

**United Nations Human Rights Council
Universal Periodic Review- UPR for USA 50th Cycle November 2025**

Submitted by:



INTERNATIONAL PRESENTATION ASSOCIATION. The International Presentation Association is a global organization of Presentation Sisters and Presentation People from across the world, who believe in the universal value of Human Rights and speak and act in partnership with others for global justice.”

edmund rice



international

EDMUND RICE INTERNATIONAL. Edmund Rice International is a global network determined to promote and protect the rights of Earth and its peoples. Members work in over twenty-five countries to ensure that marginalized children and their communities can build healthy partnerships with their local ecosystems, access education and the services they are entitled to from their societies



THE CONGREGATION OF THE MISSION. The Congregation of the Mission is a global organization of Catholic priests and brothers dedicated to serving people in poverty through religious services and initiatives to assist them in changing the systems that keep them poor. Trafficking is a form of poverty.



THE COMPANY OF THE DAUGHTERS OF CHARITY OF SAINT VINCENT DE PAUL. The Company of the Daughters of Charity of Saint Vincent de Paul is an international Company at the service of others, especially our excluded and marginalized Brothers and Sisters. We engage in advocacy and human rights to improve the quality of life for those living in poverty and enhance the stewardship of the environment. We join our voices with those of other NGOs to influence critical global policy issues.

INTRODUCTION

This joint stakeholder submission to the Universal Periodic Review is made by a coalition of faith-based and civil society groups and organizations including the International Presentation Association (IPA), and the Edmund Rice International (ERI) and supported by local grassroots groups and national and international organizations.

The submitting organizations respect the progress made by the United States of America in promoting and safeguarding human rights and the commitments made in relation to previous UPR cycles but believe there are areas requiring further attention. This joint submission focuses on three interrelated areas of concern in the United States: human trafficking; domestic and gender-based violence; and the rights of migrants, refugees and asylum seekers. The authors/cosigners understand that many aspects of these areas intersect and overlap. Some aspects are addressed in more than one section.

CONTEXT & METHODOLOGY

A. Human Trafficking:

1. The section on human trafficking has been prepared from consultations with civil society individuals, groups and organizations working to combat human trafficking. Information for this submission has been developed from various reports reviewing human trafficking in the United States - including the US State Department's *Trafficking in Persons* reports, the Alliance Against Human Trafficking, the United States Advisory Council on Human Trafficking, the United States Justice Department, the Department of the Interior Indian Affairs, the Interagency Task Force to Monitor and Combat Trafficking in Persons, the Senior Policy Operating Group, the United States Department of State, the United States Health and Human Services Department, as well as other United States Government Agency reports and submissions from civil society groups and organizations.

B. Domestic and Gender Based Violence:

2. In 1993, the United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women (A/RES/48/104). The Declaration defines violence against women as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'.
3. The section dealing with Domestic and Gender violence against women and children is based upon information obtained from the several United States Government departments, including the Department of State and Department of Justice, the *Report to Congress from the Office on Violence Against Women (OVW)*, the *Report to Congress from the White House Gender Policy Council/National Plan to End GBV: Strategies for Action*, as well as local and state governmental entities. Additional research compiled by civil society groups

and organizations including the Substance Abuse and Mental Health Services Administration-(SAMHSA), the Office on Violence Against Women (OVW), Young Women's Christian Association (YWCA), the National Organization for Women (NOW), and the United Nations Commission on Women (UNWOMEN) has been utilized. Information gleaned in consultation with professionals, service providers and practitioners working with, and for, victims of domestic and gender-based violence such as the Mayor's Office on an End to Domestic and Gender based Violence (NYC).

C. Migrants, Refugees and Asylum Seekers:

4. The section dealing with issues facing migrants, refugees and asylum seekers has been developed upon data and research available by various civil society organizations, such as the American Immigration Council, as well as from narrative reports by volunteers and professionals working with and serving asylum seekers and refugees in various settings.

A. HUMAN TRAFFICKING: CONCERNS AND RECOMMENDATIONS

5. The United States has been recognized as a country of origin, transit and destination in the trafficking of persons. Human traffickers exploit domestic and foreign national victims in the United States, as well as victims from the United States abroad. Human trafficking cases have been reported in all 50 states, the District of Columbia, and most U.S. insular areas. Individuals who entered the United States with and without legal status have been identified as trafficking victims. Victims originate from almost every region of the world. Human trafficking patterns in the United States continue to reflect the living legacy of the systemic racism and colonization globalized during the transatlantic slave trade through chattel slavery and regional practices of Indigenous dispossession.ⁱ The continuing prevalence of trafficking in the United States and the State's response is a cause of serious concern. The US State Department's 2024 Trafficking in Persons Report has listed the United States in the Tier 1 position.ⁱⁱ While Federal laws and policies support this designation, many individual state laws do not.ⁱⁱⁱ Globally, the United States is considered one of the countries with the highest rates of human trafficking. According to a report by the State Department, the United States was among the top three nations of origin for victims of human trafficking.^{iv}

I. Recommendations

- a. An updated National Action Plan, that includes a budget, a specific allocation of responsibilities and a time frame, is essential. This plan must address issues of inconsistency among state and federal statutes and how to ensure consistency across borders.
- b. The US Government must continue the work of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.^v This work is critical to decreasing the rate of trafficking, rescuing and assisting survivors, and assuring the arrest, prosecution and appropriate sentencing for traffickers. (A/HRC/46/15/

26.279 (Republic of Moldova); (A/HRC/46/15/ 26.281 (Nigeria)

Commitments and Obligations Under International Treaties

6. The United States has not ratified the Optional Protocol to the Convention of the Rights of the Child (CRC). The US Senate unanimously approved both the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and President George W. Bush signed them into law in 2002, However, the United States has taken no action to ratify the Protocol.

II. Recommendations

- a. The United States must ratify the Optional Protocol to the CRC without delay.
(A/HRC/46/15/ 26.49 (Switzerland; (Rwanda); (Bahamas); (Luxembourg) (Mali); (Morocco)

Concern: American Indian And Alaska Natives Continue to Experience Trafficking at Higher Rates Than Other Ethnic Groups

7. The United States has treaty obligations to the 574 federally recognized Native American tribes. In the United States, the rates of missing Native American and Alaska Native persons, particularly women and children, are exponentially higher than white Americans. Many of those missing are believed to be in trafficking situations.
8. The National Crime Information Center reports that, in 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls, though the US Department of Justice's federal missing persons database, *NamUs*, only logged 116 cases.^{vi} 40 percent of all victims of sex trafficking are identified as American Indian and Alaska Native women. In 2023 alone, over 5,800 American Indian and Alaska Native females were missing—and 74 percent were children.^{vii} The rate of missing Indigenous persons in many US States is higher than other ethnicities. For example, currently in South Dakota, 68% of those reported missing are Indigenous, despite the population of the state being 8.5% indigenous. Many of those missing are believed to be in trafficking situations.

III. Recommendations:

- a. The United States must increase coordinated efforts with Sovereign Nations, as well as local tribal governments and law enforcement agencies, to identify victims, educate the public and take measures to prevent trafficking.

Concern: Failure to Identify Victims of Human Trafficking

9. The United Nations estimates that only 1 out of 100 victims is identified and rescued.^{viii} The United States continues to fail in effectively identifying victims of human trafficking. This represents a failure to uphold the right to life, liberty and security of persons. Many US citizens report not knowing how to identify trafficking in their communities.^{ix} According to information gathered from Shared Hope International, only 19 US States & the District of Columbia statutorily mandate that Law Enforcement Officers must receive training on human trafficking.^x 21 other States make training on human trafficking available, while 21

States & DC make the human trafficking training protocols specific to minors. The Government Accountability Office (GAO) completed a survey and reported that respondents identified a lack of training on not only identifying victims, but also a lack of resources to overcome barriers in investigating, responding to and servicing victims.^{xi}

10. The annual Trafficking in Persons (TIP) Report, a key global assessment tool implemented by the State Department, provides numerous anti-human trafficking non-profits with the data essential to allocate resources for victims.^{xii} On January 20, 2025, the Trump administration signed an executive order, “Ending Radical and Wasteful Government DEI Programs and Preferencing.” Previously, these reports documented racial disparities and risks associated with LGBTQ+ individuals, who make up most of the victims according to the U.S. Department of Human Health Services (HHS). Without these data points, both domestic and international anti-trafficking efforts will struggle to allocate resources effectively and create sustainable change for victims, leaving the most at-risk populations susceptible to harm.^{xiii} Traffickers frequently prey on individuals facing social and economic marginalization, with LGBTQ+ and Black youth experiencing higher rates of homelessness, job insecurity, and familial rejection conditions traffickers' exploit. Likewise, Black and Latino youth are disproportionately represented among trafficking victims due to systemic inequalities. In King County, Washington, for example, 84% of child sex trafficking victims are Black, despite making up only 7% of the population. The new directive eliminates the ability to track such disparities, preventing targeted prevention strategies.^{xiv}

IV. Recommendations:

The United States must:

- a. Provide training in communities and individuals, particularly in areas with a higher rate of trafficking. Such training should be appropriately resourced and mandated for those frontline personnel in positions likely to encounter trafficking. Specialized training should be provided to frontline personnel who may encounter child victims of trafficking. **(A/HRC/46/15/ 26.101 (Greece))**
- b. Increase the collaboration between local, state, tribal, and federal agencies to assure consistent application of best practices in identifying and rescuing human trafficking victims.
- c. Disseminate useful training materials to various audiences including civil society, social workers and healthcare professionals. This ensures that formal identification and victim services are available without the need for referral from, or requirement to cooperate with, law enforcement.
- d. Strengthen interagency cooperation and data-sharing mechanisms between federal, state, and local agencies and immediately rollback anti-DEI executive orders cutting funding to essential reporting organizations

Concern: Trafficking for Sexual Exploitation

11. Human trafficking for the purposes of sexual exploitation is the most prolific form of human trafficking identified in the United States, especially affecting women and children, in violation of the right to life, liberty and security of persons outlined in the Palermo

Protocol.

12. In 2023, over 68% of trafficking victims in the United States were trafficked for sexual exploitation,^{xv} the majority of whom were female. The victims of other forms of trafficking, such as domestic work, are also particularly vulnerable to sexual exploitation and 13% of trafficking victims report being trafficked for both labor and sexual exploitation.
13. The demand for trafficking for sexual exploitation is driven by the demand for both pornography and for the purchase of sex. A 2011 analysis from the third wave of the US National Longitudinal Study of Adolescent Health (Add Health), reported that 5.1 % of males reported paying for sex.^{xvi} Current and accurate data is difficult to be reported, a fact which contributes to the difficulty in decreasing trafficking rates.
14. Trafficking also intersects with the hospitality and services sector, with the privacy afforded by hotel accommodation used for sexual exploitation through trafficking. The Polaris Project, utilizing data from the Human Trafficking Hotline number, “found that 75% of human trafficking survivors reported coming in contact with hotels at some point during their trafficking situation”.^{xvii}

V. Recommendations:

The United States must:

- a. Ensure federal funding and support of research and data collection on drivers of sexual exploitation and trafficking.
- b. Ensure that crimes related to trafficking are properly investigated, and perpetrators are brought to justice.
- c. Provide educational training for all social workers, counselors, teachers, and healthcare providers, especially those involved with child victims of trafficking.
- d. Establish close and continued collaboration with local organizations, NGOs, and civil society, to provide training for staff in frontline professions.

Concern: Failure to Support Victims of Trafficking

15. At the present time, Federal services are ‘technically’ available for individuals who have experienced human trafficking. However, services vary depending on factors such as age, immigration status, income, residence, and others.^{xviii} The variation among state and local communities however, results in systems that fail to support survivors.^{xix}
16. A 2024 study of Housing Needs of Trafficking Victims concluded that, “although many program models and approaches to service provisions exist that are well suited to addressing the housing needs of survivors of trafficking, they are typically not scaled to meet the need. Beyond increased resources and increased training, technical assistance is needed to better coordinate across often siloed housing and service providers and to better integrate trafficking-focused providers into the mainstream housing and homelessness systems”.^{xx}
17. Furthermore, while services are available in many areas, “service provider stakeholders identified a general lack of housing and service resources in rural areas.” Where these

resources are available and affordable, lack of public transportation or personal vehicles makes transportation a significant issue. Without transportation, people are unable to access services regularly which is a significant barrier to survivor stability.^{xxi}

VI. Recommendations:

The United States must:

- a. Enact and implement legislation to provide victims of trafficking with specialized assistance and legal protection regardless of their nationality or immigration status.
- b. Provide appropriate accommodation to survivors of human trafficking, as well as support to all individuals involved with survivors of human trafficking, including vulnerability assessment, especially to case-workers who respond to the needs of victims of trafficking.
- c. Establish a specific child-centered referral mechanism.

Concern: Failure to Secure Criminal Convictions

18. The United States federal government and all fifty states have passed laws that criminalize human trafficking and support the identification and prosecution of human trafficking perpetrators. Despite the passage of these laws, only a small number of human trafficking cases have been prosecuted.^{xxii} Despite the rising number of reports and suspects, prosecution and conviction rates for human trafficking are lower in 2022 and 2023 than seen in 2019.^{xxiii} Additional concerns arise when considering that since 2017, the number of defendants charged has decreased by 37 percent.^{xxiv}
19. Many human trafficking cases cannot be prosecuted at the federal level due to jurisdictional limitations and time and resource constraints. In the United States, State prosecutions are becoming more common and are projected to make up the majority of human trafficking prosecutions in the coming years.

VII. Recommendations:

The United States must:

- a. Implement and enforce the human trafficking laws by bringing perpetrators to justice with sanctions commensurate with the gravity of their crimes. Cases of human trafficking should be prosecuted as an offence and a crime under the Human Trafficking Acts rather than under offences carrying lesser penalties.
- b. Assign a leadership role to the Human Trafficking Prosecution Unit (HTPU) within the Civil Rights Division of the Department of Justice toward collaborating and assisting individual US States with securing charges and prosecuting traffickers with consistent laws and policies.

Concern: Prosecution of Victims of Trafficking

20. Victims of trafficking who are forced to engage in criminal activity are often not protected from prosecution. This undermines the United States' commitment to "protect and assist the victims of such trafficking" under the Palermo Protocol. Furthermore, the threat of prosecution deters victims of trafficking from exercising their right to seek protection and remedy.
21. Every US State has enacted human trafficking laws, but there are significant differences in the statutes and policies between jurisdictions.^{xxv} State laws vary and consistent approaches do not exist to the protection of survivors against criminal prosecution for crimes committed while being trafficked; A fact that happens despite numerous recommendations to implement such protection.^{xxvi}
22. Among the many risks victims of human trafficking experience is committing a crime as a consequence of their trafficking situation. The National Survivor Study in 2023 reported that 62% of survivors responding had a criminal record and of those, 80% of the arrests were connected to their trafficking situation.^{xxvii}
23. Survivors of trafficking with an arrest, even without a conviction, and/or a criminal record face negative impacts on their lives and the journey of healing and recovery. Everyday situations such as getting a job, renting a home or coaching their child's sports team may be difficult or impossible.

VIII. Recommendations:

The United States must:

- a. Exempt survivors of human trafficking from penalization for criminal acts committed under duress, and develop protocols or legislation dealing with suspected cases of forced criminality, following the non-punishment principle outlined in the 2017 GRETA report.^{xxviii}
- b. Implement comprehensive federal legislation that supports survivors by offering a pathway to clearing their records.
- c. Provide legal aid to suspected victims of forced criminality at the earliest opportunity, and prior to engaging with law enforcement.

Concern: Labor Exploitation of Trafficked Person in the Regular Economy

24. The International Labor Organization (ILO) reports that forced labor has grown in recent years – with no region of the world or private sector industry as an exception.^{xxix} Human trafficking for labor exploitation is taking place throughout the United States, all 50 States, as part of the regular economy. This represents a great violation of the right to liberty and security of a person, as well as of the right to favorable conditions of work.
25. The US Department of Labor has identified that people trafficked are often exploited by their traffickers through lack of control over earned wages, fraudulent recruitment practices that result in wages being withheld to pay off debts to the employer, unusual, and possibly unsafe, living conditions, or unlawful possession of passports and/or other identity

documents. In addition, trafficked persons often have more frequent workplace injuries and have their movements or travel restricted.^{xxx} These activities are clear labor violations and are typical signs of possible trafficking that others may observe.

26. According to the National Human Trafficking Hotline “Human trafficking victims make an alarmingly high number of consumer goods and food products, imported into the United States and produced domestically.”^{xxxix} In the United States, labor trafficking occurs in many industries. Those frequently include agriculture, construction, landscaping, hotels, domestic workers, restaurants, and seafood.^{xxxii} Often, workers in these industries are immigrants. Many enter with appropriate documentation but when traffickers take control of those documents, the individual is at risk of overstaying VISAs or other immigration violations. Many are brought into the country without legal documents.
27. The Bureau of International Labor Affairs (ILAB) maintains a list of goods and their source countries considered to be produced by child labor or forced labor in violation of international standards. The List of Goods Produced by Child Labor or Forced Labor comprises 204 goods from 82 countries and areas, as of September 5, 2024.^{xxxiii} These goods also enter the United States and “the U.S. Department of Labor has identified 148 goods from 76 countries made by forced and child labor”^{xxxiv}
28. Consumers are often unaware of the origin of goods and the circumstances in which they were produced.^{xxxv} While consumers may be unaware of the impact of their purchases on human trafficking, it is well documented that consumerism “contributes to both sex and labor trafficking.”^{xxxvi}
29. RAND, a nonprofit organization that seeks to improve policy and decision making through quality research and analysis, published a study in 2023 which identified that there were significant data gaps regarding labor trafficking in the United States.^{xxxvii} Accurate data is critical in determining how best to address trafficking issues, develop policy, and support efforts in decreasing its occurrence.

IX. Recommendations:

The United States must:

- a. Identify sectors of the economy prone or vulnerable to trafficking.
- b. Increase inspections and identification of suspected cases of trafficking in the labor market, with greater focus on exploitation in recruitment chains in vulnerable sectors.
- c. Provide mandatory training in awareness-raising, detection and reporting protocols for frontline personnel within sectors vulnerable to trafficking. The training must be based on high quality research and data.
- d. Coordinate federal, state, and local data systems to promote data-sharing, quantitative analysis, and rigorous evaluations.

B. DOMESTIC AND GENDER BASED VIOLENCE: CONCERNS and RECOMMENDATIONS

30. In May of 2023, the federal administration announced the U.S. National Plan to End Gender Based Violence, the first-ever action plan of its kind in the U.S. It involves seven key pillars to confront gender-based violence in the U.S. Prevention. Improve prevention efforts to change social norms that support or condone GBV and to promote healthy and respectful relationships across the life course. Included in this plan are plans to address: Support, Healing, Safety and Well-Being, disparities and inequities in access to trauma-informed care, Economic Security and Housing Stability, Online Safety, Legal and Justice Systems, Emergency Preparedness and Crisis Response, and Research and Data.

Concern: Failure to Fund Domestic/Gender Based Violence Support Services

31. Domestic violence is a serious social and health problem. About 22% of women in the US report experiencing interpersonal violence in their lifetime^{xxxviii}, and a 2018 study suggests that 20% of college students in the U.S. have experienced at least one form of intimate partner violence.^{xxxix} More than thirty million Americans annually are in need of assistance. Despite this alarming number, there is a dangerous shortage of domestic violence services in the US.^{xl} The pandemic has highlighted some of the weaknesses of underfunded services. Furthermore, many are unaware of federally funded service provisions because they are not well publicized. The National Census of Domestic Violence Services, an innovative victim-safety focused survey, was used to count services provided by more than 2,000 programs. During the twenty-four-hour survey period, 48,350 people used these services. The results show substantial unmet demand for services (10 % of requests) because of resource constraints, particularly in rural, economically disadvantaged, and minority communities. Greater funding of domestic violence programs, particularly housing support, is likely to be a cost-effective public health investment.^{xli} A failure to sufficiently fund gender-based violence support services, along with the lack of timely implementation of policy and legislation that serves victims of violence, leave them vulnerable to continued abuse and victimization.^{xlii}

X. Recommendations:

The United States must:

- a. Provide efficient and adequate federal funding to domestic violence programs, so they can function effectively and be able to support the victims of gender-based violence.
- b. Implement national strategies and policy measures that prioritize the needs of the victims of domestic and gender-based violence.

- c. Provide appropriate training to law enforcement officers equipping them with the necessary skills and tools to address gender-based violence situations while protecting the victim and not the perpetrator. (A/HRC/46/15/ 26.323 (Georgia))
- d. Establish easily accessible and safe emergency shelters for gender-based violence survivors where immediate medical, psychological and legal aid is available. (A/HRC/46/15/ 26.322 (Greece))

C. MIGRANTS, REFUGEES, AND ASYLUM SEEKERS: CONCERNS AND RECOMMENDATIONS

Rights of Migrants, Refugees and Asylum Seekers

Concern: DACA Status (Deferred Action for Childhood Arrivals)

- 32. More than 500,000 individuals who currently benefit from the Deferred Action for Childhood Arrivals (DACA) program - and their families - remain in a state of profound uncertainty. Although the Trump administration has not explicitly targeted DACA, it is well-documented that President Trump's administration and Department of Homeland Security (DHS) members are antagonistic towards the program. There is no indication that DACA will be exempt from this administration's concerted efforts to dismantle legal protections and maximize the arrest and deportation of noncitizens. Consequently, those with DACA status remain vulnerable to political fluctuations and ongoing legal battles.^{xliii,xliv}

XI. Recommendations:

The United States must

- a. Maintain DACA status for individuals who currently benefit from this program.
- b. Develop appropriate policies and processes for DACA recipients to become naturalized citizens.

Concern: Facilitating Family Reunification for Refugees

- 33. Access to legal protection for the family is inherent in the 1967 Protocol Relating to the Status of Refugees. However, those seeking asylum in the United States face persistent challenges in exercising their right to family reunification. In December 2023, a US Federal Judge approved a settlement prohibiting U.S. officials from separating migrant families at the border.^{xlv} Despite this, President Trump has signed executive orders resulting in deportations, invoking widespread fear, including fear of family separation.

XII. Recommendations:

The United States must:

- 1) Ensure that practices or policies arbitrarily separating families, especially parents from their children, are no longer in effect as they fail to be consistent with the US Constitution. (A/HRC/46/15/ 26.339 (Cuba); (A/HRC/46/15/ 26.345 (Luxembourg)
- 2) Abide by the US commitment to the UN Sustainable Development Goals.

Concern: Access to Housing and Accommodation

34. Access to housing is a basic human right. Under the 1999 public charge guidance, it is safe for immigrants and their families to access health, nutrition, and housing programs for which they are eligible. Public charge, or the “public charge test,” refers to an assessment that immigration officers will make when deciding certain immigration applications.
35. The Biden Administration reversed the public charge policy changes implemented by the Trump Administration where housing was considered in the “public charge” application. More specifically, in March 2021, the Biden administration announced that the 1999 guidance on public charge (the policy that was in place before the 2019 public charge rule) would again be in effect. Not considering housing as a “public charge” in the residency application has enormous ramifications for housing immigrants and “mixed status” families.

XIII. Recommendations:

The United States must:

- 1) Disapprove and reject bills S.J.Res.18 and H.R.4367 that plan to consider housing in the “public charge” test.

Concern: Upholding the Right to Education for Migrant and Refugee Children

36. Immigrant children in some US States live with the fear of having no access to free, public K-12 education, undermining progress on SDG 4. Furthermore, there is also a need for support services, particularly in language education, for the mothers of refugee children.^{xlvi}

XIV. Recommendations:

The United States must:

- a. Uphold the 1982 decision by the United States Supreme Court in “Plyler vs Doe,” which established that states cannot deny undocumented children a free public education. (A/HRC/46/15/ 26.333 (Norway)
- b. Ensure adequate funding for all voluntary and community bodies.

Concern: Widespread Fear of Immediate Deportation

37. According to the most recent immigration data obtained from Annual Flow Reports for Refugees and Asylees published by the Office of Homeland Security Statistics (OHSS), a total of 60,050 persons were admitted to the United States as refugees^{xlvi} and the United States provided protection to 54,350 asylees in 2023.^{xlvi}
38. During the COVID-19 pandemic, the Biden administration conducted widespread expulsions under Title 42, and 3 million migrants were expelled under Title 42 between March 2020 and May 2023^{xlvi}, of which nearly 16,000 unaccompanied migrant children (UCs) were expelled between March 2020 and November 2020 under the Trump administration.¹ These UCs lack parental care and face a heightened risk of being trafficked and experiencing violence or neglect.
39. In a Management Alert (OIG-24-46) sent by the US Office of the Inspector General (OIG) on August 19, 2024, for the Department of Homeland Security (DHS), the OIG reported that the US Immigration and Customs Enforcement (ICE) transferred custody of 448,000 unaccompanied migrant children (UCs) to the US Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) from fiscal years (FYs) 2019 to 2023.^{li} Although ICE accepted OIG's first recommendation that ICE develop an automated system to track address information for UCs, ICE has yet to confirm when the system will be implemented, meaning some UCs will continue to miss hearings and court dates.
40. The Trump Administration has recently signed executive actions threatening mass deportations of refugees, violating the core principle of non-refoulement. ICE will no longer recognize "sensitive locations" such as places of worship, schools, and health care facilities.^{lii} Immigrant and noncitizen children also face renewed insecurity in areas previously designated as protected areas like churches, schools, hospitals, and sites of public demonstrations. On January 31, 2025, the Acting Director of ICE issued a memorandum titled *Common Sense Enforcement Actions in or Near Protected Areas*^{liii}, rescinding a memorandum issued on October 27, 2021, which emphasized that ICE could carry out enforcement actions while respecting the fundamental needs of immigrants and noncitizens.
41. Although the US government said in its response to the 2020 UPR that immigrants and noncitizens are afforded procedural protections, 26,000 UCs have lost government-funded legal aid due to the US HHS terminating a contract with over 100 legal service providers for UCs undergoing removal proceedings.^{liv} Many of these UCs do not read or speak in English. This gives rise to the disturbing possibility of UCs representing themselves at their own hearings, meaning UCs undergoing removal proceedings will be rapidly deported from the US and face grave dangers like human trafficking.^{lv}

XV. Recommendations:

The United States must:

- a. Provide to those currently residing under refugee, migrant or asylum-seeker status in the United States, a path to legal aid.
- b. Restore the practice of avoiding enforcement actions in protected areas to defend the right of immigrants and noncitizens to access essential services like hospitals,

housing, and education. (A/HRC/46/15/ 26.274 (South Sudan))

Concern: Rights and Protections of Immigrants and Noncitizens Under U.S. Law

42. The right to due process for all individuals is not only enshrined in the Fifth Amendment of the US Constitution, but also in the Universal Declaration of Human Rights (UDHR). Due process for immigrants and noncitizens, especially for immigrants and noncitizens with limited English proficiency (LEP), is substantially dependent on language access. Executive Order (EO) 14224 designates English as the official language of the United States and revokes EO 13166, which directs federal agencies to “examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental agency of the mission.”^{lvi} While this EO does not override federal agency policy, the EO does direct the Attorney General (AG) to remove policy guide documents pertaining to improving LEP access for the over 25 million individuals in the US who are LEP^{lvii}, including immigrants and noncitizens who depend on federal agencies for services like housing and education.
43. On March 14, 2025, US President Donald J. Trump issued Proclamation 10903, which declared that the Venezuelan gang *Tren de Aragua* (TdA) – a nonstate actor – is “...conducting irregular warfare against the territory of the United States...” and subsequently invoked the Alien Enemies Act of 1797 (AEA) to combat an alleged “invasion” by TdA as an extension of the Venezuelan government.^{lviii} The AEA, rarely invoked since its inception, tramples due process rights for immigrants and noncitizens by authorizing the President to summarily deport “natives, citizens denizens, or subjects” of nations which the US is at war with.^{lix} The US government is already violating the due process rights of immigrants and noncitizens by invoking wartime authority under the AEA, despite the fact the US is not at war with Venezuela. Pursuant to Proclamation 10903, over 200 Venezuelan men have been deported over alleged ties to *Tren de Aragua* (TdA) without being afforded a hearing to refute the allegations nor the right to hear the US government’s evidence against them.^{lx}
44. Immigrants and noncitizens also now face threats to their right to due process merely if they are charged with a crime. Section 2 (1)(C)(ii) of the Laken Riley Act amends the INA to include an immigrant or noncitizen being charged with any crime that “constitute the essential elements of any burglary, theft, larceny, or shoplifting offense” as mandatory grounds for said immigrant or noncitizen to be detained.^{lxi} Mandatory detention of immigrants and noncitizens for being charged with petty crimes is highly punitive given the fact that the length of legal proceedings can vary greatly, and that immigrants and noncitizens cannot attend criminal court hearings while detained.

XVI. Recommendations:

- a. The US Department of Justice (DOJ) acknowledge that constitutional rights like the freedom of assembly and freedom of speech are constitutionally protected freedoms for immigrants and noncitizens. (A/HRC/46/15/ 26.327 (El Salvador))

- b. The US Department of State work with HHS, DHS and DOJ to implement procedures and guidelines for ensuring that immigrants and noncitizens, if deported, are deported to their country of origin and are not deported during pending court cases.

ENDNOTES

i <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

ii *Ibid*

iii <https://www.polarisproject.org>

iv <https://naplesshelter.org>

v <https://www.state.gov/the-presidents-interagency-task-force/>

vi <https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

vii <https://appropriations.house.gov/news/op-eds/simpson-we-must-address-ongoing-missing-and-murdered-indigenous-women->

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viii

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