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Motivations, experiences and consequences of returns and readmissions policy: revealing and developing effective alternatives

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Evaluating promising practices in the field of alternatives to return policies

Executive Summary

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Disclaimer

This document provides a concise summary of the key findings from the policy brief on Return and Readmissions policy across Europe that was conducted in the framework of MORE project. For detailed analysis, evidence, and comprehensive insights, please refer to the full report. The information in this summary should not be considered complete or fully representative of the entire study.

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Introduction

The European Union has traditionally prioritised return as the default measure for addressing the presence of undocumented migrants, with the ultimate goal of increasing return rates. This approach, however, is based on the flawed assumption that return – whether enforced or “voluntary” – is the only option for undocumented people. In reality, a variety of legal, practical, and human rights considerations often prevent deportation, creating circumstances where people continue to reside in the country even after receiving a removal order. As a result, individuals may remain in a de facto administrative limbo, where access to their fundamental rights and regularisation programmes is hampered by the reality of deterrent migration policies.

Countries have in place different policies and practices to address and offer a solution for people in an irregular administrative situation. While the focus of this paper is about options for people who cannot be returned, it is noteworthy to point out that many of the regularisation programmes and mechanisms highlighted in the paper can also be accessed by other undocumented people who are not in a return process. These measures include pathways to regularisation, alternatives to detention (where there is a ground for detention), and access to socio-economic rights. National and local authorities, as well as civil society organisations and undocumented migrants themselves have developed a range of policy options to people with barriers to return, including some promising practices.

This policy report explores a range of promising practices across Europe that exemplify alternative approaches to return. “Promising practices” are defined here as policies, programmes, or initiatives that effectively ensure access to socio-economic rights – such as healthcare, housing, education, social assistance, and employment – for undocumented migrants with a return order that cannot be performed. The report compiles relevant initiatives, programmes, and projects from national, local, and regional authorities based on country factsheets prepared by MORE project partners in Belgium, Germany, Greece, Italy, Slovenia, Spain, Sweden, and the United Kingdom. The report adopts a flexible approach to defining promising practices, and it assumes that alternatives to return policies should foresee the possibility of regularising people’s stay and enable them to access socio-economic rights, including when they find themselves in a judicial limbo as a result of a return order that cannot be applied. The practices included in the report are classified as “promising” when they present some inclusionary components, however, they may remain structurally limited, present clear exclusionary aspects or implementation deficits. For example, some permits are granted on the basis of “social ties” and therefore ensure access to basic socio-economic rights, which is an inclusionary element that classifies them as “promising” for the purpose of this paper. However, they might still respond to a restrictive and exclusionary policy approach, as such permits are granted based on the level of perceived “integration” in the country, despite the context of structural exclusion by design of the individuals concerned.

By examining these strategies, this report seeks to inform and inspire stakeholders at the national and local levels, including policymakers, civil society organisations, and undocumented migrants, in developing solutions that move beyond return as the default response and centring access to fundamental rights and to sustainable long-term options.

Evidence and analysis

Key finding 1: In the countries analysed, there are some limited examples of promising regularisation pathways that offer a sustainable case resolution through the acquisition of residence permits. Furthermore, most of the practices analysed target all migrants in an administrative irregular situation and are not specifically designed for addressing the situation of people who have received a return order (only Germany offers specific permits for people who cannot be returned).

All the types of permits analysed are temporary, with variations from one to three years of validity. The German permit on humanitarian grounds is granted for one year; the Greek temporary permit is for three years (however it only ran until the end of 2024) and the German permit for young people under Article 25a of the Residence Act is for three years.

Some promising examples of permits were found in Germany and Spain. In Germany, people holding a Duldung (a specific “non” status suspending deportation which is not a residence permit) who meet certain criteria may apply for a temporary permit of 18 months, gaining access to wider range of rights, or to other types of permits based on social ties. Another type of permit exists in Germany for people who cannot be deported on humanitarian grounds (Article 60 of the Residence Act), where applicants can receive a one-year permit that allows for the possibility of applying for a permanent resident permit under certain conditions. In Spain, undocumented migrants that are victims of various crimes (human trafficking, gender-based violence, labour and sexual exploitation, hate crime and discrimination) can also apply for different types of permits providing protection from expulsion and access to residency rights, upon fulfilling various conditions. These permits are considered promising practices because they present some inclusionary elements, for example when they are long-term or provide the possibility to transition from a short-term to a long-term permit, ensuring access to basic socio-economic rights and a secure residence permit.

Another promising practice is the Italian special protection status, which was however abolished in 2023. The special protection status provided the possibility to grant a permit to people with barriers to return, based on the right to family and private life that was evaluated by balancing factors such as work, the housing situation, family ties, and duration of stay in Italy as criteria. This practice was considered promising because it provided an additional pathway to access a residence permit, protection from deportation and access to work (without being dependent on the employer) and social services.

To support regularisation, several case management initiatives are in place in the countries analysed that are designed as different forms of individualised support to all undocumented migrants (irrespective of whether they have received a return order) to find a durable solution to their administrative situation. Such initiatives are run by civil society and local authorities often in cooperation with other local actors (such as counselling services), with examples in Belgium, [Italy](#), Germany, Spain, and the [UK](#). These projects aim at addressing the lack of information of available solutions for undocumented people and at supporting them to regularise their situation.

Key finding 2: Promising initiatives aimed at ensuring access to housing, healthcare, education, and mainstream services for undocumented migrants highlight the critical role of local authorities and civil society in filling gaps left by national policies.

Despite national level legal frameworks allowing some level of access to mainstream health care and education services for undocumented migrants in the countries studied, many barriers exist on the ground to enable effective access. Civil society organisations and local authorities play a key role in facilitating access and also in providing these services themselves when the national legal framework is overly restrictive.

The right to healthcare is ensured by several local projects in Germany, Slovenia, and Spain, with some promising practices aimed at promoting access to healthcare for undocumented migrants, irrespective of whether they have received a deportation order, which are often coupled with initiatives facilitating access to other rights.

Most of the projects providing access to housing are small-scale, bottom-up initiatives run by civil society ([Belgium](#)), and some are run by local authorities, such as measures supporting registration to the “Padrón” in [Madrid](#) and [Barcelona](#), Spain, and specific services in [Bristol](#) and [Scotland](#), UK. In particular, the role played by municipalities in Spain in registering residents (including those who are undocumented) in the “Padrón” (a municipality register) is a key example of how local authorities can enable access to socio-economic rights for undocumented migrants. By allowing individuals without a fixed address to register at NGO headquarters, undocumented migrants have been able to register to the Padrón and gain access to a number of rights, including healthcare and education.

Furthermore, all projects are accessible to all undocumented migrants, with only one project in Belgium ([now ended](#)) that was specifically designed for providing housing to migrants that could not be returned.

Policy recommendation

Undocumented migrants who cannot be returned for humanitarian, practical or other reasons should be granted access to social services, including housing, healthcare and education, and regularisation pathways. Sustainable solutions should be pursued for migrants who cannot be returned, ensuring access to regular residence status and vital social services to promote stability and inclusion.

Recommendation 1: The EU and the countries covered by the research should develop regularisation programmes and mechanisms that are stable and long-term, ensure procedural safeguards (e.g. access to free legal aid and to support measures for regularisation, such as case management programmes), and are independently accessible to all people. This includes reducing the reliance on short-term permits that perpetuate precarity and insecurity, and allowing holders of temporary permits to transition to permanent residency by meeting accessible and achievable criteria. Temporary and long-term permits should always allow access to services, justice and work.

Recommendation 2: Undocumented people and people with precarious status should be granted regular access to basic social services and fundamental rights, including the right to education, healthcare and housing. The enforcement of immigration rules should not take priority over individual fundamental rights. In order to ensure that undocumented people have access to mainstream services, states should put in place a “firewall”, a separation of immigration enforcement activities from public service provisions, such as education, housing and education. Such firewall would allow individuals to use services and seek assistance when needed without the fear of migration-related repercussions, ensuring that the protection of individual fundamental rights is not dependent on the administrative status.

Recommendation 3: The critical role of local authorities and civil society in enabling access to basic rights and services for undocumented migrants should be recognised and reinforced. This includes by ensuring that they have adequate resources and funding to both facilitate access to mainstream services as well as provide these services themselves (if there is no access to mainstream services) in the areas of health care, housing, and education to undocumented migrants.



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