



HELLENIC PARLIAMENT

COURTESY TRANSLATION

OPINION

on the proposal for a Regulation of the European Parliament and of the Council, (COM (2025) 101 final, of the 11th March 2025) on establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and of the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC

(article 41B of the Standing Orders of the Parliament, principles of subsidiarity and proportionality)

The members of the Special Standing Committee on European Affairs and the Standing Committee on Public Administration, Public Order and Justice, following a joint meeting (15.05.2025)

Having regard to:

-Article 79 paragraph 2 point (c) of the Treaty on the Functioning of the European Union

- The new Pact on Migration and Asylum, and in particular the Regulations (EU) of the European Parliament and of the Council, of May the 14th 2024, a) 2024/1347, “on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection

granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council”, b) 2024/1348, "establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU", c) 2024/1349 “establishing a return border procedure, and amending Regulation (EU) 2021/1148” d) 2024/1350 “establishing a Union Resettlement and Humanitarian Admission Framework, and amending Regulation (EU) 2021/1147” e) 2024/1351 “on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013” f) 2024/1352, "amending Regulations (EU) 2019/816 and (EU) 2019/818 for the purpose of introducing the screening of third-country nationals at the external borders", g) 2024/1356, "introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817", h) 2024/1358 “on the establishment of ‘Eurodac’ for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council” i) 2024/1359, "addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147", as well as j) Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024, "laying down standards for the reception of applicants for international protection",

-the proposal for a Regulation of the European Parliament and of the Council COM(2025) 259 final, of 20 May 2025, "amending Regulation

(EU) 2024/1348, as regards the application of the "safe third country concept",

- The European Council conclusions of the 9th February 2023 (EUCO 1/23) and the 17th October 2024 (EUCO 25/24),
- The 26010/14-05.2025-opinion document of the Independent Department of European and International Relations of the Ministry of Justice,
- The 4866/6/73/23-05-2025-opinion document of the Legal & Parliamentary Affairs Office of the Coordination Service of the Ministry of Citizen Protection,
- The position paper dated 94859/26-05-2025 of the Office of Legal & Parliamentary Affairs of the Coordination Service of the Ministry of Immigration & Asylum.

Adopt by large majority the following opinion:

Considering :

- That the credibility of the Union's policy on Asylum and Migration is inextricably linked to a unified framework for the swift and effective regulation of the return and readmission of third-country nationals who are residing illegally within the territory of the EU, and that their stay without legal authorization, invalidates the current system, both at the Union and international level, undermines legal migration, encourages illegal migration, and exposes those residing illegally to precarious living conditions and criminal networks.
- That the current heterogeneous framework of different national return systems allows for the circumvention of the relevant rules through the movement of third-country nationals, who have no right

to remain, from one Member State to another, and the consequent restarting of national asylum procedures.

- That the coherent approach to the migration phenomenon must concern a common, EU, return mechanism, in the spirit of the new Pact on Migration and Asylum, as well as the principle of solidarity and fair sharing of responsibilities among Member States.
- That the implementation of a unified return system, as well as the preservation of the Union's area of free movement without internal borders, requires ensuring the cooperation of third-country nationals with the competent authorities, through a combination of obligations, incentives, and consequences in cases of refusal to participate in the return process.
- That the return of individuals residing illegally is directly linked to their readmission to their countries of origin or to a third country—e.g., one through which they transited on their way to the European Union—on the basis of relevant agreements between the European Union and safe third countries, which uphold international human rights standards and the principles of international law, including the principle of non-refoulement.
- That an effective return system, should combined with legislation for legal migration, sends a strong message to migrant traffickers.
- That the European Union should provide adequate financial and operational support, in the implementation of the return system by the Member States, through, for example, the Asylum, Migration and Integration Fund, as well as the European Border and Coast Guard Agency (FRONTEX), respectively.

Deem that:

- The proposed "European Return Order" as a mandatory recognition by the Member State where a third-country national residing illegally is located, of a return decision issued by the competent authority of another Member State, enhances the effectiveness of the policy on asylum, migration, and the overall management of the European Union's external borders, as well as the Area of Freedom, Security and Justice, and is in line with the principle of subsidiarity.
- The enforcement of national return decisions requires the cooperation of third countries, particularly through relevant, mutually beneficial agreements between the European Union and its Member States with safe third countries, which include close cooperation on return, readmission, and reintegration, within the framework of Union and national diplomacy and negotiating leverage, and that such partnerships - central to the new Pact on Migration and Asylum - may also include the establishment of "return hubs" outside the European Union, but under no circumstances do they concern unaccompanied minors or families with minors.
- The return of a third-country national residing illegally is subject to clear guarantees of respect for the fundamental rights of returnees, such as full information about the procedure and its legal consequences, judicial protection—both interim and final—the prohibition of refoulement, due care for vulnerable individuals such as the ill or the unaccompanied minors, and the safeguarding of the best interests of the child.
- The detention of a third-country national must be linked to a unified return procedure and imposed for specific reasons, such as obstruction of the procedure, risk of absconding, or threat to public

security. It must be limited to the absolutely necessary period of time, with provisions for alternative measures.

- The removal of a returnee who refuses to cooperate with the authorities in the context of voluntary return, or who poses a threat to public security, must be monitored by an independent national mechanism to ensure respect for the fundamental rights of the individual being removed.
- A functional return system for third-country nationals residing illegally in the EU must be complemented by additional legislative initiatives of the Union aimed at strengthening legal migration routes, in order to prevent illegal migration—which fosters undeclared work and unfair competition—and to enhance the attraction of third-country nationals with qualifications and skills needed by the Member States of the Union.

Address this opinion to the Presidents of the European Parliament, the Council, and the Commission.

Call on the Government to promote the above positions in the ongoing negotiations within the framework of the Council of the European Union.