

## **Statement Protesting the Arbitrary Detention, Deportation, Abuse, and Visa Termination of Migrants in the United States**

7 April 2025

Human Rights Now (HRN), a Tokyo-based international human rights NGO, protests the arbitrary abductions, detentions, deportations, and renditions of migrants in the US by ICE, the immigration enforcement agency under the Department of Homeland Security (DHS), without due process, as well as their abusive treatment and subjection to other violations. The US administration is also wrongfully using military and criminal detention facilities inside and outside the US for non-military and non-criminal migrants, and it has expanded its detainment policies to target US citizens, permanent residents, and foreign students with valid visas. These actions by the US government raise critical human rights concerns, including a lack of due process, arbitrary detention, nationality and racial discrimination, and the abusive treatment of vulnerable populations, and we join the international community in demanding an end to these violations.

### **1. Basic Facts**

There have been conflicting reports of the numbers of arrested, detained, and deported migrants, which itself highlights the lack of transparency regarding the situation and further raises concerns about abuses. A DHS spokesperson reported 113,000 migrant detentions and more than 100,000 deportations by mid-March under the current administration, which began on 20 January 2025.<sup>1</sup> The DHS site reported 32,809 enforcement arrests against migrants by the administration as of March 13.<sup>2</sup> The Washington Post reported that half of the cases of reportedly newly detained migrants that they investigated were already in prison before the administration started.<sup>3</sup> ICE reported 28,319 migrant deportations as of March 19.<sup>4</sup> The arrests, detentions, and deportations have been justified by several legal mechanisms and are enforced in ways that appear to flagrantly violate US law as described below, such as by a widespread lack of due process. The following sections discuss several categories of cases that raise multiple issues of concern.

### **2. Detentions of migrants in abusive prison-like facilities domestically**

The US has designated and established domestic prison-like facilities to hold migrants slated for deportation. There are over 130 domestic facilities in ICE's network.<sup>5</sup> Reported widespread abuses in these detention centers include gross overcrowding, hazardous conditions, sleep deprivation, abuse of solitary confinement, sexual abuse, insufficient legal representation for detainees, and a lack of sanitation and provision of health services, with 52 "largely preventable" deaths reported during Trump's first administration.<sup>6</sup> The holding of non-criminal detainees in criminal prison-like detention centers is illegal under US law.

The designation of Fort Bliss as a domestic migrant detention center, which was reported to detain unaccompanied migrant children in abusive conditions,<sup>7</sup> highlights the US's abusive

history of arbitrarily detaining and mistreating foreigners, as the facility was previously an internment camp for Japanese persons inside the US during WWII, and the Trump administration has invoked the same abusive justification for detaining and deporting migrants as was used for the detention of Japanese, as described below in part 5.

### **3. Detentions of Migrants in Guantanamo Bay**

The US military detention center at Guantanamo Bay, Cuba, originally established to hold terror suspects post-9/11 and widely reported to subject detained persons to abusive treatment,<sup>8</sup> has been increasingly used for migrant detention. Recent reports indicate that Guantanamo has housed undocumented migrants intercepted at sea, with at least 300 military personnel deployed to handle detainee operations.<sup>9</sup> While the Biden administration had initiated plans to reduce the use of Guantanamo as a holding facility for non-combatants, the shift in policy by the new administration in 2025 has reinstated migrant detention operations at the site.<sup>10</sup> The holding of non-combatants in combatant detention centers, similarly to non-criminals in prison-like facilities, is illegal under both US and international law, including under the International Covenant on Civil and Political Rights (ICCPR) and its obligation to prohibit arbitrary detentions.<sup>11</sup>

### **4. Abusive Detention Centers in Costa Rica and Panama**

The highly abusive impact of the US immigrant detention policies extends beyond its borders and jurisdiction. In Costa Rica and Panama, migrant holding centers have been set up in coordination with the US to process asylum seekers before they reach the US border. These centers, financed in part by US government funding, have faced allegations of overcrowding, lack of medical care, and prolonged processing times,<sup>12</sup> and they treat migrant detentions like criminal detentions despite the complete lack of due process, a flagrant violation of the ICCPR as mentioned in the previous section. Many of the migrants held in these facilities are fleeing violence in Venezuela, Haiti, and Central America, seeking refuge in the US, further violating the US's international obligation to investigate asylum claims and protect persons with valid claims.

### **5. Venezuelan Migrant Deportations and Trump's Defiance of Court Order**

The United States has intensified deportations of Venezuelan migrants, invoking the Alien Enemies Act of 1798 to expedite the removal of individuals suspected of gang affiliations, particularly with the Tren de Aragua.<sup>13</sup> This action has led to the removal and rendition of at least 238 individuals to El Salvador authorities, where they have been detained in a maximum-security prison.<sup>14</sup> Many deportees were misidentified as gang members based on commonplace tattoos, such as footballs (soccer balls) or crowns, and all were denied due process.<sup>15</sup> One news outlet found no criminal record for 75% of 179 of the Venezuelan migrants renditioned to imprisonment in El Salvador.<sup>16</sup>

The Alien Enemies Act only allows detentions and deportations of aliens in times of war, which is clearly not the case at present; and it has only been used in two periods before in US history,

the previous time during WWII for people of German and Japanese descent in the US, which in the case of Japanese internments later led to an official apology and reparations by the US government.<sup>17</sup> The act of handing persons over to foreign authorities without valid legal and due process, such as extradition, is the crime of extraordinary rendition, which applies regardless of the legal status of the deported persons. Sending persons to face abusive treatment abroad is the crime of refoulement. Both are core rights under international human right and refugee law.

Due to the transparent lack of legal justification under US law, US District Judge James Boasberg issued a temporary restraining order on 15 March 2025, halting further removals and mandating that flights already in transit return to the United States.<sup>18</sup> Despite this order, the current administration proceeded with the deportations, asserting that the flights were beyond US jurisdiction when the order was issued, to which the judge stated there was a “fair likelihood” that the administration violated his order.<sup>19</sup> This defiance has raised significant concerns about the administration's rejection of judicial authority and an erosion of the rule of law.<sup>20</sup> On 4 April 2025, another judge ordered at least one person illegally deported to El Salvador to be returned by the following Monday.<sup>21</sup> As of midday that Monday, 7 April 2025, the date of this statement's release, the Supreme Court has temporarily lifted the order as it examines the administration's request for an emergency stay (which was rejected by a lower court), as the administration continues to ignore the order.<sup>22</sup>

## **6. Detainment of US Citizens and Residents, Including Pro-Palestinian Students**

Disturbingly, the US government has expanded its detainment policies beyond migrants, now targeting US citizens, permanent residents, and foreign students for their political affiliations. In recent months, multiple reports have surfaced detailing the arrests, detainment, and the termination of residency visa status of administration critics and pro-Palestinian college students under the guise of national security concerns.<sup>23</sup> These include:

- a Georgetown University student detained by immigration officials for alleged connections to pro-Palestinian activism;<sup>24</sup>
- a Cornell University student asked to surrender to immigration authorities for their involvement in campus protests;<sup>25</sup> and
- the deportation of an Indian academic at Georgetown after citing their support for Palestinian rights.<sup>26</sup>

In these and other cases, no evidence was provided of criminal behavior, making the arrests and detentions appear to be flagrant violations of the individuals' First Amendment right to freedom of speech, which prohibits punishment based on the content of one's speech or expression and applies to all persons including foreign residents.<sup>27</sup>

## **7. Fears of the Use of “Treatment” Facilities to Arbitrarily Detain Unwanted Persons and Critics of the Administration outside the Penal system**

In recent weeks, the Trump administration has terminated several funding and assistance programs addressing mental illness, addiction, and homelessness.<sup>28</sup> These actions appear to be the first steps in a program described both in the Project 2025 and leaked administration plans to establish facilities for “forced treatment” of homeless, addicted, and mentally ill persons.<sup>29</sup> These plans have raised significant concern that such facilities may be used in a similar manner as China’s *ankang* system, in which prison-like “*ankang* psychiatric hospitals” have been created that are administered by the police to arbitrarily detain “mentally ill” persons without due process and outside of the penal system, where there may be less or no scrutiny.<sup>30</sup> There are reports that the *ankang* facilities are highly abusive, and China’s government has defined persistent criticism of the government as a mental illness to detain dissidents, critics, and human rights defenders in them.<sup>31</sup> The elimination of almost every federal program servicing these vulnerable groups by the Trump administration strongly suggests that the purpose of the administration’s treatment facilities will be arbitrary detention and abuse, like China’s *ankang* system, and not the well-being of these groups.

## 8. Conclusion

Human Rights Now strongly urges the US to uphold its international human rights obligations including under the 1951 Refugee Convention and ICCPR. The abusive migrant detention systems in the United States and neighboring Latin American countries continue to raise pressing concerns about the violation of basic human rights and the disregard for international human rights standards. The existence of facilities such as Fort Bliss and Guantanamo Bay with their deeply troubling historical and contemporary roles symbolizes broader systemic issues within immigration enforcement mechanisms that disproportionately affect vulnerable populations, including children, asylum seekers, and those fleeing conflict, climate disaster, or economic desperation.

## 9. Recommendations

HRN protests the Trump administration’s abusive practices related to the detention, deportation, and revocation of residence status of foreigners in the US, and we call on the government to:

- Ensure that no migrants are arbitrarily detained in domestic facilities without due process, that non-criminal detainees are never detained in criminal facilities, and that all detention facilities maintain adequate living standards and services.
- End the detention of migrant children under all circumstances. The psychological harm inflicted by confinement is well-documented and irreversible. Instead, child migrants and unaccompanied minors should be housed in open, community-based settings where their rights to education, play, and family unity can be preserved.
- Close facilities with histories of abuse and lack of transparency. Facilities such as Guantanamo Bay—synonymous with indefinite detention and torture—must be permanently closed and, along with criminal penal facilities, never used for non-criminal immigration detentions.

- Thoroughly investigate claims of abuses in migrant detention facilities, publish the results, prosecute any officials found responsible, and ensure reparative justice.
- Immediately end all acts of rendition and refoulement that arbitrarily remove migrants from the US to hand them over to arbitrary detention and abusive treatment abroad, and ensure the prompt return of persons arbitrarily removed from the US.
- End the practice of ignoring and unnecessarily burdening asylum claims by asylum seekers.
- Develop and fund Alternatives to Detention (ATD) for addressing migrants involved in immigration proceedings. Evidence-based alternatives, such as case management programs, community hosting, and supervised release, have proven effective in ensuring migrants attend immigration hearings while respecting their dignity and liberty. These ATDs are more cost-effective and humane and should be adopted as the primary approach to managing migrant populations.
- Expand regional and multilateral cooperation on migration. The challenges of irregular migration cannot be addressed in isolation. Regional partnerships among the United States, Costa Rica, Panama, and other transit countries must be reinforced through shared commitments to human rights, humanitarian assistance, and refugee protection.
- Prioritize ensuring due process, legal representation, and legal and financial assistance for migrants. Detained migrants often lack access to competent legal counsel, undermining their right to a fair hearing. The US must ensure that all detainees—regardless of nationality—are provided with legal aid and translation services. Detention should never be used to deter migration or expedite deportations without full consideration of protection claims.
- Restore the terminated services and programs for homelessness, addiction, and mental illness and refrain from establishing forced treatment programs and arbitrary detention to address these issues.

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<sup>1</sup> Dan Gooding, "How Many Migrants Has Trump Deported? White House Announces New Numbers", Newsweek, 1 April 2025, <https://www.newsweek.com/mass-deportation-update-illegal-immigration-trump-administration-2053905>.

<sup>2</sup> DHS, "ICE Arrests in First 50 Days of Trump Administration", 13 Mar. 2025, <https://www.dhs.gov/news/2025/03/13/ice-arrests-first-50-days-trump-administration>.

<sup>3</sup> Maria Sacchetti and Artur Galocha, "Trump touted these ICE arrests. Half were already in prison.", Washington Post, 3 April 2025, <https://www.washingtonpost.com/immigration/interactive/2025/trump-ice-arrests-prison-immigrants/>.

<sup>4</sup> Gooding, *supra*, note 1.

<sup>5</sup> National Immigration Forum, "Fact Sheet: Immigration Detention in the United States", Jan. 2021, [https://immigrationforum.org/wp-content/uploads/2021/01/Immigration-Detention-Factsheet\\_FINAL.pdf](https://immigrationforum.org/wp-content/uploads/2021/01/Immigration-Detention-Factsheet_FINAL.pdf)

<sup>6</sup> National Immigrant Justice Center, "Policy Brief | Snapshot of ICE Detention: Inhumane Conditions and Alarming Expansion", 20 Sept. 2024, <https://immigrantjustice.org/research-items/policy-brief-snapshot-ice-detention-inhumane-conditions-and-alarming-expansion>; AILA, "Deaths at Adult Detention Centers", 3 Mar. 2025, <https://www.aila.org/library/deaths-at-adult-detention-centers>; ACLU, "California's Immigration Detention Facilities Plagued by Human Rights Abuse, New Report Finds", 28 Aug. 2024,

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<sup>7</sup> Office of Refugee Resettlement, "Fort Bliss Child Detention Conditions Report" (2024)

<sup>8</sup> Amnesty, "Guantánamo Bay: over 20 years of injustice", 1 Apr. 2025, <https://www.amnesty.org.uk/guantanamo-bay-human-rights>; Samantha Pearlman, "Human Rights Violations at Guantánamo Bay: How the United States Has Avoided Enforcement of International Norms", 38 Seattle U.L. Rev. 1109, 29 Apr. 2015, <https://digitalcommons.law.seattleu.edu/sulr/vol38/iss3/8/>; Ed Pilkington, "US subjects Guantánamo Bay detainees to 'cruel' treatment, UN says after visit", Guardian, 27 Jun. 2023, <https://www.theguardian.com/us-news/2023/jun/27/guantanamo-bay-detainees-cruel-treatment-un-human-rights-investigator>.

<sup>9</sup> U.S. Southern Command, "Military Troop Deployment at Guantanamo for Migrant Operations", 3 Feb. 2025, <https://www.southcom.mil/News/PressReleases/Article/4050872/us-military-troops-arrive-at-naval-station-guantanamo-bay-for-illegal-alien-hol/>.

<sup>10</sup> Pentagon, "Reduction of Troops in Migrant Holding Operations at Guantanamo", 20 Mar. 2025, <https://www.kcbd.com/2025/03/20/pentagon-reviews-plans-cut-troops-handling-migrants-guantanamo-by-much-half/?outputType=amp>.

<sup>11</sup> ICCPR, Article 9(1), (4).

<sup>12</sup> Human Rights Watch, "Migrant Detention and Processing Centres in Costa Rica and Panama", 2025.

<sup>13</sup> Ivana Saric, "Judge refuses to lift ban on Venezuelan deportations despite Trump request", Axios, 24 March 2025, <https://www.axios.com/2025/03/24/judge-trump-venezuelan-deportations-restraining-order>.

<sup>14</sup> Jan Wolfe, Sadie Gurman, "Judges Rip Trump Officials Over Deportation Flights", Wall Street Journal, 24 March 2025, <https://www.wsj.com/us-news/law/judge-says-deported-venezuelans-should-get-chance-to-fight-gang-label-e4ca226c>.

<sup>15</sup> Nesrine Malik, "Trump's imperial plan is now eroding the rights of people who thought they were safe", The Guardian, 24 March 2025, <https://www.theguardian.com/commentisfree/2025/mar/24/donald-trump-imperial-plan-usa-peoples-rights>; Aaron Reichlin-Melnick, "These Men Were Deported to El Salvador With No Due Process. Their Stories Show Why an Investigation Is Necessary", Immigration Impact, 3 Apr. 2025, <https://immigrationimpact.com/2025/04/03/men-deported-el-salvador-stories-investigation/>.

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<sup>17</sup> Executive Order 9066; Daniels, "Prisoners Without Trial: Japanese Americans in World War II". (1993).

<sup>18</sup> Michael Kunzelman, Lindsay Whitehurst, "Appeals court panel appears divided on Trump's deportation of immigrants under wartime law", Associated Press, 24 March 2025, <https://apnews.com/article/31217ce8ef990c9bd6ecb49654b6bf47>.

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<sup>22</sup> Josh Gerstein, Kyle Cheney, "Trump asks Supreme Court to block judge's order requiring US to bring back man who was wrongly deported", Politico, 7 Apr. 2025, <https://www.politico.com/news/2025/04/07/abrego-garcia-case-trump-deportation-el-salvador-00276237>; SCOTUS, Kristi Noem, Secretary of Homeland Security, et al. v. Kilmar Armando Abrego Garcia, et al, Order, 7 Apr. 2025, <https://www.documentcloud.org/documents/25881586-24a949-admin-stay-and-cfr/>.

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