

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

ADVANCE UNEDITED VERSION

Decision 1 (2026)

The Committee on the Elimination of Racial Discrimination,

Acting under its Early Warning and Urgent Action Procedure;

Concerned about the reported increase in racial discrimination, including through racial profiling, and racist hate speech targeting migrants, refugees, asylum seekers and those perceived as such in the United States of America as well as the discriminatory impacts of immigration policies adopted and implemented since January 2025 that target migrants, refugees and asylum seekers, increase their vulnerability and heighten the risk of violations and abuses of their human rights;

Recalling the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter “the Convention”), to which the United States of America is a party, and in particular the obligations contained in articles 2, 4, 5, 6 and 7 as well as the concluding observations of 24 August 2022 on the United States of America issued by the Committee ([CERD/C/USA/CO/10-12](#)), particularly paragraphs 5, 15, 19, 21, 23 and 52;

Further recalling the Committee’s joint general recommendations [no. 39 \(2025\) with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families \(hereinafter “CMW”\) on thematic guidelines for eradicating xenophobia towards migrants and others perceived as such](#) and [no. 38 \(2025\) with CMW on general guidelines for eradicating xenophobia towards migrants and others perceived as such](#); as well as its general recommendations [no. 37 \(2024\) on equality and freedom from racial discrimination in the enjoyment of the right to health](#), [no. 36 \(2020\) on preventing and combating racial profiling by law enforcement officials](#), [no. 35 \(2013\) on combating racist hate speech](#), [no. 31 \(2005\) on the prevention of racial discrimination in the administration and functioning of the criminal justice system](#) and [no. 30 \(2004\) on discrimination against non-citizens](#);

Deeply concerned about the reportedly increased use of racist hate speech, including the use of derogatory and dehumanizing language, and the dissemination of negative and harmful stereotypes targeting migrants, refugees, asylum seekers, including by portraying them as criminals or as a burden, by politicians and influential public figures at the highest level of the State Party, particularly its President, which fosters intolerance and may incite racial discrimination, hate crimes and hate speech, particularly on the Internet and social media, and about the insufficient measures to prevent and address racist hate speech;

Gravely concerned about the reports of an increase in immigration enforcement operations targeting persons perceived to be migrants by immigration law enforcement agencies, namely the Immigration and Customs Enforcement and the Customs and Border Protection, through systematic use of racial profiling, including of persons of Hispanic/Latino, African or Asian origin, and arbitrary identity checks that have reportedly resulted in the widespread arrest of refugees, asylum seekers, migrants and persons perceived as such, as well as the deportation of at least [675,000 individuals](#) since January 2025;

Alarmed about reports of excessive use of force and violence during immigration enforcement operations targeting refugees, asylum seeker, migrants and those perceived as such, including in circumstances raising concerns of racial profiling and discrimination, and by the reported use of

discriminatory, dangerous and violent methods jeopardizing their lives and physical integrity, instead of ensuring their protection, which have reportedly resulted in the deaths of at least eight individuals since January 2026, including protestors exercising their right to freedom of peaceful assembly and association and detained refugees, asylum seeker and migrants;

Deeply concerned by the decision to rescind long-standing guidelines and policy limiting immigration enforcement operations in and near schools, hospitals and faith-based institutions aimed reports of identity checks and arrests enforcement operations, which hinders migrants, in particular undocumented migrants, refugees, asylum seekers, and those perceived as such from accessing essential services, such as healthcare, education, and social support, with adverse impacts on children, women, and persons with disabilities, and restricts their enjoyment of their rights protected under the Convention, particularly their rights to equality and non-discrimination, to the highest attainable standard of health, to social support, to education, and to freedom of movement;

Concerned about the reportedly low attendance rate and increased dropout rates in education among refugee, asylum seeker, and migrant children as well as children perceived as such, owing to fear of immigration enforcement operations against children and their parents;

Concerned about reports of accessing personal data by immigration law enforcement agencies in certain government databases, including those relating to taxation, social security, housing and medical care, in order to expand and facilitate the migration enforcement operations, particularly to locate and identify undocumented migrants;

Concerned about the measures taken to cut benefits for undocumented migrants, and to restrict their access to essential and social protection services, including to healthcare, postsecondary education (career and technical education), food assistance program and employment support schemes;

Gravely concerned about the adoption of various discriminatory measures related to the asylum procedure, including suspending the adoption of final decisions regarding pending asylum applications; suspending refugee admissions; suspending the acceptance of new asylum applications and automatically denying all pending applications by asylum seekers in need of international protection from Afghanistan; conducting a re-review of already approved asylum and immigration requests by individuals from 19 States who entered the United States of America on or after 20 January 2021; and suspending protection under the Temporary Protected Status for nationals from Afghanistan, Cameroon, Ethiopia, Haiti, Honduras, Myanmar, Nepal, Nicaragua and South Sudan; resulting in increasing the vulnerability faced by asylum seekers in need of international refugee protection and migrants as well as in restricting their enjoyment of rights protected under the Convention;

Deeply concerned about the reportedly [drastic increase](#) in the number of detainees held in more than 105 immigration detention facilities, which rose from nearly 40,000 in late 2024 to around 73,000 detained refugees, asylum seekers and undocumented migrants in early 2026, with limited legal safeguards, including reported cases of migrants not presented before a judge to review the legality of their detention and lack of access to adequate legal assistance and interpretation services;

Alarmed by the death of detained refugees, asylum seekers and undocumented immigrants in migration detention facilities, particularly the deaths of at least [29 migrants](#) in 2025 and [six](#) in January 2026;

Concerned by reports of inhuman conditions and inadequate medical care in immigration detention facilities for detained migrants, refugees, asylum seekers and undocumented migrants, which disproportionately impact on women, children and persons with disabilities, and by reports of human rights violations perpetrated by law enforcement officials against detained refugees, asylum seekers and undocumented migrants, particularly racially motivated excessive use of force and ill-treatment;

Gravely concerned about the reported expansion of the expedited removal procedure since January 2025, including to third countries where refugees, asylum seekers and undocumented migrants have no

links and may face chain refoulement and risks of irreparable harm, which are reportedly carried out without comprehensive individualized assessments as required under the principle of non-refoulement and without adequate due process guarantees;

Concerned about the lack of governmental statistics since January 2025 on expedited removals, including removals to third countries of detained refugees, asylum seekers and undocumented migrants;

Gravely concerned about alleged human rights violations and abuses perpetrated against peaceful protestors, migrants, refugees, asylum seekers and those perceived as such by immigration law enforcement officials, including racial discrimination, hate speech, dissemination of negative and harmful stereotypes, racial profiling and excessive use of force and violence during immigration enforcement operations, unlawful killings, and enforced disappearance;

Noting that the Office of the United Nations High Commissioner for Human Rights has [called upon the State Party](#) to uphold human rights and due process in its migration policies and enforcement operations, denouncing the dehumanizing narratives and harmful treatment directed at migrants and refugees;

Also noting that several Special Rapporteurs¹ [jointly expressed their concerns](#) regarding the impact of terminating federal funding for legal services for unaccompanied children in immigration proceedings in the State Party;

Further noting the concerns [jointly expressed](#) by another group of Special Rapporteurs² regarding pattern of serious human rights violations linked to Operation Metro Surge in Minneapolis and that the use of lethal force by immigration enforcement officials may amount to arbitrary deprivation of life and other gross violations of international human rights law, and could constitute extrajudicial killing of two peaceful protestors;

Taking note of the [report](#) of the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement, submitted to the U.N. Human Rights Council at its 44th session, following the visit to the State party in 2023, which expressed concerns regarding reports of an overt systemic racism against Africans and people of African descent in law enforcement immigration authorities and reports of ill treatment by immigration law enforcement officials in detention, and its recommendation to the State Party to adopt an immigration system with a human rights-based approach and address systemic racism within the ranks of immigration authorities;

Also noting the concluding observations on the United States of America ([CCPR/C/USA/CO/5](#)), adopted on 30 October 2023 by the Human Rights Committee, pursuant to the International Covenant on Civil and Political Rights, to which the United States of America is a party, in particular paragraphs 11, 13, 17, 37, 53, 55 and 61 thereof;

Calls upon the United States of America to fully respect its international law obligations and standards, in particular those arising from the International Convention on the Elimination of All Forms of Racial Discrimination, to which it is a party;

Calls upon the State Party to prevent racial discrimination and racist hate speech targeted at migrants, refugees, asylum seekers and those perceived as such, to address them when they occur in accordance

¹ The Special Rapporteurs are the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the independence of judges and lawyers.

² The Special Rapporteurs are the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on violence against women and girls, its causes and consequences.

with the seriousness of the offenses committed, and to adopt effective measures to address their root causes;

Urges the State Party to conduct a human-rights based review of its legislative and policy measures adopted since January 2025 on immigration, including immigration enforcement operations, with a view to:

(a) Guarantee the full conformity of its legislative and policy frameworks with international human rights law and the objectives and purposes of the Convention, and prevent discriminatory impacts on the rights of migrants, including those undocumented, refugees, asylum seekers, and those perceived as such, particularly their rights to security and protection, to equality and non-discrimination, the highest attainable standard of health, to social security, to education and to freedom of movement and residence;

(b) Suspend immigration enforcement operations, including identity checks and arrests, in and around schools, hospitals, and faith-based institutions, to ensure migrants, including undocumented migrants, refugees, asylum seekers, and those perceived as such have access to essential services, such as healthcare, education and social services without discrimination;

(c) Establish effective safeguards, including appropriate firewalls, to prevent immigration enforcement agencies from accessing and using personal data in government databases, including information relating to taxation, social security, housing and medical care, in the context of immigration enforcement operations targeting refugees, asylum seekers and undocumented migrants, in order to ensure non-discriminatory access to essential services and uphold the right to privacy and data protection standards;

(d) Repeal all discriminatory measures and amendments related to the legislative framework and asylum procedures and programs, in order to align them with the Convention and international standards, particularly the right to seek asylum and the principle of non-refoulement, to ensure access to an effective and fair asylum procedure for refugee status determination for those in need of international protection without discrimination based on the grounds prohibited in Article 1 of the Convention.

Calls upon the State Party to review its legislative and policy frameworks regarding immigration law enforcement agencies, namely the Immigration and Customs Enforcement and the Customs and Border Protection, to:

(a) Develop a clear definition of racial profiling by law enforcement officials and explicitly prohibit it during enforcement operations;

(b) Ensure that internal policies, including standard operating procedures and codes of conduct, are in line with the Convention and relevant human rights law and standards;

(c) Develop clear and detailed guidelines for immigration enforcement operations, particularly stop-and-search and identity checks practices, in order to prevent racial profiling against refugees, asylum seekers, migrants and those perceived as such;

(d) Ensure that the use of force by immigration law enforcement officials is in accordance with international law and international standards, including the [United Nations Code of Conduct for Law Enforcement Officials](#), the [United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement](#) and the [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#).

Urges the State Party to publicly condemn racial discrimination and racist hate speech targeting migrants, refugees, asylum seekers and others perceived as such, to distance itself from racist hate speech by politicians and influential public figures, and to adopt effective measures consistent with

international human rights law and standards to monitor racist hate speech and the dissemination of harmful and negative stereotypes targeting migrants, refugees, asylum seekers and others perceived as such, including by establishing the precise responsibilities of media outlets, Internet service providers, social media and other platforms in this regard;

Calls upon the State Party to ensure that immigration detention is applied only as a measure of last resort and for the shortest possible period, after an assessment of its legality, necessity and proportionality on a case-by-case basis and ensure due process for all those held in immigration detention facilities, and to ensure that children are not detained for immigration-related purposes, in accordance with the principle of the best interests of the child and international human rights law;

Urges the State Party to adopt immediate measures to establish human rights-based non-custodial alternatives to detention, particularly for children, families and others in vulnerable situations, and to improve the living conditions in immigration detention facilities in accordance with international standards and ensure that everyone in those facilities has access to medical care, legal counsel, adequate food and social services;

Urges the State Party to ensure that all removal procedures, including expedited and other accelerated procedures and removals, particularly to third-countries, are conducted in full compliance with international law obligations, including respect for the principle of non-refoulement, the best interests of the child, due process guarantees and comprehensive individualized assessments of protection needs under international human rights law and international refugee law, in all cases of deportation, removal and expulsion;

Calls upon the State Party to collect and publish statistics on expedited removals, including to third countries in a timely and accessible manner;

Urges the State Party to ensure accountability, including by conducting effective, thorough and impartial investigations into all reports of human rights violations and abuses, particularly allegations of racial discrimination, racist hate speech, dissemination of harmful stereotypes, the use of racial profiling and racially motivated use of force and violence, unlawful killings and enforced disappearance, perpetrated against migrants, including undocumented migrants, refugees, asylum seekers and others perceived as such by immigration law enforcement officials, as well as those protesting peacefully on their behalf.

10 March 2026