AL OTRO LADO

June 5, 2025
United Nations, Human Rights Council
Office of the High Commissioner
Submitted to hrc-sr-migrant@un.org

Re: Call for inputs: Externalization of Migration and the Impact on the Human Rights of Migrants

Dear Mr. Gehad Madi:

Al Otro Lado (AOL) submits this report in response to the Special Rapporteur's call for input on the externalization of migration and its impact on the human rights of migrants. AOL draws from years of direct service provision, legal accompaniment, impact litigation, and policy advocacy. Our teams have documented racial disparities in access to asylum, monitored U.S.-Mexico port enforcement, legally advocated on behalf of migrants, and closely tracked the rollout of CBP One and other digital gatekeeping tools.

As a binational nonprofit working at the U.S.-Mexico border, AOL is uniquely positioned to offer evidence and analysis of how U.S. externalization policies are operationalized on the ground and how they erode the right to seek asylum. Chief among our concerns is the United States' growing reliance on third-country enforcement, surveillance technologies, and digital infrastructure to shift legal obligations outward. Whether implemented through diplomacy or coercion, these tools obscure accountability, racialize protection, and entrench a system of deterrence that bypasses both domestic and international law.[1]

1. Constructing the digital border

Biometric data systems and cross-border data sharing agreements
The United States has expanded its migration enforcement reach through an extensive network of data-sharing agreements and technological partnerships across the Americas. These agreements are often framed as security cooperation, however they function to enable U.S. authorities to collect, exchange, and access biometric data on migrants before they arrive at the U.S. border. Countries such as Mexico, Guatemala,

[1] Center for Gender & Refugee Studies (CGRS); Haiti Justice Partnership, UC College of the Law, San Francisco; Al Otro Lado; Human Rights First; UndocuBlack Network. (2025, April 7). *The Impact of U.S. Immigration and Border Externalization Policies on Haitian and Other Black Refugees, Asylum-Seekers, and Migrants*. Center for Gender and Refugee Studies. https://cgrs.uclawsf.edu/our-work/publications/impact-us-immigration-and-border-externalization-policies-haitian-and-other

Honduras, El Salvador,[2] Panama,[3] and Colombia have entered into the International Biometric Information Sharing Program (IBIS), allowing U.S. agencies to build a regional infrastructure of preemptive surveillance and control. The biometric data collected is funneled into the U.S. Department of Homeland Security's Automated Biometric Identification System (IDENT), feeding a system that links migration enforcement with broader counter-narcotics and anti-crime objectives.[4]

Mexico's long-standing cooperation illustrates how these agreements embed biometric surveillance into national infrastructure. Through U.S.-funded initiatives like the $3.5 billion Mérida Initiative (2008-2021)[5] and its successor, the Bicentennial Framework (2021-present),[6] the U.S. has funded biometric equipment across dozens of Mexican detention centers and ports of entry. The U.S. collects these data syncs with IDENT.[7] In March 2025, this strategy extended to Colombia, where the U.S. signed a biometric data-sharing agreement under the threat of tariffs.[8]

CBP One and expanded geofencing in southern Mexico

In October 2020, U.S. Customs and Border Protection (CBP) launched the CBP One mobile app to provide travelers with access to certain functions before arriving in the U.S. From May 2023 until the end of the Biden administration, CBP One became the exclusive means for asylum seekers to enter the U.S. at ports of entry. While touted as a

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[2] U.S. Department of Homeland Security. (n.d.). *Fact Sheet: DHS agreements with Guatemala, Honduras, and El Salvador*. https://www.dhs.gov/sites/default/files/publications/19_1028_opa_factsheet-northern-central-america-agreements_v2.pdf

[3] U.S. Department of State. (n.d.). *Country Reports on Terrorism 2020: Panama*. https://www.state.gov/reports/country-reports-on-terrorism-2020/panama/

[4] Hoy, S. (2022, November 18). *Privacy Impact Assessment for the DHS International Biometric Information Sharing Program (IBIS) - Biometric Data Sharing Partnerships (BDSP)*. U.S. Department of Homeland Security. https://www.dhs.gov/sites/default/files/2022-11/privacy-pia-dhs095a-ibis-november2022.pdf

[5] ACRUMP. (2021, September 7). The Merida Initiative. https://mx.usembassy.gov/the-merida-initiative/

[6] Secretaría de Relaciones Exteriores. (2021, October 8). *Fact Sheet: The Mexico-U.S. Bicentennial Framework for Security, Public Health, and Safe Communities*. Mexico and the United States - Security, Public Health and Safe Communities. https://www.gob.mx/sre/documentos/fact-sheet-the-mexico-u-s-bicentennial-framework-for-security-public-health-and-safe-communities

[7] Strouboulis, A., Burke, L., Yayboke, E., & Flacks, M. (2022, December 15). Tracked: Stories at the intersection of migration, technology, and human rights. Tracked: Stories at the Intersection of Migration, Technology, and Human Rights. https://features.csis.org/Tracked-Migration-Technology-and-Human-Rights/

[8] Al Jazeera Staff. (2025, March 27). *Colombia and the US agree to collect and share biometric data for migrants*. Al Jazeera. https://www.aljazeera.com/news/2025/3/27/colombia-and-the-us-agree-to-collect-and-share-biometric-data-for-migrants

tool to expand access and streamline interactions, CBP officers routinely used the lack of an appointment to justify turning away asylum seekers at ports of entry. This practice led to a class action lawsuit filed on behalf of Al Otro Lado, Haitian Bridge Alliance, and ten individuals, citing prolonged exposure to violence in Mexico and legal limbo due to the inability to obtain lawful status while awaiting appointments.[9]

The Biden administration continued to externalize asylum processing by containing migrants in southern Mexico through the use of GPS technology that creates a "smart" geographic boundary (i.e. geofencing).[10] Initially, non-Mexican migrants had to be physically north of Mexico City to access the CBP One appointment system. But in August 2024, the U.S. pushed the geofenced area further to the southern states of Chiapas and Tabasco. Although U.S. and Mexican immigration officials claimed to coordinate safe passage for migrants with confirmed appointments, no clear protocols were communicated to migrants or civil society.[11]

2. Linking Digital Infrastructure to Physical Enforcement

Mexican officers policing U.S. ports of entry
Mexico's immigration and security forces increasingly operate as extensions of U.S. border enforcement. The government has deployed thousands of National Guard soldiers and Mexico's National Migration Institute (INM) officers to stop migrants at the southern and northern borders, as well as within the country's interior. In Tijuana, AOL has documented INM officers guarding the limit line at ports of entry to prevent asylum seekers from approaching. Migrants are often forcibly relocated south to Chiapas, and many report facing extortion, violence, and arbitrary detention by authorities.

Public campaigns and misinformation pressure countries to block migration flows
U.S. agencies like CBP, ICE, and the State Department also use coordinated social media and other publicity campaigns[12] in the Americas to deter migration, emphasizing

[9] Al Otro Lado, & Center for Gender and Refugee Studies. (2023, July 27). *Groups Sue Over Government Turnbacks of Asylum Seekers*. Litigation: Al Otro Lado and Haitian Bridge Alliance v. Noem. https://cgrs.uclawsf.edu/news/groups-sue-over-government-turnbacks-asylum-seekers
[10] Danisek, D. L. (2023, January 19). Privacy Impact Assessment for the Collection of Advance Information from Certain Undocumented Individuals on the Land Border. https://www.dhs.gov/sites/default/files/2023-01/privacy-pia-cbp076-advance-collection-for-undocumented-individuals-jan2023_0.pdf
[11] Al Otro Lado et al. (2024, September 17). *Hopeborder*. Letter to the U.S. Administration | CBP One Changes and Protection. https://www.hopeborder.org/_files/ugd/e07ba9_40eb9bef9e0744ed99e5c573355368e1.pdf
[12] U.S. Department of Homeland Security. (2025, March 15). *DHS Launches International Ad Campaign Warning Illegal Aliens to Self-Deport and Stay Out*. https://www.dhs.gov/news/2025/03/15/dhs-launches-international-ad-campaign-warning-illegal-aliens-self-deport-and-stay

risks like detention and deportation while discrediting legal and humanitarian actors. Combined with outsourced enforcement, these digital tactics reinforce a deterrence strategy that externalizes harm and avoids accountability.

Outsourcing protection duties

Since early 2024, AOL has documented how U.S. humanitarian border control responsibilities have been outsourced to Mexican child welfare agencies (DIF and PPNA). These institutions now act as gatekeepers to family reunification, institutionalizing unaccompanied children through isolating children in custody without access to interpreters, information about their proceedings, or legal counsel, and prioritizing deterrence policies like “assisted returns”[13] to countries of origin over reunification, even when parents are awaiting them in the U.S.

Through legal advocacy, transparency requests, and case monitoring, AOL has identified systemic restrictions[14] on reunifications for foreign children and a suspension of reunifications for Mexican minors. These changes obstruct asylum claims and violate the best interests of the child, reflecting how humanitarian functions (e.g. protection screening and reunification) are being absorbed into the U.S. 's broader strategy of externalized migration deterrence.

U.S.-funded deportation infrastructure in Panama

Since 2024, the U.S. has used Panama as a base for externalized deportations. A July 2024 memorandum authorized U.S. armed forces to operate from three key air and naval facilities, and committed funding to expand Panama’s migration enforcement and repatriation capacity.[15] By May 2025, Panama had carried out nearly 2,000 deportations with over $14 million in U.S. support.[16]

3. Geopolitical Externalization: The Regionalization of U.S. domestic policy

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[13] Maytorena, J. P. (2024, March 10). *Repatrian a 100 menores migrantes, sin compañía, desde Hermosillo hasta Guatemala*. Proyecto Puente. http://proyectopuente.com.mx/2024/03/09/repatrian-a-100-menores-migrantes-sin-compania-desde-hermosillo-hasta-guatemala/#google_vignette

[14] Sistema para el Desarrollo Integral de la Familia de Baja California. (2024, April 16). *SOLICITUD 021170024000037* . https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:986e3c5d-35c8-461c-8168-5723099801eb

[15] Sistema para el Desarrollo Integral de la Familia de Baja California. (2024, April 16). *SOLICITUD 021170024000037* . https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:986e3c5d-35c8-461c-8168-5723099801eb

[16] U.S. Embassy in Panama. (2025, May 6). *U.S.-Panama Migration MOU Facilitates 48 Deportation Flights of Illegal Migrants*. https://pa.usembassy.gov/u-s-panama-migration-mou-facilitates-48-deportation-flights-of-illegal-migrants/

Repatriation and removal agreements with no transparency or accountability

Most current return arrangements—including flights to Panama, Costa Rica, El Salvador, and Rwanda—are based on secret MOUs or letters of intent, avoiding public, legislative, or judicial oversight.[1718] In early 2025, U.S. military and ICE flights, deported Afghans, Iranians, Pakistanis, and Chinese nationals to Panama,[19] and over 200 others, including 80+ children, to Costa Rica.[20] El Salvador has collected US$6 million in exchange for receiving hundreds of deported Venezuelans and to be held without trial in its CECOT mega-prison.[2122] After caving to tariff threats, Colombia has signed a letter of intent to share biometric data and accept deportees deemed security risks,[23] and Rwanda is reportedly engaged in early-stage negotiations.[24]

In April 2025, DHS conducted at least one removal to South Sudan before a federal judge temporarily halted further flights due to due process violations.[25] Internal cables

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[17] U.S. Department of Homeland Security. (2020, December 29). DHS Announces Guatemala, El Salvador, and Honduras Have Signed Asylum Cooperation Agreement. https://www.dhs.gov/archive/news/2020/12/29/dhs-announces-guatemala-el-salvador-and-honduras-have-signed-asylum-cooperation

[18] U.S. Department of Homeland Security. (2020, December 29). DHS Announces Guatemala, El Salvador, and Honduras Have Signed Asylum Cooperation Agreement. https://www.dhs.gov/archive/news/2020/12/29/dhs-announces-guatemala-el-salvador-and-honduras-have-signed-asylum-cooperation

[19] Aleaziz, H., Correal, A., Abi-Habib, M., & Turkewitz, J. (2025, February 13). *U.S. Deports Migrants From Asia to Panama*. The New York Times. https://www.nytimes.com/2025/02/13/us/politics/trump-deportations-panama.html

[20] Altamirano Bolaños, Y. (2025, April 6). *Sin pasaporte, rodeados de policías y sin respuestas: la vida de los deportados en el Catem*. La Nación. https://www.nacion.com/sucesos/de-fabrica-de-lapices-a-centro-de-confinamiento-la/WSXD4ZKTWBHMLB3K7E4ULGGKLQ/story/

[21] Lee, M., & Garcia Cano, R. (2025, March 16). *US prepares to deport about 300 alleged gang members to El Salvador*. AP News. https://apnews.com/article/trump-deportations-salvador-tren-aragua-64e72142a171ea57c869c3b35eeecce7

[22] Reuters. (2025, March 20). *What to know about the El Salvador mega-prison where Trump sent deported Venezuelans*. The Guardian. https://www.theguardian.com/world/2025/mar/20/cecot-el-salvador-venezuela-prison-trump-deportations

[23] Al Jazeera Staff. (2025a, March 27). *Colombia and the US agree to collect and share biometric data for migrants*. Al Jazeera. https://www.aljazeera.com/news/2025/3/27/colombia-and-the-us-agree-to-collect-and-share-biometric-data-for-migrants

[24] Lawal, S. (2025, May 28). *Will the United States deport people to Rwanda?*. Al Jazeera. https://www.aljazeera.com/news/2025/5/23/will-the-united-states-deport-people-to-rwanda

[25] Whitehurst, L., Casey, M., & Santana, R. (2025, May 22). *'Unquestionably in violation': Judge says US government didn't follow court order on deportations*. AP News. https://apnews.com/article/deportation-immigration-south-sudan-department-of-homeland-security-a09612dbd055c5d1d88902c415bdf3e6

show that negotiations with several states remain active regardless of their capacity or human rights records, while some have declined to cooperate.[26]

Removals of non-Mexicans to Mexico

Since Title 42 and Title 8 expulsions began in 2022, and continuing through 2025, the U.S. has returned close to 20,000 Haitians, Venezuelans, Cubans, Nicaraguans and others to Mexico.[27] In 2025, AOL documented multiple cases of individuals removed through U.S. ports of entry (Reynosa, Nogales, and Tijuana). One illustrative case is that of Elena[28], a Venezuelan asylum seeker deported to Mexico despite active removal proceedings. She was transferred between U.S. and Mexican authorities, denied official documentation, and verbally instructed to leave Mexico within seven days after being transported to the south under INM custody. These removals occur outside formal legal frameworks, leaving individuals without recourse, transparency, or official acknowledgment of their transfer.

Funding security and enforcement over strengthening protection

U.S.-Mexico externalization cooperation has overwhelmingly prioritized funding for enforcement agencies like Mexico's INM, while providing minimal support to protection services such as the Mexican Commission for Refugee Assistance (COMAR). Under the Comprehensive Plan for the Southern Border (CPSB, FY 2014–2015), the U.S. committed at least US$100 million to enforcement,[29] yet COMAR's budget increased by only 4% (approximately US$70,000), severely limiting its capacity to process asylum claims.[30] Mexico's Human Rights Commission reported a 52% rise in complaints against immigration agents for extortion and violence during CPSB's first year.[31]

The Mérida Initiative (FY 2008–2021) continued this trend, allocating US$3.4 billion to security cooperation, including US$1.5 billion in its first phase to support Mexico's

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[26] Montoya-Galvez, C., & Watson, E. (2025, May 8). *Trump administration may soon deport migrants to Libya, U.S. officials say*. CBS News. https://www.cbsnews.com/news/trump-administration-may-soon-deport-migrants-to-libya/

[27] Ruiz Soto, A. G., Putzel-Kavanaugh , C., & Meissner, D. (2024, January). *Shifting realities at the U.S.-Mexico Border*. Migration Policy Institute. https://www.migrationpolicy.org/sites/default/files/publications/mpi-contemporary-border-policy-2024_final.pdf

[28] *First name changed to protect privacy*

[29] Matalon, L. (2016, June 8). *"Programa Frontera Sur:" US Intercedes in Southern Mexico*. AZPM. https://www.azpm.org/s/39635-programa-frontera-sur-interceding-in-southern-mexico/

[30] Boggs, C. (2015, March 19). *Mexico's Southern Border Plan: More Deportations and Widespread Human Rights Violations*. Washington Office on Latin America. https://www.wola.org/analysis/mexicos-southern-border-plan-more-deportations-and-widespread-human-rights-violations/

[31] Matalon, L. (2016, June 8). *"Programa Frontera Sur:" US Intercedes in Southern Mexico*. AZPM. https://www.azpm.org/s/39635-programa-frontera-sur-interceding-in-southern-mexico/

federal security forces.[32] Meanwhile, southern Mexican states remain drastically under-resourced to receive migrants, especially compared to northern cities with more robust humanitarian infrastructure. This disparity underscores how U.S. border control is increasingly externalized through investments in enforcement rather than protection.

4. Normative and Structural Harms of Digital and Regional Externalization

Legal opacity and lack of redress mechanisms erodes asylum protections
Limited transparency and oversight lead to widespread due process violations, including removal without hearings and denied asylum claims. While the U.S. uses digital tools like geofencing and biometric pre-screening to contain migration, persistent technical flaws, such as with the CBP One app, undermine protections by excluding vulnerable groups and outsourcing enforcement to opaque automated systems. When these technical failures cause errors, migrants have no effective recourse to challenge or correct them.

Additionally, data-driven "risk profiles," generated by algorithms or shared databases, can unjustly label migrants as security threats without proper context, increasing the risk of refoulement. Expedited removals, insufficient screenings, and covert deportation practices further erode the right to seek asylum and protection from persecution. Meanwhile, the growing use of "safe third country" and "asylum cooperative" agreements effectively bypass established asylum procedures, heightening the likelihood of wrongful returns. These trends contribute to widespread due process violations, including removals without hearings and denial of asylum claims without proper review.

A lack of transparency makes it unclear whether privacy safeguards are in place or if data exchanges truly enhance security. Many agreements are non-binding, with no enforceable standards to prevent misuse or breaches, creating an accountability gap that conflicts with international data protection principles and hinders human rights assessments. For instance, the U.S., Honduras, El Salvador, and Guatemala lack comprehensive data protection laws, leaving migrants' sensitive information vulnerable to indefinite storage and use without oversight. Migrants are often not informed or asked for consent regarding cross-border data sharing. This absence of clear agreements risks "function creep," where data collected for migration control is repurposed for broader surveillance and policing, enabling mass and algorithmic profiling.[33]

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[32] ACRUMP. (2021, September 7). The Merida Initiative. https://mx.usembassy.gov/the-merida-initiative/
[33] Strouboulis, A., Burke, L., Yayboke, E., & Flacks, M. (2022, December 15). Tracked: Stories at the intersection of migration, technology, and human rights. Tracked: Stories at the Intersection of Migration, Technology, and Human Rights. https://features.csis.org/Tracked-Migration-Technology-and-Human-Rights/



Conclusion

U.S. foreign policy and migration enforcement have increasingly relied on externalization strategies that reinforce global inequalities, using other nations as extensions of its border regime. This layered system of deterrence not only strips migrants of basic rights but also signals a broader erosion of global human rights norms and weakens international commitments to refugee protection and fair migration governance. These practices deepen existing disparities in global mobility, disproportionately affecting those from the Global South, especially Haitian and African migrants who experience significantly more hurdles trying to access services in Mexico compared to their Latin counterparts.

The United States' externalization of migration enforcement has created a transnational system that bypasses legal protections and undermines the right to seek asylum. That right cannot be made contingent on digital access, geographic location, or a third country's willingness to act as gatekeeper. When powerful states normalize deterrence through opaque deals, biometric surveillance, and militarized enforcement, they signal that rights-based protection is optional.

We urge the Special Rapporteur to identify these externalization trends as systemic threats and to champion legal, transparent, and rights-centered responses that uphold human dignity across borders. To safeguard the international refugee regime, the global community must demand transparency in bilateral migration agreements, prohibit digital tools that bypass due process, and prioritize investments in regional asylum systems grounded in protection rather than exclusion. Anything less risks replacing legal norms with a shadow system of containment, discrimination, and normalized harm.