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VICTIMS of
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International Rehabilitation
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**Joint Submission of The Center for Victims of Torture and
International Rehabilitation Council for Torture Victims
to the**

United Nations Universal Periodic Review of the United States of America

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**Immigration Policy and Human Rights Violations Under the Biden and Trump
Administrations**

The **Center for Victims of Torture (CVT)** and the **International Rehabilitation Council for Torture Victims (IRCT)** respectfully provide this submission in advance of the 50th session of the UN Universal Periodic Review and its review of the United States of America (U.S.).

The **Center for Victims of Torture** was founded in Minneapolis, Minnesota, in 1985, in order to provide mental health and psychosocial services to torture survivors who are refugees or asylum seekers. In addition to our offices in Minnesota, we work in several states within the United States; the vast majority of programming has been outside the United States, at multiple locations in the Middle East and Africa.

Over nearly 40 years, CVT clinicians have provided direct healing care to tens of thousands of torture survivors, as well as their families and communities. We work to build the capacity of a variety of civil society stakeholders that support survivors, whether through rehabilitation services or otherwise. And we advocate – both directly, and through assistance to human rights defenders across the globe – for States to respect, protect, and fulfill human rights; in particular, for States to adhere to their obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and related international law.

The **International Rehabilitation Council for Torture Victims** is the world's largest civil society organization specializing in the rehabilitation of torture victims. With over 173 members in 79 countries, the IRCT brings its health expertise to all the pillars of the global fight against torture (prevention, justice and reparation).

In 2020, member States of the Human Rights Council last reviewed the U.S. and recommended that it “make efforts in favour of the human rights of migrants, asylum seekers, and refugees.”¹ Survivors of torture are significant among the refugee and asylum-seeking populations. One month after taking office in January 2021, former President Biden issued Executive Order 14010 of February 2, 2021,² restoring asylum protections, and Executive Order 14013 of February 4, 2021, aimed at rebuilding the U.S. Refugee Admissions Program (USRAP).³ However, these efforts were undermined by policies that perpetuated human rights violations such as restricting asylum eligibility and implementing the use of a dysfunctional mobile application for asylum appointments at ports of entry.

Upon taking office in January 2025, the Trump administration further exacerbated these violations, including by cutting key programs and dismantling protections for migrants, asylum seekers, and refugees. The Trump administration has enacted a sweeping set of executive orders on U.S. immigration policy, with devastating consequences for asylum seekers, refugees, and immigrant communities. These policies are restrictive and punitive measures, driven by rhetoric framing migration as an “invasion” and prioritizing an “America First” agenda over humanitarian obligations and international human rights standards.

Among the most alarming developments is the indefinite suspension of the USRAP, effectively shutting down refugee resettlement and barring those with pending applications. This move, alongside increased security vetting requirements and a renewed focus on deportation and detention, severely undermines protections for individuals fleeing persecution and torture. At the U.S.-Mexico border, asylum has been all but eliminated. New executive orders expand the use of military force at the border,⁴ summary removals through outdated war-time authorities such as the Alien Enemies Act of 1798⁵ and reinstate the Migrant Protection Protocols (MPP), also known as the Remain in Mexico Policy, which forces asylum seekers to await U.S. immigration proceedings in Mexico despite passing a credible fear screening.⁶

The administration is also seeking to strip citizenship from children born in the U.S. to undocumented parents or asylum seekers in certain cases. At the same time, NGOs providing aid to immigrant communities face increased scrutiny, audits, and potential funding cuts, further eroding support systems for those most in need. Similarly, the administration has targeted specific law firms⁷ and individual lawyers through Executive Orders terminating government contracts, revoking security clearances, and access to federal government buildings due to work deemed “detrimental to critical American interests,” such as pro bono immigration services.⁸

¹ UN DOC. A/HRC/46/15. Para 26.327 <https://docs.un.org/en/A/HRC/46/15>

² Exec. Order No. 14010, 86 FR 8267 (2021)

³ Exec. Order No. 14013, 86 FR 8839 (2021)

⁴ Exec. Order No. 14165, 90 FR 8467 (2025)

⁵ Katherine Yon Ebright, *The Alien Enemies Act, Explained*, Brennan Center for Justice (Oct. 9, 2024) <https://www.brennancenter.org/our-work/research-reports/alien-enemies-act-explained>

⁶ *DHS Reinstates Migrant Protection Protocols, Allowing Officials to Return Applicants to Neighboring Countries*, U.S. Department of Homeland Security (Jan. 21, 2025), <https://www.dhs.gov/news/2025/01/21/dhs-reinstates-migrant-protection-protocols>.

⁷ Exec. Order No. 14246, 90 FR 13997 (2025)

⁸ Exec. Order No. 14250, 90 FR 14549 (2025)

This submission documents human rights violations resulting from these policies, particularly their impact on torture survivors, asylum seekers, and other vulnerable populations.⁹ These actions violate a broad range of well-established international laws, including both treaty-based and customary human rights norms. They violate peremptory norms and longstanding principles under instruments such as the Convention against Torture¹⁰ and the Refugee Convention.¹¹ The outline is as follows:

- I. Executive orders undermining asylum seekers and migrants' rights
 - A. The Impact of "Freezing," then Largely Eliminating, U.S. Foreign Aid
 - B. Refugee Admissions
 - C. Asylum
 - D. Alien Enemies Act
- II. Conditions of detention amounting to torture and/or cruel, inhumane or degrading treatment
 - A. Immigration detention
 - B. Migrants Detention at Guantánamo Bay

⁹ There is ongoing litigation challenging many of these Executive Orders and actions. Litigation has been extensive and fast-moving, with courts generally seeking to check the Executive Branch. Given the volume and pace of cases, a comprehensive discussion on that is beyond the scope of this submission.

¹⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984

¹¹ Convention Relating to the Status of Refugees, Jul. 28, 1951

I. Executive orders undermining asylum seekers and migrants' rights

A. The Impact of “Freezing,” then Largely Eliminating, U.S. Foreign Aid

Trump's January 2025 executive order freezing foreign aid has terminated over 15,000 grants, abruptly stopping life-saving programs for torture survivors and war victims across three continents. The cuts have forced organizations like CVT to suspend 75% of operations, including trauma therapy and shelters for sexual violence survivors, directly endangering tens of thousands of vulnerable people.

On January 20th, President Trump signed the “Reevaluating and Realigning United States Foreign Aid,” Executive Order (EO).¹² This EO imposed an initial **90-day pause on all foreign development assistance programs by the State Department and the U.S. Agency for International Development (USAID)** to evaluate their alignment with the Trump administration’s foreign policy. It applies to funding and disbursements for NGOs, international organizations, and contractors. As of February 28, the State Department had terminated at least 10,000 grants and contracts,¹³ and as of March 10, 5,200 USAID contracts.¹⁴

The foreign aid freezes and grant terminations have exacerbated humanitarian crises. Cuts to aid programs in Latin America, the Middle East, and Afghanistan have had a devastating impact on vulnerable populations. Cuts have been made to lifesaving medicine, food, and other programs that provide support to survivors of torture, sexual violence, and war trauma.

In 2024, CVT provided support to 51,500 individuals, including direct care to 40,000.¹⁵ Due to the pause and ultimate termination of the overwhelming majority of CVT’s international program funding, **CVT’s has had to furlough or terminate 75% of staff and halt programs in Jordan, Ethiopia, and Uganda.**¹⁶ Among other services that had to be halted, this led to **suspending therapy, shelter, and support programs for survivors of sexual violence, including counseling, physiotherapy, and training for healthcare workers—leaving survivors, many at-risk, without crucial care.**¹⁷

B. Refugee Admissions

The Biden administration restored USRAP admissions to 125,000 annually, resettling over 100,000 refugees in 2024. However, Trump’s January 2025 Executive Order 14163 abruptly suspended the program, canceling flights for 10,000 refugees and halting Afghan SIV

¹² Exec. Order No. 14169, 90 FR 8619 (2025)

¹³ *United States terminates thousands of aid programs*, International Rescue Committee (Feb. 27, 2025) <https://www.rescue.org/article/united-states-terminates-thousands-aid-programs>

¹⁴ Melody Schreiber, *Rubio announces that 83% of USAID contracts will be canceled*, NPR (March 10, 2025) <https://www.npr.org/sections/goats-and-soda/2025/03/10/g-s1-52964/rubio-announces-that-83-of-usaid-contracts-will-be-canceled>

¹⁵ *What We Do*, Center for Victims of Torture, <https://www.cvt.org/what-we-do/>

¹⁶ *CVT Programs HALTED by U.S. Government Cuts*, Center for Victims of Torture (Feb. 19, 2025), <https://www.cvt.org/emergency/>

¹⁷ Fred Harter, *‘The impact has been devastating’: how USAID freeze sent shockwaves through Ethiopia*, The Guardian (Feb. 21, 2025), <https://www.theguardian.com/global-development/ng-interactive/2025/feb/21/the-impact-has-been-devastating-how-usaid-freeze-sent-shockwaves-through-ethiopia>

processing. This reckless termination put vulnerable populations in immediate danger while dismantling vital resettlement infrastructure. The policy shift constitutes a gross violation of U.S. humanitarian obligations, deliberately exposing refugees to irreversible harm.

The Biden administration worked to rebuild USRAP after the first Trump administration significantly decreased refugee admission numbers to 15,000.¹⁸ Under the Biden administration, proposed refugee admissions increased to 62,500 in 2021,¹⁹ and 125,000 for 2022,²⁰ 2023,²¹ 2024.²² In 2022, 25,465 refugees were resettled,²³ in 2023 60,014,²⁴ and in 2024 a record high of 100,034.²⁵

Upon taking office on January 20, 2025, President Donald Trump signed Executive Order 14163, “Realigning the United States Refugee Admissions Program,” suspending the entry of refugees into the United States.²⁶ This suspension, which was scheduled for January 27th, took effect on January 22, and mandated the Department of Homeland Security (DHS) to pause decisions on refugee status applications. The order also required DHS, in consultation with the Department of State, to submit a report within 90 days assessing whether the resumption of USRAP aligns with national interests, with subsequent reports every 90 days until a determination is made.²⁷ Additionally, Executive Order 14013 issued by former President Biden to rebuild and enhance USRAP, was revoked.²⁸

Consequently, scheduled travel for approximately 10,000 refugees to the United States was cancelled, stranding refugees worldwide, including thousands of Afghans awaiting resettlement.²⁹

¹⁸ Jennifer Hansler and Priscilla Alvarez, *Trump administration sets refugee cap at 15,000, a new historic low*, CNN (Oct. 1, 2020), <https://www.cnn.com/2020/10/01/politics/us-refugee-cap-fy21/index.html>

¹⁹ *President Biden Announces Revised Refugee Admissions Cap of 62,500 for FY21*, Global Refuge (May 3, 2021), <https://www.globalrefuge.org/news/president-biden-announces-revised-refugee-admissions-cap-of-62500-for-fy21/>

²⁰ *Report to Congress on Proposed Refugee Admissions for Fiscal Year 2022*, U.S. Department of State (Sep. 20, 2021), <https://www.state.gov/bureau-of-population-refugees-and-migration/releases/2021/09/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2022>

²¹ *Report to Congress on Proposed Refugee Admissions for Fiscal Year 2023*, U.S. Department of State (Sep. 8, 2022), <https://www.state.gov/bureau-of-population-refugees-and-migration/releases/2022/09/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2023>

²² *Report to Congress on Proposed Refugee Admissions for Fiscal Year 2024*, U.S. Department of State (Nov. 3, 2023), <https://www.state.gov/bureau-of-population-refugees-and-migration/releases/2023/11/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2024>

²³ *Id.*

²⁴ Diana Roy, Claire Klobucista, and James McBride, *How Does the U.S. Refugee System Work?*, Council on Foreign Relations (Mar. 26, 2024), <https://www.cfr.org/backgrounders/how-does-us-refugee-system-work-trump-biden-afghanistan>

²⁵ *U.S. Resettles Most Refugees in Three Decades, Maintains FY 2025 Refugee Cap at 125,000*, Global Refuge (Sep. 30, 2024), <https://www.globalrefuge.org/news/refugees-resettlement-three-decades/>

²⁶ Exec. Order No. 14163, 90 FR 8459 (2025)

²⁷ *Daily State of Play: Trump's Indefinite Refugee Ban and Funding Halt*, Church World Services (Apr. 4, 2025), <https://cwsglobal.org/blog/daily-state-of-play-trumps-indefinite-refugee-ban-and-funding-halt/>

²⁸ *Analysis of Trump Day 1 Executive Orders: Unconstitutional, Illegal, and Cruel*, National Immigration Law Center (Jan. 21, 2025), <https://www.nilc.org/articles/analysis-of-trump-day-1-executive-orders-unconstitutional-illegal-and-cruel/>

²⁹ Priscilla Alvarez and Haley Britzky, *Flights canceled for refugees who were slated to travel to US*, CNN (Jan. 22, 2025) <https://www.cnn.com/2025/01/22/politics/refugee-flights-canceled/index.html>

Additionally, **the State Department issued stop-work orders to nonprofit organizations which provide refugee resettlement services.** These agencies provide 90 days of initial resettlement support for refugees and Afghan Special Immigrant Visa (SIV) recipients, covering essential expenses such as food, rent, utilities, and furnishings in the U.S.³⁰

The stop-work order also paused the processing and resettlement of Afghan Special Immigrant Visa (SIV) recipients. SIVs are granted to individuals who were employed by or on behalf of the U.S. government in Afghanistan.³¹ **The suspension has left thousands of Afghans in a precarious situation. Many live in unsafe conditions or face the risk of deportation to Afghanistan, where they fear persecution by the Taliban.**³²

C. Asylum

The Biden administration's 2023-2024 asylum restrictions violated international refugee law by imposing transit bans, raising screening thresholds to near-impossible standards, and forcing vulnerable migrants to rely on a dysfunctional CBP One app, denying protection to those fleeing persecution. These policies were eclipsed by Trump's January 2025 Executive Order 14159, which declared migration an "invasion," suspended all asylum access, and authorized mass expulsions, blatantly violating non-refoulement obligations and exposing refugees to heightened risks of torture. Both administrations' policies systematically exposed asylum seekers into danger while dismantling due process safeguards.

In 2023, the Biden administration implemented policies that restricted access to safety for individuals seeking refuge at the U.S.-Mexico border. These policies violated fundamental principles of international refugee law. In May 2023, they implemented the “Circumvention of Lawful Pathways” rule, significantly restricting asylum eligibility for individuals who entered the U.S. between official ports of entry or traveled through a third country before reaching the southern border. **This policy effectively barred most asylum seekers unless they applied for asylum in a transit country (unless they were Mexican coming from Mexico) and were denied or secured an appointment through the CBP One mobile application to enter at an official port of entry.**³³ This asylum rule effectively reinstated a version of the Trump-era transit ban, barring individuals who did not seek asylum in another country before reaching the U.S.

The restrictions escalated in June 2024 with the issuance of an Interim Final Rule. This [barred](#) asylum seekers from claiming asylum at the U.S. Southern border if daily encounters exceeded an average of 2,500 over a seven-day period. It included exceptions, such as CBP One (a largely dysfunctional mobile application for asylum appointments) users, unaccompanied children, trafficking victims, and individuals facing life-threatening emergencies. **Additionally, it**

³⁰ *Executive Order on Foreign Aid and PRM Refugee Stop-Work Order*, Global Refuge (Jan. 2025), <https://www.globalrefuge.org/wp-content/uploads/2025/01/Executive-Order-on-Foreign-Aid.pdf>

³¹ *Fact Sheet: Overview of the Special Immigrant Visa Programs*, National Immigration Forum (Jun. 2021), <https://immigrationforum.org/wp-content/uploads/2021/06/Factsheet-SIV-Processfinal.pdf>

³² Diaa Hadid and Juliana Kim, *Afghans who helped the U.S. are in dangerous limbo after Trump's order on refugees*, NPR (Jan. 27, 2025), <https://www.npr.org/2025/01/27/nx-s1-5273521/trump-executive-order-refugee-afghanistan-veterans>

³³ *Q&A: What to Know About the Biden Administration's New Asylum Restrictions*, National Immigration Forum (May 11, 2023), <https://immigrationforum.org/article/qa-what-to-know-about-the-biden-administrations-new-asylum-restrictions/>

introduced a “shout test,” requiring migrants to explicitly express fear to be considered for screening, while raising the legal standard in initial screenings for people seeking asylum from “reasonable possibility,” to “reasonable probability.” The Rule defined reasonable probability as: “substantially more than a reasonable possibility, but somewhat less than more likely than not,” that the non-citizen would face persecution or torture.³⁴

On September 30, 2024, the Biden administration codified these policies into a final government rule. The rule extended the required period for lifting the asylum ban, increasing the timeframe from 7 to 28 days in which the average daily immigration enforcement encounters at the U.S. border must fall below 1,500.³⁵ It also expanded the policy to include unaccompanied children in border closure calculations.³⁶

The use of CBP One resulted in significant barriers to accessing protection, particularly for non-Spanish-speaking individuals. **Asylum seekers faced numerous challenges using CBP One, including technological difficulties, language and literacy barriers, and an unpredictable appointment system.** Since the app was only available in English, Spanish, and Haitian Creole, many individuals struggle to navigate it. Additionally, the random allocation of daily appointments created inconsistency, left asylum seekers in a state of uncertainty and vulnerability.³⁷

While the Biden administration’s policies restricted access to asylum in a variety of ways inconsistent with human rights obligations, the Trump administration is seeking to dismantle the system entirely, through more stark, widespread rights violations.

On January 20, 2025, President Donald Trump signed Executive Order 14159, “Protecting The American People Against Invasion.”³⁸ The order frames migration through the U.S. southern border as an “invasion” and asserts the President’s authority to take extensive measures against it. These actions include suspending entry for individuals deemed part of the “invasion”, effectively shutting down asylum access and mandating medical and criminal background checks for those seeking entry. Additionally, it authorized DHS and other agencies to enforce these restrictions. It also grants immigration officers the power to swiftly “repel” or “remove” migrants, including asylum seekers who entered the U.S. on or after January 20, 2025, potentially even those with pending asylum claims. Additionally, the order shut down the CBP One mobile app used to schedule asylum appointments.

D. Alien Enemies Act

³⁴ *Joint Analysis of Biden Border Proclamation*, Human Rights First et. al (Jun. 5, 2024), <https://humanrightsfirst.org/wp-content/uploads/2024/06/Joint-Analysis-of-Biden-Border-Announcement.pdf>

³⁵ Bill Frelick, *Biden Administration Doubles Down on Harmful Asylum Rules*, Human Rights Watch (Oct. 1, 2024), <https://www.hrw.org/news/2024/10/01/biden-administration-doubles-down-harmful-asylum-rules>

³⁶ Heidi Altman, *How the Biden Administration’s Expanded Asylum Ban Puts Lives at Risk and Contradicts American Values*, National Immigration Law Center (Sep. 30, 2024), <https://www.nilc.org/resources/how-the-biden-administrations-expanded-asylum-ban-puts-lives-at-risk-and-contradicts-american-values/>

³⁷ *CBP One Mobile Application Violates the Rights of People Seeking Asylum in the United States*, Amnesty International (May 9, 2024), <https://www.amnesty.org/en/latest/news/2024/05/cbp-one-mobile-application-violates-the-rights-of-people-seeking-asylum-in-the-united-states/>

³⁸ Exec. Order No. 14159, 90 FR 8443 (2025)

President Trump unlawfully invoked the 1798 Alien Enemies Act to target Venezuelan migrants, bypassing constitutional protections and violating nonrefoulement principles through forced transfers to abusive detention facilities in El Salvador. These actions were implemented alongside unconstitutional warrantless home entries, despite a federal court order blocking such deportations.

On March 15, President Trump invoked the Alien Enemies Act, a law from 1798 that allows for detention and removal of non-citizens only when there “is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government.” He did so to specifically to detain and deport Venezuelan migrants 14 years of age and older, who the Trump administration claims have ties to the Tren de Aragua gang.³⁹

Several Venezuelans in U.S. immigration custody filed a preemptive lawsuit against the government to prevent their deportation under the Alien Enemies Act in the event the Trump administration sought to do so.⁴⁰ In that same case (also on March 15) a U.S. federal judge blocked the Trump administration from deporting people using authority from the Alien Enemies Act. However, the Trump administration transferred 238 Venezuelan men, many with pending asylum applications, who it alleges are members of Tren de Aragua, to El Salvador – for potentially indefinite detention in a detention center notorious for abuse.⁴¹

The transfers to detention in El Salvador not only appear to have violated the judge’s order, but also the prohibition on nonrefoulement, a core principle of both international and U.S. domestic law that prohibits a country from transferring or removing any person from its jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of certain serious human rights violations.⁴²

In connection with the Alien Enemies Act, the Trump administration is also claiming that **immigration officials and other federal agents are permitted to enter homes without a warrant, which a court order is allowing them to do so.**⁴³ The U.S. Constitution generally prohibits the government from entering homes without a warrant.

³⁹ Donald J. Trump, *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua* (2025)

⁴⁰ *J.G.G. et al. v. Donald J. Trump et al.*, Case No. 1:25-cv-00766, District Court, District of Columbia, 15 March 2025, <https://www.supremecourt.gov/docket/docketfiles/html/public/24a931.html>

⁴¹ Sarah Kinosian, Kristina Cooke and Ted Hesson, *Trump deported 238 Venezuelans to El Salvador. Dozens have active asylum cases*, Reuters (Apr. 1, 2025), <https://www.reuters.com/world/americas/trump-deported-238-venezuelans-el-salvador-dozens-have-active-asylum-cases-2025-04-01/>

⁴² Rebecca Ingber and Scott Roehm, *The Trump Administration’s Recent Removals to El Salvador Violate the Prohibition on Transfer to Torture*, Just Security (Mar. 20, 2025), <https://www.justsecurity.org/109284/non-refoulement-alien-enemies-act/>

⁴³ Devlin Barrett, *Administration Officials Believe Order Lets Immigration Agents Enter Homes Without Warrants*, N.Y. Times (Mar. 20, 2025), <https://www.nytimes.com/2025/03/20/us/politics/trump-alien-enemies-immigration-agents.html>

II. Conditions of detention amounting to torture and/or cruel, inhumane or degrading treatment

A. Immigration Detention

The U.S. immigration detention system systematically inflicts serious human rights violations, including preventable deaths, medical neglect, and widespread physical and sexual abuse. Overcrowded facilities routinely subject detainees to solitary confinement, unsanitary conditions, and exploitative labor practices, all constituting cruel, inhuman or degrading treatment under international law. These abuses persist across detention centers, with over 47,600 individuals currently held in conditions that flagrantly violate basic human dignity and legal protections.

The U.S. operates the largest immigration detention system in the world, spending over \$3 billion annually to detain and deport individuals. Under the Biden administration, the system grew at an alarming rate, with a 140% increase in daily detentions, expanded contracts with private prison companies, and worsening conditions marked by medical neglect, preventable deaths, and a dramatic rise in solitary confinement.⁴⁴

According to the American Civil Liberties Union (ACLU), over 30,000 people were held in immigration detention each day under the Biden administration.⁴⁵ In September 2024, the National Immigration Justice Center (NIJC) reported that 23 people died in Immigration and Customs Enforcement (ICE) custody since the start of the Biden administration. A June 2024 report examined 52 deaths between 2017 and 2021, finding that 23 of those deaths could likely have been prevented with adequate medical care. **In 2020, the U.S. had the highest number of deaths in ICE adult detention since 2005. Per NIJC's findings, ICE detained more than a total of 260,000 people in 2023.**⁴⁶

Detainees in ICE detention are subject to solitary confinement, unsanitary conditions, medical abuse and neglect, force-feeding, and sexual abuse. Between 2020 and 2023, 17 unannounced inspections of ICE facilities by U.S. government oversight bodies found that while facilities generally complied with standards for custody, work programs, and legal services (which rights groups state are deficient⁴⁷), repeated violations were found in environmental and safety conditions, segregation units, staff-detainee communication, medical care, and the

⁴⁴ Eunice Cho, *Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration*, ACLU (Aug. 7, 2023) <https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration>

⁴⁵ Id.

⁴⁶ *Snapshot of ICE Detention: Inhumane Conditions and Alarming Expansion*, National Immigration Justice Center (Sep. 2024), https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-09/ICE-Detention-Snapshot_September-2024.pdf

⁴⁷ Eunice Cho, Patrick Taurel and Aditi Shah, *ICE's Detention Oversight System Needs an Overhaul*, ACLU (Nov. 12, 2021), <https://www.aclu.org/news/immigrants-rights/ices-detention-oversight-system-needs-an-overhaul>; *Beyond Repair: ICE's Abusive Detention Inspection and Oversight System*, National Immigration Justice Center (Nov. 2023), https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2023-11/NIJC-Policy-brief ICE-detention-inspections_November2023.pdf

grievance system.⁴⁸

A 2024 report by The Social Justice Lawyering Clinic at Temple University documented systemic abuses at Moshannon Valley Processing Center, where 77 detainees reported chronic medical neglect, excessive solitary confinement, poor living conditions, and barriers to due process. Staff intimidation and retaliation fostered a culture of impunity.⁴⁹ Similarly, a separate 2024 report on Louisiana's immigration detention facilities, based on 6,384 interviews, found widespread abuses, including **prolonged detention without due process, medical neglect, physical abuse, racial discrimination, and exploitative labor practices**. It also found overcrowding, unsanitary conditions, and intimidation.⁵⁰

A June 2024 report on the Biden administration's "asylum ban" found that **families and single adults were detained in inhumane conditions for prolonged periods in Border Patrol facilities**. Many asylum seekers waited extended periods for credible fear interviews (CFIs), while others were deported without ever receiving one. NIJC documented cases of families held for over ten days, including a Guatemalan woman and her child detained for more than three weeks. In the Tucson sector, detainees were held beyond 48 hours without showers in unsanitary conditions.⁵¹

Immigration enforcement under the Trump administration has escalated significantly, with a focus on mass deportations and the removal of undocumented migrants. In the first 50 days of the new administration, ICE conducted over 32,000 arrests, including more than 14,000 individuals with criminal convictions, nearly 10,000 with pending criminal charges, and over 8,700 classified as immigration violators, according to Customs and Border Protection data.⁵² **As of March 12, 2025, reports indicate that immigration detention facilities have reached capacity, detaining approximately 47,600 individuals.**⁵³

⁴⁸ Department of Homeland Security Office of Inspector General, OIG-24-59, *Summary of Unannounced Inspections of ICE Facilities Conducted in Fiscal Years 2020-2023* (Sep. 30, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-09/OIG-24-59-Sep24.pdf>

⁴⁹ *In The Shadow Of The Valley: The Unnecessary Confinement and Dehumanizing Conditions of People in Immigration Detention at Moshannon Valley Processing Center*, The Social Justice Lawyering Clinic (2024), <https://acrobat.adobe.com/link/review/?uri=urn%3Aaaid%3Ascds%3AUS%3Aa0551b5d-811e-3597-90cf-c77436a5eb93&annonBboxWorkflow=true&viewer%21megaVerb=group-discover>

⁵⁰ *Inside The Black Hole Systemic Human Rights Abuses Against Immigrants Detained & Disappeared in Louisiana*, ACLU, et. al (Aug. 2024), https://www.laaclu.org/sites/default/files/inside_the_black_hole_systemic_human_rights_abuses_against_immigrants_detained_disappeared_in_louisiana.pdf

⁵¹ *Six-Week Report: Implementation of the Biden Administration's June 2024 "Securing the Border" Asylum Ban*, Human Rights First, et. al (Jul. 2024), https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-07/Six-Week-Report-Biden-2024-Asylum-Ban_FINAL.pdf

⁵² Laura Barron-López, Shrai Popat, Ian Couzens, *How the Trump administration's deportation policies have affected migrants and citizens*, PBS NewsHour (Mar. 13, 2025), <https://www.pbs.org/newshour/show/how-the-trump-administrations-deportation-policies-have-affected-migrants-and-citizens>

⁵³ Didi Martinez, *Immigrant detention centers are at capacity, Trump admin officials say*, NBC News (Mar. 12, 2025), <https://www.nbcnews.com/news/latino/immigrant-detention-centers-are-capacity-trump-admin-officials-say-rcna196085>

B. Migrant Detention at Guantánamo Bay

The Trump administration's January 2025 memorandum authorized the transfer of migrants to Guantánamo Bay, where detainees face serious human rights violations including prolonged isolation, denial of legal counsel, and degrading conditions. Despite being labeled "high-priority criminal aliens," many detainees have no criminal history and are held without due process in facilities previously identified as amounting to torture. The U.S. government has failed to provide legal justification for detaining migrants at a military prison designed for terrorism suspects, violating fundamental principles of international human rights and refugee law. As of April 2025, approximately 400 migrants remain detained under these unlawful conditions.

On January 29, 2025, President Donald Trump signed a memorandum ordering the expansion of the Migrant Operations Center (MOC) at the United States naval base located in Guantánamo Bay, Cuba to house “high-priority criminal aliens” unlawfully present in the U.S.⁵⁴ The first flight transferring migrants from the U.S. to Guantánamo took place on February 4, 2025.⁵⁵ Guantánamo Bay houses two separate facilities: the **MOC** for migrants interdicted at sea and the **Military Detention Center for terrorism suspects** held under the 2001 Authorization for Use of Military Force (AUMF) (the law that the U.S. government enacted that purports to implement U.S. obligations in this context under international humanitarian law).⁵⁶

The MOC was established in the 1990s to process migrants interdicted in the Caribbean and is operated by the U.S. State Department’s Bureau of Population, Refugees, and Migration (PRM) and U.S. Citizenship and Immigration Services (USCIS) under the Department of Homeland Security (DHS). Migrants brought here are screened for “protected” status, which determines eligibility for asylum or repatriation.⁵⁷ While some receive basic services and assistance from the International Organization for Migration (IOM), **serious concerns have been raised regarding due process, oversight, and conditions of confinement.**⁵⁸

Approximately 270 migrants were brought to Guantánamo Bay from an ICE facility in El Paso, Texas between February 4 and March 7. The first group, consisting of 178 Venezuelans, was largely removed on February 20 and deported to Venezuela. Another 58 migrants were transferred back to the United States—10 to Texas and the rest to an ICE facility in Louisiana.⁵⁹ The Trump administration announced it would hold “high threat illegal aliens,” in Camp 6, one

⁵⁴ Donald J. Trump, *Expanding Migrant Operations Center at Naval Station Guantanamo Bay to Full Capacity* (2025)

⁵⁵ Matt Seyler, Stacey Dec, Luis Martinez, 1st migrant flight lands at Guantanamo Bay, carrying 'worst of the worst', ABC News (Feb. 4, 2025), <https://abcnews.go.com/Politics/1st-migrant-flight-heads-guantanamo-bay-carrying-worst/story?id=118456073>

⁵⁶ 2001 Authorization for Use of Military Force (AUMF), Public Law 107-40, 115 Stat. 224 (2001)

⁵⁷ *Fact Sheet: Migrant Operations at Guantanamo Bay, Cuba*, U.S. Department of State, Bureau of Population, Refugees and Migration (Sep. 2015), <https://s3.documentcloud.org/documents/2772373/Guantanamo-MOC-Fact-Sheet-as-of-Sept-2015.pdf>

⁵⁸ *Offshoring Human Rights: Detention of Refugees at Guantánamo Bay*, International Refugee Assistance Project, (Sep. 2024), <https://refugeerights.org/wp-content/uploads/2024/09/Offshoring-Human-Rights-Guantanamo-Bay-English-Report-September-2024-1.pdf>

⁵⁹ Carol Rosenberg, *What We Know About the Month-Old Migrant Mission at Guantánamo Bay*, N.Y. Times (Mar. 10, 2025), <https://www.nytimes.com/2025/03/10/us/politics/deportations-migrants-guantanamo.html>

of the military detention sites used to hold terrorism suspects.⁶⁰

In June 2023, the former United Nations Special Rapporteur on human rights and counterterrorism determined that conditions at Guantánamo's military detention facility amounted to "ongoing cruel, inhuman, and degrading treatment... and may also meet the legal threshold for torture."⁶¹ **According to reports, migrants detained at Camp 6 faced inhumane treatment, including prolonged isolation, denial of legal counsel, and degrading conditions.** Confined to windowless cells, they were subjected to invasive strip searches and had minimal outdoor access. Despite being portrayed as dangerous criminals, many had no prior offenses.⁶² The Trump administration has not provided a legal justification for migrant detention at Guantanamo Bay. As of April 1, 2025, approximately 400 migrants have been held at Guantanamo Bay.⁶³

⁶⁰ Hamed Aleaziz, Eric Schmitt, Carol Rosenberg, *U.S. Is Holding Migrants in Cells That Once Held Al Qaeda Suspects*, N.Y. Times (Feb. 5. 2025), <https://www.nytimes.com/2025/02/05/us/politics/migrants-trump-guantanamo-prison.html>

⁶¹ U.N. Human Rights Special Procedures, Technical Visit to the United States and Guantánamo Detention Facility by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (14 June 2023), <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/2023-06-26-SR-terrorism-technical-visit-US-guantanamo-detention-facility.pdf>

⁶² Silvia Foster-Frau, Ana Vanessa Herrero, *Invasive frisks, suicide attempts: Three migrants describe Guantánamo detention*, The Washington Post (Feb. 25, 2025), <https://www.washingtonpost.com/immigration/2025/02/25/guantanamo-trump-migrants-deportations-venezuela/>

⁶³ Carol Rosenberg, *How Guantánamo Bay Figures in the Trump Immigration Crackdown*, N.Y. Times (Apr. 4, 2025), <https://www.nytimes.com/2025/04/04/us/politics/migrant-mission-guantanamo-bay.html>