



Red Flag Alert for the USA #7: Trump's Third-Country Network as an Emerging External Concentration Camp System

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The Lemkin Institute for Genocide Prevention and Human Security is deeply concerned about an escalating pattern of deportation in the U.S.: The deportation of noncitizens to third countries not of their nationality and without due process, where they are at risk for – and have suffered from – severe human rights abuses, including arbitrary detention, inhumane conditions, and torture. The recent U.S. Supreme Court (SCOTUS) decision, *Department of Homeland Security, et al. v. D.V.D., et al.*, has given this practice a green light for expansion. The Court decided to lift an injunction requiring the Department of Homeland Security (DHS) to give noncitizens notice, to offer them a meaningful opportunity to express fear of persecution and torture, and provide them with a 15-day period to challenge deportation when they are slated for removal to a third country not of their nationality and not listed officially on their removal proceedings. This means that the Trump Administration can ‘legally’ deport people without due process or meaningful notice and can send them to third-country concentration camps or containment and death zones in countries with deplorable human rights records or that are plagued by conflict. If this policy is allowed to stand, it will degrade U.S. democratic institutions and U.S. political culture to such an extent that it is difficult to imagine them being rebuilt.

Early iterations of using third countries as a place to send U.S. deportees can be seen in the deportation of noncitizens to Panama and Costa Rica in February 2025. The process began to come together as a policy during President Trump's agreement with Salvadoran President Nayib Bukele, who took money from the Trump Administration in exchange for imprisoning (and effectively disappearing) U.S. deportees in El Salvador's notorious Center for Terrorism Confinement (Centro de Confinamiento del Terrorismo, or CECOT). After legal challenges halted attempts to further expand this U.S. network of third countries, the recent SCOTUS decision has not only crystallized the practice of sending U.S. deportees to third countries

without due process, but has opened the floodgates for President Trump to resume efforts to expand his third-country network.

Since January 2025, the Trump Administration's rapid changes to immigration enforcement have shown warning signs for a genocidal process against noncitizens (particularly those from Black and Brown communities) who the Administration has labelled 'criminals' and 'internal enemies' antithetical to the MAGA vision for U.S. society. Trump's immigration crackdown has demonstrated that his Administration aims to eventually criminalize the mere presence of noncitizens attempting to make a life in the U.S. To this end, the Administration has weaponized lawful status and citizenship by systematically terminating pathways to legal status and legal services, expanding Immigration and Customs Enforcement's (ICE) detention and deportation powers that negate due process and other fundamental human rights, attempting to limit birthright citizenship, and demonstrating plans to selectively denaturalize those who have been deemed a threat to the Administration.

With its focus on the criminalization of an entire category of human beings – undocumented immigrants – and their deportation either to third-country concentration camps or to containment and death zones, Trump's immigration policy appears to be exporting the U.S. mass incarceration system, including its racist bias, to the rest of the world.

In the wake of the SCOTUS decision, Trump Border Czar Tom Homan has attempted to justify removal to third countries as necessary for national security. Due process issues aside – all human beings are entitled to due process, whether they have criminal records or not – there is no evidence that all deportees pose a public safety threat or national security risk. In fact, most deportees who were unlawfully deported have no criminal record. The network of third countries instead seems to be serving much more ideological ends: they allow the Administration to escalate its targeting of noncitizens by expanding removal and containment possibilities while bypassing fundamental human rights protections enshrined in domestic and international law. This paints a concerning picture of an emerging externalized concentration camp system – a red flag for the genocidal process.

Evidence shows that the third countries in Trump's network are unsafe for U.S. deportees according to obligations and criteria outlined in domestic and international law. The confirmed reports of human rights abuses that U.S. deportees have suffered in Panama and El Salvador, and the instability and real risk of human rights abuses that U.S. deportees would face in other proposed countries like Rwanda, Libya, and South Sudan, demonstrate an unwillingness by the U.S. to fulfill its obligations and ensure deportees are not subject to persecution, torture, and inhumane treatment after removal.

The Trump Administration is fully aware of the conditions deportees will face in these third countries and still seeks out deportation agreements, actively facilitating the further imprisonment of deportees, as in the case of El Salvador. In third countries like El Salvador, U.S. deportees are sent to be detained indefinitely and subjected to inhumane conditions and torture. In other third countries, deportees are sent to containment and death zones where the country's instability, distance from the U.S., and deplorable human rights records (particularly regarding their treatment of migrants) provide another avenue of containment, especially since many of these people will either be potentially stateless or unable to travel to their country of nationality. Trump's externalized system of persecution, now backed by SCOTUS, represents a significant escalation in a genocidal process that is fully underway in the United States.

Third Country Removal and Protections for Noncitizens

Sending deportees to safe third countries for removal is an established practice under U.S. immigration law and in the national law of many countries around the world. The practice is not unlawful in and of itself. It is usually employed when a noncitizen's country of origin refuses to receive them or if the noncitizen has expressed a credible fear of persecution, torture, or inhumane treatment if returned to their country of origin. Noncitizens who are deemed inadmissible at time of entry or adjustment of status, or noncitizens who have violated their status, misrepresented themselves, committed fraud in their immigration application, or in any other way violated U.S. immigration law, are deportable under current U.S. law. Noncitizens who have committed crimes specifically outlined in 8 U.S.C. §1227, such as trafficking and aggravated felonies, are also deportable. These noncitizens may be arrested and slated for removal. Noncitizens arrested while entering the U.S. are returned to the country from which they arrived, while noncitizens arrested in other circumstances are permitted to designate a country for their return (see 8 U. S.C. §1231(b)(1)(A), (b)(2)(A)). If these options prove impossible or infeasible, the government may send these noncitizens to their country of birth, previous residence, nationality, or citizenship (see 8 U.S.C. §1231(b)(1)(C), (2)(D) and (2)(E)). If this option proves impossible, then the government may remove a noncitizen arrested in the U.S. (upon arrival or otherwise) to a third country "with a government that will accept the alien into the country's territory" (see 8 U.S.C. §1231(b)(1)(C)(iv) and (2)(E)(vii)).

However, the government is not permitted to remove a noncitizen to a third country where the noncitizen's "life or freedom would be threatened in that country" due to their "race, religion, nationality, membership in a particular social group, or political opinion" (8 U.S.C. §1231(b)(3)(A)). U.S. immigration law does provide exceptions (8 U.S.C. §1231(b)(3)(B)) to this protection for noncitizens who have participated in persecution, genocide, torture, or extrajudicial killings. Noncitizens who have been convicted of a serious crime (including felonies and terrorist activities), have committed a serious nonpolitical crime outside of the U.S. before they arrived, or who pose a threat to U.S. security are also exempt from this protection.

While there are exceptions under U.S. immigration law, protections preventing the transport of an individual to a country where they may be subject to persecution, torture, and inhumane treatment are also found under international human rights law. Unlike U.S. national law, protections under international human rights law are absolute, meaning they are still applicable regardless of an individual's immigration status or criminal background. The U.S. is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR). The CAT states that "no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." For State Parties like the U.S. to fulfill their obligations under the ICCPR, the Human Rights Committee (the treaty body of the ICCPR) has offered the following guidance: "States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement." This provides an extra layer of protection to noncitizens facing the prospect of removal.

Additionally, U.S. immigration law contains procedural safeguards for noncitizens who are undergoing removal proceedings. The Supreme Court has affirmed that noncitizens are entitled to due process of the law enshrined in the Fifth Amendment of the U.S. Constitution, which continues to apply to removal proceedings. Noncitizens (and their legal representatives) must be notified of removal proceedings and the charges against them. Noncitizens then have a chance to respond and object to the charges during removal proceedings, and, if they are slated for removal, the U.S. must officially identify the country of removal and alternatives on their order of removal. These protections (including a period for judicial review) apply even to cases of expedited removal for noncitizens convicted of aggravated felonies. Even if a noncitizen unlawfully reenters the U.S. after their official removal, the original removal orders with the official record of possible countries of removal still stands. In the circumstance of reinstating removal orders, noncitizens who have unlawfully reentered the country may still express a credible fear of being persecuted or tortured if returned to the countries officially listed on their removal order.

The US legal system rests on the fundamental principle that no matter who you are or what you have allegedly done, you are entitled to due process. The Trump Administration is denying an entire group of people this fundamental right. The rhetoric of the Trump Administration paints a picture for the public of an administration taking an aggressive approach to immigration enforcement and applying the laws as they should be enforced. However, the aforementioned state obligations and protections for noncitizens enshrined in domestic and international law suggest otherwise. In fact, the Trump Administration is willfully violating these obligations and

protections in the development and expansion of its third-country network, providing further evidence of red flags for the genocidal process.

Early Uses of Third Countries: Panama and Costa Rica

In February 2025, an internal guidance issued by DHS ordered ICE to begin reviewing deportation orders that had not yet been carried out because noncitizens had expressed credible fear of being returned to their home country. The guidance instructed ICE to determine if these noncitizens could be sent to a third country. The Trump Administration immediately began entering into agreements with states, like Panama and Costa Rica, to accept U.S. deportees and take over the responsibility of repatriation and resettlement. Reports of Panamanian and Costa Rican authorities confiscating passports and cell phones, denying access to legal counsel, and holding migrants in remote locations soon raised red flags, calling into question how migrants would be treated after being received by third states.

That same month, reports emerged that 299 undocumented migrants deported from the U.S. were being held incommunicado in the Decápolis Hotel in Panama City, which had been converted into a temporary custody facility. These migrants were fleeing persecution from their home countries, which include India, China, Uzbekistan, Iran, Vietnam, Turkey, Nepal, Pakistan, Afghanistan, and Sri Lanka. Through secret communications, detainees reported that they were confined to their rooms and weren't permitted access to the internet or other contact with the outside world. Detainees also said they were denied access to lawyers. Panamanian authorities transferred 97 detainees to a camp in the Darien jungle near the border with Colombia after they refused to be sent back to their home country for fear of persecution. 65 detainees were eventually released in March after being held in the camp for weeks. In the camp, these migrants were held incommunicado in poor conditions without access to legal counsel. Some former detainees required medical attention after being denied access to essential medication in the camp.

At the time, Panama denied mistreatment of these detainees but also refused reporters access to the hotel and the Darien camp. Panama's government claims that this temporary custody is for the safety of the migrants as they await return to their home country. Panama warned that those who do not wish to return to their home country will have to select a third state where they will be sent with assistance from the International Organization for Migration and the United Nations High Commissioner for Refugees. To the 65 migrants recently released from the camp, Panama's government gave a deadline of 30 days to leave the country, effectively washing their hands of responsibility. Costa Rica also detained U.S. deportees in a rural detention facility near the Panama border for up to six weeks as they awaited repatriation to their home countries. This detention facility was a former factory and has faced criticism for poor conditions in the past.

Costa Rica has also stated that it will work with the International Organization for Migration if deportees refuse to return to their country of origin.

These early flights to Panama and Costa Rica were the first warning signs of the implications of Trump's third-country network, in which human rights and due process are flouted in order to remove and contain noncitizens that the Trump Administration has deemed undesirable. The Trump Administration had a responsibility under international human rights law to ensure that deportees would not be subject to inhumane treatment in Panama and Costa Rica. However, the Administration was happy to wash its hands of responsibility for the deportees once they set foot on Panamanian and Costa Rican soil. It further benefited from the containment of these deportees in these two countries. This set the stage for a new phase in the development of this externalized system: the mass imprisonment of U.S. deportees in El Salvador and the emergence of a concentration camp.

Trump's Deportation Deal: El Salvador

Defying an order from a federal District Court judge, on 15 March 2025, the Trump Administration invoked the *Alien and Enemies Act of 1798* to deport over 200 noncitizens (most of them Venezuelan) to El Salvador without due process, where they were imprisoned in the country's mega-prison, Centro de Confinamiento del Terrorismo (CECOT). At the time, the Administration justified this mass deportation with national security concerns, claiming that these deportees were criminals and gang affiliates. However, later reports revealed that 75% of the deportees had "no trace of a criminal record."

Detainees in CECOT are held practically indefinitely and incommunicado as they await trial with no way to effectively challenge their detention. The Bukele Administration has also intimidated judges to keep detainees in prison despite little to no evidence of crimes. This constitutes arbitrary detention, which is prohibited as a fundamental principle of international human rights law. Detainees are kept in overcrowded and inhumane conditions. Many suffer from poor hygiene, malnutrition, and disease. There have also been reports of detainees being tortured by prison guards.

Kilmar Abrego Garcia, a man unlawfully deported to CECOT who has been returned to the U.S., reports that he suffered "severe beatings, severe sleep deprivation, inadequate nutrition, and psychological torture" during his time in the facility. Upon arrival at CECOT, Garcia remembers guards greeting the group of prisoners with "Welcome to CECOT. Whoever enters here doesn't leave" before the guards forced prisoners to strip and change into a prison uniform. Guards would kick and hit prisoners who did not change fast enough. Guards then shaved the prisoners' heads and escorted them to the cells while they continued to hit prisoners with batons. The guards forced Abrego Garcia and other prisoners to kneel for 9 hours. They beat anyone who

moved out of position. The prisoners were held in overcrowded cells on metal bunks with little access to sanitation, ventilation, and adequate food, with lights on 24 hours a day. Guards would allow violence between prisoners and would not intervene. CECOT guards also threatened to put Abrego Garcia in a cell with gang members who would “tear him apart.”

In mid-July, over 200 Venezuelans were released from CECOT and returned to Venezuela as part of a prisoner exchange between the U.S., Venezuela, and El Salvador. The testimonies of these released prisoners corroborate Abrego Garcia’s experiences of torture and inhumane treatment at the hands of CECOT guards. Released prisoners describe being subjected to “systemic torture” during their time in CECOT, which included “sexual abuse, daily beatings, and rotten prison food.” Former prisoners have returned to Venezuela with bruises, missing teeth, and marks indicating they were shot with rubber bullets. One former prisoner explains, “We were going through torture, physical aggressions, psychological aggressions...I was sexually abused.” Former prisoners claim they were denied medical care, specifically anesthesia, when treated. Additionally, released prisoners describe being held in inhumane conditions without sunlight, ventilation, or safe food and drinking water.

The human rights violations present in CECOT and the prison system in El Salvador have been the subject of several reports from human rights organizations, well before President Trump took office. These abuses of deportees from the U.S. would therefore have been foreseeable to the Trump Administration. And yet, the Administration still arranged a deportation deal with Salvadoran President Bukele, who previously stated that he would be willing to take deportees of any nationality. According to reports, Bukele received at least 6 million dollars from the Trump Administration to receive and imprison U.S. deportees. To keep up with his escalating crackdown on those deemed undesirable by his administration, Trump has actively encouraged Bukele to build more mega-prisons like CECOT. In a meeting with Bukele on 14 April 2025, Trump expressed his willingness to also send U.S. citizens to El Salvador, commenting to Bukele “Homegrown criminals are next...You’ve got to build about five more places.”

Being sent to CECOT in El Salvador has put U.S. deportees in a black hole. On Salvadoran soil, the deportees fall within El Salvador’s jurisdiction under international law, allowing the Trump Administration to abdicate responsibility. However, statements from Salvadoran officials claim that the U.S. maintains control over the fate of U.S. deportees sent to CECOT. This underscores the nature of the Trump-Bukele agreement: El Salvador will receive and imprison whomever the Trump administration pays them to, all while willfully turning a blind eye to human rights abuses and subjecting deportees to inhumane conditions and torture. This relationship establishes CECOT’s status as an external U.S. concentration camp. While deportations to El Salvador faced subsequent legal challenges, and the over 200 Venezuelans were eventually released, the Trump Administration’s ability to maintain an external concentration camp like CECOT only

emboldened it to expand its network of third countries to keep up with expanding removal and detention plans.

New DHS Directives and U.S. District Judge Brian Murphy's Injunction

On 30 March 2025, DHS issued further guidance outlining a two-step policy for sending noncitizens to third countries not outlined in their official removal orders. This policy deviates from aforementioned legal protections and procedural safeguards. If the third country in question provides the U.S. with “credible assurances” that U.S. deportees will not face persecution or torture, then the U.S. is free to send noncitizens to this country without any due process. The Trump Administration asserts that this would allow them to, for example, change a noncitizen's country of removal to Honduras and then put them on a flight to Honduras 15 minutes later. The Trump Administration believes it can deport noncitizens without issuing or reopening removal orders, which makes it nearly impossible for deportees to effectively challenge their deportation or express credible fear. In the absence of these “credible assurances” from third countries, DHS guidance dictates that ICE must first notify noncitizens that they are being sent to a new third country of removal and give these noncitizens an opportunity to express a credible fear that they would face torture in this country. However, in practice, only deportees who express this fear unprompted receive credible fear interviews within 24 hours of removal. ICE agents will not proactively ask if a deportee wants to express credible fear, intentionally failing to inform people of their rights. If the deportee cannot establish their eligibility in this interview, ICE will deport them immediately with no opportunity to provide further evidence or judicial review.

The Trump Administration has demonstrated that they believe they can deport noncitizens anywhere and at any time and can disregard procedural safeguards when it suits them, negating all of the aforementioned guarantees for noncitizens during removal proceedings.

U.S. courts have tried to push back against the Trump Administration's use of executive power to twist and violate the U.S. Constitution and immigration laws. After four noncitizens filed a lawsuit in Massachusetts in March 2025, U.S. District Judge Brian Murphy instituted an injunction that blocked the Trump Administration from deporting noncitizens to third countries not of their nationality or on their original removal orders without first notifying the deportees and allowing them a chance to challenge their deportation and express any potential fear of persecution. Per Judge Murphy's order, DHS must provide a written notice to the noncitizen and their legal representatives. DHS must also give deportees a “meaningful opportunity” to express credible fear of persecution and torture, which Judge Murphy later clarified to mean a minimum of 10 days and at least 72 hours notice of their scheduled credible fear interview. Those who cannot establish a credible fear must still be given 15 days to reopen their removal proceedings and challenge their deportation.

At the time, Judge Murphy's order was a source of restraint in the Trump Administration's crackdown on noncitizens. However, the Trump Administration soon began to test this court order. Like many previous sources of judicial restraint, the Trump Administration sought to push the bounds of that restraint to expand its executive power to continue escalating its crackdown on noncitizens.

Attempting to Expand the Third Country Network: Rwanda, Libya, and South Sudan

In early April 2025, the U.S. deported Iraqi refugee Omar Abdulsattar Ameen to Rwanda. Ameen had been granted refugee status in the U.S. in 2014; however, both President Biden and Trump had previously tried to remove him due to unfounded claims that he had ties to terrorism and lied on his refugee application. With the Trump Administration's immigration crackdown and attacks on the U.S. refugee resettlement program, Ameen was eventually deported. Rumors circulated that Rwanda had agreed to receive third-country nationals from the U.S., but this agreement was not confirmed at the time. Rwanda has previously entertained similar agreements with other countries, like the U.K. in 2022. However, the U.K.-Rwanda agreement was declared unlawful by the U.K. Supreme Court in 2023 due to evidence of Rwanda's poor human rights record, especially regarding its treatment of refugees. In June 2024, the UNHCR presented evidence that Rwandan authorities routinely denied asylum seekers access to asylum procedures and sent asylum seekers back to countries where they could be subject to torture. Human Rights Watch also underscored the politicization of who is granted refugee status in Rwanda and the Rwandan government's targeting of Rwandan refugees and asylum seekers abroad who criticized the government. Since April, there have been no further reports on the fate of Ameen. It remains unclear if he was granted asylum in Rwanda or potentially returned to Iraq or another country where he may face torture or even death. Ameen's deportation served as a model for further expansion of the third-country network for U.S. deportees. Despite Judge Murphy's order and established evidence that Rwanda is not a safe third country, in May 2025, reports emerged of talks between the U.S. and Rwanda regarding a potential deportation agreement.

The U.S. also began exploring a similar deal with Libya. Governance in Libya has remained fragmented since the ousting of Moammar Gadhafi in 2011, with two rival East and West administrations and a network of militias. Libya has highly restrictive asylum procedures and recognizes very few nationalities as refugees. A U.N.-backed independent fact-finding mission found evidence of state authorities, human trafficking groups, and militias committing crimes against humanity against migrants, including "arbitrary detention, murder, torture, rape, enslavement, sexual enslavement and enforced disappearance." According to a 2024 U.S. State Department report, 76 percent of men, 67 percent of women, and 77 percent of children and youth migrants in Libya experience exploitation related to human trafficking. Autonomous and state-affiliated armed militias run centers where intercepted migrants are arbitrarily detained and extorted for money in exchange for their release. Once released, migrants may fall victim to

other militias that also detain, torture, and further extort migrants. In these detention centers, migrants are subjected to inhumane conditions and deprived of access to legal resources. Non-Arab Black migrants are subject to worse treatment by these groups due to government-supported genocidal conspiracy theories that Black migrants are “replacing” the Arab population in Libya. Mass graves containing the bodies of migrants have been found across Libya. With the lack of unified governance and a track record of crimes against humanity committed by state forces and state-affiliated and autonomous militias against migrants, Libya cannot be considered a safe third country for U.S. deportees.

In response to rumors of a U.S.-Libya deportation agreement, both East and West administrations adamantly denied that they had entered into such an agreement. Even with this denial and extensive evidence that Libya is not a safe third country, the Trump Administration openly discussed the possibility of flights containing U.S. deportees leaving as early as the second week of May. On 7 May 2025, six noncitizens detained in Texas were told that they were going to be deported to Libya. The detainees (including individuals from Laos, Vietnam, and the Philippines) reported that ICE officers coerced them with solitary confinement to sign a document stating that they would be deported to Libya. The group made it as far as a military airfield tarmac before they were bused back to the detention center. Immigration attorneys made an emergency request to Judge Murphy, who warned that sending U.S. deportees to Libya without warning would violate his previous court order. This did not deter the Trump Administration. In violation of Judge Murphy’s order, on 21 May 2025, ICE deported eight noncitizens from South Sudan, Myanmar, Laos, Vietnam, Cuba, and Mexico to South Sudan without the opportunity to adequately challenge their deportation and express credible fear of persecution. According to reports, ICE gave these deportees only a couple of hours notice before they were flown out.

As in Libya, political instability, intensifying violence, and a dire humanitarian crisis make South Sudan an unsafe third country for U.S. deportees. After gaining independence from Sudan in 2011, South Sudan has experienced cyclical periods of violence, including a period of civil war. This year, the situation in South Sudan has threatened to escalate again into full-scale civil war between forces loyal to President Salva Kiir and Deputy Riek Machar. According to a report from the U.S. State Department, South Sudanese security forces have carried out arbitrary killings and disappearances in addition to torturing and subjecting people to inhumane treatment. Flooding, food insecurity, lack of access to healthcare, and renewed clashes between armed groups have caused 100,000 people to flee to neighboring countries, like the Democratic Republic of the Congo, Ethiopia, Sudan, and Uganda. In June 2025, 65,000 people were internally displaced by the violence. This humanitarian crisis has only been exacerbated by the Trump Administration’s cuts to foreign aid to South Sudan earlier this year. Yet, despite this evidence (from the U.S.’s own state department no less), the Trump Administration insisted on sending these noncitizens to South Sudan. However, the flight never made it to South Sudan. In response to legal pressure, the Trump Administration landed the flight at a U.S. military base in

Djibouti for 15 days to comply with Judge Murphy's emergency order that the deportees remain in DHS custody and be given time to express credible fear of persecution in South Sudan. The deportees were then held in poor conditions in a converted shipping container with little to no contact with their families or lawyers.

While the Trump Administration directly facilitated the imprisonment of deportees in its concentration camp CECOT, unlawfully sending deportees to countries like Rwanda, Libya, and South Sudan reflects another avenue of permanently disappearing persons arrested in the United States. In selecting these countries, the Trump Administration has demonstrated its willingness to weaponize its geopolitical and military power as well as the instability of these countries by sending deportees to containment and death zones in countries with deplorable human rights records or that are plagued by conflict. Instead of financing more 6 million dollar deals to develop concentration camps like CECOT in these countries, the Trump Administration plans to benefit from deportees falling victim to circumstance. However, as of June 2025, the challenges posed by Judge Murphy's order prevented the unfettered realization of this plan.

These attempts to expand the Trump Administration's third-country network highlight the goal of this emerging externalized system: removal and containment of people deemed undesirable, the farther away from the U.S., the better. As Secretary of State Marco Rubio described, "We are working with other countries to say...We want to send you some of the most despicable human beings to your countries...Will you do that as a favor to us?...And the further away the better, so they can't come back across the border." This sentiment, expressed by Rubio, offers a glimpse into why the Administration favors external containment over simple deportation. However, further explanation for this preference for containment needs to be explored. While the U.S. benefits from the containment of deportees that it sends unlawfully without due process to these far-away third-countries, these third-countries potentially stand to gain economically and diplomatically from the relationship these deportation deals create at the expense of human life. The U.S. is negotiating peace talks between the DRC and Rwanda, making it advantageous for Rwanda to curry U.S. favor by receiving deportees. Given the fragmented state of Libya's government and the fact that Libya is listed on Trump's 2025 travel ban, both the East and West Administrations in Libya are at the mercy of the Trump Administration and could stand to gain from any U.S. favor or backing in exchange for receiving deportees. Similarly, South Sudan, which is on the brink of civil war and has suffered greatly from U.S. aid cuts, also stands to benefit from dealings with the U.S. that could garner U.S. support. In this way, human trafficking has become a component of diplomacy that inadvertently supports U.S. genocidal aims.

Eswatini and Beyond: SCOTUS and the Crystallization of the Third Country Network

After being repeatedly blocked from expanding their third-country network by Judge Murphy's orders, the Trump Administration filed an emergency application with the U.S. Supreme Court

and requested that the Court grant a stay of Judge Murphy's order. The Administration claimed that Murphy allegedly overstepped his jurisdiction and that he was interfering with removal proceedings and diplomatic dealings with third countries. SCOTUS granted this request on 23 June 2025 in a brief decision with no legal explanation. This decision allows the Trump Administration to send U.S. deportees to third countries without taking measures laid out by Judge Murphy. The Trump Administration can now effectively bypass noncitizens' right to due process.

In her dissent, Justice Sonya Sotomayor (joined by Justices Elena Kagan and Ketanji Brown Jackson) wrote, "Apparently, the Court finds the idea that thousands will suffer violence in far-flung locales more palatable than the remote possibility that a District Court exceeded its remedial powers when it ordered the Government to provide notice and process to which the plaintiffs are constitutionally and statutorily entitled." Justice Sotomayor stated that SCOTUS was "rewarding lawlessness" by granting the Trump Administration relief from court orders that they have repeatedly flouted. She concluded, "each time this Court rewards noncompliance with discretionary relief, it further erodes respect for courts and for the rule of law."

After continued legal challenges by the attorneys representing the deportees held in Djibouti, SCOTUS clarified that its stay of Judge Murphy's measures applies also to those held in Djibouti. In a separate dissent, Justice Sotomayor, joined by Justice Jackson, wrote, "what the Government wants to do, concretely, is send the eight noncitizens it illegally removed from the United States from Djibouti to South Sudan, where they will be turned over to the local authorities without regard for the likelihood that they will face torture or death." The SCOTUS decision allowed the government to do just that, and the eight U.S. deportees held in Djibouti were sent to South Sudan.

These two SCOTUS decisions gave the green light for the Trump Administration to rapidly expand its network of third countries for removal. Trump official Tricia McLaughlin commented, "Fire up the deportation planes." In the wake of the SCOTUS decision on 9 July 2025, acting director of ICE Todd Lyons issued a memo permitting ICE to deport noncitizens to third countries not of their nationality or on their official removal orders with as little as 6 hours notice. That same day, Trump met with heads of Liberia, Senegal, Guinea-Bissau, Mauritania, and Gabon at the White House and broached the subject of third-country deportation agreements. For third countries that have not given "assurances" that deportees will not be subjected to torture, Lyons has permitted ICE to deport noncitizens to these countries with only 24 hours notice and with only 6 hours notice in "exigent circumstances." Per Lyons' memo, ICE is permitted to deport noncitizens to countries that have given these "assurances" with no notice and "without need for further procedures." Lyons assures that deportees will be given an opportunity to express credible fear of torture; however, the little to no advance notice and the

fact that ICE officers will not be proactively asking deportees if they have credible fear makes it nearly impossible for noncitizens to effectively challenge their removal to a third country.

On 15 July 2025, reports indicated that noncitizens were being deported to Eswatini and that the Trump Administration and Eswatini had entered into a deportation agreement. The Eswatini government stated that the five men from Vietnam, Laos, Jamaica, Cuba, and Yemen are being held in a local prison until they are repatriated to their home countries. How long these deportees will be stuck in prison remains unclear. The imprisonment of U.S. deportees in Eswatini raises concerns, given the overcrowding and poor conditions in detention centers. Additionally, the U.S. State Department has found evidence of “arbitrary or unlawful killings, including extrajudicial killings; torture and cruel, inhuman, or degrading treatment or punishment by the government.” Just like Rwanda, Libya, and South Sudan, the Trump Administration was aware of the conditions in Eswatini, particularly in the prisons where U.S. deportees would be held, and insisted on sending deportees there in spite of the risk of human rights abuses. Again, here, containment of those deemed undesirable is the goal.

Concluding Thoughts

SCOTUS has now allowed the Trump Administration to realise its external concentration camp system while flouting its obligations under domestic and international law. With the further deterioration of human rights protections for noncitizens in the U.S. and DHS’s recent escalation in light of the SCOTUS decision, the conditions are ripe for unfettered expansion of Trump’s third-country network, which could result in the development of more concentration camps like CECOT or the facilitation of more dumping of U.S. deportees in unstable countries and death zones.

President Trump’s preference for external containment (rather than straight-forward deportation) of undocumented people arrested in the United States needs to be explained, especially given that it costs the government money. Given that most of the deportees do not have criminal records, ongoing security concerns once the people are off U.S. shores are not a realistic explanation. Trump’s emerging network does resemble the “black sites” established under President George W. Bush. Certainly, they are modeled in part on the example of the Guantanamo Bay prison. However, this time around, there appears to be little serious attempt by the Administration to claim that all of its detainees are “terrorists.” Early administration references to violent criminals and gang members have been easily dispelled as the number of deportees has risen, and now the Administration does not seem to feel it needs to pursue strong propaganda to convince the American public. This is concerning for several reasons. First, it shows how degraded civil society and democratic institutions have become in the United States since the first George W. Bush administration. Second, it suggests that President Trump assumes that his executive power will be able to successfully derail any attempts by the courts or by the

Democratic Party to stop his policies. Third, it demonstrates that President Trump believes he is acting with complete impunity. Each of these three factors are red flags for mass atrocity.

The Lemkin Institute believes that the explanation for Trump's development of external concentration camps is more ideological and tied to Project 2025's national cleansing agenda and its reactionary approach to the ills of global capitalism and the high numbers of unemployed and desperately poor people it creates, including in developed nations like the United States. For example, Trump Administration policies have negatively impacted many U.S. industries, such as industrial farming, by deporting essential workers. To deal with the immediate harm to business interests, the Administration has floated short-term policy workarounds. However, in the long term, Project 2025 makes clear that American workers are meant to fill the low-pay jobs that are currently being performed by undocumented immigrants – and there is no reason to believe that Americans would be working in better conditions or for more pay.

Drawing on decades of conservative opposition to a social net in the U.S., Project 2025 plans to destroy unions beyond what has already been achieved by previous administrations, weaken minimum wage protections, gut child labor laws, and impose “work requirements” for all government aid programs that survive Republican cuts. All of these policies will lead to widespread immiseration of the American people, including the declining middle class. The United States will need a way to deal with the social and political consequences of this immiseration.

An external concentration camp system, apart from isolating people the Administration does not like, could be profitable for the Trump Administration, for third-party states receiving new inmates, and for multinational companies by creating a global class of incarcerated slaves – many from the United States – that can be used to fill existing labor needs. It has already, in the few months it has been operating, created a growing group of violent and loyal ICE soldiers who operate with impunity. Their actions are quickly eroding public commitments to due process and fairness, not to mention humanity, within the American population. It is only a matter of time before both internal concentration camps like “Alligator Alcatraz” and external camps in third countries begin to hold U.S. citizens. Citizens considered to be political targets or useless to the global economy could simply be sent to containment and death zones in countries with records of gross human rights violations or that are embroiled in conflict.

Clues about the economic dimensions of President Trump's third-country policies come from his third-country partners, such as President Nayib Bukele in El Salvador. On March 16, President Bukele, speaking about the 238 immigrants in the U.S. who were sent to CECOT, boasted on X that “[t]he United States will pay a very low fee for them, but a high one for us.” He then linked the \$6m Trump Administration payout to the “more than 40,000 inmates engaged in various workshops and labor [at CECOT] under the Zero Idleness program [who] will help make our

prison system self-sustainable.” In this sense, the external concentration camp system is an exportation of the U.S. mass incarceration system, including its slave labor system, in which inmates, most of whom are incarcerated for offenses that do not involve physical violence, contribute \$11b annually to the U.S. economy and often additionally provide the labor necessary to operate the prisons in which they are kept. The racist element of mass incarceration is also present in Trump’s concentration camp plans, as Black and Brown communities have been particularly demonized by the Administration and disproportionately targeted by ICE’s racial profiling tactics.

Echoes of the U.S.’s mass incarceration system are also to be found in the language used by the Trump Administration. The criminalization of groups that don’t fit MAGA’s vision for U.S. society, including people holding dissenting views, raises significant red flags that the Administration is hoping to expand the types of people that can be sent to concentration camps at home and abroad. The criminalization of Blackness, the mass incarceration system, the apotheosis of police officers in establishment politics, the militarization of the police, and the creation of a private Presidential army through ICE and CBP – all of which are a product of bipartisan Democratic and Republican legislative initiatives – have created a society in which internal and external concentration camps for ever-growing numbers of “criminals” can be almost seamlessly attached to already-existing institutions.

Opposition politicians must wake up to the deeper structures that are enabling and driving Trump Administration policies. Without recognizing the desperate need for the transformation of unjust institutions in the USA via, among other mechanisms, a truth and reconciliation commission regarding U.S. crimes during the ‘War on Terror’ that should have happened during the Obama Administration, they will not be able to launch an effective campaign to confront and block this fungus-like global growth of America’s worst tendencies. Without an organized, broad-based, and visionary opposition, there is very little chance that any Trump policies will be successfully challenged domestically.

For the sake of humanity, the U.S. Constitution, the principle of law, and the future of the U.S. Republic, the Trump Administration must not be allowed to continue to send deportees to countries where they are subjected to unlawful imprisonment, inhumane conditions, and torture. Civil society must continue to challenge ICE practices that discard due process and protections under U.S. immigration law. Third countries must not allow themselves to become complicit in the U.S. externalized system of removal and containment, which has demonstrated red flags for the genocidal process. States receiving U.S. deportees must ensure their fundamental human rights and must not enter into agreements with the U.S. unless they can guarantee these rights without discrimination. Regional and international human rights and refugee organizations must step in to ensure the rights of these vulnerable populations. The international community has a

duty to prevent genocide: This will entail dismantling the U.S. third-country network and holding accountable those responsible for its creation and operation.