SPECIAL PROCEDURES
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HUMAN RIGHTS COUNCIL

Regional hearing of the Inter-American Commission on Human Rights on the Situation of persons deported, expelled, or transferred in the context of human mobility in the region

United Nations Special Rapporteur on the human rights of migrants, Gehad Madi

Guatemala, 11 March 2026

Excellencies, Commissioners, distinguished participants,

I am grateful for the opportunity to address this hearing on a matter of pressing urgency: the growing pattern of deportations, expulsions, and transfers of migrants in the Americas carried out without adequate safeguards, in ways that expose people to grave human rights violations.

I am here to provide an informal, unsworn, oral briefing in the public hearing of the Inter-American Commission on Human Rights in relation to situation of persons deported, expelled, or transferred in the context of human mobility in the region. This briefing is provided on a strictly voluntary basis and without prejudice to the privileges and immunities of the United Nations, including its officials and experts on mission. Accordingly, nothing related to the provision of this briefing shall be considered as a waiver, express or implied, of any of the privileges and immunities of the United Nations, its officials and experts on mission, which are hereby expressly reserved.

Excellencies,

Across the region, we are witnessing a sharp rise in externalized migration control practices—measures through which States shift responsibility for migrants and asylum seekers to other countries by preventing arrivals, outsourcing asylum processes and expelling migrants to third countries. These third countries often lack the legal framework, capacity, or political will to ensure their rights. As outlined in my most recent report[1] to the General Assembly, externalization arrangements systematically risk leading to **refoulement**, **arbitrary detention**, **collective expulsion**, **violation of due process and effective remedy, torture and ill-treatment**, **enforced disappearance**, and **violations of socioeconomic rights**. These risks are compounded by opacity, lack of oversight, and the involvement of multiple state and non-state actors operating beyond effective public scrutiny.

International human rights and refugee law **absolutely prohibit** returning any person to a country where they would face a **real risk of irreparable harm**, including death, torture, or persecution. The prohibition of refoulement includes also indirect or chain refoulement, whereby a country sends the person to an intermediary country which then

[1] A/80/302, Report of the Special Rapporteur on the human rights of migrants, Gehad Madi, Externalization of migration governance and its effect on the human rights of migrants.

further sends to person to a place where they risk irreparable harm. Yet we continue to document returns occurring **without individualized risk assessments**, including large-scale removals by the United States to different countries on the continent. These removals are carried out based on bilateral agreements. The United States entered into bilateral agreements in early 2025 with Costa Rica, El Salvador, Guatemala, Honduras and Panama to allow the transfer of refugees and migrants. At the time of writing my report to the General Assembly, 299 persons of various nationalities had been sent to Panama and 200 to Costa Rica, including 81 children. Some of these individuals continue to lack a durable legal status- now 13 months later. On the basis of those agreements, the United States has carried out removal flights to those countries and is seeking to sign additional agreements with other countries. These agreements affect individuals with different legal status, including stateless persons, and raise serious issues with regard to the principle of non-refoulement, the prohibition of arbitrary detention and due process guarantees.[2]

Between January and October 2025, the United States carried out over **1,700 deportation flights to 77 countries**, including large-scale removals to Guatemala, Honduras, Mexico, El Salvador, Ecuador, Venezuela, and Nicaragua. Many of those affected included **asylum seekers, human rights defenders, Indigenous leaders, political dissidents, persons with disabilities, and individuals with chronic health conditions**.

Several of the individual cases brought to our attention exemplify the human cost of these practices: human rights defenders facing imminent deportation without individualized risk assessments; Indigenous leaders previously subjected to arbitrary detention and torture; and individuals with serious medical conditions denied adequate treatment during prolonged immigration detention. In all these cases, individuals have been exposed to **credible and well-documented risks of persecution, violence, and further violations**, including **transnational repression**.

Similarly, Special Procedures have documented with great concern the **deportation of Salvadoran and Venezuelan nationals from the United States to El Salvador's high-security CECOT facility**[3], followed by onward transfer to Venezuela without effective access to due process or international protection. The Venezuelan detainees were reportedly held incommunicado for up to 125 days, allegedly subjected to conditions that may amount to **arbitrary detention, enforced disappearance, torture, and ill-treatment**, with their lawyers and families denied basic information about their whereabouts. The Salvadoran detainees remain held incommunicado and at risk of such treatment. These transfers occurred within the context of El Salvador's prolonged state of emergency, marked by severe restrictions on judicial safeguards, repression of civil

[2] A/HRC/80/302, para.22
[3] USA 25/2025 and SLV 6/2025

society, and the absence of effective habeas corpus review. Such irreparable harms were the subject of a July 2025 amicus brief I submitted in May in support of a request for precautionary measures against El Salvador that remains pending.

Excellencies,

colleagues,

Externalization practices exacerbate vulnerabilities of specific groups. Such measures have critical implications for the safety, well-being, and best interests of children. They leave migrant women, girls and LGBT migrants at a heightened risk of gender-based violence, exploitation and abuse. As a result of externalization measures, cases of acts of racial discrimination, xenophobia and hate speech in third States targeting migrants have been reported.

Across these contexts, certain extremely worrying patterns are clear:

- **People are sent to countries they have no ties to**, whose language they do not speak, impeding local integration there.
- **Externalization practices rely on opaque bilateral agreements** that bypass judicial and democratic oversight and often are not made public.
- **Individualized assessments are routinely absent**, making removals incompatible with international law.
- **Detention is used broadly and automatically**, often in punitive or inhumane conditions, and without prompt judicial review.
- **States fail to guarantee legal status or social and economic rights of migrants**, such as the right to work, housing, education or access to healthcare.
- **Human rights defenders, women, children, Indigenous persons, and persons with disabilities face heightened and specific risks**, which States are failing to consider.
- Critically, let me stress, **States cannot outsource their human rights obligations without incurring international responsibility for violations**. As affirmed in my report, no State may escape responsibility by transferring migrants to a third country where foreseeable risks exist, nor by enabling another State's violations through funding, logistics, or political arrangements. Third States under whose jurisdiction violations may occur, may themselves share responsibility with the sending State or even, be individually held responsible for those violations under international law.

Excellencies,

States in the Americas must urgently realign migration governance with their binding obligations under international human rights and refugee law. This includes:

1. **Immediate suspension of removals, expulsions, or transfers where individualized risk assessments have not been conducted**—with full suspensive effect of appeals.
2. **Ensuring that no bilateral agreement enables refoulement or chain refoulement**, directly or indirectly.
3. **Ending the use of immigration detention as a default measure**, and guaranteeing access to alternatives, legal representation, and prompt judicial review.
4. **Guaranteeing that human rights defenders, women, Indigenous persons, and other at-risk groups receive specific protection**, including protection from reprisals.
5. **Publishing all migration cooperation agreements**, including informal ones, and ensuring parliamentary and independent oversight.
6. **Conducting ex ante and systematic human rights impact assessment** of migration cooperation.
7. **Embedding independent human rights monitoring**, with accessible complaint mechanisms, in all return and transfer arrangements.

I urge States to strengthen regional solidarity grounded in human rights. Cooperation on migration cannot be based on deterrence, containment, or the externalization of responsibility to less-equipped States. It must ensure dignity, safety, non-discrimination, protection and the rule of law.

As a member of the Platform of Independent Experts on Refugee Rights (PIERR), I would like to welcome the ongoing collaboration with the IACHR Commissioner on Human Mobility, who is also a member of PIERR, and stress that one of the priorities is the work on externalization.

I would also like to take the opportunity to recommend that the Inter-American Commission requests an **advisory opinion from the Inter-American Court of Human Rights on state responsibility in the context of extraterritorial migration enforcement and externalization of border control**. Such an opinion would bring important clarity and support to States under pressure to enter externalization cooperation, to uphold their values and international obligations and reject such arrangements.

Human rights monitoring plays a critical role in increasing transparency, accountability and bringing remedies. I join the call to **create a special monitoring mechanism withing the Inter-American human rights system to respond to externalization and rights**

violations by myriad states in the region. The Inter-American Commission on Human Rights is in a privileged and strategic position to take on this endeavor, and the Human Rights Council human rights experts are ready to assist.

I thank the Inter-American Commission for its leadership, and I stand ready to continue supporting States and civil society in building migration systems that uphold the rights and humanity of all migrants.

Thank you.