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CROSSINGS AND JOURNEYS: PEOPLE OF AFRICAN DESCENT IN GLOBAL MIGRATION AND THE ENDURING ARCHITECTURE OF RACIALIZATION

SUBMISSION TO THE 37TH SESSION OF THE UN WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT

INTRODUCTION

In response to the call for input,¹ and as a contribution to the 37th session of the Working Group of experts on people of African descent, to be held in Geneva in November 2025, Amnesty International offers a summary of the findings of its most recent research on the experiences of people of African descent in global migration.

Amnesty International's research has shown how human rights violations in the context of global migration are deeply rooted in the legacies of colonialism and slavery, which continue to shape systems, laws, policies, and practices that discriminate, directly or indirectly, against people of African descent around the world. Migration policies, asylum systems and border enforcement are often portrayed as neutral tools to assert state sovereignty, pursue national security or avoid excessive burden on public resources. Yet, these frameworks frequently perpetuate systemic racism and racial discrimination.

For people of African descent, racism in migration operates both overtly, through exclusionary practices, and covertly, within institutional structures that restrict equal access to mobility. Amnesty International's research has documented manifestations of systemic racism such as racial profiling in migration enforcement, the disproportionate impact of labour exploitation on migrants of African descent under tied visas, among others. Structural barriers, including excessive visa fees and onerous documentation requirements, further entrench exclusion and intersect with other forms of discrimination, reinforcing systemic disadvantage.

While distinctions, exclusions, restrictions or preferences based on nationality or immigration status are common in migration governance, Amnesty International has found that such distinctions are used as a pretext for racial discrimination or implemented in a way that has racially discriminatory effects. Seemingly "race-neutral" laws, policies or practices often result in disproportionate disadvantages for people of African descent without justification or proportionality, contrary to international human rights law.

TOPIC 1: RACIALIZED MIGRATION CONTROL AND GOVERNANCE

Amnesty International has denounced systematic practices of structural racism in relation to the asylum and migration policies of several countries, including Canada, the Dominican Republic, Saudi Arabia, Qatar, France, the Netherlands, and European countries in the Schengen area.

Canada's Temporary Foreign Workers Program (TFWP), a temporary migration scheme that allows employers to hire migrant workers, primarily in low-pay occupations, inherently increases racialized workers' risk of labour exploitation and discrimination, in breach of Canada's international obligations.² Among the migrant workers affected by tied visas under

¹ <https://www.ohchr.org/en/calls-for-input/2025/call-input-wgepad-37th-session-crossings-and-journeys-people-african-descent>

² Amnesty International, *Canada has destroyed me: Labour exploitation of migrant workers in Canada*, Index Number: AMR 20/8807/2025, 30 January 2025, <https://www.amnesty.org/en/documents/amr20/8807/2025/en/>

the TFWP are people of African descent from the Americas and the Caribbean, mainly from Jamaica,³ as well as Sub-Saharan Africans. Migrant workers under the TFWP are granted temporary visas that tie them to a single employer, who controls both their migration status and labour conditions. Migrant workers under the TFWP suffer a litany of human rights abuses at the hands of employers, including wage theft, excessive working hours, psychological, physical and sexual abuse, racism and discrimination at work, control and surveillance, inadequate accommodation, lack of adequate medical care, as well as unsafe working conditions. These abuses are not isolated incidents but a systemic and foreseeable outcome of tied visas, which makes workers disposable, granting the employer undue power over them. Many workers face termination of their contract and swift repatriation when they fall sick, suffer injuries or develop occupational illnesses. Furthermore, these visas hamper migrant workers' access to adequate remedies, as workers could face reprisals, including unfair dismissal, if they report abuses. Tied visas effectively target racialized people from the Global South, as they are mostly granted to Black, Latin American, Indigenous and other racialized people. The higher risk of labour exploitation therefore disproportionately affects racialized migrant workers. Moreover, many racialized migrant workers in so considered "low-skilled" jobs face a prolonged risk of labour exploitation, as they continue travelling and working with tied visas in Canada for years, with little prospects to access a more secure status, in the form of open visas and permanent residence.

Amnesty International has denounced systematic practices of structural racism also in the **Dominican Republic's** migration policy.⁴ A set of migration measures implemented since 2023 has had a disproportionate impact on Haitian migrants, Dominicans of Haitian descent, and Black people. In the last year, since the implementation of immigration measures in October 2024, more than 370,000 Haitians have been deported,⁵ including pregnant women and children. The organization has documented cases of torture, physical violence, and detention in cruel, inhuman, and degrading conditions. People of African descent face structural discrimination that manifests itself in arbitrary collective expulsions, racial discrimination, denial of nationality, and denial of rights such as access to education, healthcare, etc. Migrants from Haiti face barriers to accessing visas, immigration regularization channels, international protection, and document renewal.⁶ In April 2025, a new health protocol required health personnel to record the immigration status of all patients and notify the authorities when undocumented migrants received services. According to the government's announcement, these individuals will be deported immediately after receiving medical care. This practice threatens the right to health, privacy, and physical integrity, and could deter people at risk—especially pregnant women, children, and survivors of violence—from seeking urgently needed medical care. Additionally, Haitian migrants have been stigmatized in the media and official statements, being blamed for the collapse of the healthcare system, especially pregnant women from Haiti. Human rights defenders and organizations supporting Haitian migrants face increased threats and stigmatization. Despite calls to protect civic space, Dominican authorities have failed to adopt specific measures to safeguard those defending the rights of Haitians and Dominicans of Haitian descent. This lack of action contributes to a broader environment of fear, discouraging documentation of abuses and the exercise of basic rights.

Racial discrimination is embedded in labour migration systems across the **Gulf**, affecting millions of migrant workers, particularly those racialized in the regional context. While designed to manage the flow of foreign labour, the introduction of kafala sponsorship systems in the Gulf institutionalized racism by effectively positioning foreign workers – overwhelmingly racialized people from Africa and South and Southeast Asia – as "second-class" and subordinate workers in relation to nationals who usually act as their "kafeel" (sponsors). Under the system, employers exercise control over workers' legal status and mobility, enabling exploitation, forced labour, and human trafficking. Weak legal protections, poor enforcement by the governments and a rampant culture of impunity further deny workers justice and accountability.⁷

³ Official data is not disaggregated by race or ethnicity. In 2024, Jamaica was in the top five countries of origin of migrant workers, representing the 5.3% of the TFWP visas granted.

⁴ Amnesty International, *Dominican Republic: Health protocol reinforces racism in migration policies*, 24 April 2025; *Dominican Republic: End racist policies against migrants*, Index Number: AMR 27/9277/2025, 21 April 2025; *Dominican Republic: The fight against racism must be respected and protected by the authorities*, 26 March 2025; *President Luis Abinader's second mandate must prioritize respect for human rights and put an end to racist migration policies*, 28 August 2024.

⁵ Dirección General de Migración de la República Dominicana, *DGM deporta 34,873 indocumentados en septiembre y sube a 370,240 los devueltos en gestión de Lee B.*, Dirección General de Migración de la República Dominicana, *DGM deporta 34,873 indocumentados en septiembre y sube a 370,240 los devueltos en gestión de Lee B.*, 1 October 2025, <https://migracion.gob.do/dgm-deporta-34873-indocumentados-en-septiembre-y-suba-a-370240-los-devueltos-en-gestion-de-lee-b/>

⁶ Amnesty International, *República Dominicana: No se puede construir una política migratoria sin derechos humanos*, 7 July 2025.

⁷ Amnesty International, *Saudi Arabia: Locked in, left out: The hidden lives of Kenyan domestic workers in Saudi Arabia*, Index Number: MDE 23/9222/2025, 12 May 2025, <https://www.amnesty.org/en/documents/mde23/9222/2025/en/>

Kenyan women working as domestic workers in **Saudi Arabia** are often deceived by recruiters at home, before being subjected to forced labour at the hands of their employers, including: excessive long hours, no rest days, confinement, passport and phone confiscation, withheld wages, and physical, sexual, and verbal abuse. Racism is a pervasive dimension of this abuse, with the women often treated as inferior and subjected to degrading treatment, reflecting entrenched racial attitudes rooted in the legacies of slavery and colonialism. Despite announced reforms, domestic workers remain excluded from labour protections, and abusive employers rarely face accountability, perpetuating impunity and exploitation.⁸

Other practices reinforce racial discrimination by maintaining a tiered system in which nationals benefit from greater protection and rights than migrant workers. For instance, Saudi Arabia sets a minimum income threshold for nationals to encourage their participation in the work force. However, these protections exclude non-citizens - who make up 75% of the labour force and are mostly racialized migrant workers employed in low-paid, hazardous jobs. On average they earn just a third of what Saudi citizens do. This citizenship-based exclusion, coupled with the absence of a universal minimum wage policy and the failure to ensure salaries adequate for a decent standard of living, disproportionately harms racialized migrant workers and perpetuates their exploitation across the region.

In **Qatar**, Black African workers reported to Amnesty facing discriminatory treatment by their employers based on nationality, race, skin colour and lack of Arabic language. Those from Sub-Saharan Africa and South Asia were often paid less, assigned harsher roles and faced worse conditions. Arabic-speaking workers, for instance, were often offered higher salaries for the same role and greater promotion opportunities.⁹

In **France**, the current system of precarious residence permits (particularly the “Employee”, “Temporary Worker” and “Private and Family Life” temporary and multi-annual residence permits) leads to violations of racialised foreign workers’ human rights and puts them at heightened risk of exploitation. Amnesty International’s recent research, based on interviews with migrant workers from several African countries (Mali, Nigeria, Guinea, Côte d’Ivoire, Gambia, Angola, Cape Verde, Cameroon, the Democratic Republic of Congo, the Comoros, Morocco, Algeria) concluded that French migration policies are racist and rooted in the exploitation of foreign nationals from its vast colonial empire at the time, particularly in Africa and South-East Asia.¹⁰ Racialised foreign workers from Global South countries on precarious residence permits are subjected to a wide range of abuses in the course of their work, such as wage theft, extended working hours, dangerous working conditions, and multiple instances of violence, particularly on the grounds of race. Far from being isolated occurrences committed by unscrupulous employers, these attacks on human rights are systemic, as they are rooted in the precariousness of the workers’ administrative status. This precarious status is created, maintained and aggravated by the French migration policies implemented over the past decades. The French government thus holds direct responsibility for the abuses and violations caused by this legislative mechanism, its underlying policy choices and the failings of its administration. Additionally, because the system’s structural malfunctions create interruptions in their regular migration status and directly impact their access to employment and other economic resources, the French government violates these workers’ right to work, to social security, to an adequate standard of living and further exposes them to exploitation. Finally, because it disproportionately impacts racialised workers’ rights – and especially women among them – exposing them to exploitation and other human rights violations, this residence permit system is also discriminatory. Far from preventing such discrimination, the French State has, law after law, continued to reinforce these barriers to the equal enjoyment of these rights. The conditions imposed to access a stable residence permit are also discriminatory, as they have a disproportionate impact on certain categories of racialised foreign workers.

In the **Netherlands**, the *Wet Inburgering Buitenland* (Civic Integration Act, WIB), requires a certain group of non-nationals to take an “integration” exam while still abroad before family reunification.¹¹ Under EU law, there is an exception for EU citizens and their family members who exercise the right to free movement. Also excluded from the WIB are citizens of the EEA Member States, Switzerland and the United Kingdom. In addition, the law has an exception for nationals of a limited number of non-European countries such as the United States, Canada, Australia, New Zealand, Japan and South Korea. The Dutch legislator labelled these countries as “western”, and most other countries as “non-western”. Nationals of so-called “westernized” countries are assumed to integrate more easily into Dutch society. This distinction is in violation of the prohibition of discrimination as laid down in Article 26 ICCPR and Article 1 ICERD which prohibit singling out specific

⁸ Ibid.

⁹ Amnesty International, *Qatar: ‘They think that we’re machines’: Forced labour and other abuse of migrant workers in Qatar’s private security sector*, Index Number, MDE 22/5388/2022, 7 April 2022, <https://www.amnesty.org/en/documents/mde22/5388/2022/en/>

¹⁰ Amnesty International, *À la merci d’un papier : Comment l’État français fabrique la précarité des travailleurs étrangers*, Index Number: EUR 21/0418/2025, 5 November 2025.

¹¹ Human Rights Watch, *The Netherlands: Discrimination in the Name of Integration: Migrants’ Rights under the Integration Abroad Act*, May 2008, <https://www.hrw.org/legacy/backgrounder/2008/netherlands0508/netherlands0508web.pdf>

nationalities.¹² The factual distinction does not refer to nationality in the strict meaning of citizenship of a person. Rather, people are treated differently because of assumptions about their behaviour due to their origin, race or ethnicity.¹³

In **Europe**, human rights defenders (HRDs) from 104 visa-restricted countries, predominantly in Africa, Asia, and the Middle East, face structural barriers to access the Schengen area to fulfil their right to defend rights. Amnesty International has documented systemic obstacles such as excessive documentation requirements, lack of diplomatic representation, long waiting times, and opaque decision-making. These barriers persist despite European Union (EU) and national Schengen states commitments to support HRDs and recent guidance aimed at easing mobility, resulting in a disproportionate impact on racialized HRDs rooted in colonial legacies, including people of African descent.¹⁴

TOPIC 2: PRECARIITY IN TRANSIT

The 2020-2023 climate change related drought in **Somalia**, coupled with conflict and marginalization, negatively impacted the human rights of communities in Southern Somalia, forcing them to relocate to IDP camps in Somalia and eventually to Dadaab Refugee Camp in Kenya.¹⁵ In particular, the drought led to drying up of water sources, deaths, destruction of rural agro-pastoralist economies, death of livestock, drying up of farms and increased salinity in water which made the scarce water unsuitable for human use. As a low-income country, battling economic, political, insecurity and climate challenges, Somalia has been unable to provide health, food and water to affected populations, either at home in Southern Somalia or along the transport corridors towards Kenya. Limited state protection exposed affected persons to violations, including violations of the right to food, water, family, health and life. Many of those who moved to IDP camps in Somalia eventually abandoned them and relocated to Kenya due to limited protection. The failure by high-income historically high emitting countries and high-income fossil fuel producing countries to fulfil their climate finance obligations under the Paris Agreement and the UNFCCC has undermined the ability of poor countries like Somalia to protect their people against the extreme impact of climate change particularly drought.

Belgian authorities have disregarded repeated court orders requiring them to provide accommodation conditions to asylum seekers.¹⁶ This practice sets a dangerous precedent, undermining the rule of law.

TOPIC 4: MEDIA, REPRESENTATION, AND RACIALIZED NARRATIVES

Amnesty International's research shows that hate speech, misinformation and racial bias are not only circulated by media, but often directly spread by governments. On the occasion of the racist murder of Aboubacar Cissé, a Malian national living in France, on 25 April 2020, the French Minister of the Interior made prejudiced remarks about Black people and Africans. When asked why he had not met with the victim's family, he explained that *"Aboubakar Cissé was in an irregular situation, so it is difficult to find his family. We found his family, partly in Africa. Both of his parents are in two African countries, in black Africa. It was difficult. Some said they were cousins, other brothers, other uncles. (...) But when you are Minister of the Interior, you must receive (...) the legally proven family."*¹⁷

TOPIC 5: DETENTION, SURVEILLANCE, AND TECHNOLOGIES OF CONTROL

Digital technology is increasingly shaping and delivering the migration management and asylum policies of states. The proliferation of digital technologies and so-called "smart border" technology have created new forms of private-public partnerships, and with them a gamut of human rights threats. From electronic monitoring, satellites, and drones to facial recognition, "lie detectors" and iris scanning, there is a growing and urgent need to investigate and understand these technologies and their impact.¹⁸ Digital technologies are reinforcing border regimes that discriminate based on race,

¹² *Inburgeringsplicht in buitenland in strijd met discriminatieverbod in internationale verdragen*, 16 April 2024, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Amsterdam/Nieuws/Paginas/Inburgeringsplicht-in-buitenland-in-strijd-met-discriminatieverbod-in-internationale-verdragen.aspx>

¹³ De Vries, Karin. 'De Witte Onschuld van de Afdeling Bestuursrechtspraak'. *Nederlands Juristenblad* 28 (September 2025).

¹⁴ Amnesty International, *Europe: Closing the door? How visa policies in Europe's Schengen area fail human rights defenders*, Index: EUR 01/0411/2025, 30 October 2025, <https://www.amnesty.org/en/documents/eur01/0411/2025/en/>

¹⁵ Amnesty International, *No rain, no food, no animals: The human rights impact of drought and displacement in Somalia*, Index Number: AFR 52/0459/2025, 10 November 2025, <https://www.amnesty.org/en/documents/afr52/0459/2025/en/>

¹⁶ Amnesty International, *Belgium: Unhoused and unheard – How Belgium's persistent failure to provide reception violates asylum seekers' rights*, (Index: EUR 14/9161/2025), 2 April 2025, <https://www.amnesty.org/en/documents/eur14/9161/2025/en/>

¹⁷ Europe 1, Interview with Bruno Retailleau, Minister of the interior of France, 30 April 2025, <https://www.dailymotion.com/video/x9irb52>, minute 1:06.

¹⁸ Amnesty International, *Primer: Defending the rights of refugees and migrants in the digital age*, Index Number: POL 40/7654/2024, 5 February 2024, <https://www.amnesty.org/en/documents/pol40/7654/2024/en/>; *The Digital Border: Migration, Technology and Inequality*, Index Number: POL 40/7772/2024, 21 May 2024; and *Advocacy Briefing for Defending the Rights of Refugees, Asylum Seekers, and Migrants in The Digital Age*, Index Number: POL 30/0290/2025, 12 September 2025, <https://www.amnesty.org/en/documents/pol30/0290/2025/en/>.

ethnicity, national origin, and citizenship status. Inherent racism is deeply ingrained within migration management and asylum systems, and these technologies risk perpetuating and concealing racial biases and discrimination under the guise of neutrality and objectivity, rooted in historical and colonial practices of racialised exclusion. More robust safeguards against these technologies are needed, as human rights risks remain steadily on the rise.

While the development and use of AI technologies at the border is proliferating with noted human rights risks, civil society organizations, including Amnesty International, have warned that rights-violating practices are increasingly being codified in laws and policies governing migration and artificial intelligence.¹⁹ The EU's AI Act for example sets a differentiated approach to the use of digital surveillance technologies such as facial recognition and so-called emotion recognition tools in the context of migration and border surveillance, allowing them in this context while prohibiting in other domains. Additionally, legal loopholes shield responsible authorities from regulatory scrutiny and public accountability. In the meantime, states can evoke national security to bypass the Act without clear definition and conditions on permissibility of such action, increasing the risk of rights-violating technologies being weaponized against migrants, refugees, and asylum seekers.

In the **Netherlands**, the Ministry of Foreign Affairs (FA) assesses Schengen short-stay visa applications with a risk profiling algorithm in order to prevent illegal migration due to overstay.²⁰ All visa applications are scored by automated risk profile containing seven characteristics, including nationality. The risk score determines whether a more intensive assessment by a human operator is needed. Based on their nationality (among other criteria), people are automatically attributed a higher risk score and are thus more likely of being selected by FA for a more intensive assessment of their application. This includes – although not exclusively – people from countries with a prevalent population of people of African Descent, such as Suriname, a former colony of the Netherlands.²¹ This is in violation of the prohibition of discrimination as laid down in Article 26 of the ICCPR and Article 1 of the ICERD.²² Information about nationality in the sense of citizenship can be relevant in the granting process for statutory schemes, for example to check whether someone meets the requirements for a visa or social benefits. But once States single out specific (groups of) nationalities, or use one's nationality as a risk criterion in the context of migration control or other forms of law enforcement, nationality no longer refers to citizenship. The information about nationality used in the risk profile is not useful to make a distinction on the grounds of nationality intended as citizenship, whether or not legitimate. FA apparently assumes a suspected or proven (statistical) connection between certain nationalities and improper visa applications or a higher likelihood of abuse. The factual distinction therefore does not refer to a distinction on the grounds of their citizenship, but to the identification of a group of persons who share certain characteristics derived from the information on their nationality. Therefore, the risk profile of FA makes a *de facto* distinction on the grounds of race.

TOPIC 6: DEPORTATION AND THE AFTERLIFE OF MOVEMENT

Authoritarian practices are increasingly apparent in asylum and migration policy and border enforcement across the world, particularly in instances where governments misuse legal frameworks to authorize unlawful measures or where legislative processes are circumvented to institute harmful migration policies. The United States of America, several European countries (Bulgaria, Croatia, Cyprus, Finland, Greece, Italy, Lithuania, Latvia, Poland, Serbia) and other countries have adopted extreme measures to enforce deportations and other types of return and prevent irregular arrivals of refugees and migrants, in violation of their human rights obligations.

In the **United States of America**, the Trump administration has implemented a racist, anti-migrant agenda through measures that criminalize, detain and deport migrants and asylum seekers, in violation of their human rights. Significant federal and state resources have been directed toward this agenda, including the \$170.7 billion USD allocated for

¹⁹ Protect Not Surveil, *Joint statement – A dangerous precedent: how the EU AI Act fails migrants and people on the move*, 13 March 2024, <https://www.accessnow.org/press-release/joint-statement-ai-act-fails-migrants-and-people-on-the-move/>; *Joint statement – The EU Migration Pact: a dangerous regime of migrant surveillance*, 10 April 2024, <https://www.accessnow.org/press-release/joint-statement-eu-migration-pact-a-dangerous-regime-of-migrant-surveillance/>

²⁰ Amnesty International Netherlands, *Buitenlandse Zaken gaat wilens en wetens door met discrimineren*, 2 May 2024, <https://www.amnesty.nl/actueel/buitenlandse-zaken-gaat-door-met-etnisch-profileren>; and *Etnisch Profileren is overheidsbreed probleem* (Dutch), 21 March 2024, <https://www.amnesty.nl/actueel/het-kabinet-moet-burgers-beschermen-tegen-etnisch-profileren>

²¹ NRC, *Autoriteit Persoonsgegevens roept minister Hoekstra op het matje om algoritme*, <https://www.nrc.nl/nieuws/2023/05/01/minister-moet-uitleg-geven-over-algoritme-voor-visa-a4163510> (Dutch)

²² ICERD, Article 1(3): “Nothing in this Convention may be interpreted as effecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.”

immigration and border enforcement through H.R.1 in July 2025.²³ Nearly all federal law enforcement agencies – along with local and state law enforcement under programs like 287(g)– have been deputized to engage in civil immigration enforcement.²⁴ The Department of Homeland Security rescinded guidelines prohibiting U.S. Immigration and Customs Enforcement (ICE) actions in “sensitive locations”, such as schools and courthouses, permitting operations in or near these areas.²⁵ Between January and September 2025, over 243,000 individuals were arrested.²⁶ The administration has expanded the immigration detention system. As of 21 September 2025, there were 59,762 individuals in ICE detention, compared with 39,238 on 26 January 2025 – representing a 65% increase.²⁷ Detention conditions have deteriorated, with reports of overcrowding, unsanitary conditions and abuse.²⁸ Bond has been eliminated for individuals who entered the US irregularly meaning that they will remain in detention throughout their removal proceedings.²⁹ Temporary protections for migrants and asylum seekers have been revoked, stripping over 1.5 million people of regular temporary status and placing them at risk of detention and deportation.³⁰ The administration has intensified deportation efforts, expanding the use of expedited removal and deporting individuals, including asylum seekers, to countries of which they are not nationals.³¹ The administration imposed a travel ban restricting entry fully from 12 countries and partially from 7 others.³² Following the declaration of a national emergency at the US-Mexico border and the termination of the CBP One mobile application’s scheduling system for asylum seekers, there is no way to seek asylum at the border.³³

²³ H.R.1 – One Big Beautiful Bill, 4 July 2025, <https://www.congress.gov/bill/119th-congress/house-bill/1/all-actions>; American Immigration Council, “What’s in the Big Beautiful Bill? Immigration and Border Security Unpacked”, 14 July 2025, <https://www.americanimmigrationcouncil.org/fact-sheet/big-beautiful-bill-immigration-border-security/>.

²⁴ ICE, “ICE’s 287(g) Program”, 9 October 2025, <https://www.ice.gov/identify-and-arrest/287g>.

²⁵ ICE, Interim Guidance: Civil Immigration Enforcement Actions in or near Courthouses, January 2025, https://iptp-production.s3.amazonaws.com/media/documents/2025.01_ICE_Courthouse_Enforcement_Guidance.pdf; DHS, “Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole”, 21 January 2025, https://iptp-production.s3.amazonaws.com/media/documents/2025.01.21_DHS_Statement_on_Expanding_Law_Enforcement_and_Humanitarian_Parole.pdf.

²⁶ TRAC Immigration, CBP vs ICE Book-Ins to Detention, October 2018 – 09/20/2025, https://tracreports.org/immigration/detentionstats/book_in_agen_program_table.html.

²⁷ TRAC Immigration, “ICE Detainees”, 2025, https://tracreports.org/immigration/detentionstats/pop_agen_table.html.

²⁸ Amnesty International, *Dehumanized by design: Human rights violations in El Paso*, 22 May 2025, <https://www.amnesty.org/en/documents/amr51/9386/2025/en/>; HRW, “You feel like your life is over”: Abusive practices at three Florida immigration detention centers since January 2025, 21 July 2025, <https://www.hrw.org/report/2025/07/21/you-feel-like-your-life-is-over/abusive-practices-at-three-florida-immigration>.

²⁹ BIA, Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), 5 September 2025, <https://www.justice.gov/eoir/media/1413311/dl?inline>.

³⁰ The administration ended the Cuban, Haitian, Nicaraguan, Venezuelan Parole Program and terminated Temporary Protected Status (TPS) for Afghanistan, Cameroon, Haiti, Honduras, Nepal, Nicaragua and Venezuela. DHS, “DHS Issues Notices of Termination for the CHNV Parole Program, Encourages Parolees to Self-Deport Immediately”, 12 June 2025, <https://www.dhs.gov/news/2025/06/12/dhs-issues-notices-termination-chnv-parole-program-encourages-parolees-self-deport>; USCIS, “Temporary Protected Status”, 5 October 2025, <https://www.uscis.gov/humanitarian/temporary-protected-status>; American Immigration Council, “Temporary Protected Status: An Overview”, 11 June 2025, <https://www.americanimmigrationcouncil.org/fact-sheet/temporary-protected-status-overview/>; American Immigration Council, “Trump Administration terminates CHNV Program, impacting more than a half-million immigrants”, 8 April 2025, <https://www.americanimmigrationcouncil.org/blog/trump-terminates-chnv-program-impacting-more-than-half-million-migrants/>.

³¹ DHS, Designating Aliens for Expedited Removal, 24 January 2025, https://iptp-production.s3.amazonaws.com/media/documents/Expanded_Expedited_Removal_FRN.pdf; Council on Foreign Relations, “What are Third-Country Deportations, and Why is Trump Using Them?”, 3 September 2025, <https://www.cfr.org/article/what-are-third-country-deportations-and-why-trump-using-them>.

³² The travel ban fully restricts the entry of nationals of Afghanistan, Myanmar, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan and Yemen. The ban partially restricts the entry of nationals of Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan and Venezuela. Presidential Proclamation, Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and other National Security and Public Safety Threats, 4 June 2025, <https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/>.

³³ Presidential Proclamation, Guaranteeing the States Protection against Invasion, 20 January 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/guaranteeing-the-states-protection-against-invasion/>; Presidential Proclamation, Declaring a National Emergency at the US Southern Border, 20 January 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-emergency-at-the-southern-border-of-the-united-states/>; Amnesty International, *Lives in Limbo: Devastating impacts of Trump’s migration and asylum policies* (AMR 51/9029/2025) 20 February 2025, <https://www.amnesty.org/en/documents/amr51/9029/2025/en/>.

In **Europe**, some countries have introduced legislation in violation of EU and international law (Greece³⁴, Italy³⁵), while others have abused legislative powers to suspend access to asylum (Greece,³⁶ Poland³⁷) and to authorize unlawful forced returns (so-called pushbacks) at borders (Finland,³⁸ Lithuania,³⁹ Latvia⁴⁰). In countries such as **Latvia**,⁴¹ **Lithuania**,⁴² **Finland**⁴³ and **Greece**, these unlawful practices - including arbitrary detention and denial of asylum - were justified by declaring an 'emergency', portraying migration as a security threat or form of 'hybrid warfare', or by invoking the need to respond to large arrivals. In all these cases, EU institutions have been unwilling to employ the tools at their disposal to ensure respect for EU and international law by member states.

Italy also misused government's power to legislate by urgent decrees to counter judicial challenges and bypass parliamentary opposition to its plans to process extraterritorially (in detention centres in Albania) asylum applications from people intercepted on the high seas and presumed to be coming from countries that Italy designated as "safe". In March 2025, the Italian Government hastily approved a decree allowing for people detained in Italy due to an expulsion order to be forcibly transferred to the centres in Albania, altering the original purpose of the Protocol signed with Albania in 2023. This followed court rulings rejecting orders of detention for people sent to Albania immediately after interception at sea. The new decree provides no justification or criteria for transporting and detaining people in another country, making these decisions likely to be arbitrary and discriminatory.⁴⁴

Finally, Amnesty International has long denounced the unlawful forced returns of refugees, asylum-seekers and migrants at Europe's borders, as well as the use against them of torture and other ill-treatment, in violation of international and EU law. Since 2021, we have documented these practices in **Poland**, **Lithuania**, **Latvia**, **Greece**.⁴⁵ In 2024, reports of summary forced returns of refugees and migrants were also raised in relation to **Cyprus**, **Serbia**, **Croatia** and **Bulgaria**.⁴⁶

³⁴ Amnesty International, *Samos: Unlawful detention and sub-standard conditions must not become a blueprint for the EU Migration Pact* (Index: EUR 25/9061/2025, 25 February 2025, <https://www.amnesty.org/en/documents/eur25/9061/2025/en/>)

³⁵ Amnesty International, *The Italy-Albania Agreement on Migration: Pushing Boundaries, Threatening Rights*, (Index: EUR 30/7587/2024), 19 January 2024, <https://www.amnesty.org/en/documents/eur30/7587/2024/en/>

³⁶ Amnesty International, *Greece: New asylum and return proposals flagrantly breach international law and punish people seeking protection*, 11 July 2025, <https://www.amnesty.org/en/latest/news/2025/07/greece-new-asylum-and-return-proposals-flagrantly-breach-international-law-and-punishes-people-seeking-protection/>

³⁷ Amnesty International, *Poland: Law "suspending" asylum claims is a flagrant violation of international law and poses a serious threat to the rights of refugees and migrants*, Index: EUR 37/9322/2025, 1 May 2025, <https://www.amnesty.org/en/documents/eur37/9322/2025/en/>

³⁸ Amnesty International, *Finland: Emergency law on migration is a 'green light for violence and pushbacks at the border'*, 11 June 2024, <https://www.amnesty.org/en/latest/news/2024/06/finland-emergency-law-on-migration-is-a-green-light-for-violence-and-pushbacks-at-the-border/>

³⁹ Amnesty International, *Lithuania: Legalizing illegal pushbacks gives green-light to torture*, 20 April 2023, <https://www.amnesty.org/en/latest/news/2023/04/lithuania-legalizing-illegal-pushbacks-gives-green-light-to-torture/>

⁴⁰ Amnesty International, *Latvia: Legal amendments would empower border guards to torture and push back migrants and refugees*, 22 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/latvia-legal-amendments-would-empower-border-guards-to-torture-and-push-back-migrants-and-refugees/>

⁴¹ Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights*, (Index: POL 10/5670/2023), 27 March 2023, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>

⁴² Amnesty International, *Lithuania: Asylum seekers unlawfully detained file class action for redress*, 28 June 2024, <https://www.amnesty.eu/news/lithuania-asylum-seekers-unlawfully-detained-file-class-action-for-redress/>

⁴³ Amnesty International, *Finland: Emergency law on migration is a 'green light for violence and pushbacks at the border'*, 11 June 2024, <https://www.amnesty.org/en/latest/news/2024/06/finland-emergency-law-on-migration-is-a-green-light-for-violence-and-pushbacks-at-the-border/>

⁴⁴ Amnesty International, *Externalization of migration and the impact on the human rights of migrants: Submission to the UN Special Rapporteur on the Human Rights of Migrants*, (Index: EUR 01/9485/2025), 11 June 2025, <https://www.amnesty.org/en/documents/eur01/9485/2025/en/>

⁴⁵ For Latvia, Poland and Lithuania please refer to previous footnotes. For Greece: Amnesty International, *Greece: Violence, lies, and pushbacks – Refugees and migrants still denied safety and asylum at Europe's borders*, EUR 25/4307/2021, June 2021, www.amnesty.org/en/documents/eur25/4307/2021/en/.

⁴⁶ Amnesty International, *The State of the World's Human Rights 2024/25*, 28 April 2025, Index Number: POL 10/8515/2025, <https://www.amnesty.org/en/documents/pol10/8515/2025/en/>.