



**Report to Inter-American Commission on Human Rights
in Follow Up to July 24, 2025 Public Hearing, “Human rights situation of migrants,
refugees and asylum seekers”**

Our immigrants’ rights organizations were grateful for the opportunity to participate in the Commission’s July 24, 2025 public hearing regarding widespread and escalating violations of human rights and refugee law committed by the U.S. government in the immigration context. In this follow-up report, we include recommendations for the Commission and responses to each question asked by Commissioners during the hearing.

Recommendations:

Our requests are for the Commission to: (1) engage with the advocates, legal defenders, and members of affected immigrant communities in the United States; (2) conduct site visits to detention centers and countries where third country nationals are being expelled or deported; (3) continue and increase the use of thematic hearings; (4) request further information from the U.S. government on its mass arrests, detention, treatment, and deportation of immigrants; and (5) publish a report addressing human rights violations uncovered through this work of the Commission.

1. Engagement in the United States and with other countries

- Hold informational meetings. The thematic hearings scheduled to occur in November 2025 in Miami, Florida provide a unique opportunity to review the hostile and dire conditions that immigrants, community advocates, and legal counsel face under the current Administration. Publicizing the work of the Inter-American Commission on Human Rights’ (IACHR) helps inform a broader audience about the basic human rights and legal protections that should be

afforded to all individuals, while also highlighting the U.S. government's systematic human rights violations against immigrants.

- Identify, with the help of civil society organizations and others, individuals deported or expelled from the United States, including to third countries, and speak with them about their experiences.
- Following up on the Commission and Platform on Independent Experts on Refugee Rights (PIERR's) recent statement on September 18, which expressed concern about deportations and expulsions to third countries, engage with countries in the region to discourage them from signing agreements with the United States that facilitate violations of immigrants' due process rights and their right to pursue an asylum claim in the United States.

2. Site Visits in the United States and Third Countries. Site visits are a critical tool for identifying and addressing human rights violations. We urge the Commission to conduct site visits to:

- Third countries with whom the United States has signed agreements to deport or expel asylum seekers and migrants, to investigate human rights conditions there. These site visits will support public awareness of the harm that people face when they are deported or expelled from the United States to a third country, where they may suffer arbitrary and/or prolonged detention or other rights violations, have no legal support or connections, and where they may not speak the language.
 - This could specifically include countries in the region that have signed Asylum Cooperative Agreements with the United States, under which the U.S. government bars asylum seekers from applying for asylum and sends them to a third country without assessment of their claim, shifting responsibility to that country to provide them access to its asylum system, including: Honduras, Paraguay, and Ecuador. It could also include other third country agreements, such as the one signed between Guatemala and the United States.
 - This could also include countries that already have received individuals expelled or deported by the current U.S. Administration through agreements or informal arrangements, including: Costa Rica, Panama, El Salvador and Mexico.
 - In addition, we encourage the Commission to collaborate with the African Commission on Human and Peoples' Rights (ACHPR) to exchange information about site visits and explore joint opportunities for monitoring conditions in third countries, including Eswatini, Ghana, Rwanda, South Sudan, and Uganda. There may be particular value in this coordination with respect to removals to South Sudan — which received two Cuban nationals and one Mexican national — and Eswatini — which received at

least one Cuban national and a Jamaican national. Such collaboration will enhance regional understanding of the consequences of third-country removals and strengthen international accountability efforts.

- Family detention facilities in the United States, such as the South Texas Family Residential Center in Dilley, Texas and any other detention facilities where Immigration and Customs Enforcement (ICE) begins detaining families.
- Office of Refugee Resettlement (ORR) facilities where unaccompanied children are held, and any other facilities where the Administration begins to detain unaccompanied children.
- Detention facilities in the State of Florida, such as the South Florida Detention Facility (also known as Florida Soft Side South and called “Alligator Alcatraz” by the U.S. government), the former Baker Correctional Institution (North Florida Detention Center), the Krome Service Processing Center, Federal Detention Center Miami, Broward Transitional Center, Baker County Detention Center, and Baker Correctional Institution.
- The Migrant Operations Center and military prison at the U.S. Naval Station at Guantanamo Bay, Cuba.
- Any immigration detention centers in military bases, such as Fort Bliss in Texas, which violates numerous federal detention standards, and other military bases that are under consideration for becoming large-scale immigrant detention centers.

3. Thematic Hearings. Hearings have been and will continue to be invaluable in bringing human rights violations to light. We request that such hearings include:

- More specialized meetings on human rights violations, such as addressing detention, disappearances, or third-country expulsions or deportations; and
- The impact of the “H.R. 1” enacted by Congress on human rights with \$170.7 billion in additional funding for immigration- and border enforcement-related activities, and the infusion of \$45 billion to rapidly expand the detention of immigrants, including families with children.

4. Information Requests addressed to the United States.

- Provide the full terms of all third-country transfer agreements, including an explanation of the human rights safeguards, if any, in the transfer agreements between the United States and other countries, as well as any provision for effective monitoring.
- Explain what steps U.S. authorities will take to prevent further unlawful or arbitrary expulsions contrary to international law, and request that the U.S. government take all feasible measures to obtain the return to the United States of any person who was unlawfully or arbitrarily expelled and wishes to return, so that they may fully present their asylum claim in the United States.
- Indicate how U.S. authorities will ensure that any use of immigration detention will respect the right to liberty and freedom from arbitrary detention, as well as

comply with the requirements of judicial review of detention, under international law.

- Explain how U.S. authorities will adhere to the requirement of due process for immigrants and asylum seekers under international law, including decisions in accordance with law, a right to submit reasons against deportation, the right to review, and the right of representation.
- Indicate how U.S. authorities will ensure that the right to family life and the best interests of the child will be protected in detention and deportation decisions and procedures and prevent the separation of children from their parents.
- Explain how the principle of non-refoulement will be applied and enforced to prevent removal to countries with risks of persecution, chain refoulement, arbitrary deprivation of life, enforced disappearance, torture or cruel, inhuman or degrading treatment or punishment, arbitrary detention, denial of justice, and other serious human rights violations.
- Explain what measures U.S. authorities have taken and will take to ensure that immigrant detention conditions and treatment of detained immigrants meet international standards under the Convention Against Torture, Articles 7 and 10 of the International Covenant on Civil and Political Rights and the U.N. Standard Minimum Rules for the Treatment of Prisoners.
- Explain what post-deportation inspections and monitoring procedures are in place to ensure that the rights of detainees are respected in third countries to which immigrants are transferred.
- Explain what measures have been taken to notify relatives and lawyers of immigrants deprived of their liberty, as well as consular authorities where requested, about the arrest, detention, current location of detention, transfer location, and the authority responsible for overseeing the deprivation of liberty.
- Indicate how U.S. authorities will prevent enforced disappearances during arrest and detention, as well as during and after the deportation process.

5. Publish Reports. Reports are important as an educational tool and also can be very persuasive to a judge in the domestic litigation of cases challenging human rights violations. We request that you publish reports on the topics below.

- Human rights violations under the current U.S. government's strategy and implementation of mass arrest, detention, disappearance, and deportation of immigrants revealed by information in previous and future thematic hearings or communications submitted to the IAHCR.
- Site visits requested above.
- Human rights violations in third countries to which people are being forcibly expelled or deported.

Responses to Questions by Commissioners:

1. In addition to international scrutiny, what has been the status of domestic oversight in relation to the policies described as violating domestic and international human rights obligations? Who is undertaking this oversight? What are the institutions of oversight, and how have they been functioning? [Commissioner Roberta Clarke]

The Administration has sought to dismantle and impede oversight mechanisms designed to safeguard the rights of immigrants and prevent abuses by the U.S. government, as well as undermine the safety of journalists who report on these issues.

Government oversight offices within the Department of Homeland Security (DHS)

Congress created three oversight offices within DHS: the Office for Civil Rights and Civil Liberties (CRCL), the Citizenship and Immigration Services Ombudsman (CIS Ombudsman), and the Office of the Immigration Detention Ombudsman (OIDO). These agencies were created to protect immigrants' rights, investigate complaints, and ensure accountability including in detention facilities. Each office is required to submit reports to Congress.

CRCL is required by statute to receive civil rights and civil liberties complaints from people in DHS custody. In fiscal year 2023, CRCL conducted hundreds of investigations and fielded hundreds of complaints, including related to sexual assault in detention facilities. The CIS Ombudsman is required by statute to assist individuals with visa, work permit, and other immigration issues. In fiscal year 2023, it handled nearly 24,000 requests for assistance. OIDO is required by statute to monitor immigration detention facilities and investigate misconduct, excessive force, and violations of law and detention standards. In fiscal year 2023, OIDO's case workers visited over 100 detention centers each month. All three of these oversight entities have authority to investigate reported issues in their area of focus and make recommendations to the relevant government component offices, but no direct enforcement authority to ensure implementation of recommendations.

In March of 2025, the Administration effectively dismantled CRCL, OIDO, and the CIS Ombudsman. It cut funding, terminated hundreds of staff members, and claimed that the offices are "internal adversaries" obstructing operations. These oversight offices had previously investigated earlier policies, including the "Remain in Mexico" program, the use of facial recognition technology at airports, the collection of DNA samples by Border Patrol agents, racial profiling during investigatory stops, and sexual assault in detention facilities, as documented in the 2023 CRCL Annual Report. By eliminating these offices, the Administration has placed immigrants at greater risk of abuse and rights violations. In a lawsuit challenging the Administration's dismantling of the DHS Office for Civil Rights and Civil Liberties, the CIS Ombudsman Office, and the Office of the Immigration Detention Ombudsman, a federal district

court denied a request for a preliminary injunction. As of October 2025, the litigation remains pending.

Prior to their dismantling, these offices at times resolved complaints by legal services organizations or detained immigrants. These included instances where clients experienced significant delays in DHS processing fingerprints for asylum claims that resulted in prolonged family separation or other harms, as well as placement of clients into Remain in Mexico who should have been exempt due to medical conditions or LGBTQ status. When handling cases involving violations of immigrant clients' rights, our legal services organizations often file complaints with these offices.

Beyond resolving individual cases, the oversight agencies were an invaluable liaison between our organizations and federal agencies such as DHS and Customs and Border Protection (CBP). For instance, CRCL hosted regular webinars and meetings with community groups and legal service providers to share DHS policies and initiatives. Since the start of the current Administration, these webinars and meetings with community groups and legal service providers ceased. The offices also facilitated communication with agencies, which proved essential in cases where clients were wrongfully deported. CRCL's public-facing website served as a critical tool for tracking complaints and creating a record of systemic violations, which helped establish accountability.

Key points of contact are no longer available following the dismantling of these oversight agencies. Without these oversight mechanisms operating at full capacity, both immigrant communities and their attorneys have been left with limited meaningful channels to report abuse, ensure accountability, or safeguard fundamental rights.

Our legal services organizations also often file complaints with the DHS Office of Inspector General (OIG). However, in September, it was reported that the Administration plans to terminate funding for the Council of the Inspectors General on Integrity and Efficiency, the umbrella organization for 72 inspectors general across government, including the DHS OIG. CIGIE provides training, cross-agency oversight, and a platform for whistleblower reporting.

Congressional oversight

U.S. law has long recognized that Congress' legislative powers are inherently tied to investigatory and oversight powers. The Supreme Court noted in *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 504 (1975) that "the power to investigate is inherent in the power to make laws because a legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change." This oversight and investigatory power is codified in U.S. law at section 527 of the Consolidated Appropriations Act. Further, Members of Congress possess explicit statutory authority to

conduct unannounced oversight visits to facilities operated by or for the Department of Homeland Security. This was outlined in the Consolidated Appropriations Act, 2020 and re-affirmed each year since, including in Section 527(a) of the Department of Homeland Security Appropriations Act, 2024.

However, in recent months, Immigration and Customs Enforcement (ICE) has repeatedly denied Members of Congress their ability to exercise their statutorily-protected oversight duties to carry out unannounced visits to detention facilities. For example, in Pennsylvania, ICE turned away Representative Mary Gay Scanlon and Representative Summer Lee from Moshannon Detention Center in August 2025 where an immigrant had died by suicide weeks earlier. In Arizona, Representative Greg Stanton was refused his right to an oversight visit on July 25, 2025 and Representative Yassamin Ansari was turned away for a scheduled visit on July 19, 2025. In New York and California, five members of Congress were denied access to federal detention facilities where people were detained after immigration raids and the protests against the raids.

In New Jersey, Representative LaMonica McIver was charged and indicted in connection with a May 9, 2025 incident at the Delaney Hall migrant detention center in Newark, where she allegedly obstructed federal officers during the arrest of Newark Mayor Ras Baraka. McIver has maintained that the indictment omits key facts, including that Baraka had already complied with orders to leave, and that her actions were part of her statutorily-protected congressional oversight duties. Her legal team has stated that body camera footage supports her account, contradicting portions of the indictment. In September, federal officers arrested 11 elected officials in New York after they tried to access cells used by ICE to detain immigrants.

In July 2025, 12 members of the U.S. House of Representatives filed a federal lawsuit in the District of Columbia against the Administration, challenging a new DHS policy that requires seven days' notice and designates certain ICE facilities as off-limits to Congress, in violation of the statutory right to conduct unannounced oversight visits to immigration detention centers.

Targeting of reporters

Journalism and media coverage are critical tools to shine a light on the government's illegal actions. In numerous disturbing incidents that raise concerns about free speech protections and monitoring of government activity, the government has used violence or intimidation against reporters. In a video from September 30, 2025, ICE officers shoved and physically confronted several journalists covering an enforcement action in a public hallway and elevator area at a New York immigration court. One photographer was injured, placed in a neck brace, and taken to the hospital after hitting his head, while other reporters were also pushed. In another case, Mario Guevara, an award-winning journalist in Atlanta who regularly covered immigration enforcement misconduct was detained and deported by ICE. Guevara, who has lived in the

United States since 2004, held a valid work permit, and was eligible for a green card through his U.S. citizen son, was arrested by immigration officials while livestreaming a “No Kings Day” protest in DeKalb County.

In Chicago, a coalition of journalists and news organizations filed a lawsuit in October 2025 against the President and Administration officials, alleging extreme brutality by federal agents during ICE protests at the Broadview ICE detention facility. The complaint details repeated attacks on clearly identifiable members of the press, including the use of flash grenades, tear gas, rubber bullets, and pepper balls, as well as physical assaults, arrests, and incommunicado detentions. Journalists and civilians allege that they were often targeted without provocation, resulting in serious injuries. The plaintiffs assert that these actions violated First Amendment rights and were intended to intimidate and suppress coverage of aggressive immigration enforcement.

2. In relation to allegations of noncompliance with court orders, what are your views on the implications of such noncompliance for the rule of law? What has been the judicial response to this noncompliance by the executive? [Commissioner Roberta Clarke]

When the executive branch fails to comply with a court order, it undermines the rule of law in fundamental ways:

- **Erodes judicial authority:** Court orders are binding under the Constitution’s separation of powers. Disregarding them signals that executive agencies can selectively follow the law.
- **Sets precedent for noncompliance:** It risks normalizing the idea that compliance is optional when the government disagrees with a decision.
- **Impacts individual rights:** Noncompliance can prolong unlawful detention, block access to counsel, or perpetuate harmful conditions and rights violations.

In the past eight months, the current Administration has demonstrated substantial noncompliance with court orders and legal obligations. In July 2025, The Washington Post released a report analyzing 337 lawsuits filed against the current Administration, finding 165 cases in which judges had ruled against the Administration. In 57 of the 165 rulings or orders against them (about 35 percent), the Administration has been accused of “defying or frustrating court oversight.” The report further documents that 38 involve the Administration “not complying with an order,” nine involve the Administration “giving false or misleading information,” five involve “withholding evidence,” and five involve “creating pretext to go around a court order.”

Additionally, a September 2025 study from Just Security identifies three categories of executive branch conduct since January 20, 2025 that, in a federal judge’s words, demonstrated “instance after instance of departures from [the] tradition” of public officials acting “in obedience to [their]

duty.” The report documents over 15 cases in which courts expressed concern over noncompliance with judicial orders, over 35 cases in which courts expressed distrust of government information and representations, and over 50 cases in which the courts found that the government’s administrative actions were “arbitrary and capricious.”

The Administration’s targeting of federal officials further underscores its disregard for the law. The New York Times recently reported that President Trump abruptly terminated Michele Beckwith, the acting U.S. Attorney in Sacramento, just hours after she warned a Border Patrol chief planning a raid that he had to comply with a court order and could not arrest people indiscriminately. The Administration also placed on leave and later fired another Department of Justice attorney, Erez Reuveni, after he told a federal judge that the United States had deported Kilmar Abrego Garcia – whose case is discussed below – to El Salvador in error. In May 2025, the Director of National Intelligence fired the top two officials of the National Intelligence Council (NIC) after their assessment contradicted President Trump’s justification for invoking the Alien Enemies Act to expel Venezuelan individuals to the CECOT, a maximum-security prison, in El Salvador.

In response, judges have threatened to hold U.S. government officials in contempt of court and blocked the Administration from implementing unlawful policies, even as the Administration invokes emergency or foreign policy powers to sidestep those rulings. Several notable instances in which the executive branch has been accused of, or found to be in noncompliance with judicial orders since January 2025, include:

Expulsions to El Salvador Under the Alien Enemies Act

In March 2025, a U.S. federal district court issued a temporary restraining order halting the Administration’s use of the Alien Enemies Act to expel Venezuelan people to El Salvador without due process and ordered the Administration to return any flights that had already taken off. Despite the court order, the Administration proceeded with the expulsions, prompting the federal judge to find probable cause to initiate criminal contempt proceedings in April. In August 2025, however, a three-judge panel of the D.C. Circuit Court of Appeals vacated the contempt finding.

In a whistleblower complaint, former DOJ attorney Erez Reuveni alleged that shortly before the expulsions under the Alien Enemies Act took place, senior Justice Department officials deliberately planned to defy court orders. A senior official “stressed to all in attendance that the planes need to take off no matter what” and that they should consider telling judges “‘Fuck you’ and ignore any such court order.”

Additionally, in May 2025, a federal judge stated that the federal government had “utterly disregarded” her order to facilitate the return of a 20-year-old Venezuelan asylum seeker who was unlawfully expelled to El Salvador under the Alien Enemies Act. The federal judge reportedly assured respondent’s counsel that they had sufficiently “proffered a basis under which [they] could seek some sanctions or contempt.”

Wrongful deportation of a Maryland father to El Salvador

Kilmar Abrego Garcia – a Salvadoran man who lived in Maryland with his U.S. citizen wife and three U.S. citizen children – was wrongfully deported to El Salvador in March 2025 due to an acknowledged “administrative error.” An immigration judge had previously granted Abrego Garcia withholding of removal, which prohibited the government from deporting him to El Salvador due to the persecution he faced there. After his erroneous deportation to El Salvador, a federal court that ordered the government to effectuate and facilitate his return condemned the government’s “willful and bad faith” noncompliance and threatened the government with contempt proceedings.

By June, Abrego Garcia had been returned to the United States after reportedly suffering torture while detained in El Salvador. Upon his return, ICE detained him during a scheduled check-in with ICE in Baltimore and slated him for deportation to Uganda – despite him having no connections there. In response, Judge Xinis issued a temporary injunction prohibiting his removal to Uganda and ordered an evidentiary hearing in October 2025, during which the government alleged it had new plans to deport Mr. Abrego Garcia to Eswatini, but failed to provide evidence of the impending deportation, or that Eswatini had agreed to the transfer.

Deportations to third countries of people with final orders of removal

Increasingly, the Administration is deporting to third countries people who have final orders of removal, including those who were granted protection under withholding of removal and Convention Against Torture (CAT) in the United States, sending them to places where they are facing incommunicado detention and other serious human rights violations. In many of these cases, the third country was never raised as a possible country of removal during their immigration proceedings and they didn’t have an opportunity to argue that they faced harm in that country.

In ongoing litigation, *DVD v. DHS*, a federal court issued a preliminary injunction on April 18, 2025, blocking DHS from deporting individuals to third countries that were not raised during their removal proceedings without providing notice and a meaningful opportunity to raise any fears of torture with respect to the third country and to receive a “reasonable fear” screening for eligibility for protection under the Convention Against Torture. DHS reportedly violated this

order, first by attempting to remove individuals to Libya – which was blocked by the court after litigators made an emergency request – and second, by removing third-country nationals to South Sudan, in both cases without notice or screenings for torture risk.

The Supreme Court, in a brief unsigned order on June 23, 2025, stayed the injunction, allowing these third-country removals to resume. Justice Sonia Sotomayor – joined by Justices Elena Kagan and Ketanji Brown Jackson – dissented, warning that the government’s actions violated due process and put individuals at risk of torture. The government has persisted in carrying out third-country removals within extremely short timeframes and has issued ICE guidance allowing transfers to take place within 24 hours, and in six hours in some circumstances.

3. How do U.S. authorities, at both the federal and state levels, ensure the protection of persons in vulnerable situations, such as children who don’t come of their volition, who come with families, who come with adults? What protections are available to children? How does the state respond to the allegations that children are being kept in detention facilities for overly long periods and in poor conditions? Are educational facilities and services, social care, and counseling provided to children in detention? How are children treated in detention facilities? [Commissioner Roberta Clarke]

In the United States, immigrant children are detained by three subagencies: U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS), as well as the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS). CBP detains children immediately after they cross the border in facilities intended only for very short-term holding, though in practice, children are often detained there for prolonged periods. ICE detains families with their children in immigration jails while their immigration proceedings are ongoing, despite having the authority to release entire families and the legal obligation to release children.

Unaccompanied children are transferred from CBP to ORR custody, where they are held in government shelters until they can be released to relatives or sponsors. ORR was originally designed to operate from a child welfare perspective but has increasingly taken on the character of an immigration enforcement agency, detaining children for prolonged periods, targeting their undocumented family members and sponsors, and facilitating re-detention or deportation.

U.S. law and policy provide protections for children in immigration detention but these safeguards are under sustained attack. Key protections come from the 1997 Flores Settlement Agreement, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and internal agency policy. The Administration has sought to weaken, dismantle, and violate these protections, fueling prolonged detention and harmful conditions that inflict potentially lifelong trauma on children.

For decades, the Flores Settlement Agreement (“Flores”) has been a primary tool for oversight and accountability in ensuring safe conditions for children in detention. It sets binding standards for the detention, release, and treatment of all children in immigration custody, including both unaccompanied and accompanied children. Currently, the Flores agreement governs detention of children in DHS custody. In February 2025, the Administration sought to terminate the Flores Agreement in its entirety, an attempt rejected by a U.S. federal district court.

The TVPRA is a federal law that established comprehensive protections for unaccompanied immigrant children. It requires DHS to screen children for trafficking and fear of return and, for unaccompanied children from countries other than Mexico and Canada, requires transfer to the custody of another agency – ORR – within 72 hours. Once transferred, children must be placed in the least restrictive setting consistent with the best interest of the child – typically through release to a vetted parent, relative, or another caretaker. TVPRA requires that the government provide legal representation to children “to the greatest extent practicable.” Accordingly, an ORR regulation requires the government to “fund legal service providers to provide direct immigration legal representation” to unaccompanied children when appropriations are available, and to ensure each child receives legal orientation, consultation, and ongoing access to counsel.

For more than a decade, the federal government funded legal services for unaccompanied children through congressionally appropriated funds. The Administration abruptly ended this practice on March 21, 2025 when it issued a notice terminating the contracts that funded legal services for approximately 26,000 unaccompanied children and ordered providers to “immediately stop work” on their cases. This cancellation order cut off access to counsel in violation of TVPRA and despite the existence of appropriated funds through at least September 30, 2027. As a result, thousands of children – including many with immigration court hearings scheduled the next day and many who were prima facie eligible for relief – faced imminent loss of legal representation and the risk of appearing alone in removal proceedings. On April 1, 2025 the court issued an emergency Temporary Restraining Order (TRO) blocking the cancellation. Litigation remains ongoing, leaving the future of these protections uncertain.

The agencies that detain immigrant children also have internal guidance that set forth requirements and protections including access to food, drinking water, medical care, bedding, education, recreation, and privacy and nutrition, but these standards are not legally binding and carry no mechanism for judicial enforcement. They can be unilaterally altered – or ignored – by the agencies themselves.

Our organizations have documented longstanding violations of the statutory, regulatory, and other protections for children. The current Administration has restarted the detention of families with minor children in ICE custody, is detaining children for prolonged periods, and has targeted

children in ORR custody for illegal deportation and made policy changes that impede family reunification.

Families are currently suffering life-long trauma and brutal conditions in detention. Declarations gathered during Flores Settlement monitoring reveal harrowing accounts from children and families held in DHS custody, which includes both CBP and ICE facilities: These can be found [here](#) (CBP detention), [here](#) (ICE detention), and [here](#) (ICE detention). Children are confined for weeks and months on end, often with no explanation beyond bureaucratic shorthand.

Organizations litigating compliance with the Flores Agreement have found no evidence that ICE is even reviewing children's length of detention for compliance with their rights.

In ICE jails, such as the South Texas Family Residential Center in Dilley, Texas, families have reported medical neglect, severe trauma and deterioration of mental health, lack of access to basic necessities like clean water and edible food, lack of meaningful education for children, verbal abuse of children, discriminatory treatment, and rattlesnakes and wasps in the facilities. A six-year-old battling leukemia missed treatment while detained, a baby lost eight pounds in a month, a boy with a blood condition who has trouble walking was denied adequate medical care, and an eight-year-old who broke his arm was not taken to the emergency promptly by detention staff because he "was not crying." Families have described incidents of staff verbally abusing children, including an incident where a young child accidentally hit a staff member with a ball, who then cursed "pendejo" at him and left the young boy in tears. Adults and children in ICE detention frequently report unclean and foul-smelling drinking water that causes stomachaches. In some instances, children and adults have had to compete for access to limited clean water. One mother had to use the water for formula for her nine-month-old baby, who then had diarrhea for three days. There are currently no family visits allowed at Dilley for children to connect with non-detained family members, including parents or primary caregivers.

A 14-year-old said of detention: "[b]eing here has affected my little brother a lot. He doesn't sleep well. He cries all night. Yesterday he had an attack where he would not stop crying from 7pm to 9pm and he was outside the room crying that he didn't want to go back in and that he wanted to be free. My brother doesn't eat anymore, so he needed PediaSure. My parents had to almost beg the medical staff to give him PediaSure." Families report that children suffer frequent nightmares and emotional distress. A parent at Dilley described the anxiety of her child in detention: "With the lack of sleep and anxiety, my son is throwing himself against the floor and getting bruises. He wants to leave so badly that he is having these reactions."

The Administration also jails children in CBP custody (facilities designed for short-term processing when people are detained at or near the border or at an official port of entry) with their families or alone — sometimes for weeks or over a month — where they endure medical

neglect, are jailed in windowless cells, are separated from one or both parents for days or weeks at a time, and have gone over a month barely seeing the sun. Families jailed by CBP continue to report being detained in extremely cold temperatures, inadequate bedding, having to sleep with bright lights all day and night, inedible food and insufficient portions, and lack of regular access to showers. The federal court overseeing the Flores Settlement, found that many of these conditions likely violate Flores, but that they “cannot be remedied via [Flores Settlement] enforcement” because they are “impossible to resolve due to the physical limitations of certain CBP facilities (e.g., lack of windows, inability to go outdoors . . .).” The court highlighted that “CBP facilities, by design, are not suitable for [children] for long periods of time,” and underscored that this is “precisely why the prolonged times in CBP custody remain a significant problem.”

Medical experts have long documented that family detention can lead to life-long damage to health and development, causing health problems including post-traumatic stress disorder, depression, developmental regressions, suicidal behavior, weight loss, sleep disturbance, and frequent infections.

Over Labor Day weekend 2025, the Administration attempted to unlawfully deport unaccompanied Guatemalan children, many of whom are Indigenous, in the middle of the night. Advocates described how children in ORR custody were woken up in the middle of the night, some pulled from foster homes over their protests, taken to the airport, and loaded on planes. Emergency litigation blocked their removal before the planes departed, but credible reports soon surfaced that similar efforts were underway to deport Honduran children as well. With respect to the Guatemalan children, the Administration asserted that their parents had requested the children's deportation. But almost immediately, the Guatemalan government issued a report showing that more than half of the families contacted objected to having their children deported, with some even viewing government attempts to contact them to send their children back as intimidation. A federal judge, who subsequently issued a preliminary injunction, concluded that the government's claims “crumbled like a house of cards.” A subsequent whistleblower complaint confirmed that these attempts were made without even following the limited and insufficient protections that the U.S. government officials had claimed in sworn statements that they had in place, documenting internal pressure to move children out of ORR custody without proper safeguards or notice and attempts to remove children who, per the government's own documentation, were identified as “potentially victims of child abuse, having experienced death threats, gang violence, human trafficking, or expressed fear of harm and threats from their parents.” These actions highlight the extraordinary risks children face under the new regime, where even basic due process and child-welfare protections codified in U.S. law are vulnerable to being overridden.

In another attack against unaccompanied children, in early October 2025, DHS launched what it disturbingly refers to as “Operation Freaky Friday,” in which ICE agents planned to target children as young as 14 (and reportedly may even start targeting children as young as 10) who are in ORR custody or have been released. The children would be forced to either accept a cash payment of \$2500 to self-deport (relinquishing critical protections under the TVPRA) or face indefinite detention and transfer to ICE custody as soon as they turn 18. ICE would also threaten to arrest the children’s parents and family members should they refuse to self-deport. On October 4, organizations filed an emergency motion to halt the automatic transfer of unaccompanied children to ICE custody as soon as they turn 18, which violates an existing permanent injunction. The motion has been granted by a federal court.

New government policies regarding unaccompanied children in ORR custody and release to a caretaker (“sponsor”) have trapped children in government custody and impeded family reunification. For instance, a 2025 Interim Final Rule removed safeguards that prohibit ORR from sharing the immigration status of potential sponsors with enforcement agencies, creating a chilling effect that deters otherwise eligible sponsors from coming forward and frustrates TVPRA’s statutory mandate. The Administration has also created other significant barriers to reunification, requiring fingerprinting not only of sponsors but also all adult household members and caregivers. In March 2025, narrowing the types of acceptable identification, and mandating proof of income for all sponsors. These changes have prevented otherwise eligible relatives from applying and disqualified low-income families, creating wealth- and status-based barriers that delay children’s release. Additionally, in August 2025, ORR began requiring an Affidavit of Financial Support and shifted application review from community-based non-profit staff who know children and families best, to centralized federal employees.

These changes further harm unaccompanied children in government custody and prolong their detention. Between January and August 2025, the average length of time that unaccompanied children spent in ORR custody increased nearly sixfold, from about one month to roughly six months, while the agency’s daily release rate dropped by nearly 80%. As of the last day of August 2025, the approximately 2,000 children in ORR facilities had been there for an average of 179 days.

At the same time, the percentage of children released to vetted family caregivers plummeted from about 95 percent in prior years to just 45 percent between April and August 2025. This means that more than half of the children leaving ORR custody during that period left, not to the care of a family member or caregiver, but because they turned 18, were deported, or otherwise removed from custody. The decline in releases coincide with a cascade of new ORR policies that make family reunification intensely challenging, including requiring in-person identity verification that risks exposure to immigration enforcement, fingerprinting of all adult household

members, and documentation standards that exclude otherwise qualified caregivers. As a result, thousands of children remain trapped in prolonged detention, even though best practices show that safe family placements can typically be secured within two to three weeks. This prolonged detention of children disrupts their education, worsens symptoms of depression and trauma, and delays reunification with family members who are ready and willing to care for them.

4. The U.S. representative has shared that the agreement with El Salvador is publicly available. Can we access this agreement? Are the agreements signed with other states on this matter also public? It is very important to access the conditions of the agreement for the deportation of foreign people to countries in the Americas. [Commissioner Andrea Pochak]

In July 2025, the U.S. government officially made public diplomatic notes exchanged with El Salvador on the U.S. Department of State website that disclosed limited information about the agreement to detain Venezuelans in CECOT, a maximum-security prison in El Salvador — months after Venezuelan migrants and asylum seekers had already been transferred there. Portions of this information had previously been reported by media outlets, but this was the first time it was confirmed by official release.

The diplomatic notes stated that El Salvador would receive individuals in accordance with Salvadoran law and international obligations, including the Convention against Torture (CAT). The notes also indicated that El Salvador would house individuals for one year, pending further decisions on their long-term disposition. However, they did not include any guarantees regarding conditions inside CECOT nor reference the 1951 Refugee Convention or its 1967 Protocol, which prohibit refoulement. The latter is significant since many of the Venezuelans transferred to CECOT had been seeking asylum in the United States based upon their fear of persecution in Venezuela but were nonetheless returned to Venezuela on July 18, 2025 without attention to their asylum claims and in exchange for the release of American prisoners as arranged by U.S. officials.

The released diplomatic notes between the governments of the United States and El Salvador omitted key details about the agreement's conditions, including which government had custody or control over the individuals sent to CECOT. While the Administration repeatedly denied that they had any control over the individuals sent to CECOT, in a response in early July to the UN Working Group on Enforced or Involuntary Disappearances, the government of El Salvador asserted its actions, “have been limited to the implementation of a bilateral cooperation mechanism with another State, through which it has facilitated the use of the Salvadoran prison infrastructure for the custody of persons detained within the scope of the justice system and law enforcement of that other State.”

Details about other aspects of the U.S. agreement with El Salvador became public in early September 2025 as a result of a lawsuit filed by Democracy Forward challenging its legality and constitutionality. The records revealed that El Salvador had agreed to detain individuals sent from the United States even before President Trump signed a proclamation invoking the Alien Enemies Act to authorize their removal. In addition, it shows that on March 22, 2025, after the Administration ignored a federal court order and removed more than 250 individuals to El Salvador, the State Department awarded El Salvador \$4.76 million. As a condition of the funds, the U.S. government required El Salvador to agree, among other things, not to assist asylum seekers in obtaining legal counsel or referrals for legal representation in the U.S. asylum process. Notably, the grant agreement contains no provisions requiring El Salvador to refrain from torture, indefinite detention, or other abusive practices within CECOT.

Other aspects of the agreement between the United States and El Salvador remain secret, including arrangements for the return to El Salvador of an MS-13 member on trial in the United States, which media reports and members of Congress assert is part of a campaign by the Bukele Administration to interfere with investigation of its ties to MS-13.

Overall, the U.S. government has released only partial information – which omits key details about the conditions – or no information at all about its agreements about the transfer of third country nationals with other governments in the Americas, including Honduras, Guatemala, Paraguay, and Ecuador.

Expulsions from the United States to Costa Rica in February 2025 of 200 asylum seekers – none of whom spoke Spanish and including 81 children – seems to have been done informally and without established protocols ensuring the safeguarding of their human rights; a written agreement between the United States and Costa Rica regarding the transfer of migrants was not signed until April 2025, was made public in July 2025, and by its terms may not yet be in effect (since it specifies further exchange of diplomatic notes).

In response to litigation by Refugees International and the National Immigration Litigation Alliance, the State Department has so far produced completely redacted correspondence regarding negotiations about and content of the agreements with Honduras, Guatemala, and Costa Rica and no requested information about U.S. funding to these governments and to international organizations for the implementation of the agreements. The U.S. government has not fulfilled the requirements of the U.S. Case-Zablocki Act, which mandates timely reporting to Congress and the public of international agreements. As a result, members of the U.S. House and Senate asked the Administration for information about its agreement with El Salvador. Because of the Administration's continued lack of transparency, members of Congress continue to request information about international agreements related to transfer of migrants

5. How many people were recognized as refugees in the United States from January to June of this year? How many were granted refugee status in the United States? [Commissioner Andrea Pochak]

From January to June 2025, around 15,385 people were granted asylum by U.S. immigration courts. Another 7,559 people were granted asylum by the U.S. Citizenship and Immigration Services (USCIS) between January 1, 2025 and June 30, 2025.

Additionally, our best understanding is that fewer than 200 people have been admitted as refugees to the United States between January and June 2025, including about 70 refugees admitted through a preliminary injunction issued in Pacito v. Trump and around 100 Afrikaners resettled through the Administration's initiative.

On his first day in office, January 20, 2025, President Trump signed "Realigning the United States Refugee Admissions Program," an Executive Order halting entry through the U.S. Refugee Admissions Program (USRAP), leading to the suspension of processing and funding for refugee admissions and resettlement. More than 12,000 conditionally approved refugees, who as of January 20, 2025 had confirmed travel booked to the United States, have been blocked from entering, leaving many in dangerous and transient situations. Since the signing of the Executive Order, the Administration has blocked the continued processing of over 200,000 people in the resettlement pipeline, including tens of thousands conditionally approved for resettlement. At the same time, the U.S. government has expedited refugee processing for white Afrikaners from South Africa. The *Pacito* litigation defending USRAP continues, most recently with oral argument on the preliminary injunction on September 3, 2025. In an order issued on September 12, 2025, the court found the government is likely to prevail on the validity of the suspension of refugee admissions, but concluded that the government "must provide certain reception and placement services to refugees after their admission into the United States," and directed the government to reinstate the cooperative agreements necessary to provide such services.

Additionally, the Administration and its agencies have issued executive actions, guidance, Board of Immigration Appeals rulings, and other policies that block people in the United States from seeking asylum and restrict asylum eligibility. As a result, many people who would have otherwise been granted asylum now face a risk of refoulement to danger.

6. Is there a publicly accessible registry of all persons detained for immigration-related reasons? We have heard complaints about disappearances of people where it is not known where they are, or whether they were deported. Is there an accessible registry of all people in immigration detention in the US? [Commissioner Andrea Pochak]

Despite the existence of an Online Detainee Locator System managed by the U.S. government, delays, gaps, and deficiencies in the system have resulted in documented cases of enforced disappearances, where families, counsel, and advocates are unable to determine the whereabouts or legal status of detained individuals for extended periods. The locator is a publicly accessible system that is supposed to reflect individuals who are in DHS custody, which includes both ICE and CBP custody. CBP typically detains people at or near a land border or official port of entry and is intended for short-term processing, while ICE typically detains people apprehended in the interior of the United States or who are transferred from CBP.

The locator has limited search functionality. Searches must be conducted either by exact name match and country of birth, or Alien Registration Number (“A-number”) and country of birth. If the name does not exactly match the name recorded, a “not match” result occurs. Individuals recently detained frequently do not know their A-number, or may not have been assigned one, especially when initially detained in CBP custody.

With respect to CBP custody, the locator does not show the geographic location where a person is detained, meaning that there is no system for loved ones or attorneys to determine where in the United States the person has been detained. Additionally, the government does not include people in CBP detention in the locator until 48 hours after they are detained, resulting in deportations or expulsions before a person’s detention is even reflected in the locator. As documented in previous submissions to the Commission, people in CBP custody are often subjected to enforced disappearances. Our organizations have encountered significant mistakes and delays in how the locator is updated. For instance, some asylum seekers who were detained by CBP and expelled to Costa Rica in early 2025 without access to asylum reported to Human Rights First and Refugees International that they were still, months after their expulsion, listed as detained in CBP custody.

With respect to both CBP and ICE custody, our organizations have observed that detained immigrants often do not appear in the system until 5 to 7 days after their arrest and sometimes even longer. This delay prevents time-sensitive legal intervention and hinders communication with counsel, family, and loved ones. When a detained immigrant is transferred from one detention facility to another, usually without notice to the individual, their attorney, or their family, their name often disappears from the locator system for multiple days. This severs communication and obstructs legal representation during a potentially critical window.

As the Administration has expanded its unprecedented detention and deportation campaign and detained immigrants in a military prison (Camp XI) and migrant detention center (known as the MOC) in the U.S. Naval Base in Guantanamo Bay or new U.S. detention sites, there have been significant delays by the government to include new detention locations in the locator and/or provide sufficient information regarding the immigrant's location. In facilities reportedly run by the state of Florida and holding ICE detainees, like the South Florida Detention Facility ("Alligator Alcatraz") and the former Baker Correctional Institution (North Florida Detention Center), detained individuals frequently do not appear in the locator. An attorney whose client was transferred to the Baker Correctional Institution shared that her client vanished from the locator, then reappeared without clear information about where he was located, and that when contacted ICE provided erroneous information about his location. Last month, it was reported that over a thousand people detained at the South Florida Detention Facility have disappeared from the locator and cannot be found by their attorneys and families, with the majority of them not being subject to a final order of removal.

The Administration also disappears people out of the United States including to third countries, leading to people simply disappearing from the locator without any confirmation by any government regarding where they are. For instance, in April 2025, the New York Times reported that Ricardo Prada Vásquez, a Venezuelan immigrant detained by ICE in January 2025, had "simply disappeared," with no information from the U.S. government regarding where he had been sent. More than a month after the disappearance and after the article was published, DHS stated that he had been sent to El Salvador.

The absence of a publicly accessible, accurate, and comprehensive registry of detained individuals undermines due process, right to counsel, and transparency. It also inflicts enormous mental suffering on detained people's families, many of whom are survivors of persecution, who cannot confirm whether their loved ones are alive or where in the world the government may have sent them.

7. We have heard about abuses where people with legal status were nonetheless detained and threatened with deportation. Have any state officials been sanctioned for these abuses? Are there disciplinary investigations into police officers or other officials who committed such abuses? Who are the individuals being investigated or sanctioned? [Commissioner Andrea Pochak]

The Administration has arrested and detained numerous U.S. citizens – at least 15 reported as of September 2025 – as well as lawful permanent residents, Deferred Action for Childhood Arrivals (DACA) recipients, people with Temporary Protected Status and visa holders. Some of these arrests have been reportedly based on racial profiling or appear aimed to suppress free speech. In AAUP v. Rubio – litigation challenging the Administration's policy of detaining and deporting noncitizen students and faculty members for ideological reasons (often for pro-Palestinian

speech) – a federal district court judge ruled in September 2025 that “non-citizens lawfully present here in [the] United States actually have the same free speech rights as the rest of us.”

Arrest, detention, and/or deportation of people with lawful status in 2025 include:

U.S. Citizens:

- **George Retes**, a U.S. citizen who is a veteran was wrongly arrested and detained by ICE for three days despite telling officers that he is a U.S. citizen and that he had identification in his nearby car. During his arrest, agents knelt on his back and neck, making it difficult to breathe. He was detained for three days without the ability to make a phone call, see an attorney, or take a shower.
- **Job Garcia**, a U.S. citizen, was tackled to the ground, arrested, and detained by Border Patrol agents during a raid at a Los Angeles Home Depot. While in custody, agents boasted about arresting 31 individuals that day, referring to them as “bodies” and high-fiving one another.
- **Cary López Alvarado**, a U.S. citizen in the third trimester of her pregnancy, was pushed and arrested by ICE. She was hospitalized after her release from detention due to sharp stomach pain.

Lawful Permanent Residents:

- **Mohsen Mahdawi**, a Palestinian law student and lawful permanent resident, was arrested in Vermont during his interview for U.S. citizenship. A federal judge ordered his release from detention, noting the arrest appeared intended to suppress speech.
- **Mahmoud Khalil**, a 28-year-old activist engaged in pro-Palestinian advocacy and former Columbia University graduate student, was arrested by ICE in New York City on March 8, 2025, despite being a lawful permanent resident. He was detained for over three months at the LaSalle Detention Center in Jena, Louisiana – during which he missed the birth of his son – until a federal court ordered his release on bail.
- **Kasper Juul Eriksen**, a lawful permanent resident and father of four in Mississippi, appeared for his U.S. citizenship interview in Memphis in April 2025. He was unexpectedly arrested due to a paperwork issue from 2015. He was detained for nearly four months in ICE custody.
- **Yari Rodriguez Marquez**, a lawful permanent resident and member of the LGBTQ community, was detained by ICE in Arizona even though she has chronic lymphocytic leukemia. She lost over 60 pounds during six months of detention and was denied medical care for her condition. As of September 2025, she remains detained.

Deferred Action for Childhood Arrivals (DACA):

- **Catalina “Xochitl” Santiago**, a DACA recipient and immigration rights activist, was detained by CBP at El Paso airport on August 3, 2025, despite having legal permission to remain in the United States. An immigration judge ruled in September 2025 that Santiago can’t be deported because she has permission to live in the U.S. through DACA. A federal judge ordered her release from ICE custody in early October, after 60 days of detention.
- **Javier Diaz Santana**, a deaf and nonverbal DACA recipient, was detained during a workplace raid. Officers confiscated the tools he used to communicate, leaving him unable to identify himself. He was detained for nearly a month in El Paso, isolated from both his attorney and family, and was provided official paperwork only in Spanish, which he cannot read.
- **Paulo Cesar Gamez Lira**, a DACA recipient and father of four, was detained by unidentified, masked individuals outside his home in El Paso, Texas, on the morning of August 13, 2025, despite having legal permission to remain in the United States. A federal judge ordered his release from ICE custody in late September, after 42 days of detention.

Special Immigrant Juvenile Status:

- **Carlos Guerra Leon**, an 18-year-old who graduated from high school in Spring Valley, New York, earlier this year, was detained by ICE in August 2025 and sent to a detention center in Louisiana. He had approved Special Immigrant Juvenile Status (SIJS) with Deferred Action – a Congressional program designed to protect children who have suffered parental abuse, abandonment, or neglect, which also precludes deportation.

Temporary Protected Status (TPS):

- **Miguel Rojas-Mendoza**, a Venezuelan man who is represented by Immigrant Defenders Law Center, had TPS when the U.S. government disappeared him to the CECOT in March 2025 along with hundreds of Venezuelans.
- **Darian Maldonado Medina**, a 28-year-old Venezuelan man, was deported even though he had TPS. He had appeared for a routine check-in at an immigration office in Tampa on September 5, 2025, and also had a pending family petition through his U.S. citizen mother. His partner and their 15-month-old son, a U.S. citizen, remain in Florida, now struggling to get by without him.
- **Jose Escobar Molina**, a 47-year-old man originally from El Salvador with TPS who has lived in Washington D.C. for more than 25 years was walking to his truck when plainclothes federal agents handcuffed and arrested him, transporting him to a holding center in Chantilly, Virginia.

- **José Pineda**, a 61-year-old East Boston resident from El Salvador with TPS was arrested by ICE in May 2025, while driving to his landscaping job. Despite presenting valid identification and employment authorization, he was detained for 36 hours at the Burlington ICE facility, where he was held in overcrowded conditions and had his belongings, including his license, social security card, employment authorization card and credit card and \$600 in cash, confiscated without explanation.

Student and Employment Visa:

- **Rumeysa Ozturk**, a 30-year-old Turkish doctoral student at Tufts University and former Fulbright scholar, was detained by masked ICE agents on March 25, 2025, in Somerville, Massachusetts. After six weeks in detention, a federal judge ordered her release on May 9, 2025, finding that her arrest and detention appeared likely to have been in retaliation for an op-ed she wrote in a school newspaper criticizing the school's response to the war in Gaza.
- **Dr. Rasha Alawieh**, a Lebanese assistant professor at Brown University and kidney transplant specialist with a valid H-1B visa, was deported to Lebanon in March 2025, despite a court order blocking her removal.

Additionally, the Administration has deported U.S. citizen children with one or both parents. For example, a four year-old U.S. citizen child with Stage 4 cancer was deported to Honduras with his mother. An 11-year-old U.S. citizen child recovering from a rare brain tumor was deported with her parents and four siblings (including three U.S. citizens) to Mexico, where she cannot consistently access necessary medical care. Her symptoms have worsened, requiring her parents to spend sleepless nights monitoring and taking care of her.

Despite mounting reports of individuals with lawful immigration status being unlawfully detained or threatened with deportation, there are limited public reports of officials facing disciplinary or criminal sanctions for abuses. Civil rights lawsuits – such as *Brooks v. Woods* (involving a lawful permanent resident detained without ICE authority) and *Brown v. Ramsay* (involving a U.S. citizen wrongly held under an ICE detainer) – have resulted in court judgments affirming the plaintiffs' constitutional rights. However, accountability has been limited to civil liability; no law enforcement officers have been publicly identified, investigated, or sanctioned in these cases.

8. We have heard about errors where people with refugee status were expelled, or people with legal residency were detained. Have reparations been granted to these individuals who were detained, even in violation of US law? [Commissioner Andrea Pochak]

The United States has wrongfully expelled, disappeared, or deported refugees, including due to errors, as described below. Wrongful detention of people with legal residency are discussed in response to the question above. These are not isolated incidents. The above and below representative cases illustrate the breadth and gravity of recent removals of individuals with lawful status or recognized protection.

Wrongful expulsions or deportations of refugees this year include:

- At least three men who were disappeared to the CECOT in El Salvador in March 2025 had been approved by U.S. refugee officers for refugee resettlement because they faced persecution.
- The Administration has systematically targeted for detention and removal – including to third countries – people who were granted withholding of removal or protection under the Convention Against Torture by immigration judges. This campaign has resulted in the unlawful refoulement of people to home countries or third countries where they faced harm. Kilmar Abrego Garcia, whose story is discussed above, was illegally sent to the country where an immigration judge had previously granted him withholding, determining he would face persecution and ordering the government not to deport him there. O.C.G., a gay Guatemalan man and plaintiff in the D.V.D. v. DHS litigation, who had been granted withholding of removal to Guatemala, was sent to Mexico, a third country, without notice or opportunity to present his fear of Mexico where he had previously been kidnapped and raped. After being detained and deported by Mexico, he went into hiding in Guatemala. He was returned to the United States pursuant to an order by a federal judge that found his deportation “lacked any semblance of due process.” After his return, he was again detained in ICE custody. In September 2025, DHS also deported to Mexico a Salvadoran man granted CAT protection; there, he was told he would be deported to El Salvador. Many other people granted withholding or CAT protection have been targeted for prolonged detention and deportation to third countries.
- Under President Trump’s Proclamation shutting down asylum access discussed later in this submission, the Administration has systematically detained, disappeared, and expelled countless people seeking asylum, without any assessment of their asylum claims, including people who reported fleeing persecution by the government due to their political opinion, religious persecution, anti-LGBTQ attacks, sexual violence, the murders of family members, death threats, and other harms. These individuals may have been granted refugee status if they were permitted to apply for asylum as required by law.

The illegal detention and removals of people discussed in this and the above response raise pressing questions about accountability and whether individuals harmed by such unlawful actions have been offered reparations or other remedies. The broader scope of this crisis is illustrated by the cases such as *J.V.L. v. Acuña*, mentioned above, where two families, including three United States citizen children, one a four-year-old receiving critical cancer treatment, were wrongfully deported. While this case seeks both equitable relief and damages, no compensation has been awarded to date.

Claims under the Federal Tort Claim Act are one of the only avenues for seeking compensation for unlawful removal. For most wrongly deported individuals, recognizing that their rights were violated, locating counsel with the expertise to bring complex FTCA claims, timely filing the administrative complaints necessary for exhaustion, and sustaining years of litigation is simply impossible. Very few lawyers are positioned to take on such resource-intensive cases, leaving the vast majority of unlawful removals unchallenged.

The absence of accessible remedies for unlawful detention or removals creates a dangerous accountability gap in U.S. immigration enforcement. Individuals can be — and are — sent to countries where they face persecution and other harms, without meaningful opportunity to contest removal. This leaves the government’s most harmful actions unreviewed and unremedied, undermining both the rule of law and the right to due process.

9. Are constitutional protections such as due process, the right to a hearing, and the right to a lawyer only for U.S. citizens, or do they apply to everyone within U.S. territory?
[Commissioner Arif Bulkan]

The United States Constitution guarantees fundamental rights such as due process, the right to a hearing, and the right to counsel to all persons within the United States, not only U.S. citizens. The Fifth Amendment of the Constitution provides that “no person shall be deprived of life, liberty, or property without due process of law.” These provisions prohibit both federal and state governments from depriving any person of liberty or property without affording notice, an opportunity to be heard, [and] an impartial tribunal.

The United States Constitution protects “persons,” not merely “citizens.” The U.S. Supreme Court has reaffirmed this principle. In *Plyer v. Doe*, the Supreme Court emphasized that “[noncitizens], even [noncitizens] whose presence in this country is unlawful, have long been recognized as ‘persons’ guaranteed due process of law by the Fifth and Fourteenth Amendments.” Similarly, in *Reno v. Flores*, the Supreme Court confirmed that “it is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.”

In *J.G.G. v. Trump*, a federal district court held that the Fifth Amendment's Due Process Clause requires that detained immigrants, including those transferred to El Salvador's CECOT prison, receive individualized hearings to contest their removal. By requiring notice of charges and access to a hearing, the decision strengthens the understanding that due process guarantees a right to be heard as a fundamental protection against unjustified immigration detention.

In *Boumediene v. Bush*, the Supreme Court held that the government cannot strip people of constitutional protections by shifting custody outside of U.S. territory. In *Abrego Garcia v. Noem*, a federal district court ordered the government to "facilitate and effectuate" the return of Kilmar Abrego Garcia to the United States after his unlawful deportation violated his due process rights, rejecting the government's argument that the court lacked jurisdiction because Abrego Garcia was not in U.S. custody, with the Supreme Court later upholding the order to facilitate his return. These decisions reaffirm that due process entails a meaningful opportunity to be heard regardless of physical location, underscoring that the right to a hearing cannot be undermined by executive overreach in immigration enforcement. Thus, denying immigrants an opportunity to be heard not only results in unjust outcomes, but also violates constitutional protections.

In *DHS v. Thuraissigiam*, the Supreme Court held that for an individual who was apprehended twenty-five yards after crossing the border and was put into expedited removal proceedings, "the decisions of executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law," such that he could not challenge DHS's denial of his credible fear interview through petition for a writ of habeas corpus (the only possible means of challenging this decision for which no judicial review is otherwise available). The government has attempted to use expedited removal to severely undermine the Constitutional due process rights of immigrants, including people who have been living in the United States, and deny them a full and fair immigration court process.

Unlike in criminal courts, where the Sixth Amendment of the Constitution ensures appointed counsel for indigent defendants, immigration proceedings are designated as civil in nature. Congress has codified a statutory right to retain legal representation to immigrants in the Immigration and Nationality Act, which specifies: "In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as he shall choose." This statutory guarantee and Constitutional protections require meaningful access to counsel as a critical safeguard to all persons in immigration proceedings.

10. In the context of removals of people labeled as threats (e.g., Tren de Aragua), are people who are seeking refugee status, asylees—are they criminals under U.S. law? Are gay people, people with tattoos, people with no criminal association—are they considered criminals under U.S. law, and how does that promote national security? [Commissioner Arif Bulkan]

Under U.S. law, people seeking asylum in the United States or admitted as refugees are not criminals by virtue of seeking protection. The Refugee Act of 1980, which incorporates the Refugee Convention and its Protocol, is designed to provide protection to those fleeing persecution. This legislation makes clear that asylum seekers and refugees are not criminals, but are individuals asserting a legal right grounded in U.S. and international law. While there are provisions in U.S. law that make unlawful entry and re-entry criminal offenses and do not exempt asylum seekers, U.S. law guarantees that people may seek asylum regardless of how they enter the United States. Additionally, the U.S. Constitution protects members of the LGBTQ community, guarantees them equal rights to liberty, and prohibits the government from criminalizing them by nature of their sexuality.

Although seeking asylum is not a crime under U.S. law and immigration detention and removal proceedings are theoretically civil, the current administration regularly uses punitive and stigmatizing language to describe these processes and the noncitizens affected by them — but without affording them the enhanced due process protections that would attach to criminal proceedings. Recent policies under the current Administration have undermined the rights and dignity of asylum seekers and refugees, including LGBTQ people. The Administration has used xenophobic rhetoric to demonize migrants, asylum seekers, and refugees, attempted to stereotype asylum seekers of certain nationalities or those who have tattoos as criminals, and relied on wartime authority to attempt to carry out policies expelling and targeting asylum seekers. Upon entering office, President Trump’s Executive Orders broadly framed undocumented immigrants as threats to public safety and prioritized their removal and relied on dehumanizing rhetoric characterizing people seeking safety in the United States as an “invasion.” DHS has referred to some immigrants subjected to third country expulsions or deportations as “barbaric” and “depraved monsters.”

In March 2025, the Administration expelled hundreds of Venezuelan migrants to the CECOT, a maximum-security prison in El Salvador, labeling them Tren de Aragua gang members. 75 percent of them had no criminal record. Among them was Andry Jose Hernandez Romero, a thirty-one-year-old makeup artist and member of the LGBTQ community, who had no criminal history. He was nonetheless accused of being affiliated with the Tren de Aragua gang solely because of a crown tattoo on his wrist bearing the words “Mom” and “Dad.” During his detention, Andry was repeatedly beaten and sexually assaulted by guards and remains traumatized by the abuse he suffered while imprisoned. Widmer Josneyder Agelviz Sanguino was another individual wrongfully sent to CECOT because of a tattoo on his forearm that depicts

a clock and a rose, despite also having no criminal record. He had traveled to the United States after U.S. refugee officers approved him for refugee resettlement. These cases highlight how the Administration has mischaracterized and stripped people of their rights through its deportation agenda.

11. Are there mechanisms within the U.S. to address humanitarian abuses in immigration detention, including overcrowding, abuse of detainees, lack of healthcare, and children separated from their parents? [Commissioner Arif Bulkan]

As discussed earlier in the submission, oversight mechanisms and other safeguards against abuse, medical neglect, family separation, and other rights violations in detention have been severely undermined by this Administration. The Administration's dismantling of oversight bodies including the Office for Civil Rights and Civil Liberties and the Office of the Immigration Ombudsman, its attempts to impede access to Members of Congress, and its actions to deprive people of access to legal counsel, has left people without critical avenues for recourse if the government violates their rights.

The agencies that detain immigrants have internal standards that provide minimum standards of care for people who are detained, but these standards are not legally binding or enforceable, and do not provide meaningful remedies for violations.

As mechanisms for oversight and redress dwindle, conditions in ICE detention continue to worsen, with severe overcrowding in facilities that are at or above capacity due to the Administration's escalating immigration arrests. The Administration is currently detaining more immigrants than at any known time in U.S. history. People have been packed in overcrowded holding cells and told to urinate on the floor; jailed without access to showers, beds, or blankets; and denied clean water and adequate food. In July 2025, Human Rights Watch, in collaboration with Americans for Immigrant Justice and Sanctuary of the South, published a report titled "You Feel Like Your Life Is Over" detailing abusive, degrading, and potentially life-threatening conditions at three Florida ICE detention centers – Krome, FDC-Miami, and Broward Transitional Center. The report documented severe overcrowding at detention centers; for instance, at various points this year ICE used Krome to detain people at double and sometimes even *triple* its operational capacity.

Family separation by the current Administration is also an ongoing humanitarian crisis that violates U.S. and international law. Family separation inflicts severe psychological harm and may amount to torture. Families are often separated in immigration detention and jailed separately or released without their loved ones. The Administration also detains and departs people whose spouses, children, and other loved ones are living in the United States with U.S. citizenship or have pending immigration or asylum claims. A CNN report tracked over 100 U.S.

citizen children, ranging from newborns to teenagers, who have been left without their parents because of the Administration's immigration actions this year. In Nebraska, an autistic 11-year-old girl was placed in foster care after her father was arrested by ICE, while a 10-month-old baby is living with family friends after her single mother was detained in a workplace raid in California.

In Chicago, ICE agents, along with agents from the FBI, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and U.S. Border Patrol, conducted a large-scale immigration raid on an apartment building in Chicago in late September 2025. The overnight raid involved agents rappelling from helicopters onto rooftops, and forcibly entering homes without warrants, kicking in doors, and waking residents from their sleep with flashbang grenades erupting on the street. In one instance, children were reportedly dragged from their beds, some while nearly naked, and zip-tied together. Residents of the building — children among them — were led to a parking lot across the street. At least 37 individuals were detained, including U.S. citizens and children. Some children were separated from their parents, had their hands zip-tied, and detained in dark vans for hours, according to Illinois governor J.B. Pritzker. Several U.S. citizens were handcuffed inside vans for hours.

In recent months, families have been separated or threatened with separation in retaliation for refusing to relinquish their rights or abandon their asylum cases. The New York Times has reported that the Administration is punishing parents who refuse to abandon their cases and accept deportation by separating them from their children. A Russian couple fleeing political-based persecution in Russia were separated from their eight-year-old son after DHS presented them with the impossible choice of returning to persecution in their home country without pursuing their asylum case in the United States, or remaining detained while their child was torn apart from them. Their child was placed into foster care. Cuban, Haitian, Mexican, Venezuelan, and other parents separated from their children and deported to Mexico reported that they had no opportunity to make phone calls to arrange for the care of their children prior to deportation – in violation of ICE policy.

ICE officers carrying out arrests have assaulted people and separated families, including in an assault in September 2025 captured in multiple videos where an ICE officer shoved a woman to the ground when she protested the detention of her husband. The officer grabbed her by the hair as she and her daughter clung to her husband, and threw her to the ground in front of her children as they were being separated from their father. The woman had to be taken to the hospital. The ICE officer was reportedly relieved of his duties and DHS spokesperson Tricia McLaughlin described his actions as “unacceptable.” Within three days, the officer had returned to duty.

While some lawsuits have challenged these actions or sought redress, the Administration's efforts to cut off legal access prevents many people who endure these abuses from securing lawyers to sue to vindicate their rights.

12. Civil society groups have raised concerns about reprisals against lawyers defending refugees and asylum seekers, including disqualification. Is this permitted under domestic law, moving against American lawyers, and is it legal? [Commissioner Arif Bulkan]

Targeting attorneys for representing or advocating for refugees and asylum seekers violates U.S. constitutional and statutory protections, including due process, the right to counsel, the First Amendment, and the separation of powers.

In March 2025, President Trump issued a memorandum “Preventing Abuses of the Legal System and the Federal Court,” which claimed, without basis, that immigration attorneys and law firms that take on cases pro bono “frequently coach clients to conceal their past or lie about their circumstances when asserting their asylum claim” and that attorneys and firms litigating against the federal government pursue “baseless partisan attacks.” It directed the Attorney General and Department of Homeland Security to pursue sanctions and other discipline against attorneys and firms in a range of circumstances, including for misconduct “such as filing frivolous litigation or engaging in fraudulent practices” and to impose sanctions on attorneys who “violate professional conduct rules.” Many advocates worried that the memorandum was written to threaten attorneys providing legal services to immigrants. After the memorandum was issued, the Department of Justice requested that a federal judge impose “substantial monetary sanctions” on an immigration attorney who filed a federal lawsuit to halt the deportation of his client, an immigrant from Laos whose case he was representing pro bono.

The Administration has also targeted the process of immigration adjudication. In June 2025, the Acting Director of the Executive Office for Immigration Review (the agency that houses the immigration courts) published a policy memorandum indicating that immigration judges who decide cases against the Department of Homeland Security (the opposing party in immigration cases) “may be subject to corrective or disciplinary action” and another policy memorandum in August stating that “adjudicatory outliers or statistically improbable outcome metrics . . . may be indicative of a systematic bias or failure to adhere to applicable law that warrants close examination and potential action.” This guidance sharply limits the “independent judgement and discretion” granted to immigration judges under U.S. regulations. Since President Trump took office, more than 100 immigration judges — many with high asylum-grant rates — have been dismissed without explanation, intensifying the climate of reprisal and intimidation.

The Administration’s targeting of immigration lawyers and judges is part of a broader strategy to intimidate lawyers whose views or actions it does not agree with, pressure major law firms, and erode the courts’ legitimacy. Through coercive tactics such as suspending security clearances, cancelling federal contracts, and restricting government hiring from targeted law firms, the

Administration successfully pressured several law firms into entering settlement agreements which required them to abandon much of their public interest and pro bono portfolios, such as cases defending the rights of refugees and asylum seekers, as well as modify hiring practices and internal policies, and terminate diversity initiatives. In addition to violating numerous court orders, as discussed earlier, it has publicly derided and insulted judges who ruled against the government, questioned their integrity and impartiality, and even called their rulings “legal insurrection,” framing judicial independence as partisan obstruction rather than a constitutional safeguard.

Responding to the Administration’s targeting of U.S. attorneys — particularly those defending refugees and asylum seekers — the American Bar Association (ABA), a nonpartisan organization representing hundreds of thousands of legal professionals, filed suit in June 2025 in the U.S. District Court for the District of Columbia against the Office of the President, challenging both the Administration’s March memorandum and its ongoing policy of intimidating the lawyers and legal profession. Specifically, the complaint alleges both First Amendment and separation of powers violations, including 1) the suppression of and retaliation for protected advocacy, 2) viewpoint discrimination, 3) creating an impediment to the right to petition the government, 4) breach of the right to free association, and 5) overbreadth which renders the Administration’s policies unconstitutional because they rely on an “unascertainable standard.” The ABA’s complaint also alleged a violation of separation of powers, arguing that the Administration acted beyond its legal authority, as no act of Congress or provision of the Constitution authorized its actions and executive orders targeting law firms. As of early September, the case is ongoing.

13. What criteria and evidentiary standards are used to assess credible fear claims, given the expanded use of expedited removal? [Commissioner Gloria Monique de Mees]

The Administration is carrying out summary deportations of asylum seekers without a hearing or in many instances even a credible fear screening, in violation of the requirements and standards set forth by U.S. law. These illegal policies and practices result in refoulement, denial of due process, family separation, and other rights violations.

The U.S. Congress created the expedited removal process in 1996, which authorized immigration officers to deport certain individuals without an immigration hearing unless they expressed a fear of return or an intent to apply for asylum. The law requires the Department of Homeland Security to – at a minimum – provide people in expedited removal who express fear or intent to seek asylum with a credible fear interview. The screening standard for a credible fear interview is defined by statute and requires an applicant to show that they have a “significant possibility” of establishing eligibility for asylum. An applicant who meets this standard during a credible fear interview is entitled to a full hearing on their asylum claim. Applicants who do not pass their

credible fear interview have a right to a review of that decision by an immigration court. Congress intended the credible fear standard to be a “low screening standard for admission into the usual full asylum process” in order to ensure compliance with the Refugee Convention and its Protocol and U.S. law that codified these treaty obligations. 142 Cong. Rec. 136, S11491 (Sept. 27, 1996). The Administration is attempting to eviscerate the requirements and safeguards governing this process.

Presidential Proclamation Suspending Asylum Processing and Eligibility

Earlier this year, the Administration largely shut down access to credible fear screenings for people entering the United States at the southern border. A January 20, 2025 Presidential Proclamation suspends asylum processing and renders people who enter the United States at the U.S.-Mexico border after the date of the Proclamation ineligible for asylum and other protections. The Administration has used this Proclamation to deny even the minimum protection of a credible fear screening to asylum seekers arriving at the border who under U.S. law cannot be deported without such a screening if they express fear. Instead, the Administration has systematically detained, disappeared, and expelled many arriving asylum seekers without an assessment of their asylum claims, including people who reported fleeing persecution by the government due to their political opinion, religious persecution, anti-LGBTQ attacks, sexual violence, the murders of family members, death threats, and other harms.

The Administration provided some arriving asylum seekers who are subject to the Proclamation with screenings for Convention Against Torture (CAT) protection. CAT screenings cannot be a substitute for the legally mandated credible fear screening. To the extent that asylum seekers even receive these CAT screenings – which many have not, despite repeatedly expressing their fear of return – CAT screenings have an absurdly high evidentiary standard and lack the safeguards guaranteed in credible fear interviews. They cannot even reasonably be called “screenings,” as they require an applicant to prove that they are “more likely than not” to be tortured. This is the same standard used in full assessments for CAT protection in immigration court hearings, after people have had months or years to gather evidence, find an attorney, and prepare. While U.S. law provides that an immigrant may consult with a person of their choosing prior to a credible fear interview and U.S. regulations provide that they may have this person present at their credible fear interview, the government does not recognize a right to consultation or counsel for CAT screenings and has refused to allow some attorneys to participate in the screenings. While U.S. law provides for immigration court review of negative credible fear decisions, there is no review available for negative CAT screening decisions. In these ways, the U.S. government has jettisoned the legal requirements and protections for the statutory credible fear process and put in place an entirely different — and unlawful — fear screening system for asylum seekers arriving at the border.

Inevitably, these farcical screenings have led to egregious negative decisions and illegal deportations of people with bona fide asylum claims. For instance, asylum seekers who received negative decisions and were ordered expelled under the Proclamation include:

- asylum seekers who were beaten and detained by their country's governments;
- asylum seekers fleeing persecution based on religion, political opinion, or Indigeneity;
- a lesbian woman who was persecuted for her sexual orientation and political opinion. She was civilly prosecuted, interrogated, and threatened with imprisonment by the police in her country. Fearing for her life, she refused to be deported and was violently assaulted by ICE officers. She explained to her attorney: "I felt like my jaw was going to break. But screaming in pain didn't stop the officer; on the contrary, he pressed even harder." Officers forced her wife to listen to her screams and told her that if she agreed to self-deport, "they would stop causing [her wife] pain";
- an Ethiopian woman who was tortured by her country's government after witnessing an extrajudicial killing by the military.

After a federal court held in July that the Proclamation was illegal – and an appeals court partially stayed the ruling pending appeal – the Administration is now required to screen asylum seekers for withholding and CAT eligibility using the "significant possibility" screening standard. Media reports reflect that the Administration has instructed immigration officers to resume processing under expedited removal following the court's decision. Reports shared by attorneys indicate that at least in some cases the Administration has resumed conducting screening interviews for withholding of removal and CAT eligibility (based on a fear of persecution and/or torture). The government continues to defend the legality of the Proclamation and pursue its appeal. Since it abruptly stopped publishing data on credible fear interviews in mid-January — and appears not to release any data on CAT screenings — it has been difficult to assess the current status of fear screenings.

Mass Use of Expedited Removal in the United States

In addition to issuing a Proclamation that effectively shuts down asylum processing at the border and seeks to bypass the credible fear standard mandated by U.S. law, the current Administration is also systematically targeting people already living in the United States for detention and summary deportation through the expedited removal process. With the exception of actions taken by the first Trump Administration, the U.S. government has never attempted to apply expedited removal so expansively and had previously only applied it to people processed at ports of entry or who were apprehended shortly after entry. Through executive actions, policy memoranda, and other instructions to immigration officers, the current Administration drastically expanded the use of expedited removal, resulting in the detention and processing for summary removal of people who have lived in the United States for years. These actions include expanding the use of

expedited removal to people who were not admitted or paroled and cannot prove that they have been in the United States for at least two years.

The Administration is targeting people in their communities or while they are complying with requirements to attend immigration court and government check-ins, arbitrarily jailing them, and stripping many of due process protections regardless of how long they have lived in the United States. As part of the mass use of expedited removal, it has carried out a widespread, coordinated effort to track down people living in the United States while they attend their immigration court hearings, ask the courts to immediately terminate their cases even if they have already applied for asylum and submitted evidence, and then detain and process them under expedited removal.

The Administration has taken the position that it can subject some people to expedited removal even if they have been living in the United States for more than two years, and in some cases that there is no time limit on the authority to subject people to expedited removal (e.g. someone living in the United States for decades could be subjected, in the government's view).

Families with children have been detained at their immigration court hearings and placed into expedited removal as well. Families that are held in jails that are inhumane for anyone, and especially traumatic for children, must challenge their summary removal with little to no access to legal counsel. One family subjected to this policy has a six-year-old battling leukemia who missed treatment while detained. A federal judge condemned the Administration's mass detention of people at their immigration court hearings as a "game of detention roulette [that] is not consistent with the constitutional guarantee of due process."

Additionally, the government has targeted for expedited removal people who have applied for asylum with U.S. Citizenship and Immigration Services (USCIS) and are awaiting an interview on their case. These individuals have received letters dismissing their cases, even after filing asylum applications years earlier – in some cases six years prior – and then are scheduled for credible fear interviews, where many are detained regardless of the outcome.

Among those whom the Administration has targeted for expedited removal, including in the above-described situations, are people who previously lawfully entered the United States under parole processes established by the prior Administration, such as CBP One or parole programs established for citizens of Cuba, Haiti, Nicaragua, and Venezuela.

Some of the government's practices and policies related to expedited removal have been struck down by federal courts, but litigation is ongoing. A federal district court blocked the Administration's use of expedited removal against people who were paroled and the D.C. Court of Appeals denied the government's request for a stay pending appeal. In a separate lawsuit, the same federal district court struck down the Administration's expansion of expedited removal to people who have not been admitted or paroled and cannot prove that they have been in the

United States for at least two years. The government is pursuing appeal of both rulings and according to reports received by our organizations continues to subject significant numbers of people to expedited removal.

People living in the United States who are placed in expedited removal are deported unless they express fear of return, which triggers the requirement for a credible fear interview. However, our organizations have already received widespread reports that immigration officers are not complying with their legal obligation to refer people for credible fear interviews when they express fear, instead processing them for summary removal. In some cases, even people who *already* had asylum applications on file with the U.S. government are ignored when they express fear and are processed for removal without a credible fear interview. Those who *are* referred for a fear screening have a credible fear interview, where they must typically meet the “significant possibility” standard provided for by U.S. law *unless* they are subject to a prior Administration rule – the Circumvention of Lawful Pathways rule – that may require them to meet a higher, unlawful screening standard if they entered between May 12, 2023 and May 11, 2025.

Subjecting people who have been living in the United States – and are in the middle of an immigration process before an immigration court or USCIS – to a summary removal procedure that has been used for people who recently arrived in the United States is a due process violation and perversely punishes people for complying with the government’s requirements or pursuing their asylum case. They must undergo a truncated credible fear interview in conditions designed to deny access to counsel, if they are even referred for an interview before they are deported, instead of a full hearing where they can prepare and present evidence, in violation of due process protections under the U.S. Constitution, immigration law, and international human rights law. Under the Immigration and Nationality Act, immigrants in removal proceedings must have a reasonable opportunity to examine evidence against them, to present evidence, to have a hearing about their application, and to cross-examine government witnesses in their immigration proceedings.

The rapid timeline of expedited removal and lack of due process protections creates a major risk of erroneous placement in expedited removal with little to no opportunity to stop the process. For instance, ICE illegally placed a woman who had lived in the United States for 30 years into expedited removal, and only reversed course when her attorneys filed a federal lawsuit. People who are unrepresented face a heightened risk of erroneous expedited removal.

The Administration is violating U.S. and international refugee and human rights law through its suspension of asylum access, denial of proper fear screenings to asylum seekers, and mass use of expedited removal. For decades, the expedited removal process has been riddled with flaws and led to erroneous summary deportations. Now, even the minimum safeguards for the process are being eradicated as the Administration weaponizes expedited removal against people already in the United States and eliminates access to protection screenings for arriving asylum seekers.

14. What protocols are in place to guarantee regular access to healthcare, legal representation, and family communication for detained migrants? [Commissioner Gloria Monique de Mees]

There is currently no effective, independent mechanism to ensure regular access to healthcare, legal representation, and family communication for detained immigrants; halt ongoing abuses; or provide redress to detained individuals and families. The agencies that detain immigrants, ICE and CBP, have internal standards that provide minimum standards of care for people who are detained, but these standards are not legally binding or enforceable and do not provide meaningful remedies for violations. ICE detention centers are governed by a patchwork of internal standards, with contractors and facilities adopting different versions of national standards with differing levels of protections. As discussed above, the Administration has taken steps to dismantle critical oversight mechanisms that in some cases helped ensure compliance with standards.

ICE's internal standards include the National Detention Standards (most recently updated in 2025) and the 2011 Performance-Based National Detention Standards (revised twice including in 2016), while CBP detention is governed by the Transport, Escort, Detention, and Search Standards (TEDS). All the detention standards set forth protections including adequate medical screening and care. Specific requirements included in ICE's detention standards are medical, mental health, and dental screenings, medically necessary and appropriate medical, dental, and mental health care, emergency care, specialty health care, timely responses to medical complaints, appropriate language services for medical and mental health care, provision of medical diets, and provision of medication upon transfer or release. The ICE standards also require access to legal representation including private meeting spaces, unmonitored legal telephone calls, free phone calls to legal service providers to find representation or consult regarding one's immigration case, and access to law libraries, legal texts, and electronic legal resources. They also require facilities to allow recognized legal organizations to conduct group information sessions advising detained people of their rights. The standards also set forth requirements for family communication including providing that people in ICE detention are entitled to maintain contact with family members through visitation and telephone communication.

Our organizations observe routine violations of these requirements in detention. At the same time that DHS is violating its minimal detention standards, the Administration is considering eliminating the detention standards that govern ICE facilities.

Currently, egregious medical neglect in ICE and CBP custody are pervasive, including recent harrowing stories of children denied urgent medical care. Medical neglect and abuses that have contributed to deaths are discussed in the below response.

- The July 2025 report by Americans for Immigrant Justice and other organizations documented abuses in Florida detention centers including dangerous substandard medical care such as denial of critical medication and lack of follow-up treatment after hospital discharge; poor sanitation; and prolonged shackling without food, water, or functioning toilets.
- During a visit to the South Florida Detention Facility (“Alligator Alcatraz”) on July 28, 2025, Americans for Immigrant Justice reports accounts of medically vulnerable detained noncitizens being shackled at outside clinics, prolonged lapses in life-sustaining medication, unsanitary conditions, and extreme heat, without any functional grievance process or independent oversight on-site.
- In a May 2025 report, Human Rights and Refugees International documented medical neglect, physical and psychological mistreatment, and unbearable living conditions in CBP custody, including for children. A woman who was denied care for a dental emergency had to extract her own tooth. A man could not see for 29 days of his detention because he was denied access to his contact lenses. In another case, a four-year-old was vomiting blood after multiple hospitalizations in CBP custody, but a healthcare provider for CBP advised the mother to simply give the child a cracker and DHS removed the family from the United States shortly after.
- Families with children detained by ICE continue to suffer egregious medical neglect, as discussed in the section regarding protections for children and documented in numerous declarations filed in litigation by families and their children.

Access to legal representation and family communication is extremely restricted and often non-existent. Enforced disappearances in CBP and ICE detention often prevent attorneys from providing legal representation and family members from communicating with their loved ones. When people are detained in CBP custody, attorneys and family members cannot even enter the facilities to speak with detained individuals and telephonic access is very limited, with many people unable to make a phone call for days or weeks, or throughout the entire duration of their detention. People detained by ICE also report long periods where they have no phone access. Constant transfers of people among detention centers across the country severely impede legal and family access as well.

Non-governmental organizations have long documented severe barriers to access to counsel at ICE detention facilities due to inadequate phone access, lack of access to legal video calls, lack of electronic mail and messaging, failure to ensure timely delivery of legal mail, and barriers to in-person attorney visits. Attorneys currently experience enormous barriers to speaking with and representing our clients in detention including denial of video meetings, delays for in-person visits, and abrupt transfers that result in scheduled legal visits or calls being cancelled. Little to non-existent access to counsel in detention centers like at the US Naval Base in Guantanamo and the South Florida Detention Facility (“Alligator Alcatraz”) has been challenged in litigation. The

current Administration has taken many steps to further eviscerate access to legal representation in detention, including attempting to eliminate funding for legal orientation programs in detention, legal representation for unaccompanied children, and legal representation for people determined to be mentally “incompetent” and trying to intimidate lawyers providing services to immigrants.

Family members often do not know where their loved ones are detained, let alone have an opportunity to communicate with them. In-person visitation is not permitted in some facilities – or is impossible due to the person being transferred to another part of the country – and phone calls and video calls are typically costly and not private. Additionally, degrading treatment of detained individuals due to social visitation has led to people to ask their family not to visit them. In Eloy Detention Center in Arizona, every detained person who has an in-person visit must endure two full body strip searches – once before entering the visit and again after the visits. It has been reported to advocates that the strip searches began because a family member brought in candy from the outside vending machine for their detained loved one to eat during visitation, which is prohibited. In December 2024, the Florence Project filed a complaint with the Office of Civil Rights and Civil Liberties, the Office of the Immigration Detention Ombudsman, and the DHS Office of the Inspector General with multiple examples of unwarranted and inhumane strip searches, with detained individuals’ detailing the traumatic and humiliating strip searches after family visitation. The complaint noted that blanket strip searches violate the National Detention Standards and could amount to violations of the Prison Rape Elimination Act (PREA).

15. What safeguards are enforced specifically for older persons and those with serious medical conditions during detention or removal? Do civil society organizations have data or specific cases they can share? Are there independent statistics on rates of abuse, medical neglect, and self-harm among detained migrants? [Commissioner Gloria Monique de Mees]

Both ICE and CBP detention standards set forth protections including adequate medical screening and care. The ICE standards define at-risk populations to include elderly people, people with disabilities, pregnant or nursing people, and people with serious physical or mental illness, while the CBP standards define at-risk populations to include elderly people, people with mental, physical, or developmental disabilities, pregnant people, and people on life-sustaining or life-saving medical treatment.

Additionally, federal laws and regulations, including the Rehabilitation Act, prohibit disability discrimination. Under the Rehabilitation Act and its implementing regulations, immigrants with disabilities are entitled to reasonable accommodations in immigration detention including, as incorporated into ICE’s detention standards, “proper medication and medical treatment; accessible housing, toilet, and shower facilities; devices like bed transfer, accessible beds or

shower chairs, hearing aids, or canes; and assistance with toileting and hygiene.” A person with disabilities is defined as anyone who has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived by others as having such an impairment. These provisions apply to all people in the United States, regardless of their immigration status.

The government has a history of violating its own detention standards and the Rehabilitation Act. Documentation and reports from civil society demonstrates continued widespread noncompliance, as described below. At least sixteen people have died in ICE jails under this Administration – with indications that some of these deaths could have been prevented with proper medical care – and to which the current Administration callously responded with “people die in ICE custody.” This is the deadliest January–September period in recent years. This is more than double the number recorded in 2024 (7 deaths) and more than quadruple the deaths for 2023 (3 deaths) and 2022 (2 deaths), between January – September. As such, deaths in 2025 nearly exceed the total deaths reported in ICE custody in 2021–2024 combined, during the same January–September period.

- **Maksym Chernyak** (age 44), a Ukrainian man, died in Krome in February 2025. After he suffered a stroke, detention staff took more than 40 minutes to call 911. A medical expert noted that “[t]here was this neurological emergency — someone who was not responsive after a seizure — and a medical professional did not activate 911 for 45 minutes.”
- **Marie Ange Blaise** (age 44), a Haitian woman, died at Broward Transitional Center in April 2025. A witness said that after Blaise began exhibiting medical distress: “We started yelling for help, but the guards ignored us. Finally, one officer approached slowly, looked at her without intervening, and then walked away. After that, it took eight minutes for the medical provider to arrive, and then another 15 or 20 before the rescue team came. By then, she was not moving.” She was pronounced dead shortly after.
- **Isidro Perez** (age 75), an elderly Cuban man who had lived in the United States for six decades and had previously had four heart attacks and three catheterizations, was detained by ICE despite his medical vulnerability and died in the Krome Service Processing Center in June 2025, after reporting chest pain. Before he passed away, he reported to a loved one that he was freezing in detention, sleeping on the floor, and had asked to be taken to the medical unit but there were so many people that he had to wait.

Abuses, harrowing conditions, prolonged detention, lack of adequate mental health care, and other human rights violations have led to death by suicide and self-harm among detained individuals. Most recently, Chaofeng Ge, a Chinese immigrant, died by suicide in August 2025 at

the Moshannon Valley ICE Processing Center in Pennsylvania, where horrific conditions had been reported.

Immigration detention has long been deadly, with medical experts finding that 95 percent of deaths in ICE detention between 2017 and 2021 were preventable or possibly preventable with adequate medical care. Review by medical experts of deaths in ICE detention between 2011 and 2018 showed that ICE violated its own standards for delivery of medical care in most of these deaths. Since 2019, 69 immigrants have died in ICE detention.

Medically vulnerable or elderly individuals are often refused release or humanitarian parole or denied access to adequate medical care. One egregious example is the case of José Daniel Contreras-Cervantes, a man with a rare form of leukemia who, according to a lawsuit filed by the ACLU, went 22 days without receiving his prescribed daily medication while in ICE custody in August 2025. His family reports that “lapses in his medication and medical treatment can cause severe symptoms, including damage to his vision, infections and the loss of his life,” and that during that period he was given a substitute drug, not the one his specialist recommended, and that it failed to adequately substitute his needed medication. In another case, 73-year-old Harjit Kaur, a Bay Area grandmother detained during a routine ICE check-in, was reportedly denied basic medical and dietary accommodations while in custody. According to her attorney, Ms. Kaur, who had undergone double knee replacement surgery and suffers from thyroid issues and migraines only received only one of her prescribed medications, despite ICE having a list of five or six. Additionally, Ms. Kaur — a strict vegetarian — was not provided an appropriate vegetarian meal until six days after her arrival at the Bakersfield facility and was initially given meals containing meat.

Americans for Immigrant Justice has recently documented widespread abuses of older individuals at the South Florida Detention Facility (“Alligator Alcatraz”), including shackling during medical visits, lack of treatment for fainting episodes, and denial of regular showers or potable water. These abuses occurred in a detention environment marked by extreme temperatures, constant overhead lighting, and minimal outdoor access, conditions known to exacerbate medical vulnerability.

The Administration is also deporting medically vulnerable people without regard for their condition – interrupting critical medical treatment or otherwise putting them at risk. For instance, in April 2025, a four-year-old U.S. citizen child with stage-four kidney cancer was deported alongside his family, interrupting critical oncology treatment. In another case, Estela Ramos Baten, was deported to Guatemala along with her daughter, despite her ongoing need for medical treatment. According to reports, ICE agents confiscated her medications before she was deported — medications she could not replace in Guatemala — and she died just months later, on September 8, 2025 at age 45. There have also been multiple documented cases in which hospitals worked with ICE to remove from hospital care – and deport from the country – people who are medically vulnerable and still in need of care..

The Administration has also eroded and disregarded protections for pregnant, nursing, and postpartum people. CBP has rescinded guidance related to the care and custody of pregnant, nursing, and postpartum people. While ICE has not publicly rescinded 2021 guidance that generally prohibited detention of pregnant, nursing, and postpartum people, it is reportedly jailing these populations. In one instance, a pregnant woman had a stillbirth in ICE custody this year after pleading for medical care for three days. A July 2025 report by U.S. Senator Jon Ossoff's Office is based on hundreds of reports of human rights abuses against immigrants since January 20, 2025, including 14 reports of mistreatment of pregnant women in immigration detention such as inadequate medical care and check-ups, denial of urgent care, inadequate meals, and being forced to sleep on the floor. One pregnant woman reportedly bled for days before facility staff took her to a hospital. Another pregnant individual told the Senator's staff that she repeatedly requested medical attention while detained but was told to "just drink water" rather than being provided with a medical exam.

While the governing laws, regulations, and standards require protections for vulnerable populations, the evidence overwhelmingly indicates persistent and systemic violations. The failure to implement even the most basic medical safeguards, especially for older adults and those with serious health conditions, has led to fatal outcomes and a broader erosion of constitutional and human rights within the detention system. Civil society organizations continue to document and litigate these abuses in the absence of meaningful transparency or enforcement mechanisms within ICE. Without independent oversight and accountability, these patterns of medical neglect are likely to persist.

16. How are detainees and their families informed of transfers, processing status, and access to legal recourse if deported to unfamiliar third countries? [Commissioner Gloria Monique de Mees]

There is no systematic or transparent process by which detained immigrants or their families are informed of transfers, processing status, or avenues to legal recourse when a detained noncitizen is expelled or transferred to a third country. Transfers within the United States, and removal from the country, are often carried out with no due process protection or notice to the detained individual, family members, or attorneys.

Within the United States, individuals are routinely detained in or moved between locations such as immigration offices, detention centers across the country, and hotels that are not accessible to counsel or family and without the person's location appearing in the locator, resulting in enforced disappearances. While being removed from the United States, people have disappeared without notice to their loved ones or attorneys and have reported being put onto planes without knowing where they're going. In a May 2025 report, Human Rights and Refugees International documented reports of officers telling people they were being taken to have their asylum

interview but then transporting them to staging areas for their removal. Human Rights First has continued to receive these reports since publication of the report. People frequently report being told little or nothing about their processing status or next steps on their case, and are sometimes simply told that asylum is no longer available in the United States.

In the case of third country expulsions or deportations, asylum seekers and migrants have been sent to countries where they lack familial, legal, or linguistic support, and where they do not have a meaningful opportunity to seek asylum or other forms of protection. Families endure significant uncertainty and emotional distress, sometimes learning of a loved one's transfer or removal after the fact or even through seeing their loved ones names or pictures in media reports. Access to legal recourse is effectively foreclosed, as many are stranded in dangerous conditions – or sometimes detained incommunicado – with little to no ability to contact attorneys or challenge their removal.

The United States fails to provide meaningful notification or access to remedies for those detained, expelled, or deported, resulting in grave due process violations.

17. Could you provide more information about the right to health, with an emphasis on mental health, which is a common concern in cases of prolonged detention, isolation, and legal uncertainty? We would like to receive more information about isolation, which appears to be a concern in detention centers. [Special Rapporteur Javier Palummo Lantes]

The U.S. government fails to uphold the right to health, including right to mental health, in immigration detention and often subjects people to degrading and prolonged solitary confinement, causing their health to deteriorate further. The right to health, as recognized under international human rights law, includes the right to mental health care and protection from conditions that severely impair mental well-being. U.S. courts have repeatedly held that the Constitution guarantees a right to medical and mental health care in immigration detention.

Research indicates that prolonged immigration detention is linked to serious health issues, including mental illness, Post Traumatic Stress Disorder (PTSD), and depression. A 2025 study published in JAMA Network Open found that detained individuals report a high incidence of poor overall health and severe mental health symptoms, with longer incarceration correlating to worse outcomes. Additionally, research underscores that immigration detention acts cumulatively as a trauma, especially for those with prior vulnerabilities such as preexisting mental health conditions.

Systematic denial of mental healthcare, deteriorating detention conditions, constant threat of deportation, and uncertainty about one's deportation case all severely impact people's mental health. Our organizations continue to observe little to no access to mental healthcare in some

detention centers, including facilities where there is no psychologist on staff. ICE is also increasingly detaining people in federal office buildings for prolonged periods where there is no medical care available. In July 2025, human rights groups documented ICE's use of solitary confinement to punish people for requesting mental healthcare, in violation of detention standards, causing people to avoid disclosing mental health concerns.

A 2025 report by the California Attorney General's Office documented denial of adequate mental healthcare in detention centers across California, including inadequate staffing for adequate mental health services (with multiple facilities having no psychologist or equivalent staff to offer psychotherapy); deficient record-keeping and maintenance of files; conflicting diagnoses and prescriptions that did not correspond to the documented diagnoses; notes in medical charts copied and pasted from prior visits rather than reflecting the current visit; disproportionate use of force against people with mental health diagnoses; and widespread failure to conduct required mental health reviews as required by ICE's detention standards prior to placing them in solitary confinement.

The U.S. government's use of solitary confinement in ICE detention is a human rights crisis that has a severe impact on mental health. ICE uses solitary confinement to jail people in a small cell under nearly 24-hour lockdown for prolonged periods (in some cases months or years). Use of solitary severely impacts detained immigrants' mental and physical health and often amounts to torture as recognized by United Nations experts. These practices aggravate underlying mental health conditions, deny immigrants basic human dignity, and impede people from accessing vital services.

Detained people who have physical or mental health disabilities are often jailed in solitary confinement. Black immigrants are also disproportionately placed in solitary, according to government data obtained by the Black Alliance for Just Immigration. Immigration officers weaponize solitary confinement in a range of ways including to retaliate against people for peaceful protests in detention or for attempting to speak with reporters, to punish people for minor facility infractions, or to punish people for self-harm or attempts to seek mental health treatment. People experience PTSD and other mental health issues due to being placed in solitary, and in some cases of prolonged solitary may even experience lasting brain damage, hallucination, and reduced cognitive function.

Use of solitary has skyrocketed in the past year. Over a span of just 14 months, from April 2024 to May 2025, more than 10,500 people were placed in solitary confinement in immigration detention, according to a new report by Physicians for Human Rights. Further, solitary confinement placements involving people with vulnerabilities lasted more than twice as long as they did in the first fiscal quarter of 2022. According to a report by Physicians for Human Rights, Harvard Immigration and Refugee Clinical Program, and Peeler Immigration Lab,

between 2018 and 2023 ICE placed immigrants in solitary confinement over 14,000 times, with an average duration of 27 days.

The current Administration's dismantling of CRCL will significantly undermine efforts to document the government's abusive use of solitary. DHS's CRCL documented more than 60 complaints between 2019 and 2023 involving detained noncitizens with serious mental health conditions – including PTSD, schizophrenia, and major depressive disorder – being placed in solitary, often without proper medical care, legal access, or communication.

Detained immigrants have reported to our organizations abusive conditions in solitary, including for “suicide watch,” where they are forced to sleep on the ground without a blanket, mattress, or pillow; have their clothes taken away; and restricted from having a toothbrush or pens – meaning they cannot sign legal documents for their attorneys. We have spoken to individuals left in solitary for months at a time. We have seen the mental health of people in solitary deteriorate to the point of psychosis.

18. Given the sovereignty of the States in designing public policies, how is the human rights perspective incorporated into the development of U.S. migration policy? [Executive Secretary Tania Reneaum Panszi]

Our organizations believe that our written submissions to the Commission, remarks during the public hearing, and supporting documents establish that the human rights perspective – including human rights obligations codified in U.S. law – is not incorporated into the Administration's U.S. migration policy.

In 1968, the United States ratified the Protocol to the 1951 U.N. Convention Relating to the Status of Refugees. The U.S. Congress enacted the Refugee Act of 1980 to comply with its obligations under the Refugee Convention and its Protocol, including the prohibition on refoulement to countries where the person's life or freedom would be threatened due to their race, religion, nationality, membership in a particular social group, or political opinion. This legislation provided for the right to seek asylum for anyone at a U.S. border or within the United States (regardless of where they entered or their status) and a system for resettlement of refugees in the United States. The United States ratified the Convention Against Torture in 1994. Congress enacted the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA) and U.S. agencies subsequently promulgated regulations, which codified and implemented the Convention Against Torture's non-refoulement provision prohibiting return to torture. The United States is also bound by the International Covenant on Civil and Political Rights (ICCPR), which prohibits arbitrary arrest and detention, guarantees the right to prompt judicial review and an effective remedy, and provides for the right to family unity, among other critical rights.

The policies and actions of the Administration — separating families; carrying out mass, arbitrary arrests that employ violence and racial profiling; detaining citizens, lawful permanent

residents, and other people with protected status; denying bond hearings to the vast majority of people in immigration detention; denying people the right to seek asylum; sending asylum seekers to persecution and torture; disappearing people to third countries; suspending processing and funding for refugee admissions and resettlement; attempting to deport unaccompanied children to danger without an immigration court hearing, and many other policies — subvert human rights guarantees incorporated into U.S. law.

Current Administration policies are not only subverting U.S. law but also leading other sovereign countries to violate their own obligations under international and domestic law. For instance, as documented in this submission, many asylum seekers expelled or transferred from the United States to third countries were then detained or deprived of their rights or deported to danger in their home country.