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Note for video-streaming

*2863rd JUSTICE AND HOME AFFAIRS COUNCIL
Luxembourg, 18 April 2008*

*point 4 "directive on common standards and procedures
for returning illegally staying third-country nationals"*

Return of illegally staying non-EU nationals

The Council will take account of the state of play on a proposal for a directive on common standards and procedures in Member States for returning illegally staying third-country nationals.

The draft directive deals with the modalities for return decisions and removal procedures, including the remedies against a return decision and the safeguards for a returnee pending return.

The main points still under discussion are:

- scope of the directive
- voluntary departure of returnees,
- entry ban as accompanying measure to a return decision,
- detention of illegal non-EU nationals and their conditions of detention.

The proposal, submitted by the Commission in 2005 (doc. [12125/05](#)), has been examined under successive presidencies. It is to be adopted in co-decision with the European Parliament. Discussions with the Parliament are still under way.