U.S. EXTERNALIZATION OF MIGRATION:

POLITICAL RACISM ALONG THE MIGRATION ROUTE

Submitted by:
Black Alliance for Just Immigration (BAJI)

REPORT FOR THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS

BAJI BLACK ALLIANCE FOR JUST IMMIGRATION

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Introduction

1. The OHCHR's Principles and Guidelines regarding migrants in vulnerable situations defines these migrants as "persons who are unable effectively to enjoy their human rights [and] are at increased risk of violations and abuse" and factors that generate vulnerability "may occur during transit or at destination" or "may be related to a migrant's identity or circumstances."[2] In the context of migration in the Americas, and particularly for migrants traveling through South and Central America to reach the United States, structural and systematic anti-Black racism make Black migrants particularly vulnerable. This vulnerability is exacerbated by U.S. collaboration with third countries to externalize migration, especially asylum.

2. Externalizing asylum disproportionately harms Black migrants. Policies that restrict freedom of movement by criminalizing migration force Black migrants to remain in countries that perpetuate systemic racism, leaving them subject to discrimination in asylum processing and without access to services and legal representation. While in transit, Black migrants are especially vulnerable to violence, extortion, discrimination, and prolonged detention.[3]

3. The following submission prioritizes the experiences of U.S.-bound Black migrants. It details a variety of externalization measures the U.S. has implemented or is currently implementing along migration trails from South America to the U.S.-Mexico border; highlights technology-enhanced surveillance programs with opaque purposes and scopes; recounts instances of unlawful third country detentions and deportations; and considers how these externalization mechanisms are established and implemented without transparency or effective accountability mechanisms. BAJI asserts that the racial identity of Black migrants is indeed a vulnerability in the context of U.S. externalization policies and that Black migrants traveling to and currently residing in the U.S. are thereby entitled to a heightened duty of care.[4]

Externalization along the Migration Route: from Colombia to the U.S.-Mexico Border

4. In the U.S., externalization policies are designed to evade the responsibility to provide asylum protections by utilizing financial and political partnerships, which pressure other countries to adopt its immigration enforcement agenda. The U.S. has numerous agreements with third countries that facilitate the interception, detention, and removal (to both countries of origin and third countries) of migrants and asylum-seekers journeying to the U.S. This section details U.S. externalization measures which endanger Black migrants from Colombia to the U.S.-Mexico border.

5. The U.S., in collaboration with UNHCR and IOM, established Safe Mobility Offices in Colombia, Costa Rica, Ecuador, and Guatemala through which nationals of select countries, including Haiti, can apply for admission into the U.S. Eligibility requirements for the process are quite narrow and vary from country to country, resulting in discrimination against Black migrants. For example, in Colombia, migration policies that make it very difficult for Haitians to obtain regular status effectively exclude them from the process.[5]

6. Following an increase in migration through the Darien Gap in 2015, the U.S. entered into and supported agreements in Central America to fund restrictions to northward migration. The agreements equip and train militarized border security officials who unlawfully detain migrants without due process.[6] Migrants and asylum-seekers in vulnerable situations are often forced to travel through the Darien Gap, a deadly, dense forest in the Colombia-Panama border region, to continue north into Panama. Migrating through the Darien Gap has become a popular pathway for Caribbean and African migrants. While crossing through the Darien, Black migrants are targeted by armed gangs for robbery and extortion, and Black migrant women are often subject to sexual violence.[7] If Black migrants make it through the Darien into Panama, they face racial discrimination as they are funneled into detention centers lacking basic humanitarian standards and access to asylum processes.[8]

7. The U.S. has externalized its asylum obligations by partnering with Costa Rica and indirectly influencing migration policy in Nicaragua, reinforcing a regional containment strategy that criminalizes and endangers migrants, especially Black migrants. In 2023, the U.S. entered the U.S.-Costa Rica-Panama Agreement, increasing enforcement measures and deportations to Colombia.[9] In Costa Rica, restrictive visa policies limit migrants' mobility, and it becomes nearly impossible to cross into Nicaragua without documentation. Nicaragua has historically barred entry to Black migrants from countries like Haiti, Cuba, and several African nations, often arresting and deporting those who cross its southern border.[10] As a result, many Black migrants become trapped in Costa Rica, facing racism, xenophobia, and economic barriers.[11]

8. U.S.-bound migrants who manage to continue northward through Nicaragua encounter more U.S. externalization money and influence in the Northern Triangle (Honduras, El Salvador, and Guatemala) and Mexico that disproportionately harm Black migrants. Through the Central America Regional Security Initiative (formerly the Mérida Initiative), the U.S. provides funding, training, and equipment to security forces in Guatemala, Honduras, and El Salvador in exchange for increased apprehensions, detentions, and deportations.[12] This support has enabled countries like Guatemala to informally receive deported migrants from both the U.S. and Mexico, often denying them access to asylum and confiscating or destroying their identification documents.[13] Additionally, U.S. pressure and over $80 million in U.S. funding in 2015 led to the creation of Mexico's *El Programa Frontera Sur* (Southern Border Program) to militarize the Mexico-Guatemala border, which is still active today.[14]

Tech as an Externalization Tool: Border Surveillance & Data Sharing

9. The U.S.-Mexico border region comes after all of these externalized interception measures and is further equipped with several high-tech surveillance mechanisms intended to block migrants' path to the U.S., even at this final frontier. The structural and systematic anti-Black racism that puts Black migrants and immigrants in a situation of particular vulnerability is further perpetuated in the decision to use and process of using technology to facilitate externalization mechanisms.

10. Surveillance of the U.S.-Mexico border, including the use of artificial intelligence (AI), disproportionately impacts migrants in situations of vulnerability, as they are more likely to use irregular migration pathways. For example, U.S. Customs and Border Patrol (CBP) uses AI-enhanced Autonomous Surveillance Towers and Small Unmanned Aerial Systems (sUAS) to monitor the U.S.-Mexico border and notify the agency of suspected human activity.[15]

11. The U.S. has several agreements with third countries, including African and Caribbean nations, to provide personal and biometric data of U.S.-bound migrants. The data shared includes arrest records used to criminalize migrants and jeopardize asylum cases, and relies on records from third countries whose processes are not monitored.[16] The Department of Homeland Security (DHS) acknowledged the potential inaccuracy and insecurity of such data, yet utilizes it to inform enforcement actions.[17]

12. Furthermore, the scope of the purpose of surveillance technologies remains unclear, as data-sharing sometimes continues after the programs or agreements they were connected to are terminated.[18] The U.S. and Mexico even employ a biometric surveillance infrastructure that is installed in all migrant detention centers in Mexico as part of the Bicentennial Framework.[19]

13. The use of biometric data collected without safeguards raises concerns about racial profiling and mass surveillance, ultimately reinforcing a regional system of migration deterrence rooted in anti-Blackness and the denial of asylum rights.[20] In December 2024, BAJI reported that "CBP One's AI-based application has demonstrated difficulty recognizing and correctly matching the faces of migrants with darker skin, thus preventing Black and brown migrants from being able to present themselves to U.S. authorities at the U.S.-Mexico border to seek asylum."[21] These errors and their disproportionate impact on Black migrants violate the principle of non-discrimination and the right to equality before the law, impede the rights to seek asylum and to due process, and perpetuate racialized criminalization of Black migrants.

14. Due to errors like these, as well as a variety of other externalization mechanisms, such as Title 42 and "Remain in Mexico" policies,[22] U.S.-bound migrants, particularly asylum-seekers, are often awaiting entrance into the U.S. in Mexico. These policies subject Black migrants to persistent structural and systematic racialized violence and discrimination in Mexico, a country where the Committee for the Elimination of Racial Discrimination (CERD) noted that racially discriminatory messaging and hatred toward people of African descent or migrants persists.[23]

15. In Mexico, Black migrants are targeted due to their skin color, making them more visible and more likely to be targeted by border authorities and gangs, pushing them into more dangerous routes facing extortion, violence, and abuse.[24] Moreover, by using biometric data, immigration authorities can arbitrarily profile and monitor migrants and predict migration flows to increase apprehensions throughout the region.[25]

Breaking the Law: Third Country Detentions and Deportations

16. In addition to intercepting migrants along migration pathways, and surveillance and deterrence in Mexico and the U.S.-Mexico border region, the Trump administration is externalizing migration detention and deporting individuals to third countries, and doing so in contravention of domestic and international law.

17. Externalization of migration detention poses several concerns, including inhumane detention conditions, violations of the right to seek asylum, and uncertain legal status of detained migrants. Black migrants regularly face racialized violence and discrimination in detention,[26] and externalization exacerbates this as legal protections become less accessible. Since January 2025, the Trump administration has transferred approximately 100 migrants to Guantanamo Bay, of which more than half have been placed in the Military Detention Center as opposed to the Migrant Operations Center.[27] These migrants' military detention is unlawful under U.S. law.[28]

18. In February, the U.S. and Panama collaborated to remove from the U.S. and detain 299 migrants of third-country nationality, many who were seeking asylum. These individuals were subject to human rights violations on their way to and in Panama, where they were detained incommunicado at a commercial hotel.[29] In March, Panama released dozens of migrants who had been transferred from the hotel to other detention facilities, granting them 30 days to leave with the possibility of a 60-day extension.[30] These migrants were left in legal limbo, and those seeking asylum could not return to their home countries without risking their lives.

19. In another instance, since March 2025, the Trump administration has transferred 238 Venezuelan and Salvadoran immigrants to detention in the Center for Confinement of Terrorism (CECOT) prison in El Salvador – a country notorious for human rights violations in prison, including holding detained persons incommunicado, group hearings impeding due process, torture, denial of medical care, and death.[31]

20. The detention of migrants in hotels, penal institutions, and military prisons contravenes the Inter-American standard established in *Vélez Loor v. Panama* that "persons detained exclusively for immigration issues, they should be accommodated in centers specifically designed for…guaranteeing 'material conditions and a system appropriate to their legal status and staffed by appropriately qualified personnel,'"[32] and contravenes international legal principles regarding legality, necessity, and proportionality of all instances of the deprivation of liberty.[33]

21. In May, the Trump administration took its commitment to externalization further by attempting to deport eight individuals to South Sudan, a nation grappling with potential civil war and instability.[34] The administration moved forward with the deportations despite a federal judge's ruling requiring notice and opportunity to object before deporting individuals to countries they do not originate from.[35]

Conclusion

22. Host states and collaborating states use externalization narratives scapegoating ideas about public safety and harmful racial stereotypes to bypass democratic scrutiny, opting to operate through executive actions,[36] thereby obfuscating the impacts on vulnerable migrants. These agreements are becoming de facto U.S. immigration policy — outsourcing the asylum process while circumventing legal obligations under international law.

23. The U.S. intentionally and systematically externalizes migration and asylum processes at several points in migration routes through the Americas, implementing widespread militarization, increased detention, zealous deportation policies, and unrestricted surveillance and data-sharing. Together, these strategies criminalize asylum-seekers and exacerbate racialized violence and discrimination against Black migrants.

24. All states bear the duty to respect, protect, and promote the rights to life, personal integrity, freedom of movement, and freedom from arbitrary detention of all persons. Furthermore, states are obliged, under international law, to uphold the principle of non-refoulement and respect the dignity of persons without discrimination on the basis of race. Black migrants have every right to seek asylum in the U.S., and the U.S. and collaborating states have no right to stop them.

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[1] BAJI fights for the rights of Black migrants and African Americans through organizing, legal advocacy, research, policy, and narrative building to improve the conditions of Black communities by advancing racial justice and migrant rights. BAJI was founded nineteen years ago by veteran civil and human rights activists who were concerned about a wave of unjust immigration enforcement laws. BAJI has offices, staff and organizers throughout the United States in Atlanta, GA; Los Angeles, CA; Oakland, CA; Houston, TX; Miami, FL; Minneapolis, MN; Wichita, KS; New York, NY; and Washington D.C.

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