

Factsheet: Detention Operations at Guantánamo Bay

On **January 29, 2025**, President **Donald Trump** signed a [memorandum](#) ordering the expansion of the **Migrant Operations Center (MOC)** at Guantánamo Bay to house “high-priority criminal aliens” unlawfully present in the U.S. The [first flight](#) transferring migrants from the U.S. to Guantánamo took place on **February 4, 2025**.

Guantánamo Bay houses **two separate facilities: Migrant Operations Center (MOC)** on the Leeward side of the base – for migrants interdicted at sea, and the **Military Detention Center** on the Windward side – for terrorism suspects under the [2001 Authorization for Use of Military Force \(AUMF\)](#).

Migrant Operations Center (MOC)

- Established in the **1990s** to intercept migrants in the Caribbean.
- As described in [this factsheet](#) from the State Department’s Bureau of Population, Refugees, and Migration (PRM), it is operated by **PRM** and **U.S. Citizenship and Immigration Services (USCIS) under Department of Homeland Security (DHS)**.
- **Purpose:**
 - Migrants interdicted at sea are brought to the MOC at Guantánamo, where they are screened to determine if they warrant “protected” status, which involves assessing the fear of return to their country of origin. They may be detained briefly by DHS during this evaluation.
 - Migrants receive assistance, and potential resettlement if USCIS determines they warrant “protected” status. If USCIS determines they warrant “non-protected status,” they are repatriated.
 - Migrants receive some basic services: healthcare, housing, education, job training, and have some ability to leave the MOC and move around the base while awaiting resettlement.
 - The United Nations **International Organization for Migration (IOM)** provides integration support and helps with resettlement.
- **Legal Basis:**
 - [Executive Order 13276 \(2002\)](#) designates Guantánamo for processing migrants interdicted in the Caribbean, and establishes inter-agency roles and responsibilities regarding migration operations including the MOC.
- **Migrants transferred from the U.S.** to Guantánamo retain the same legal rights under the Constitution and laws of the U.S. that they had in the U.S., including:
 - Access to courts and legal counsel;
 - Due process of law, including protection from arbitrary or indefinite detention;
 - The right to adequate conditions of confinement; and,
 - The right to seek release from any form of unlawful detention.
- Serious concerns have been raised with respect to due process, oversight and conditions of confinement.

Military Detention Center

- Established in **2002** to indefinitely detain terrorism suspects captured in the so-called “Global War on Terror.”

- Operated by [Joint Task Force Guantánamo \(JTF-GTMO\)](#) under **U.S. Southern Command** of the **Department of Defense (DOD)**.
- **Detainees:**
 - Individuals the U.S. government has previously alleged were part of the **Taliban, al-Qaeda or associated forces** (defined by the U.S. as co-belligerents).
 - [Currently holds 15 detainees](#), including 9 in military commission proceedings and 6 uncharged, three of whom have been approved for transfer for years.
- **Legal Authority:**
 - Military detentions are authorized **only under the 2001 AUMF, as informed by the laws of war**, and reaffirmed by [Section 1021 of the 2012 National Defense Authorization Act \(NDAA\)](#).
 - Military detentions are also governed by [Common Article 3](#) of the Geneva Conventions and other international law.
- According to a [2023 report](#) by the former UN special rapporteur on counterterrorism and human rights, conditions at the site “without doubt, amounts to ongoing cruel, inhuman, and degrading treatment ... and may also meet the legal threshold for torture.”

Migrants Held at Military Detention Facilities at Guantánamo

- Migrants **cannot be lawfully held in military custody** at Guantánamo.
- The **AUMF does not authorize military detention of migrants, criminals or anyone broadly designated as a “terrorist” or member of a Foreign Terrorist Organization**. The AUMF only authorizes the use of “necessary and appropriate force” against specific groups connected to the September 11th attacks: the Taliban, al-Qaeda or associated forces.
 - There are reportedly 10 “[high-threat](#)” alleged Tren de Aragua members held in [Camp 6](#), one of the military detention facilities used to house detainees under the AUMF. **The government does not have any legal authority to detain migrants in Camp 6.**
 - Section 1021 of the 2012 NDAA specifically states that it **does not affect** the legal rights of U.S. citizens, lawful residents of the U.S., and “any other persons who are captured or arrested in the United States.”
 - Nor do other NDAA provisions connected specifically to AUMF detentions at Guantánamo, such as transfer certification requirements or a ban on transfers to the U.S., apply to migrants transferred from the U.S. to Guantánamo.
 - **Camp 6 is a medium-security military prison, not a migration facility.** It is funded and operated by the military, and located within, and controlled by, JTF-GTMO, which is a military command separate from the rest of Naval Station Guantanamo Bay. Camp 6 is also connected to Camp 5, where law-of-war prisoners are held.
- Federal law ensures **due process and immigration protections** for all migrants transferred from the United States to Guantánamo.

Policy Concerns

- **Conflation of migrants with terrorism suspects** reinforces harmful narratives.
- **Using military detention facilities for migrants is illegal.**
- **Due process, risk of indefinite detention and other legal concerns** for transferred migrants.
- **Unclear legal justification** to transfer and house migrants from the U.S. at a military base.