

GAF Submission to the UPR of the United States of America

50th UPR session, 2025

The Geneva Agape Foundation (GAF) is a Geneva-based non-profit Foundation under Swiss law. It has ECOSOC status at the UN and is regularly active at UN Geneva, among others in side-events during the UN Human Rights Council sessions. The following Submission on the UPR of the United States of America focusses on

1. Human Rights and Climate Change
2. Migration
3. Right to Education (only briefly)

1. Human Rights and Climate Change

The United States of America received and supported three recommendations concerning climate change during their 3rd UPR review cycle in 2020. They are the following:

26.150 Advance towards the implementation of instruments to combat climate change and its negative impacts on human rights (Bahamas);

26.151 Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change adaptation and mitigation frameworks (Fiji);

26.152 Pursue the fight against the global problem of climate change and its negative impacts, in particular by strengthening cooperation with the international community in this area (Haiti);

The GAF considers that the measures taken by the US to implement those commitments were insufficient and contradictory over the period under review, thus those commitments remain partially implemented (26.151) or not implemented yet (26.150 and 26.152).

Among the **positive measures taken** by the US during the administration of Joe Biden, are the following:

- Rejoining the Paris Agreement on February 19, 2021. The U.S. had committed to reducing greenhouse gas emissions by 50-52% by 2030 compared to 2005 levels, and it was making progress in that direction, but recent measures may threaten that progress.

The American Rescue Plan adopted in 2021 to address the impact of COVID 19 but also included measures to address climate change, investing in clean energy jobs and supporting environmental justice.

The Infrastructure Investment and Jobs Act in November 2021, included funding for electric vehicle (EV) charging infrastructure, clean energy transmission projects, modernizing the power grid to withstand climate events, environmental remediation, including cleaning up contaminated sites and supporting communities impacted by pollution.

Perhaps the most significant measure for addressing climate change in US history, the Inflation Reduction Act (2022), included \$369 billion allocated for energy security and climate change programs over the next decade; investments in clean energy technologies, including wind, solar, and electric vehicles; tax incentives for consumers to purchase electric vehicles, solar panels, and energy-efficient appliances; expansion of the Investment Tax Credit (ITC) and Production Tax Credit (PTC) for renewable energy projects; establishment of the Environmental Justice Fund to address pollution in disadvantaged communities; and incentives for carbon capture technologies and green hydrogen development.

The Biden administration also issued numerous executive orders aimed at reducing emissions and accelerating clean energy adoption, including to pause new oil and gas leases on federal lands and waters (2021); to reduce methane emissions from the oil and gas industry, particularly through tighter regulations and monitoring; setting a goal for carbon-free electricity by 2035 and a net-zero emissions economy by 2050; and focus on clean vehicle standards, including requiring zero-emission vehicles for a significant percentage of the U.S. fleet.

In relation to the recommendation 26.151 by Fiji, climate change adaptation and mitigation frameworks; the US took several initiatives increasing funding to help states, cities, and communities become more resilient to climate impacts; and enhancing climate resilience in infrastructure, agriculture, and urban planning were advanced through multiple federal funding initiatives, including through the Climate Resilience Fund.

In relation to recommendation 26.152 by Haiti, Pursue the fight against the global problem of climate change and its negative impacts, in particular by strengthening cooperation with the international community in this area, the US rejoined the Paris agreement, but President Trump ordered the withdrawal in January 2025. The U.S. engagement with the COP summits and other multilateral for a will likely be stopped. All of these goes against the commitments undertaken at the UPR.

By the end of Biden administration, there was a strong growth in the energy system, increasing use of electricity, also a growth in the energy system that is more climate friendly. There was a dramatic growth in the investment in renewable power and in the capacity to manufacture components that go into renewable energy plants. In 2024, the United States invested in solar power almost 50 times the investment in new natural gas capacity, growing investment in wind power and the capacity to manufacture solar panels.ⁱ

The new US administration under President Trump has started to backtrack the progress achieved during previous years. It has started with the Executive Order to withdraw from the Paris Agreement. Other measures are triggering a dramatic shift including in areas such as fossil fuel production, electric vehicle subsidies, and climate change mitigation.

On January 20th 2025 President Trump signed an Executive Order declaring a **national emergency** in the energy sector and calling on agencies to try to find new ways to quickly invest in fossil fuel extraction and fossil fuel generation across the country.

Several executive orders signed on the first day of President Trump's administration directed government agencies to undertake efforts to try to advance his energy agenda: the Environmental Protection Agency to revisit some of the Biden-era regulations intended to reduce carbon dioxide emissions in the power sector or carbon dioxide emissions from the tailpipes of personal automobiles; calling on the federal agencies that manage public lands to try to increase the amount of leasing of those public lands to oil and gas development; or freezing processes to promote alternative sources of energy. These orders are in process of planning and implementation by the respective departments and may take time to be operational, and may ultimately be challenged before the courts.

Recommendations

- Take measures to guarantee the production and availability of information on weather and climate for scientist and the public in general
- Rejoin the Paris Climate Agreement, without delay

2. Migration

The US has received and supported the following recommendations in relation to migration into the U.S.:

26.328 Step up measures to protect and ensure the rights of migrants (Myanmar);

26.329 Strengthen the rights of migrant workers and their family members (Egypt);

26.330 Institute adequate mechanisms and means to deal with migratory flows in full respect with human dignity and international standards (Turkey);

26.331 End the zero-tolerance policy and protect the rights of migrants (Bolivarian Republic of Venezuela);

26.332 Review administrative measures that criminally penalize migrants who enter the country without authorization (Argentina);

26.333 Ensure that detention conditions for immigrants, particularly for minors, comply with international human rights law (Norway);

Recommendations dealing with the protection and expansion of migrant rights

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The complex and long term nature of migration and a series of disagreements among politicians have meant that U.S. policies to address migration and its root causes met limited success. There are signs that the progress achieved in recent years are not under question by regressive policies adopted by the new Trump administration.

In relation to UPR recommendations 328, 329 and 330, President Joe Biden (who took office in January 2021) adopted measures focused on undoing many of the policies implemented by the previous administration (under President Trump) and attempted to address the root causes of migration. In a dramatic turn of events, the new administration by President Trump who took office in January 2025 is reversing those measures to aimed at managing migration within humanitarian and human rights considerations.

The Migrant Protection Protocols, also known as "Remain in Mexico" Policy initiated under the first Trump administration, required asylum seekers to stay in Mexico while awaiting their court hearings in the U.S., but Biden reversed this policy, which had met some legal challenges. On 20 January 2025, Trump issued an order calling for the resumption of that policy.ⁱⁱ The same order calls for "additional international cooperation and agreements," citing the "safe third country" provision in US law, which allows the deportation of third country nationals to other countries considered to be "safe". The US is now said to be deporting nationals of Afghanistan, China, Pakistan, and Uzbekistan to Costa Rica and to Panama for their onward deportation.ⁱⁱⁱ

Other Biden era measures and policies that are being reversed by the new Trump administration include:

The U.S. Citizenship Act of 2021, proposed a comprehensive immigration reform proposal, including provisions allowing access to citizenship for some 11 million undocumented immigrants in the U.S.; expanding the DACA program (Deferred Action for Childhood Arrivals), which protects so called “Dreamers” (immigrants brought to the U.S. as children); and some improvements to the family reunification system for immigration.

The Biden administration also sought to rebuild and streamline the asylum process, and directed the U.S. Citizenship and Immigration Services (USCIS) to focus on improving the processing of asylum claims and reducing backlogs; ending restrictions to request asylum in the U.S. such as the safe third country agreements and ending the banning of migrants from certain countries from asylum. Biden also sought to address the root causes of migration by providing funding for programmes to address poverty, violence and corruption in some Central American countries, and adopted measures to improve the treatment and care of unaccompanied minors at the U.S.- Mexico border, reducing the time minors spend in detention centres.

In a wide-ranging executive order signed 20 January 2025, “Protecting the American People”,^{iv} President Trump revoked many of the orders issued by his predecessor Joe Biden, which covered many of the above measures that aimed at expanding the protection of migrant rights. Trump ordered an expanded expedited removal policy, allowing the deportation of someone without a court hearing. U.S. officials are also authorized to arrest someone accused of entering the country without inspection anywhere inside the U.S. and subject them to expedited removal if they believe that person has been here for less than two years, with the burden on the immigrant to prove that they have been here for longer (a proof that the detained migrant is usually not able to provide in short time and without a court hearing).

The order also requires all noncitizens to register and present their fingerprints to the U.S. government under penalty of being subject to criminal penalties should they fail to do so. It also instructs the Department of Homeland Security (DHS) to “ensure” that work permits are not given to people without other legal status—even if they have a pending immigration application.

The order further provides for:

- the Office of Management and Budget (OMB) to take action to ensure no public benefits are provided to unauthorized immigrants.
- revocation of all federal funding to states and localities deemed to be “sanctuary” jurisdictions.
- revoking all Biden policies setting priorities for immigration enforcement.

- audits of any federal contracts with non-governmental organizations engaged directly or indirectly in assisting undocumented immigrants in any way, freezing all funding during these audits, and threatening to order the return of those funds following the audit.

Temporary Protected Status (TPS)

Biden had extended and expanded TPS designations for individuals from countries experiencing crises, such as Haiti, Venezuela, Ukraine and El Salvador. However, on 25 March 2025 the new Trump administration moved to end the TPS programme as well as others, marking a significant departure from decades of humanitarian relief offered to individuals fleeing war, natural disasters, and instability.

TPS, established by Congress in 1990 under the Immigration Act, provides temporary relief from deportation and work authorization to nationals of countries facing extraordinary conditions that make return unsafe. Beneficiaries may be allowed to stay for 6, 12, or 18 months, and their status has often been renewed. Up to 2025, some 17 countries were under active TPS designation, protecting nearly a million people. The Trump administration has moved swiftly to revoke Biden-era extensions, targeting countries like Haiti and Venezuela. According to sources, the decision to end TPS for Haiti, announced in February 2025, would affect roughly 500,000 Haitians while the revocation of TPS for Venezuelans, would impact up to 472,000 individuals, when they come into force in April 2025.^v

The Trump administration has also taken action to end the CHNV (Cuba, Haiti, Nicaragua, Venezuela) parole program—which protects some 530,000 people—ending their protected temporary status by April 24, 2025. This measure will increase the number of unauthorized immigrants from those countries for lack of a legal and safer alternative.

The human and economic cost of these measures is likely to be enormous. Many of the beneficiaries have lived and settled in local communities for years, found work or started their own businesses, founded families and friends. Their contribution to local economies and community life has been important. They risk now to be outrooted, in some cases separated from their families and deported to unsafe and dangerous countries like Haiti or Venezuela. These measures are currently facing court challenges, but the current administration is using criminalizing rhetoric to justify their decisions arguing that those being deported are gang criminals.

Recommendation 26.331 by Venezuela, focussed on ending the zero-tolerance policy and protect the rights of migrants (Bolivarian Republic of Venezuela).

U.S. action to meet this commitment is being undone now by the new Trump administration. The "Zero Tolerance" Policy had led to the separation of families at the U.S.-Mexico border. Biden signed an executive order to reunite families that had been separated under this policy.

Recommendation 26.332 Review administrative measures that criminally penalize migrants who enter the country without authorization (Argentina);

The presidential order “securing our borders” 20 January 2025, provides for the resumption of a reinvigorated criminalization policy towards unauthorized immigration: “(e) Pursuing criminal charges against illegal aliens who violate the immigration laws, and against those who facilitate their unlawful presence in the United States”. The order also grants authorization to the Attorney General and the Secretary of Homeland Security to take appropriate action **to prioritize** the prosecution of offenses that relate to the borders of the United States.^{vi}

Recommendation 26.333 Ensure that detention conditions for immigrants, particularly for minors, comply with international human rights law (Norway);

Another order by President Trump provides for the deployment the US armed forces “to seal the borders and maintain the sovereignty, territorial integrity, and security of the United States by repelling forms of invasion including unlawful mass migration.”^{vii} The US naval base at Guantánamo, Cuba is now being used to detain migrants and US military flights are being used to deport migrants.

The presidential order “securing our borders” establishes as a policy objective “detaining, to the maximum extent authorized by law, aliens apprehended on suspicion of violating Federal or State law, until such time as they are removed from the United States.” This measure would literally run against U.S. UPR commitments, the Global Compact on Safe, Orderly and Regular Migration, adopted by the UN General Assembly in 2018, and international human rights law, when other alternative measures such as the Immigration and Customs Enforcement’s (ICE) Alternatives to Detention Program (ATDP) showed to be good cost-effective non-custodial means of supervision. Reports show that one subprogramme, the Family Case Management Program, had a compliance rate of 99 percent with ICE check-ins and court hearings before the first Trump administration terminated it in 2016, thus showing it was a viable alternative.^{viii}

4. The Right to Education

In relation to the right to education, the US received and supported only one recommendation:

26.313 Take further robust and comprehensive measures to promote wider and equitable access to quality education at all levels (Botswana).

We summarize as for the other two topics: The USA substantially contributed to the promotion of wider and equitable access to quality education within USA, but also especially globally by the broad educational programmes supported and funded by USAID. The recent dramatic cuts, almost



dismantling of the funding of USAID since the beginning of 2025 dramatically undermines this equitable access to quality education within and outside the USA.

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Geneva 4 April 2025

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ⁱ <https://www.hks.harvard.edu/faculty-research/policy-topics/environment-energy/sudden-turns-and-long-lived-investments-trump>

ⁱⁱ Securing our borders, 20 January 2025 <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>

ⁱⁱⁱ <https://www.nytimes.com/2025/02/13/us/politics/trump-deportations-panama.html>

^{iv} <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

^v <https://antone.com/blog/end-of-temporary-protected-status-tps-under-the-trump-administration/>

^{vi} <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>

^{vii} <https://www.whitehouse.gov/presidential-actions/2025/01/clarifying-the-militarys-role-in-protecting-the-territorial-integrity-of-the-united-states/>

^{viii} <https://www.hrw.org/news/2025/02/20/ten-harmful-trump-administration-immigration-and-refugee-policies>