

FEANTSA Statement on the Returns Regulation in view of trilogues

FEANTSA strongly regrets the European Parliament's decision to enter negotiations on the Returns Regulation with a compromised version of the proposal which weakens fundamental rights safeguards and reinforces a punitive, criminalising approach to migration. The adopted text expands deportation measures through more coercive, large-scale removal mechanisms.¹ It enables Member States to establish deportation centres outside the EU, tightens cooperation requirements, and expands the grounds for detention to a new precedent.

As highlighted by FEANTSA in our 2025 statement,² this proposal **penalises homelessness**. Very alarmingly, the lack of a fixed abode is explicitly used to assess the 'risk of absconding', creating a direct pathway from homelessness to detention. This treats vulnerability as risk and **deprives individuals of their liberty because they do not have a place to live**. This proposal increases the risk of detention being applied systematically in the EU, which represents a problematic shift from the human rights principle of treating detention as a last resort. By making it possible to require a fixed address as part of 'cooperation' obligations, it ignores the systemic exclusion of undocumented migrants from housing across Europe.³

The Council of the EU has introduced a dangerously broad 'investigative measures' proposal, which should allow to 'search the third-country national and his or her place of residence or other relevant premises.' Provisions enabling home searches undermine fundamental rights, including the right to private and family life, and risk criminalising acts of solidarity. This also opens the door to raids in shelters or NGO-run accommodation, undermining trust in essential emergency services. Fear of detention under the proposed Regulation will deter undocumented people from accessing shelters, healthcare, and other essential services, thereby deepening homelessness and destitution. More individuals will be pushed into rough sleeping and extreme homelessness while untreated health conditions will likely worsen, increasing public health risks.⁴

The involvement of migration enforcement in homelessness services will erode trust and place frontline workers in severe ethical dilemmas, all while adding pressure to an already overstretched sector. Ultimately, the Regulation will deepen exclusion, particularly for undocumented children and families, and weaken social cohesion, with broader consequences for public safety and societal stability.⁵ This approach is disproportionate and incompatible with fundamental rights, including

1 International Rescue Committee, [IRC responds to European Parliament vote to move ahead with Return Regulation](#), March 2026

2 FEANTSA statement [Proposed Returns Regulation risks criminalising people facing homelessness and the NGOs supporting them](#), March 2025

3 PICUM & FEANTSA, [Housing and homelessness of undocumented migrants across Europe: patterns, barriers, and ways forward](#), 2025.

4 For a comprehensive analysis of the health risks, see PICUM and MdM, [Unprotected: How proposed EU rules on deportation threaten the universal right to health](#), 2025.

5 For a more detailed analysis of the expected impact on undocumented migrants and the homelessness sector, see FEANTSA magazine 'Homeless in Europe', article [US Inspired, European Shaped – Raids, Deportation and the Criminalisation of Migration](#), March 2026

the right to private and family life and the inviolability of the home. It also contradicts the EU's commitment to combat poverty and homelessness. If the EU should hold its commitment to end homelessness across Europe, this must include ending homelessness for all, irrespective of individuals' residence status.

Turning homelessness into a tool of migration control is a political choice. Europe must adopt dignity and ensure people on the move can access their fundamental rights as enshrined in international law such as the European Convention on Human Rights (ECHR) which applies to everyone within the jurisdiction of a Council of Europe Member State. No one should be forced to choose between shelter and safety, and solidarity must never be treated as a crime. No one should be detained because they are facing homelessness.

FEANTSA calls on EU institutions and Member States to:

- **Remove provisions that criminalise homelessness**, including its use as a ground for detention or to determine 'risk of absconding'.
- **Protect humanitarian spaces** by ensuring a strict separation between homelessness services and migration enforcement.
- **Reject the Council's proposed 'investigative measures'** that would enable searches and raids in people's homes and shelters.
- **Guarantee for fundamental rights at all times during the return procedure**, including access to legal assistance, shelter, and basic services.
- **Align migration policies with social rights**, not punitive control measures.
- **Reject all together the current approach** in which deportations are presented as the only possible option for undocumented migrants and re-evaluate available options for people whose return is not possible.

Background notes

FEANTSA has [published a statement](#) in April 2025, raising awareness on the increasingly restrictive general approach and the criminalisation of migration under EU policies, and specifically under the Returns Regulation proposal. We highlighted that homelessness is unfairly treated as a risk factor instead of a vulnerability and that by ignoring other solutions and promoting returns as the only option, destitution among undocumented migrants in Europe will be deepened. In March 2026, we analysed [the impact of the proposed measures](#) by using the US crack down on migration as a reference, showing that the human impact of such policies is devastating.

Joint statements of civil society organisations signed by FEANTSA: [Over 250 Organisations: Inhumane Deportation Rules Should be Rejected](#), September 2025. [Joint Civil Society Statement](#) on the Council's position on the Return Regulation Proposal, December 2025. [No to EU law enabling home raids, policing of public services and racial profiling - PICUM](#), February 2026.

In December 2025, the Council of the EU has adopted their position on the Regulation under which a new article was introduced on 'investigative measures' which would enable authorities to conduct home raids, investigation and further controls for the purpose of 'preparing or ensuring

effective return'. The article also allows searches of 'other relevant premises', which could lead to further criminalisation of organisations providing assistance to undocumented people.

January 2026 - [16 UN special rapporteurs](#) warned that the proposal raises doubts about compatibility with international human rights obligations, and that among others, it could increase the risk of detention being applied systematically across the EU.

March 2026 - The European Parliament's Civil Liberties Committee has voted to adopt the [reform](#) of EU return rules and [agreed to enter negotiations](#) with the EC and Council of the EU to adopt the final version of the Return Regulation. The Parliament-approved version of the Regulation maintains the concerns expressed by FEANTSA and other CSOs about criminalisation and increased marginalisation of undocumented people (see [The proposed Deportation \("Return"\) Regulation - PICUM](#)).



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