



Forum: Human Rights Commission

Question of: Protecting the Right of Migrants in Detention Centers
in the United States

Deputy President

Introduction

In recent years, migrants in detention centers in the United States have been treated horribly, becoming a serious human rights concern among the global community. Migrant detention is detaining individuals in state-operated or privately contracted centers as their legal status is being processed. Various centers have been investigated, with several reports of hazardous, overcrowded, and inhumane conditions, specifically for vulnerable individuals such as children and pregnant women. This dates from the historical past of the migration policy and enforcement of the U.S., determined by varied political agendas, national security issues, and racial and economic influences.

Today, migration is an international issue; the treatment of migrants by one country can greatly influence world standards and lead to other countries resulting to both reform and criticism. This issue is specifically prevalent in the U.S. The harsh conditions in which migrants are placed can lead to severe side effects on their well-being and go against the laws set by the United Nations for human rights. Migrants in detention center have no access to legal representation and face mental and physical mistreatment; which raises questions on to the United States' respect for its obligations under the law internationally (Human Rights Watch, 2023). Moreover, reports by migrants of family separation, medical neglect, and inadequate living conditions have sparked global outrage and fueled calls for reform (Amnesty International, 2021). To deal with the human rights violations in U.S. migrant detention centers, one must address the policies that drive countries to do so, such as mandatory detention, the privatization of migration centers, and minimal judicial review. Through this, the world community can start to magnify pressure, calling on the U.S. to respect the rights and dignity of innocent migrants, regardless of their origins.

This issue relates to “Deliberate to Liberate”, since protecting the rights of migrants in detention centers requires intentional actions to uphold human dignity and freedom. States can deliberately liberate migrants from unjust conditions, by reforming detention practices and adopting humane, rights-based alternatives, ensuring migrants are treated with respect and equity, aligning with the conference’s goal of purposeful action for liberation.

Definition of Key Terms

Migrant Detention

Migrant detention is confining individuals such as undocumented migrants in facilities while their migration status is processed. Individuals are meant to be held in these centers for short periods of time, however people are often held for prolonged periods. Many countries face criticism for violating basic rights, especially when access to healthcare, legal aid, and humane treatment is limited in these centers.

Asylum Seeker

An asylum seeker is someone who flees their home country in search of a safe suitable living conditions, in fear of prosecution, and waiting for a decision on their refugee status. These individuals are protected under international law, and many of them are held in detention during this process in the United States.

U.S. Immigration and Customs Enforcement (ICE)

ICE is the U.S. federal agency tasked with enforcing immigration laws. They are in charge of arrest, detention, and deportation of individuals without legal status. ICE is in control of many detention centers and contracts with private facilities, raising concerns about transparency and accountability.

Detention Center (migration)

Migration detention centers are facilities that are operated federally or privately that are used to hold migrants who have their migration status being processed. These centers resemble carceral institutions and are often reported to have unsanitary and unsafe conditions.

Family Separation Policy

The family separation policy refers to the U.S. government's practice, particularly during the 2018 "zero-tolerance" policy, of separating migrant children from their parents in detention centers. This policy was demonstrated to cause psychological trauma, as it violated the rights of the child under international law.

Xenophobia

Xenophobia is the fear or hatred of people from other countries or cultures. It leads to

discrimination, exclusion, and negative attitudes towards those seen as outsiders. This prejudice damages social harmony and often results in unfair treatment or violence.

Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), passed in 1996, is a U.S. law that strengthened immigration enforcement. It expanded reasons for deportation, introduced mandatory detention for many immigrants, and made it harder for deported individuals to return legally.

General Overview

The rights of migrants held in detention centers in the United States remain a significant human rights concern. Different individuals such as asylum seekers, undocumented people, and migrants are found to be treated harshly in detention facilities, pending legal processing despite no criminal act listed against them. Common locations migrants come from are Central America, South America, Africa, or from other parts of the Caribbean, leaving due to unsafe circumstances such as war, persecution, financial difficulties, or natural disasters. Even though migration control is a right for any state, human rights must be maintained in accordance with international law. In 2023, the United States detained an estimated 180,000 people within more than 200 migration detention centers, where there were many reports of abuse, and unsafe conditions (ICE, 2023).

Reports of mistreatment in U.S. detention centers highlight ongoing concerns regarding the treatment of detainees. Other states are heavily influenced by the USA and its laws and practices, meaning strict regulations and human rights standards would serve as an influence for global leaders in promoting human dignity, justice, and international relations.

History

The first immigration law in the U.S which restricted entry based on race or nationality was introduced back in the late 19th century, the Chinese Exclusion Act of 1882. This marked the beginning of detaining certain immigrants at ports of entry. Facilities like Ellis Island were used to detain and process immigrants, particularly those deemed undesirable or likely to

become public charges (Ngai, 2004).

More policies surfaced in the 1980s as the U.S. responded to the increased number of migrations from Central America, Cuba, and Haiti. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 further institutionalized mandatory detention for a broad range of migrants, including legal residents with minor convictions, making detention a core element of immigration enforcement (Kerwin, 2018). The U.S. started detaining asylum seekers more frequently.

After the 9/11 attacks, migration policy became heavily linked with national security. New corporations were being formed such as the Department of Homeland Security (DHS) in 2003, and ICE, leading to increased cases of detention. These policies continued further under Donald Trump's administration in 2018, with the formation of the Zero Tolerance policy, which separated families and exposed widespread abuses in detention centers (ACLU, 2019).

Causes of the Problem

The first major cause is the criminalization of migration. In recent years, migration policy in the United States of America has massively increased undocumented migration as a criminal act rather than a civil issue. Different laws placed by the government led to mandatory detention for any nonviolent migration offenses, leading to the holding of innocent individuals such as asylum seekers and children. These laws include the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. This shift towards detention prioritizes enforcement over humanitarian considerations.

Moreover, The U.S. government contracts private corporations like GEO Group and CoreCivic to take control of its immigration detention centers, leading to the privatization of detention facilities which is a key cause of the problem. Companies in control of these centers make their profit based off of the number of people detained, creating a financial incentive to detain more individuals for longer periods of time. However, unlike government run-facilities, private centers lack transparency and are not held to the same accountability standards. Various reports and complaints by individuals show that these facilities cut costs on food, medical care, and staffing, resulting in poor conditions and increased human rights

violations.

In addition, a factor is the lack of legal representation and due process. The poor individuals in detention centers have no access to lawyers. According to a 2023 TRAC report, nearly 70% of immigration detainees do not receive legal aid. Likelihood of people being granted asylum massively decrease with no proper representation, and they are more likely to face deportation. This lack of access undermines justice and leaves detainees vulnerable to abuse.

Finally, public support for harsh immigration enforcement can be seen as a result of systemic discrimination and xenophobic language in politics. Immigrants are being portrayed as threats, influencing policy decision that justify indefinite detention and restrictive asylum rules. The spread of misinformation for the public lead to the normalization of harsh conditions, family separation, and prolonged detentions that violate international human rights standards. This allowed the United States of America to continue on discriminating immigrants freely.

International Response

The response of the globe to this issue has placed a lot of pressure on the United States from international organization, human rights watchdogs, and foreign governments. Even though the global attention has increased to the humanitarian concern, the migration laws and national sovereignty still pose as a huge threat towards international accountability. Peace seekers globally aim to protect the dignity and rights of migrants in detention.

The United Nations has been the most active in taking actions against the issue. Multiple statements have been issued by the Office of the High Commissioner for Human Rights (OHCHR) to end family separation and for immigrants to be respected, abiding by the international legal principle of non-refoulement. The United Nations High Commissioner for Refugees (UNHCR) also urged against unsafe environments and detaining individuals for long hours, especially for children and asylum seekers.

Several agreements are being made advocate for minimizing immigration detention and

promoting migrants' rights. For example, as the Global Compact for Safe, Orderly and Regular Migration. Human Rights Watch, Doctors Without Borders, and Amnesty International are all NGOs which reported on conditions inside detention centers, launched awareness campaigns, and placed pressure upon the U.S. to comply with international standards of humane treatment.

Impacts of the Problem

The violation of the rights of the migrants in the U.S. has several impacts, not just on the individuals, but on broader societal structures. In terms of the migrants, they suffer from physical, psychological, and emotional harm as a result of prolonged detention, family separation, and overcrowded or unsanitary conditions. The horrible environment the detainees were placed in caused long-term trauma, especially in children, including anxiety, depression, and post-traumatic stress disorder (PTSD). This can massively impact the childrens' development and future well-being. The lack of humane treatment also disrupted public trust in the U.S. governments institutions and completely damaged the United States' global reputation regarding human rights and international law. Migrant children were lost in the system, being unable to reunite with their family as a result of family seperations in the center. This caused irreparable emotional damage and violated principles of family unity under international law. In addition, the way the public perceive migrants was completely changed as negative stereotypes about migrants in society are spread due to the holding of individuals who pose no threat in prison-like environments, even contributing to the criminalization of migration.

In terms of economics, the detention of migrants can be expensive to the government, who divert funds from essential public services. Migrants in detention usually do not work, participate in local communities, or contribute to the economy, leading to a loss of productivity and community engagement.

Socially, xenophobia, discrimination, and division are all present in the U.S. society as a result of these practices. Migrant communities have developed fear of law enforcement and are hesitant to report crimes or access services, leading to greater marginalization.

Major Parties Involved

United States Department of Homeland Security (DHS)

The DHS is the main U.S. government body which regularly checks immigration enforcement and detention operation using its agencies like Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP).

U.S. Immigration and Customs Enforcement (ICE)

ICE is the agency in control of custody, detention, and deportation of undocumented migrants. Many of the detention centers around the U.S. where immigrants are held during legal procedures are operated by ICE.

United Nations High Commissioner for Refugees (UNHCR)

UNHCR is the advocate for the rights of migrants and asylum seekers. It promotes alternative solutions rather than detention and emphasizes the importance of humane treatment.

American Civil Liberties Union (ACLU)

The ACLU is responsible for the investigation and challenging of human rights violations within the U.S. Migrant detention centers, advocate for reform in policies and aim for better legal protection of individuals in detention.

Human Rights Watch (HRW)

The HRW reports abuses in the U.S. detention centers. It publishes its reports to pressure authorities to work on improving conditions and ensuring detainees are protected.

U.S. Congress and State Legislatures

U.S. Congress and State Legislatures are the organization which play a role in funding, legislating, and overseeing immigration enforcement and detention policies. Changes on reducing reliance on detention are usually proposed through these organizations.

Non-Governmental Organizations (NGOs)

There are several NGOs in the U.S. which fight for the closure of abusive detention

facilities by providing legal aid and conducting research. These organizations include RAICES, Freedom for Immigrants, and the Detention Watch Network.

International Organization for Migration (IOM)

This organization does not directly managing U.S. detention, IOM works globally on migration governance and supports humane and rights-based policies that align with international law.

Timeline of Events

Date	Event
1882/May/6	The first major U.S. immigration restriction based on ethnicity is remembered as the Chinese Exclusion Act. It acted as a foundation for the use of detention to manage immigration of marginalized groups, acting as a precedent for exclusionary practices.
1952/June/27	The Immigration and Nationality Act (INA) was what formalized legal processes for deportation and exclusion. It gave the government broader authority to detain non-citizens and those seen as threats, and it consolidated U.S. immigration laws.
1980/October/10	In 1980, the Refugee Act was passed, making U.S. asylum procedures more in line with international standards and clearly outlining the rights of individuals seeking asylum. However, even with these legislative procedures and laws, the practice of detaining asylum seekers only increased, especially for those arriving without proper documentation.

1996/April/24

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was a part of the law in 1996. It stated that detention was mandatory for a wide range of migrants such as lawful permanent residents with past convictions. The statute considerably expanded detention policies.

2001/September/11

The 9/11 attacks was the turning point in the decision of the restructuring of U.S. immigration enforcement under the newly created Department of Homeland Security (DHS). National security interests prioritized detention activities and widened immigrant surveillance. This played a huge role in improving conditions in detention centers and leading to consequences for those who mistreat migrants.

2003/March/1

As DHS found its job too complex, it decided to branch and split each branch to do a certain job. Immigration and Customs Enforcement (ICE) was officially created as a branch of DHS, inheriting the task of detaining and deporting migrants. ICE's role in the operation of detention centers has been at the center of the current plan. This acted as a pivot for the conditions of detainees, as fewer people were detained, and for shorter periods of time.

2018/April/6

The Trump administration launched the "Zero Tolerance" policy, where the Department of Justice began to criminally prosecute all suspected illegal border-crossers for illegal entry, even those who crossed for the first time. The "Zero Tolerance" policy also resulted in large-scale family separation

on the U.S.-Mexico border. This prompted global outcry and demands for reform after thousands of children were detained in isolation.

2019/July/15

The United Nations Human Rights Council condemned U.S. family separation and migrant detention practices as violations of international human rights law. This led to increased public awareness and social pressure being placed upon the U.S. It urged the U.S. to end arbitrary detention and uphold the dignity of detainees.

2021/February/2

President Joe Biden completely redirected the thoughts of the U.S. on the topic. He issued executive orders to investigate and change immigration policies for the better. The order consisted of halting the prolonged detention of families and rebuilding asylum protections. Several practices are under review to this day, and some are in a condition of judicial limbo.

2023/May/11

The pandemic-era policy ‘Title 42’, was officially cut off by the U.S. in 2023. It employed to push out migrants without processing asylum. It acted as huge pivotal point in border policy, while simultaneously creating fear of overuse of detention as enforcement reverted to pre-pandemic norms.

Attempts to solve the issue

Global Compact for Safe, Orderly and Regular Migration. 19 December 2018
(A/RES/73/195)

This UN resolution established the first global framework on migration, outlining 23

objectives to ensure safe, dignified, and regular migration. It calls for protecting migrant rights, reducing detention, and promoting alternatives. However, as a non-binding agreement, its effectiveness depends on voluntary national implementation.

Advisory Opinion on the Human Rights of Migrants (Requested by Mexico). 2016–2018

Between 2016 and 2018, Mexico requested an Advisory Opinion from the American Court of Human Rights on migrant rights, where it was ruled that detaining migrant children solely for immigration reasons violates their rights. This strengthened legal standards in the Americas but has not been fully implemented by all states.

Possible Solutions

Strengthen asylum processing systems to reduce the need for prolonged detention

Improving the efficiency of processing systems in detention centers can indirectly greatly improve the conditions of the detainees. It would lead to the reduction of overcrowding as individuals are not held for prolonged periods of time due to faster processing of legal information. Improving the efficiency of detention centers can be done by hiring more immigration judges, translators, and legal officers, resulting in faster processing of cases while simultaneously increasing fairness. Dedicating different teams to do specific jobs can increase the chance of identifying vulnerable individuals such as children, pregnant women, and those with medical conditions so that their release is prioritized and so that necessary supervision and aid is given.

Mandate regular mental and physical health assessments for detainees with immediate treatment

Ensuring that detainees are safe, and mentally and physically well during the processing of their legal information can be crucial. This would be accomplished through consistent mental and physical health assessments. Governments can also implement policies requiring comprehensive health screenings upon arrival and periodic checkups during detention. Any issues found are to be treated by qualified professionals which should be hired in detention centers. To further improve healthcare treatments, detention centers should partner with health NGOs and migrant-focused medical organizations. Medical neglect risks would decrease, whereas the mental health of the detainees would improve, and align with international human rights obligations to protect the dignity and health of all individuals under state custody.

Increase transparency through independent monitoring and public reporting of detention conditions

Independent monitoring bodies can be used to conduct unannounced inspections of detention centers would ensure transparency and accountability. There are several organizations which can act as monitoring bodies, including human rights organizations, UN agencies, and independent ombudspersons. Ombudspersons report publicly on conditions, treatment of detainees, and compliance with legal standards. These reports are capable of creating public awareness. They can also inform policymakers, and build up public pressure on private contractors and government agencies to improve standards. Transparency achieved through publishing reports would prevent abuses, protect detainee rights, and create a more accountable immigration detention system.

Guiding Questions

1. Why are migrants detained upon arriving at the United States of America?
2. What is the impact of migrant detention on individuals and vulnerable groups mentally and physically?
3. Where does your country stand on the topic of managing migration and asylum seekers using detention?
4. What international human rights laws act against the detention of migrants and asylum seekers?
5. What did the United States do in history to play its role in global migration and refugee protection frameworks?
6. What did your country do in response to reports of poor conditions in U.S. detention centers?
7. Are there any alternatives to detention at the borders of your country during the processing of legal information and the managing of migrants?
8. Does your country have any ties or collaboration with the United States on migration related concepts, like border security / refugee settlement?
9. Are there any international resolutions / agreements your country is involved in related to the rights of migrants in detention?
10. Did your country propose any recommendation to ensure that migrant detention maintains human dignity and international law?

Appendix

- <https://www.un.org/en/development/desa/population/migration/generalassembly/docs/global>

[lcompact/A_RES_73_195.pdf](#)

- <https://digitallibrary.un.org/record/3934872?v=pdf>
- https://www.corteidh.or.cr/docs/opiniones/seriea_21_eng.pdf
- <https://www.americanimmigrationcouncil.org/report/overhauling-immigration-law-brief-history-and-basic-principles-reform/>
- <https://www.migrationpolicy.org/article/two-decades-after-sept-11-immigration-national-security>
- <https://amnesty.ca/urgent-actions/usa-stop-the-separation-of-family-seeking-safety/>
- <https://www.hrw.org/report/2021/11/03/dismantling-detention/international-alternatives-detaining-immigrants>
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