



United Nations High Commissioner for Refugees (UNHCR)

Topic: “Addressing the treatment of immigrants in U.S. detention centers under ICE, with a focus on international refugee law”.



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Dear Delegates, welcome to NICMUN 2025. We are glad that young leaders, such as all of you, have decided to be part of this new and different experience that will lead us to gain a different perspective on the world.

We know this will be an amazing experience for all to enjoy and give your best. The following days that we will be spending together will be thought-provoking. You will be participating alongside many young leaders, not just debating to represent a country, but also creating solutions based on the UN's protocols to address global problems affecting all countries.

This document will be a guide for you to follow and be able to understand and find your country's position regarding the topic. Feel free to contact us if there are any questions, and remember that “To fight for change tomorrow, we need to build resilience today”.



Committee History



The United Nations Refugee Agency, known as UNHCR, arose from a humanitarian crisis during the Second World War, intending to help thousands of people in Europe who had been forced to flee their homes. The Office of the United Nations High Commissioner for Refugees was formally established on December 14, 1950, by the United Nations General Assembly. Initially, they were given a

three-year mandate to complete their objectives and then dissolved. However, the following year, on July 28, 1951, the Convention relating to the Status of Refugees was adopted, a legal instrument that would help protect refugees throughout the world. Over time, UNHCR became essential to the United Nations, with great recognition for its particularly innovative work in Europe. In 1954, UNHCR received the Nobel Peace Prize for its innovative work in Europe. Shortly after, in 1956, UNHCR faced its first humanitarian crisis when Soviet forces put an end to the Hungarian revolution. This conflict resulted in 200,000 people fleeing to Austria. UNHCR recognized Hungarian citizens as refugees and launched its resettlement process. This experience helped to address future emergencies involving mass displacement. After this the UNHCR has continued working on global improvement but has continued to have crises such as in 1960 which was the first refugee crisis thanks to the decolonization of Africa which caused the need for the UNHCR to intervene, this committee for the following years continued to help with the crises in Asia and Latin America, in 1981 the UNHCR again received the Nobel Peace Prize now for being able to help refugees on a global level, a significant advance and today UNHCR continues to intervene in many refugee crises in African countries especially the Democratic Republic of the Congo and Somalia, and in Asia, seeking solutions to the thirty-year problem of Afghan refugees.



Committee Faculties

In the Model United Nations, it is very important that delegates be aware of the committee's real-life limits during the debate and avoid proposing solutions or actions that cannot be implemented in real life or that the committee does not have the authority to implement. Therefore, this section clarifies what the United Nations High Commissioner for Refugees (UNHCR) can and cannot do within its legal framework.

Understanding and following these powers will help us as a committee and you as delegates formulate more solid, realistic, and effective proposals, as well as improve the flow of the debate.

The UNHCR **does not issue resolutions**, as would a court or government, but rather **prepares various documents** that include guidelines, policies, agreements, and commentaries to help guide states in their work to assist refugees. It also offers support in making decisions such as determining refugee status. It also contains important information about the rights and protections that must be guaranteed to these individuals.

This Committee is a specialized agency of the United Nations, with no power over States. This committee **does not have the authority or the capacity to compel countries to forcibly accept refugees**, nor to modify their national legislative frameworks without their consent, or to implement certain measures. In this regard, its role is primarily to offer humanitarian assistance, provide support, and coordinate actions at the international level, providing technical advice to governments, and monitoring and following up on the situations of refugees and displaced persons.

The United Nations High Commissioner for Refugees (UNHCR) also assumes responsibility for enforcing refugee status determination procedures, whenever authorized by the relevant State. This occurs primarily when the problematic country is not a party to the 1951 Convention or when there is no fair, accessible, and functional national asylum system.



This committee can also provide technical assistance to States to help them strengthen existing national asylum systems or assist in the creation of new mechanisms to help us organize adequate protection for those in need of refuge. A good example of this is the 2003 Procedural Rules, which help guide States in implementing procedures that respect the rights of refugees.

The United Nations High Commissioner for Refugees (UNHCR) performs important functions within its national system that allow it to take certain actions, which are important when drafting proposals and resolutions. Below is a list of some rules imposed by the UNHCR.

- The UNHCR can issue **non-binding resolutions**, meaning it can **recommend actions to both States and other UN bodies, but it cannot compel them to comply.**

- In the case of serious or urgent situations occurring in certain countries, it is possible to **express concern** about these situations and **request investigations or monitoring** to analyze certain issues or specific contexts.

- The resolution document can discuss **international cooperation** related to the issues addressed by the UNHCR, so that States can adopt good practices and commit to policy improvements.

There are also things that delegates cannot accept, such as the committee's lack of coercive power. **Essentially, it cannot force any state to comply with a resolution, nor does it have the authority to impose political, economic, or military sanctions.** It cannot **intervene directly in a country's territory, nor can it create tribunals or impose funds or operations** that compel states to do so.

It is very important that you, as delegates, keep this in mind so that your resolution document is well-written.



Introduction to the Topic

The situation of immigrants held in detention centers by the United States Immigration and Customs Enforcement (ICE) has become one of the most controversial and debated topics in the field of human rights and international refugee law. These services have been accused of overcrowding, of access to basic services, and treatment that has been described as offensive to human rights and, most importantly, dignity. The importance of the issue is not only its impact on the lives of thousands of people but also the challenges to the extent to which States uphold their international commitments established by the 1951 Refugee Convention and other legal instruments.

This debate needs to take place urgently, because according to the TRAC Immigration data, more than 70% of the people being held under ICE custody have no criminal record, which demonstrates that this detention is being used as a general strategy and not as a fair measure, as the international standards suggest. In addition, statements from organizations such as Physicians for Human Rights have been tracking Solitary confinement practices and the denial of medical care that constitute direct violations of humanitarian principles.

The importance of talking and solving this topic in the framework of UNHCR lies in the need to analyse how national migration policies can agree or disagree with international refugee laws. In a sense, the committee must reflect on three key aspects: detention center conditions, international obligations regarding the detention of asylum seekers, and the existing alternatives to deprivation of liberty.

To sum up, this topic isn't only a problem inside the United States, but a global challenge that questions how real international protection and universal human rights truly are.



Background Information of the Topic

Immigration detention in the United States, under the authority of Immigration and Customs Enforcement (ICE), raises both profound and significant legal and humanitarian tensions. It pits border control against international obligations to protect refugees and asylum seekers. From the perspective of international law, the UNHCR has consistently argued that the detention of asylum seekers should be an option of last resort. This detention should not result in any discrimination, be absolutely necessary, reasonable, and should always respect human rights and integrity. Furthermore, it is essential to consider alternatives to detention (ATD) before depriving someone seeking protection of their liberty. These guidelines are based on the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, particularly Article 31, which addresses non-penalty for irregular entry or presence, as well as the principle of non-refoulement.

Origin and Evolution of the Problem

Although immigration detention has existed for a long time, the event that allowed for its expansion was consolidated with the 1996 “IIRIRA”, which introduced mandatory detention categories into the Immigration and Nationality Act, thereby decreasing administrative discretion and access to bail. Subsequent decisions, such as *Nielsen v. Preap*, confirmed that mandatory detention applies even if immigration custody does not occur after the person is released from prison. In 2002, the Department of Homeland Security (DHS) was established, and 365 days later, in 2003, ICE was born, tasked with completely restructuring the immigration law system, its implementation, and the operation of detention centers. These institutional differences, along with previous legal reforms, explain the progress and complexity of today's system. At the same time, American law identifies two types of immigration detention: discretionary and mandatory. It also considers terms such as parole, bail bond, and alternative to detention programs (ATD/ISAP).

Since 2004, ICE has reported a massive expansion of these programs, which supposedly serve to supervise the removal of individuals from their freedom. Even so, the detention system



continues to grow, and both its costs and its lack of moral and human impact are debated, especially in comparison to community-based measures.

Current Situation and Most Affected Communities

The large number of detained people demonstrates the true severity of the problem. According to TRAC (September 2025), 71.5% of people detained by ICE have no criminal record (42,755 out of 59,762). This reinforces concerns that detention is widespread rather than a case-by-case situation. Furthermore, Texas and Louisiana are the states with the largest number of detainees, which also significantly complicates access to legal counsel and adequate external oversight.

In the case of unaccompanied children and adolescents, the Flores Agreement (1997) and other laws, such as the 2002 HSA and the 2008 TVPRA, apply, which mandate that minors must be released as soon as possible and transferred to state-licensed programs under the Office of Refugee Resettlement (ORR). These Rules aim to protect their well-being and prevent them from being held in inhumane conditions. Furthermore, if they cannot be released immediately, they must remain in high-security facilities, not prisons, which sets clear boundaries for the detention of minors, even when traveling with their families.

Another vulnerable group is LGBTQ people and those living with HIV. Recent reports from specialized organizations document high rates of harassment, assault, and verbal abuse in CBP/ICE custody, as well as deficiencies in health care and protection, despite specific memos regarding transgender people. The evidence suggests differentiated risks and the need for strengthened prevention measures and non-custodial alternatives.

Persistent Challenges in Conditions, Oversight, and Due Process

Conditions within these centers, such as medical conditions, hygiene, and security, have been criticized on several occasions by various oversight institutions. The DHS Office of the Inspector General (OIG) has found noncompliance in several unannounced inspections (between 2020 and 2024) and has issued recommendations for improvements in care, security, and cleanliness. For its part, the GAO (May 2025) has reported that, although centers staffed by the



ICE Health Service Corps largely comply with regulations, there are still recurring problems related to hygiene, security, and, above all, the follow-up of complaints within the center to evaluate the functioning of the entire system. All of this reflects flaws in the established system.

Another point of considerable concern is the use of the method known as solitary confinement. A report by Physicians for Human Rights (September 2025) exposed at least 10,588 people placed in solitary confinement between April 2024 and May 2025. When this is done for more than 15 days, the UN considers it psychological torture. The report shows excessive use of solitary confinement, even with people with physical or mental health conditions, which seriously compromises their physical and mental health.

Finally, although the Alternatives to Detention (ATD) system has expanded and the DHS reports that it supports people in complying with immigration processes with less impact than confinement, evaluations by UNHCR and pilot programs in other countries have shown that community-based alternatives with accompaniment and case management can be equally or more effective, less costly, and far less harmful. This difference reinforces the importance of prioritizing alternatives over systematic detention.



International Actions

Several international frameworks and agreements aim to address the following issues. In recent years, countries all around the world have addressed the United States' immigration enforcement practices, especially the deportation. Burkina Faso turned down a U.S. offer to take deported people, calling it unworthy and indecent. They even stopped giving out visas to show they were serious. On the other hand, Rwanda said they'd take about 250 people who've been checked out, as long as they get help fitting in. Eswatini has also taken deportees, but they haven't said much about it, which is making human rights groups nervous. Another country in Africa that is addressing this issue is Ghana, by accepts West-African migrants who are being deported from the United States. In Latin America, countries such as Honduras and Guatemala are receiving deportees from their country and from third-world countries, but they do not accept any agreement on long-term stay. The UNHCR addresses the treatment that is given to immigrants in the US, advocating for refugee rights, providing legal and protection services whilst working with the government to improve the asylum and resettlement processes. Although UNHCR does not operate immigration enforcement, they monitor the treatment of refugees and asylum seekers, advise on policy so that it aligns with international standards such as the 1951 Refugee Convention, and they also support solutions like resettlement and integration by working with communities and government agencies to help immigrants to integrate into American society. Governmental organizations have addressed various actions such as asylum processing, border management, and support services. The United States has many agencies, for example, Customs and Border Protection (CBP) and US Immigration and Customs Enforcement (ICE). Other approaches consist in establishing processing centers, increasing resources for humanitarian processing, reconstructing asylum procedures, and using prosecutorial discretion. Non-governmental organizations, also known as NGOs, address the treatment that immigrants are receiving in the United States by providing services such as legal aid, housing, and emergency services.

Whilst providing these services, they engage in policy advocacy for more humane immigration laws and documenting human rights abuses. These efforts include helping with



asylum applications, providing educational programs, assisting with resettlement and community integration, and challenging discrimination through litigation.



Recommendations for further investigation

Delegates, this page is a guide to help you prepare your position papers. If you have any questions, please do not hesitate to write to us.

- What is my country's position on international human rights?
- Is my country a current member of the Human Rights Council? What role has it played within the committee?
- What international human rights treaties or conventions has my country signed?
- What actions has my country taken at the national level to promote and protect human rights?
- Has my country been singled out or investigated for human rights violations? Who has answered these accusations?
- What role does my country believe the Human Rights Council should play in monitoring the treatment of migrants, considering that not all migrants are refugees protected by international conventions?
- What tensions and contradictions exist between my country's immigration laws and international human rights standards?
- What relationship does my country's immigration policy have with its history, geographic location, or current economic situation?
- What realistic proposals can my country put forward to improve the treatment of immigrants without compromising its domestic interests?



Recommendations to do Resolution Paper

Delegates can use websites to receive support to elaborate a resolution paper. Some of the recommendations found are:

1. Find solutions that fit all the previous laws.
2. Use proper language and express your delegation's ideas in an extended way.
3. Use preambulatory and operative phrases.
4. Seek sponsors to support your delegation's solutions.
5. Consider Non-governmental Organizations (NGO's) to support your solutions.
6. Always maintain your country's position and abstain from contradicting yourself.
7. Specify the worldwide planning committee reached and make it realistic.

Sample Preambulatory Phrases

Affirming	Expecting	Having studied
Alarmed by	Expressing its appreciation	Keeping in mind
Approving	Expressing its satisfaction	Noting with regret
Aware of	Fulfilling	Noting with deep concern
Bearing in mind	Fully alarmed	Noting with satisfaction
Believing	Fully aware	Noting further
Confident	Fully believing	Noting with approval
Contemplating	Further deploring	Observing
Convinced	Further recalling	Reaffirming
Declaring	Guided by	Realizing
Deeply concerned	Having adopted	Recalling
Deeply conscious	Having considered	Recognizing
Deeply convinced	Having considered further	Referring
Deeply disturbed	Having devoted attention	Seeking
Deeply regretting	Having examined	Taking into account
Desiring	Having heard	Taking into consideration
Emphasizing	Having received	Taking note
		Viewing with appreciation
		Welcoming

Sample Operative Phrases

Accepts	Encourages	Further recommends
Affirms	Endorses	Further requests
Approves	Expresses its appreciation	Further resolves
Authorizes	Expresses its hope	Has resolved
Calls	Further invites	Notes
Calls upon	Deplores	Proclaims
Condemns	Designates	Reaffirms
Confirms	Draws the attention	Recommends
Congratulates	Emphasizes	Regrets
Considers	Encourages	Reminds
Declares accordingly	Endorses	Requests
Deplores	Expresses its appreciation	Solemnly affirms
Designates	Expresses its hope	Strongly condemns
Draws the attention	Further invites	Supports
Emphasizes	Further proclaims	Takes note of
	Further reminds	Transmits
		Trusts



Questions to consider while creating your resolution

1. How can your delegation express a solution that is fair for all the countries?
2. Where does your country stand while disputing the best quality of security systems?
3. How can you get a solution where all border countries win something?
4. Consider short and long term solutions. What can you do to improve your short and long term solutions so they can be successful?
5. Who should be involved in your solution?
6. Are there any monetary funds or NGO's considered for your solution?
7. How could you convince the delegations that they are against the solution?
8. Do you have any type of back up plan that will reinforce your plan?

Research and preparation questions

- What's your country's position on the topic?
- How is your country affected by this problem?
- How is your country trying to solve this problem?
- Does your country have received help from other countries?
- Does your country have helped others?
- What partnerships can emerge to secure the legal commerce of health products?
- Which activities can be promoted by the citizens of your country to reach a solution?



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