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NEWS

8 December 2025

# EU: Ministers propose unprecedented detention, sanctions, and stripping of rights based on migration status

Responding to EU home affairs ministers' position on the EU Return Regulation agreed in Brussels today, Olivia Sundberg Diez, EU Advocate on Migration and Asylum at Amnesty International, said:

“EU ministers’ position on the Return Regulation reveals the EU’s dogged and misguided insistence on ramping up deportations, raids, surveillance, and detention at any cost. These punitive measures amount to an unprecedented stripping of rights based on migration status and will leave more people in precarious situations and legal limbo.

“In addition, EU member states continue to push for cruel and unworkable ‘return hubs’, or offshore deportation centres outside of the EU – forcibly transferring people to countries where

they have no connection and may be detained for long periods, violating protections in international law. This approach mirrors the harrowing, dehumanizing and unlawful mass arrests, detention and deportations in the US, which are tearing families apart and devastating communities.

“Today, the Council has taken an already deeply flawed and restrictive Commission proposal and opted to introduce new punitive measures, dismantling safeguards and weakening rights further, rather than advancing policies that promote dignity, safety and health for all. They will inflict deep harm on migrants and the communities that welcome them.

“Amnesty International urges the European Parliament, which is yet to adopt its final position on the proposal, to reverse this approach and place human rights firmly at the centre of upcoming negotiations.”

## Background

At today’s Justice and Home Affairs Council meeting, ministers from EU member states agreed on a negotiating position for the Council on new rules on returns or deportations at EU level, which the European Commission proposed in March 2025.

Amnesty International said at the time that this proposal marked a **“new low”** for Europe’s treatment of migrants, and joined over 250 organizations in **calling for its rejection** in September.

Ministers now propose making detention the default for people issued deportation decisions and for up to two and a half years. The proposal would also expand obligations, surveillance and sanctions on people subject to deportation, including unreasonable requirements with which many will be unable to comply, if they lack identity documents or a fixed residence, for example. New measures would allow authorities to raid the person’s home or “other relevant premises” and to seize their belongings, paving the way for vast surveillance, discriminatory policing and racial profiling practices.

It would allow for indefinite detention of people posing a so-called threat to “public policy” or “public security” circumventing criminal justice – as well as limiting challenges to deportation orders, and independent monitoring of respect for human rights in deportation procedures. Meanwhile, states insist on leaving the door open for further sanctions, obligations, and grounds for detention in national law.

The European Parliament is also negotiating its position on the proposal, paving the way for interinstitutional negotiations in the coming months.

Home affairs ministers also reached agreement on two proposals under negotiation relating to the ‘safe third country’ concept in EU asylum law and to an EU list of ‘safe countries of origin’. Amnesty International has **warned** that these three proposals would seriously undermine territorial asylum in Europe as well as human dignity.

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