

Submission by the International Detention Coalition (IDC) to the report of the UN Special Rapporteur on the human rights of Migrants to the 80th session of the General Assembly on Externalisation of Migration and its Impact on the Human Rights of Migrants

IDC is a global network of civil society organizations, with members in more than 75 countries, advocating to reduce and ultimately end immigration detention and to promote rights-based alternatives to detention (ATD). IDC would like to thank Mr. Gehad Madi for the opportunity to contribute to his mandate and the forthcoming report.

Introduction

In recent years, global migration dynamics have been shaped by shifting political, economic and social factors, leading to an increasingly polarized debate on how states manage human mobility. Against this backdrop, we see a trend towards the politicisation and criminalisation of migrants and migration, expressed through the increased use of immigration detention, pushbacks, externalisation of borders, enforced disappearances and forced returns.

Many governments have been relying on immigration detention as a generalized response to migration management, despite clear evidence showing that ATD are effective, promote individuals' rights, and are a fraction of the cost of detention. This reliance on detention is reinforced by broader trends in the externalisation and privatisation of immigration control, including the outsourcing of visa services, the use of embassies and consulates, and the growing use of digital technology, either for document procurement or in ATD, often without adequate oversight or consideration of its negative impacts.

Externalisation measures are, hence, closely linked to the increased use of immigration detention. The reliance on externalisation and detention as deterrent mechanisms reflects a broader trend of states prioritizing control over protection and rights-based approaches, and following politics rather than evidence when designing migration governance policies and frameworks.

Examples of externalisation measures and their human rights implications

1. The United States of America (US) and the Central American migration corridor

The US has been described as "the world's pioneer in offshore interdiction and detention."¹ It has supported, funded, or influenced the establishment of immigration detention centers in several countries in Central America and the Caribbean, through financial assistance, policy pressure, capacity-building, or security cooperation, in efforts often framed as migration deterrence, border security or migration management strategies. The US has used military bases in Cuba for interdiction and offshore detention, supported the construction of holding facilities and trained law enforcement

¹ Michael Flynn, [How and Why Immigration Detention Crossed the Globe](#), Global Detention Project Working Paper No. 8, April 2014, p.3

in Honduras, funded a detention center that lacked basic conditions in Guatemala City, and initiated third country or transit processing models in Guatemala, Costa Rica and others.

Since January 2025, there has been an escalation in US immigration enforcement policies, including externalisation of detention and deportation of third country nationals. Agreements with El Salvador, Panama and Costa Rica have allowed for these countries to detain migrants deported from the US under opaque and unregulated conditions. These actions disregard due process and seriously undermine international protection frameworks, limiting access to asylum and other pathways.² Of particular concern is the third country expulsion and forced disappearance of more than 260 Venezuelan nationals to El Salvador and their subsequent detention at the notorious Terrorism Confinement Prison, widely condemned for its inhumane conditions.³ These expulsions reportedly occurred in contravention of a US court order. Emergency relief is being sought before the Inter-American Commission on Human Rights,⁴ given that such actions are likely to be repeated and that they have recently been expanded beyond the Americas to other regions worldwide, such as South Sudan⁵. Unchecked externalisation practices exacerbate the risk of cases of enforced disappearances in the migration context and reinforce harmful narratives framing migration as a security threat, rather than a humanitarian and social issue.

2. US / Mexico border

In recent years, the US has effectively externalised its asylum processing and immigration enforcement responsibilities to Mexico, under policies like the Migrant Protection Protocols (MPP or “Remain in Mexico”), “Title 42” and its successors.⁶ While Mexico resisted signing a formal safe third country agreement, these policies were carried out with the tacit or active cooperation of the Mexican government, and resulted in the prolonged and dangerous detention of vulnerable populations at its northern border.

One of the most impactful externalisation mechanisms was the MPP, implemented in 2019 in exchange for the US not imposing tariffs on Mexican products.⁷ This programme required people seeking asylum to wait in Mexico while their cases were processed in the US. Despite being aware of the insecurity and lack of adequate protections, the Mexican government permitted the return of over 68,000 people to its territory between January 2019 and November 2020.⁸ As a result, people seeking asylum,

² See [IDC, Grave human rights violations following mass expulsions from the United States](#) and [HRW, “Nobody Cared, Nobody Listened” The US Expulsion of Third-Country Nationals to Panama](#)

³ [250 Venezuelan migrants to El Salvador](#). See also [United States and El Salvador: A Scheme to Deport Migrants from the U.S. to “Human Rights Black Hole”](#).

⁴ [New lawsuit seeks to restore human rights for those disappeared to indefinite incomunicado detention in El Salvador](#)

⁵ <https://www.theguardian.com/us-news/2025/may/20/trump-administration-deported-migrants-south-sudan>

⁶ National Immigrant Justice Center (NIJC) and FWD.us., [Pushing Back Protection: How Offshoring And Externalization Imperil The Right to Asylum](#), 2021

⁷ Global Detention Project, [Country Report, Immigration Detention in Mexico: Between the United States and Central America](#), February 2021

⁸ Fundación para la Justicia y el Estado Democrático de Derecho, [La externalización de las fronteras. El control migratorio por parte de México y los Estados Unidos y sus consecuencias en los derechos humanos de las personas migrantes](#), 2020.

including children, were subjected to abduction, torture, sexual violence, and barriers to accessing international protection.⁹

From March 2020 to February 2023, the US expanded its externalisation efforts through Title 42, a public health order used to summarily expel over 2.29 million asylum seekers during this period,¹⁰ without due process, under the pretext of pandemic control. Mexico accepted these expulsions, despite the violation of migrants' rights.

In 2023, the Biden administration introduced a new "asylum ban", further restricting access to protection. This policy forced many vulnerable individuals, including children, to remain in Mexico in precarious conditions, during which many were targeted by criminal groups. In some cases, even those with scheduled appointments were blocked by Mexican authorities from accessing US ports of entry.¹¹

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) recently expressed its concern regarding the clarity and transparency of these policies and recommended that Mexico ensure that any migration cooperation agreements with the US comply with international human rights safeguards.¹²

3. Europe

The draft European Union (EU) Returns Regulation,¹³ currently being considered by the Council of Europe and European Parliament, allows for the expansion of the externalisation model, with the creation of return-hubs outside the EU.¹⁴ So far, several externalisation agreements have been operationalised, with raising interest to conclude more such deals.

In 2022, Denmark signed an agreement with Kosovo to lease 300 prison cells for individuals sentenced to expulsion from Denmark.¹⁵ Ratified by Kosovo in 2024, it is yet to be implemented.¹⁶ The arrangement is concerning on multiple levels, including access to legal remedies and oversight of detention conditions.

In 2023, the Italian and Albanian governments signed a Memorandum of Understanding, known as the Protocol¹⁷ that allows Italy to process asylum applications through an accelerated border procedure and carry out returns processing in Albania. This is the first agreement between an EU and non-EU country to externalise processing of migrant arrivals to be implemented. In 2024, Italy opened the first

⁹ Human Rights First, "Remain in Mexico: Unlawful and Ineffective", 2019. <https://humanrightsfirst.org/library/remain-in-mexico-unlawful-and-ineffective/>

¹⁰ Forbes México, Migrantes denuncian que México los expulsa arbitrariamente a Guatemala, 5 de agosto de 2021.

¹¹ Human Rights Watch, "No podíamos esperar": Sistema de dosificación digital en la frontera entre EE. UU. Y México, 2023

¹² CMW Final Observations on Mexico's Fourth Periodic Report. April 2025

¹³ https://eur-lex.europa.eu/resource.html?uri=cellar:9565bdd7-ff1a-11ef-9503-01aa75ed71a1.0001.02/DOC_1&format=PDF

¹⁴ <https://idcoalition.org/publications/idc-statement-on-proposed-common-european-system-for-returns-2025/>

¹⁵ Treaty between the Kingdom of Denmark and the Republic of Kosovo on the use of the Correctional Facility in Gjilan for the purpose of the execution of Danish sentences. Available at: <https://www.justitsministeriet.dk/wp-content/uploads/2022/04/Final-treaty-Denmark-Kosovo.pdf>

¹⁶ <https://www.re-actlab.org/our-work/re-act-explains/re-act-explains-kosovo-denmark-agreement>

¹⁷ <https://odysseus-network.eu/wp-content/uploads/2023/11/Protocol-between-the-Government-of-the-Italian-Republic-and-the-Council-of-Minister-of-the-Albanian-Republic-1-1.pdf>

of two centres,¹⁸ including a Return/Pre-removal Detention Centre (CPR) with 144 places and a detention facility with a capacity of 880 places.¹⁹ The protocol allows a maximum of 3000 people to be held at one time. Since 2023, the Protocol's legitimacy has been legally challenged many times – however, Meloni's government tried to save this project by attacking the judiciary and issuing ad hoc decrees to circumvent legal shortcomings. Following the Italian courts' decision not to validate the detention of three separate groups, a Law Decree issued on 28 March 2025 enabled arbitrary deportations of people already detained in CPRs in Italian territory to Albanian detention centres, in sight of repatriation.

The processing of migrants in an extra-territorial location, run by private contractors, weakens oversight of procedures and conditions²⁰ and increases their vulnerability to violations of basic rights. Monitoring activities carried out by CSOs – which were only able to access the facilities thanks to MPs and MEPs – revealed that vulnerability assessments lack effectiveness: those deported to Albania are not provided with information about their condition, nor their lawyers are notified in case of transfer from CPRs in Italy. Concerns were raised about the screening procedures carried out to select people for deportation, which proved to be inadequate and superficial, as they failed recognising the presence of minors and vulnerability conditions, including psychological and physical incompatibility with detention as well as torture and mistreatment experiences, which were only detected through in-depth in-person interviews with their lawyers and further medical examinations carried out once returned to Italy. Access to legal assistance is severely compromised, as lawyers are appointed only after the validation of detention orders and interviews occur online. The Italian Coalition for Civil Liberties and Rights (CILD²¹) has long been denouncing the harsh conditions within Italian administrative detention centres and demanding their closing. The administrative nature of migrant detention creates inhumane conditions consisting in severe violations of fundamental rights. The cruelty of the current policy even brought a former detainee returned to Italy, Hamid Badoui, to commit suicide citing fears of returning to detention in Albania.²² IDC echoes the concerns raised by IDC member, CILD and Progetto Diritti,²³ that these procedures violate both European and Italian law, as well as EXCOM conclusions and obligations under international law.²⁴

In 2025, the UK expressed interest in Italy's agreement with Albania, as its plan to send asylum seekers to Rwanda was officially abandoned in 2024²⁵ and new law²⁶ was enacted. It has been exploring the conclusion of similar agreements with Western Balkan countries including Kosovo, Serbia, North

¹⁸ <https://www.reuters.com/world/europe/two-reception-centres-albania-ready-handle-migrants-sent-by-italy-2024-10-11/>

¹⁹ <https://www.infomigrants.net/en/post/63614/italian-government-set-to-turn-albania-centers-into-cprs>

²⁰ <https://www.politico.eu/article/italy-offshore-detention-centers-albania-migration-asylum-processing-giorgia-meloni/>

²¹ <https://cild.eu/en/>

²² <https://www.amnesty.it/suicidio-di-hamid-badoui-il-modello-albania-produce-sofferenza-e-morte/>

²³ <https://www.progettodiritti.it/the-association/>

²⁴ Executive Committee Conclusions of UNHCR's Programme (EXCOM Conclusions) No.23, (1981) para. 3 states "In accordance with international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied to asylum-seekers rescued at sea. In cases of large-scale influx, asylum-seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities."

²⁵ <https://www.supremecourt.uk/cases/uksc-2023-0093>

²⁶ <https://www.legislation.gov.uk/ukpga/2024/8/enacted> Safety of Rwanda (Asylum and Immigration) Act 2024

Macedonia and Bosnia and Herzegovina. Efforts to replicate externalisation arrangements with states with fragile asylum systems and limited human rights oversight risks exposing already vulnerable individuals to arbitrary detention, legal uncertainty and violations of the principle of non-refoulement.

4. The EU and the Mediterranean Route through West and North Africa

The EU has increasingly adopted externalisation measures to manage migration along the Mediterranean route, particularly through partnerships with Western and North African countries, having granted €122 billion in arms export licenses to African nations between 2007 and 2016.²⁷

In West Africa, the EU has entered agreements with countries such as Niger, Senegal, and Mauritania, including support for national biometric civil registry systems, funding for migration deterrence campaigns, and the signing of readmission agreements.²⁸ One example is Operation HERA,²⁹ which involves sea and aerial patrols along the Western Africa coast, aiming to intercept and divert migrant vessels before they reach the Canary Islands.

In North Africa, the EU has established cooperation with countries such as Libya³⁰ and Tunisia. This includes funding for border security enhancements, training of coast guards, and the establishment of migration processing centres. These countries intercept migrants and refugees, preventing their departure towards Europe and returning them, often in breach of the principle of non-refoulement.³¹ For example, between 2015 and 2021, the EU provided €455 million to Libya,³² and the bilateral 2017 MoU signed between Italy and Libya aims to enhance Libya's maritime surveillance capacity to intercept and return migrants. These practices have raised significant human rights concerns as migrants intercepted and returned often face detention with poor conditions and reports of abuse.

5. Asia-Pacific Region

The "Australian model" – including Australia's "Pacific Solution" and "Operation Sovereign Borders" systems embody externalisation measures. They work by intercepting boats carrying people seeking asylum, transferring them to offshore processing facilities and outsourcing immigration detention, as well as turning back boats to sea.³³ The human cost of externalization and offshore processing policies from the Australian government in Papua New Guinea has been amply documented. These situations also led to recognized refugees being isolated and in detention, family separation and many incidents of violence, abuse and torture. The Australian externalization model has also served as a negative

²⁷ https://www.tni.org/files/publication-downloads/expanding_the_fortress_-_1.6_may_11.pdf

²⁸ See EU Border Externalisation and Uneven Development In West Africa

²⁹ <https://www.frontex.europa.eu/media-centre/news/news-release/longest-frontex-coordinated-operation-hera-the-canary-islands-WpQlsc>

³⁰ See IDC – <https://idcoalition.org/libya-eu-funds-received-to-combat-illegal-migration/> and IDC, <https://idcoalition.org/mena-regional-programme-updates/>

³¹ Refugee Law Initiative – Rethinking European Security: The Strategic Missteps of EU Border Externalisation in North Africa

³² European Commission, [EU Support on Migration in Libya: EU Emergency Trust Fund for Africa, North of Africa window](#), June 2021

³³ Madeline Gleeson and Natasha Yacoub, [Policy Brief 11: Cruel, costly and ineffective: The failure of offshore processing in Australia](#), The Kaldor Centre for International Refugee Law, August 2021

model for other countries in the world to advance externalization policies, therefore magnifying the damage of these policies.³⁴

In Malaysia and Thailand, IDC has identified that externalisation measures take the form of transnational repression, extradition, expulsion, and refoulement. Malaysia reportedly regularly coordinates with the Myanmar military junta to send back Myanmar nationals, majority of whom are refugee and asylum-seekers. Reports from civil society and communities indicate they were unable trace many of these individuals once they arrived in Myanmar.³⁵ Practices of transnational repression have taken place in the region, such as Thai authorities reportedly forcibly returning Cambodian political opposition activists³⁶ and Cambodian authorities collaborating with the Malaysian government to arrest and deport political dissenters.³⁷ Similarly of concern is the recent report of Indian authorities detaining Rohingya refugees living in Delhi, taking them, blindfolded, to an Indian naval ship, where, reportedly, once the boat crossed the Andaman Sea, the refugees were given life jackets, forced into the sea, and made to swim to an island in Myanmar territory.³⁸

Another example in the region is the deportation of 40 Uyghur men from Thailand to China in February 2025³⁹ following 11 years of incommunicado detention. Despite Thai authorities initially denying any deportation plan, the forced return of the 40 men was conducted in secrecy with Chinese diplomatic assurance of safety.

Conclusion

Externalisation measures frequently result in the transfer of migrants and people seeking asylum to cooperating States where they face prolonged containment, legal uncertainty, and limited or no access to protection systems. Individuals are often subjected to serious human rights risks, ranging from arbitrary detention, forced disappearance, denial of access to asylum, family separation, exposure to violence and exploitation, to forced returns in violation of non-refoulement. Opaque bilateral arrangements, inadequate safeguards, and lack of oversight heighten these risks, as affected individuals and their families rarely have meaningful access to justice or effective remedies.

³⁴ <https://vlex.com/co/vid/australia-australia-s-border-851096874>

³⁵ <https://www.hrw.org/news/2022/10/24/malaysia-surge-summary-deportations-myanmar>

³⁶ <https://www.hrw.org/news/2024/11/29/thailand-cambodian-refugees-forcibly-returned>

³⁷ <https://www.hrw.org/news/2024/10/04/malaysia-deports-cambodian-worker-critical-comments#:~:text=Cambodian%20authorities%20have%20reportedly%20collaborated,Sen%2C%20on%20her%20Facebook%20page>

³⁸ <https://www.ohchr.org/en/press-releases/2025/05/alarmed-reports-rohingya-cast-sea-indian-navy-vessels-un-expert-launches>

³⁹ <https://apnews.com/article/uyghur-china-deportation-thailand-xinjiang-human-rights-7a05b58e7f552a3651b90d76a0899e92>