



Cornell Law School
Migration and Human Rights Program



SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



GLOBAL NETWORK OF
**MOVEMENT
LAWYERS**
Powered by Movement Law Lab



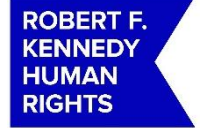
Franciscans International
A voice at the United Nations



CELS



**American
Friends
Service
Committee**



Center for Gender & Refugee Studies



**GLOBAL STRATEGIC
LITIGATION COUNCIL**
FOR REFUGEE RIGHTS



**ZOLBERG
INSTITUTE
ON MIGRATION
AND MOBILITY**

Legal Implications of Recent Trends in Externalization of Migration Governance Side event – UNGA80

New York, 22 October 2025

8:30 a.m. to 10:00 a.m.

Church Center, 11th floor- 777 United Nations Plaza and online

Registration required, both [in person](#) or [webinar](#)

Light refreshments will be served

Co-organized by the UN Special Rapporteur on the human rights of migrants, Cornell Law School and Franciscans International.

Co-Sponsors: UN Office of the High Commissioner for Human Rights, American Friends Service Committee, Boston University International Human Rights Clinic, Center for Constitutional Rights, Center for Gender and Refugee Studies (CGRS), Centro de Estudios Legales y Sociales (CELS), Global Network of Movement Lawyers and Movement Law Lab, Global Strategic Litigation Council, Human Rights First, Instituto Internacional de Responsabilidad Social y Derechos Humanos (IRESODH), Red Jesuita con Migrantes Latinoamerica y el Caribe (RJM LAC), Robert F. Kennedy Human Rights, and Zolberg Institute on Migration and Mobility.

Background

Measures of externalization of border control and of migration management are proliferating as forms of primarily bilateral international cooperation. They are also increasingly criticized as being explicitly intended to avoid destination states' accountability for human rights violations arising from migration enforcement or governance. Externalization arrangements have long been a feature, for example, of transnational collaboration between States in the European Union and North and West Africa. In the Americas, in recent years, externalization measures—such as U.S. agreements with Mexico and other Central American countries to curb northward migration, the expansion of migrant detention and deportation practices in transit countries such as Panama, and the outsourcing of detention and return or asylum processing to

third countries—have become a defining feature of border governance. States frame their externalization practices through security, humanitarian, economic, legal-political discourses. Some of these practices across regions have been justified by border security, humanitarian and protective rationale, crime-control or counter-terrorism objectives. These practices thus raise a number of complex legal and policy issues and increase the urgency of addressing legal implications flowing from them.

The recently launched report of the UN Special Rapporteur on the human rights of migrants, Mr. Gehad Madi, focuses on externalization of migration governance and the impact on the human rights of migrants (A/80/302). In his report, the Special Rapporteur calls on States to end arrangements which prevent arrival, outsource asylum processing or those that allow for readmission to or expulsion to countries other than the country of their nationality or habitual residence, which shift responsibility for migration governance and in practice may lead to violations of their rights, such as arbitrary detention, torture or other cruel, inhuman or degrading treatment or punishment, discrimination on the basis of race, nationality or migratory status or non-refoulement.

In the context of the 80th session of the UN General Assembly where the Special Rapporteur on the human rights of migrants will present his report, this side event proposes to discuss the legal and policy implications of externalization and provide answers to the following questions:

1. What are the primary legal responsibilities of States and how does international law assign secondary responsibilities to States which aid or assist or direct and control the acts of another state in the context of bilateral externalization agreements?
2. How to establish human rights obligations and State's jurisdiction in the extraterritorial context and when multiple States are involved, such as externalization cooperation, and, in particular, how to prove legal obligations of externalizing States?
3. How are legal regimes and policy objectives (such as border, crime control and counter-terrorism measures) used to justify externalization and how should related legal obligations be applied to protect migrant rights?
4. What are the impacts of externalization measures on the human rights of migrants? How do these violations play out in the regional human rights systems?

Objectives

- Clarify States primary and secondary international legal obligations vis-a-vis externalization practices
- Discuss human rights obligations and jurisdiction in extraterritorial context and when multiple States are involved
- Highlight a role that regional human rights systems can play in addressing human rights violations in the context of externalization.

Format and speakers

The event will be held in hybrid format (webinar) to allow online participation. Registration will be required, both to participate in person and for online participation:

- Registration for online participation [here](#)
- Registration for in-person participation [here](#)

After an introduction by the Special Rapporteur, each speaker will make very short interventions highlighting legal and policy implications, contributions of the report and recommendations for States.

An interactive session of Q&A will follow the presentations of speakers.

Agenda

Moderator: Ian Kysel, Cornell Law School

Introductory remarks

Keynote speech - UN Special Rapporteur on the human rights of migrants, Mr. Gehad Madi

Migrant perspective/testimonies by video (INVITED)

Speakers

- Carolina Hernandez (OHCHR Migration and People on the Move Unit) [UN Treaty Bodies as avenues for redress for human rights violations in the context of externalization]
- Sivanka Dhanapala (UNHCR) [UNHCR engagement with courts on externalization measures] (INVITED)
- Professor Thomas Gammeltoft-Hansen, online participation, University of Copenhagen [primary and secondary responsibilities of states for externalization measures]
- Lucia Galoppo, Centro de Estudios Legales y Sociales (CELS) [advocacy work to underscore states legal accountability]
- Nadia Ben-Youssef, Center for Constitutional Rights (CCR) [advocacy work to underscore states legal accountability] (INVITED)
- Hon. Commissioner Salma Sassi (ACHPR Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants) & Hon. Commissioner Andrea Pochak (IACHR Rapporteur on Human Mobility) by video [actions by regional human rights systems to remind states of legal duties under African Charter and American Convention]

Q&A

Concluding remarks