

**Submission to the United Nations Universal Period Review of
The United States of America
April 2026**

**The Rights of Migrants, Refugees, and Asylees and The Rights to
Democratic Representation**

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The stakeholder submission reflects coordinated discussions among community associations and civil society organizations in California and across the United States on the state of human rights. A component of the submission also highlights contributions from local and youth councilmembers, who share perspectives on human rights at the subnational level to ensure that youth voices are heard in the United States' fourth-cycle Universal Periodic Review (UPR).

Since the initial stakeholder submission, we have consolidated inputs from various meetings of the aforementioned groups held between January 2025 and April 2026. We look forward to participating in the November session of the UN Working Group on the UPR as it considers the situation in our country.

I. INTRODUCTION

1. As a State party to the International Covenant on Civil and Political Rights (ICCPR)ⁱ, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)ⁱⁱ, and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)ⁱⁱⁱ, and as a State bound by the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol^{iv}, the United States of America (U.S.) ought to ensure that its domestic legal and administrative frameworks reflect prevailing international human rights norms. These agreements impose this obligation by virtue of the U.S. serving as a guarantor of due process, precluding arbitrary detention, and ensuring adjudicatory integrity and recourse. They further require the U.S. to protect the political participation rights of eligible voters without distinction, exclusion, or interference.
2. These obligations are further informed by the Universal Declaration of Human Rights (UDHR)^v, which articulates foundational principles for interpreting such binding treaties.
3. Taken together, this submission outlines critical divergences between these international standards and domestic practices relevant to the rights of migrants, refugees, and asylum seekers since the last UPR stakeholder submission in April 2025.

II. INSTITUTIONAL FRAMEWORKS

4. The U.S. Constitution^{vi}, through the Fifth^{vii} and Fourteenth^{viii} Amendments, prohibits the government from depriving any person of life, liberty, or property without due process of law. In addition, the Suspension Clause within Article I, Section 9^{ix} protects the writ of habeas corpus, ensuring access to judicial review of detention except in cases when it may be lawfully suspended (rebellion and invasion). Collectively, the Bill of Rights^x, comprising the first ten amendments, extends constitutional protections to all persons, citizens and noncitizens, within the jurisdiction of the U.S.
5. The activities of federal agencies in the U.S. are constrained pursuant to the Administrative Procedure Act (APA) (Pub. L. No. 79-404, 60 Stat. 237), codified at 5 U.S.C. §§ 551-559, 701-706^{xi}. Federal immigration enforcement and detention practices implemented by U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) must be exercised only under lawfully delegated authority and must ensure that they are non-arbitrary, procedurally fair, and subject to judicial oversight.

III. THE STATUS OF MIGRANTS, REFUGEES, AND ASYLUM SEEKERS

6. While the foregoing constitutional and statutory provisions formally establish procedural safeguards for those within U.S. jurisdiction, the manner in which the U.S. continues to pursue its immigration enforcement continues to depart from both domestic and applicable international standards. The following outlines the statutes, key events, and patterns through which these departures manifest.

7. The detention and expedited removal of migrants, refugees, and asylum seekers in the United States is authorized, in part, pursuant to 8 U.S.C. § 1225^{xii} and 8 U.S.C. § 1226^{xiii}. Section 1225 (b)(1)^{xiv} governs individuals subject to expedited removal, including those arriving at ports of entry or apprehended near the border without valid documents, and generally requires their detention pending determinations of admissibility and credible fear. Section 1226 (a)^{xv} permits the arrest and detention of noncitizens pending removal proceedings and provides for release on bond or conditional parole at the discretion of immigration authorities or an immigration judge. Section 1226 (c)^{xvi} mandates detention without bond for certain categories of noncitizens, including individuals with specified criminal grounds, as their removal proceedings pend.
8. Enacted on January 29, 2025, the Laken Riley Act (Pub. L. No. 119-1)^{xvii} amends 8 U.S.C. § 1226 under subsection (c)^{xviii}. The statute broadens the scope of individuals subject to mandatory detention to include noncitizens arrested or charged with enumerated offenses, including burglary, theft, larceny, and shoplifting. The legislation restricts eligibility for release on bond or conditional parole.
9. Due process protections are increasingly undermined in U.S. immigration enforcement through the expanded use of arrest, detention, and expedited removal. Migrants, refugees, and asylum seekers are frequently detained without adequate notice, individualized assessment, or a meaningful opportunity to challenge their custody. As of December 2025, approximately 328,000 individuals had been arrested and 327,000 removed since January 2025^{xix}, including a significant number with no prior criminal history and others actively complying with lawful immigration processes. These practices, compounded by reports of racial profiling and disproportionate targeting, are inconsistent and undermine the due process guarantees under the Fifth Amendment of the U.S. Constitution.
10. The following are just some examples of such practices:
 - a. **Wrongful Detentions and Arrests:** In March 2025, Kilmar Abrego Garcia, a Maryland resident with lawful status, was wrongfully removed to El Salvador. Similar enforcement concerns have continued since. Leonardo García Venegas, a construction worker, was arrested on separate occasions in May 2025 and June 2025^{xx}, allegedly on suspicion of immigration status. During the June arrest and detention, Venegas presented a REAL ID, which in Alabama is sufficient to establish his legal status. Still, the officers rejected the document as fraudulent. Such cases underscore a broader pattern of enforcement increasingly influenced by subjective bias and discriminatory practices.
 - b. **Challenges to Due Process:** On August 29th, 2025, Joaquin Herrera Avilla, a Mexican national, was arrested during a traffic stop and held without bond in ICE custody^{xxi}. While a federal court initially granted his habeas corpus petition and ordered a bond hearing, a subsequent appellate ruling reversed this decision. This appellate precedent now permits the prolonged detention of noncitizens regardless of their criminal history or length of residency^{xxii}.

- c. **Expanded Grounds for Detention, Arrest, and Removal:** On October 24, 2025, Uriel Mendoza Araiza was denied bond at the Northwest ICE Processing Center. Although his only offense was a 2006 shoplifting charge, an immigration judge ruled that the 2025 Laken Riley Act applied retroactively to his conduct.^{xxiii} This application allows the bypassing of individualized assessment, which has been used and will continue to be used to justify the detention of those who pose no danger to the community.
11. Since April of 2025, reports have increasingly highlighted the deteriorating conditions within immigration detention centers, where overcrowding and inadequate access to essential medical care have led to severe physical and psychological distress. These environments often fail to meet the basic standards of human dignity, resulting in a rising number of preventable deaths while in custody. Many of these deaths have resulted from improper care and complications of one or more health conditions. In 2026, the deaths of those in ICE custody have been at their highest since 2006, with 46 deaths since January 2025^{xxiv}.
 12. Since April 2025, many migrants, refugees, and asylum seekers in the United States have remained in a state of profound uncertainty, navigating substandard detention conditions and systemic barriers to legal due process. This instability is increasingly exacerbated by a shifting national rhetoric that has moved toward more overt exclusion, targeting a broad spectrum of ethnic and religious groups, coinciding with a measurable surge in hate crimes and bias-motivated incidents. Many diverse groups that make up the fabric of the U.S. are becoming increasingly vulnerable and fearful for their long-term security.

III. STATUS OF VOTERS' RIGHTS

13. All citizens of the United States 18 years of age or older, whatever their disabilities, work schedules, responsibilities caring for others, etc., should be given reasonable opportunities to become well informed about the issues and candidates on each ballot, and the process of casting their ballot should be facilitated, not impeded. Since 2025, voting rights have been further restricted and removed for all voters, but especially for voters who are not registered with the Republican Party (see especially Democracy Docket).

IV. RECCOMDATIONS

14. End the practice of categorical mandatory detention.
 - a. The U.S. must reform statutory frameworks, specifically 8 U.S.C. § 1226(c) and the Laken Riley Act, to prioritize individualized liberty assessments over automatic custody; this aligns with **ICCPR Article 9(1)**^{xxv} and **UDHR Article 9**^{xxvi}, which prohibit arbitrary detention and mandate that any deprivation of liberty be necessary, proportionate, and a measure of last resort.
15. Restore access to timely judicial review.
 - a. To eliminate the risk of indefinite or prolonged confinement without recourse, the U.S. must guarantee that every detainee is brought promptly before a member of

the judiciary to challenge the legal basis of their holding, thereby fulfilling the mandate of **ICCPR Article 9(4)**^{xxvii} and the foundational principles of the **UDHR** regarding the right to an effective remedy.

16. Uphold protections against non-refoulement in expedited removal proceedings.
 - a. The U.S. must reform 8 U.S.C. § 1225(b)(1) to ensure that no individual is removed without a comprehensive "credible fear" assessment; such reforms are required to meet the absolute obligation under **CAT Article 3**^{xxviii} and the **1951 Refugee Convention**^{xxix} to never return a person to a territory where they face a credible threat of torture or irreparable harm.
17. Uphold protections to the right to counsel.
 - a. Domestic immigration proceedings must be restructured to ensure that legal representation and sufficient preparation time are not treated as privileges, but as essential components of a fair hearing, consistent with **ICCPR Article 14**^{xxx} and **UDHR Article 10**^{xxxi}, which entitle all persons to a fair and public hearing by an independent and impartial tribunal.
18. Address and prevent discrimination in enforcement:
 - a. The U.S. must adopt a zero-tolerance policy for subjective, bias-based enforcement, as **ICERD Article 2**^{xxxii} and **ICCPR Article 26**^{xxxiii} oblige the state to prohibit and eliminate racial discrimination in all its forms and guarantee equal protection of the law.
19. Improve oversight and conditions within detention facilities.
 - a. The U.S. must ensure the health and safety of all detainees as required by **ICCPR Article 10**^{xxxiv}, which mandates that all persons deprived of their liberty shall be treated with humanity and respect, and **CAT Article 16**^{xxxv}, which obliges the state to prevent acts of cruel, inhuman, or degrading treatment or punishment.
20. Ratify and implement the International Covenant on Economic, Social, and Cultural Rights (ICESCR)^{xxxvi} and the Convention on the Rights of the Child (CRC)^{xxxvii} to align U.S. law with international human rights standards.
21. Facilitate the education and voting of all citizens of the United States, 18 years of age or older, whatever their disabilities, work schedules, responsibilities caring for others, etc. to have reasonable opportunities to become well informed about the issues and candidates on each ballot.

ⁱ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

ⁱⁱ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85 (CAT).

ⁱⁱⁱ International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195 (ICERD).

^{iv} Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137.

^v Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III).

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- vi US Const.
- vii US Const, amend V.
- viii US Const, amend XIV.
- ix US Const, art.1 §9
- x US Const, amend I-X
- xi Administrative Procedure Act, 5 U.S.C. § 555 (2006).
- xii United States of America, United States Code, Title 8, §1225.
- xiii United States of America, United States Code, Title 8, §1226.
- xiv United States of America, United States Code, Title 8, § 1225(b)(1).
- xv United States of America, United States Code, Title 8, § 1226(a).
- xvi United States of America, United States Code, Title 8, § 1226(c).
- xvii United States of America, *Laken Riley Act*, S. 5, 119th Congress (2025–2026).
- xviii United States of America, United States Code, Title 8, § 1226(c).
- xix Editorial, 'Number of people in ICE detention hits record high, data shows' The Guardian (London, 22 December 2025) <<https://www.theguardian.com/us-news/2025/dec/22/ice-detentions-record-immigration>> accessed [9 March 2026].
- xx 'U.S. citizen wrongfully detained twice in Alabama workplace raids sues immigration authorities' (PBS NewsHour, 1 October 2025) <<https://www.pbs.org/newshour/nation/u-s-citizen-wrongfully-detained-twice-in-alabama-workplace-raids-sues-immigration-authorities>> accessed [2 April 2026].
- xxi *Herrera Avila v Bondi* (8th Cir, 25 March 2026, No 25-3248) 1-2.
- xxii Max Nesterak, "Appeals court backs Trump administration's mandatory detention policy in Minnesota case" News from the States (25 March 2026) <<https://www.newsfromthestates.com/article/appeals-court-backs-trump-administrations-mandatory-detention-policy-minnesota-case>> accessed [2 April 2026]
- xxiii *Mendoza Araiza v Wamsley* No 2:25-cv-2139, Ex Parte Motion for Order to Show Cause (WD Wash, 30 October 2025).
- xxiv KFF, 'Deaths and Health Care Issues in ICE Detention Centers Under the Second Trump Administration' (KFF, 25 March 2026) <<https://www.kff.org/racial-equity-and-health-policy/deaths-and-health-care-issues-in-ice-detention-centers-under-the-second-trump-administration/>> accessed [10 April 2026].
- xxv (ICCPR) art 9(1).
- xxvi UDHR art 9.
- xxvii ICCPR art 9(4).
- xxviii CAT art 3.
- xxix Refugee Convention art 33.
- xxx ICCPR art 14.
- xxxi UDHR art 10.
- xxxii ICERD art 2.
- xxxiii ICCPR art 26.
- xxxiv ICCPR art 10.
- xxxv CAT art 16.
- xxxvi International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).
- xxxvii Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).