**Externalization of Migration Governance Through Deportation Practices: The Case of Southeast Asian Refugee Communities in the United States**

*Submission to inform the Special Rapporteur on the human rights of migrants' forthcoming report to the Human Rights Council on the externalization of migration governance (June 2026), pursuant to Human Rights Council resolution 52/20.*

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This submission examines the externalization of migration governance through the lens of U.S. deportation and readmission practices targeting Southeast Asian refugee communities, particularly individuals of Cambodian, Laotian, and Vietnamese origin. It argues that contemporary deportation regimes, especially third-country removals and coercive bilateral repatriation agreements, constitute a form of externalization whereby responsibility for migrant protection is transferred to third States, often in violation of international human rights law. While externalization is frequently discussed in relation to border controls and offshore asylum processing, this submission highlights deportation-based externalization, including removals to unsafe or unrelated third countries, as an under-examined but increasingly severe manifestation of this practice.

**Background**

To understand the full context this submission presents, it is crucial to recognize the historical role of the United States in Southeast Asia. During the 1960s and 70s, under the banner of Cold War containment, the U.S. waged war in Vietnam and conducted covert military campaigns in Laos and Cambodia. These interventions devastated civilian populations, destabilized governments, and created conditions for mass displacement. The displacement of Southeast Asian refugees must be understood in the context of U.S. military intervention in Vietnam, Laos, and Cambodia during the 1960s and 1970s. These interventions generated large-scale refugee flows that led to the resettlement of Southeast Asian communities in the United States under post-war humanitarian and refugee frameworks. The legacy of war persists through unexploded ordnance, environmental degradation, and intergenerational trauma. Contemporary deportations of Southeast Asian refugees cannot be separated from this history, they represent a continuation of responsibility-shifting, moving from the U.S.-driven displacement abroad to externalized and punitive migration enforcement within and beyond U.S. borders.

**Timeline and Records on Deportation of Southeast Asian Refugees**

Following U.S. intervention in Vietnam, Cambodia, and Laos, over one million Southeast Asian refugees were resettled in the United States under humanitarian frameworks, often without adequate long-term

integration support. Many were placed in disinvested communities and left to navigate trauma, language barriers, and economic insecurity with minimal assistance. Decades later, these same structural vulnerabilities intersect with punitive immigration laws and bilateral repatriation agreements, exposing many to deportations. This trajectory reflects how failures in protection and integration have been compounded by deportation-based externalization, shifting responsibility for refugee protection away from the resettling State.

The passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996 marked a turning point in U.S. immigration enforcement. These laws introduced retroactive deportation for non-citizens convicted of "aggravated felonies," a category so broadly defined that it encompassed misdemeanors such as marijuana possession or petty theft. Crucially, IIRIRA stripped judges of the discretion to consider personal circumstances like childhood arrival, family ties, or rehabilitation (NYU School of Law Immigrant Rights Clinic). Many Southeast Asian refugees had never naturalized due to language barriers, bureaucratic hurdles, or misinformation. Thus, despite living in the U.S. for decades, they became suddenly vulnerable to removal. To this day, over 16,000 Southeast Asians from Cambodia, Laos and Vietnam are at risk of deportation.

Since Cambodia initially had no formal repatriation agreement with the U.S., deportations did not begin until 2002. However, they have steadily increased since then. As of 2020, over 1,900 Cambodians had received final orders of removal, often for crimes committed as teenagers (Asian Law Caucus, 2020). In recent years, the U.S. has continued to renegotiate and enforce deportation agreements with Cambodia, Laos, and Vietnam, countries that had previously resisted accepting deportees who originally arrived as refugees during wartime. These bilateral agreements increasingly target Southeast Asian communities under expanded enforcement priorities. During Current U.S President Trump's first term, ICE significantly ramped up removal operations against Cambodian and Vietnamese nationals (Asian Americans Advancing Justice, 2019). Under his second administration, advocates report renewed pressure on Laos to formalize a deportation agreement and new efforts to reinterpret existing treaties with Vietnam to include individuals who arrived between 1975 and 2008, despite prior understandings that pre-1995 arrivals would be protected (Sahan Journal, 2025).

These policies have created conditions in which thousands of Southeast Asian refugees, many of whom fled genocide, war, and persecution, now face forced removal through externalized migration governance mechanisms, often to countries they have not seen since childhood or, in some cases, to unrelated third States. Cambodia, Vietnam, and Laos were initially reluctant to accept deportees, particularly individuals with criminal convictions, citing concerns related to reintegration and human rights protections. In this context, deportation practices, including third-country removals, exemplify improper externalization of migration governance, undermining due process, non-refoulement, and the principle of shared responsibility emphasized in international human rights law.

Key developments in the bilateral repatriation agreements and related deportation practices include:

- **2002:** U.S.-Cambodia Repatriation Agreement Signed
  This first formal agreement allowed the U.S. to deport Cambodian refugees with criminal convictions. Cambodia's government initially resisted receiving deportees, citing concerns over social reintegration and human rights. Over time, growing deportations sparked public backlash within Cambodia. The government has since condemned the ongoing deportations and family separations, calling for more humane treatment of returnees.
- **2012–2016:** MOUs with Vietnam Established

    - In 2008, the United States and Vietnam signed a bilateral repatriation agreement, stipulating that Vietnamese citizens who arrived in the U.S. before July 12, 1995, would not be subject to return under this agreement. However, in 2019, the Trump administration began renegotiating this agreement to expand the categories of individuals eligible for deportation, including permanent residents with certain criminal convictions and those who arrived before 1995.
- **2017–2020:** Increased Deportations and Emerging Legal Challenges
  Deportations to Cambodia, Laos, and Vietnam increased significantly, with many individuals facing immediate removal after serving prison sentences in the U.S. Legal advocates began to challenge the fairness of these deportations, highlighting failures to consider refugee trauma, family separation, and due process rights.
    - As of 2020, the first Trump administration was negotiating a repatriation agreement with Laos to deport approximately 4,700 individuals. This initiative raised concerns among refugee advocacy groups due to the potential risks faced by deportees, many of whom had limited ties to Laos and could face human rights violations upon return.
- **May 2025:** On a Memorial Day weekend that carried 93 Vietnamese and 65 Laotian nationals. Many affected individuals had lived in the U.S. for decades and had deep community ties, yet were removed with little procedural clarity about their destination and support upon arrival.
- **June 2025:** Deportations to South Sudan
  In a disturbing escalation, eight individuals, including Laotian and Vietnamese Americans, were deported to South Sudan, a country with no historical or legal ties to them. This deportation violated a federal court order requiring the Department of Homeland Security to ensure due process protections before deportation. There are attempts by the Trump Administration to deport Southeast Asians to Libya. Though legal efforts redirected those individuals to their countries of origin, these actions exemplify the government's disregard for due process and human rights.

- **July 2025: Third-Country Deportations to Eswatini**

  On 16 July 2025, the United States deported five individuals convicted of crimes, including nationals from Vietnam and Laos, to Eswatini, a small southern African kingdom with no legal or historical ties to the deportees. This transfer was carried out under a "third-country" deportation arrangement negotiated between the U.S. and Eswatini, raising significant human rights concerns regarding the externalization of migration control to a third State. The deportees were held in isolated units of the Matsapha Correctional Complex, illustrating how externalization through deportations can result in arbitrary detention and deprivation of rights in a country unrelated to the individuals' origin. Civil society groups and rights advocates have criticized the secrecy of the agreement, the lack of due process protections, and the risk of human rights violations arising from transfers to States with documented abuses

Throughout 2025, deportation enforcement targeting Southeast Asian refugees, particularly Laotian, Vietnamese, and Cambodian communities, has continued to intensify as part of broader externalized migration control practices. Many individuals are removed immediately after completing prison sentences, often for non-violent or decades-old offenses, with little opportunity for individualized risk assessment or meaningful due process. Taken together, these practices illustrate how externalization through deportation operates in a racialized and punitive manner, disproportionately harming Southeast Asian refugee communities and transferring the consequences of migration enforcement beyond the borders of the externalizing State.

**Current Examples of Individual Cases:**

A Vietnamese immigrant living in California for decades, with a criminal conviction and family ties in the U.S., was nearly deported to Libya after appearing for an annual ICE check-in. Despite Libya being a country plagued by armed conflict, human rights abuses, and instability, conditions widely recognized as dangerous, he was abruptly detained, shackled, and transported to a Texas detention facility, where he and others from various countries were told they would be sent to Libya, a place none were from. Legal intervention and a federal court order temporarily halted the deportation, but the detainees were subjected to solitary confinement and extreme uncertainty. In another case, Tin Thanh Nguyen, an immigration attorney based in North Carolina, is representing two refugees from Vietnam and Laos who were flown in July 2025 to a maximum-security prison in southern Africa, a third country with no ties to either individual. Both men arrived in the U.S. as children and had served time for criminal offenses they committed as teenagers, yet they were removed far from their homelands without clear reintegration support.

These documented cases illustrate a troubling expansion of deportation-based externalization, whereby responsibility for the protection of migrants is shifted to States with which individuals have no meaningful legal, cultural, or familial ties, and where conditions often pose serious human rights risks. Third-country deportations to South Sudan and Eswatini demonstrate the removal of individuals to countries with documented conflict and human rights concerns, in some instances contrary to legal orders requiring notice and procedural safeguards.

**Recommendations**

To address the human rights violations arising from deportation-based externalization and to align with international human rights standards, the following measures are recommended:

**1. Recognize Deportation-Based Externalization as a Human Rights Violation**
The UN and Member States should formally recognize that deportation practices, including third-country removals, constitute a form of externalization that shifts responsibility for migrant protection onto third States and how it impacts Southeast Asian communities. UN human rights experts have repeatedly condemned U.S. deportations, including the deportations of Southeast Asian Refugees, to unsafe or unrelated countries, warning that such practices violate the principles of non-refoulement, due process, and protection from arbitrary detention and ill-treatment. These concerns should be explicitly integrated into ongoing monitoring of externalization measures.

**2. Review and Suspend Repatriation and Third-Country Deportation Agreements**
Member States should urgently review bilateral repatriation and third-country deportation arrangements to assess their compliance with international human rights law. Agreements that enable removals to unsafe or unrelated States, particularly where individuals have no meaningful ties, should be suspended. Any continued cooperation must be conditioned on binding legal safeguards, individualized risk assessments, and effective access to remedies, consistent with the Special Rapporteur's recommendations.

**3. Address Responsibility Vacuums and Ensure Accountability**
States must reaffirm that international obligations cannot be evaded through delegation of migration control. Externalizing and receiving States should be held jointly accountable for violations arising from

deportation-based externalization, including family separation, prolonged detention, and exposure to harm. Transparent attribution of responsibility is essential to prevent legal and protection gaps.

**4. Strengthen Transparency and Oversight Mechanisms**
All deportation and readmission agreements should be publicly disclosed and subject to parliamentary scrutiny and independent oversight. States should conduct prior and independent human rights impact assessments and establish accessible complaint and redress mechanisms for individuals subjected to third-country removals.