

**United States  
Joint Stakeholder Report for the United Nations Universal Periodic Review:  
Rights of Non-citizens**

**Submitted by**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996  
and

**The Binger Center for New Americans**

**for the 50th Session of the Working Group on the Universal Periodic Review**

**3 – 14 November 2025**

**Submitted 7 April 2025**

**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of free legal services to low-income asylum seekers in the Upper Midwest region of the United States, advocating for changes in United States immigration policy consistent with international human rights standards and obligations.

Contact: Jennifer Prestholdt, [jprestholdt@advrights.org](mailto:jprestholdt@advrights.org)

**The James H. Binger Center for New Americans (BCNA)** is a part of the University of Minnesota Law School, with a mission to protect and advance the rights of noncitizens in the United States through advocacy, litigation, and community education. In collaboration with clients, partners, faculty, and students, BCNA uses the institutions of law and higher education to help foster an inclusive community that treats everyone, including noncitizens with dignity and agency.

Contact: Sarah Brenes, [sbrenes@umn.edu](mailto:sbrenes@umn.edu)

## EXECUTIVE SUMMARY

1. During the relevant period, the U.S. failed to fully implement its obligations to noncitizens, migrants and refugees. The U.S. system of immigration continues to lack safe, orderly and fair pathways for migration that ensure family unity, the right to work with dignity, protections against nonrefoulement, and access to due process. Prolonged and arbitrary detention in immigration detention was common and often associated with abuses such as solitary confinement, inadequate healthcare, and failure to provide access to counsel. This was exacerbated with the passage of the Laken Riley Act in 2025, which created *mandatory* detention with no bond for offenses involving bodily injury or theft even for allegations without a charge or conviction. During the period, the U.S. also violated the right to seek asylum and refouled individuals to face persecution and torture based on a number of executive regulations that barred asylum based on manner of entry or arbitrarily restricted access. Moreover, increasing anti-immigrant rhetoric and sentiment resulted in race- and nationality-based discrimination, restrictions on freedom of association, unequal access to healthcare, and restrictions on liberties that were met with inadequate government response and protections. Migrants from minority groups, such as LGBTI+ individuals, indigenous persons, Black migrants, and children, were disproportionately impacted by language barriers, limited gender options, improper detention processes, lack of counsel, and discrimination. In 2025, the U.S. violated protections against enforced disappearance and threatened statelessness as well as deprivation of the right to nationality with the introduction of a number of executive actions diminishing rights of migrants and minorities.

### **Access to justice & remedy; Administration of justice and fair trial**

#### **Status of Implementation: Not Implemented**

2. Noncitizens continue to have limited avenues to access justice and remedies. U.S. immigration law provides few accessible, predictable, and safe channels of migration; virtually no way for people who fall “out of status” to return to compliance; and nearly unchecked capacity to exclude and expel people with little or no due process. Most perniciously, the United States has designed its immigration system for people to fail, resulting in people giving up bona fide claims, returning to torture or persecution, or being permanently separated from their family. Rising xenophobic rhetoric, high-profile arrests, illegal use of wartime expulsion powers and registration requirements, expulsions to third-country prisons, and other actions are deliberately creating fear of any interaction with immigration authorities, even to pursue lawful immigration pathways. U.S. policy has effectively stopped anyone from seeking asylum at the U.S.-Mexico border and has left many people in the United States ineligible for asylum. The U.S. investment in enforcement and detention dwarfs funding for adjudications and welcome, a trend significantly exacerbated in 2025. This bars access to justice and remedy for noncitizens, migrants, and asylum seekers/refugees.
3. An underfunded<sup>i</sup> and shrinking<sup>ii</sup> immigration court system, lack of access to counsel,<sup>iii</sup> denial of language access, and vast detention capacity<sup>iv</sup> mean that people in detention are effectively forced to give up their cases, are not adequately advised that they have a case, are not given a meaningful opportunity to present their case, or are barred by arbitrary

policies.<sup>v</sup> When faced with arbitrary<sup>vi</sup> and indefinite detention while they await adjudication of case, many people agree to deportation because they cannot face ongoing and prolonged detention. Since 2025, many people have also been encouraged to abandon claims by rhetoric that incorrectly negates the right to asylum or threatens expansive “round-ups” and detention.<sup>vii</sup> Additionally, people have been increasingly moved to detention centers outside of their state of residence, making it hard for family and attorneys to access them.

4. Lack of language access in the immigration system bars access to justice for many. All immigration filings must be in English despite the fact that many migrants do not speak or write English—especially at a level of legal filings.<sup>viii</sup> Yet, because a lawyer is not provided even for vulnerable individuals or detained persons, many people cannot understand or prepare successful filings. This results in refolement for asylum seekers as well as loss of cases for people who have other forms of relief, such as victims of trafficking or for family unity. We documented instances where an immigration judge would advise the person to ask fellow inmates to assist with their translations and forms—a significant violation of due process, privacy of applicants, and unfair pressure for English-speaking detainees to assist others with complex processes.<sup>ix</sup>
5. Lack of counsel is the greatest barrier to success in immigration proceedings.<sup>x</sup> People are three times as likely to win their case<sup>xi</sup> if they have counsel and are more likely to get bond<sup>xii</sup> granted, including at lower cost.<sup>xiii</sup> We have also found that counsel plays a key role in identifying trafficking and other victimization. Yet, the government has not only failed to provide counsel, but in 2025 began restricting that further by cutting limited funding available to provide counsel for vulnerable minors, as well as targeting the legal profession—particularly immigration lawyers—in executive action. Migrants also face wildly disparate outcomes based solely on the judge assigned to their case, resulting in arbitrary detention and arbitrary refolement or denial of other rights.<sup>xiv</sup>
6. Children are particularly vulnerable in immigration matters, and the United States has inadequately met its obligations to protect them.<sup>xv</sup> Like adults, children have no right to legal representation in any immigration proceedings, including in adversarial removal hearings. The United States could decline to prosecute children for removal in immigration court proceedings; however, it continues to keep them in those adversarial and harmful processes. Despite some efforts to ensure trauma-informed and victim-centered processes, these proceedings are inappropriate from the start and judges as well as immigration officials are inadequately screening, referring, and protecting children. Immigration judges routinely issue in absentia removal orders when children fail to appear at court—often due to lack of knowledge or dependence on adults. Judges inform children that they may have “special eligibility” for unspecified immigration status, but fail to ensure children can connect with counsel or have instructions and materials to apply for asylum or other protection. They further fail to hold the immigration office accountability for screening children for trafficking and other harms. Since 2025, the U.S. has also removed limited protections by cutting funding for children’s counsel,<sup>xvi</sup> revoking policies that provided time for children to present their cases,<sup>xvii</sup> threatening sponsors,<sup>xviii</sup> and striking fear in migrant communities.

## **Equality & non-discrimination**

### **Status of Implementation: Partially Implemented**

7. Discrimination against noncitizens and migrants is increasingly an issue in the U.S. Police surveillance particularly affects noncitizen communities in the United States. Partners reported police surveilled grocery stores by scanning license plates, stopping individuals in the parking lot to demand identification, and following people driving to their homes.<sup>xxix</sup> This police presence deters noncitizen individuals from driving, which restricts their ability to work, access necessities, and participate in their family or community.<sup>xx</sup>
8. In the workplace, noncitizens routinely suffer from a lack of equality. Partners reported that since immigration status impacts the type of work available, noncitizens often are mistreated and underpaid, treated poorly, not paid a sufficient amount, and are subject to deplorable conditions.<sup>xxi</sup> Partners reported that immigrant workers are often placed in deplorable housing without air conditioning or heat, poor sanitation, and no kitchen access.<sup>xxii</sup> Partners also reported that noncitizens who are being mistreated are less likely to report due to fear of retaliation.<sup>xxiii</sup>

### **Racial discrimination**

### **Status of Implementation: Partially Implemented**

9. Partners reported racial disparities in community interactions with police, with police disproportionality stopping young people, people of color, and noncitizens.<sup>xxiv xxv</sup> Partners reported that police disproportionately stopped people irrespective of whether they committed a traffic violation to investigate and ticket them for license violations on suspicion that they may be noncitizens.<sup>xxvi</sup> Partners reported that community police agreements were effective in addressing racially pretextual traffic stops.<sup>xxvii</sup>
10. Partners reported that immigrants appeared to be turned away from essential services, such as food, education, and housing, based on language or nationality.<sup>xxviii</sup> Partners additionally reported that indigenous individuals who did not speak Spanish were at a particular risk of being paid at the lowest rates, suffering abuse, working long hours, and having their wages stolen by employers.<sup>xxix</sup>

### **Right to peaceful assembly**

### **Status of Implementation: Partially Implemented**

11. The U.S. has increasingly restricted the right to peaceful assembly for noncitizens or national-ethnic minorities. Partners reported that police appeared at protests involving migrant rights or noncitizens more often than other protests, making those individuals fear exercising their right to peaceful assembly.<sup>xxx</sup> This culminated in March 2025 with the immigration enforcement action against a peaceful protester, Mahmoud Khalil, and subsequent similar arrests.<sup>xxxi</sup> The US Government alleged that Mr. Khalil and others' involvement in protests at Columbia University related to the Israel-Palestine conflict provided sufficient grounds for the US to initiate deportation proceedings against him. This has created deep concerns about the ability for noncitizens to exercise their right to peaceful assembly, particularly as Mr. Khalil is a lawful permanent resident. Since that time, at least

three other high-profile noncitizen students have been targeted for their free speech and assembly exercises.

12. The U.S. government has also infringed on the freedom of assembly and opinion rights of immigrant advocates. It is attempting to target states and localities that wish to pursue more inclusive policies and refuse to use local resources on immigration enforcement efforts.<sup>xxxii</sup> In March 2025, the U.S. government published a notice issuing its intent to criminally investigate civil society organizations that provide legal services to immigrants<sup>xxxiii</sup>, and to restrict student loan forgiveness for employees of organizations that assist migrants.<sup>xxxiv</sup>

## **Conditions of detention**

### **Status of Implementation: Not Implemented**

13. The U.S. fails to fully implement obligations as relates to conditions for people in immigration detention, and immigration detention standards fail to meet the Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). The U.S. holds thousands of people in private prisons or state and local subcontracting facilities with varying conditions, rules, and standards. All employees of the Department of Homeland Security oversight bodies, including the Office of the Detention Ombudsman and the Office of Civil Rights and Civil Liberties, have received “Reduction in Force” notices and placed on administrative leave pending their terminations.<sup>xxxv</sup>
14. Reports continued to show that people in immigration detention suffered medical emergencies and even death.<sup>xxxvi</sup> This was particularly the case in makeshift and overcrowded detention centers along the border.<sup>xxxvii</sup>
15. Solitary confinement was too commonly used in immigration detention. This is particularly the case as a means of separating populations, such as trans individuals and people with mental illness—an impermissible purpose of solitary confinement, and an action that exacerbates mental health issues and discourages people from seeking mental health support out of fear of solitary confinement.<sup>xxxviii</sup>
16. During the COVID-19 pandemic, people held in detention suffered additional concerns, such as lack of PPE, failure to implement safety protocols and distancing, transfers with chance of infection, lack of access to healthcare, slow vaccine access, and refusal to release people particularly vulnerable to COVID impacts despite policies to do so.<sup>xxxix</sup>
17. For most of the period, some efforts were made to reduce detention usage; however, the expansion of “expedited removal” processes<sup>xl</sup>, the withdrawal of the “Enforcement Priorities Memo,”<sup>xli</sup> and the passage of the Laken Riley Act<sup>xlii</sup> in early 2025 all contributed to increases in the detention population without any commensurate investment in improving conditions, passing legislation or policies to address health and safety issues, or adequately funding alternatives. Moreover, the long backlogs in immigration processing discussed below will combine with these issues to result in prolonged and arbitrary detention.

## **Domestic violence**

### **Status of Implementation: Partially Implemented**

18. While the U.S. allowed some protections for noncitizen victims of domestic violence, such as renewed access to asylum and ongoing access to immigration protections for victim-witnesses of crime, changes to the law will have a negative impact on victims. The US congress passed the Laken Riley Act,<sup>xliii</sup> ostensibly to protect victims. The Act requires detention without bond for any noncitizen accused, charged or convicted of any theft-related offense or an offense involving serious bodily injury. However, advocates oppose the act as harmful to survivors.<sup>xliv</sup> Because abusers commonly create false accusations against victims, use threats of legal processes, or create situations that result in the victim of DV actually causing bodily harm to their abuser, this law will subject victims of domestic violence to arbitrary arrest and detention.

## **Enforced disappearances**

### **Status of Implementation: Partially Implemented**

19. In 2025, the U.S. failed to implement this obligation. In March, it attempted to deport nearly 300 people to El Salvador without due process.<sup>xlv</sup> Attorneys and family of many deported have indicated they have been unable to reach their clients or family members.<sup>xlvi</sup> Additionally, many of the students arrested and detained for alleged violations related to freedom of expression have been moved to remote immigration detention centers.

## **Rights related to name, identity, nationality**

### **Status of Implementation: Partially Implemented**

20. Since January 20, 2025, the U.S. appears to be failing to implement rights related to identity and nationality. With proposed changes related to restrictions on access to passports for individuals of LGBTQI+ identity, even where a state issues a birth certificate with a different gender marker, the US may fall out of compliance.<sup>xlvii</sup> Additionally, the U.S. is defending a policy that refuses to respect birthright citizenship at the federal level even where a state issues a birth certificate.<sup>xlviii</sup> If upheld, this will leave individuals who are unable to show the required proof without evidence of nationality.

## **Economic, social & cultural rights - general measures of implementation**

### **Right to health**

### **Status of Implementation: Not Implemented**

21. Noncitizens in the US are denied access to health because they are unable to access health insurance unless they can show their immigration status. This results in many individuals being unable to access preventative care, causing more dangerous and debilitating issues.<sup>xlix</sup> This was exacerbated in 2025 when the U.S. Government issued several policies that created bars to public benefits that impact migrant health, further discouraging access

even to benefits that were not barred for fear that it might impact immigration status eligibility or trigger enforcement actions.<sup>l</sup> Partners have reported that noncitizens are less likely to call emergency services due to fear of immigration detention.<sup>li</sup>

22. Some states have filled in where the U.S. Government has failed, such as Minnesota, which has provided access to its health insurance market regardless of immigration status. It has also opened eligibility for public funding of health insurance for those unable to afford it regardless of immigration status.<sup>lii</sup> However, partners have reported that some undocumented individuals do not use these services for fear of being reported to immigration authorities.<sup>liii</sup>
23. Moreover, the U.S. in 2025 revoked its “sensitive locations” policy which barred immigration enforcement actions at hospitals in most cases. This has raised concerns amongst individuals, and caused hesitancy or even refusal to seek medical care for fear of immigration consequences.<sup>liv</sup>

## **Migrants**

### **Status of Implementation: Not Implemented**

24. The U.S. is failing to implement its obligations to migrants in many respects. During the period, anti-immigrant sentiment dominated political rhetoric, policy and legislation.<sup>lv</sup> Efforts largely focused on expelling and excluding migrants, restricting the right to asylum, limiting rights of migrants to social services, benefits, and the right to work. During the period, the U.S. severely limited access to asylum, as discussed elsewhere. It also failed to pass necessary legislation to protect migrants in the US and create necessary pathways for safe, orderly and regular migration.<sup>lvi</sup> This lack of legislative reform has resulted in harms to mixed-status migrant families and separation of families, inability for migrant workers to access safe and regulation employment-based pathways, and harm to those in need of humanitarian protections. Migrants in the US were often unable to access employment authorization<sup>lvii</sup> and most were prevented from accessing public benefits until they received status.<sup>lviii</sup> Migrants also faced dual punishment for criminal issues due to immigration collateral consequences for criminal matters, including petty offenses in many cases—this expanded in 2025 with the passage of extensive legislation requiring detention based solely on *arrest* for nonviolent theft offenses, among other things.<sup>lix</sup>
25. The US government improved efforts around immigrants in some areas. It issued new regulations addressing filing fees for applications which better protected vulnerable individuals; however, it did so by raising fees for families and employment-based applicants. The failure of the US to adequately fund its immigration adjudications apparatus has resulted in harms to migrants accessing benefits they are eligible for as well as due process.<sup>lx</sup> The government issued some new programs to help address lack of lawful pathways and the need for legal reform. This largely involved short-term programs and opportunities for sponsorship (temporary protected status and parole), rather than revision and creation of adequate pathways, but did help address the need for temporary safety and improved pathways to entry in some cases<sup>lxi</sup>. However, nearly all of these programs were subject to litigation and ultimately faced termination after January 2025.

## Refugees & asylum seekers

### **Status of Implementation: Not Implemented**

26. The U.S. asylum system is built to bar protections rather than protect. The one-year filing deadline routinely resulted in denial or lesser protections for individuals. Other filing deadlines in courts further impacted people, especially vulnerable individuals who could not understand or meet deadlines without counsel. Changing fees, form editions, and procedures without guaranteed access to counsel routinely results in asylum applicants being denied for reasons unrelated to the merits of their claim.
27. Measures taken to increase transparency and oversight of the conditions in which asylum seekers are kept and treated, as well as reducing long delays and uncertainty in the asylum review process have been weak.
28. During the period, the Government issued its “Circumvention of Lawful Pathways”<sup>lxii</sup> Regulation which bars asylum for people based on manner of entry into the United States. Outside of narrow exceptions, individuals seeking to exercise their rights as asylum seekers who did not enter the US through prescribed pathways would be eligible only for more limited protections. The pathways eligible for asylum included a visa or parole in advance of entry, which is not possible for many individuals seeking safety. It also included a mobile scheduling app to obtain a limited number of interviews available per day.<sup>lxiii</sup> However, the app was cited for numerous issues, including technology that discriminatorily excluded black asylum seekers, those who did not have access or understanding of technology, those who were outside the geographic area of use, and more. As a result, the ability to seek and enjoy asylum was severely restricted during this period. Beyond these issues, however, in January 2025, the US Government removed access to the scheduling app and issued an executive order providing no pathway to present asylum claims for those arriving at the US borders without visas.<sup>lxiv</sup>
29. The U.S. Government further restricted access to asylum in June 2024 when it issued the Securing the Border Regulation.<sup>lxv</sup> Under this regulation, an arbitrary limit was set under which no asylum applications would be accepted or processed for initial screening at the border unless border apprehension numbers fell to an arbitrary low number for a prescribed period. This left hundreds of thousands of asylum seekers barred from seeking and enjoying safety based solely on their number in line or day of request. These bars were further exacerbated by low refugee resettlement numbers, which did not reach the refugee ceiling for the entire period and which, in January 2025, fell to zero as the President suspended the U.S. Refugee Admissions Program by executive order.<sup>lxvi</sup>
30. The U.S. Government further restricted protections for people fleeing harm by issuing its CFI Regulation, which implements bars to asylum protections at the initial fear screening stage.<sup>lxvii</sup> This has not been implemented for long enough, especially when combined with new policies that essentially block all asylum at the border, to determine its impact. However, advocates were clear in the comment period that the proposal would risk refoulement as applicants would be unable at such an early stage to adequately respond to or refute the bars.
31. The U.S. fails to ensure asylum and refugee rights to work, safe conditions, and other basic needs.<sup>lxviii</sup> Under US law, asylum seekers must seek employment authorization documents

before they can legally work. They must wait at least 180 days until after they've filed an asylum application to get authorization and then are forced to reapply for such authorization—with a *fee*—if the government delays in timely processing their case. This was slightly addressed during the relevant period with issuance of cards valid for 540 days rather than one or two years; however, even this validity period is insufficient due to long backlogs.

32. Long backlogs plague the U.S. asylum system.<sup>lxxix</sup> Failure to fund the adjudication infrastructure means asylum applicants are forced to wait *years* for decisions. This not only impacts their ability to access asylum, but also infringes on asylum seeker rights to family unity as family are unable to timely process reunification applications until the asylum applicant is granted. Further, asylees are not eligible for travel documents until their application is granted, impacting their freedom of movement and, in some cases, work-related rights. Asylees also are unable to access public benefits, such as healthcare and education, until they are granted.
33. As noted elsewhere, the U.S. asylum also fails to adequately protect due process of asylum seekers.<sup>lxxx</sup> People presenting claims in immigration court do not receive government-provided counsel despite the fact that their chance of being granted asylum increases three-fold with the benefit of an attorney. Immigration courts also fail to guarantee trauma-informed protections, including detaining torture survivors.
34. During the period, the U.S. revoked a requirement that officials screen people in expedited removal for non-refoulement protections, meaning people who feared return and were apprehended near the border would have to affirmatively declare their fear.<sup>lxxxi</sup> Reports indicated individuals were often refouled due to this “shout test” because they either were too fearful of officials to voice a claim or because the officials did not understand or ignored them. In January 2025, the U.S. rescinded geographic and time limits to the enforcement of expedited removal.<sup>lxxxii</sup>
35. The U.S. immigration laws fail to adequately protect people with disabilities, LGBTI individuals, youth and indigenous people. These categories of people all require special protections and access to asylum; however, their ability to access those protections is limited and results in refoulement. Disability, LGBTI identity and indigeneity alone are not recognized ground for asylum in the United States, although people may win protection if they can show that they were persecuted because of membership in these particular social groups or that their indigeneity was at least one central reason for persecution. Even where a person could show persecution on these bases, the broad restrictions on asylum access through various measures tightening the border and in US immigration law resulted in refoulement of people who would face persecution and torture.<sup>lxxxiii</sup> The restrictions on asylum access impacted indigenous people who were unable to access the “lawful pathways” required in current regulations.<sup>lxxxiv</sup> Indigenous people were further impacted by the requirement to use the CBP one application to get a fear screening as many of them did not speak a language available on the application. Language access in immigration court or assistance with immigration filings in indigenous languages, as noted elsewhere, further impacted indigenous asylum seekers and resulted in refoulement as well as deportation and loss of protections for indigenous persons eligible for relief.

36. Because US law requires applicants for immigration benefits and protections to present their case in English and in writing, people whose disability impacts their ability to read, write, or speak can only present their case with assistance of an attorney, which is not provided for free by the government, or others who may be exploitative.<sup>lxxv</sup>
37. Changes around LGBTI policy in the US in 2025 further threaten to restrict access to protections both for asylum seekers as well as noncitizens seeking family-based immigration or those LGBTI migrants whose gender may not comply with US evidentiary requirements.

### **Stateless persons**

#### **Status of Implementation: Partially Implemented**

38. For most of the period of review, the U.S. has generally been in compliance with obligations toward stateless persons. However, in January 2025, the U.S. risked falling out of compliance with a change to its birthright citizenship law.<sup>lxxvi</sup> The change threatened to refuse granting citizenship to people born in the U.S. unless one or both parents was lawfully present or a citizen. This causes significant concern for children of stateless individuals or of individuals whose home countries do not grant citizenship to children of their citizens born abroad.

## **II. RECOMMENDATIONS**

- Ensure the United States fully complies with obligations under the **Convention Against Torture**. Never expel individuals to countries to which they have not been ordered removed without affording an opportunity to raise a protection claim under CAT. Cease the use of the Alien Enemies Act or other expulsion mechanisms which circumvent protection hearings.
- Immediately withdraw policies that violate the **right to seek asylum** and reintroduce processes that allow safe and fair access to asylum regardless of manner and location of entry, filing date, identification as asylum-seeker at time of entry, or perceived bar to asylum until determined by a judge.
- Pass immigration legislation that ensures safe, orderly and fair access to migration that is in line with the **Global Compact on Migration**.
- Ensure **due process** for noncitizens by establishing independent immigration courts outside of the executive branch and guaranteeing counsel for all people in removal proceedings and for people seeking asylum.
- Restart funding for the shelter and services program or other programs that allow the United States to fairly process people rather than funding detention and enforcement-only policies.
- Eliminate the use of **detention** for migrants, especially for torture-survivors and vulnerable people. Ensure that if detained, people have access to safe and healthy conditions, medical and mental health care, counsel, and contact with family.

- Ensure the law does not allow or require **arbitrary detention** of individuals; repeal expanded mandatory detention authority included in the Laken Riley Act.
- Investigate, prevent, and punish systemic abuse of people in immigration detention and unaccompanied children in federal custody and ensure all immigration detention contracts comply with the **Mandela Rules**.
- **Eliminate discrimination** for noncitizens seeking asylum and other immigration benefits by ensuring indigenous language speakers can access interpreters and languages they understand, that LGBTI+ needs are included in applications and adjudications, that minority groups are not targeted for immigration enforcement and police action, and that women and children’s claims are addressed.
- **Protect freedom of speech, assembly, and other rights** of noncitizens and advocates. Immediately cease efforts to target immigrant advocates and reverse actions that inhibit freedom of noncitizen speech and assembly.
- **Protect data of undocumented people accessing government services:** State governments, including schools, should ensure adequate privacy protections for undocumented people accessing government services. For example, protect the data of people obtaining driver’s licenses, housing assistance, state-run healthcare facilities, investigations of wage theft and other employment law violations, and other state government services.
- **Improve Ability to Locate Individuals in Detention:** Inform family members and/or community members of where their loved one is being detained. Allow detainees to communicate with their loved ones through phone and video calls.
- **End Pretextual Traffic Stops:** Police should mail tickets for noncommercial traffic violations to the address associated with the vehicle’s license plate, or where police stops are initiated, constrain investigation only to issuing a ticket for the traffic violation. Police should only investigate other criminal conduct if they have reasonable suspicion or probable cause to do so.
- **End Arrest or Detention Based Solely on Immigration Status:** Police should not investigate matters related to immigration status unrelated to criminal activity for which they have reasonable suspicion or probable cause to investigate and detain an individual.

---

<sup>i</sup> Congress appropriated \$844 million in fiscal year 2024 to the Executive Office for Immigration Review, part of the U.S. Department of Justice.

American Immigration Council, *The Cost of Immigration Enforcement and Border Security*, (Washington D.C., Aug. 2024), 3, accessed April 4, 2025, <https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security>

<sup>ii</sup> Britain Eakin, *Trump Admin to Nearly Halve Immigration Appeals Board*, Law 360, Feb. 20, 2025, accessed Apr. 4, 2025, <https://immigrationcourtside.com/wp-content/uploads/2025/02/Trump-Admin-To-Nearly-Halve-Immigration-Appeals-Board-Law360.pdf>.

<sup>iii</sup> Representation in Immigration Proceedings, 8 Code of Federal Regulations §§ sec. 1003.16(b) (2025).

<sup>iv</sup> Congress appropriated \$3.43 billion in fiscal year 2024 for ICE detention centers.

---

American Immigration Council, *The Cost of Immigration Enforcement and Border Security*, (Washington D.C., Aug. 2024), 3, accessed April 4, 2025, <https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security>

<sup>v</sup> Advocates for Human Rights, *Bearing Witness in the Moment: Report from the Immigration Court Observation Project*, by Theresa Dykoschak, Lindsey Greising, Amy Lange, and Michele Garnett McKenzie (Minneapolis, MN, 2020), 45, [https://www.theadvocatesforhumanrights.org/Res/bearing\\_witness\\_2020%202.pdf](https://www.theadvocatesforhumanrights.org/Res/bearing_witness_2020%202.pdf)

<sup>vi</sup> For example, 8 U.S.C. sec. 1225(b)(iii)(B)(IV) requires detention without access to an individualized custody determination for people arriving in the United States who ask for asylum; 8 U.S.C. sec. 1226(c) requires detention without access to an individualized custody determination for categories of people, including people who have been charged but not convicted of misdemeanor theft offenses.

Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing, 8 U.S.C Code §§ sec. 1225(b)(iii)(B)(IV) and sec. 1226(c) (2025).

<sup>vii</sup> Advocates for Human Rights, *Bearing Witness in the Moment: Report from the Immigration Court Observation Project*, by Theresa Dykoschak, Lindsey Greising, Amy Lange, and Michele Garnett McKenzie (Minneapolis, MN, 2020), 45, [https://www.theadvocatesforhumanrights.org/Res/bearing\\_witness\\_2020%202.pdf](https://www.theadvocatesforhumanrights.org/Res/bearing_witness_2020%202.pdf)

<sup>viii</sup> Advocates for Human Rights, *Bearing Witness in the Moment: Report from the Immigration Court Observation Project*, by Theresa Dykoschak, Lindsey Greising, Amy Lange, and Michele Garnett McKenzie (Minneapolis, MN, 2020), 45, [https://www.theadvocatesforhumanrights.org/Res/bearing\\_witness\\_2020%202.pdf](https://www.theadvocatesforhumanrights.org/Res/bearing_witness_2020%202.pdf)

<sup>ix</sup> Advocates for Human Rights, *Bearing Witness in the Moment: Report from the Immigration Court Observation Project*, by Theresa Dykoschak, Lindsey Greising, Amy Lange, and Michele Garnett McKenzie (Minneapolis, MN, 2020), 45, [https://www.theadvocatesforhumanrights.org/Res/bearing\\_witness\\_2020%202.pdf](https://www.theadvocatesforhumanrights.org/Res/bearing_witness_2020%202.pdf)

<sup>x</sup> American Immigration Lawyers Association, “Featured Issue: Ensuring Legal Representation for People Facing Removal,” May 15, 2024, <https://www.aila.org/library/featured-issue-ensuring-legal-representation>.

<sup>xi</sup> Vera Institute of Justice, *Why Does Representation Matter? The Impact of Legal Representation in Immigration Court*, by Karen Berberich and Nina Siulc (New York, Nov. 2018), <https://vera-institute.files.svdcdn.com/production/downloads/publications/why-does-representation-matter.pdf>.

<sup>xii</sup> Advocates for Human Rights, *Seeking Release from Immigration Custody: Bond Hearings at the Fort Snelling Immigration Court*, by Amy Lange (Minneapolis, MN, 2022), <https://www.theadvocatesforhumanrights.org/Res/Seeking%20Release%20from%20Immigration%20Custody-%20Bond%20Report%20-%20Final.pdf>.

<sup>xiii</sup> American Immigration Lawyers Association, “Featured Issue: Ensuring Legal Representation for People Facing Removal,” May 15, 2024, <https://www.aila.org/library/featured-issue-ensuring-legal-representation>.

<sup>xiv</sup> Transactional Records Access Clearinghouse, “Immigration,” <https://tracreports.org/immigration/>.

<sup>xv</sup> Advocates for Human Rights, *Immigration Court Observation Project Issue Brief: Unaccompanied Children*, (Minneapolis, MN, Oct. 2023), <https://www.theadvocatesforhumanrights.org/Res/AHR%20Issue%20Brief%20-%20Unaccompanied%20Children%20in%20Immigration%20Court.pdf>.

<sup>xvi</sup> Advocates for Human Rights, *The Advocates Condemns US Government’s Decision to Strip Legal Representation from Immigrant Children*, February 19, 2025, <https://www.theadvocatesforhumanrights.org/News/stop-work-kids>.

<sup>xvii</sup> American Immigration Lawyers Association, *EOIR Issues Memo Reinstating Prior Guidance on Use of Status Dockets in Immigration Court Proceedings*, (Washington D.C., Mar. 21, 2025), accessed <https://www.aila.org/library/eoir-issues-memo-reinstating-prior-guidance-on-use-of-status-dockets-in-immigration-court-proceedings>.

<sup>xviii</sup> Ted Hesson, *Trump administration rolls back restrictions on sharing migrant minor sponsors’ immigration status*, Reuters, Mar. 24, 2025, <https://www.reuters.com/world/us/trump-administration-rolls-back-restrictions-sharing-migrant-minor-sponsors-2025-03-24/>.

<sup>xix</sup> Stakeholder interview on file with AHR 3.11.2025 (PK); Stakeholder interview on file with AHR 3.13.2025.

<sup>xx</sup> Stakeholder interview on file with AHR, 3.11.2025 (F)

<sup>xxi</sup> Stakeholder interview on file with AHR, 3.11.2025 (M)

<sup>xxii</sup> Stakeholder interview on file with AHR 3.13.2025.

<sup>xxiii</sup> Stakeholder interview on file with AHR, 3.11.2025 (M)

<sup>xxiv</sup> Stakeholder interview on file with AHR, 3.11.2025 (PA)

---

<sup>xxv</sup> Stakeholder interview on file with AHR 3.11.2025 (ME); Stakeholder interview on file with AHR 3.11.2025 (PK); Stakeholder interview on file with AHR 3.13.2025.

<sup>xxvi</sup> Stakeholder interview on file with AHR 3.13.2025.

<sup>xxvii</sup> Stakeholder interview on file with AHR 3.11.2025 (ME); Stakeholder interview on file with AHR 3.11.2025 (PK); Stakeholder interview on file with AHR 3.13.2025.

<sup>xxviii</sup> Stakeholder interview on file with AHR, 3.11.2025 (PA); stakeholder interview on file with AHR 3.13.2025.

<sup>xxix</sup> Stakeholder interview on file with AHR, 3.11.2025 (PE)

<sup>xxx</sup> Interview on file with AHR, 3.11.2025

<sup>xxxi</sup> Jake Offenhartz, *Immigration agents arrest Palestinian activist who helped lead Columbia University protests*, AP News, (Mar. 9, 2025), <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcb921f21a9f704d5acdcae7a8>. Sam Levin, *Tufts student detained by Ice may not be deported without court order, judge rules*, The Guardian, (Mar. 28, 2025), <https://www.theguardian.com/us-news/2025/mar/28/rumeysa-ozturk-tufts-ice>.

<sup>xxxii</sup> Safeguard American Voter Eligibility Act or the SAVE Act, HR 22 (Jan. 3, 2025); The White House, *Protecting the American People Against Invasion*, (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

<sup>xxxiii</sup> The White House, *Preventing Abuses of the Legal System and the Federal Court* (Mar. 22, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/preventing-abuses-of-the-legal-system-and-the-federal-court/>.

<sup>xxxiv</sup> The White House, *Restoring Public Service Loan Forgiveness*, (Mar. 7, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/restoring-public-service-loan-forgiveness/>.

<sup>xxxv</sup> GovExec Staff, RIF watch: *See which agencies are laying off federal workers*, Government Executive, (Feb. 27, 2025), <https://www.govexec.com/workforce/2025/02/rif-watch-see-which-agencies-are-laying-federal-workers/403342/>.

<sup>xxxvi</sup> Physicians for Human Rights, *Deadly Failures: Preventable Deaths in U.S. Immigration Detention*, (June 25, 2024), <https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/>.

<sup>xxxvii</sup> Physicians for Human Rights, *Deadly Failures: Preventable Deaths in U.S. Immigration Detention*, (June 25, 2024), <https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/>.

<sup>xxxviii</sup> Rachel Reed, *ICE used solitary confinement more than 14,000 times in the past five years, report reveals*, Harvard Law Today, (Feb. 6, 2024), <https://hls.harvard.edu/today/us-immigration-and-customs-enforcement-used-solitary-confinement-more-than-14000-times-in-the-past-five-years-report-reveals/>; Physicians for Human Rights, *“Endless Nightmare”: Torture and Inhuman Treatment in Solitary Confinement in U.S. Immigration Detention*, (Feb. 6, 2024), <https://phr.org/our-work/resources/endless-nightmare-solitary-confinement-in-us-immigration-detention/>.

<sup>xxxix</sup> The Advocates for Human Rights, *Immigration Detention and COVID-19: Illuminating Human Rights Concerns in Minnesota Jails*, (Mar. 21, 2021), [https://www.theadvocatesforhumanrights.org/Res/ice\\_detention\\_covid-19\\_and\\_mn\\_jails\\_final%205.pdf](https://www.theadvocatesforhumanrights.org/Res/ice_detention_covid-19_and_mn_jails_final%205.pdf).

<sup>xl</sup> Office of the Secretary, Department of Homeland Security, *Designating Aliens for Expedited Removal*, Federal Register 90 8139-8140, (Jan. 24, 2025), <https://www.federalregister.gov/documents/2025/01/24/2025-01720/designating-aliens-for-expedited-removal>.

<sup>xli</sup> The White House, *Protecting the American People Against Invasion*, (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

<sup>xlii</sup> Laken Riley Act, 119-1, (Jan. 29, 2025), <https://www.congress.gov/bill/119th-congress/senate-bill/5/text>.

<sup>xliii</sup> Laken Riley Act, 119-1, (Jan. 29, 2025), <https://www.congress.gov/bill/119th-congress/senate-bill/5/text>.

<sup>xliv</sup> Women’s Refugee Commission, *Women’s Refugee Commission’s Statement on the Laken Riley Act*, (Jan. 23, 2025), <https://www.womensrefugeecommission.org/press-releases/womens-refugee-commissions-statement-on-the-laken-riley-act/>.

<sup>xlv</sup> Susan Heavy and Ted Hesson, *Trump administration says man was deported to El Salvador in error*, Reuters, (Apr. 1, 2025), <https://www.reuters.com/world/americas/trump-administration-says-man-deported-el-salvador-in-error-2025-04-01/>.

<sup>xlvi</sup> New York Times, *Trump Officials Say Deportees Were Gang Members. Few Details Were Disclosed*, (Mar. 18, 2025), <https://www.nytimes.com/2025/03/18/us/trump-deportations-venezuela-gang.html>.

- 
- <sup>xlvii</sup> U.S. Department of State, *30-Day Notice of Proposed Information Collection: U.S. Passport Renewal Application for Eligible Individuals*, Federal Register 90, 9800-9801 (Feb. 18, 2025), <https://www.federalregister.gov/documents/2025/02/18/2025-02696/30-day-notice-of-proposed-information-collection-application-for-a-us-passport-for-eligible>.
- <sup>xlviii</sup> American Civil Liberties Union, *Federal Court Blocks Trump Birthright Citizenship Executive Order*, (Feb. 10, 2025), <https://www.aclu.org/press-releases/federal-court-blocks-trump-birthright-citizenship-executive-order>.
- <sup>xlix</sup> Stakeholder interview on file with AHR, 3.11.2025 (PA)
- <sup>1</sup> The White House, *Fact Sheet: President Donald J. Trump Ends Taxpayer Subsidization of Open Borders*, (Feb. 19, 2025), <https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-ends-taxpayer-subsidization-of-open-borders/>.
- <sup>ii</sup> stakeholder interview on file with AHR, 3.11.2025 (PA)
- <sup>iii</sup> UNIDOS MN, *Statement on the Expansion of MinnesotaCare that Includes Mixed-status Families*, (Accessed Apr. 7, 2025), <https://unidos-mn.org/expansion-of-minnesotacare>.
- <sup>liii</sup> Stakeholder interview on file with AHR, 3.11.2025 (M)
- <sup>liv</sup> Physicians for Human Rights, *Trump Ending ICE “Sensitive Locations” Policy Forces Immigrants to Choose Between Health Care and Safety: PHR*, (Jan. 22, 2025), <https://phr.org/news/trump-ending-ice-sensitive-locations-policy-forces-immigrants-to-choose-between-health-care-and-safety-phr/>
- <sup>lv</sup> Marcos Montoya Andrade and Dr. Ray Serrano, *A New Wave of Hate: The Anti-Immigrant Legislative Boom Since 2020*, League of United Latin American Citizens, (Accessed Apr. 7, 2025), [https://lulac.org/a\\_new\\_wave\\_of\\_hate/](https://lulac.org/a_new_wave_of_hate/).
- <sup>lvi</sup> New York Times, *Over Decades, Congress Failed Repeatedly to Address Immigration dysfunction*, (May 14, 2023), <https://www.nytimes.com/2023/05/14/us/politics/immigration-legislation-congress.html>. William A. Galston, *The collapse of bipartisan immigration reform: A guide for the perplexed*, Brookings, (Feb. 8, 2023), <https://www.brookings.edu/articles/the-collapse-of-bipartisan-immigration-reform-a-guide-for-the-perplexed/>
- <sup>lvilvii</sup> Abigail F. Kolker, William R. Morton, *Noncitizen Eligibility for Employment Authorization and Work-Authorized Social Security Numbers (SSNs)*, Congressional Research Office, (Mar. 22, 2023), <https://www.congress.gov/crs-product/R47483>
- <sup>lviii</sup> Tanya Broder and Gabrielle Lessard, *Overview of Immigration Eligibility for Federal Programs*, National Immigration Law Center, (May 2024), <https://www.nilc.org/wp-content/uploads/2024/05/overview-immeligfedprograms-2024-05-08-1.pdf>.
- <sup>lix</sup> Raul A. Reyes, *How immigration policy became 'crimmigration' — and the racial politics behind it*, NBC News, (Sept. 3, 2021), <https://www.nbcnews.com/news/latino/immigration-policy-became-crimmigration-racial-politics-rcna1818>. Laken Riley Act, 119-1 (Jan. 29, 2025), <https://www.congress.gov/bill/119th-congress/senate-bill/5/text>.
- <sup>lx</sup> American Immigration Council, *The Cost of Immigration Enforcement and Border Security: Factsheet*, (Aug. 2024), [https://www.americanimmigrationcouncil.org/sites/default/files/research/cost\\_of\\_immigration\\_enforcement\\_factsheet\\_2024.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/cost_of_immigration_enforcement_factsheet_2024.pdf).
- <sup>lxi</sup> American Immigration Council, *The Biden Administration’s Humanitarian Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans: An Overview*, (Sept. 2023), [https://www.americanimmigrationcouncil.org/sites/default/files/research/09.23\\_chnv\\_factsheet.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/09.23_chnv_factsheet.pdf). New York Times, *Trump Administration Moves to End Program for Migrants From 4 Caribbean and Latin American Countries*, (Mar. 1, 2025). <https://www.nytimes.com/2025/03/21/us/politics/the-trump-administration-moved-to-end-a-program-for-migrants-from-4-caribbean-and-latin-american-nations.html>.
- <sup>lxiii</sup> Department of Homeland Security, *Fact Sheet: Circumvention of Lawful Pathways Final Rule*, (May 11, 2023), <https://www.dhs.gov/archive/news/2023/05/11/fact-sheet-circumvention-lawful-pathways-final-rule>.
- <sup>lxiii</sup> Amnesty International, *CBP One Mobile Application Violates the Rights of People Seeking Asylum in the United States*, (9 May 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/>.
- <sup>lxiv</sup> Christian Penichet, Forum Analysis: *President Trump’s Executive Actions on Border Security*, *National Immigration Forum* (Jan. 24, 2025), <https://immigrationforum.org/article/u-s-southern-border-president-trumps-executive-actions-on-border-security/>.
- <sup>lxv</sup> American Immigration Lawyers Association, *Policy Brief: Analysis of Final Rule on “Securing the Border”*, (Oct. 3, 2024). <https://assets.aila.org/files/bd92519b-bb8a-44f2-b67c-985dd6f219ea/24060510a.pdf?1728326604>.

- 
- <sup>lxvi</sup> Exec. Order No. 14163, Realigning the U.S. Refugee Admission Program, 90 Fed. Reg. 8,459 (Jan. 20, 2025) <https://www.whitehouse.gov/presidential-actions/2025/01/realigning-the-united-states-refugee-admissions-program/>.
- <sup>lxvii</sup> American Immigration Council, *The Biden Administration's Proposed Regulation On Asylum Bars: An Analysis*, (May 10, 2024), [https://www.americanimmigrationcouncil.org/sites/default/files/research/the\\_biden\\_administrations\\_proposed\\_regulation\\_on\\_asylum\\_bars\\_0.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/the_biden_administrations_proposed_regulation_on_asylum_bars_0.pdf).
- <sup>lxviii</sup> National Immigration Forum, *Asylum Seeker Work Authorization Act of 2023: Bill Summary* (June 15, 2024), <https://immigrationforum.org/wp-content/uploads/2023/06/Bill-Summary--Asylum-Seeker-Work-Auhtorization-FINAL-1.pdf>.
- <sup>lxix</sup> Ayelet Parness, *Asylum Backlog Presents Anguish, Uncertainty for Seekers*, HIAS, Apr. 4, 2025), <https://hias.org/news/asylum-backlog-presents-anguish-uncertainty-seekers/>.
- <sup>lxx</sup> The Advocates for Human Rights, *Bearing Witness in the Moment: Report from the Immigration Court Observation Project*, (Minneapolis, MN: Jan. 2020) [theadvocatesforhumanrights.org/Res/bearing\\_witness\\_2020\\_2.pdf](https://theadvocatesforhumanrights.org/Res/bearing_witness_2020_2.pdf).
- <sup>lxxi</sup> Human Rights First, Hope Border Institute, Human Rights First, Immigrant Defenders Law Center, Kino Border Initiative, RAICES, and Refugees International, *Don't Tell Me About Your Fear, Elimination of Longstanding Safeguard Leads to Systematic Violations of Refugee Law*, (Aug. 2024) [https://www.americanimmigrationcouncil.org/sites/default/files/research/a\\_primer\\_on\\_expedited\\_removal\\_0225.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/a_primer_on_expedited_removal_0225.pdf).
- <sup>lxxii</sup> American Immigration Council, *A Primer on Expedited Removal: Factsheet*, (Feb.2025), 3, [a\\_primer\\_on\\_expedited\\_removal\\_0225.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/a_primer_on_expedited_removal_0225.pdf). Office of the Secretary, *Designating Aliens for Expedited Removal*, 90 Federal Register 8139-8140 (Jan. 24, 2025) 2025-01720.pdf.
- <sup>lxxiii</sup> Human Rights First, "U.S. Asylum Bans Strand LGBTQI+ Refugees in Danger and Risk to Return to Persecution", accessed Apr. 5, 2025, <https://humanrightsfirst.org/library/u-s-asylum-ban-strands-lgbtqi-refugees-in-danger-and-risks-their-return-to-persecution/>.
- <sup>lxxiv</sup> Brian Osgood, *Indigenous groups say they are left out of US immigration debate*, Aljazeera, July 24, 2023, <https://www.aljazeera.com/news/2023/7/24/indigenous-groups-say-they-are-left-out-of-us-immigration-debate>.
- <sup>lxxv</sup> Neelam Bohra, *Migrant with disabilities struggle to access the U.S. asylum system, advocates say*, The Texas Tribune, Mar. 29, 2024, <https://www.texastribune.org/2024/03/29/texas-disabled-asylum-seekers/>.
- <sup>lxxvi</sup> The White House, "Protecting the Meaning and Value of American Citizenship", accessed Apr. 5th, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>.