

FORCED AND ARBITRARY DEPORTATION OF IMMIGRANTS IN THE UNITED STATES AND ITS IMPLICATION FOR HUMAN RIGHTS

UNITED NATIONS HUMAN RIGHTS COUNCIL, GENEVA, SWITZERLAND

DELIVERED BY HUMAN RIGHTS MONITORS (AN INTERNATIONAL COALITION OF NGOS BASED IN ABUJA, NIGERIA)

1. Presentation of the Coalition

Human Rights Monitors is an international coalition of human rights organizations based in Nigeria, West Africa. This coalition is committed to the protection and promotion of human rights as enunciated in various domestic and international human rights instruments. The organizations, which make up this coalition are 21st Century Empowerment for Youth and Women (an NGO with UN ECOSOC Consultative Status), Centre for Environmental Sustainability and Development Awareness (CESDA), Socio-Economic Research & Development Centre (SERDEC) and the Centre for Peace Advocacy and Sustainable Development (CESPAD).

2. Human Rights Situation Due to Forced Deportation of Migrants

Considering the unfolding human rights violations relating to the forceful deportation of migrants from the United States to their various countries of origin, and notwithstanding the right of any country to implement its lawful, fair and just policies to address illegal immigration within its borders, the degrading treatment of migrants and the flagrant abuse of their fundamental rights contravenes all known international norms. The US administration has consistently coerced recipient countries to which migrants are deported, through an elaborate tariff warfare and other related threats of economic sanctions, should they decline the receipt of deportation flights from the United States. Therefore, we the undersigned non-governmental organisations, under the platform of Human Rights Monitors, are writing to urge the United Nations Human Rights Council to urge the United States administration to respect the fundamental rights of immigrants.

3. Plan of the Statement

This statement addresses the following issues:

1. Human rights violations being perpetrated as a result of the forceful deportations of immigrants in the United States.
 2. The social and economic rights of immigrants being forcefully deported
 3. Roles and responsibilities towards protecting and promoting the rights of immigrants in the United States.
 4. Recommendation And Conclusion
1. Human rights violations being perpetrated as a result of the forceful deportations of immigrants in the United States.

Since January 20, 2025, the Republican-led administration in the United States started the implementation of a policy of mass deportations. These sweeping deportations violate the fundamental human rights of millions of immigrants affected, while undermining international and municipal law. The world has been treated to shocking scenes in which the homes of immigrants are raided, and their mass arrests effected, just as they are removed and placed in detention facilities, before being flown to their countries of origin, without due consideration for the genuine reasons, which made these immigrants leave their countries of origin in the first place.

Executing these degrading policies of mass arrests, detentions, and removals of people, some of who have spent decades in the United States as well as those who recently arrived in the guise of ridding the US of criminals, runs contrary to the principles of natural justice and fair hearing. These actions of the United States, which prides itself as the bastion of democracy and human rights, violates the rights of asylum-seekers and migrants, while denying them the opportunity to ask for safety, and security. In the process of implementing these mass deportations, acts such as arbitrary detention, traumatizing separation of immigrants from their families, the disruption of hitherto harmonious communities, and the subjection of those affected to racial profiling, combine to undermine their fundamental human rights as enshrined in international and municipal human rights instruments.

There can be no mistaken the fact that the government of the United States is obligated in the context of international law to ensure that its programs, policies and domestic priorities do not mortgage the rights of immigrants on the altar of political expediency. The safety, welfare and well being of immigrants should not be thrown overboard in an attempt to legitimize discriminatory policies focusing on the urge to crack down on immigration.

The resort to mass deportation of law-abiding immigrants violates several human rights and freedoms. These include protection against return to a country where people are at real risk of torture and other serious human rights harms (refoulement); the right to seek asylum; freedom from arbitrary detention; due process; family unity and children's rights; and non-discrimination.

It is equally pertinent to draw international attention to the effects of the current immigration crackdown on families of immigrants. Several international human rights campaigners have identified how Customs and Border Protection (CBP) have introduced more arbitrary measures, including the detention and separation of families, which have for years built their lives in the United States. Recently, a Venezuelan family with Temporary Protected Status (TPS) and pending asylum applications, was detained and charged with illegal entry to the United States.

According to Amnesty International USA, it is the first time that the United States has used 8 U.S. Code 1325, the provision of immigration law that was the basis for the Trump administration's family separation policy in its first term, to target a family that has been in the United States for years, rather than recent arrivals at the U.S./Mexico border. The family, including three children under the age of 12, entered the U.S. in 2022 through Texas and have pending asylum applications along with valid and active TPS for Venezuela.

This move has been rightly described as a blatant and outrageous subversion of the law being used to target immigrants and separate families that have already built lives in the United States. In recent weeks, the administration in the United States has unleashed a series of actions that dehumanize, criminalize, and cause real suffering to people who have fled human rights crises in other parts of the world to seek safety. The United States administration continues to implement increasingly cruel and shocking tactics to strike fear in communities, separate and detain families, and target activists and beloved community members. In the course of judicial oversights to deter these violations, the federal judge overseeing the case of the Venezuelan family stated in court recently that the legal foundation used by the United States administration in relation to its actions targeting this family are unknown, making this particular case precedent-setting.

The human rights violations can equally be seen in situations where young children watch their parents being taken away from their homes in handcuffs. Apart from the mental trauma children are likely to suffer from such harsh treatment, they see their parents caught up in a discriminatory system in which their suffering is prolonged and their rights are not protected. There can be no mistaken the fact that family separation causes long lasting trauma, particularly in children, and is a practice that

should not have any place in a society where human rights and dignity are valued and protected.

The violations being perpetrated by the United States administration undermine the various international human rights instruments, which explicitly uphold the universal notion that the 'family' is the fundamental unit of society. It runs contrary to the spirit and the letters of international and corresponding municipal laws, which enunciate a variety of rights and obligations pertaining to the family. It is expected that these obligations should be respected in all laws, policies and interventions pertaining to the family.

This has not been the case with the United States renewed crackdown and its dehumanization of immigrants. Under the 2030 Agenda, States in the international community, resolved and are committed to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner. Through the 17 Sustainable Development Goals (SDGs) and its 169 targets, the 2030 Agenda seeks to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls (Preamble, paras. 19-20). Moreover, under this Agenda, world leaders committed to promote cohesive families (para. 25). The United States administration's action constitute a gross violation of these commitments so long as they continue policies, which undermine the rights of family members to be together, through the harassment, detention and ultimately, the deportations of immigrants.

2. The social and economic rights of immigrants being forcefully deported

It is pertinent to state the responsibility of the United States in the context of its adoption of the Refugee Protocol into US law. This adoption took the form of the United States Refugee Act of 1980, which was passed by unanimous vote in the Senate and assented by President Jimmy Carter. It was stated at the time that: "The Refugee Act reflects our long tradition as a haven for people uprooted by persecution and political turmoil." We also refer to the 1967 Protocol and the 1951 Convention on the Status of Refugees.

Article 1 defines "refugee" as any person who is outside the country of his or her nationality owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, and who is unable or, owing to such fear is unwilling to return to his or her country.

It is antithetical to the core principles of human rights, international and natural justice to classify refugees seeking asylum who cross borders for help and refuge as criminals. Article 31 says states shall not impose penalties, on account of their illegal entry or presence, on refugees coming from a territory where their life or freedom was threatened. They must promptly present themselves to the authorities and show good cause for their illegal entry or presence.

Article 33, which forms the crux of the Refugee Convention, makes it clear that: "No Contracting State shall expel or return (*"refouler"*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Nonetheless, persons convicted of criminal offences are declared illegible to be protected as refugees. Article 1 F denies refugee status to anyone against whom there is evidence of a war crime, crime against humanity, or a serious non-political crime. Furthermore, Article 32 holds that States Parties shall not expel a refugee from their territory except in pursuance of a decision reached in accordance with due process of law. Looking at the spirit and the letters of these international laws, the raids and

rounding up of immigrants in the United States for detention and later forced deportation by the United States Immigration and Customs Enforcement (ICE), without trials, undermine these globally accepted norms and standards.

3. International laws being breached by the United States Administration

a) Universal Declaration of Human Rights:

- Article 9: No one shall be subjected to arbitrary arrest, detention, or exile.
- Article 14: Everyone has the right to seek and enjoy asylum from persecution in other countries.
- Article 15: Everyone has the right to a nationality, and no one shall be arbitrarily deprived of their nationality or denied the right to change their nationality.

(b) International Covenant on Civil and Political Rights*:

- Article 13: An alien lawfully in the territory of a State may be expelled only pursuant to a decision reached in accordance with law and has the right to appeal.
- Article 7: No one shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment. Deportation actions that result in such consequences may violate this provision.

(c) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

- Article 3: No one shall be expelled to a country where they may face torture.

(d) Convention on the Rights of the Child:

- Article 3: The best interests of the child shall be a primary consideration.
- Article 9: Ensure that a child shall not be separated from their parents unless it is in their best interests.
- Article 22: Refugee children shall receive appropriate protection and humanitarian assistance.

(e) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families:

- Article 22: Migrant workers and their families shall not be subject to collective expulsion, and each case shall be examined individually.
- Article 23: Migrant workers have the right to consular assistance.

(f) Convention Relating to the Status of Refugees:

- Article 33: Prohibits the expulsion or return of refugees to countries where their life or freedom would be threatened (the principle of *non-refoulement).

(g) International Convention on the Elimination of All Forms of Racial Discrimination:

- Article 5: Ensures that everyone is free from racial discrimination and enjoys equal rights, including rights related to residence and deportation.

4. Roles and responsibilities towards protecting and promoting the rights of immigrants in the United States

Refugees and immigrants who are seeking asylum are lawfully present in the US under both US and international law. Under no guise should they be tagged criminals for entering without visas. This assertion similarly applies to persons granted Temporary Protected Status (TPS) by Presidential Order. They include; Venezuelans, Haitians, Cubans, Salvadorans, Nigerians, Senegalese and others fleeing dictatorship, war, famine and gross human rights violations.

5. Recommendations And Conclusion

We recommend that the UN Human Rights Council under this Universal Peer Review (UPR) to urge the state concerned to urgently address these violations, and among other actions:

- Requests the United Nations High Commissioner for Human Rights to urgently organize on the most expeditious basis possible an independent investigative mechanism, comprising three existing international and regional human rights experts, for a period of one year, renewable as necessary, and complementing, consolidating and building upon the work of the designated Expert on Human Rights and the country office of the United Nations High Commissioner for Human Rights, with the following mandate:
- To establish the facts, circumstances and root causes of any such violations and abuses, to collect, consolidate, analyse and preserve documentation and evidence, and to identify, where possible, those individuals and entities responsible;
- To make such information accessible and usable in support of ongoing and future accountability efforts, and to formulate recommendations on steps to be taken to guarantee that the authors of these violations and abuses are held accountable for their acts and to end the cycle of impunity in the United States, where mass deportation have torn families apart and seriously affected communities;
- To provide guidance on justice, including accountability, reparations, and guarantees of non-recurrence;
- To integrate a gender perspective and a survivor-centred approach throughout its work;
- To engage with affected populations parties and all other stakeholders, in particular United Nations agencies, civil society, refugees, the designated Expert on Human Rights, in order to provide the support and expertise for the immediate improvement of the situation of human rights and the fight against forced and discriminatory deportations; and
- To ensure the complementarity and coordination of this effort with other efforts of the United Nations, and other appropriate regional and international entities for an end to these violations.

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