EU passes draconian Returns Regulation: TGEU warns of fatal consequences for trans asylum seekers

The European Union's newly finalised Return Regulation has officially passed, marking a catastrophic collapse of human rights protections for asylum seekers, especially those with intersectional vulnerabilities. TGEU warns that this legislation replaces international protection with aggressive deterrence, directly endangering the lives of trans asylum seekers.

Trans people who flee to Europe are already running from systemic violence and criminalisation. Instead of safeguarding asylum seekers, this new framework fast-tracks deportations by introducing harsh technical measures that strip away basic legal rights.

Five critical dangers in the EU Returns Regulation for trans asylum seekers

1. **Two-year detentions:** The law permits administrative custody, which means locking people up without a criminal trial, for up to 24 months. For trans applicants of international protection, two years in gender segregated facilities holds an extreme risk of sexual violence and harassment. It also leads to a severe healthcare crisis, as prolonged detention disrupts critical gender affirming care, causing acute psychological distress and rapid physical regression.

   For young trans applicants, detention directly violates Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) regarding the "best interests of the child," as well as Article 5 of the European Convention on Human Rights (ECHR), explicitly prohibiting arbitrary detention and insisting that locking up a child must only be a last resort. The impact of these legal violations is devastating. Being denied the protections guaranteed by international and European law, young trans people become primary targets for systemic abuse, living in a state of constant hyper vigilance. This can result in deep-seated post-traumatic stress disorder (PTSD), leaving young trans people disrupting their psychological development during these critical formative years.
2. **Automated European Return Orders (EROs):** EROs establish a centralised, fast-tracked expulsion mechanism that completely strips away local judicial oversight. This replaces the careful, individualised review of a local judge with automated efficiency and permits the EU to deport individuals before their court appeals are finalised, virtually guaranteeing wrongful returns.

   For trans applicants of international protection, this lack of judicial scrutiny means courts fail to evaluate the acute, life-threatening dangers or the severe lack of gender affirming care awaiting them in their home countries. Consequently, trans asylum seekers risk being rushed into deportation and sent directly back to active persecution, violence, or forced detransition before they ever get a fair chance to have their appeals heard.
3. **Weaponising 'safe third countries'**: The EU has expanded its list of 'safe' countries to justify deportations to external 'return hubs'. This violates the core legal principle of non-refoulement, the international law that strictly forbids returning refugees to countries where they face persecution or torture. Following a legislative vote by the European Parliament on February 10, 2026, the new safe country rules officially took effect alongside the broader Migration and Asylum Pact on June 12, 2026.

   These fast-tracked procedures put trans asylum seekers at immediate risk by forcing them back to

designated ‘safe’ nations, such as Tunisia, Egypt, and Morocco, where they face severe, identity-based state violence and criminalisation.

4. **Intrusive surveillance and age tests:** The codification of intrusive surveillance and pseudo-scientific age assessments grants border authorities unprecedented power to strip asylum seekers of their fundamental right to privacy and bodily autonomy. These highly invasive physical examinations are fundamentally built upon colonial and cis-heteronormative biological baselines, creating a rigid and discriminatory metric that systematically penalises further marginalised asylum seekers.

   For trans asylum seekers, who are predominantly people of colour, developmental timelines frequently diverge from these narrow and eurocentric standards. Consequently, these flawed forensic tests inevitably misclassify vulnerable young trans applicants of international protection, wrongfully stripping them of juvenile protections and exposing them to adult detention, immediate deportation, and profound, irreversible psychological and physical violence.
5. **Lifelong entry bans:** Those expelled face permanent exclusion from Europe. Rather than managing migration, this creates a permanent underclass of destitute people driven deep into the shadows of irregularity and exploitation.

TGEU’s position

This Regulation buys administrative efficiency at the cost of trans lives. For trans asylum seekers fleeing persecution, these rushed procedures effectively seal a death sentence. By forcing traumatised applicants through rigid, hyper-accelerated timelines, the system strips away the critical time needed to secure specialised legal counsel and document complex gender based claims. Automating deportations, ignoring non-refoulement, and expanding detentions to two years is an explicit targeting of the vulnerable. Consequently, terrified applicants will be systematically funneled back into the very hands of the persecutors they risked everything to escape.

TGEU calls on Member States, human rights monitors, and legal professionals to aggressively resist the implementation of this text and mount immediate challenges in the courts. Procedural speed must not legitimise state-sanctioned violence.

Your support makes change possible

We work across Europe and Central Asia to advance trans rights, build strong communities, and drive change through research, advocacy, and community-building.

Your donation helps us continue this vital work — defending trans lives, amplifying trans voices, and advocating for justice every day.

donate now