than universal rights.

Policing and profiling will not stay limited to law enforcement or border guards. National-level initiatives that turn welfare service providers like doctors, social workers, and teachers into cops and border guards already exist, and Member States by requiring them to report anyone they suspect of being undocumented, they become executors of racial profiling and state-sanctioned discrimination themselves.

In the U.S., privately-owned tech platforms are encouraging border vigilantism by everyday citizens for monetary rewards - inviting everyone to start racially profiling and reporting their neighbours, and become bounty-hunters with impunity. It is a question of when, not if, these hate-fuelled McCarthyist initiatives take hold in Europe.

### **3. It prioritises the punishment of people on the move**

The core of the Deportation Regulation is to expand punitive responses to migration, rooted in a harmful and inaccurate notion that punishment, rather than protection, is the most effective form of migration management. One of the objectives of the European Commission's proposal is to "incentivise cooperation" by third country nationals through extensive 'obligations, incentives... and consequences for non-cooperation.' Far from a carrot-and-stick approach, this is forced compliance under threat of punishment.

If people 'refuse to cooperate' during the deportation procedure, they will be punished with deportation (Art.12.1.a), reduced benefits, fines, seizure of travel documents, refusals or withdrawals of work permits, and extended entry bans (Art.22).

Requirements under the obligation to cooperate (Art.21) are extensive and invasive, including mandatory surrender of personal and sensitive biometric data, and arbitrary searches of their person or belongings.



Non-compliance with either of these, regardless of whether they infringe on the fundamental rights of the person, will therefore result in harsher punishments.

Once undergoing the deportation procedure, third country nationals will be forced to remain within a specific “geographical area” (Arts.23 and 31), further restricting their freedom of movement despite also having to comply with regular reporting obligations, and likely enforced with invasive surveillance tools and practices.

Third country nationals who have overstayed visas or residence permits but are already leaving EU territory may also be issued with entry bans. This will be allowed if the third country national is detected through border checks carried out at exit and despite the absence or necessity of a deportation order (Art.10.4).

### **Longer detention times, expanded grounds for detention**

The proposed regulation not only foresees a major lengthening of maximum detention periods from 18 to 24 months (Art. 32); but also extends the list of reasons why someone can be detained (Art.29). These range from vague ‘security risks’, flight risks, and ‘noncompliance’ as well as detention to “determine or verify” someone’s identity or nationality - an extremely broad set of grounds that facilitate the imprisonment of third country nationals. Not having a fixed address is enough to be judged as a flight risk and therefore can justify detention (Art.30).

Detention orders can only be legally challenged in the 15 days following the beginning of detention (Art.33) - meaning individuals will still have to enter prison facilities and fight the order while incarcerated. Article 34 on detention conditions provides that detainees will be allowed to contact legal representatives “in due time” - visits that may also be subject to further authorisation - leaving little room for detainees and their lawyers to issue a challenge.

Such tight deadlines on top of the difficulty to access legal assistance from inside prison make successful challenges to detention near impossible.

### **No exemptions for children**

Under Article 35, unaccompanied minors and families with children are expressly not protected from detention.

No amount of provisions for ‘leisure time’, ‘access to open-air space’ or educational services (Art.34) will make up for the fact that the EU is endorsing child imprisonment.

Children will also be defined by flawed age assessments (Art.19) that often do not account for racial, ethnic or cultural differences, resulting in the adultification of racialised minors and infringing on their rights as children.

### **Vague and arbitrary definitions of security threats**

Security risk flags (Art.16.1) can get third country nationals immediately deported, detained in prisons, in isolation, and for over the maximum detention time (Art.16.3) previously defined in Article 32.3. However, these designations are too broad, opening the door for misuse of the 'flag', and a likely significant reliance on automated decision-making and algorithms to determine security risks – technology that is often inaccurate and racially biased.

The final length of the detention period will be left to the discretion of a judicial authority and reviewed every three months - opening the possibility for indefinite detention and abuse by individual judges.

Finally, those flagged as a 'security risk' can be issued with an even longer entry ban with no appeals process after the deportation order has been issued (Art.16.4).

The number of unlawful deportations is likely to increase, with devastating consequences for migrants.

### **Imprisoned in the open-air**

The proposal also allows for so-called alternatives to detention (Art.31) including electronic monitoring and GPS tagging, which have been widely criticised by human rights experts as invading personal privacy and restricting freedom of movement.

Wrongfully depicted as more 'humane' forms of detention, these alternatives stigmatise, control and surveil third country nationals while extending maximum detention times previously in Article 32.

The extent of the so-called detention alternatives are designed to be as difficult to follow as possible - in-person reporting every three days, the seizure of ID or travel documents, and even a financial deposit - these measures set people up to fail and suffer in myriad ways.



#### 4. It erodes international refugee and human rights law

The design of the Deportation Regulation absolves states from their responsibility to protect vulnerable migrants, refugees and asylum seekers while placing a heavy burden on those they target to defend their rights, dignity and freedom.

Free or subsidised legal assistance and representation can be monetarily restricted or time-limited (Art.25). People subject to a deportation procedure may also be forced to pay back the state for their legal costs if their financial situation improves at all during the procedure - in essence a fine for working successfully or receiving financial assistance from friends and family.

The proposal also effectively ends the potential for a truly fair appeals process after forced returns. Third country nationals will have only two weeks to lodge an appeal following a deportation order or entry ban (Art.27). Judicial authorities will also have the discretion to disregard admissible legal documents for the appeal if they are submitted late.

With such a short period to lodge an appeal, gather evidence, and translate documents, third country nationals will essentially be subject to a time-limited and humiliating appeal instead of the fair and due process they are entitled to.

At the same time, the automatic suspensive effect of appeals on deportation orders is effectively removed (Art.28), building on the existing restrictions introduced by the Migration and Asylum Pact (Asylum Procedures Regulation). Once a deportation order is issued, the subject will be immediately taken from EU territory and forced to undergo the entire appeals process from a third country, making an already painstaking legal process more difficult. This goes against the [precedent set by the CJEU](#), and further infringes on people's right to fair process.

#### 5. It expands the digital surveillance state and violates data protection standards

The Deportation Regulation aims to increase the forced collection and exchange of sensitive personal data from third-country nationals. This forms part of a harmful trajectory of expanding [the EU's digital surveillance border infrastructure](#), building upon the Migration and Asylum Pact (Screening Regulation, Eurodac Regulation).

In order to operationalise the provisions in the draft law, sensitive personal information and deportation orders will be freely exchanged among Member States.

The proposal mandates the creation of a 'European Return Order' database for Member States to input deportation decisions they have issued against third-country nationals (Arts.7-9). Member States must recognise and enforce deportation orders for individuals on their national territory issued by another Member State (mutual recognition of return orders, Art.9). This database - containing people's sensitive personal data - will be hosted on the Schengen Information System, accessible to law enforcement agencies across the EU with well documented [breaches](#) in its data security.

Under Article 38 of the Deportation Regulation, data collected from third country nationals shall include personal identity details, family details, biometric data (fingerprints and facial imagery), regardless of whether the person in question is considered 'dangerous' or a 'threat', whether they were detained, their criminal records, and health and medical needs.

The collection of this data necessarily requires violent, forceful, and invasive methods, a process that is inherently subject to abuse by law enforcement and border guards. Furthermore, the systems in question often lead to inaccurate results - facial images in particular run the risk of bias and cases of mistaken identity. Facial recognition technology is infamously flawed, especially for the features of racialised individuals.

The vast extent of the data collected cannot be understated. Member States will collect data on third country nationals subject to deportation orders, detention or alternative detention. This will then be sent to the Commission and disaggregated by age, sex and citizenship. Member States will communicate data to Frontex monthly on the number of readmission applications, requests for confirmation of identity/nationality, and requests for travel documents they have received, as well as the number of beneficiaries of reintegration assistance broken down by country (Art.48).

Mass-collected sensitive data will be shared with Frontex, a known human rights and data protection violator responsible for the deaths of thousands of migrants (Art.39). Since the 2021 Europol Regulation amendment, the EU's police agency may share migrants' sensitive personal data with third countries that do not match the EU's data protection standards.

Since the update to Eurodac, the EU's fingerprint database, in the 2024 Migration and Asylum Pact, the minimum age for mandatory fingerprint collection from third country nationals was lowered to six years old. Very young children's and minors' sensitive biometric and health data is also at risk.



Following the introduction of 'security risk flags' in the 2024 Screening Regulation, the Deportation Regulation further employs vague and arbitrary security risk designations as legal grounds to enforce deportations (Art.16) and as part of the information collected on third country nationals (Art.38) and shared with Frontex and third countries (Arts. 39 and 40).

Security flags are often based on little evidence and fuelled by biased algorithmic decision-making, increasing the risk of large-scale wrongful deportations and discrimination against those flagged.

## **6. It encourages offshore deportation prisons and outsources migration management**

The Deportation Regulation paves the way for EU governments to build offshore deportation prisons - innocuously termed 'return hubs' - that have already been ruled illegal by the [ECJ](#) and [national](#) courts.

It changes the previously agreed definition of a 'safe third country' to include "a third country with which there is an agreement or arrangement" (Art. 4), i.e. any non-EU country that the EU makes a deal with. The conditions for deportations under this arrangement are outlined in Article 17.

Based on the EU's history of ad hoc migration agreements with third countries like Tunisia, Turkey, Lebanon, and Albania, such deals will result in EU-funded deportation prisons to house migrants who otherwise have no connection to the country they are detained in or have been deported to. This constitutes a complete outsourcing of the EU's responsibilities towards migrants under international refugee law.

Deportation prisons are also likely to follow the existing EU model of "Closed and Controlled Access Centres", surveillance-tech managed facilities that rely on phone surveillance, motion-sensors, cameras and fingerprint-access - further expanding the digital surveillance infrastructure that controls and subjugates migrants (see above). In addition to violating data protection rights of migrants, such centres invite private companies into the management of public facilities through contracts for surveillance technology, drastically undermining democratic accountability and oversight of the governance of such centres.

These deportation prisons rely on changes to the EU's definition of what constitutes a safe third (non-EU) country to which someone can be deported - a definition deriving from EU asylum law that does not exist under international refugee law.

## 7. It misuses public funds for punishment rather than care and protection

The extent of coordination work between the EU and Member States' national authorities will require inordinate amounts of resources, financial and human.

An expanded role for Frontex means more money and labour for an EU agency that openly engages in [illegal pushbacks](#) and has been accused of [crimes against humanity](#). The maintenance required to run a dedicated database (Arts. 7-9) for huge amounts of sensitive information (Arts. 38-41) at risk of abuse and exploitation, as well as an uptick in national police force activity, the funding of detention prisons and mass deportations - all high costs for a deportation regime that will neither safeguard human rights nor address the root causes of irregular migration.

At EU level, budget negotiations will likely end up with a huge allocation of taxpayer money to Frontex, Europol, and in support of national law enforcement authorities, on top of an already heavily defence-oriented economy. This clearly means yet another large-scale reduction of public funds for social needs, civic programmes, climate and environmental initiatives. At national level, Member States will be encouraged to increase spending on police and border patrol budgets in order to fulfil their duty to detect third-country nationals (Art. 6) and comply more broadly with the Deportation Regulation.

Once again, EU policy invests in [security, tech and arms corporations](#) in order to expand Fortress Europe, to the benefit of private interests and to the detriment of all of society.

Instead, the vast amount of funds allocated to surveillance tech, building offshore detention prisons, deportations and the militarisation of law enforcement authorities and borders should be redirected into re-opening and improving regular pathways, alternative routes like family reunification, investment in reception centres, welfare services, as well as economic and environmental well-being for all.



# The Impact of the Deportation Regulation

Reason for rejection	Impact and consequences
<b>The Regulation allows people to be deported to countries to which they have no personal connection</b>	<ul style="list-style-type: none"> <li>• People are deported without their consent to random third countries where they have no family, no relationships of care, and no residential history</li> <li>• Erosion of the 'safe third country' concept undermines the international legal principle of non-refoulement</li> </ul>
<b>The Regulation expands the criminalisation of migration through policing responses</b>	<ul style="list-style-type: none"> <li>• More surveillance and racial profiling of migrants and racialised people who are already over-policed</li> <li>• Race and ethnicity will be used as proxies for nationality or legal status by the state, media, or general public</li> <li>• Welfare service providers like doctors or social workers may be forced to report people to law enforcement authorities, essentially turning them into an extension of national police forces</li> <li>• The overall result will be increased racialised suspicion and discrimination against refugees, asylum seekers, migrants, and racialised people</li> </ul>
<b>The Regulation centres the punishment of people on the move</b>	<ul style="list-style-type: none"> <li>• Mass detention and deportations, based on arbitrary and expansive indicators</li> <li>• Entry bans, fines, and denial of benefits for those deemed 'uncooperative'</li> <li>• An increase in violent and deadly deportation procedures, and harmful detention conditions</li> </ul>
<b>The Regulation erodes international refugee and human rights law standards</b>	<ul style="list-style-type: none"> <li>• Reduced access to legal and financial assistance when undergoing a deportation procedure</li> <li>• A degraded and costly appeals process for deportees, leaving them in legal limbo</li> <li>• EU and Member States abdicate from their responsibility towards migrants, refugees and asylum seekers</li> </ul>

**The Regulation violates data protection standards and expands the digital surveillance state**

- Mass indiscriminate biometric data collection (fingerprints, facial imagery, iris scanning, etc)
- Mass personal data collection including health, family, and criminal record data
- A new shared deportation database hosted on EU IT systems known for data security breaches
- Arbitrary 'security risk' flagging based on biased algorithms
- Migrants' sensitive personal information shared with Frontex and third countries

**The Regulation externalises migration management and encourages offshore deportation prisons**

- Opens the door for more failed and illegal offshore deportation deals like the failed Italy-Albania project
- Degrades the definition of a 'safe third country' allowing undocumented people to be deported to where they are likely to experience persecution or violence

**The Regulation misuses public funds**

- More money and resources for the criminalisation of human beings
- More money for the militarisation of external borders, EU police agencies, Frontex, national law enforcement and border authorities
- Less money for social needs - care, protection and safety for all
- Invests in and benefits private tech, arms, and security corporations

The Deportation Regulation is a clear manifestation of EU migration policy as a purely political project. It is designed to benefit private interests and those in power, by inflicting harm and violence against migrants, using them as scapegoats to quell domestic dissatisfaction while refusing to invest in social, economic and environmental policies that would improve living conditions for everyone in the EU.

It prioritises criminalisation and surveillance, violent and costly deportation procedures, building unlawful offshore deportation prisons, and adding on to the migration policy infrastructure laid down in recent years that has continually undermined international and EU fundamental rights laws and values.

It's the latest in a series of harmful legislative initiatives presented by the European Commission without an impact assessment and in violation of the Better Regulation Guidelines.

**We call on EU legislators to reject the unlawful and unethical Deportation Regulation.**





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