

Ensuring safe and dignified return of rejected asylum seekers

Five recommendations to the new European Commission and European Parliament

The current [Return Directive](#) regulates standards and procedures for returning third country nationals without legal stay to their country of origin. The Return Directive applies to all EU Member States except Ireland, as well as the Schengen associated countries.

The question of how to increase returns of third country nationals without legal stay in the EU is a continuing topic among EU legislators. European politicians find that current [return rates are inefficient with only a third of people without legal stay effectively returned](#). Furthermore, the European Council has ongoing discussion on [“innovative solutions to address the challenge of irregular migration”](#), including increased cooperation with third countries and the concept of return hubs.

Following the agreement on the EU Pact on migration and asylum, covering the reform of the Common European Asylum System, the new European Commission will prioritize a reform of the Return Directive, and a proposal is expected in the beginning of 2025.

A reform of the Return Directive should be based on best practices to ensure that the procedure for returning rejected asylum seekers is safe and dignified, and in accordance with the rule of law. Knowledge from civil society should be included in the European Commission’s impact assessment as preparation for a proposal to reform the Return Directive and ensure that rights of rejected asylum seekers are safeguarded.

The Danish Refugee Council (DRC) has for many years been providing legal counselling to asylum seekers throughout the asylum procedure, in Denmark and other EU Member States. DRC also provides counselling on return and reintegration for rejected asylum seekers in Denmark.

On the basis of DRC’s experiences with counselling rejected asylum seekers, DRC published its [recommendations for a good and dignified return process](#) and [recommendations for the methodology to be used for return counselling](#). You can read more about DRC’s work with counselling on return and reintegration for rejected asylum seekers in Denmark: [Dignified return | DRC Danish Refugee Council](#)

Danish Refugee Council's **five recommendations** to ensure safe and dignified return procedures:

- 1. FAIR AND EFFICIENT ASYLUM PROCEDURE.** Access to a fair and efficient asylum procedure is a precondition for safe and dignified return. Applications for asylum must be processed in accordance with international refugee law and/or equivalent national legislation through transparent, effective, and fair procedures with safeguards and appeal options that protect the individual from arbitrary treatment and refoulement.
- 2. ACCEPTED RETURN.** Forced return undermines human dignity and should be avoided. Prevalence should be given to voluntary or rather accepted return. Efforts should focus on creating the widest possible opportunities for accepted or voluntary return, where rejected asylum seekers are given the time and conditions necessary to meaningfully prepare, build trust, and influence their return process. Many may have held onto to the hope of building a new life for a long time, making it a complex process to adjust and make informed decisions about their future. Threats of forced return and sanctions rarely provide clarity or lead to sustainable solutions. Instead, it often makes it harder to prepare meaningfully for the future. A dignified return process is more likely to improve the chances for sustainable reintegration.
- 3. IMPARTIAL COUNSELLING.** Rejected asylum seekers should have access to impartial, high-quality counselling on both the legal matters of their case and return. If rejected asylum seekers wish to explore pathways for legal stay, they should have access to independent legal counselling. Similarly, access to return counselling should be ensured. Return counselling is not just information-giving and guidance about the actual return procedure; it should create a confidential space for rejected asylum seekers where worries, questions, and strategies can be shared and discussed freely. It is best done in a safe atmosphere by non-governmental counsellors with excellent, empathetic communication skills. The goal of return counselling should be to empower individuals and support informed decision-making about their future.
- 4. DIGNIFIED STANDARDS OF LIVING.** The use of sanctions and detention to “motivate” return must be avoided, as it undermines human dignity and is ineffective as a motivational tool. Instead, rejected asylum seekers should be offered dignified and adequate living conditions to safeguard their mental and physical health. Additionally, they should receive adequate support to enhance empowerment and maintain their skills and sense of agency.
- 5. MEANINGFUL REINTEGRATION SUPPORT.** Access to meaningful and sufficient support to ensure sustainable reintegration should be a part of the return process. As a reintegration process begins prior to departure, it is important to have access to pre-departure counselling, receive guidance on reintegration activities, and have opportunities for skill development. Sustainable reintegration involves more than economic self-sufficiency; it is shaped by the returnees' experiences throughout the entire migration cycle and influenced by both individual, social, and contextual factors. Support should thus be holistic, tailored to individual needs, and addressing economic, social, and psychosocial elements.

Accepted return

Return is often described as either voluntary or forced, but in reality it usually falls in a grey area. For rejected asylum seekers, return is rarely voluntary but rather a result of limited options. Recognizing this, [DRC uses the term “accepted return”](#) to reflect the influence of legal orders and potential sanctions.



Founded in 1956, the Danish Refugee Council (DRC) is Denmark's largest international NGO, with a specific expertise in forced displacement. DRC is present in close to 40 countries and employs 7,500 staff globally.

DRC advocates for the rights of and solutions for displacement-affected communities and provides assistance during all stages of displacement: In acute crisis, in exile, when settling and integrating in a new place, or upon return. DRC supports displaced persons in becoming self-reliant and included into hosting societies. DRC works with civil society and responsible authorities to promote protection of rights and inclusion.

Our 6,200 volunteers in Denmark make an invaluable difference in integration activities throughout the country.

DRC's code of conduct sits at the core of our organizational mission, and DRC aims at the highest ethical and professional standards. DRC has been certified as meeting the highest quality standards according to the Core Humanitarian Standard on Quality and Accountability.

To read more about what we do, see: www.drc.ngo