GLOBAL STRATEGIC LITIGATION COUNCIL FOR REFUGEE RIGHTS

Submission to the United Nations Special Rapporteur's Report to the 80th session of the General Assembly on the Externalization of Migration and the Impact on the Human Rights of Migrants
June 2025.

On behalf of the Global Strategic Litigation Council (GSLC)[1], we welcome the opportunity to submit a comment to the UN Special Rapporteur's report on the externalization of migration and its impact on the human rights of migrants. The increased use of migration externalization by the United States has raised alarm about the harmful consequences for individuals' access to permanent legal protection and safety. In this submission, we detail how these policies have played out in practice by documenting two recent mass expulsions to Costa Rica and Panama, where migrants (including children as young as two years old and asylum-seekers) faced detention, denial of rights, and serious protection gaps.

Since 20 January 2025, these policies have placed individuals seeking humanitarian protection in the United States at grave risk of deportation without the required due process. The GSLC has led litigation in Panama, Costa Rica and El Salvador[2], three countries that entered into agreements with the United States to receive third country nationals wrongfully expelled from U.S. territory. In the case of Panama and Costa Rica, those sent there had been detained by U.S. officials at the U.S.-Mexico border for short periods before being sent by military transport for detention and processing. These countries offer no viable pathways to safety for noncitizens fleeing persecution or torture.

Externalization of migration controls refers to extraterritorial state actions aimed at preventing migrants, including asylum seekers, from reaching the territory or legal jurisdiction of destination states, or at declaring them legally inadmissible, without any individual assessment of their protection claims. In response to the resulting violations, the GSLC together with a group of other international lawyers have turned to regional and international mechanisms, filing multiple actions to safeguard and guarantee the rights of those expelled when local remedies proved ineffective.

Expulsions to Panama

After being expelled from the United States without any adjudication of their asylum claims (following President Trump's suspension of territorial asylum by executive order), a plane carrying nearly 300 migrants from Central Asia, the Middle East, and Eastern Europe (including dozens of children) arrived in Panama on 15 February 2025. According to media reports,

[1] The Global Strategic Litigation Council unites and supports a coalition of over 550 NGOs, refugee leaders, lawyers and academics across the world working to advance the rights of displaced communities through strategic litigation and legal advocacy. For a full list of our membership, please see here:
[2] A separate submission has been provided exclusively on this matter.

Panamanian authorities intended to deport them within 10 days of their arrival, on 1 March 2025.

Immediately after arrival, Panamanian migration officials arbitrarily detained the migrants incommunicado at a hotel in the capital, later transferring them to a remote jungle camp several hours from the city.

At that point, Panama had both enabled the U.S. violation of the non-refoulement principle and violated the migrants' rights to legal assistance, liberty and due process. As noted, most were seeking protection in the United States. Six women expressed their intention to seek asylum in Panama (a process that normally takes up to a year), but each received a rejection notice just 48 hours after their initial interview.

Following multiple media reports[3] that Panama's Ministry of Foreign Affairs planned to deport those who had not accepted "voluntary repatriation," the GSLC together with a group of other international lawyers submitted a request for Precautionary Measures to the Inter-American Commission on Human Rights, aiming to halt the deportation of the group and obtain their release from detention. This request was filed as a complement to a petition in which the GSLC together with a group of other international lawyers detail the violation of the rights to asylum, *non-refoulement*, personal liberty, fair trial and the rights of children. In the petition, the GSLC and the team also seek a ruling by the Commission that Panama is internationally responsible for U.S. actions violating the rights of the migrants sent there, given that they knowingly aided and assisted U.S. violations of these same rights before accepting the migrants into their jurisdiction pursuant to a bilateral agreement which has not been made public.

Even though they are no longer detained and humanitarian organizations have provided safe and appropriate shelter, those individuals stranded in Panama have no real access to resettlement. The Council and the team remain in contact with the victims, monitoring access to rights and resettlement opportunities. Panama has not allowed migrants to access work, regular status, or institutional support of any kind (education, healthcare, financial assistance, etc.).

Expulsions to Costa Rica

In late February 2025, the United States deported 200 third-country nationals, including 81 children, to Costa Rica on two flights. Many had spent months in Mexico awaiting asylum appointments through the CBP One app. Upon arrival, all migrants were taken to a government-run camp known as CATEM, located several hours from San José, where their identity documents were confiscated. They were guarded around the clock and only allowed to leave the facility under escort. Despite this, the government consistently claimed they were not in detention.

[3]The case and litigation were extensively covered in the press by The New York Times (1 March 2025), (23 March 2025); Associated Press (7 March 2025), (9 March 2025); and, CNN (7 March 2025), (30 March 2025)

After conducting several interviews, the GLSC —working in collaboration with IIRESODH—found that no efforts had been made to provide children with access to education or to consider safer, less custodial alternatives to detention. In response, an individual complaint was submitted to the UN Committee on the Rights of the Child (CRC), alongside an urgent appeal to several other UN Committees and Special Rapporteurs regarding the broader detention conditions with Centro por la Justicia y el Derecho Internacional (CEJIL), Servicio Jesuita para Migrantes de Costa Rica, American Friends Service Committee (AFSC). Officials initially stated that people in shelters could only leave with a police escort. Following our intervention and press pressure, the Government official publicly declared: "We want this population to be integrated into our country...I know that they can offer us a lot." [4]

Although the Costa Rican government has made public commitments to support resettlement both domestically and in third countries, no meaningful steps have been taken. Most recently, the team partnered with IIRESODH to file constitutional amparos on behalf of four clients, seeking information on the efforts made to protect and assist migrants as well as asking the Government of Costa Rica to comply with its own Constitution and avoid discrimination, allow people to work, access formal education and institutional support aimed at allowing real settlement.

Expulsions to El Salvador

On 3 February 2025, President Nayib Bukele publicly announced that El Salvador had offered to detain "criminals" sent from the US, including both migrant deportees and U.S. citizens, in exchange for a fee. In the weeks that followed, the two governments secretly finalized an agreement under which El Salvador would accept migrants transferred from the US to indefinite, incommunicado detention at prisons infamous for widespread human rights violations such as the Terrorism Confinement Center, known by its Spanish acronym as CECOT.

Since the execution of the agreement, El Salvador has accepted and imprisoned in CECOT approximately 288 individuals transferred by the US. This group includes around 252 Venezuelan nationals and 36 Salvadoran nationals, transferred through flights operated by the US on 15 March, 30 March, and 10 April, 2025 most of them with alleged accusations of belonging to the criminal gang known as Tren de Aragua. The GSLC alongside the Center for Gender and Refugee Studies (CGRS), the Boston University School of Law International Human Rights Clinic and Robert F. Kennedy Human Right (RFKHR) filed a request for precautionary measures to the Inter-American Commission demanding the immediate release of the transferred individuals detained in CECOT and facilitate return of individuals to the US or to another country at the individual's request consistent with international human rights obligations to avoid irreparable harm to their rights to life and personal integrity.[5]

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[4]The case and litigation were extensively covered in the press by The New York Times*(17 April 2025), (22 April 2025); and, the Associated Press (18 April 2025), (22 April 2025)*

[5] New York Times (13 May 2025); Associated Press (9 May 2025); HuffPost (9 May 2025); Washington Post (9 May 2025)

Please see our joint submission to OHCHR with RFKHR, CGRC and Boston University. - for further information.

Conclusion

The cases of expulsions from the U.S. to Panama and Costa Rica as well as to El Salvador illustrate the severe human impact of externalization practices, particularly when individuals are transferred to countries without the institutional frameworks or political commitment to uphold international protection standards. In both cases, people were deported without due process and faced conditions amounting to arbitrary detention. Children were denied access to education, and adults were provided little to no information about their legal options or pathways to regular status. In Panama, the lack of procedural guarantees and the rapid rejection of asylum claims, sometimes within 48 hours, further underscore the lack of adequate safeguards.

Advocacy efforts led by the Council and other civil society partners, resulted in some immediate relief, such as the end of incommunicado detention and the return of identity documents as well as an offer of temporary humanitarian permits. However, these outcomes remain partial and fragile, as long-term solutions and resettlement options are still lacking, and many individuals remain in a limbo from a decision they did not make.

We therefore conclude that externalization does not resolve the challenges of forced displacement; it merely shifts burdens to less-resourced countries and compounds harm. It can also exacerbate rights violations, but pressuring third countries into aiding and assisting unlawful action. We are witnessing a shrinking of human rights and the erosion of the most basic safeguards that for decades have been steadily enforced as a result of the work of advocates, lawyers and the United Nations. The United States and all countries that come into agreements with them regarding international migration must be held accountable for upholding the rights of those seeking protection and must cease the use of deterrence and externalization policies that violate the principles of non-refoulement, due process, and human dignity.

Given the dire nature of the externalization practices, we respectfully request that the Special Rapporteur take the following actions:

1. In his forthcoming thematic report to the 80th session of the General Assembly, identify and condemn human rights abuses perpetrated by the United States and Panama, Costa Rica and El Salvador pursuant to their externalization agreements.
2. Identify all States that, sovereignly and knowingly, participate in externalization practices with the United States that violate the principle of non-refoulement, hinder asylum seekers' rights to international protection, and lead to prolonged and arbitrary detention and/or enforced disappearance.

For more information on the conditions individuals faced in both countries, we refer this Rapporteurship to the reports published by Human Rights Watch, a well-respected organization, with whom we worked closely when interviewing clients, specializing in documenting human rights violations around the world, as well as coverage of our litigation efforts with partners in the New York Times.

Panama: *"Nobody Cared, Nobody Listened" The US Expulsion of Third-Country Nationals to Panama.* Published April 24, 2025. Available here: https://www.hrw.org/report/2025/04/24/nobody-cared-nobody-listened/us-expulsion-third-country-nationals-panama

Costa Rica: *"The Strategy Is to Break Us" The US Expulsion of Third-Country Nationals to Costa Rica.* Published May 22, 2025. Available here: *http://hrw.org/report/2025/05/22/strategy-break-us/us-expulsion-third-country-nationals-costa-rica*