

EXTERNALIZATION OF MIGRATION GOVERNANCE & HUMAN RIGHTS

This briefing summarizes the 2025 General Assembly report (A/80/302) of the UN Special Rapporteur on the human rights of migrants on externalization practices, which shift migration governance beyond a State's borders. Though framed as partnerships, these measures often deflect responsibility and lack safeguards, raising serious concerns under human rights and refugee law.

THE PROBLEM

States are increasingly shifting migration, asylum, and border-control functions beyond their own territory. Although often framed as "cooperation" or "partnerships," these externalization practices are primarily designed to deflect responsibility, restrict access to asylum, and limit obligations under international human rights and refugee law.

These measures commonly operate outside public scrutiny and without meaningful oversight. As a result, migrants and refugees are exposed to foreseeable harm, while accountability is weakened or intentionally obscured

Externalization

Refers to "the process of shifting functions that are normally undertaken by a State within its own territory so that they take place, in part or in whole, outside its territory."

THE CAUSE

Externalization has grown as destination States seek to reduce arrivals, deter irregular migration, and shift legal responsibilities beyond their borders. By outsourcing border control, asylum processing, and returns to countries with fewer safeguards, States can exert influence while distancing themselves from the human rights impacts. These arrangements are often informal, flexible, and opaque, features that enable States to bypass domestic oversight and avoid full compliance with international human rights and refugee law.

FORMS OF EXTERNALIZATION

Prevention of Arrival

Measures designed to stop migrants before they reach a State's borders, including:

- pushbacks and pullbacks at sea and land borders
- funding, training, and equipping third countries' border forces
- surveillance and intelligence-sharing arrangements

Extraterritorial Asylum Processing

Relocation of asylum procedures outside a State's territory, often involving:

- offshore processing centres
- mandatory detention
- limited procedural safeguards
- heightened risks of indirect refoulement

Readmission & Transfers to Third States

Returns or transfers to transit or unrelated third countries through formal and informal agreements.

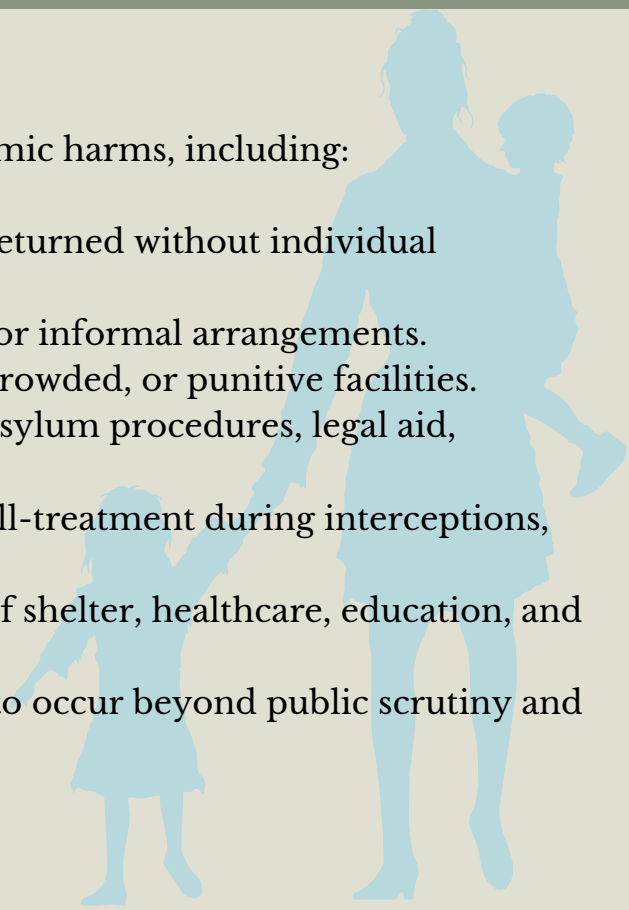
- Many agreements lack transparency and oversight
- High risk of chain refoulement
- Detention and abuse on return are widely documented



THE IMPACT

Externalization practices produce predictable and systemic harms, including:

- Refoulement and chain refoulement, as people are returned without individual assessment to unsafe countries.
- Collective expulsions carried out through fast-track or informal arrangements.
- Automatic and prolonged detention in unsafe, overcrowded, or punitive facilities.
- Serious due process barriers, with limited access to asylum procedures, legal aid, interpretation, or appeals.
- Heightened exposure to violence, exploitation, and ill-treatment during interceptions, pushbacks, and detention.
- Severe socio-economic deprivation, including lack of shelter, healthcare, education, and protection from discrimination.
- Opacity and minimal oversight, allowing violations to occur beyond public scrutiny and weakening accountability.



"States cannot circumvent their international obligations by delegating their migration control practices to other States or non-State actors beyond their territory."

RECOMMENDATIONS

The Special Rapporteur recommends that States (until such agreements have ended):

1. End harmful practices preventing arrival, outsourcing asylum, or transferring migrants to unsafe third countries.
2. Ensure individual assessment, access to asylum, effective remedies, and alternatives to detention.
3. Guarantee transparency through publication and oversight of agreements, independent monitoring, and complaint mechanisms.
4. Provide remedies, including admission or resettlement, to individuals harmed by externalization measures.
5. Cease financial or technical support to partners engaged in abuses, and ensure all actors adhere to human rights due diligence.