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EXTERNALISATION OF MIGRATION GOVERNANCE: NEW TRENDS AND SPECIFIC ASPECTS

The Special Rapporteur examines recent developments in the externalisation of migration governance, including new agreements and arrangements, their human rights implications, impacts on specific groups, and measures to strengthen transparency and accountability. Externalisation may be understood as forms of migration cooperation that aim at, or result in, shifting responsibility for migration and asylum processes away from externalizing States.

RISKS OF VIOLATIONS OF THE HUMAN RIGHTS OF MIGRANTS

Externalisation arrangements carry heightened risks of:

- Refoulement and chain refoulement
- Collective expulsion
- Violations of privacy and data protection
- Forced labour and trafficking
- Torture and ill-treatment
- Family separation
- Arbitrary detention
- Denial of due process and effective remedies

The report also highlights risks associated with the growing use of surveillance and digital technologies in migration governance.

EXTERNALISATION MEASURES OFTEN SHIFT RESPONSIBILITY AWAY FROM DESTINATION STATES WHILE MAKING HUMAN RIGHTS OVERSIGHT MORE DIFFICULT.

RECENT TRENDS OF EXTERNALIZATION

PREVENTION OF ARRIVAL

Measures aimed at preventing migrants from reaching destination States through border control cooperation, interception, surveillance technologies, and support to third-country authorities.

EXTRATERRITORIAL PROCESSING OF ASYLUM CLAIMS

The transfer of asylum procedures to third countries, including through expanded use of the "safe third country" concept and asylum cooperation agreements.

REMOVAL TO THIRD STATES

The transfer of migrants to countries other than their country of nationality, including through third-country transfer agreements and "return hubs".

IMPACT ON SPECIFIC GROUPS AND INTERSECTIONAL DISCRIMINATION

Externalisation disproportionately harms those already at risk, exposing **children** to detention and family separation; **women and girls** to violence and exploitation; **LGBTQI+** persons to discrimination and persecution; and **racialised migrants** to exclusion, detention, and deportation.

HUMAN RIGHTS OBLIGATIONS, TRANSPARENCY AND ACCOUNTABILITY

States remain bound by their international human rights obligations when designing, financing, and implementing migration cooperation, including where measures are carried out extraterritorially or through third States. The report highlights the need for transparency, human rights impact assessments, independent monitoring, complaint mechanisms, and accountability for all actors involved in migration cooperation.

KEY RECOMMENDATIONS

- Ensure migration cooperation fully respects international human rights obligations.
- Prevent refoulement and other human rights violations.
- Apply "safe country" concepts only on the basis of an individual assessment, a meaningful connection, and effective remedies.
- Ensure digital and surveillance technologies comply with human rights and data protection standards.
- Protect children's rights and adopt gender-responsive and intersectional approaches.
- Ensure transparency through public agreements, human rights impact assessments, independent monitoring, and complaint mechanisms.
- Ensure human rights due diligence by all actors involved in migration cooperation.
- Protect human rights defenders and civil society actors assisting migrants.
- Expand safe and regular pathways for admission and stay.
- Support independent monitoring of human rights violations linked to migration governance and externalisation.

