Permanent Mission of Brazil to the United Nations Offices in Geneva

Contributions to the Report on the Human Rights of Migrants

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The intensification of North-South externalization practices in migration management - especially through the outsourcing of typical state functions such as screening asylum and return/readmission requests - has raised concerns in the international refugee and migrant protection system, due to the risk of human rights violations posed by such arrangements. Brazil has repeatedly expressed concern over migration governance externalization measures and has recently co-sponsored a side event on this subject in the context of the Third Committee of the 80th UNGA.

As a country that honors its obligations in this area and welcomes migrants and refugees, Brazil enjoys a unique position in this debate: it is simultaneously a country of origin, transit, and destination for mixed migratory flows; it has a robust legislation (Laws No. 13.445/2017 and No. 9.474/1997); and adopts several policies of protection and socioeconomic inclusion of migrants, refugees and asylum-seekers (humanitarian visas, Operation Welcome, interiorization). The recently launched National Policy on Migration, Refugees and Statelessness aims to offer a comprehensive framework for the development of policies focused on the promotion and the protection of the rights of migrants, refugees and stateless persons.

In line with the conclusions of the document published by the Special Rapporteur in August 2025 (A/80/302), the political and legal implications of externalization agreements are complex. As outlined in the report, these arrangements may take different forms: outsourcing border control, extraterritorial asylum processing and readmission or expulsion to third States. All of these are measures that may undermine protection and lead to violations of migrants` rights. From the Brazilian perspective, in general, such arrangements contradict the logic of solidarity and shared responsibility enshrined in multilateral instruments such as the Global Compact on Refugees and the Global Compact for Safe, Orderly, and Regular Migration.

Externalization arrangements first emerged as a mechanism for migration management in developed countries, as a model whose purpose seemed to be to transfer responsibilities and costs related to migration to middle- or low-income countries, often without adequate

technical or financial support in return. More recently, the rise of anti-immigration political rhetoric has considerably influenced public opinion and precipitated shifts in migration policies, marked by the tightening of rules and procedures for migration regularization.

Measures such as the establishment of "return hubs" outside national territories - which are mentioned in the New Pact on Migration and Asylum of the EU, for example - may weaken States` operational capabilities to ensure compliance with international human rights standards and uphold the principle of non-refoulement. At the same time, the definition of concepts such as "safe third country" (STC) and "safe country of origin" (SCO) demands caution, considering that overstretching such concepts could increase the risk of excessively expanding the circumstances in which countries may deport asylum seekers to third countries, and hinder guarantees of effective judicial remedies. From the Brazilian point of view, there is particular concern that such concepts could be used to justify the inadmissibility of asylum requests if it were to be considered that the individual could receive equivalent protection in a third country.

Especially since 2025, externalization has ceased to be a predominantly European phenomenon to expand into the Latin American and Caribbean region through new US migration policies. These have consisted mainly in bilateral agreements to receive deportations of nationals (Colombia, Venezuela and Ecuador) and, in some cases, non-nationals (Guatemala and El Salvador), and in safe third-country agreements, as the one signed with Paraguay in August 2025.

These measures have precipitated profound changes in migration dynamics in Latin America and the Caribbean, marked by a sharp decline in northbound flows and an increase in southbound and south-south movements. Moreover, the tightening of migration policies in the United States has led to changes in routes: some migrants are attempting to return from Central to South America, while others are seeking alternative sea routes, such as the Panama-Colombia route, despite the risks. In 2025, there was a historic 94% drop in border crossings into the US and the lowest number of northbound migrants in Darién since 2020.

The regional environment is one of regulatory fragmentation: policies aimed at protection and inclusive integration of migrants and refugees coexist with externalization practices, often encouraged by bilateral pressure and the lack of predictable funding from multilateral agencies. With the resurgence of anti-migration rhetoric and the reversal of public policies on reception, regularization, and integration in developed countries, Brazil is concerned about the risk that the respect of international asylum and protection obligations will increasingly be shifted to the Global South.

Another cause for concern is the role of international humanitarian agencies amidst the proliferation of externalization arrangements. More than 90% of the UNHCR and IOM budgets come from voluntary and highly targeted ("earmarked") contributions from donor states ? mainly from the European Union, the United States, the United Kingdom,

Germany and Japan. Projects and trust funds (such as the EU Emergency Trust Fund for Africa and the Regional Development and Protection Programme) are increasingly aimed at "stabilising" populations in countries of origin and transit, transforming protection policies into instruments for managing migration flows. The lack of programmatic autonomy of these agencies may compromise their position when dealing with pressures from States to act in the "securitisation of protection".

Last but not least, from the Brazilian perspective, externalization arrangements must be clearly differentiated from international cooperation or partnerships that facilitate migration and access to protection. The latter are based on the widely recognized principle of responsibility sharing, a core tenet of today`s multilateral migration governance. In contrast, externalization practices are aimed at shifting responsibility for migrants and refugees from the externalizing State to a third State, often resulting in weakened protection for migrants, refugees and asylum-seekers.