

**Mandates of the Special Rapporteur on the human rights of migrants; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on violence against women and girls, its causes and consequences**

Ref.: AL USA 37/2025  
(Please use this reference in your reply)

1 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of migrants; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to education; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on trafficking in persons, especially women and children and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 52/20, 54/14, 53/7, 53/12, 58/14, 53/9 and 59/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of separation of children from their families in the context of detentions and deportations of Venezuelan nationals from the United States. These concerns ensue those expressed in JUA [USA 14/2025](#) including on deportations and related detentions not consistent with international human rights law, the prohibitions on unlawful or arbitrary expulsion, freedom from arbitrary detention, the right to due process in the expulsion of migrants and asylum seekers, the right to family life and the rights of children, the obligation of non-refoulement, the prohibition on enforced disappearance, and the requirement of humane conditions of detention. We regret that Your Excellency's government has, to date, not replied to this communication.

According to the information received:

From 15 March 2025 to 18 July, 252 Venezuelan male nationals were deported from the United States (U.S) to El Salvador under the *Alien Enemies Act* and U.S. immigration law. They were transferred to the high-security detention facility *Centro de Confinamiento del Terrorismo* (CECOT) on allegations of membership to the *Tren de Aragua*, a group designated as a terrorist organization by the United States, reportedly without full respect for due process guarantees. Reports indicated that conditions in the CECOT have been harsh, including alleged ill-treatment, lack of access to legal counsel, and no contact with family members or the outside world, subjecting them to enforced disappearance during the period of detention.

On 18 July 2025, the Venezuelan nationals held in the CECOT were released and returned to Venezuela in exchange for the release of five U.S citizens and five U.S. legal permanent residents detained in Venezuela. During this time,

the lack of information and denial of visits by lawyers, family members and NGOs resulted in incommunicado detention and enforced disappearances of the individuals held at CECOT. Additionally, about 80 Venezuelan nationals detained in the context of post-electoral repression in Venezuela were also released.

### *Detention and deportation of Venezuelan nationals and other migrants in the United States*

In parallel, U.S migration authorities have increased the detention of Venezuelan and other migrants on U.S territory. Based on U.S. Immigration and Customs Enforcement (ICE) detention statistics for fiscal year 2025, as compiled by independent researchers, ICE was holding over 59,000 people in immigration detention in the U.S. as of early October 2025, the highest level recorded to date. According to researchers, over half of the detainees did not have criminal convictions. Some of these individuals had been detained while asylum requests were still pending in courts, without access to lawyers or interpreters.

Adults detained by U.S. authorities reportedly faced charges that included terrorism, conspiracy, serious criminal offences, violations of U.S. immigration law, and detention under the *Alien Enemies Act*. In some instances, these charges were reportedly based on alleged affiliation with the Tren de Aragua criminal group and/or the presence of tattoos. Detainees reportedly experienced ill-treatment while in ICE detention facilities, including physical assault, denial of basic needs, verbal abuse, poor detention conditions, and gender- and race-based discrimination.

### *Family Separations*

The detention and subsequent deportation of Venezuelan adults contributed to the forced separation of children from their families, at times from both of their parents. In June 2025, Venezuelan authorities reportedly requested the return of at least 66 children who had been separated from their parents, who were Venezuelan nationals deported or who remained in detention in the United States.

More than 9,000 migrants were reportedly returned to Venezuela from the United States under the *Vuelta a la Patria* programme since January 2025, coordinated by Venezuelan authorities under a bilateral agreement. This included the return of persons detained in the United States, whose children remained in the United States.

To date, about 20 of these children have been reunited with their families on three separate flights on 18 July (seven children), 25 July (seven children), and on 8 August (six children). Further flights, have reportedly carried additional children, although no public information is available regarding whether they were separated from or accompanied by their parents.

Reports indicated that at least 18 children (12 boys, six girls) were reportedly

separated in the U.S. from their Venezuelan parents when the latter were detained by the immigration authorities or deported. The children separated ranged from one month to 12 years of age, including one child who was reportedly only one month old at the time of separation. In these cases, seven parents reportedly submitted formal requests to a judge or competent migration authority in the U.S. to have their children returned to them. In some cases, parents reported the absence of lawyers for the custody and/or deportation cases of the children. Four parents did not pursue such requests, reportedly due to fear of prolonged detention, the possibility of permanent separation, or concerns regarding the potential detention and ill-treatment of their children if placed in ICE custody. In these latter cases, hosting arrangements were reportedly made with relatives or acquaintances in the U.S. to ensure the children's care. All parents reported they wanted the full return of their children to Venezuela.

Parents were reportedly transferred multiple times between detention facilities in the U.S., each time further away from both the place they had been living with their children and the current location of their children, hindering further communication. In some cases, mothers were allegedly transferred to El Salvador before being returned to the U.S., and in at least two cases, fathers were reportedly held in the CECOT in El Salvador during the period of separation.

A number of Venezuelan women were deprived of their economic incomes when their husbands or sons were reportedly deported, either because their relatives were the main family providers or because they were afraid of being deported themselves if they went to work. The sudden deportation of their relatives exacerbated their already precarious situation.

According to reports, at least three Venezuelan children discontinued their education in the U.S., largely due to fear of detention by ICE or other authorities. None of the children, whether returned to Venezuela or still in the U.S., were reported to possess valid travel documents, in most cases having only a birth certificate, sometimes from a third country. Two children reportedly held a U.S. birth certificate. At least six children were reportedly transferred to State custody following separation from their parents, of whom three have since returned to their families. The families expressed fear that their children could be placed for adoption if they continued in State custody. In other cases, children were placed under the guardianship of relatives, friends, or acquaintances.

To date, 30 of the reported cases have been reunited with their families. However, uncertainty remains as to other children of Venezuelan individuals still in U.S. territory.

Without prejudging the accuracy of these allegations, we are concerned that deportations under the *Alien Enemies Act* may not have fully considered the potential impacts on family life and the rights of children. Article 12 and article 13 of the Universal Declaration of Human Rights of 1948 stipulate that no one should be subjected to arbitrary interference with family life, and that the family is the natural and fundamental group unit of society that is entitled to protection by society and the State.

Furthermore, article 17(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America on 8 June 1992, prohibits arbitrary or unlawful interference with the family, and article 23 recognizes the family as entitled to protection. Similarly, article 18 of the ILC Draft Articles on the Expulsion of Aliens provides that the expelling State shall respect the right to family life of an alien subject to expulsion and shall not interfere arbitrarily or unlawfully with that right. In addition, article 10 of the Convention on the Rights of the Child (CRC) provides that applications for family reunification must be addressed in a positive, humane, and expeditious manner, and article 9(1) stipulates that children should not be separated from their parents against their will, except when necessary for their best interests, subject to judicial review and in accordance with applicable law and procedures.

International human rights law recognizes a strong presumption in favor of preserving family unity (Human Rights Committee, general comment No. 19, para. 5). The Committee on the Rights of the Child underscores that preventing family separation and preserving family unity are key components of child protection (CRC, article 9(1)). Separation from parents should occur only when it is necessary for the best interests of the child, such as when the child is at imminent risk of harm (CRC/C/GC/14, para. 61). Such separation must also be subject to judicial review and conducted in accordance with applicable law and procedures (CRC, article 9(1)). article 2 of the Convention on the Rights of the Child establishes that “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate how the U.S. authorities ensure that the right to family life and the best interest of the child are protected in detention and deportation decisions and procedures, so as to prevent the separation of children from their parents.
3. Please provide details on any measures in place to ensure that immigration detention, deportation, and transfer procedures are conducted in full compliance with international human rights law, particularly with regard to the prohibition of arbitrary or unlawful interference with family life and the obligation to preserve family unity,

and in the best interest of the child.

4. Please provide information about the investigations undertaken into human rights violations allegedly committed by U.S authorities.
5. Please provide any information regarding the steps taken to guarantee the rights of children in the context of migration control measures, including safeguards to prevent family separation and to ensure prompt family reunification, in line with the Convention on the Rights of the Child.
6. Please provide any information on investigations carried out into allegations of ill-treatment, inadequate conditions of detention, enforced disappearance and denial of access to legal counsel and family contact for individuals held in the *Centro de Confinamiento del Terrorismo* (CECOT), including measures adopted to ensure accountability and prevent recurrence.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please also be informed that a copy of this letter has also been sent to the Bolivarian Republic of Venezuela.

Please accept, Excellency, the assurances of our highest consideration.

Gehad Madi  
Special Rapporteur on the human rights of migrants

Gabriella Citroni  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Farida Shaheed  
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Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, I would like to refer your Excellency's Government to the following provisions of international human rights law.

Under article 19 of the Convention on the Rights of the Child (CRC) to take all appropriate legislative and administrative measures to protect all children within its jurisdiction from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, and mistreatment or exploitation. In addition, article 10 of the CRC, which provides that applications for family reunification should be dealt with in a positive, humane, and expeditious manner, and article 9(1), which stipulates that children should not be separated from their parents against their will unless it is necessary for their best interests, subject to judicial review and in accordance with applicable law and procedures.

Article 17(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America on 8 June 1992, prohibits arbitrary or unlawful interference with the family, and article 23 recognizes the family as entitled to protection. Likewise, article 24 states that every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State. Similarly, article 18 of the ILC Draft Articles on the Expulsion of Aliens provides that the expelling State shall respect the right to family life of an alien subject to expulsion and shall not interfere arbitrarily or unlawfully with that right.

International human rights law recognizes a strong presumption in favor of preserving family unity (Human Rights Committee, general comment No. 19, para. 5). The Committee on the Rights of the Child underscores that preventing family separation and preserving family unity are key components of child protection (CRC, article 9(1)). Separation from parents should occur only when it is necessary for the best interests of the child, such as when the child is at imminent risk of harm (CRC/C/GC/14, para. 61). Such separation must also be subject to judicial review and conducted in accordance with applicable law and procedures (CRC, article 9(1)).

The right to a prompt and effective judicial remedy must be guaranteed as a means of determining the fate or whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances (article 9). It must be recalled that the absolute prohibition of enforced disappearance has attained the status of *jus cogens*.

The Declaration on the Protection of All persons from Enforced Disappearance further sets out the necessary protection relating to the rights to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every place of detention

of official up-to-date registers of all detained persons (articles 10 and 12).

The Working Group on Enforced or Involuntary Disappearances has underlined the importance of ensuring procedural safeguards upon detention and during the first hours of deprivation of liberty, including immediate registration, judicial oversight of the detention, prompt notification of family members, and the availability of a defence lawyer of one's choice (A/HRC/48/57). The Declaration further establishes that States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance (article 14), and that the persons responsible for these acts shall be tried only by ordinary courts and not by other special tribunal, notably military courts (article 16); and the victims or family relatives have the right to obtain redress, including adequate compensation (article 19). We furthermore underline that enforced disappearances constitute a violation of articles 6, 7, 9, 10 and 16, read alone and in conjunction with article 2(3) of the ICCPR regarding the disappeared person and article 7, read alone and in conjunction with article 2(3) of the ICCPR with regard to the relatives of the disappeared person. Enforced disappearance is a particularly aggravated form of arbitrary detention (Human Rights Committee, general comment No. 35, para. 17). It may also amount to torture or other cruel, inhuman or degrading treatment or punishment, both with regard to the disappeared and with regard to their family members, due to the anguish and 24 uncertainty concerning the fate and whereabouts of loved-ones (see e.g. Committee against Torture and Human Rights Committee).

Further, the General Comment of the Working Group on children and enforced disappearances<sup>1</sup>, emphasises that child victims of enforced disappearance suffer particularly severe harm in these situations and the separation of children from their families has specific and especially serious effects on their personal integrity that have a lasting impact, and causes great physical and mental harm (paras. 1 and 6) and thus, States should pay particular attention to the expeditious resolution of cases involving child victims of enforced disappearance (para 37).

In its report to the UN Human Rights Council on enforced disappearances in the context of transnational transfers,<sup>2</sup> the Working Group noted the increasing practice of forced returns by States in violation of article 8 of the Declaration and the principle of *non-refoulement*.

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<sup>1</sup> [A/HRC/WGEID/98/1](#)

<sup>2</sup> [A/HRC/48/57 \(undocs.org\)](#)