

INTRODUCTION

1. This submission to the Human Rights Council for the 2025 Universal Periodic Review (UPR) of the United States (U.S.) is a joint report from a coalition of 23 U.S.-based, non-profit organizations that defend the human rights of non-citizens. The information presented shows that the U.S. has failed to meaningfully address Member States' 2020 UPR recommendations to the U.S. to remedy human rights violations of non-citizens.¹ Instead, the U.S. continues to violate the human rights of non-citizens through mass detention, denial of due process, abusive and discriminatory policing, labor exploitation, and suppression of civic space.
2. We respectfully urge the Human Rights Council to direct international attention to the rapidly deteriorating human rights situation of non-citizens in the U.S. and to call for solidarity with immigrants enduring ongoing abuses at the hands of U.S. officials.

I. MASS DETENTION

3. The U.S. wields the world's largest immigrant incarceration system to punish people for migrating and to deter future immigration.² Non-citizens in detention, including children and families, endure abusive conditions of confinement at both border and interior detention sites.

Open Air Border Detention Sites

4. The U.S. federal agency, Customs and Border Protection (CBP), operates makeshift Open Air Detention Sites (OADS) along the U.S.-Mexico border to indefinitely detain non-citizens, including pregnant women and children.³ Mostly Latin American, Asian, African, and Indigenous people endure deplorable conditions in OADS, with no shelter or protection from the elements.⁴ OADS conditions are unsanitary, with no permanent toilets or showers.⁵ People are forced to shelter in portable toilets and dumpsters.⁶ Volunteers provide basic supplies, as CBP offers little food or water.⁷ In February 2024, lawyers in a U.S. federal court lawsuit filed a motion to enforce legal protections for children in immigration detention, leading to a decrease in OADS detentions.⁸ However, CBP has taken no action to permanently end OADS.⁹

Deadly and Abusive Interior Immigration Detention

5. The U.S. federal agency Immigration and Customs Enforcement (ICE) uses local and state jails, privately operated detention centers, open-air tent facilities, and military bases to detain non-citizens in punishing conditions designed to coerce them into accepting deportation. Over 90% of U.S. immigration detention is run by private prison companies, incentivized to maximize profits from public funds by understaffing facilities, denying minimally nutritious food and sanitation, and coercing manual labor from detained people.¹⁰
6. People detained experience torture and fatal medical neglect.¹¹ Between 2018 and 2023, ICE oversaw more than 14,000 placements in solitary confinement, used disproportionately against people in mental health distress.¹² At least 51 people in ICE detention facilities have died since FY 2020,¹³ with deaths by alleged suicide increasing 11-fold in 2020 compared to the prior 10-year average.¹⁴ Independent medical experts found that 95% of all 52 reported deaths in immigration detention between 2017 and 2021 were preventable or possibly preventable if ICE had

provided clinically appropriate medical care.¹⁵

7. The U.S. denies due process to people in immigration detention. It limits access to legal counsel though excessive limits on visiting hours and telephone use.¹⁶ As a result, only 13% of people in detention are granted relief in their deportation proceedings, versus 69% of individuals outside of detention.¹⁷ It incarcerates over half of the detained population in indefinite, mandatory immigration detention pending a final decision in deportation proceedings, with no opportunity for individualized review of the need for detention.¹⁸ In January 2025, the U.S. dramatically expanded mandatory immigration detention with federal legislation that subjects people merely accused of crimes like shoplifting to mandatory immigration detention,¹⁹ relying on racially discriminatory policing.²⁰
8. The rapid expansion of the detained population has led to overcrowding in packed cells, forcing detained people to sleep on floors.²¹ The current U.S. government's goal of "deporting millions of people"²² has led to the detention of over 47,000 people in a detention infrastructure with a maximum capacity of 41,500.²³ To expand detention capacity, the U.S. now incarcerates immigrants facing deportation in federal prisons designed for punitive purposes, temporary processing sites unequipped for long-term detention, and detention centers previously shuttered due to documented human rights abuses.²⁴
9. The U.S. also uses geographically isolated detention facilities to disappear politically disfavored non-citizens, including in retaliation for political speech.²⁵ In 2025, the U.S. transferred detained Venezuelans to Guantanamo Bay, a notorious black-hole prison site where people are hidden from public view and denied access to legal counsel.²⁶ The U.S. also utilizes remote facilities in Louisiana and Texas to disappear political protestors, including university students who peacefully protested the genocide of Palestinians.²⁷

Detention of Children

10. The U.S. detains non-citizen children in abusive conditions of confinement in both border and interior detention centers. In the interior, the U.S. operates the Karnes and Dilley family detention centers, prior sites of death, abuse, and psychological harm of children.²⁸
11. At border detention facilities, the U.S. punishes children for migrating with abusive conditions of confinement. Under a 1997 U.S. federal court settlement of a lawsuit challenging detention of children called the *Flores* Settlement Agreement, the U.S. is bound to protect children held in federal immigration custody.²⁹ In 2022, the U.S.' persistent failure to improve treatment of children in border detention resulted in a new settlement mandating improvements in housing, medical care, and family unification.³⁰ Subsequent monitoring documented routine separation of children from parents and trusted family members, medical failures, lack of access to legal counsel and clean and warm clothing, and limited or no child-friendly activities, recreation, or trauma-informed care for prolonged periods of detention.³¹ In January 2024, a U.S. federal court extended the settlement after the death of a child in CBP custody.³²

12. Recommendations:

- Eliminate Open Air Detention Sites.
- Investigate and prevent systemic abuse of people in immigration detention and unaccompanied children in federal custody.
- End government contracts with private prison companies to operate for-profit immigration detention facilities in the U.S. and ban new contracts.
- End immigration detention and implement community-based alternatives.
- End detention of immigrant families and children. Ban transfer to adult detention of unaccompanied children who turn 18 in government custody.
- Safely reunify unaccompanied children in government custody with family and end surveillance of those families.
- Ratify the Convention on the Rights of the Child and implement due protections from detention for immigrant children.
- Abolish solitary confinement in immigration detention.
- Ensure medical care for detained people, particularly for people with disabilities and mental health conditions and people who are pregnant, postpartum, and LGBTQ+.
- Ensure access to counsel, communication with family, and transparency as to detained people's whereabouts in all confinement settings in the prevention of enforced disappearances.
- End use of the military and its bases, personnel, and equipment to process deportations and/or transfers to third countries.
- End the arbitrary detention of stateless persons who cannot be deported.
- Repeal mandatory detention laws that rely on racially discriminatory policing to subject people to mandatory immigration detention.

II. DENIAL OF DUE PROCESS

13. The U.S. denies non-citizens due process in immigration decisions concerning non-refoulement, deportation, entry, and residence. Denials of due process occur through bans on asylum and refugee status, summary deportations, and denials of entry and residence due to racial and national origin discrimination.

• ASYLUM AND REFUGEE BANS

14. The U.S. uses physical pushbacks across the U.S.-Mexico border, regulatory and executive bans on asylum, and chain refoulement via transfers to third countries constituting enforced disappearances to deny humanitarian protection due under international human rights law.³³

Pushbacks

15. The U.S. has systematically pushed people back across the U.S.-Mexico border without first screening for non-refoulement protection, including under the Migrant Protection Protocols (MPP) and Title 42. Reinstated in January 2025, MPP forces asylum seekers to await U.S. immigration proceedings in precarious conditions in Mexico.³⁴ Over 2,500 attacks on people enrolled in MPP during its first iteration and over 13,000 attacks on migrants stranded in or expelled to Mexico under Title 42 have been documented, including kidnappings, rapes, and assaults by Mexican officials, often in collusion with cartels.³⁵

Regulatory and executive bans on asylum

16. In a series of regulations and executive proclamations, the U.S. systematically denies non-refoulement protection to non-citizens.³⁶ Examples include:

- A May 2023 regulation that bans asylum for those who did not apply for asylum in a third country through which they transited and entered the United States without first obtaining an appointment with border officials through CBP One, a government mobile phone application available in limited languages.³⁷
- A June 2024 regulation (finalized in October 2024) that suspends entry and bans asylum for those who did not first obtain an appointment with border officials through CBP One, a government mobile phone application.³⁸
- The June 2024 regulation finalized in October also authorizes summary deportation without affirmatively asking a person if they fear return to determine if they must be screened for protection.³⁹
- A January 2025 presidential proclamation that declares a “migrant invasion” and suspends entry at the U.S.-Mexico border for those without a valid visa and bans asylum and other humanitarian protections.⁴⁰
- A February 2025 report that the U.S. plans to revive summary expulsion of non-citizens under the public health law Title 42, declaring unauthorized immigration a public health risk that spreads diseases like tuberculosis.⁴¹

17. Over 18,000 instances of kidnapping, murder, torture, rape, and other serious harms against asylum seekers and migrants turned away at the U.S. border or stranded in Mexico have been documented under MPP, Title 42, and asylum bans.⁴²

Third-country expulsions

18. The U.S. uses third-country expulsions to effect chain refoulement of non-citizens and to affirmatively place them in danger of kidnapping, violence, and enforced disappearances. Through negotiated agreements with Mexico, Costa Rica, Panama, and El Salvador, the U.S. has transferred hundreds of asylum seekers and other immigrants to third countries, where they face imprisonment, torture, enforced disappearances, onward refoulement, denial of due process, and other human rights abuses.⁴³ Under U.S. influence, third countries have subjected deported asylum seekers to cruel and degrading conditions of confinement, lack of medical care, and isolation from legal assistance.⁴⁴ The U.S. recently began disappearing Venezuelan migrants to a prison in El Salvador, including under the Alien Enemies Act, where people are routinely tortured and abused, as discussed further below.

Bans on refugee processing and admissions

19. In January 2025, the U.S. suspended the U.S. Refugee Admissions Program by executive order and subsequent administrative agency actions, indefinitely halting the processing of refugee applications and entry of all refugees.⁴⁵ Forthcoming increased vetting measures announced by executive order single out refugees and stateless people—who are already heavily vetted—for heightened scrutiny.⁴⁶ Despite a federal court ruling enjoining implementation of the ban, the administration

has made no meaningful efforts to resume refugee processing or restore necessary funding.⁴⁷

The Alien Enemies Act

20. Under the Alien Enemies Act, originally passed in 1798, the U.S. president is claiming authority to summarily deport non-citizens. The U.S. Congress granted this constitutionally dubious authority for use only in times of “declared war” or when a foreign government threatens or undertakes an “invasion” or “predatory incursion” against U.S. territory.⁴⁸ In March 2025, the U.S. invoked the Alien Enemies Act to abduct Venezuelans, many with pending asylum applications, and send them to El Salvador upon mere accusations of gang membership,⁴⁹ in violation of a federal court order enjoining their deportation.⁵⁰ In El Salvador, the deported Venezuelans were tortured and held in indefinite detention in a prison that a former member of the U.N. Subcommittee on the Prevention of Torture described as a “concrete and steel pit” used “to dispose of people without formally applying the death penalty.”⁵¹

Summary deportations under expedited removal

21. Under expedited removal, Congress authorized the executive to summarily deport people arriving at ports of entry and those in the U.S. who entered within the previous two years.⁵² Since the statute’s enactment in 1996, the U.S. had voluntarily limited enforcement due to concerns that expedited removal deprives non-citizens of due process. Those voluntary limits have now been revoked. In 2024, the U.S. eliminated a longstanding requirement that officials affirmatively ask people in expedited removal if they fear return before summarily deporting them.⁵³ Now, the U.S. summarily removes an asylum seeker unless he or she affirmatively declares a fear of removal, also known as the “shout test.”⁵⁴ In January 2025, the U.S. rescinded geographic and time limits to the enforcement of expedited removal.⁵⁵ Expedited removal typically occurs in immigration detention, where non-citizens are denied access to counsel, translation and interpretation, and meaningful judicial review.⁵⁶

• DISCRIMINATORY BANS ON ENTRY AND RESIDENCE

22. The U.S. discriminates on the basis of race, religion, and national origin in provision of immigration benefits, denying politically disfavored groups entry and continued residence.

Discriminatory entry bans

23. The U.S. discriminates against Muslim and African peoples through bans on entry that target and discriminate on the basis of national origin under the pretext of unfounded national security grounds.⁵⁷ The January 2025 executive order *Protecting the U.S. from Foreign Terrorists and Other National Security and Public Safety Threats* resurrects the specter of previous Muslim and African bans and seemingly expands their scope,⁵⁸ in violation of international non-discrimination laws.⁵⁹ Under these bans, the U.S. has already retroactively revoked U.S. student visas for Libyans and previously admitted visa holders are now at risk of deportation.⁶⁰ The harms of bans are concrete and considerable. Previous bans resulted in the denial of over 40,000 visas and caused a 94% drop in Muslim refugee admissions between January and November 2017 alone.⁶¹ New restrictions will inflict family separation

based on national origin⁶² and harm tens of thousands of people, including previously vetted Afghan refugees and Special Immigrant Visa holders, leaving them vulnerable to retaliation by the Taliban.⁶³

Discriminatory denial of citizenship

24. The U.S. has proposed to end *jus solis* citizenship through executive action, even though U.S. federal courts have held it to be enshrined in the U.S. Constitution's Fourteenth Amendment.⁶⁴ A January 2025 executive order directs the federal government not to issue U.S. passports or to accept as proof of citizenship U.S. birth certificates of children born to a mother with temporary or no immigration status and a father who is not a U.S. citizen or lawful permanent resident. The policy discriminates against U.S.-born children of many asylum seekers, asylees, and other immigrants present on long-term visas based on their parents' national origin. It will inevitably lead to statelessness for children born to parents with temporary or undocumented status. Litigation has suspended enforcement of the executive order, but a final decision on its legality is pending before U.S. courts.⁶⁵

Discriminatory refusal to protect stateless people

25. The U.S. refuses to ratify the statelessness conventions, has no unified domestic definition of statelessness, and lacks reliable procedures for identifying or protecting stateless persons. An estimated 200,000 stateless people reside in the U.S., including Palestinians, Rohingya from Myanmar, Haitians from the Dominican Republic, Black Mauritanians, and Bedoons from Kuwait. Many are undocumented, unable to obtain lawful status or depart from the U.S. without risking permanent banishment.⁶⁶ Those ordered deported are vulnerable to prolonged immigration detention, denial of work authorization or ability to travel internationally, and family separation.⁶⁷ The U.S. has adopted a policy to consider the discretionary relevance of statelessness for purposes of immigration benefits, but lacks specific, mandatory protections for stateless people.⁶⁸

Discriminatory revocation of permissions to legally reside in the U.S.

26. The U.S. has terminated humanitarian protection for over half a million immigrants from Cuba, Haiti, Nicaragua, and Venezuela (the CHNV humanitarian parole program), people largely of African, Indigenous, and Mestizo descent. It has also ended temporary protected status for certain Venezuelans and Haitians.⁶⁹ At the time of this writing, the termination of the CHNV program and TPS programs are being challenged in U.S. federal courts as arbitrary and racially discriminatory actions in violation of due process provisions of the U.S. Constitution.⁷⁰

27. Recommendations:

- Rescind the bans suspending asylum and refugee admissions and processing.
- Terminate the Migrant Protection Protocols program.
- Restore access and funding to the U.S. Refugee Admissions Program.
- Immediately halt transfers and removals of non-citizens to third countries.
- End unlawful use of the Alien Enemies Act to subvert domestic and international human rights obligations.
- Remedy the chronic under-staffing of asylum officers and immigration court staff.
- End expedited removal.

- Ensure due process in immigration adjudications, including a hearing, counsel, interpretation, disability accommodations, and consideration of trauma history.
- Ensure ongoing recognition of *jus solis* citizenship as mandated by the U.S. Constitution.
- Ratify and fully implement the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and core human rights treaties.
- Adopt a domestic definition of statelessness in line with Article 1 of the 1954 Convention Relating to the Status of Stateless Persons.
- Implement the Stateless Protection Act of 2024.
- Cease arbitrary, discriminatory denaturalization processes and ensure procedural safeguards for equal citizenship rights of all naturalized U.S. citizens.
- Establish a fair, effective, and accessible statelessness determination procedure. While status is pending, provide stateless persons with an identity, work authorization, access to an international travel document, and pathways to facilitated naturalization.
- Remediate bias motivated by race, sexuality, or gender in decisions to revoke or grant humanitarian immigration benefits.
- End discriminatory enhanced vetting of non-citizens based on religion, race, national origin, or political ideology as a basis for denying entry or for revoking visas.

III. ABUSIVE IMMIGRATION ENFORCEMENT

28. The U.S. uses deception, unwarranted intrusions on privacy, and excessive force to police non-citizens, both in the interior of the country and at the U.S.-Mexico border. It also encourages impunity by refusing to hold immigration officials accountable for human rights violations.

Deception and invasions of privacy in interior enforcement

29. The U.S. uses deception to avoid search warrant requirements when making immigration arrests. Immigration and Customs (ICE) officials pose as occupational safety inspectors, family members, and local police requesting assistance with a criminal investigation to gain entry into homes without a warrant or to lure people into public spaces for arrest.⁷¹

30. The U.S. also employs unwarranted invasions of privacy to conduct immigration enforcement. In 2025, the U.S. rescinded a longstanding policy against immigration enforcement in hospitals, schools, and houses of worship.⁷² The U.S. has also published a regulation to create a national registry of non-citizens. Registration would require providing the government sensitive and personally identifiable information concerning non-citizens and their family members. Failure to register and carry proof of registration at all times would be a crime punishable by fines and jail.⁷³ The U.S. previously used non-citizen registration during World War II to facilitate the detention of Japanese-Americans in internment camps.⁷⁴

Abuse and Killings by Border Agents and Border Militarization

31. Since 2020, abuse and killings by U.S. border agents have surged. Customs and Border Protection (CBP), the largest U.S. law enforcement agency, uses racial profiling, illegal stops and searches, mistreatment, and excessive force to police non-citizens.⁷⁵ The U.S. lacks reliable data on law enforcement fatalities and fails to report death-related incidents, but since January 2010, there have been at least 334 fatal encounters with CBP.⁷⁶ In Border Patrol's El Paso Sector, a recent report found "CBP is undercounting migrant deaths," with advocates counting "as much as [...] four times as many deaths" than those reflected in CBP sources.⁷⁷ Over the past three years, border agents have used force against people over an average of 1,000 times per year.⁷⁸ Adults, families, and unaccompanied children in CBP custody report verbal and physical abuse, medical neglect, and lack of access to hygiene products.⁷⁹
32. U.S. state governments also engage in violent border policing. The state of Texas leads an independent state-led border enforcement effort called Operation Lone Star (OLS), staffed by 10,000 agents of the National Guard (a state-based military force) and an undetermined number of Texas Department of Public Safety units.⁸⁰ OLS agents push back asylum seekers at the U.S.-Mexico border with excessive force, shooting pepper spray and rubber balls at children and families and separating families.⁸¹ OLS agents have also installed concertina wire along 100 miles of the Texas-Mexico border and floating buoys with razor wire in the Rio Grande, the river separating Texas from Mexico, causing lacerations and wounds, including in children.⁸² OLS agents have killed 106 people and injured at least 301 in high-speed police pursuits between 2021 and February 2025.⁸³
33. Militarization of the border has also contributed to increased fatalities. Since 2020, the U.S. has expanded border wall construction at the U.S. southwestern border to over 740 miles, appropriating much of the land used to construct it from nearly 400 private Texas landowners.⁸⁴ Because many sections of the wall have been raised from 10 to 30 feet, medical experts have observed an increase in severe spinal and brain injuries from border wall falls.⁸⁵ U.S. Congress members are advocating for \$35.8 billion more in funding for additional construction.⁸⁶

Lack of Accountability for Human Rights Violations

34. Victims of killings by border agents and their families struggle to access justice in the U.S. due to legal standards at odds with international human rights law. Rather than observing international use of force standards of "necessity and proportionality," the U.S. employs the deficient "objectively reasonable" standard.⁸⁷
35. The U.S. also lacks sufficient accountability mechanisms to address police violence. In March 2025, the U.S. government fired the majority of staff in federal oversight bodies.⁸⁸ A U.S. Government Accountability Office report found that CBP insulates agents from accountability with toothless internal investigations.⁸⁹ The U.S. also shuttered the National Law Enforcement Accountability Database, deleting critical data tracking law enforcement misconduct, of which CBP was the second-largest contributor.⁹⁰ To this date, Texas has not provided any accountability nor reparation mechanisms for the abuses against people on the move and border residents under Operation Lone Star.

36. Recommendations:

- Ensure impartial investigations of use of force by Customs and Border Protection.
- Adopt the “necessary and proportional” standard for use of force and amend state and federal use of force policies to match international human rights standards.
- Decommission the wall at the U.S.-Mexico border and address previous destruction of Indigenous sites, environmental degradation, and wall-related deaths.
- Restore and ensure independent oversight by the Office for Civil Rights and Civil Liberties, Office of the Inspector General, and the Immigration Detention Ombudsman.
- End collaboration between local and state police and Immigration and Customs Enforcement under 287(g) agreements.
- Collect and assess disaggregated statistical data on race, ethnicity, and statelessness by federal immigration agencies.

IV. LABOR EXPLOITATION

37. The U.S. subjects non-citizen workers to wage theft, discrimination, unsafe working conditions, labor-based exploitation, and violence and fails to uphold the International Labour Organization’s fundamental principles and rights at work.⁹¹

Wage Theft and Discrimination

38. The U.S. denies comprehensive legal protections to migrant workers and fails to enforce domestic nondiscrimination laws.⁹² Temporary labor migration programs (TLMPs) and U.S. temporary work visa programs often lead to discriminatory wages and rights abuses.⁹³ Twenty percent of California farm workers report wage theft.⁹⁴ Fully 26% of TLMPs trap migrant workers in cycles of abuse and hinder access to remedies by tying immigration status to continued work in a practice dubbed by some as “close to slavery.”⁹⁵ Employers found to violate the law, whether relating to wage and hour, labor, health and safety, discrimination, or civil rights laws, have still been allowed still to continue hiring workers under these programs. The Inter-American Commission on Human Rights recently found that the U.S.’ actions and exploitation of undocumented workers violated the rights of non-citizen workers.⁹⁶

Unsafe Working Conditions

39. The U.S. fails to protect non-citizen workers from unsafe workplace conditions. Latino and Hispanic workers are disproportionately injured in the workplace⁹⁷ and 15% more likely to suffer fatal injuries than nationals.⁹⁸ Central Americans face an even higher risk, as they are 45% more likely to experience fatal accidents.⁹⁹ Non-citizen workers are also vulnerable to unsafe working conditions caused by climate change, such as extreme heat, floods, and wildfires. In California, 90% of farmworkers are Latino, and many work in extreme conditions without proper rest breaks, water, sanitation, or protection like masks. Over 10% lack clean drinking water, 25% lack access to clean toilets and sanitation, 17% struggle to breathe due to smoke, and over 32% report not being given adequate protection such as masks or respirators.¹⁰⁰ Fear of retaliation prevents many non-citizens from reporting unsafe conditions, with two-thirds fearing job loss or deportation. Private U.S.

employers use threats of deportation to intimidate workers and prevent them from reporting labor violations. 78% of migrants reported that employers threaten to report them for deportation if they complain.¹⁰¹

Exploitation and Risks of Human Trafficking

40. Migrant domestic workers in the U.S. are not protected by labor laws and face high rates of abuse, exploitation, and violence.¹⁰² A study found that 67% of surveyed workers were paid below the state minimum wage, 65% lacked health insurance, and 25% averaged only 5 hours of sleep per night.¹⁰³ They also face some of the highest rates of human trafficking in the U.S., with 85% of trafficking survivors reporting having wages withheld, 81% having lived in abusive living conditions, 78% facing threats of deportation from their employers, 77% having their movements restricted by employers, and 66% experiencing physical or sexual abuse.¹⁰⁴ Despite knowing that visa programs contribute to increasing levels of human trafficking of mostly women and ethnic minority domestic workers, U.S. officials have failed to take appropriate steps to prevent or protect them from exploitation and injury.¹⁰⁵

41. Recommendations:

- Ratify and implement key international labor conventions on migrant workers, including Conventions No. 97, No. 143, No. 189 and their Recommendations, and the UN Convention on Protection of the Rights of All Migrant Workers and their Families.
- Eliminate workplace discrimination against non-citizens, regardless of status, ensuring equal treatment in wages and working conditions, including prohibition of recruitment fees and costs, regardless of status.
- Ensure federal laws and regulations permit migrant workers in visa programs to change employers, and to leave lawbreaking employers without penalty, and to have immediate access to work authorization to ensure they can provide for themselves.
- Ensure federal and state labor laws align with international standards, protecting all non-citizen workers, including temporary ones, with fair wages, safe conditions, and pathways to permanent residence or citizenship.
- Protect the right to freedom of association and collective bargaining for all non-citizen workers, regardless of occupation or status.
- Improve labor inspections and increase inspectors, especially in occupations with high levels of migrant workers and in high-risk jobs like agriculture, construction, manufacturing, and domestic work, with a firewall between immigration enforcement and labor inspection.
- Ensure non-citizen workers have access to healthcare, social protection benefits, and portability of benefits, in line with international labor standards.

V. SUPPRESSION OF CIVIC SPACE

42. The U.S. suppresses civil society actors engaged in defense of immigrant and human rights, including both non-citizens and those working in support of non-citizens.

Retaliation for political speech

43. The U.S. retaliates against non-citizens engaged in political speech with detention and deportation. In March 2025, the U.S. detained and initiated deportation proceedings against Mahmoud Khalil, a lawful permanent resident student activist who had organized protests against Israel's military campaign in Gaza.¹⁰⁶ U.S. officials claimed that Khalil's political speech and previous work with the United Nations Relief and Works Agency (UNRWA) were a form of anti-Semitism that warranted his expulsion.¹⁰⁷ The U.S. has since undertaken enforcement actions against at least seven other people because of their political speech.¹⁰⁸ U.S. officials have publicly threatened continued retaliation of non-citizens for expressing political opinions.¹⁰⁹

Attacks on civil society

44. U.S. federal and state governments criminalize and suppress efforts to defend the human rights of non-citizens. The federal government is suing immigrant-protective states and localities to abolish sanctuary policies, which limit the cooperation of local law enforcement with federal immigration agencies and are a critical tool to protect immigrant communities from abusive federal policies.¹¹⁰ In March 2025, the federal government published a notice issuing its intent to criminally investigate civil society organizations that provide legal services to immigrants.¹¹¹

45. State governments suppress non-profit assistance to immigrant communities. In 2024, Texas opened criminal investigations into immigrant-serving non-profits on spurious charges of human trafficking and harboring undocumented immigrants.¹¹² In June 2022, the Florida governor petitioned the state supreme court to empanel a statewide grand jury to investigate support for immigrants in Florida, creating fear among advocates, municipal employees, and immigrant rights attorneys.¹¹³ As of 2025, Florida's governor has dramatically escalated threats of removal to local elected officials who represent immigrant communities and take positions aligned with them.¹¹⁴ These efforts to push human rights defenders into the shadows are concerning, particularly as efforts to support immigrant communities face growing criminalization.¹¹⁵

46. Recommendations:

- Provide sustained funding to humanitarian and community-based organizations operating along the U.S.-Mexico border and in the interior.
- Repeal state laws like Alabama's SB 302 and Florida's SB 2C that target human rights defenders and immigrants' rights groups.
- Cease federal attacks on sanctuary jurisdictions, affirming state and localities' rights to refuse to cooperate with federal immigration enforcement.

¹ UNHRC, Report of the Working Group on the Universal Periodic Review, U.S., ¶¶ 26.328; 26.329; 26.333; 26.337; 26.338; 26.339 (15 December 2020) U.N. Doc. A/HRC/46/15 (calling on the U.S. to strengthen measures to protect and ensure the rights of migrants, including migrant workers; ensure that detention conditions for immigrants, particularly for minors, comply with international human rights law; ensure that immigrant human rights defenders are not threatened with immigration detention and deportation; seek alternatives to the present immigration detention system and improve conditions of confinement to meet basic human rights standards; stop incarcerating migrants, including migrant children; and stop the cruel, inhuman and

degrading treatment of migrants and asylum seekers and the separation of hundreds of minors from their families).

² See *generally* Freedom for Immigrants, *Detention by the Numbers*, [https://www.freedomforimmigrants.org/detention-statistics#:~:text=According%20to%20ICE%20data%20from%20June%202023%2C,Georgia%20\(1%2C593%20individuals\)%20*%20Arizona%20\(1%2C592%20individuals\)](https://www.freedomforimmigrants.org/detention-statistics#:~:text=According%20to%20ICE%20data%20from%20June%202023%2C,Georgia%20(1%2C593%20individuals)%20*%20Arizona%20(1%2C592%20individuals)) (last accessed April 6, 2025) (cataloging all current operational detention facilities in the United States).

³ See Memorandum in Support of Motion to Enforce Settlement re Open-Air Detention Sites at 2, *Flores v. Garland*, 2:85-cv-4555 (C.D. Cal. Feb. 29, 2024) (Dkt. 1392-1), https://www.centerforhumanrights.org/files/ugd/ba2119_000ea584289146e586aa57d411c413bd.pdf (detailing how the U.S. government detains children at OADS in deplorable conditions without shelter, minimally adequate food or water, and dangerously limited medical care); Exhibit 2 (Declaration of Pedro Rios) in Support of Motion to Enforce Settlement re Open-Air Detention Sites, *Flores v. Garland*, 2:85-cv-4555 (C.D. Cal. Feb. 29, 2024) (Dkt. 1392-5), https://www.centerforhumanrights.org/files/ugd/ba2119_f602874a02604815b5ae72ce0447eda4.pdf (describing how U.S. border patrol routinely holds children, families, and pregnant women at OADS).

⁴ See Southern Border Communities Coalition, et al., Civil Rights Civil Liberties Complaint, *CBP Violations of Custody Standards and Human Rights of Individuals Detained in Open-Air Detention Sites in the San Diego Sector Require Immediate Attention to Save Lives*, Alliance San Diego (Dec. 11, 2023), https://assets.nationbuilder.com/alliancesandiego/pages/3500/attachments/original/1702482964/OADS_CRCL_Complaint_Final_Combined_for_Submission_2023.12.11.pdf (cataloging documented human rights violations at OADS west of the San Ysidro port of entry and near Jacumba, California).

⁵ *Id.* at 10 (describing lack of shelter in OADS).

⁶ *Id.* at 15 (describing lack of sanitation in OADS).

⁷ *Id.*

⁸ See Stipulated Settlement Agreement, *Flores v. Meese*, 2:85-cv-4544 (C.D. Cal. 1997), https://www.centerforhumanrights.org/files/ugd/ba2119_d9558e4d3a0f473aa05cf2a481408693.pdf (the 1997 *Flores* Settlement Agreement establishes national minimum standards for the treatment of detained immigrant children and legally obligates the U.S. to protect children held in federal immigration custody); Notice of Motion and Motion to Enforce Settlement re Open-Air Detention Sites, *Flores v. Garland*, 2:85-cv-4544 (C.D. Cal. Feb. 29, 2024) (Dkt. 1392), https://youthlaw.org/sites/default/files/2024-12/Motion_to_Enforce_Settlement_re_Open-Air_Detention_Sites.pdf (documenting U.S. government's breaches of the *Flores* Settlement Agreement).

⁹ See Dan Lamothe, *Trump team makes plans for military to hold migrants at border*, Washington Post, Mar. 19, 2025, <https://www.washingtonpost.com/national-security/2025/03/19/trump-border-military-buffer-zone/> (stating that the Trump administration is considering plans to create a “buffer zone” along the Southwest border of the U.S. where the U.S. military could detain and hold migrants).

¹⁰ See Eunice Hyunhye Cho, *Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration*, ACLU, Aug. 7, 2024, <https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison->

[corporations-and-immigration-detention-three-years-into-the-biden-administration](#) (“[A]s of July 2023, 90.8 percent of people detained in ICE custody each day are held in detention facilities owned or operated by private prison corporations.”); see also Gene Johnson, *GEO ordered to pay \$23.2M in detainee minimum wage cases*, Seattle Times, Nov. 2, 2021, <https://www.seattletimes.com/business/private-prison-company-ordered-to-pay-23-2m-in-tacoma-detainee-minimum-wage-cases/> (describing coerced manual labor program by for-profit prison company, GEO Group, at an immigration detention facility in Tacoma, Washington); Lauren Villagran, *Immigrant women describe ‘hell on earth’ in ICE detention*, USA Today, Mar. 23, 2025, <https://www.usatoday.com/story/news/nation/2025/03/23/immigrant-women-hell-on-earth-trump-ice-detention/82029368007/> (describing deteriorating conditions in an immigration detention facility in Miami, Florida).

¹¹ See Taylor Koehler, *Arbitrary & Cruel: How U.S. Immigration Detention Violates the Convention against Torture and Other International Obligations*, Ctr. for Victims of Torture, 2021, https://www.cvt.org/wp-content/uploads/2023/06/Arbitrary_and_Cruel_d5_FINAL.pdf (providing an in depth legal analysis of the U.S. immigration detention system and finding that the “U.S. immigration detention systematically exposes detained migrants to violations of the prohibition on torture and other cruel, inhuman, or degrading treatment or punishment”).

¹² See Physicians for Human Rights, et al., *Endless Nightmare: Torture and Inhuman Treatment in Solitary Confinement in U.S. Immigration Detention*, Feb. 6, 2024, <https://phr.org/wp-content/uploads/2024/02/PHR-REPORT-ICE-Solitary-Confinement-2024.pdf> (finding that contrary to ICE internal directives, 56% of people exhibiting symptoms of serious mental health conditions were placed in solitary confinement, often instead of being connected to care).

¹³ *Detainee Death Reporting*, U.S. Immigr. and Customs Enforcement, <https://www.ice.gov/detain/detainee-death-reporting>.

¹⁴ See, e.g. *Detainee Death Report: Shrestha, Subash*, U.S. Immigr. and Customs Enforcement, https://www.ice.gov/doclib/foia/reports/ddr_subashShrestha.pdf; *Indian National in ICE Custody Dies in Hospital*, U.S. Immigr. and Customs Enforcement, Apr. 17, 2024, <https://www.ice.gov/news/releases/indian-national-ice-custody-dies-hospital>.

¹⁵ See Eunice Hyunhye Cho and Tessa Wilson, *Deadly Failures: Preventable Deaths in U.S. Immigration Detention*, ACLU and Physicians for Hum. Rts., June 25, 2024, <https://www.aclu.org/publications/deadly-failures-preventable-deaths-in-us-immigrant-detention> (providing a systemic overview of life threatening medical neglect in immigration detention).

¹⁶ See Aditi Shah and Eunice Hyunhye Cho, *No Fighting Chance: ICE’s Denial of Access to Counsel in U.S. Immigration Detention Centers*, ACLU, 2022, <https://www.aclu.org/publications/no-fighting-chance-ices-denial-access-counsel-us-immigration-detention-centers> (finding that detained immigrants face “monumental barriers” in finding and communicating with attorneys, rendering detained immigrants’ right to counsel “essentially meaningless”).

¹⁷ See *Access to Counsel in Immigration Court*, American Immigr. Council, 2-3, Sept. 2016, https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf (drawing on data from over 1.2 million deportation cases decided between 2007 and 2012).

¹⁸ See *Locked Away: The Urgent Need for Immigration Detention Bond Reform*, Nat'l Immigrant Justice Ctr., 1, 2023, https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2023-06/NIJC-Policy-Brief_ICE-Bond-Reform_May-2023.pdf (detailing how over half of those held in immigration detention are subject to “mandatory detention” with no access to a bond hearing at any time during their immigration court or appellate proceedings).

¹⁹ See *Practice Advisory: Laken Riley Act's Mandatory Detention Provisions*, Nat'l Immigr. Project, Feb. 5, 2025, <https://nipnlg.org/work/resources/practice-advisory-laken-riley-acts-mandatory-detention-provisions> (describing the expansive scope of the Laken Riley Act, a new law expands no-bond detention for certain non-citizens in immigration proceedings); see also *Community Explainer: Laken Riley Act*, Nat'l Immigr. Project, 2025, <https://nipnlg.org/work/resources/community-explainer-laken-riley-act> (same).

²⁰ See Ronald Claude, *Criminalizing Blackness: An Analysis of the Impacts of the 1994 Crime Bill and 1996 Immigration Bill on Black People and Policy Recommendations to Address the Harms Caused*, Black Alliance for Just Immigr., Sept. 2024, <https://baji.org/wp-content/uploads/2024/09/CB-Report-Criminalizing-Blackness-by-Movement-for-Black-Lives--BAJI-contributor.pdf> (cataloging the police-to-deportation pipeline and the disproportionate harms of racially discriminatory policing on Black immigrants); see also Office of Homeland Sec. Statistics, *Aliens Removed by Criminal Status and Region and Country of Nationality: Fiscal Year 2019*, Dep't of Homeland Sec. (Sept. 2020), <https://ohss.dhs.gov/topics/immigration/yearbook/2019/table> (Black non-citizens in the U.S. are over-policed, over-arrested, over-charged, and over-sentenced where 76% of Black immigrants are deported because of contact with the criminal legal system compared to 45% of the immigrant population overall).

²¹ See, e.g., Sophia Hernandez, *‘They are being treated like dogs’: Families concerned over living conditions at Krome Detention Center*, NBC Miami, Mar. 21, 2025, <https://www.nbcmiami.com/news/local/families-concerned-over-living-conditions-at-krome-detention-center/3573640/> (detailing reports of people forced to sleep on the floor and denied food and water due to overcrowding at an immigration detention center in Miami, Florida).

²² Robert Tait, *Trump says vow to deport millions of undocumented people has ‘no price tag,’* The Guardian, Nov. 8, 2024, <https://www.theguardian.com/us-news/2024/nov/08/trump-mass-deportation-plan> (reporting President Trump’s campaign pledge to expel an estimated 11 million people).

²³ *Immigration Detention Quick Facts*, TRAC Immigr., <https://tracreports.org/immigration/quickfacts/> (last visited April 6, 2025) (as of March 23, 2025, 47,892 people are currently held by the U.S. government in immigration detention); *US immigration detention maxed out at 47,600 detainees, ICE official says*, Reuters, Mar. 12, 2025, <https://www.reuters.com/world/us/us-immigration-detention-maxed-out-47600-detainees-ice-official-says-2025-03-12/> (“ICE is currently funded to house an average of 41,500 detainees.”).

²⁴ See, e.g., Michael Sisak, *Federal prisons being used to detain people arrested in Trump’s immigration crackdown*, Associated Press, Feb. 7, 2025, <https://apnews.com/article/immigration-federal-prisons-trump-25d676a6ebbf139ae04a75cd91be7e8> (documenting U.S. government’s use of federal prisons to detain people arrested in its immigration crackdown); Zoe Blair, *Etowah County Jail gearing up to house detained immigrants*, WVTM 13, Feb. 4, 2025,

<https://www.wvtm13.com/article/etowah-county-jail-house-detained-immigrants/63669261>, (documenting U.S. government's decision to reopen the Etowah County Jail, an immigration facility shut down in 2022 due to reports of human rights abuses); Luis Ferré-Sadurní and Tracey Tully, *Trump to Reopen 1,000-Bed Detention Center for Migrants in New Jersey*, Feb. 27, 2025, <https://www.nytimes.com/2025/02/27/nyregion/trump-deportation-facility-newark.html>, (documenting U.S. government's decision to reopen Delaney Hall, an immigration facility shut down in 2021 after New Jersey enacted a law banning the use of private and public facilities to detain immigrants); John-John Williams IV and Daniel Zawodny, *'It's scary right now': ICE holds detainees for days in bedless Baltimore cells*, Baltimore Banner, Mar. 14, 2025, <https://www.thebaltimorebanner.com/politics-power/state-government/ice-baltimore-trump-immigration-deportation-detention-WNRGQUGLTVHD3MBFV4QUMEKDYM/> (describing how as a result of limited bedspace, the U.S. government has held immigrants in temporary holding cells without beds, little to no food, and lack of access to medication, for up to nine days).

²⁵ See Sarah Decker and Anthony Enriquez, *Inside the Black Hole: Systemic Human Rights Abuses Against Immigrants Detained and Disappeared in Louisiana*, Robert F. Kennedy Human Rights, et al., Aug. 2024, https://rfkhumanrights.org/wp-content/uploads/2024/08/Inside-the-Black-Hole_Systemic-Human-Rights-Abuses-Against-Immigrants-Detained.pdf (describing how U.S. immigration authorities routinely transfer and detain immigrants in remote and isolated facilities in rural Louisiana).

²⁶ Expanding Migrant Operations Center at Naval Station Guantanamo Bay to Full Capacity, White House, Jan. 29, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/expanding-migrant-operations-center-at-naval-station-guantanamo-bay-to-full-capacity/> (outlining federal policy to expand the Migrant Operations Center at Guantanamo Bay); see also Hamed Aleaziz, *Inside the Secretive Facility Housing Migrants at Guantánamo Bay*, N.Y. Times, Sept. 19, 2024, <https://www.nytimes.com/2024/09/19/us/politics/migrants-guantanamo-bay-cuba-detention.html> (“[I]nternal government reports obtained by The New York Times, along with interviews with migrants and advocacy groups, have shed more light on the conditions on Guantánamo, including allegations that migrants have been forced to wear blackout goggles during transport through the base; that their calls with lawyers are monitored; and that some areas are unfit for habitation, with rats and overflowing toilets.”).

²⁷ Dalia Faheid, *A glimpse at complaints inside Louisiana and Texas ICE detention centers holding Mahmoud Khalil and Badar Khan Suri*, CNN, Mar. 26, 2025, <https://www.cnn.com/2025/03/26/us/mahmoud-khalil-badar-khan-suri> (describing how people detained by the U.S. government for political speech are “cut off from support systems and subjected to ‘a culture of abuse’ at Louisiana’s detention centers”).

²⁸ See Ximena Bustillo, *President Trump brings back practice of detaining families together*, NPR, Mar. 27, 2025, https://www.npr.org/2025/03/07/g-s1-52674/trump-detention-families?link_id=5&can_id=1bf095ce1dc93bbf2d5feeaf216f4ebe&source=email-call-to-action-tfs-updates&email_referrer=email_2652856&email_subject=call-to-action-tfs-updates (reporting the return of the U.S. government’s practice of detaining families with children at previously shut down Karnes and Dilley detention centers in Texas “as part

of an effort to crack down on immigration”).

²⁹ *Flores Settlement Agreement*, *supra* note 8.

³⁰ CBP Settlement Agreement, *Flores v. Garland*, 2:85-cv-4544 (C.D. Cal. 2022), https://www.centerforhumanrights.org/_files/ugd/ba2119_f41755cab54d4b5d903966fe3e8dccb6.pdf (requiring access to sanitation, hygiene, and basic physical accommodations (CBP Settlement § VII.4-7); a child-friendly, trauma-informed environment (*Id.* at §§ VII.3.D.7, VII.7.7, VII.8.B.C.2); family unity while in CBP custody and visitation with family members held apart (*Id.* at § VII.8.B); a caregiver program (*Id.* at § VII.9); access to phones and a list of legal service providers (*Id.* at § XI, Exhibit 3); and medical protocols (*Id.* at § VIII.3)).

³¹ Plaintiffs’ Notice of Motion and Motion to Modify 2022 CBP Settlement at 1, *Flores v. Garland*, No. 2:85-cv-04544 (C.D. Cal. Dec. 20, 2024) (Dkt. 1526), [https://youthlaw.org/sites/default/files/2024-12/Motion to Modify 2022 CBP Settlement.pdf](https://youthlaw.org/sites/default/files/2024-12/Motion%20to%20Modify%202022%20CBP%20Settlement.pdf).

³² Order re Plaintiffs’ Motion to Modify 2022 CBP Settlement at 1, *Flores v. McHenry*, 2:85-cv-4544 (C.D. Cal. Jan. 30, 2025) (Dkt. 1547), <https://youthlaw.org/sites/default/files/2025-01/2025.1.30%20-%20Order%20re%20CBP%20Settlement.pdf>; Order re Plaintiffs’ Motion to Modify 2022 CBP Settlement at 9, *Flores v. McHenry*, 2:85-cv-45 44 (C.D. Cal. Jan. 30, 2025) (Dkt. 1547), <https://youthlaw.org/sites/default/files/2025-01/2025.1.30%20-%20Order%20re%20CBP%20Settlement.pdf>; Notice of Filing of Juvenile Care Monitor Report by Dr. Paul H. Wise at 6, *Flores v. Garland*, 2:85-cv-04544 (C.D. Cal. Jul. 18, 2023) (Dkt. 1352), https://youthlaw.org/sites/default/files/2023-07/2023.07.18_Flores%20Juvenile%20Care%20Monitor%20Report.pdf; Notice of Filing of Juvenile Care Monitor Report by Andrea S. Ordin, *Flores v. Garland*, 2:85-cv-4544 (C.D. Cal. Dec. 13, 2024) (Dkt. 1522), [https://youthlaw.org/sites/default/files/2024-12/December 2024 Juvenile Care Final Monitor Report by Andrea S. Ordin, Dr. Nancy Ewen Wang, Dr. Paul Wise_0.pdf](https://youthlaw.org/sites/default/files/2024-12/December%202024%20Juvenile%20Care%20Final%20Monitor%20Report%20by%20Andrea%20S.%20Ordin%20Dr.%20Nancy%20Ewen%20Wang%20Dr.%20Paul%20Wise%200.pdf).

³³ See *Leading with Cruelty: Eight Impacts of Trump’s First Day Executive Orders*, Nat’l Immigrant Justice Ctr., Jan. 25, 2025, <https://immigrantjustice.org/staff/blog/leading-cruelty-eight-impacts-trumps-first-day-executive-orders> (outlining series of executive orders issued by President Trump); see also *Analysis Of Trump Day 1 Executive Orders: Unconstitutional, Illegal, And Cruel*, Nat’l Immigr. Law Center, Jan. 2025, <https://www.nilc.org/wp-content/uploads/2025/01/Analysis-of-Trump-Day-1-Executive-Orders.pdf> (same).

³⁴ *DHS Reinstates Migrant Protection Protocols, Allowing Officials to Return Applicants to Neighboring Countries*, U.S. Dep’t of Homeland Sec., Jan. 21, 2025, <https://www.dhs.gov/news/2025/01/21/dhs-reinstates-migrant-protection-protocols> (announcing federal policy to reinstate Migrant Protection Protocols, where the U.S. government previously enrolled approximately 79,970 individuals in MPP during the first two iterations of the program (January 2019-January 2021; December 2021-August 2022)); see also Yael Schacher, *MPP as a Microcosm: What’s Wrong with Asylum at the Border and How to Fix It*, Refugees Int’l, Feb. 2022, <https://d3jwam0i5codb7.cloudfront.net/wp-content/uploads/2023/03/MPPasaMicrocosm-RefugeesInternational-February2022.pdf> (finding that migrants subjected to MPP face due process challenges, forced displacement, and other human rights abuses).

³⁵ See *Remain in Mexico: Unlawful and Ineffective*, Hum. Rts. First, Jan. 2025,

<https://humanrightsfirst.org/wp-content/uploads/2025/01/RMX-factsheet-01.2025.pdf> (finding that under the Remain in Mexico policy (RMX), the U.S. government forced asylum seekers to wait in dangerous Mexican border cities while their U.S. immigration court cases were pending); *Fatally Flawed: “Remain in Mexico” Policy Should Never Be Revived*, Hum. Rts. First, Sept. 2022, <https://humanrightsfirst.org/wp-content/uploads/2022/10/FatallyFlawed.pdf> (finding that the court-ordered reimplementations of RMX under the Biden administration confirms that the policy is fatally flawed and cannot be carried out humanely, safely, or legally); *Trapped, Preyed Upon, and Punished: One Year of the Biden Administration Asylum Ban*, Hum. Rts. First, May 2024, https://humanrightsfirst.org/wp-content/uploads/2024/05/Asylum-Ban-One-Year-Report_final-formatted_5.13.24.pdf (finding that the asylum ban and accompanying restrictions impose grave human rights abuses on non-citizens seeking protection); Hope Border Institute and Derechos Humanos Integrales en Acción, *Pain As Strategy: The Violence of the U.S.-Mexico Immigration Enforcement and Texas’ Operation Lone Star against People on the Move in El Paso-Ciudad Juárez*, Hope Border Inst., July 2024, https://www.hopeborder.org/_files/ugd/e07ba9_f84230270fa84893a376c1592553d09a.pdf (same).

³⁶ See *Trapped, Preyed Upon, and Punished*, *supra* note 35 (documenting human rights abuses resulting from the May 11, 2023 bar on asylum through the Circumvention of Lawful Pathways rule); Nat’l Immigrant Justice Ctr., et al., *Six-Week Report: Implementation of the Biden Administration’s June 2024 ‘Securing the Border’ Asylum Ban*, Nat’l Immigrant Justice Ctr., July 2024, https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-07/Six-Week-Report-Biden-2024-Asylum-Ban_FINAL.pdf (same); *US: Agents Block, Mistreat Mexican Asylum Seekers*, Hum. Rts. Watch, Dec. 5, 2024, <https://www.hrw.org/news/2024/12/05/us-agents-block-mistreat-mexican-asylum-seekers> (documenting how U.S. border patrol agents deny asylum access to families fleeing violence in Mexico).

³⁷ *Final Rule Circumvention of Lawful Pathways*, 80 Fed. Reg. 31314, 31317-18, May 16, 2023, <https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways>.

³⁸ A Proclamation on Securing the Border, White House, June 4, 2024, <https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/>; Final Rule Securing the Border, 89 FR 81156, Oct. 7, 2024, <https://www.federalregister.gov/documents/2024/10/07/2024-22602/securing-the-border>.

³⁹ See Hum. Rts. First, et al., *“Don’t Tell Me About Your Fear”: Elimination of Longstanding Safeguard Leads to Systematic Violations of Refugee Law*, Hum. Rts. First, Aug. 2024, https://humanrightsfirst.org/wp-content/uploads/2024/08/IFR-report_formatted.pdf (documenting harms resulting from the asylum bans eradication of the requirement for immigration officers to ask people arriving in the U.S. about their fear of return); see also Brief Amicus Curiae of Human Rights First, Hope Border

Institute, Immigrant Defenders Law Center, Kino Border Initiative, and Refugees International in support of plaintiffs, *Las Americas Immigrant Advocacy Center, et al., v. Department of Homeland Security, et al.*, July 29, 2024, https://www.hopeborder.org/files/ugd/e07ba9_69f3ef2cb2674e829ed01a45aaea83d3.pdf (synthesizing research on the human rights abuses inflicted on non-citizens by the “Securing the Border” IFR).

⁴⁰ *Guaranteeing the States Protection Against Invasion*, White House, Jan. 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/guaranteeing-the-states-protection-against-invasion/>.

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⁴² See *The Human Impact of Anti-Asylum Policies*, Hum. Rts. First, <https://humanrightsfirst.org/harms-tracker/> (collecting data on assaults against asylum seekers); see also Women’s Refugee Comm. & Instituto Para las Mujeres en la Migración, A.C., *Atrapadas en la incertidumbre y expuestas a la violencia. El impacto de las políticas migratorias de Estados Unidos y México en las mujeres solicitantes de protección internacional en 2021*, Women’s Refugee Comm. (Feb. 2022); <https://www.womensrefugeecommission.org/wp-content/uploads/2022/02/Atrapadas-en-la-incertidumbre-1.pdf> (detailing the negative impacts of US and Mexican immigration policies on women seeking international protection).

⁴³ See *U.S. deportees in ‘black box’ in Panama with no access to counsel, lawyers say*, Guardian, Feb. 27, 2025, <https://www.theguardian.com/us-news/2025/feb/27/trump-deportations-panama>; Megan Janetsky et al., *Panama and Costa Rica can’t turn into ‘black hole’ for migrants, Human Rights Watch says*, NBC News, Feb. 28, 2025, <https://www.nbcnews.com/news/asian-america/panama-costa-rica-black-hole-migrants-rcna194275>.

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⁴⁶ Exec. Order No. 14161, *Protecting the U.S. From Foreign Terrorists and Other National Security and Public Safety Threats*, 90 Fed. Reg. 8451, Jan. 20, 2025.

⁴⁷ Order Granting Mot. for Prelim. Inj., *Pacito v. Trump*, no. 2:25-cv-00255 (W.D. Wash. Feb 28, 2025), ECF No. 45 (holding that the government’s actions violated multiple statutes, including the Refugee Act, and enjoining implementation of the refugee ban executive order and suspension of USRAP-related funding); *Status Report Confirms Government is Undermining Court Ruling to Resume Refugee Processing*, Int’l Refugee Assistance Project (Mar. 11, 2025), <https://refugeerights.org/news-resources/status-report-confirms-government-is-undermining-court-ruling-to-resume-refugee-processing>; see also Muslim Advocates, *Total and Complete Shutdown: How the Trump Administration is Working to Ban Muslims from the U.S.*, Apr. 2018, <https://muslimadvocates.org/advocacy/report-total-and-complete-shutdown/> (detailing how former national security officials consistently called the prior bans “ill-conceived,

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⁴⁸ Proclamation No. 10903, Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua, 90 Fed. Reg. 13033, Mar. 15, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-act-regarding-the-invasion-of-the-united-states-by-tren-de-aragua/>; Katherine Yon Ebright, *The Alien Enemies Act, Explained*, Brennan Ctr., Oct. 9, 2024, <https://www.brennancenter.org/our-work/research-reports/alien-enemies-act-explained>.

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⁵⁰ See Camilo Montoya-Galvez, *Here are the names of the Venezuelans deported by the U.S. to El Salvador*, CBS News, Mar. 20, 2025, <https://www.cbsnews.com/news/venezuelans-deported-el-salvador-names/>; Luc Cohen et al., *Nazis were treated better than Venezuelans deported by Trump, judge says at hearing*, Reuters, Mar. 24, 2025,

⁵¹ Leire Ventas, *Coming face-to-face with inmates in El Salvador’s mega jail*, BBC News, Feb. 14, 2024, <https://www.bbc.com/news/world-latin-america-68244963>; see also Human Rights Watch declaration on prison conditions in El Salvador for the J.G.G. v. Trump case, Hum. Rts. Watch, Mar. 20, 2025, https://www.hrw.org/news/2025/03/20/human-rights-watch-declaration-prison-conditions-el-salvador-jgg-v-trump-case?gad_source=1&gbraid=0AAAAADrFXcjuf1d50lhSv7IVLciJuoY7A&gclid=CjwKCAjwzMi_BhACEiwAX4YZUETSvO3iGyyZkLJ3WtaBqYILup8ci-iduEVFY_GDtOH2nDSc_CHifRoCURYQAvD_BwE.

⁵² See *A Primer on Expedited Removal*, Am. Immigr. Council, 1 (Feb. 2025), https://www.americanimmigrationcouncil.org/sites/default/files/research/a_primer_on_expedited_removal_0225.pdf.

⁵³ See Hum. Rts. First et al., “Don’t Tell Me About Your Fear:” *Elimination of Longstanding Safeguard Leads to Systematic Violations of Refugee Law*, Hum. Rts. First, 4 (Aug. 7, 2024), https://humanrightsfirst.org/wp-content/uploads/2024/08/IFR-report_formatted.pdf (explaining how a new rule eradicated the requirement for border agents to ask people arriving at the border about their fear of return).

⁵⁴ See Ctr. for Gender & Refugee Stud. (CGRS), “*Manifesting” Fear At the Border: Lessons from Title 42 Expulsions*, UC Law S.F. (Jan. 30, 2024), <https://cgrs.uclawsf.edu/our-work/publications/%E2%80%9Cmanifesting%E2%80%9D-fear-border-lessons-title-42-expulsions> (describing the shout test as applied under Title 42); see also *Barriers to Protection as of 2024: Updated Recommendations on Asylum Seekers in Expedited Removal*, U.S. Comm. on Int’l Religious Freedom, 11 (Feb. 2025), <https://www.uscirf.gov/sites/default/files/2025-02/2025%20USCIRF%20Barriers%20to%20Protection.pdf> (outlining flaws in the shout test, including lack of CBP officer training and lack of opportunities to affirmatively raise fear).

⁵⁵ See *A Primer on Expedited Removal*, *supra* note 52.

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¹¹⁰ See, e.g., Sophia Tareen, *Trump administration sues Chicago in latest crackdown on 'sanctuary' cities*, Assoc. Press, Feb. 6, 2025, <https://apnews.com/article/trump-immigration-chicago-arrests-sanctuary-immigrants-enforcement-df278eba554406c6703bb362d9b09844> (cataloguing recent attacks on sanctuary cities and explaining that such policies are not illegal and provide a constitutional safeguard by allowing local jurisdictions to opt out of federal immigration enforcement).

¹¹¹ Memorandum: Preventing Abuses of the Legal System and the Federal Court, White House, Mar. 21, 2025, <https://www.documentcloud.org/documents/25600216-032125-trumpmemo-lawyers/> (outlining federal policy to "efficiently and effectively" "hold accountable" lawyers and law firms that "threaten our national security, homeland security, public safety, or election integrity," including lawyers that assist client in preparing asylum claims).

¹¹² See Chelsea Kramer, *Texas Attorney General Paxton continues fight against NGOs that serve migrants*, Immigration Impact, Aug. 21, 2024, <https://immigrationimpact.com/2024/08/21/texas-attorney-general-paxton-fight-ngo-serve-migrants/> (describing efforts by Texas Attorney General Paxton to shut down non-profit organizations based on disagreements with their mission or content, including their services to migrants and refugees).

¹¹³ See *Florida grand jury calls for new laws on illegal immigration*, Assoc. Press, Dec. 9, 2022, <https://apnews.com/article/ron-desantis-politics-florida-immigration-united-states-government-e1efa8da5f882a556e6722cd6c3c9626> (describing how a statewide grand jury empaneled at the request of Florida Gov. Ron DeSantis called for lawmakers to create new criminal penalties for “harboring undocumented immigrants,” including sanctuary city policies); Jim Saunders, *Grand jury report lists steps Florida could take to curb illegal immigration*, Tallahassee Democrat, Nov. 27, 2019, <https://www.tallahassee.com/story/news/local/state/2023/11/27/florida-grand-jury-issues-report-on-ways-to-curb-illegal-immigration/71723204007/> (describing how Florida statewide grand jury issued a 146-page report calling for actions including crackdowns on businesses that hire undocumented immigrants and probing non-government organizations).

¹¹⁴ Sabino, *supra* note 96.; Kramon and Lieb, *supra* note 96.

¹¹⁵ Gross, *supra* note 101.