



International Criminal Court

**Topic A “Evaluating the Role of ICE in the
Enforcement of U.S. Immigration Laws
and Its Impact on Human Rights”**



Welcoming letter

Estimated advocates,

We are truly honored to welcome you to this committee and to wish you the very best during the X edition of CFMUN. We know each of you has remarkable potential, and we are confident that, if you choose to use your abilities, they will take you farther than you imagine. This experience is an opportunity to grow, to strengthen skills you already possess, learn, and to let others see the talents that make you unique.

Throughout this journey, you will learn not only from the topics discussed, but from one another. You may be inspired by the delegate sitting beside you, the one speaking across the room, or even someone you least expected.

Someone whose presence, even for a brief moment, shifts the way



Do not hesitate to speak up. Your voice matters here. Your ideas deserve to be heard. No idea is less valid.

Remember that the first step is believing in yourselves. Trust what you know, trust what you bring, trust your investigations, and trust that you are capable of achieving every goal you set your mind to. Above all, enjoy this experience, because we promise, you will not regret it.

Go out there, delegates, and raise your voices.

Kind regards,

Victoria Palacios and Arantza Juaristi

Table of contents

- I. Committee Background**
- II. Introduction to the Topic (topic background)**
- III. Evolution of the Topic**
- IV. Relevant Events (General History)**
 - A. Panorama (perspectives / brief committee focus)**
 - B. Points of View (perspectives)**
- V. UN and External Actions**
- VI. Conclusion**
- VII. Committee Focus (and guide questions)**
- VIII. Participation List**
- IX. Key Terminology**
- X. References**



I. Committee Background

The Senate Committee on Homeland Security and Governmental Affairs is responsible for examining issues related to national security, federal law enforcement, border security, and the protection of civil liberties within the United States. The Committee has oversight authority over the Department of Homeland Security (DHS), including U.S. Immigration and Customs Enforcement (ICE), that is one of DHS's principal agencies charged with enforcing federal immigration laws.

This Committee evaluates the balance between national security, public safety, and the protection of civil and human rights.

II. Introduction to the Topic

U.S. Immigration and Customs Enforcement was established in 2003 as part of the broader reorganization under the Homeland Security Act following the 9/11 terrorist attacks. Its primary missions include immigration enforcement, detention and removal operations, and the investigation of transnational crimes. Over time, ICE has become central to debates about immigration policy, federal authority, civil liberties, and human rights.

Concerns arise over the human rights implications of immigration detention, deportation processes, family separation, due process protections, and treatment of vulnerable populations. The challenge for policymakers is determining how to enforce immigration laws effectively while ensuring compliance with domestic legal standards, constitutional protections, and international human rights norms.



III. Evolution of the Topic

The role of ICE has evolved significantly:

- 2003–2008: Initial establishment and expansion of enforcement operations, focusing on workplace raids and national security investigations.
- 2009–2016: Greater emphasis on prioritizing individuals with criminal convictions; expansion of detention facilities; introduction of prosecutorial discretion guidelines.
- 2017–2020: Shift toward broader enforcement priorities, increases in arrests of non-criminal undocumented immigrants, and heightened scrutiny regarding detention conditions and the family separation policy.
- 2021–Present: Efforts to narrow enforcement priorities again, increase oversight of detention facilities, reduce reliance on private detention centers, and strengthen civil rights protections.



Throughout these shifts, ICE's role has remained controversial, with persistent debates on whether its structure and operations align with American values and human rights commitments.

IV. Relevant Events

A. Panorama

Several major events have shaped public and legislative scrutiny of ICE:

- Expansion of detention capacity, including partnerships with private detention facilities.
- Reports of inadequate medical care, overcrowding, and deaths in detention centers.
- The “Zero Tolerance” policy and associated family separations.
- Rising calls from community organizations, some lawmakers, and advocacy groups to restructure or abolish ICE.
- Shifts in federal administrations that have altered enforcement priorities.

The Committee’s focus includes assessing how these developments affect human rights, agency accountability, and the effectiveness of immigration enforcement.

B. Points of view

Supportive Perspectives:

- ICE is essential for national security and the enforcement of immigration laws.
- Detention and removal operations deter unauthorized migration.
- The agency disrupts trafficking, smuggling, and transnational criminal networks.

Critical Perspectives:

- ICE's broad enforcement powers may infringe on constitutional rights and international human rights standards.
- Detention practices can be unsafe and inhumane.
- The agency's structure may lack transparency and adequate oversight.
- Alternatives to detention could reduce costs and human rights violations.

V. UN and External Actions

A. The United Nations has played a consistent role in monitoring immigration enforcement practices around the world and assessing their compliance with international human rights norms. While immigration enforcement is primarily under domestic jurisdiction, U.S. actions fall under international standards to which the United States has agreed.

Key UN Frameworks Relevant to ICE Enforcement

1. Universal Declaration of Human Rights (UDHR, 1948).
2. Establishes that all individuals regardless of immigration status, have the right to liberty, security, family unity, and protection from arbitrary detention (Articles 3, 9, and 13).
3. International Covenant on Civil and Political Rights (ICCPR, 1966).

3. UNHCR Detention Guidelines (2012).

4. The UN High Commissioner for Refugees provides explicit guidance stating that immigration detention should be a measure of last resort and alternatives should be prioritized.

UN Responses to U.S. Immigration Enforcement

- UN Human Rights Council Special Procedures have criticized the U.S. for family separation, inadequate medical care in detention, and violation of the rights of asylum seekers.
- UN Working Group on Arbitrary Detention has described certain ICE detention conditions as potentially arbitrary and contrary to international human rights standards.
- UNICEF and UN Special Rapporteur on Torture have raised concerns about psychological harm to children resulting from family separation and detention.



B. External Actions

- **International NGOs** (Human Rights Watch, Amnesty International, MSF) document abuses in ICE facilities and advocate for alternatives to detention.
- **Inter-American Commission on Human Rights (IACHR)** has held hearings and expressed concerns about prolonged detention and treatment of asylum seekers.
- **Foreign governments** especially in Latin America regularly request humane treatment and consular access for detained nationals.
- **Organizations like IOM and the Red Cross** work with the U.S. on humanitarian standards and recommend rights-based reforms.

VI. Conclusion

ICE plays a significant and complex role in enforcing U.S. immigration laws. While it fulfills critical national security and public safety functions, its policies and practices have generated substantial debate regarding human rights and due process.

Evaluating ICE's role requires balancing enforcement objectives with commitments to human dignity, transparency, and constitutional protections. The Senate has a critical responsibility to ensure that immigration enforcement aligns with both national interests and fundamental rights.

VII. Committee Focus

Primary Areas of Focus:

- Oversight of ICE's detention practices.
- Evaluation of the agency's enforcement priorities.
- Human rights implications of removal operations.
- Accountability and transparency mechanisms.
- Alternatives to detention and reforms.

Guiding Questions:

1. How can ICE improve transparency, accountability, and compliance with human rights norms?
2. What processes ensure that detainees receive adequate medical care, legal representation, and due process?
3. Should ICE's structure or mission be revised to better balance enforcement with humanitarian considerations?

4. How effective are alternatives to detention in reducing costs and protecting rights?
5. What oversight mechanisms can Congress implement to prevent abuses and protect vulnerable populations?

VIII. Participation List

- Defense Advocate I
- Defense Advocate II
- Defense Advocate III
- Defense Advocate IV
- Defense Advocate V
- Defense Advocate VI
-
- Offense Advocate I
- Offense Advocate II
- Offense Advocate III
- Offense Advocate IV
- Offense Advocate V
- Offense Advocate VI



VIII. Key Terminology

- **ICE (U.S. Immigration and Customs Enforcement):** Federal agency responsible for immigration enforcement and investigations.
- **ERO (Enforcement and Removal Operations):** ICE division managing detention and removal.
- **HSI (Homeland Security Investigations):** Investigative division focusing on crimes such as trafficking and smuggling.
- **Asylum Seeker:** A person seeking protection from persecution in their home country.
- **Detention Facility:** A center where immigration detainees are held pending proceedings or removal.
- **Prosecutorial Discretion:** Authority to decide whether and how to enforce immigration laws in specific cases.
- **Due Process:** Constitutional right to fair legal procedures.
- **Zero Tolerance Policy:** Policy that resulted in family separation at the U.S.-Mexico border.



- **Non-Refoulement:** International principle barring return of individuals to a country where they face danger.

IX. References

Department of Homeland Security. (2022). Immigration and Customs Enforcement annual report. U.S. Department of Homeland Security. <https://www.dhs.gov/>

Government Accountability Office. (2020). Immigration detention: Actions needed to improve medical care in DHS facilities (GAO-20-36). U.S. Government Accountability Office. <https://www.gao.gov/>

Congressional Research Service. (2021). Immigration enforcement: ICE detention and removal policies. Library of Congress.

Office of the High Commissioner for Human Rights. (1948). Universal Declaration of Human Rights. United Nations. <https://www.un.org/>

Office of the High Commissioner for Human Rights. (1966). International Covenant on Civil and Political Rights. United Nations.
<https://www.ohchr.org/>

Office of the High Commissioner for Human Rights. (1984). Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. United Nations.
<https://www.ohchr.org/>

United Nations High Commissioner for Refugees. (2012). Detention guidelines: Guidelines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention. UNHCR.
<https://www.unhcr.org/>

United Nations Human Rights Council. (2018). Report of the Working Group on Arbitrary Detention: Mission to the United States. United Nations.

United Nations Special Rapporteur on Torture. (2019). Report on the psychological impact of immigration detention and family separation in the United States. United Nations Human Rights Council.

UNICEF. (2018). UNICEF statement on U.S. family separation policy. UNICEF.
<https://www.unicef.org/>

American Civil Liberties Union. (2020). *ICE detention conditions and human rights concerns*. ACLU.

Amnesty International. (2018). *The United States: Treatment of asylum seekers and immigration detainees*. Amnesty International.

Human Rights Watch. (2022). *In the freezer: Abusive conditions in U.S. immigration detention*. Human Rights Watch.