Swiss Federal Council decides that cantons retain the authority to order administrative detention

The Swiss Federal Council has decided that cantons will retain the authority to order administrative detention under immigration law for rejected asylum seekers residing in federal asylum centres. This decision was taken at the Federal Council's meeting on 8 October 2025.

The Federal Council plans to introduce an exception for individuals who pose a threat to Switzerland's internal or external security. In such cases, the State Secretariat for Migration would be granted the competence to order administrative detention, with the relevant provision to be added to the Federal Act on Foreign Nationals and Integration.

The decision follows a report responding to postulate 23.3837 which proposed reinstating the SEM's power to order detention in federal asylum centres. After review, the Federal Council concluded that the current system where cantons hold this power remains effective and appropriate, as a shift in jurisdiction would not alter the legal grounds for detention nor make it easier to impose.

For high-risk individuals, however, the Federal Council supports allowing the SEM to act more swiftly, particularly when national security is at stake. The Federal Department of Justice and Police has been tasked with drafting the necessary legislative amendment for consultation. The Federal Council emphasised that existing police measures under the Federal Act on Police Measures to Combat Terrorism remain the primary tool for ensuring national security.

Source(s)

- State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d'État aux migrations | Segreteria di Stato della migrazione (8 October, 2025), Détention administrative : le Conseil fédéral maintient la compétence cantonale [Administrative detention: Federal Council maintains cantonal jurisdiction], https://www.news.admin.ch/fr/newnsb/8LCE6OBq1uKL

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