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US Supreme Court affirms order to return wrongfully-deported man from El Salvador

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The US Supreme Court on Thursday **upheld** a lower court order directing the US government to bring unlawfully deported Kilmar Armando Abrego Garcia back to the US. Abrego Garcia was taken into custody by Immigration and Customs Enforcement (ICE) officers on his way home from work on March 12, and was sent to the newly-constructed, controversial Terrorism Confinement Center in El Salvador. Abrego Garcia's deportation garnered significant attention due to his status as a deported gang member.

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This sudden deportation came six years after Abrego Garcia was **granted** “withholding of removal” status by the Board of Immigration Appeals, so he could escape the danger of “Barrio 18,” a gang that was targeting Abrego Garcia and his family. Even with this status, Garcia was deported to El Salvador on account of an “administrative error” on the part of the US Department of Justice (DOJ). The government alleges, however, that Abrego Garcia is a member of the gang MS-13 and that his return to the US would pose a threat to the American public. Abrego Garcia denies this allegation.

The US District Court for the District of Maryland on April 6, 2025, **ordered** the DOJ to return Garcia from El Salvador. The government then filed an application with the Supreme Court to vacate the district court’s decision. Replying to the government’s application in the apparently unanimous unsigned Supreme Court opinion, Justice Sonia Sotomayor criticized the lack of founding for Abrego Garcia’s deportation. She stated: “To this day, the Government has cited no basis in law for Abrego Garcia’s warrantless arrest, his removal to El Salvador, or his confinement in a Salvadoran prison. Nor could it.”

Justice Sotomayor rejected the government’s argument that US courts cannot grant relief to deportees after they cross the border. Sotomayor emphasized that this argument entails that the government “could deport and incarcerate any person, including U. S. citizens, without legal consequence, so long as it does so before a court can intervene.”

Justices Elena Kagan and Ketanji Brown-Jackson joined Sotomayor’s statement.

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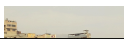
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