CM2610

MEIJERS COMMITTEE COMMENT ON RETURN TO THIRD COUNTRIES WITH WHICH THERE IS AN AGREEMENT OR ARRANGEMENT ('RETURN HUBS')

NOVEMBER 2026

This Meijers Committee comment contains implementation recommendations for EU Member States regarding the establishment of 'return hubs', based on Article 14 Return Regulation. The Meijers Committee emphasises that Member States must ensure compliance with higher-ranking law (EU Charter and ECHR) when implementing the Return Regulation. Consequently, Member States must ensure that fundamental rights are effectively protected throughout the entire process of implementing 'return hubs'.

The Meijers Committee has identified several fundamental human rights concerns with the use of 'return hubs'. Therefore, the central recommendation is that Member States should refrain from establishing 'return hubs'.

If Member States do decide to pursue 'return hubs', the Meijers Committee recommends, among other things, that the 'return hubs' should be located in countries that provide a sufficient level of fundamental rights protection; that 'return hubs' are based on formal agreements; that persons are only removed to 'return hubs' after a thorough administrative and judicial process; and that the 'return hub' agreement contains guarantees relating to detention, the requirements for 'onward returns', and a fundamental rights monitoring mechanism.

Meijers Committee

Standing committee of experts on international immigration, refugee and criminal law

Commissie Meijers

Meijers Committee Comment on return to third countries with which there is an agreement or arrangement ('return hubs')

Executive Summary

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1. Introduction

On October 16th 2026, the new Return Regulation (Regulation (EU) 2026/2280) entered into force, replacing the Return Directive (Directive 2008/115/EC). Under the Return Regulation, Member States can deport persons to third countries with which they have no prior connection, on the basis of an agreement or arrangement with that country. This has been presented as a legal basis for the use of so-called 'return hubs'.[1] 'Return hubs' are facilities in third countries which accommodate persons who were removed from the EU until they can be returned to their country of origin. Unlike the majority of provisions, Articles 3(3)(g) and 14 of the Return Regulation are immediately applicable upon publication in the official journal of the European Union (16 October 2026).[2]

When implementing the Return Regulation, Member States must ensure compliance with higher-ranking law, in particular the fundamental rights guaranteed in the EU Charter of Fundamental Rights ('EU Charter'), the European Convention on Human Rights ('ECHR') and international human rights law, in addition to the safeguards contained in Article 14 Return Regulation.[3] In light of this, the Meijers Committee recommends that Member States refrain from establishing 'return hubs'.

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[1] Article 14 read in conjunction with Article 3(3)(g) Return Regulation. On the use of the term 'return hub': The term 'return hub' does not feature in the Regulation itself. It is also misleading, as the word 'return' ordinarily refers to 'an occasion when someone goes or comes back, or is sent back, *to a place where they were before*' (Cambridge Dictionary Online, emphasis added). 'Return hubs' do not require any previous residency, or any other connection of the person concerned, and should therefore be more accurately characterised as 'deportation hubs'. However, acknowledging the current prevalence of the term 'return hub' in European migration policy discourse it is also used here.

[2] Article 50(2) Return Regulation.

[3] In addition to the principle of *non-refoulement* (Article 19 EU Charter, Article 3 ECHR, Article 3 CAT, and Articles 6 and 7 ICCPR) explicitly mentioned in Article 14 Return Regulation, other relevant fundamental rights include, for example, the right to human dignity (Article 1 EU Charter), the right to integrity of a person (Article 3 EU Charter), the prohibition of ill-treatment (Article 4 EU Charter, Article 3 ECHR), the right to liberty (Article 6 EU Charter, Article 5 ECHR), the right to private and family life (Article 7 EU Charter, Article 8 ECHR), the right to education (Article 14 EU Charter), the best interests of the child (Article 24 EU Charter, Article 3 CRC), and the right to an effective remedy (Article 47 EU Charter, Article 13 ECHR).

According to Article 14(1) Return Regulation, the transfer to a 'return hub' requires an agreement or arrangement with that country. These agreements or arrangements "may only be concluded with a third country where international human rights standards and principles in accordance with international law, including the principle of non-refoulement, are respected."[4]

Any agreement or arrangement must include, at least, the procedure for the 'return' from the Member State to the third country, the conditions of stay in the third country, the obligation of the third country to comply with international human rights standards, and the consequences of violations of the agreement or significant changes.[5] In addition, Member States may choose to include the conditions for the onward return to the country of origin.[6] If they choose to include this, the agreement must also cover the consequences in case onward return is not possible, the respective obligations and responsibilities of both parties, the consequences of a significant change adversely affecting the situation in the host country, and an independent monitoring body.[7] Further, Member States may include the conditions for detention in the third country within the agreement or arrangement.[8]

Member States are expected to transfer people to 'return hubs' if a return to the country of origin is difficult or impossible. Consequently, affected persons may remain in indefinite legal limbo in a third country to which they have no prior connection whatsoever. 'Return hubs' could only be compatible with EU and international law if there are clear and robust safeguards in place.[9] It is very unlikely that Member States will find suitable partner countries that are both willing to host a 'return hub' and, at the same time, willing and able to ensure compliance with the required fundamental rights safeguards. Lastly, the externalisation of migration control, of which 'return hubs' are an excess example, undermines the EU's values, credibility, and its diplomatic standing in external relations.[10]

We acknowledge, however, that these fundamental concerns will not dissuade all Member States from pursuing 'return hubs'. Where Member States decide to do so, the Meijers Committee recommends that they:

1. only return individuals to 'return hubs' in their region of origin but, at the same time, ensure that the host country can guarantee the effectiveness of fundamental rights protection in practice;
2. establish 'return hubs' only on the basis of a formal agreement with clear pathways to challenge both the agreement itself, and measures based on it, in court;
3. only transfer persons to 'return hubs' if return to the country of origin is not possible, and, before enforcing the removal, carry out an up-to-date assessment of whether fundamental rights preclude the return;
4. guarantee an effective legal remedy against the removal to a 'return hub' with suspensive effect;
5. ensure that former asylum-seekers are only sent to 'return hubs' if their asylum claim has been assessed on its merits and rejected in last instance;
6. never send children to 'return hubs';
7. ensure that the agreement contains detailed safeguards regarding detention and legal remedies applicable in the 'return hub', and provides that the 'return hub' must not be a closed facility;
8. ensure that the agreement includes safeguards regarding detention conditions, access to lawyers, the right to see family members, the protection of minors and other vulnerable persons, and the provision

[4] Article 14(1) 2nd clause Return Regulation.
[5] Article 14(2) Return Regulation.
[6] Article 14(3) Return Regulation.
[7] Article 14(3) Return Regulation.
[8] Article 14(3) Return Regulation.
[9] See CM2505, p. 6. See also Statement by the Government of Spain regarding the Adoption of the Return Regulation (Council Doc 13179/26, pp. 2-3) and Statement by the Government of Portugal (Council Doc 13179/26, pp. 4).
[10] See e.g. blogpost by J. Kohlenberger, '*Migration Policy: European Union Increasingly Outsources Responsibility for Asylum*', and Statement by the Government of Spain regarding the Adoption of the Return Regulation (Council Doc 13179/26, pp. 2-3).

of healthcare, including mental healthcare;

9. ensure that 'return hubs' are not situated in remote, rural locations but close to urban areas that allow residents to access healthcare, legal support, and other basic needs;
10. include the requirements for the onward return, in particular the principle of *non-refoulement*, within the scope of the agreement;
11. include a 're-entry' clause in the agreement, ensuring that individuals who cannot be removed from the hub to their country of origin are immediately released from detention and readmitted to the EU;
12. include an independent monitoring body or mechanism in the agreement to monitor the compliance with fundamental rights in practice;
13. ensure full and timely transparency regarding the coming about of the agreement, the terms of the agreement, as well as its implementation in practice.

2. Geographic Location of 'Return Hubs'

When considering establishing 'return hubs', Member States must first decide where to locate them. The Return Regulation imposes no geographic restrictions. Generally speaking, Member States have two choices: either set up 'return hubs' in a country geographically close to the EU (as Italy did with its facilities in Albania) or in a country in, or close to, the region of origin of migrants. Both alternatives pose considerable problems.

Choosing a country close to the EU makes it more feasible - even if still difficult - to ensure the various guarantees under the EU Charter and the Return Regulation in practice,[11] especially if the country in question is also a state party to the ECHR.[12] However, it also means that persons may be removed to a third country that they have no connection to whatsoever and where they have to remain in permanent, if not indefinite, legal limbo.

It could thus be a less intrusive measure under the principle of proportionality to transfer persons to 'return hubs' in their region of origin rather than anywhere else in the world.[13] Locating 'return hubs' in the region of the country of origin, especially if there is visa-free travel or other forms of freedom of movement, is more likely to facilitate effective returns.[14] This, however, poses two problems: first, countries in regions of origin would not be parties to the ECHR. Second, it could be problematic for members of minorities who are subject to persecution or discrimination in an entire region.

Therefore, Member States should return individuals only to 'return hubs' in their region of origin. At the same time, they must ensure the host country can guarantee the effective protection of fundamental rights in practice. If no suitable partner country can be found, Member States should refrain from establishing 'return hubs'.

3. Formal Agreements over Informal Arrangements

Having the choice between (formally binding) agreements and (informal) arrangements, Member States should opt for the former.[15] As the 'EU-Turkey Statement' has shown, informal statements are very difficult to challenge in court and therefore raise a variety of fundamental rights concerns.[16] These concerns are exacerbated if 'return

[11] See Section 5.
[12] In that sense Opinion AG Emiliou, 23 April 2026, *Sedrata*, C-414/25, para. 68.
[13] See blogpost by J. Bornemann & I. Brockmann, '*Return hubs – innovative lawmaking or a dangerous legal experiment?*'.
[14] United Nations High Commissioner for Refugees ('UNHCR'), The Need for Effective Returns Systems and the Potential Role of Return Hubs, p. 4.
[15] EU Fundamental Rights Agency ('FRA'), Planned 'return hubs' in third countries: EU fundamental rights law issues, paras. 52-70.
[16] On the difficulty to challenge such agreements in court see S. Carrera, L. den Hertog & M. Stefan, The Luxembourg Court Orders on the EU-Turkey Refugee Deal; on the impact of the EU-Turkey Statement on the rights of asylum-seekers see Amnesty International, A Blueprint for Despair: Human Rights Impact of the EU-Turkey Deal.

hubs' are located in countries with greater geographical distance from and weaker institutional ties to the Union.[17] The severely limited access to domestic courts, the Court of Justice of the European Union ('CJEU'), and the ECtHR, risks rendering existing fundamental rights guarantees ineffective in practice. This is even more so, where information concerning the agreement is not made fully publicly available in a timely manner. The decision to conclude an agreement to host a 'return hub' should be based on an up-to-date assessment of the fundamental rights situation in the hosting country, which must be made available to anyone challenging their removal to a 'return hub'.[18]

Therefore, Member States should implement 'return hubs' only through a formal agreement with clear pathways to challenge both the agreement itself, and measures based on it, in court and ensure full and timely transparency of the agreement.

4. Removal to the 'Return Hub'

To ensure effective and sustainable returns, third-country nationals should primarily be returned to their country of origin.[19] Only where such return is impossible, Member States may deport persons to 'return hubs'. In this case, the decision to remove a person to a 'return hub' must comply with all the material and procedural safeguards for return decisions contained in the Return Regulation.[20] This includes the assessment of whether the principle of *non-refoulement*, the right to private and family life,[21] or the best interests of the child[22] preclude a removal, as well as the right to challenge the return decision in court.[23] According to CJEU case law, the right to an effective remedy requires that national courts consider all relevant matters of fact and law, and can under no circumstances be confined only to matters adduced by the administrative authority.[24] This includes a current assessment of the fundamental rights situation in the 'return hub' country. The appeal against the removal to a 'return hub' must also have suspensive effect.[25]

Member States should only transfer persons to 'return hubs' if return to the country of origin is not possible. Before enforcing the removal, Member States must carry out an up-to-date assessment of whether fundamental rights preclude the return. There must be an effective legal remedy against the removal with suspensive effect.

Where former asylum-seekers are concerned, Member States should only transfer those to 'return hubs' whose asylum claim was assessed on its merits and finally rejected (that is after an appeal, or if the applicant chose not to file an appeal).[26] The Member States must not transfer asylum-seekers whose claim was rejected as inadmissible without an assessment on the merits (e.g. on the basis of the 'safe third country' rule).[27]

When former asylum-seekers are concerned, Member States may only send them to 'return hubs' if their claim has been assessed on its merits and finally rejected.

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[17] See Section 2.
[18] See report by M. Mouzourakis, prepared for Pro Asyl and Refugee Support Aegean, p. 22 suggesting to apply the standards that the CJEU developed for Safe Third Countries under the Asylum Procedures Directive in CJEU, 1 August 2025, *Alace and Canpelli*, Joined Cases C-758/24 and C-759/24, paras. 85-88 to 'return hubs' as well.
[19] UNHCR, The Need for Effective Returns Systems and the Potential Role of Return Hubs, p. 3.
[20] FRA, Planned return hubs in third countries: EU fundamental rights law issues, paras 34-51.
[21] See e.g. ECtHR, Butt v. Norway (App no 47017/09) 4 December 2012.
[22] See e.g. CJEU, 4 September 2025, Adrar, C-313/15 PPU.
[23] Articles 4, 10(7), 15, 26-28 Return Regulation.
[24] See on the issue of pre-removal detention: CJEU, 5 June 2014, *Mahdi*, C-146/14 PPU, para. 62; CJEU, 10 March 2022, *Landkreis Gifhorn*, C-519/20 PPU, para. 65; CJEU, 8 November 2022, *Staatssecretaris van Justitie en Veiligheid*, Joined Cases C-704/20 and C-39/21, para. 87; CJEU, 4 September 2025, *Adrar*, Case C-313/25 PPU, para. 71. See also regarding the review of rejected asylum applications under Article 46(3) Asylum Procedures Directive: CJEU, 1 August 2025, *Alace and Canpelli*, Joined Cases C-758/24 and C-759/24, paras. 81-85 and the case law cited there.
[25] See blogpost by J. Bornemann & I. Brockmann, '*Return hubs – innovative lawmaking or a dangerous legal experiment?*'.
[26] UNHCR, The Need for Effective Returns Systems and the Potential Role of Return Hubs, p. 3.
[27] UNHCR, The Need for Effective Returns Systems and the Potential Role of Return Hubs, p. 3.

Additionally, Member States must consider the best interests of the child.[28] The Return Regulation explicitly prohibits the removal of unaccompanied minors to 'return hubs'.[29] However, the removal of accompanied minors to 'return hubs', where they are expected to have little or no access to education and may be detained for a prolonged period, is not in the best interests of the child either.[30] The situation in 'return hubs' may result in prolonged or even indefinite legal uncertainty. While already harmful for adults, the consequences for, among other things, the education, mental health and development of minors are unacceptable according to the Meijers Committee.[31] Further, there is an emerging international consensus that the detention[32] of minors in relation to their (or their parents') immigration status can never be in their best interests.[33]

Children must never be sent to 'return hubs'.

5. Treatment in the 'Return Hub'

Member States and/or Frontex remain accountable for human rights violations during the entire stay in the hubs, not just during returns.[34] It is yet unclear how 'return hubs' will operate in practice since the Regulation does not specify how and where persons will be accommodated after being transferred to the 'return hub'. Two models seem possible: decentralised accommodation with freedom of movement in the host country,[35] or centralised accommodation in closed or semi-closed facilities.[36] Reporting on the ongoing negotiations about the

establishment of a 'return hub' points towards the latter approach.[37] Such facilities may look similar to the Italian facilities currently operating in Albania under the Italy-Albania Protocol.[38] Therefore, issues may arise concerning,

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[28] Article 24(2) EU Charter. See also FRA, Planned return hubs in third countries: EU fundamental rights law issues, para. 46.
[29] Article 14(5) Return Regulation.
[30] See Statement by the Government of Spain regarding the Adoption of the Return Regulation (Council Doc 13179/26, p. 2) and Statement by the Government of Portugal (Council Doc 13179/26, pp. 4).
[31] See CJEU, 14 January 2021, Staatssecretaris van Justitie en Veiligheid (Return of an unaccompanied minor), C-441/19, para. 53. The Court held (regarding the suspended removal of an unaccompanied minor that "[t]he unaccompanied minor in question would thus be placed in a situation of great uncertainty as to his or her legal status and his or her future, in particular as regards his or her schooling, his or her link with a foster family or the possibility of remaining in the Member State concerned." This was considered contrary to the best interests of the child (para. 54). See also Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families ('CMW') and Committee on the Rights of the Child ('CRC'), Joint general comment No. 4 (2017)/No. 23 (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, paras 54-58 (right to health) and paras 59-63 (right to education).
[32] See also Section 5.
[33] UNHCR, Observations on the European Commission's Proposal for a Return Regulation – COM/2025/101, p. 5; Office of the United Nations High Commissioner for Human Rights ('OHCHR'), UN Special Rapporteur on the human rights of migrants concludes his follow up country visit to Greece; Special Rapporteur on Torture, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, para. 80; Parliamentary Assembly Council of Europe, Detention of asylum seekers and irregular migrants in Europe, para. 9.1.9; CMW and CRC, Joint general comment No. 4 (2017)/No. 23 (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, para. 5. See also CRC, *E.H. et al v. Belgium*, CRC/C/89/D/55/2018, and *K.K. and R.H. v. Belgium*, CRC/C/89/D/73/2019.
[34] FRA, Planned return hubs in third countries: EU fundamental rights law issues, paras 71-78. See also the Communications by the Human Rights Committee ('HRC') and the Committee against Torture ('CAT') on Australian jurisdiction over the Regional Processing Centres in Nauru and Papua New Guinea: HRC, *Nabhari v. Australia*, CCPR/C/142/D/3663/2019, paras 7.5-7.15 and *M.I. et al. v. Australia*, CCPR/C/142/D/2749/2016, paras 9.5-9.9; CAT, *A.A. v. Australia*, CAT/C/AUS/CO/4-5, paras 7.2-7.8.
[35] See blogpost by D. Thym, '*Myths & Realities about Return Hubs under the Return Regulation*'.
[36] See blogpost by J. Bornemann & I. Brockmann, '*Return hubs – innovative lawmaking or a dangerous legal experiment?*'; and blogpost by R. Kummer, '*Being Rejected is not a Crime. Detention in the EU Return Regulation*'.
[37] N. Mellersh, Rwanda: Kigali emerges as site for Europe's first migrant 'return hub'.
[38] The Italian centres are not 'return hubs' in the strict sense, since they were introduced before the Return Regulation. However, since they serve as extra-territorial detention facilities during the removal process, they pose similar fundamental rights challenges as 'return hubs'.

among other things, the right to liberty, access to effective remedies, the right to health and the protection of vulnerable applicants.[39]

The right to liberty imposes strict safeguards for the detention of migrants.[40] Article 5 ECHR and Article 6 EU Charter require national authorities to always consider whether removal is a reasonable prospect and assess whether detention for the purpose of removal is or continues to be justified.[41] Under Article 5(1)(f) ECHR, detention must be carried out in good faith to not be considered arbitrary. This means that it must be closely connected to the ground of detention relied on by the authorities; the place and conditions of detention should be appropriate; and the length of the detention should not exceed that reasonably required for the purpose pursued.[42] Article 52(1) of the EU Charter further requires that any limitation to the right to liberty is necessary and proportionate. The CJEU has ruled that detention may only be imposed if alternatives to detention are not effective.[43] Consequently, authorities may detain individuals only after a careful individual assessment, and as a measure of last resort.

If 'return hubs' are constructed as closed facilities akin to the Italian centres in Albania, every person transferred there would be subject to automatic detention without due consideration for the principles of necessity and proportionality. Additionally, persons who cannot be returned to their country of origin may be detained there for a prolonged period of time or even indefinitely.

Therefore, the formal agreement between the Member State and the 'return hub' country should include detailed safeguards regarding detention and legal remedies applicable in the 'return hub'. The agreement should further clarify that the 'return hub' must not be a closed facility.

In their respective Opinions in *Sedrata*[44] and *Comeri and Sidilli*[45], Advocates General Emiliou and Medina argued that extraterritorial detention was not categorically prohibited under the Return Directive and the Asylum Procedures Directive, as long as Member States could guarantee that (i) the detained person had effective legal representation, including the possibility to have confidential discussions with their lawyer, (ii) the specific protections afforded to minors and other vulnerable persons were observed in practice, (iii) the right to health care was effectively ensured, (iv) the detained person could be visited by their family members, and (v) they were 'immediately' released when the detention order was invalidated. Since the Return Regulation contains many of the same guarantees - and they derive from rights guaranteed in the Charter - Member States must ensure their practical effectiveness in 'return hubs' as well.[46]

Additionally, there is a risk that persons sent to 'return hubs' are subject to detention conditions that are not in line with international human rights standards, since there is no *ex ante* fundamental rights assessment before negotiating a deal on a 'return hub'.[47] Reports have shown how third countries with which the EU and Member States have cooperated on migration control have committed human rights violations in migration management operations.[48]

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[39] While our comment focuses on 'return hubs' as closed or semi-closed facilities it should not be misunderstood as an endorsement of 'return hubs' with decentralised accommodation. The problems addressed in other Sections of our comment apply to both models equally.
[40] See also CM2501.
[41] ECtHR, *Al Husin v. Bosnia and Herzegovina (no. 2)* (App no. 10112/16) 25 june 2019, para. 98.
[42] ECtHR, *A. and Others v. the United Kingdom* (App no. 3455/05) 19 February 2009, para. 164.
[43] CJEU, 28 April 2011, *El Dridi*, C-61/11 PPU, para. 29-62; CJEU, 28 March 2014, *Mahdi*, C-146/14 PPU, para. 61.
[44] Opinion AG Emiliou, 23 April 2026, *Sedrata*, C-414/25.
[45] Opinion AG Medina, 11 June 2026, *Comeri and Sidilli*, Joined Cases C-706/25 and C-707/25.
[46] See blogpost by R. Kummer, '*Being Rejected is not a Crime. Detention in the EU Return Regulation*'.
[47] See CM2505, p. 1.
[48] See blogpost by I. Majcher, '*The Council of the EU's Position on the Return Proposal: Trump-Inspired Approaches Dominate*'; Commissioner for Human Rights, Observations on the new EU returns framework, pp. 2-3.

The agreement establishing a 'return hub' should also include safeguards regarding detention conditions, access to lawyers, the right to see family members, the protection of minors and other vulnerable persons, and the provision of health care to ensure that the detention is in line with EU law and international human rights standards.[49]

If 'return hubs' are designed as open or semi-open facilities, they must be situated in a location that actually enables the residents to leave during the day and to fulfil their basic needs in the surrounding area.[50]

Therefore, 'return hubs' should not be situated in remote, rural locations but close to urban areas that allow residents to access health care, legal support, and other basic needs.

6. (Impossible) Onward Returns

Before the onward return from the 'return hub' to the country of origin, there must be a final assessment of the principle of *non-refoulement* which applies to the Member State under EU law and to both the Member State and the country hosting the 'return hub' under (customary) international law.[51] For the EU Member State, this includes the risk of onward or 'chain *refoulement*' by the 'return hub' state. The obligation of the 'return hub' state to ensure an equal level of fundamental rights protection should be emphasised in the agreement.[52]

Therefore, Member States should include the requirements for the onward return, in particular the principle of *non-refoulement*, within the scope of the agreement.

If return to the country of origin is impossible, persons will remain in legal limbo in the 'return hub'. To avoid this, the person concerned should be treated according to the same standards as a third-country national on EU territory whose return is not possible. That means, at the very least, suspending the removal (better: granting a humanitarian residence permit) and immediately releasing them from detention. The agreement should also specify that the Member State is obliged to re-admit the third-country national if onward return proves impossible.

Member States should include a 're-entry' clause in any agreement with third countries, ensuring that individuals who cannot be removed to their country of origin from the hub are immediately released from detention and readmitted to the EU.

7. Independent Monitoring

Lastly, the Return Regulation obliges Member States to include an independent monitoring body or mechanism only if the agreement covers the conditions of onward return under Article 14(3)(d). However, stringent monitoring is essential to ensure that fundamental rights guarantees on paper are effectively implemented in practice.[53] The monitoring should cover all phases of the removal process, starting from the transfer to the 'return hub' all the way until the onward removal to the country of origin.[54] It should, at the minimum, fulfil the same standards as the fundamental rights monitoring during screening and border procedures at the EU external

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[49] See CM2501.

[50] A negative example is the Closed Controlled Access Centre on Samos, Greece which is located in a remote part of the island and where Amnesty International has found that residents "face obstacles accessing basic service and experience systematic, arbitrary de facto detention". Amnesty International, Samos: "We feel in prison on the island": Unlawful detention and sub-standard conditions in an EU-funded refugee centre.

[51] Article 3 CAT; Articles 6 and 7 ICCPR. See also HRC, General Comment No. 31 (2004), CCPR/C/21/Rev.1/Add.13, para. 12 and General Comment No. 36 (2019), CCPR/C/GC/36, para. 55. For EU Member States also Article 3 ECHR.

[52] FRA, Planned return hubs in third countries: EU fundamental rights law issues, para. 110.

[53] FRA, Planned return hubs in third countries: EU fundamental rights law issues, paras 121-126. See also UNHCR, The Need for Effective Returns Systems and the Potential Role of Return Hubs, p. 4.

[54] FRA, Planned return hubs in third countries: EU fundamental rights law issues, para. 124.

borders.[55] Monitoring *must complement,* but *not replace,* access to an effective, individual legal remedy. In addition, monitoring should produce publicly accessible reports to allow for public oversight.

Member States should always include an independent monitoring body or mechanism in the 'return hub' agreement to monitor compliance with fundamental rights in practice. Such a mechanism should cover the entirety of the removal process and - at the minimum - fulfil the standards required for the monitoring mechanism under the Screening Regulation and the Asylum Procedures Regulation.[56]

[55] See FRA, Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms.

[56] Article 10 Screening Regulation (Regulation (EU) 2024/1356) and Article 43(4) Asylum Procedures Regulation (Regulation (EU) 2024/1348). See also FRA, Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms and EU-Mandated Migration-Related Fundamental Rights Monitoring and Investigations - 2026 Update.