

UN HIGH COMMISSIONER FOR REFUGEES

Outsourcing Borders: Discussing the Legitimacy of Bilateral Migration Deals Between Wealthy Nations and Transit States

*Relates to UK-Rwanda deal, EU-Tunisia migration pact,
and Australia's offshore detention centers*

I. What Does It Mean to “Outsource” a Border?

In today's migration landscape, borders are no longer just physical checkpoints lined with fences and guards. Increasingly, they are dispersed, extending thousands of kilometers beyond a nation's territory. Wealthy countries are now striking deals with other states, often far from their own soil, to stop asylum seekers before they ever reach their destination. This practice is known as border externalization or outsourcing borders.

At its core, outsourcing borders involves shifting the management, and often the burden, of migration to third countries. Instead of processing asylum applications or providing shelter within their own legal systems, governments pay or pressure others to intercept migrants en route. These agreements may involve funding detention centers, deploying border police, or returning individuals to transit countries considered “safe” - a designation that is often contested.

Outsourcing is framed as a strategy for efficiency, control, and deterrence. But it raises profound questions. Who is responsible when abuse occurs in a facility funded by another country? Can a state really comply with its international obligations if it offloads enforcement? And is this a smart solution to a global issue, or a way to avoid confronting it?

This practice didn't appear overnight. It is the result of years of geopolitical shifts, migration pressures, and political narratives that have portrayed asylum seekers not as victims of conflict and crisis, but as risks to be managed offshore. While states insist they are acting within their rights, critics argue that this trend marks a redefinition of borders - one that favors distance over dignity, and control over compassion.

II. The Rise of Bilateral Migration Deals

Bilateral migration agreements are not new, but their political urgency and strategic design have intensified in the 21st century. No longer limited to regional cooperation or standard readmission agreements, many of today's deals represent a deeper outsourcing of responsibility, wherein destination states attempt to externalize not just borders, but entire asylum systems.

Unlike multilateral frameworks that seek to coordinate responses to displacement globally, these bilateral deals are selective and asymmetrical. They are often negotiated in opaque conditions, lacking robust accountability mechanisms or transparent monitoring. As a result, critics argue they allow wealthier nations to cherry-pick their obligations while insulating themselves from the political and moral consequences of refugee protection.

The UK–Rwanda Migration Partnership

In April 2022, the United Kingdom entered a controversial migration agreement with Rwanda, under which asylum seekers arriving irregularly in the UK would be relocated to Rwanda. There, they would have their asylum claims processed and, if successful, receive refugee status in Rwanda, not in the UK. The British government argued the plan would deter people smugglers and unauthorized migration while promoting “safe and legal” routes.

From the outset, the deal sparked major backlash. Human rights organizations, legal experts, and members of the public raised alarms about Rwanda's human rights record and its capacity to handle asylum processing fairly. Several flights were blocked by legal appeals, and in November 2023, the UK Supreme Court ruled that the plan violated international law, particularly the principle of non-refoulement, which prohibits sending asylum seekers to a country where they could face harm or unfair treatment.

In response, the British government passed the Safety of Rwanda (Asylum and Immigration) Act 2024, which legally declared Rwanda a “safe” destination despite the Court's findings. This move intensified political tensions, many accusing the government of trying to legislate around legal precedent and human rights obligations. However, the new law still faced implementation delays and mounting public criticism as no flights took off, and costs continued to rise.

By mid-2024, the program had consumed over £700 million, yet only a handful of asylum seekers had been voluntarily relocated. In July 2024, general elections brought the Labour Party to power under Prime Minister Keir Starmer, who had campaigned against the plan. As promised, his government repealed the Rwanda deal in early 2025 through the Border Security, Asylum and Immigration Bill. The plan was officially shelved, with Starmer calling it “dead and buried.”

Legal and financial consequences remain. Rwanda has filed claims to recover expenses, while the UK continues to process the claims of the thousands of asylum seekers previously selected for removal. The broader implications of the deal, for asylum law, public trust, and international responsibility-sharing, are still unfolding. Ultimately, the UK–Rwanda case became a high-profile experiment in outsourcing borders. It showed how states might try to circumvent legal obligations by redefining the geography of responsibility. But it also revealed the limits of such efforts when confronted with legal accountability, political change, and human reality.

The EU–Tunisia Migration Pact

In July 2023, the European Union signed a €1 billion strategic partnership with Tunisia that included a major component aimed at curbing irregular migration across the Mediterranean. While formally framed around economic support, renewable energy, and digital transition, the agreement’s central and most controversial objective was border control. For many observers, it marked a sharp escalation in the EU’s externalization strategy - a deal with a politically fragile North African state to intercept migrants before they ever reach Europe. The migration section of the deal pledged €105 million in direct funding for border management, equipment, and training for Tunisia’s coast guard and authorities. In return, Tunisia agreed to step up efforts to block migrant departures from its shores, even as reports mounted of human rights abuses against sub-Saharan migrants within its territory. These included arbitrary detentions, forced expulsions into desert zones near Libya, and racialized violence.

Critics swiftly condemned the agreement. Human rights organizations and EU parliamentarians argued it placed people in danger and empowered President Kais Saied’s authoritarian tendencies. Saied had suspended parliament, dissolved judicial oversight bodies, and concentrated executive power since 2021. Nonetheless, the EU pressed forward, justifying the deal as a pragmatic response to rising sea crossings and deaths in the Mediterranean. European Commission President Ursula von der Leyen called it a “blueprint” for similar agreements with other North African nations.

The backlash didn’t end there. In 2024, the European Ombudsman launched an inquiry into the pact, citing a lack of transparency, inadequate human rights safeguards, and unclear monitoring mechanisms. By early 2025, Tunisia had reportedly rejected parts of the EU funding, citing disrespect and interference, while continuing cooperation on border controls, but without the promised development benefits fully materializing.

At its heart, the EU–Tunisia deal represents a deeply asymmetrical exchange. While presented as mutual cooperation, the balance of power, and of risk, falls heavily on the Tunisian side. Migrants stranded or expelled in harsh conditions pay the human cost, while Europe retains a degree of plausible deniability by working through a third party.

Unlike the failed UK–Rwanda plan, this agreement was implemented, but not without consequences. It reshaped EU migration diplomacy by showing that partnerships with authoritarian regimes could be pursued even as democratic norms eroded. Whether that model will hold or backfire remains one of the defining questions for European border policy today.

Australia's Offshore Processing System (Nauru and Papua New Guinea)

Australia's offshore detention policy is one of the longest-running and most influential examples of border externalization. Unlike the more recent UK–Rwanda or EU–Tunisia agreements, this policy has shaped international migration discourse for over two decades. First introduced in 2001 under the “Pacific Solution,” the policy has seen asylum seekers intercepted at sea and transferred to offshore processing centers in Nauru and Manus Island, Papua New Guinea (PNG), rather than being allowed to seek asylum on Australian soil.

The policy was suspended in 2008 but reinstated in 2012 with bipartisan support. In 2013, Australia declared that no asylum seeker arriving by boat would ever be settled in the country - a hardline stance designed to deter maritime arrivals. Offshore processing soon became synonymous with indefinite detention, harsh conditions, and psychological deterioration. Human rights groups, the UNHCR, and medical professionals documented widespread trauma, abuse, and self-harm among detainees, including children.

Over the years, thousands passed through these offshore centers. Many languished for years in legal limbo, with no clarity about their future. Resettlement efforts were inconsistent and limited. A 2016 agreement with the United States led to some being relocated there, but hundreds remained in prolonged detention. In 2021, PNG closed its facility, and those remaining were transferred to Nauru or settled locally. As of mid-2025, Australia continues to fund operations on Nauru, where around 100 asylum seekers are still held, despite public opposition and international condemnation.

Australia defends the policy as a deterrent that has “saved lives at sea” by dissuading dangerous maritime crossings. But this framing has come under growing scrutiny, especially given the exorbitant costs: over \$8 billion AUD since 2012, and roughly \$360,000 AUD per person per year in detention. Critics argue that such spending could have been invested in humane, community-based alternatives. More importantly, Australia's model has been cited, and in some cases mimicked, by other countries considering offshore solutions. Its long-standing approach has helped normalize the idea that protection can be outsourced and that geography can be used to circumvent responsibility. While Canberra claims the policy is effective and legal, its human toll and reputational costs continue to reverberate globally.

III. Legal Dimensions: Do These Agreements Violate International Law?

As states push their responsibilities beyond their borders, the legal ground beneath these policies becomes increasingly unstable. At stake are the principles that have governed refugee protection since the mid-20th century.

Key Legal Frameworks at Play

- The 1951 Refugee Convention and 1967 Protocol: These documents establish the right to seek asylum and prohibit refoulement: the forced return of individuals to countries where they face serious threats to life or freedom.
- The Principle of Non-Refoulement: Considered “jus cogens” (a peremptory norm of international law), this principle applies not just at the border, but also in extraterritorial contexts. A state cannot avoid its obligations simply by moving the asylum process offshore.
- International Human Rights Law: Instruments like the ICCPR (International Covenant on Civil and Political Rights) and the CAT (Convention Against Torture) also bind states to protect individuals from inhumane treatment, even when those individuals are in third countries acting on the state’s behalf.
- EU Law: For member states of the European Union, the Charter of Fundamental Rights and the Common European Asylum System create additional standards. These include the right to an effective remedy and to fair asylum procedures.

Key Legal Controversies

- “Safe Third Country” Designations: Many outsourcing deals rely on the claim that the receiving country is “safe” for asylum seekers. However, this is often disputed. Courts in the UK and EU have repeatedly challenged whether countries like Rwanda or Tunisia meet basic safety and procedural standards.
- Extraterritorial Responsibility: Can a state be held accountable for human rights violations that occur outside its territory but under its funding or influence? Increasingly, legal scholars argue yes, particularly when states maintain control over the transfer, funding, or monitoring of offshore operations.
- Legal Loopholes and Sovereignty: Governments often defend these deals by invoking national sovereignty and the right to control borders. But the growing use of bilateral pacts, often negotiated without parliamentary scrutiny, raises concerns about democratic accountability and treaty circumvention.

IV. Ethical and Humanitarian Concerns: Control vs. Protection

Even when technically legal, the outsourcing of asylum raises troubling moral questions. At what point does delegation become abdication? Can a state truly claim to protect refugees while redirecting them to distant, often unstable, countries? And what message does it send when some human lives are deemed too inconvenient to welcome?

Instrumentalization of Asylum Seekers

Outsourcing often reduces vulnerable people to political tools. Asylum seekers are no longer individuals with specific needs and rights - they become bargaining chips in foreign policy. Whether in Nauru, Kigali, or the Tunisian desert, they are caught between competing interests: governments trying to appease domestic voters, transit states seeking leverage, and international institutions with limited enforcement power.

“Out of Sight, Out of Responsibility”

The ethical appeal of distance is central to these deals. By relocating migrants far from national borders, governments hope to shield themselves from both public sympathy and legal liability. But this strategy risks dehumanizing the very people refugee law was created to protect. Physical distance often leads to moral distance, making it easier to overlook suffering when it occurs offshore.

Precedent and Global Norms

There's also the risk of normalizing deterrence-based models. When wealthier countries set the example of paying others to contain migration, it weakens the global framework of shared responsibility. What incentive remains for nations closer to conflict zones, such as Lebanon or Pakistan, to uphold refugee protection if the most resourced countries outsource theirs?

Unequal Burdens

The vast majority of the world's refugees are hosted not by wealthy countries, but by developing nations. Outsourcing only deepens this imbalance, pushing even more of the responsibility onto states with fewer resources and more fragile institutions. This raises a fundamental question: are these deals promoting global solidarity, or reinforcing a two-tier system where some countries absorb risk while others export it?

The Human Cost

Behind every policy memo and budget line is a person - often someone fleeing war, persecution, or poverty. Many offshore arrangements involve prolonged detention, minimal access to legal assistance, and inadequate healthcare or education. The long-term psychological toll is immense. Even those eventually resettled often carry deep trauma from the uncertainty and isolation they experienced while warehoused offshore.

V. Political Narratives and Public Perception: Who Controls the Story?

Framing Migration as Crisis

In many destination countries, including the UK, Italy, Australia, and France, migration is presented less as a structural phenomenon and more as a series of emergencies: surges, waves, invasions. Politicians refer to “breaking the business model” of smugglers or “taking back control” of borders. This crisis framing legitimizes exceptional responses, including partnerships with authoritarian regimes or extraterritorial detention. The UK’s now-repealed Rwanda plan was built on this narrative: despite never being implemented, it was sold to the public as a necessary deterrent. For years, even with minimal results, the plan remained symbolically potent - a signal that the government was doing something. The same holds true for Italy’s deals with Libya and, more recently, Albania, where detention centers for asylum seekers are being funded by Rome.

“Pragmatism over Principles”

Governments often justify outsourcing as a matter of pragmatism, not ideology. The EU–Tunisia deal, for instance, is described as a win-win for development and migration control. Yet such framing often conceals the political calculus underneath: the desire to appear firm on migration without having to deal directly with asylum claims. This rhetoric can resonate with voters, especially when paired with media images of overcrowded boats or border tensions. But it also fuels a narrative divide: between those who view migration as a threat to national identity and those who view it as a humanitarian obligation.

The Role of Public Opinion

Polling across Europe in 2024–2025 shows rising anxiety about immigration, often amplified by economic concerns, social media misinformation, and politicized crime reporting. In France, public frustration over housing shortages and urban unrest has been linked to growing support for stricter migration controls. In Australia, meanwhile, offshore detention remains unpopular with younger voters but is still seen by some as a necessary “tough stance.” Yet these narratives are not monolithic. Protests against deportation flights in the UK, legal challenges in EU courts, and advocacy by refugee-led organizations have kept alternative perspectives alive. Civil society plays a crucial counterweight role in shaping public discourse, especially as political rhetoric escalates ahead of elections.

Media, Social Platforms, and Misinformation

In the digital age, migration narratives are no longer solely crafted by states. Viral videos, emotional testimonies, and misinformation spread rapidly online. For example, graphic footage of migrant abuse at Tunisia’s borders in 2023 sparked international outrage and scrutiny of the EU deal. Conversely, manipulated stories of “fake refugees” have gained traction in far-right circles across Europe and the U.S.

FURTHER RESOURCES

The Uncertain Financial Implications Of The UK's Rwanda Policy

<https://migrationobservatory.ox.ac.uk/resources/commentaries/the-uncertain-financial-implications-of-the-uks-rwanda-policy/>

UNHCR Observations On UK's Border Security Bill

https://www.unhcr.org/uk/sites/uk/files/2025-05/unhcr_updated_observations_on_the_border_security_asylum_and_immigration_bill_-_may_2025.pdf

EU Abandons Human Rights In Tunisia

<https://www.hrw.org/news/2025/05/12/eu-has-simply-abandoned-human-rights-tunisia>

The Price Of Complicity: Tunisia-EU Partnership

<https://www.icj.org/the-price-of-complicity-tunisia-eu-partnership-agreement-fuels-serious-abuse-against-refugees-asylum-seekers-and-migrants/>

Why The EU Is Copying The UK's Rwanda Policy

https://www.youtube.com/watch?v=uVZPkw9_XIo

Tunisia: Year-Long NGO Detentions

<https://www.amnesty.org/en/latest/news/2025/05/draft-tunisia-year-long-arbitrary-detention-of-human-rights-defenders-working-with-refugees-and-migrants/>

Australia Accountable For Arbitrary Offshore Detention

<https://www.ohchr.org/en/press-releases/2025/01/australia-responsible-arbitrary-detention-asylum-seekers-offshore-facilities>

Justice For Children Detained On Nauru

<https://www.unsw.edu.au/news/2025/02/justice-children-detained-nauru-racs>

The Failure Of Offshore Processing In Australia

https://www.youtube.com/watch?v=4nZMVI0Mo_Y

“We Just Sit Here” In PNG Detention: Testimony From Remaining Detainees

<https://www.theguardian.com/australia-news/2025/jun/06/we-just-sit-here-the-broken-men-australias-offshore-detention-regime-left-behind-in-papua-new-guinea>

Overview Of The Canada-United States Safe Third Country Agreement

https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/202070E