U.S. Relying on Questionable Deportations to African Countries

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Immigrants charged with or convicted of criminal offences have been deported from the United States to at least four African countries: South Sudan, Eswatini, Rwanda, and Ghana. The details of the agreements under which these countries accept third-country nationals (often from Asia) from the U.S. are unclear. These solutions are more symbolic than systemic in nature and will undermine trust in the United States among African countries in the long term.

A number of countries have attempted in the past to formalise mechanisms for deporting migrants to African countries. Each time, these attempts were based on questionable legal positions and opaque agreements, and were criticised as violating international law standards. They also proved ineffective and were ultimately abandoned for legal reasons.

Between 2014 and 2017, Israel forced Eritrean and Sudanese migrants and refugees to make "voluntary" declarations of their willingness to emigrate to Rwanda or Uganda, which agreed to provide them with the opportunity to settle there. In practice, the programme was largely fictitious—Rwanda and Uganda later facilitated these people's departure from their territory, after which they often tried to re-enter Israel. The failed British-Rwandan agreement, which was pushed by Rishi Sunak's Tory government, was based on the assumption that migrants expelled from the UK would be treated as if they were seeking asylum in Rwanda. In return, Rwanda was to receive financial resources. It was therefore also a construct based on the non-existent willingness of the deportees to tie their future to Rwanda. If the programme had been launched, its "beneficiaries", as in the case of those deported from Israel, would have tried to leave Rwanda at the first opportunity. Denmark, among others, sought to formalise similar solutions, and a similar project also appeared in Germany. At a time of change in the European Union's approach to migration policy, it also began to influence the plans of EU institutions.

U.S. Agreements with African Countries. When Donald Trump won the 2024 election, he promised to tighten migration controls, including taking unconventional measures to deport migrants from U.S. territory. Even before his inauguration, he expressed interest in the terms of the UK's agreement with Rwanda (i.e., deportation to an African country with no prospect of return). However, unlike the British model, which was intended to deter undocumented migrants from crossing the British border, in the case of the U.S., the emphasis was placed on criminals. The policy was to apply to both those currently imprisoned and those who had already served their sentences. Implementation of this idea began with an agreement with El Salvador in March this year, under which the U.S. paid that country $6 million to accept 250 people the administration said were members of Venezuelan gangs. This model was further developed in talks between the U.S. and African and Latin American countries. In the case of Africa, this resulted in agreements between the U.S. and Eswatini, Rwanda, Uganda, South Sudan, and Ghana. The details of most of these agreements are unknown, although it is known that Eswatini agreed to accept 160 deportees in exchange for $5.1 million (negotiations are ongoing for another 150) and Rwanda 250 people for $7.5 million. Uganda has committed to accepting a certain number of those who have failed to obtain asylum in the U.S. (but not convicted criminals and preferably Africans), and Ghana has committed to accepting

citizens of West African countries, who will then be transferred to their countries of origin.

The negotiation and processing of these agreements took place behind the scenes, so it is not known exactly what arguments or forms of pressure the Americans used. For example, a spokesperson for the Eswatini government said that the reasons why her country agreed to accept the deportees remain confidential. In the case of South Sudan, the negotiations were influenced by, among other things, the American side's announcement that it would revoke visas already issued to citizens of that country and South Sudan's efforts to have the sanctions against Vice-President Benjamin Bol Mel, renewed in April this year, lifted. The current president, Salva Kiir, is preparing the latter to take over power after him, which is why he was keen on a transactional agreement. African countries are also agreeing to do the U.S. this favour in the hope that they will avoid being included on the list introduced in May of countries subject to a visa deposit requirement of $15,000 (seven African countries are already on the list, but none of them accept deportees) or that they will obtain a reduction in tariffs.

Previous Deportations to African Countries. According to the authorities of the migrants' countries of origin, such as Mexico, Vietnam, and Jamaica, neither they nor their citizens were informed about the deportation orders. Those placed on transport planes were not informed about their destination. The process was suspended for a time on the basis of an order by a Massachusetts federal judge stating that it was unlawful for Mexican, Cuban, Vietnamese, Laotian, and Myanmar citizens deported to South Sudan to be unable to appeal against the deportation decision. Therefore, the first plane already en route to that country was redirected to Djibouti. There, the detainees were locked up on an American military base. Their legal situation was changed by a 23 June ruling of the U.S. Supreme Court that allowed for rapid, automatic deportations to third countries. As a result, in July, the group from Djibouti was transported to South Sudan. In the same month, the first group of several citizens of Cambodia, Cuba, Jamaica, Vietnam, Yemen, and the Philippines arrived in Eswatini, followed by another group in October. They were detained in the high-security Mastapha prison, to which their American lawyers were denied access. The identities of the seven members of the group sent to Rwanda in August were not disclosed. In September, 14 citizens of West African countries (Ghana, Togo, Nigeria, and Gambia) were sent to Ghana, where the Ghanaian authorities subsequently transferred them to their countries of origin.

Despite initial declarations by the U.S. authorities that those expelled from the country would remain permanently in African countries, countries such as Eswatini and South Sudan have already initiated repatriation procedures with the help of the International Organisation for Migration (IOM). The Rwandan authorities have also signalled their willingness to send some detainees back to their countries of origin. Some deportees (e.g., a Mexican sent to South Sudan, a Jamaican in Eswatini) have already returned to their countries after their authorities claimed their citizens.

Some countries, such as Nigeria, have not succumbed to pressure to accept deportees from countries other than their own. At the same time, they have expressed surprise as to why their citizens are being sent to Ghana. Negotiations with a number of other countries, such as Benin, Angola and Equatorial Guinea, have not been concluded. In Eswatini, on the other hand, which has received dangerous offenders, such as a Vietnamese citizen who raped a child, there is growing internal criticism of this policy, which is incomprehensible to the population. Representatives of the political opposition and human rights defenders in Eswatini are asking about the risks involved and questioning why the country has become a "dumping ground" for undesirable persons from the U.S.

Assessment. The deportation of third-country nationals from the U.S., including dangerous criminals, to African countries is a temporary, non-systemic measure. It primarily serves domestic political purposes in the U.S. In this context, for example, Tricia McLaughlin, a representative of the U.S. Department of Homeland Security, commented after the first deportation to Eswatini that the deportees were exceptionally "depraved monsters" who had "terrorised" American society and now would no longer pose a threat. African countries, having no interest in hosting them, will seek to expel deportees to their countries of origin.

The issue of deportation reflects a broader evolution in U.S.-African relations towards the United States, one that emphasises immediate, tangible benefits and the application of pressure to obtain them. As a result, African countries will take unpopular and objectively disadvantageous decisions, which will lead to a loss of trust in their American partners. This will weaken the position of the West and benefit Asian and Middle Eastern powers expanding their influence on the continent. Therefore, the EU should, especially in the context of the EU-African Union summit in Luanda scheduled for 24-25 November, strengthen cooperation based on trust and mutually beneficial solutions. In its efforts to reform and externalise migration policies, the EU should not treat the American solutions as a benchmark.