Evans Osei Wusu: A Case Study of Human Rights Violation in the Context of Border Externalization

Introduction

The death of Evans Osei Wusu, a Ghanaian national, in August 2024 at Guarulhos International Airport in São Paulo, Brazil, encapsulates the harsh realities faced by migrants and asylum seekers in an era defined by increasingly restrictive border policies and the externalization of border control[1]. This document aims to provide a comprehensive analysis of the circumstances surrounding Wusu's death, contextualizing it within the broader framework of Brazil's migration policies, particularly those enacted under the administration of Secretary Jean Uema, (National Secretary of Justice, president of the National Immigration Council - CNIg). It explores how the closure of borders, the obstruction of asylum requests, and the prevailing lack of journalistic coverage contributed to a human rights violation, resulting in the tragic loss of a life.

Background: Evans Osei Wusu's Journey and Detention

Evans Osei Wusu, a 39-year-old Ghanaian national, embarked on a journey to Mexico seeking urgent medical treatment for a severe spinal issue that required surgery. However, upon arrival in Mexico, he was denied entry and deported back to Brazil. Wusu arrived at Guarulhos International Airport (GRU) in São Paulo on August 4th, 2024, and was subsequently detained. Despite his deteriorating health condition and repeated requests for medical assistance, Wusu remained in detention, held in inhumane conditions[2]. He had expressed his desire to seek refuge in Brazil to access medical care, but his pleas went largely unanswered[3].

According to his cousin, Priscilla Osei Wusu, Evans had contacted the doctor[4] who was to perform his surgery, and the doctor had pleaded with immigration to allow Evans to go to the hospital, even with the family offering to pay for a hotel room[5]. Tragically, his condition worsened, and he was eventually taken to the Hospital de Guarulhos on August 11th, 2024, where he died two days later from a generalized infection resulting from an untreated urinary infection[6]. His family was only informed of his death weeks later – only after lot of pressure by Federal Public Defender's Office (DPU) – and discovered that he had been buried without their consent.

Media Coverage and Public Reaction

The initial response to Wusu's death was marked by silence from mainstream media outlets and state institutions. This silence prompted outrage from migrant rights organizations, social movements, and human rights advocates, who organized demonstrations and protests to demand

1 https://migrantwomenpress.com/2024/09/02/resistance-and-justice-the-struggle-against-the-criminalisation-of-migration-in-brazil/
2 https://fronteirascruzadas.com.br/manifestacao-repudia-retrocessos-na-politica-migratoria-brasileira/
3 https://g1.globo.com/sp/sao-paulo/noticia/2024/09/10/ministerio-da-justica-pede-que-pf-apure-caso-de-imigrante-que-morreu-apos-passar-mal-em-aeroporto-internacional-de-sp.ghtml
4 Dr. Karim Noé report. Available at: <https://drive.google.com/file/d/17gmbf_SPYwhW1PYBubPqY53O-UE15Sq8/view?usp=sharing>.
5 https://g1.globo.com/sp/sao-paulo/noticia/2024/09/13/apos-pedido-do-ministerio-da-justica-policia-federal-ira-apurar-caso-de-imigrante-que-morreu-apos-passar-mal-em-aeroporto-internacional-de-sp.ghtml
6 https://g1.globo.com/sp/sao-paulo/noticia/2025/01/29/depoimento-a-policia-menciona-que-ganes-morto-apos-passar-mal-em-aeroporto-avisou-sobre-dores-e-nao-recebeu-ajuda-imediata.ghtml

justice and accountability. The Black Immigrant Lives Matter (#VidasImigrantesNegrasImportam) network played a significant role in bringing attention to Wusu's case, highlighting the systemic discrimination faced by migrants in Brazil.

Subsequently, some media outlets began to cover the story, shedding light on the inhumane conditions Wusu faced in detention and the alleged negligence of authorities. *G1 news* reported that the Ministry of Justice had requested the Federal Police to investigate the circumstances surrounding Wusu's death. The *UOL* news portal reported that the Public Defender's Office filed a civil lawsuit seeking R$10 million in damages from the federal government and Latam Airlines, citing failures in providing assistance and processing Wusu's asylum request[7].

Contextualizing Border Closures and Externalization: the right to seek asylum violated through infra-legal norms

The tragic death of Evans Osei Wusu occurred within a broader context of increasing border closures and the externalization of border controls, policies that have gained traction globally1. Border externalization refers to measures taken by states to extend their border controls beyond their physical boundaries, often through agreements with third countries to prevent migrants and asylum seekers from reaching their territories.

Under the administration of Secretary Jean Uema, Brazil adopted several restrictive measures that aligned with this global trend. While the stated aim was to combat human trafficking and irregular migration, these policies effectively limited access to asylum and increased the vulnerability of migrants. The closure of borders and the obstruction of asylum requests, particularly at airports, created a situation where individuals like Wusu were left stranded, without access to medical care or legal protection in an undefined area called “connector”.

The so-called "connector" at Guarulhos International Airport, where Evans Wusu was detained, exemplifies the *ad hoc* and opaque nature of Brazil’s border enforcement infrastructure. This improvised holding area, effectively functioning as a detention facility within the airport, has long been criticized by human rights organizations for its inaccessibility and lack of transparency. Even Brazilian parliamentarians have faced significant obstacles in gaining access to the site, raising concerns about the absence of independent oversight and the potential for abuses to go unreported. The conditions in the connector are emblematic of broader systemic issues in Brazil's migration management, where administrative convenience often takes precedence over the rights and dignity of migrants and asylum seekers. It can be said that this is in line with a technology developed over centuries of slavery and colonialism in Brazil of “denial of racism”.

The use of such detention spaces has become increasingly prevalent in recent years, as Brazil has experienced a rise in the number of migrants and asylum seekers arriving at its main international gateway. This growth has placed immense pressure on airport facilities and has led to the normalization of makeshift detention areas like the connector. Reports from civil society and the media have highlighted not only the overcrowding and lack of basic services in these spaces but also the frequent delays and obstacles faced by migrants in accessing legal procedures and humanitarian assistance.

7 Legal proceeding by the Public Defender's Office available at: <https://drive.google.com/file/d/1iYSz143aiDNEQhL7IEqhkdlLqj0YSnFy/view?usp=sharing>.

The increased reliance on airport detention and the tightening of border controls are central features of the broader process of border externalization, as promoted by Brazilian authorities in recent years. The Technical Note of DPU[8] sheds light in the way that the authorities have responded to the immigration complexity attacking it as a “threat” and overestimating the “migrant smuggling” to implement stricter screening, restricting access to asylum. These communications were made to the ears of a repressed and frightened public opinion. But they have resulted in the systematic violation of the right to seek asylum, particularly through infra-legal norms and administrative practices that effectively block access to protection established by law. The case of Evans Wusu starkly illustrates the human cost of these policies, as vulnerable individuals are left in legal limbo and exposed to inhumane conditions in spaces designed more for exclusion than for protection.

Moreover, it became evident in the course of the process that the government prevented the right to seek asylum through propaganda campaigns orchestrated with media channels sympathetic to migration restrictions even before any official document was issued, and when it did act, it was through a technical note lacking the necessary depth to properly address the issue[9].

The right to seek asylum is a fundamental human right enshrined in international law, including the 1951 Refugee Convention and its 1967 Protocol. These instruments establish the principle of *non-refoulement*, which prohibits states from returning refugees to countries where they face persecution. Brazil is a signatory to these conventions and has incorporated the right to asylum into its national legislation.

However, the restrictive measures implemented by the Brazilian government under Secretary Jean Uema appeared to contravene these international obligations. By denying entry to individuals seeking medical treatment and asylum, and by detaining them in inhumane conditions, the government failed to uphold its duty to protect vulnerable migrants.

In addition to the aforementioned technical note that changes the legal landscape, Sergio Moro's Portaria nº 770/2019 (ordinance nº 770) exemplifies the infra-legal strategy of immigration control over the stabilished law, as it remains an authoritarian and unconstitutional relic that treats the immigrant as a “dangerous person”[10] subject to summary deportation, violating rights enshrined in the Federal Constitution and the new Migration Law (2017), such as the presumption of innocence and broad defense, as exemplified by the case of Professor Muslim Abuumar Rajaa, who was extradited before undergoing immigration procedures at Guarulhos Airport on June 24[11].

The Role of Racism and Discrimination

The case of Evans Osei Wusu also raises critical questions about the role of racism and discrimination in shaping migration policies and practices. The DPU, in its civil lawsuit, argued that there were indications of structural racism in the country's migration policies and public services[12].

8 Nota Técnica DEMIG. Available at: <https://drive.google.com/file/d/1JvP2ab7CljF5nh3SJ_aDm0_fIhnku6yz/view?usp=sharing>.

9 Comunicado da Secretaria Nacional de Justiça. Available at: <https://drive.google.com/file/d/1uOhGmywE4GuRm1ZZT1k2-ZmMMevBHPWF/view?usp=sharing>

10 https://direitoshumanos.dpu.def.br/nota-tecnica-aborda-portaria-do-ministerio-da-justica-e-seguranca-publica/

11 https://iclnoticias.com.br/palestino-extraditado-pelo-brasil-vai-a-justica/

12 https://noticias.uol.com.br/cotidiano/ultimas-noticias/2025/05/20/dpu-acao-civil-morte-ganes-aeroporto-guarulhos.htm

The differential treatment afforded to migrants from African countries – and countries with important black populations as Haiti – compared to those from other regions points to a systemic bias that needs to be addressed.

The silence of mainstream media and state institutions in the immediate aftermath of Wusu's death further underscores the marginalization and invisibility of black migrants in Brazil. It was only through the efforts of migrant rights organizations and social movements that the case gained public attention and prompted calls for justice. Even so, the mainstream media reserved space to defend border restrictions, in an attempt to portray Evans's death as an isolated case.

Political Responsibility and Accountability

The death of Evans Osei Wusu demands a thorough investigation and accountability at multiple levels. The Brazilian authorities have a duty to investigate the circumstances surrounding his death, including the alleged negligence of airport officials, outsourced companies and medical personnel.

Furthermore, there is a need to examine the broader policy framework that contributed to Wusu's death. The restrictive measures implemented by Secretary Jean Uema must be scrutinized to assess their impact on the rights of migrants and asylum seekers. It is imperative to ensure that Brazil's migration policies are in line with international human rights standards and that they prioritize the protection of vulnerable individuals.

The Demand for Justice and Reparations

Migrant rights organizations and social movements are calling for justice, reparations, and accountability in the case of Evans Osei Wusu. They are demanding that the Brazilian government:

1. Conduct a thorough and impartial investigation into the circumstances surrounding his death.
2. Hold accountable those responsible for the alleged negligence and human rights violations.
3. Provide reparations to Wusu's family for the harm they have suffered.
4. Review and reform its migration policies to ensure they are in line with international human rights standards.
5. Implement a comprehensive plan to address racism and discrimination in migration policies and public services.

The DPU's civil lawsuit seeking R$10 million in damages is a significant step towards achieving justice for Wusu and his family. The lawsuit also seeks to establish a plan to ensure that migrants will be properly received while waiting for asylum in the country. The outcome of this case will have important implications for the protection of migrant rights in Brazil.

Conclusion

The death of Evans Osei Wusu is a stark reminder of the human cost of increasingly restrictive border policies and the externalization of border controls. His case illustrates how the denial of entry, the obstruction of asylum requests, and the prevailing political climate can lead to

tragic outcomes. Addressing systemic discrimination within migration policies and services is another necessary step[13]. It underscores the urgent need for a paradigm shift in how migrants and asylum seekers are treated, both in Brazil and globally.

To prevent similar tragedies from occurring in the future, governments must prioritize the protection of human rights, uphold their international obligations, and ensure that migration policies are based on principles of equality, non-discrimination, and respect for human dignity. The case of Evans Osei Wusu should serve as a catalyst for change, prompting a renewed commitment to safeguarding the rights and well-being of all migrants and asylum seekers.

São Paulo, June 10th, 2025

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13 https://www.scielo.br/j/cint/a/YXqYF67NMXTBmrF8Jqtd4Bb/