

FRA Press Release

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Planned return hubs cannot be rights-free zones

The EU's plans to set up centres in non-EU countries (so-called 'return hubs') must respect fundamental rights law, warns a new Position Paper from the European Union Agency for Fundamental Rights (FRA). The paper sets out the safeguards that need addressing under EU law before establishing such hubs. These include compliance with fundamental rights, securing legally binding agreements to protect people's rights, and setting up independent human rights monitoring systems.

The planned return hubs are sites located outside the EU which would temporarily host migrants who have an order to leave the EU, or a refusal of entry issued by a Member State. The migrants would be hosted there until the Member State and/or the European Border and Coast Guard Agency (Frontex) process their return to their country of origin.

The planned hubs are not a rights-free zone. Even if they are located outside the EU, fundamental rights safeguards set out in EU law still apply there. Member States and/or Frontex would be accountable for rights violations at the hubs and during any transfers.

The creation of return hubs would only be compatible with EU law, if accompanied by clear and robust safeguards. The [FRA Position Paper](#) sets out the conditions that would have to be met for return hubs to respect fundamental rights and comply with EU law. The paper doesn't cover centres which may be intended for the processing of asylum applications.

The conditions are:

- **Legal and enforceable decision for each returnee** – for each person that goes to a hub, there must be a clear decision refusing entry or ordering the person to leave the EU. This decision must be based on an individual assessment.
- **Compliance with existing EU rules on returns** – EU law prohibits the arbitrary detention or transfers of people who would be exposed to serious harm, or inhumane or degrading treatment. It also dictates that people in vulnerable situations require special attention, making their lawful transfer to a return hub unlikely and difficult to implement. This includes elderly people and people with disabilities. Children should never be sent to return hubs.
- **Agreements with the host country** – the EU and/or Member State must secure a legally-binding agreement with any non-EU country hosting a hub. The agreement must respect the rights enshrined under EU law. It should clarify the transfer arrangements to the hub, and from the hub to the country of origin. An

impact assessment of possible fundamental rights risks and mitigation measures must be done before finalising the agreement.

- **Lawful treatment** – to comply with international and EU law, the agreement must set minimum standards for the conditions and treatment of non-EU nationals in the hub. If Member States use EU funds to cover the costs of the hub, the specific fundamental rights safeguards under the EU funds also apply.
- **Independent monitoring** – to reduce the risks of fundamental rights violations, the agreement should also include provisions for effective and independent human rights monitoring mechanisms.

Quote from FRA Director Sirpa Rautio: “As the EU and Member States try to find solutions to manage migration, they should not forget about their obligations to protect people’s lives and their rights. The planned return hubs cannot become rights-free zones. They would only comply with EU law, if they include robust and effective fundamental rights safeguards.”

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