

## FOREIGN AFFAIRS

# The Sordid History of Offshoring Migrants

*Trump Is Only the Latest to Embrace a Costly and Immoral Tactic*

**David Scott FitzGerald**

*July 10, 2025*

DAVID SCOTT FITZGERALD is Theodore E. Gildred Chair in U.S.-Mexican Relations and Professor of Sociology at the University of California, San Diego.

Just weeks into Donald Trump's second presidency, the Department of Homeland Security began sending immigrants living in the United States to prisons in Costa Rica, El Salvador, and Panama and to the U.S. naval base in Guantánamo Bay, Cuba. At the time, newspapers reported that the Trump administration was pursuing similar agreements with Equatorial Guinea, Eswatini, Kosovo, Libya, Moldova, Rwanda, and Ukraine. The list has more recently grown to dozens of countries, including South Sudan.

Although this strategy shocked many Americans, the offshoring of detention is not new. In fact, it has a recent precedent in American history: it was used during the so-called war on terror, when Washington detained suspected terrorists in one country and took them to another, a process formally known as "extraordinary

rendition.” This was often done for the express purpose of torturing suspects or enabling other governments to do so. But the practice also has a longer history. For decades, the United States and other countries have systematically and forcibly moved asylum seekers to “third countries,” or territories that have lower legal standards and that are neither their places of origin nor their intended destinations.

Trump’s approach to offshore detention, however, is unprecedented. His administration has sent hundreds of immigrants who were living in the United States, some of them for years, to third countries where there is no practical way to judge their asylum claims. Moreover, immigrants have been removed from the United States before they have had a chance to defend themselves before an immigration judge, as is standard practice in the United States. “The government is asserting a right to stash away residents of this country in foreign prisons without the semblance of due process that is the foundation of our constitutional order,” a U.S. appellate court wrote in April, in a decision demanding that the Trump administration return Kilmar Abrego Garcia, a Maryland resident who was wrongly sent to a maximum-security prison in El Salvador, to the United States. But on June 23, the U.S. Supreme Court temporarily allowed the Trump administration to continue deporting immigrants to third countries, including to South Sudan. The summary ruling, in which no reasoning was offered, paused a lower court’s order halting such deportations and affirming immigrants’ rights to know where they are being deported to and to challenge being sent to a country where they could face persecution or torture.

Although this offshoring practice sends a strong signal that the government is taking a hard line on immigration, it is bad policy: it is far more expensive than detaining and processing asylum

seekers on the mainland, offers too many concessions to host countries that often have poor human rights records, and is used to skirt the human rights obligations to which the United States has agreed. It also portends a broader threat to the rule of law domestically; normalizing offshore detention can normalize the mistreatment of U.S. citizens. “Homegrown criminals next,” Trump told Nayib Bukele, El Salvador’s president, during a televised meeting in the Oval Office in April.

## ISLANDS OF DETENTION

Following World War II, most of the world’s countries signed international accords designed to prevent “refoulement,” or sending refugees back to places where they might be persecuted. But most governments still sought to block the entry of refugees; to do so without blatantly violating new international laws, they prevented people from setting foot on their territory and being able to ask for asylum.

One of the methods to achieve this was by offshoring the detention and processing of asylum seekers, which in the past few decades the United States has done more than any other country. In the early 1990s, the U.S. Coast Guard began intercepting asylum seekers at sea and taking them to the U.S. naval base at Guantánamo, where they were granted fewer rights than they would enjoy on the U.S. mainland, including access to information about their right to ask for asylum, their right to be represented by a lawyer, and their ability to file an appeal. At the height of this practice, in 1994, the base held more than 30,000 asylum seekers, most from Cuba and Haiti. With capacity at Guantánamo full, the Clinton administration sent 8,000 of the asylum seekers to Howard Air Force Base, in what was then the Panama Canal Zone, and to ships anchored in Kingston Harbor, Jamaica. Most who were found to meet the criteria of being persecuted at home were

ultimately settled in the United States, but some were quietly resettled as refugees in other countries, including Australia, Nicaragua, Panama, Spain, and Venezuela, as a result of diplomatic favors from these governments.

Inspired in part by the Guantánamo model, the Australian government created its own offshore detention system, the so-called Pacific Solution. In 2001, the country's special forces boarded a container ship carrying 433 asylum seekers, most of them from the persecuted Hazara minority group in Afghanistan. The Australian navy then transported the asylum seekers to two Pacific islands for detention: Manus, in Papua New Guinea, and Nauru, the world's smallest island state. The countries, which were under Australian control for much of the twentieth century, accepted the deal in return for financial compensation and development aid.

From 2001 to 2007 and from 2012 to 2014, Australia sent 5,800 asylum seekers it had intercepted at sea to these islands. Hundreds who had been verified as refugees nonetheless remained detained there for years, because the Australian government wanted to deter more asylum seekers from using that route.

One of the purposes of offshore detention is to restrict the access of journalists, attorneys, and watchdogs to detention facilities. The islands' isolation allowed abuses by detention staff to go unchecked. A cache of documents from the facility in Nauru obtained and published by *The Guardian* in 2016 included extensive reports of assaults on children, including sexual assault. Doctors Without Borders treated 208 patients there; it reported that 60 percent of them experienced suicidal thoughts and that 30 percent attempted suicide. The organization said that the level of mental suffering it found on Nauru was among the most severe it

had “ever seen among its patients anywhere.” At least seven asylum seekers detained on Nauru died by suicide.

## The practice of offshoring migrants is used to skirt human rights obligations.

Recently, a number of rich countries have considered Rwanda as a potential offshoring destination. In 2013, Israel and Rwanda struck a secretive deal in which Israel sent an estimated 4,000 Eritrean and Sudanese asylum seekers to Rwanda between 2013 to 2018.

According to the UN High Commissioner for Refugees, the Supreme Court of the United Kingdom, and other authorities, the Israeli government had offered the asylum seekers a choice: a transfer to Rwanda with a \$3,500 payment, repatriation to the countries they had fled, or indefinite detention in Israel. Some of the asylum seekers who chose to go to Rwanda were secretly sent to Uganda or repatriated to their countries of origin. Many of those who stayed were robbed of their cash payments. Almost all ultimately left Rwanda to seek asylum in Europe.

Denmark twice planned offshore schemes with Rwanda, first in 2011 and again in 2022, in which it would transfer asylum seekers on its territory to Rwanda for processing. The European Commission and the UN Committee Against Torture condemned the plans based on Rwanda’s history of human rights violations and the risk of refoulement, and Denmark shelved the idea without implementing it. The United Kingdom announced a similar deal with Rwanda, also in 2022. Under the plan, asylum seekers sent from the United Kingdom and granted refugee status by Rwanda could stay in Rwanda but would not be allowed to return to the United Kingdom. The Supreme Court of the United Kingdom blocked the policy in 2023, citing concerns that the

asylum seekers would not be safe in Rwanda. But the country may yet become an offshoring destination: in May 2025, Rwanda's foreign minister, Olivier Nduhungirehe, claimed that Kigali was negotiating with the Trump administration to receive migrants expelled by the United States.

The clearest implementation of Europe's aspirations to push its border control into other countries was a deal signed by the EU and Turkey in March 2016. The EU paid Turkey six billion euros and promised to grant Turkish nationals visa-free travel in exchange for the Turkish government attempting to stop asylum seekers—mostly Syrian refugees fleeing that country's civil war—from crossing into Greece and agreeing to accept people who had been intercepted during attempts to cross. But Europe may also be on the cusp of more direct offshoring arrangements. Last year, Italy signed a five-year deal with Albania that would allow the transfer of up to 36,000 intercepted asylum seekers per year to detention facilities in Albania. Italian officials would manage the camps and process the migrants' asylum cases in Albania, which is not an EU member state. Anyone determined to be eligible for asylum would be admitted to Italy, but those whose cases were denied would be repatriated. Asylum seekers successfully challenged the plan in Italian courts, citing the risk of refoulement.

But this past April, under a new version of the plan, Italy sent 40 migrants to the facilities for forced repatriation after their asylum applications were rejected in Italy. This marked the first known instance of an EU member state sending rejected asylum applicants to a third country outside the EU. Politicians around the EU have expressed a desire to emulate the newer Italian model, but it remains unclear if the practice will pass scrutiny in Italy's Supreme Court of Cassation and the European Court of Human Rights.

## WAYS AND MEANS

Despite the recent proliferation of third-country candidates, rich countries have generally had difficulty finding hosts for their offshoring schemes. Few governments want to be stuck with masses of migrants whose countries of origin may not facilitate repatriation. There can also be reputational costs to offshore detention. After its participation in Australia's Pacific Solution, for instance, Nauru came to be known as the "Pacific Gulag."

Those countries that do partake have their reasons. For some, the schemes represent a way to rehabilitate their images. Rwanda's longtime president, Paul Kagame, used the country's deals with Denmark and the United Kingdom to promote a vision of a peaceful, stable country that was flourishing after the 1994 genocide. Critics, meanwhile, suggested that the deals were an attempt to whitewash Kagame's support for armed conflict in the Democratic Republic of the Congo and his authoritarian policies at home. Negative global reactions to the Rwandan deals suggest they have not been a reputational blessing. El Salvador, for its part, has tried to put a positive spin on having the world's highest incarceration rate, with Bukele using the deal with the Trump administration to boast of "the best prison system in the world."

These arrangements can also be incredibly lucrative. Italy was expected to spend around \$1 billion over five years through its deal with Albania. British taxpayers will also be paying an estimated \$1 billion for their government's deal with Rwanda, despite its cancellation. The Australian government paid private contractors and the governments of Papua New Guinea and Nauru an estimated \$7.75 billion to detain around 4,180 asylum seekers

between 2012 and 2024. A 2016 study estimated that the Australian government would have saved about \$300,000 annually per asylum seeker if it had transferred them to Australia for community detention while their claims were adjudicated. For host countries, these payments can be a windfall. During the 2012 to 2014 offshore transfers, for instance, Australian payments to Nauru represented two-thirds of the island's GDP.

Speaking at a press conference in February, U.S. Secretary of State Marco Rubio praised the Salvadoran government's "very generous offer" to detain immigrants deported from the United States. Rubio said that the \$6 million plan between the countries—the details of which are opaque—would "outsource, at a fraction of the cost, at least some of the most dangerous and violent criminals that we have." Yet the economic costs of processing and detaining asylum seekers offshore are much higher than processing and detaining them onshore. Immigration and Customs Enforcement has estimated that the average daily cost of detaining an immigrant in the United States is \$152. Alternatives to detention are far cheaper: the agency's Intensive Supervision Appearance Program, for instance, which monitors asylum seekers via telephone reporting, a smartphone application, or an ankle or wrist bracelet, costs only \$4.20 per immigrant per day.

Countries seeking offshore processing and detention often offer concessions beyond direct payments for services. In the past, such deals have paved the way for trade agreements, diplomatic support, weapons transfers, or the easing of visa requirements. Like several other countries that serve as migration buffers, Albania is a candidate for EU membership; the Italian government has expressed support for its accession. Willingness to allow the detention of migrants on their soil gives countries such as Albania leverage in these negotiations. Several third countries approached

by the Trump administration to detain migrants have reportedly sought to avoid being placed on the list of countries whose nationals are banned from traveling to the United States.

## COMMAND PERFORMANCE

The real rationale for countries wishing to offshore the processing and detention of asylum seekers and even long-term immigrants is to create a spectacle of control while hiding individual immigrants in legal black holes. Offshoring schemes make for compelling political theater. Bukele, for instance, released a slick video on social media, with English-language commentary, that celebrated the arrival of deportation flights from the United States. It opens with drone footage of the aircraft but then cuts to a montage of machine guns and guards in balaclavas frogmarching detainees under flashing red and blue lights before roughly shaving their heads and stuffing them into cells. The following day, the White House released its own video in which a handcuffed man is frisked on an airport tarmac to the tune of Semisonic's hit song from 1998, "Closing Time": "Closing time / you don't have to go home / but you can't stay here."

Such productions are a way for the Trump administration to show domestic supporters that it is making good on its promise to carry out mass deportations—even if the number of deportations this year is on pace to be lower than it was during the final year of the Biden administration. Other aims are to scare asylum seekers and unauthorized migrants already in the United States into self-deporting and to deter potential future immigrants with images of harsh treatment.

Hidden beneath the spectacle are the fates of real-life people. The United States is party to a UN convention against torture or degrading treatment, the domestic obligations of which are

implemented through the U.S. Foreign Affairs Reform and Restructuring Act of 1998. The law's core provision states that "it shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States." And yet the U.S. government is actively sending immigrants to places such as El Salvador, where according to independent watchdogs and to the State Department itself, prisoners are subject to endemic torture.

Moreover, most instances of offshoring under Trump have arguably amounted to extrajudicial deportations, the results of orders from Department of Homeland Security officials and not immigration judges. The Immigration and Nationality Act specifies that when immigrants are deported, they should be sent to their country of citizenship or former residence. Only if those options are "impracticable, inadvisable, or impossible" can they be deported to a third country. As Justice Sonia Sotomayor laid out in her dissent in the June 23 Supreme Court case, the Trump administration's policy is to "ignore the clear statutory command that notice and a hearing must be provided."

In the case of Abrego Garcia, the administration sent the Maryland resident to a Salvadoran prison despite the fact that a judge had issued a legal order protecting him from deportation to El Salvador. The administration admitted that Abrego Garcia's deportation was a mistake but then openly flouted a district court order, upheld by the Supreme Court, to facilitate his return to the United States. The government finally brought him back, in June, only to detain him on federal charges of human smuggling.

The Trump administration has not released complete lists of people it has sent to offshore detention. The White House's website features only partial lists of deported violent criminals, who represent a minuscule fraction of migrants in the United States. This is because, at its core, offshore processing and detention are attempts to hide people from public scrutiny, strip immigrants of their right to seek asylum, and normalize indefinite detention and even torture. They are forms of disappearance.

The point of these policies is not to deter migration or to save money: it is to put on a show of being tough on the border. The major question is whether national and international legal systems will consistently compel governments to follow their own domestic laws as well as international treaty obligations. Rich countries around the world are watching one another for policy models. If the Supreme Court's June 23 decision on deportations to South Sudan opens the floodgates from the United States, it will likely start a global race to the bottom.