Submission in response to the call for inputs on Externalization of Migration and the Impact on the Human Rights of Migrants

The Center for Victims of Torture

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The Center for Victims of Torture (CVT) respectfully provides this submission in response to the call for inputs – from the U.N. Special Rapporteur on the human rights of migrants – on Externalization of Migration and the Impact on the Human Rights of Migrants.

CVT was founded in Minneapolis, Minnesota, in 1985, in order to provide mental health and psychosocial services (MHPSS) to torture survivors who are refugees or asylum seekers. In addition to our offices in Minnesota – and prior to U.S. President Donald Trump's inauguration – we worked within the U.S. in Arizona, Georgia, and Washington, DC. Outside the U.S., CVT had operations in Ethiopia), Kenya, Uganda, Jordan, and Iraq , among others. In addition to our healing work, CVT engages in capacity building, research and advocacy.

The overwhelming majority of CVT's international programming had long been supported financially by the United States government. Because of the Donald Trump administration's evisceration of U.S. foreign aid, much of that programming has been shuttered or greatly reduced.

This submission focuses on several of the most drastic measures to externalize migration that President Trump and his administration have pursued since taking office on January 20, 2025.

For context, immigration enforcement writ large has escalated significantly under the Trump administration, with a focus on mass deportations and the removal of undocumented migrants. As of June 6, 2025, close to 50,000 individuals in immigration detention leading to reported overcrowding, lack of food, and inhumane conditions. The administration claims to have

deported over 160,000 individuals.[1] The administration has also used immigration enforcement for political retaliation. Students and scholars, including lawful permanent residents, have been detained and threatened with deportation for their speech or origin.[2] Approximately 4,700 students have had visas revoked or legal status terminated.[3] The administration is seeking to bar foreign students from Harvard University due to the university's refusal to comply with federal directives. On June 4, 2025, it announced entry restrictions on nationals from 19 countries to the United States. [4]

I. "Third Country Removals"

As part of its broader mass deportation strategy, the Trump administration has pursued "third-country removals," a form of migration externalization whereby it has sent foreign country nationals to countries other than their country of nationality. It has done so through agreements with countries like Guatemala, El Salvador, Venezuela, Panama, Costa Rica, and Colombia, to accept immigrants deported from the United States.[5] The agreements are not publicly available.

The most notable example of this policy is the deportation and indefinite detention of migrants in El Salvador. On March 15, 2025, over 200 migrants were deported to the Centro de Confinamiento del Terrorismo (CECOT), a maximum-security mega-prison.[6] This followed

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[1] Jasmine Garsd, *In recorded calls, reports of overcrowding and lack of food at ICE detention centers*, NPR, (Jun. 6, 2025), https://www.npr.org/2025/06/05/nx-s1-5413364/concerns-over-conditions-in-u-s-immigration-detention-were-hearing-the-word-starving

[2] Tara Watson, Jonathan Zars, *100 days of immigration under the second Trump administration*, The Brookings Institution (Apr. 29, 2025), https://www.brookings.edu/articles/100-days-of-immigration-under-the-second-trump-administration/ ; Alastair McCready, *Marco Rubio says US will begin revoking visas of Chinese students*, Al Jazeera (May 28, 2025), https://www.aljazeera.com/news/2025/5/28/marco-rubio-says-us-will-begin-revoking-visas-of-chinese-students

[3] Kimmy Yam, *Trump administration continues to target international students. What to know and what could be next*., NBC News (Jun. 1, 2025), https://www.nbcnews.com/news/us-news/trump-administration-international-students-visas-harvard-what-know-rcna209938

[4] Elizabeth Robinson, *Trump travel ban on 12 countries and Harvard international student visas threatened: Morning Rundown*, NBC News (Jun. 5, 2025), https://www.nbcnews.com/news/us-news/trump-travel-ban-harvard-international-student-visas-morning-rundown-rcna211112

[5] Ali Bianco, Amanda Friedman, *More than a half-dozen countries could soon be accepting US deportees*, POLITICO (May 8, 2025), https://www.politico.com/news/2025/05/08/trump-migrant-deportation-countries-00336663

[6] Sarah Kinosian, Kristina Cooke and Ted Hesson, *Trump deported 238 Venezuelans to El Salvador. Dozens have active asylum cases*, Reuters (Apr. 1, 2025), https://www.reuters.com/world/americas/trump-deported-238-venezuelans-el-salvador-dozens-have-active-asylum-cases-2025-04-01/

President Trump's invocation of the Alien Enemies Act of 1798, which allows the detention and removal of non-citizens only in times of declared war or invasion.[7] The administration justified this by claiming, without evidence, that Venezuelan migrants aged 14 and older posed a national security threat due to alleged affiliations with the Tren de Aragua gang. The use of CECOT—a facility known for overcrowding, lack of due process, and torture and abuse—demonstrates a dangerous example of externalized immigration enforcement, violating a host of fundamental human rights protections enshrined in both international law and U.S. domestic law.[8]

Kilmar Abrego Garcia is one individual who was deported there despite having Withholding of Removal status in the U.S., a status given to individuals who fear persecution or torture if returned to their home countries.[9] The administration has not complied with multiple court orders that require Garcia, and at least one other man, to be returned; allow those transferred to challenge their detention; or ensure meaningful notice and hearings before transfers to El Salvador.[10]

According to reports, the U.S. and El Salvador agreed that the U.S. would send 300 members of Tren de Aragua and pay $6 million per year for one year "or until a determination concerning their long-term disposition is made."[11]

A video from the Salvadoran government shows shackled deportees forced off planes, bent over by riot police, and taken to CECOT where they were made to kneel, had their heads shaved, and locked in cells.[12]

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[7] Donald J. Trump, *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua* (2025)

[8] Nelson Renteria, Brendan O'Boyle, Raul Cortes, *What to know about the El Salvador mega-prison where Trump sent deported Venezuelans*, Reuters (Mar. 20, 2025), https://www.reuters.com/world/americas/what-is-el-salvadors-mega-prison-that-could-take-us-criminals-2025-02-04/

[9] Shayan Sardarizadeh, Merlyn Thomas, Jake Horton, Mike Wendling, *What we know about Kilmar Abrego Garcia and MS-13 allegations,* BBC News (Apr. 30, 2025), https://www.bbc.com/news/articles/c1k4072e3nno

[10] Jacob Rosen, *Judge in Abrego Garcia case frustrated with Trump administration: "This is about good faith versus bad faith"*, CBS News (May 16, 2025), https://www.cbsnews.com/news/kilmar-abrego-garcia-case-trump-state-secrets-privilege/

[11] Brian Finucane, *The Dirty Deal with El Salvador*, Just Security (May 6, 2025), https://www.justsecurity.org/113026/us-agreement-el-salvador/

[12] *What to know about CECOT, El Salvador's mega-prison for gang members,* NPR (Mar. 17, 2025), https://www.npr.org/2025/03/17/g-s1-54206/el-salvador-mega-prison-cecot

These transfers violate the prohibition on non-refoulement, a core principle of both international law[13] and U.S. domestic law[14] that prohibits a country from transferring or removing any person from its jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of certain serious human rights violations, torture in particular.[15] The U.S. government is well aware of El Salvador's harsh prison conditions, as documented in its own 2023 State Department human rights report.[16]

Similarly, the Trump administration is paying Panama approximately $14 million to receive deported migrants.[17] Close to 300 individuals including asylum seekers were deported there between February and March 2025.[18] They were held in harsh conditions at the Decápolis Hotel with no contact and no counsel access.[19] Individuals who refused to return to their countries of origin were sent to a rural migrant camp in the Darien province where they also experienced similar and poor conditions.[20]

In May 2025, the administration attempted to deport eight migrants to South Sudan, despite a court order preventing removal to third countries without giving individuals the opportunity to claim fear of persecution or torture. On May 21st, a federal court judge ruled that the administration had "unquestionably," violated the previous order and directed that the men remain in U.S. custody. They are currently held in a shipping container at a U.S. military base in Djibouti.[21]

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[13] Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Art 3; 1951 Convention Relating to the Status of Refugees, Art 33. Non-refoulement is also customary international law.

[14] Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), codified at 8 USC § 1231

[15] Rebecca Ingber and Scott Roehm, *The Trump Administration's Recent Removals to El Salvador Violate the Prohibition on Transfer to Torture*, Just Security (Mar. 20, 2025), https://www.justsecurity.org/109284/non-refoulement-alien-enemies-act/;

[16] 2023 Country Report on Human Rights Practices: El Salvador, https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/

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

[18] Manuel Rueda, *Asylum seekers deported by the U.S. are stuck in Panama unable to return home*, NPR (May 5, 2025), https://www.npr.org/2025/05/05/nx-s1-5369572/asylum-seekers-deported-by-the-u-s-are-stuck-in-panama-unable-to-return-home

[19] Cecilia Barría, Santiago Vanegas, Ángel Bermúdez, *'Help us': Hundreds deported from US held in Panama hotel*, BBC News (Feb. 19, 2025), https://www.bbc.com/news/articles/c3rndygqll7o

[20] *Panama releases 65 detained migrants from US amid criticism*, Al Jazeera (Mar. 9, 2025), https://www.aljazeera.com/news/2025/3/9/panama-releases-dozens-of-detained-migrants-from-us-amid-criticism#

[21] Adam Gabbatt, *Group stranded with Ice in Djibouti shipping container after removal from US*, The Guardian (Jun. 6, 2025), https://www.theguardian.com/us-news/2025/jun/06/migrants-djibouti-ice

The Trump administration has threatened tariffs, visa restrictions and other measures to pressure countries into accepting deported migrants. After Colombia rejected two deportation flights, President Trump imposed tariffs on goods and travel restrictions on Colombian officials and their families.[22]

II. Migrant Detention at Guantánamo Bay

On January 29, 2025, President Trump signed a memorandum to expand the Migrant Operations Center (MOC) at the United States naval base located in Guantánamo Bay, Cuba to house "high-priority criminal aliens" unlawfully present in the U.S.[23] Guantánamo Bay houses two separate facilities: the Migrant Operations Center (MOC) for migrants interdicted at sea and the Military Detention Center for terrorism suspects held under the 2001 Authorization for Use of Military Force (AUMF) (the law that the U.S. government enacted that purports to implement U.S. obligations in this context under international humanitarian law).[24]

Established in the 1990s, the MOC processes migrants interdicted in the Caribbean and is operated by the U.S. State Department's Bureau of Population, Refugees, and Migration (PRM) and U.S. Citizenship and Immigration Services (USCIS) under the Department of Homeland Security (DHS). Migrants brought there are screened for "protected" status, which determines eligibility for asylum or repatriation.[25] While some receive basic services and assistance from the International Organization for Migration (IOM), serious concerns have been raised regarding due process, oversight, and conditions of confinement.[26]

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[22] Regina Garcia Cano, Astrid Suárez, *Trump and Colombia's president clash over deportation flights, raising tariffs in retribution*, PBS News (Jan. 26, 2025), https://www.pbs.org/newshour/politics/trump-and-colombias-president-clash-over-deportation-flights-raising-tariffs-in-retribution

[23] Donald J. Trump, *Expanding Migrant Operations Center at Naval Station Guantanamo Bay to Full Capacity* (2025)

[24] 2001 Authorization for Use of Military Force (AUMF), Public Law 107-40, 115 Stat. 224 (2001)

[25] *Fact Sheet: Migrant Operations at Guantanamo Bay, Cuba*, U.S. Department of State, Bureau of Population, Refugees and Migration (Sep. 2015), https://s3.documentcloud.org/documents/2772373/Guantanamo-MOC-Fact-Sheet-as-of-Sept-2015.pdf

[26] *Offshoring Human Rights: Detention of Refugees at Guantánamo Bay*, International Refugee Assistance Project, (Sep. 2024), https://refugeerights.org/wp-content/uploads/2024/09/Offshoring-Human-Rights-Guantanamo-Bay-English-Report-September-2024-1.pdf

The Trump administration announced it would hold "high threat illegal aliens" in what is known as Camp 6, one of the military detention sites used to hold terrorism suspects.[27]

In June 2023, the former United Nations Special Rapporteur on human rights and counterterrorism determined that conditions at Guantánamo's military detention facility amounted to "ongoing cruel, inhuman, and degrading treatment… and may also meet the legal threshold for torture."[28] According to reports, migrants who were recently detained at Camp 6 faced inhumane treatment, including prolonged isolation, denial of legal counsel, and degrading conditions.[29]

In February 2025, 177 Venezuelan migrants were deported from Guantánamo to Venezuela via Honduras.[30] In March 2025, 17 were transferred to CECOT.[31]

The Trump administration has not provided a legal justification for migrant detention at Guantánamo Bay. Migrant detention operations at Guantanamo under the Trump administration have cost $40 million. As of May 5, 2025, less than 500 migrants have been held there.[32]

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[27] Hamed Aleaziz, Eric Schmitt, Carol Rosenberg, *U.S. Is Holding Migrants in Cells That Once Held Al Qaeda Suspects*, The New York Times (Feb. 5. 2025), https://www.nytimes.com/2025/02/05/us/politics/migrants-trump-guantanamo-prison.html

[28] U.N. Human Rights Special Procedures, Technical Visit to the United States and Guantánamo Detention Facility by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (14 June 2023), https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/2023-06-26-SR-terrorism-technical-visit-US-guantanamo-detention-facility.pdf

[29] Silvia Foster-Frau, Ana Vanessa Herrero, *Invasive frisks, suicide attempts: Three migrants describe Guantánamo detention*, The Washington Post (Feb. 25, 2025), https://www.washingtonpost.com/immigration/2025/02/25/guantanamo-trump-migrants-deportations-venezuela/

[30] *US deports 177 Venezuelan migrants from Guantanamo Bay,* Al Jazeera (Feb. 21, 2025), https://www.aljazeera.com/news/2025/2/21/us-deports-dozens-of-venezuelan-migrants-from-guantanamo-bay

[31] Joseph Gedeon, Jose Olivares, *Trump administration deports more alleged gang members to El Salvador*, The Guardian (Mar. 31, 2025), https://www.theguardian.com/us-news/2025/mar/31/trump-deports-alleged-gang-members-el-salvador

[32] Carol Rosenberg, *Guantánamo Migrant Operation Has Held Fewer Than 500 Detainees, and None in Tents*, The New York Times (May 5, 2025), https://www.nytimes.com/2025/05/05/us/politics/guantanamo-migrants-trump.html