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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Human Rights Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2025]

* Issued as received, in the language of submission only.

The United States Must End its Illegal and Abusive Deportations, Detentions, and Targeting of Migrants

Human Rights Now (HRN) is gravely concerned by recent developments in the United States of America (US) involving illegal and abusive deportations, detentions, and treatment of immigrants, asylum seekers, and even US citizens, which may constitute serious international rights violations including arbitrary detention, rendition, refoulement, inhuman treatment, and other serious violations. These actions—many of which are being carried out without judicial oversight or in cases where judicial orders are being ignored—reflect a dangerous erosion of legal safeguards and established norms of state conduct under international law.

We call on the US government to end all arbitrary deportations and detentions without due process and respect all court decisions regarding immigration decisionmaking, including rejecting deportations under the Enemy Aliens Act.

1. Basic Facts

As of May 2025, the US Immigration and Customs Enforcement (ICE) agency holds more than 49,000 persons in immigration detention, with 43.4% (more than 21,000 persons) without a criminal record.[1] In one California facility, about 75% had no documented criminal history.[2] The Trump administration has vowed to deport more than 1 million undocumented immigrants without due process and linked to rampant abuses as described below.

When the head of Department of Homeland Security (DHS) in charge of ICE, Kristi Noem, was asked by a Congressperson to define habeus corpus (one form of the right to due process in US law), she shockingly defined it as the right of “the president ... to be able to remove people from this country,” underscoring her complete and criminally negligent ignorance of the administration’s constitutional obligations.[3]

2. Illegal and Abusive Migrant Deportations and Extraterritorial Detentions

The Trump administration has made agreements with several countries to receive deported immigrants into detention, often with no criminal records and under abusive conditions such as unnecessary shackling,[4] with destinations including Panama and El Salvador, and it is reportedly in talks with other countries.[5] Once detained abroad, there are no records or any way to monitor or control detainee treatment.[6]

These raise significant concerns regarding the commodification of migrants and violations of the non-refoulement principle under the 1951 Refugee Convention, which prohibits transferring individuals to places where they may face harm.[7]

On April 16, federal judge James Boasberg found “probable cause” to hold Trump officials in criminal contempt for flagrantly ignoring his order to prevent flights (and to return flights that had already left) deporting about 250 Venezuelan and Central American nationals from the US to El Salvador for detention in CECOT Prison, a facility known for inhumane and torturous conditions.[8] Deportees have been held under accusations of gang affiliation with Tren de Aragua, often based on little more than football/soccer club tattoos or clothing.[9]

Among them was Daniel Lozano-Camargo, a Venezuelan asylum seeker deported despite a court order prohibiting his removal and another requiring his return, both of which the administration ignored.[10] Another notable case is Kilmar Ábrego García, a Salvadoran man with protected legal status in the US, who was deported in defiance of a 2019 court order specifically prohibiting his removal to El Salvador. Although US officials later acknowledged the deportation was an “administrative error,” they have not facilitated his return, flagrantly defying a Supreme Court order to do so.[11]

On May 21 federal judge Brian Murphy similarly warned the administration it could be held in criminal contempt for deporting a group of migrants to South Sudan without due process, following his March order that detainees must have a chance to contest their deportation in advance.[12]

Many deportations have taken place under the Alien Enemies Act, an 18th-century statute being used to justify summary removal and indefinite overseas detention of non-citizens and citizens alike without due process, the use of which was blocked by the Supreme Court on May 16.[13]

The administration has also tasked ICE officers to capture immigrants for detention with unjustifiable tactics, such as at mandatory court hearings, under false pretense such as interviews for US citizenship, and by simply spiriting them into vehicles while wearing plain clothes and masks.[14]

The US Senate recently rejected a motion to investigate human rights abuses linked to deportations, effectively shielding executive actions from legislative scrutiny,[15] leaving the judiciary as the administration's only check.

3. Targeting Foreign Students for Speech

The Trump administration has targeted immigrant students for their speech, including criticizing the Israeli genocide and the administration itself, by revoking their visa status and/or detaining them.[16] Altogether, the administration revoked about 1400 student visas, which were later restored in late April, and on May 23, a federal judge blocked the administration from further revoking student visas.[17] On May 22, the administration canceled Harvard's ability to admit foreign students, later blocked by a judge.[18] Despite numerous court decisions against it, the administration's persistence in targeting students for their speech creates significant uncertainty.[19]

4. Targeting of US Citizens

There are numerous reports of ICE detaining or deporting US citizens. Misidentification, poor recordkeeping, and racial profiling have resulted in Americans—including those born in the US—being forcibly removed to El Salvador and other countries.[20]

In some cases, citizens have been placed in CECOT prison, where torture and abuse are endemic, and then refused return despite proven citizenship. In several cases US citizen children were removed when foreign mothers were deported without giving the mothers a chance to arrange custody or care for their children.[21] These practices raise urgent concerns under ICCPR Article 9 prohibiting arbitrary detention and Article 23 on family rights.[22]

The administration has also targeted US citizen lawyers and advocates of immigrants through a series of letters from DHS containing the phrase "It's time for you to leave the U.S.", which has been understood by the recipients to instill fear and intimidation in them for their work.[23]

5. Abusive Migrant Detention in For-Profit Domestic Facilities

Parallel to renditions abroad, the US government has arbitrarily detained naturalised citizens and undocumented immigrants alike within the US without due process. Human rights lawyers report that thousands are being held in private for-profit correctional facilities under executive orders without access to legal counsel.[24]

Over 90% of immigrants in ICE detention are in private for-profit facilities, which have perverse incentives to receive excessive numbers of immigrants without due process, to make more profit, and to cut corners to reduce costs with no transparency, creating

widespread abuses.[25] Such abuses include neglect of medical care and mental illness treatment and inhuman conditions such as lack of sanitation, strip searches, racial abuse, and gross overcrowding due to severe over-capacity (at least 107 facilities reached 109% capacity in March).[26] Private facilities also lack trained staff, creating further conditions for abuses.

Immigrants in domestic detention are often moved several times to multiple facilities without advance notice to courts or lawyers, often great distances (over 1000 miles), the probable reasons for which include moving to jurisdictions more favorable to ICE actions and increasing detainee's distance from family, language, and legal resources.[27] In some cases immigrant lawyers will not know where their clients are for periods of time due to their rapid movements across multiple centers.[28]

Beyond for-profit facilities, the administration has reported plans to hold detainees in Guantanamo Bay and Alcatraz, both of which have long histories of abusive conditions raising alarm by former officials, as well as former sites of WWII Japanese internment, connecting today's abuses with abuses from the US's past.[29]

6. Attack on Birthright Citizenship

Of equal concern is the administration's declared intention to challenge the constitutional basis of birthright citizenship under the Constitution's 14th Amendment. Legal memoranda from the Department of Justice suggest they plan to revoke citizenship from individuals born in the US to undocumented parents. The administration's challenge to birthright citizenship was started when President Trump signed an executive order to end automatic citizenship to people born on US soil.[30] This radical reinterpretation would leave millions stateless and defies UN conventions on the reduction of statelessness.[31] The Supreme Court is currently hearing a case on the issue.[32]

7. Recommendations

The actions of the US government to target immigrants and foreigners with illegal and abusive deportations, detentions, and other rights abuses demands accountability and a resolute response from the international community.

HRN calls on the US government to:

- Cease all immigrant deportations and detentions without due process;
- End the practice of extraterritorial immigrant detentions, and return those previously renditioned;
- Respect all court decisions related to immigrant detentions and deportations.

[1] <https://tracreports.org/immigration/quickfacts/>

[2] <https://calmatters.org/justice/2025/04/ice-detention-center-investigation/>

[3] <https://www.usatoday.com/story/news/politics/2025/05/20/kristi-noem-habeas-corpus-definition-senate-hearing/83744183007/>

[4] <https://www.theguardian.com/us-news/2025/apr/28/trump-immigration-people-detained-deported-cases>

[5] <https://www.bbc.com/news/articles/c0lnnk5ld5lo;>

<https://www.nytimes.com/2025/05/05/world/africa/rwanda-trump-deportees.html>

[6] <https://www.amnesty.org/en/petition/usa-stop-mass-deportations/>

[7] 1951 Refugee Convention, art 33(1).

[8] <https://www.nytimes.com/live/2025/04/16/us/trump-news>

- [9] <https://www.vera.org/news/people-are-being-deported-because-of-their-tattoos>
- [10] <https://www.theguardian.com/us-news/2025/may/06/trump-el-salvador-deportation-lozano-camargo>
- [11] Id.
- [12] <https://www.nytimes.com/2025/05/21/us/politics/south-sudan-deportation.html>;
<https://6abc.com/post/judge-says-us-government-didnt-follow-court-order-deportations-migrants-deported-south-sudan-trump-admin/16496940/>
- [13] <https://thehill.com/regulation/court-battles/5304654-supreme-court-alien-enemies-act-deportations/>
- [14] <https://www.usatoday.com/story/news/nation/2025/05/22/ice-arrests-immigration-court-deportation-tactics/83792357007/>; <https://www.theguardian.com/us-news/2025/apr/28/trump-immigration-people-detained-deported-cases>;
<https://www.usatoday.com/story/news/nation/2025/05/22/ice-arrests-immigration-court-deportation-tactics/83792357007/>; <https://www.cnn.com/2025/04/08/us/ice-masks-federal-agents-arrest-students>
- [15] <https://rollcall.com/2025/05/15/senate-republicans-halt-resolution-on-el-salvador-deportations/>;
<https://news.un.org/en/story/2025/05/1163181>
- [16] Guardian, *supra*, note 4; <https://www.npr.org/2025/04/08/nx-s1-5349472/students-protest-trump-free-speech-arrests-deportation-gaza>
- [17] <https://www.nbcnews.com/politics/immigration/judge-blocks-trump-revoking-international-students-legal-status-rcna208625>
- [18] <https://www.nytimes.com/2025/05/22/us/politics/trump-harvard-international-students.html>;
<https://www.nytimes.com/2025/05/23/us/harvard-sues-trump-international-students-garber.html>
- [19] Guardian, *supra*, note 4.
- [20] <https://www.npr.org/2025/03/27/nx-s1-5341544/ice-el-salvador-jerce-reyes-barrios>;
<https://www.atlantaneewsfirst.com/2025/05/23/is-she-us-citizen-ice-detention-mother-raises-legal-questions/>
- [21] <https://www.theguardian.com/us-news/2025/apr/28/women-children-citizens-deported-honduras>
- [22] ICCPR, art 9.
- [23] <https://www.theguardian.com/us-news/2025/apr/28/trump-immigration-people-detained-deported-cases>
- [24] <https://progressive.org/op-eds/a-convict-s-take-on-due-process-venable-20250516/>
- [25] <https://stateline.org/2025/04/11/for-profit-immigration-detention-expands-as-trump-accelerates-his-deportation-plans/>
- [26] <https://calmatters.org/justice/2025/04/ice-detention-center-investigation/>;
<https://www.npr.org/2023/08/16/1190767610/ice-detention-immigration-government-inspectors-barbaric-negligent-conditions>
- [27] <https://www.cnn.com/2025/04/10/us/immigration-detainees-trump-ice-students-visa>
- [28] Id.
- [29] <https://www.cnn.com/2025/03/14/politics/guantanamo-migrants-trump>;
<https://www.cbsnews.com/news/trump-alcatraz-prison-reopen-truth-social-california/>
- [30] <https://www.bbc.com/news/articles/c7vdlmgyndo>
- [31] Convention on the Reduction of Statelessness (1961), art 1.
- [32] <https://www.cnn.com/2025/05/15/politics/supreme-court-birthright-citizenship-nationwide-injunctions-executive-order>