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DEEP DIVE IMMIGRATION

His mistaken deportation was thought to be unique. But 'the problem is getting worse'

FEBRUARY 3, 2026 · 5:00 AM ET

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Ximena Bustillo

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PLAYLIST

TRANSCRIPT

Kilmar Abrego Garcia enters a U.S. Immigration Customs Enforcement field office in August 2025 in Baltimore after he was returned to the U.S. from El Salvador.

Anna Moneymaker/Getty Images

Reject All

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The case of Kilmar Abrego Garcia captured national headlines last year as part of a wave of criticism against the second Trump administration's aggressive immigration enforcement.

It was the speed of his deportation — from working in Maryland one week, to getting whisked off to a notorious prison in El Salvador the next. But it was also because it was a mistake: something a government lawyer admitted in court.

Immigration lawyers said Abrego Garcia's landmark case highlights the challenges with the speed and scale of the Trump administration's goal of mass deportations.

"We think this is going to be one of a kind," said Simon Sandoval-Moshenberg, one of Abrego Garcia's lawyers. "If anything, it was just the tip of the spear. There have been countless illegal deportation cases since then. If anything, the problem is getting worse and not better."

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Sandoval-Moshenberg said he alone has a dozen other plaintiffs like Abrego Garcia. It's impossible to quantify how many such mistaken deportations are happening — as only a small subset of immigrants have lawyers to argue for their return. But judges have stepped in with other cases.

WORLD

Asylum seekers deported by the U.S. are stuck in Panama unable to return home

For example, last April – the same month a Maryland judge told the government to bring Abrego Garcia back to the U.S. – another judge in the state asked for the return of Daniel Lozano-Camargo, a 20-year-old Venezuelan man, identified in court documents as "Cristian."

And in July, a New York appeals panel ordered immigration officials to return Jordin Melgar-Salmeron, a 31-year-old Salvadoran.

All three were held at a notorious prison in El Salvador that has since been described by detainees as unsanitary and violent. Judges said that these removals violated court orders.

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THE AMERICAS

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Advocates warn that the speed at which the administration is removing some people increases the possibility of errors.

President Trump has set a target of one million deportations a year, and administration officials have often set daily quotas for removals.

In some cases, people have been in custody for just days before they're deported either to their home countries or to third countries that agree to take in deportees from the U.S.

"The way our partners process data to provide of the system aren't communicating well or when things are moving too fast. And things moving too fast is really where we've seen this administration lean in," said Dara Lind, a senior fellow at the American Immigration Council.

Hell on Earth: Venezuelans deported to El Salvador mega-prison tell of brutal abuse



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Some people get sent to countries where judges have specifically prohibited it. That's what happened with Abrego Garcia's deportation to El Salvador, even after an administrative judge agreed he had a credible fear of being tortured there.

Other people are deported while they're still pursuing legal processes to stay in the U.S., such as asylum cases.

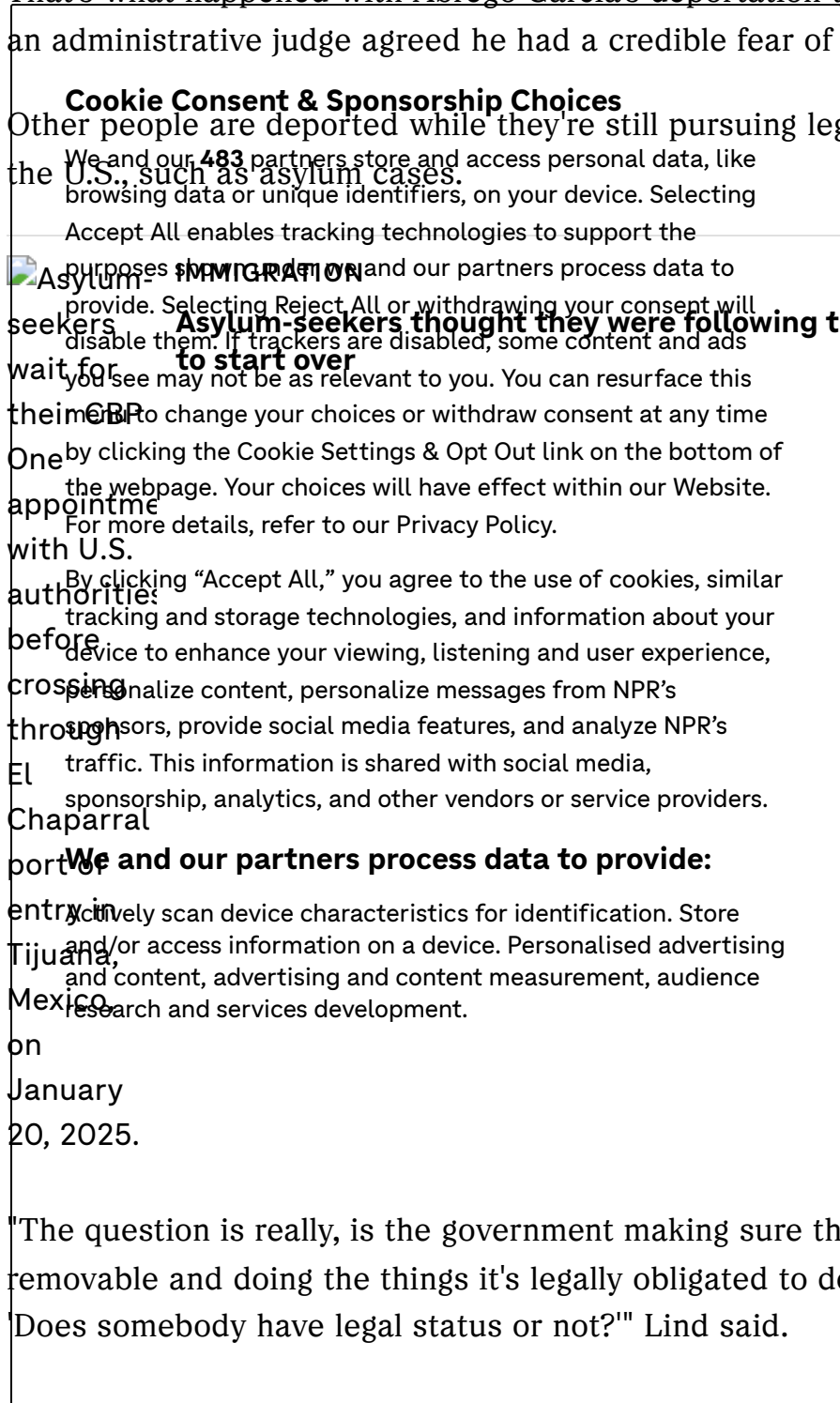
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January 20, 2025.

"The question is really, is the government making sure that an individual person is removable and doing the things it's legally obligated to do to remove them? Not, Does somebody have legal status or not?" Lind said.



the rules. Now some are told to start over

For its part, the Department of Homeland Security declined to comment on Abrego Garcia's specific case this week, but has argued that judges erred in their decisions, and that anyone who's in the U.S. illegally should be deported. It's also said it complies with all court orders.

Deportation errors not new, but appear more frequent

The administration's spotlight on immigration has resulted in more cases coming across the radar of attorneys, said Lind. But she said it is difficult to say whether these kinds of incidents are happening more frequently than they have under prior administrations.

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For example, a 2021 Government Accountability Office report found that over a five-year period, U.S. citizens had encounters with immigration officers that could lead to their arrest and even deportation.

Wrongful deportations have taken place under all different administrations, so this is not novel," echoed Trina Reamato, executive director of the National Immigration Litigation Alliance, which is a nonprofit that provides legal assistance to organizations and immigrants. But she said she has noticed an uptick in these cases coming to her organization over the past year.

Sandra Moshenberg, one of Abrego Garcia's lawyers, said he currently has about a dozen similar cases of wrongful deportations — with more people likely turning to him after he gained a reputation for defending such cases.

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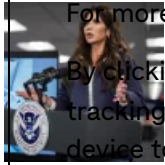
IMMIGRATION

Kilmar Abrego Garcia detained by ICE during Baltimore check-in

"It's been lots of people who were deported precisely to the country that they were not allowed to be deported to," Sandoval-Moshenberg said. "And it's amazing to me because usually it used to be that when the government gets in trouble for doing something, they would at least tighten up and make an effort not to do it again. And that just doesn't seem to be the case here."

The Trump administration has, without evidence, accused Abrego Garcia of being a member of the Salvadoran-affiliated gang MS-13 and a terrorist and dubbed him a "wife beater" and "child predator." They also charged him with human smuggling after bringing him back to the country — something he's denied.

Generally, the Trump administration in public statements has defended its deportations, often arguing that anyone without legal status is subject to removal — even if government lawyers admit the mistake in court.



IMMIGRATION

DHS keeps making false claims about people. It's part of a broader pattern

Another case involved a plaintiff who goes by O.C.G., a Guatemalan man wrongfully deported to Mexico despite a legal order prohibiting his deportation there. Mexico turned around and sent O.C.G. to Guatemala, even though a judge had issued an order of protection blocking him from deportation to his homeland.

We and our partners process data to provide: His lawyers say he then went into hiding. The administration eventually brought him back to the U.S. and he was granted bond to stay out of detention while his case is adjudicated.

"America's asylum system was never intended to be used as a de facto amnesty program or a catch-all, get-out-of-deportation-free card," said Tricia McLaughlin, assistant secretary for public affairs at the Department of Homeland Security.

"Yet, this federal activist judge ordered us to bring him back, so he can have an opportunity to prove why he should be granted asylum to a country that he has

had no past connection to."

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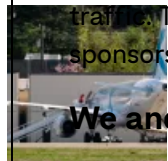
Immigration lawyers said that O.C.G.'s case exemplifies one of the reasons why mistakes can happen more frequently: the expanded use of "third country" removals.

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"Those countries are then turning around and deporting people to countries where a U.S. immigration judge has said they will be persecuted or tortured," Realmuto with the National Immigration Litigation Alliance said.

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The White House is deporting people to countries they're not from. Why?

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Caught in the grind of immigration bureaucracy

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Immigration enforcement is generally decentralized.

People are shuffled around various detention centers in the U.S. They might have cases within the Justice Department's immigration court system, or in federal courts.

Various legal protections from deportation, including deferred action and humanitarian parole programs, are administered by different agencies than those

that are detaining people.

That means immigrants who should have protection from deportation are sometimes caught in the crosshairs.



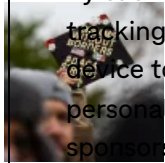
LAW

Trump wants to bypass immigration courts. Experts warn it's a 'slippery slope'

For example, the Deferred Action for Childhood Arrivals or DACA program grants people who came to the U.S. illegally as children protection from deportation.

But in March, officials deported **Federico Reyes Vasquez**, a DACA recipient in Missouri, to Mexico. He was allowed to return after two weeks.

The advocacy coalition **Home is Here** has tracked at least 22 instances of people with valid DACA status getting swept up in arrests, placed in detention or deported. In 2025, it also found additional instances of people waiting for their DACA renewal who were deported.



IMMIGRATION

DHS is urging DACA recipients to self-deport

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Speed of deportations

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The speed of immigration enforcement compounds the problems. Lawyers have cited numerous instances of court orders or protections from removal being issued minutes before someone is supposed to be on a flight, or already in the air.

Federico Reyes Vasquez was deported to Mexico four days after he was first detained in December, and after a federal district judge in Utah issued a stay in his removal.



IMMIGRATION

Immigrants now have fewer legal options to stay in the U.S. under Trump

"It is nearly impossible to get information from the Department of Homeland Security when an individual is detained. We didn't know where he was. His status on the detainee locator showed that he wasn't in their custody when we knew that he, in fact, was," said Alec Bracken, the immigration attorney representing Reyes Vasquez.

He said he was trying to release Reyes Vasquez from detention when he suddenly learned his client was in Mexico.

Utah District Court Judge Jill Parrish ordered the administration to facilitate Reyes Vasquez's return. According to court records, the administration admitted that the removal was in violation of the court order and that information on the stay had not been correctly communicated to the people deporting him.

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"At a hearing in this case, ICE's counsel for Respondents acknowledged the removal was in violation of the court's Order and asserted Respondents are working with petitioner's counsel to facilitate petitioner's return to the United States," according to Parrish's order. It notes the government said ICE was made aware of the order not to remove Reyes Vasquez – but the agency's Enforcement and Removal Operations division wasn't aware of it before they transferred and deported him.

POLITICS

How the Trump administration is sidestepping the legal process for deportations

Still, McLaughlin, the DHS spokesperson, said "there was no mistake," in response to NPR's questions about the case.

"This [temporary restraining order] was not served to ICE until after the criminal illegal alien was removed," she said, noting that Reyes Vasquez has a conviction for driving under the influence.

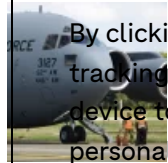
"Under President Trump and Secretary Noem, if you break the law, you will face the consequences. Criminal illegal aliens are not welcome in the U.S."

Bracken argued that he never got information from the Homeland Security Department about why he wanted to support his client in the first place. When he was deported, lawyers on both sides were in the early stages of litigating whether he should even be detained.

"The U.S. government has 90 days to execute [a removal] order. They didn't have to do it so quickly," Bracken said. "Instead, they wanted to circumvent the law and do it faster."

DHS has a new deadline of Feb. 5 to bring Reyes Vasquez back to the U.S.

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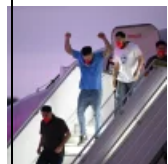
Judge says Trump administration violated court order on third-country deportations

Where are they now?

Lawyers for Reyes Vasquez remain in contact with him while he's in Mexico.

Other people whom judges have said were wrongly deported face a more uncertain fate.

Lozano Camargo, the Venezuelan man sent to El Salvador, was later returned to Venezuela as a part of a broader prisoner exchange.



WORLD, REORDERING

10 Americans are freed by Venezuela in a prisoner swap for migrants in El Salvador

According to court documents, DOJ lawyers said that should he be returned to the U.S. — he would be placed in indefinite detention while his asylum case played out. Lawyers representing Lozano Camargo said their client was apprehensive to return to the U.S. given his four-months-long incarceration in the El Salvador prison; he was afraid of being detained again or sent to another third country.

Court records show attorneys lost touch with their client in August "and are concerned about his safety and well-being."

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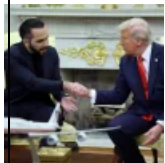
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"The President and Secretary Noem will not allow a foreign terrorist organization to operate in American soil," Mitt Romney said in response to NPR's questions about this case.

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Melgar-Salmeron, a native of El Salvador, remains in the notorious prison there. Despite a court ordering that he remain in custody between Melgar-Salmeron and his lawyers be facilitated by El Salvador, court records show his attorneys have struggled to get back in contact with him.



POLITICS

El Salvador's Bukele says 'preposterous' to suggest he return Abrego Garcia to U.S.

Melgar-Salmeron was removed due to a "confluence of errors" minutes after a judge ordered the government to keep him in the U.S., according to court records.

McLaughlin said he had a final order for removal in 2023.

As for Abrego Garcia, he's out of detention for now. The judge in his case is still weighing whether to allow immigration officers to detain him again while his criminal and immigration cases play out.

kilmar abrego garcia deportation department of homeland security

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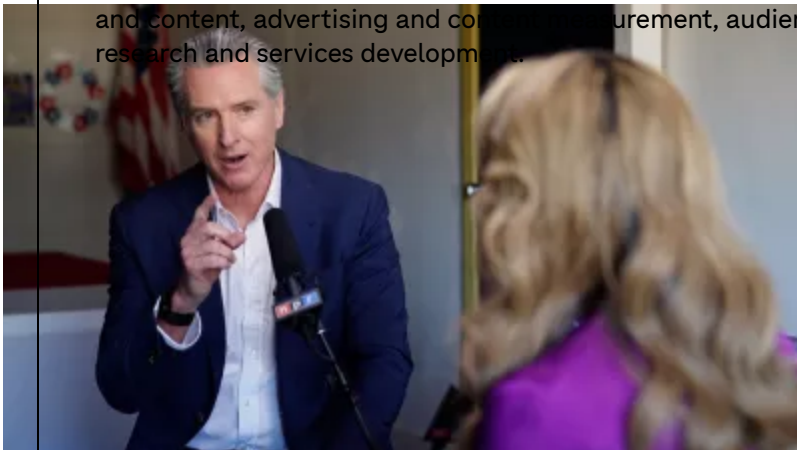
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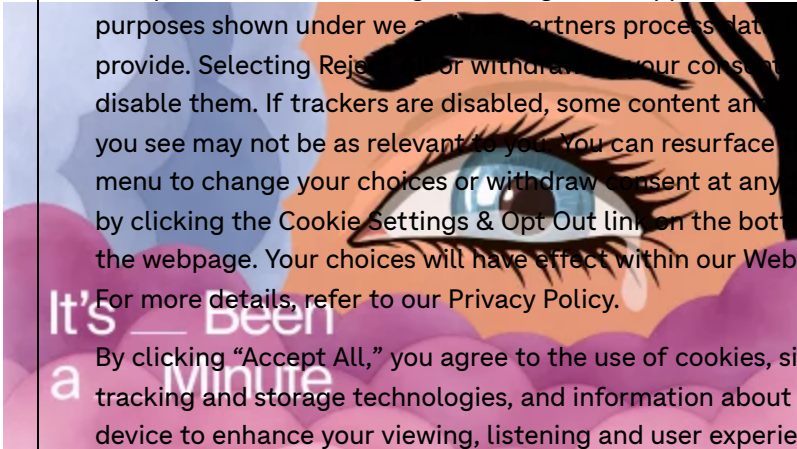
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POP CULTURE HAPPY HOUR

The embarrassing truth of dating men : Pop Culture Happy Hour

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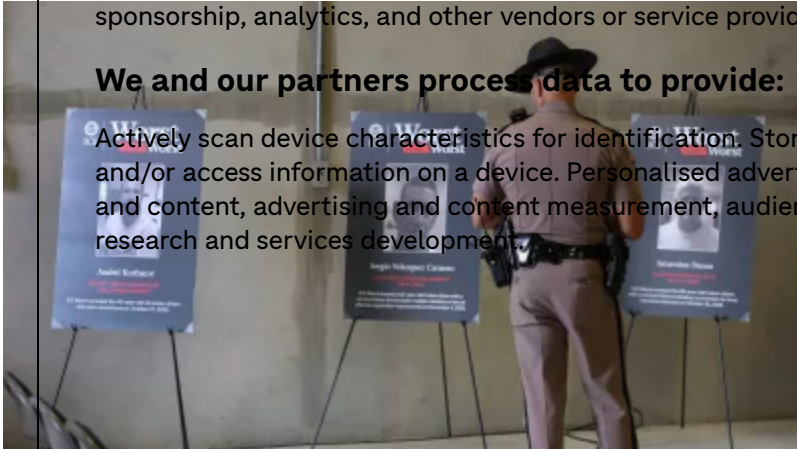
IT'S BEEN A MINUTE

Young women are struggling, too. Why can't we see it? : It's Been a Minute

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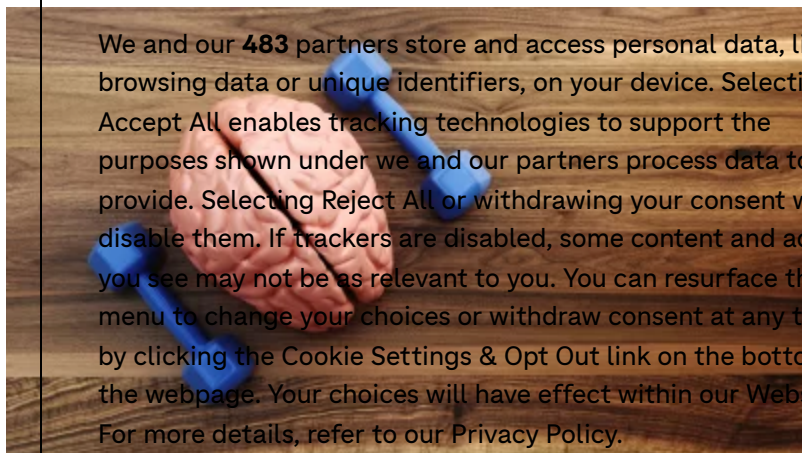
After the Minnesota surge, ICE is moving to a quieter enforcement approach



SCIENCE

These rock-climbing fish can shimmy up a 50-foot waterfall

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This form of mental exercise may cut dementia risk for decades

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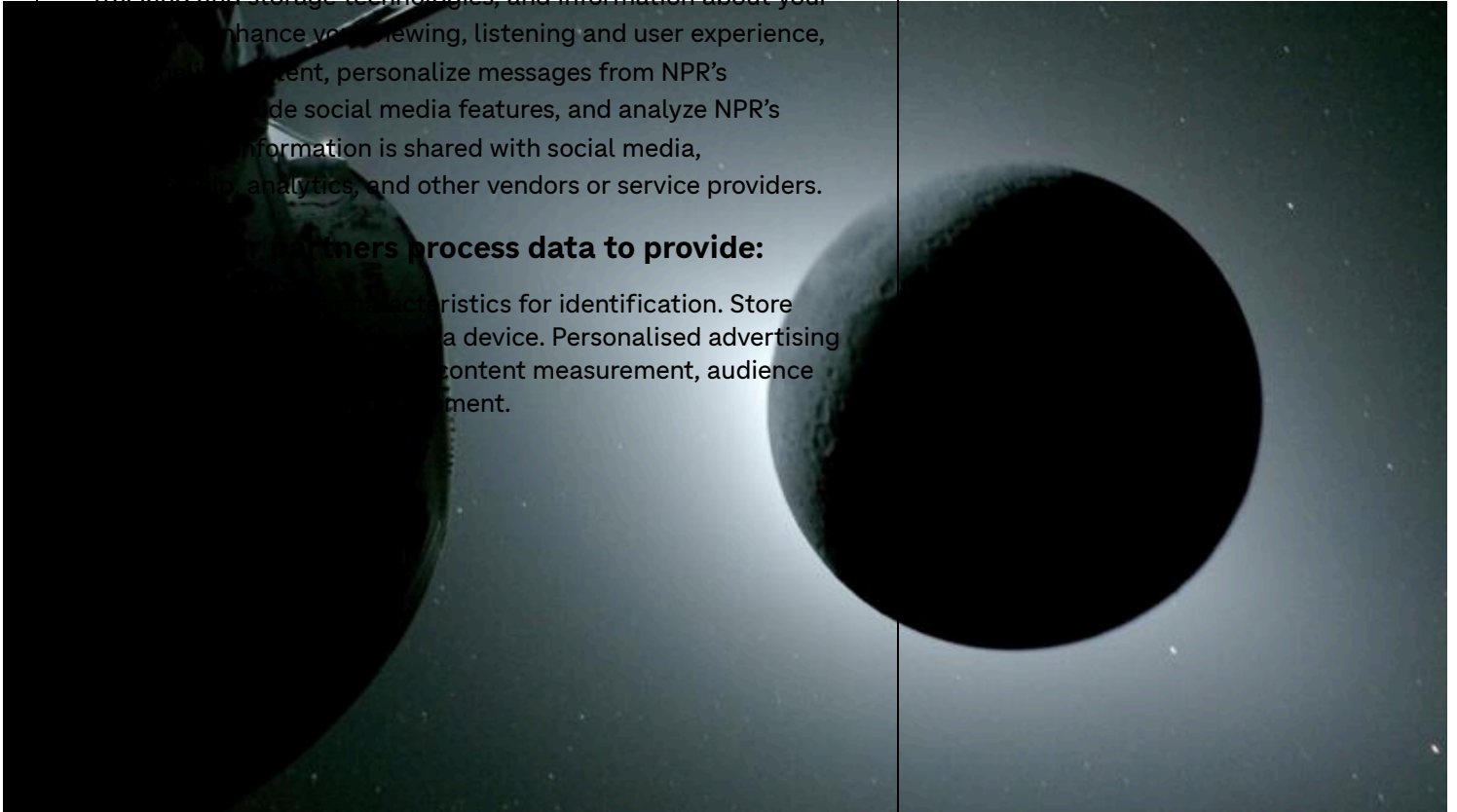
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U.S. and Iran agree to 2-week ceasefire, suspending Trump's threat to annihilate Iran

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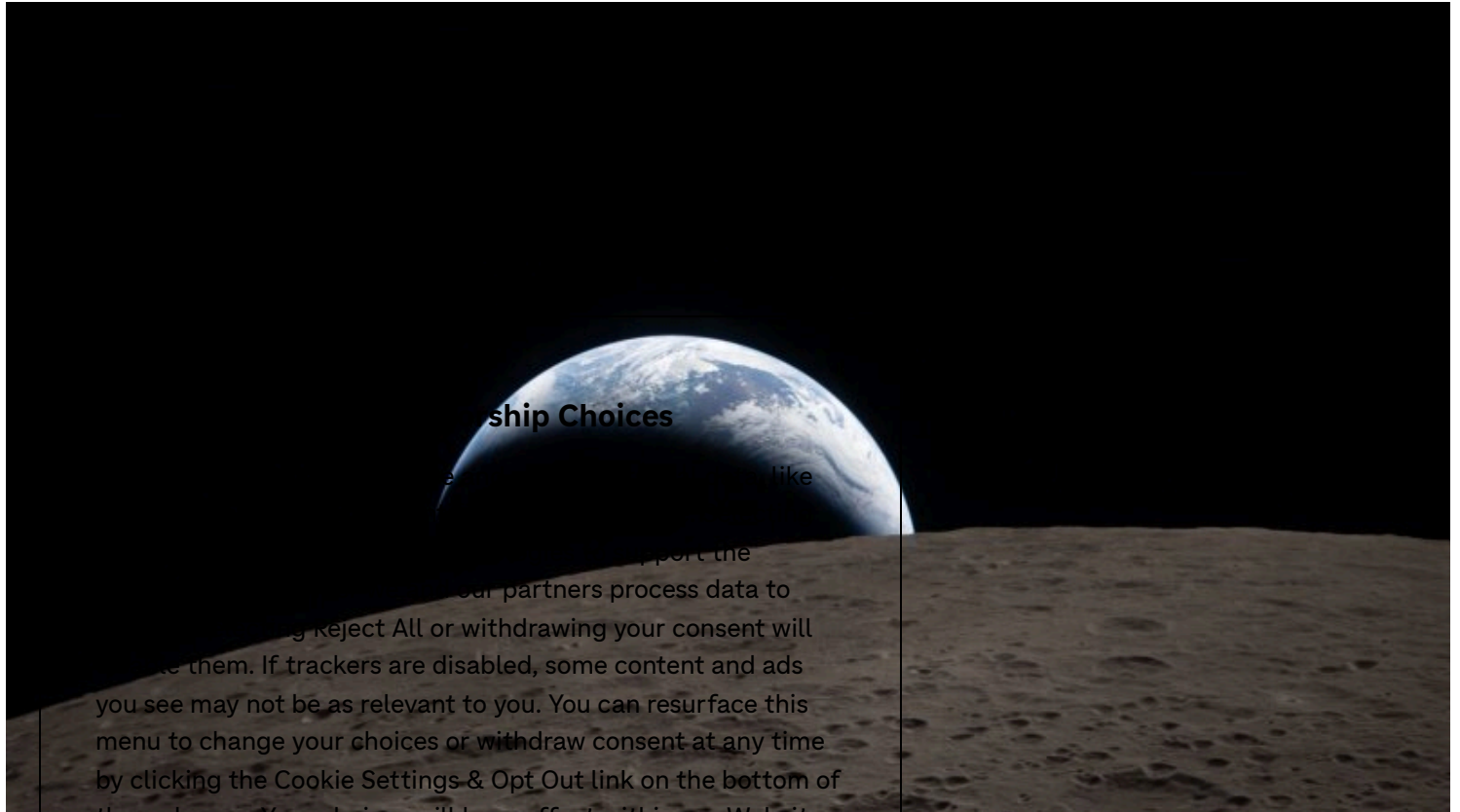
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SPACE

The Artemis II crew saw parts of the moon never seen before. Here's what they said



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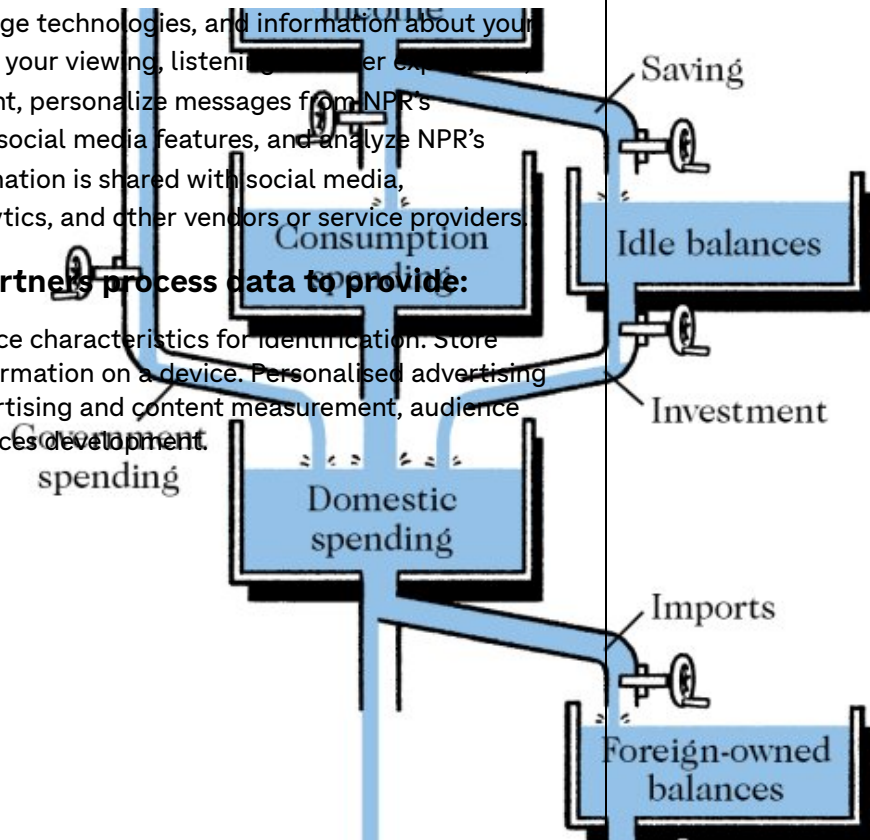
THE PICTURE SHOW

Photos: NASA releases first images from moon flyby

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How Bill Phillips used flowing water to model the economy



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HEALTH

Telehealth abortion will remain available for now, after a federal judge's ruling

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ASIA

Australia charges ex-soldier with 5 war-crime murders in Afghanistan

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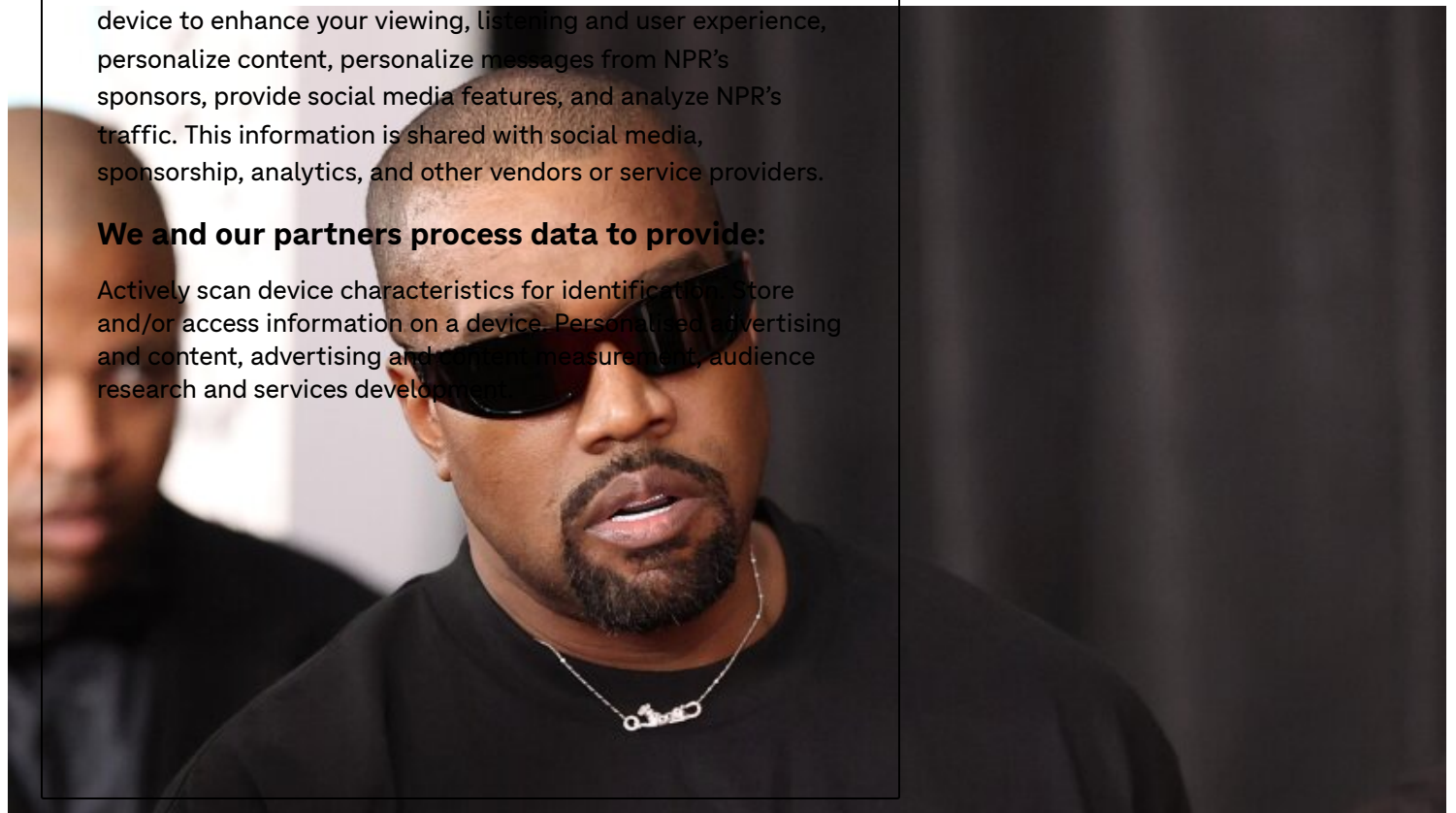
POLITICS

Congressional Democrats raise alarm over Trump's comments on Iran

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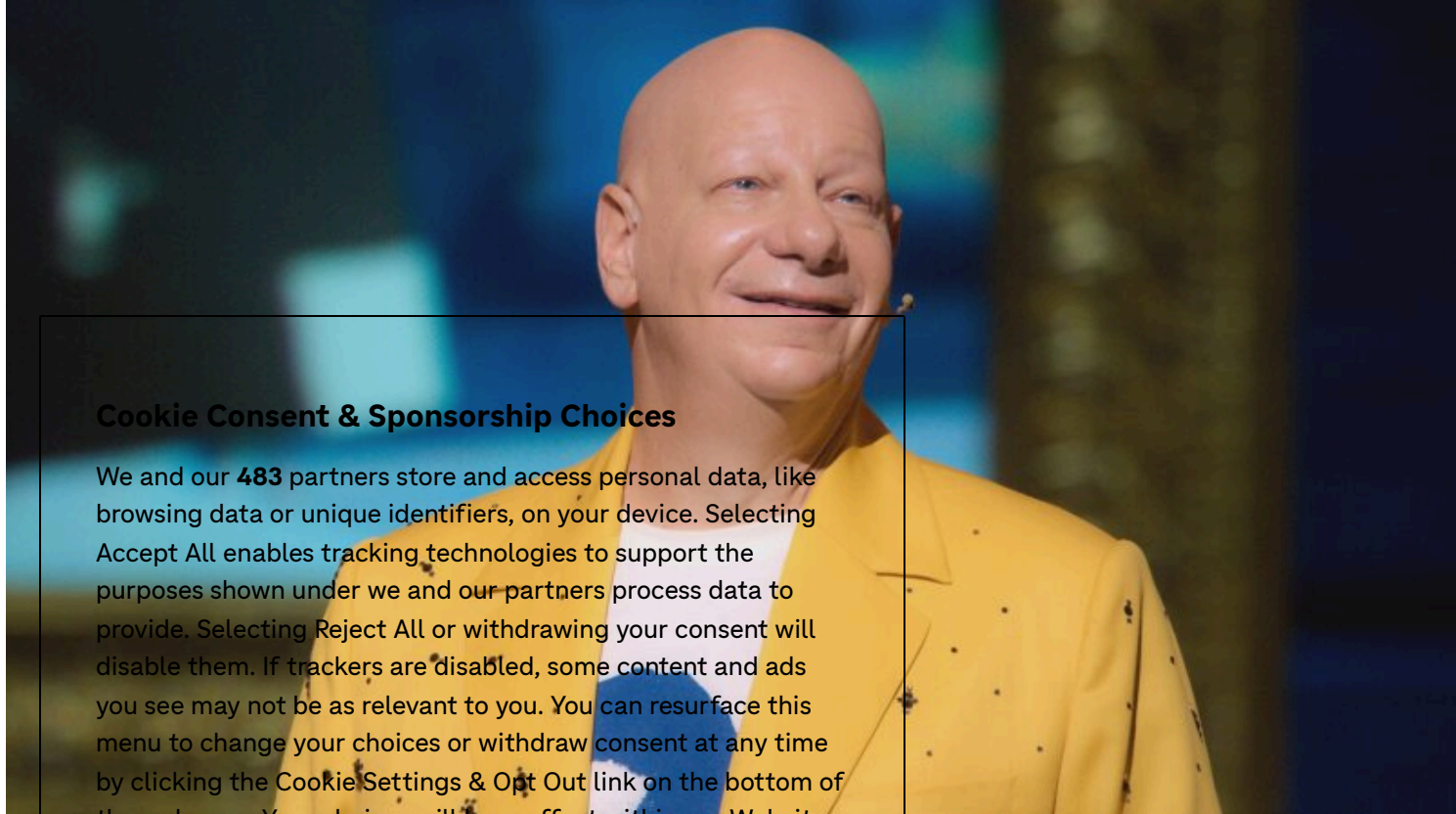
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MUSIC

U.K. issues Ye travel ban over antisemitism, leading to festival cancellation



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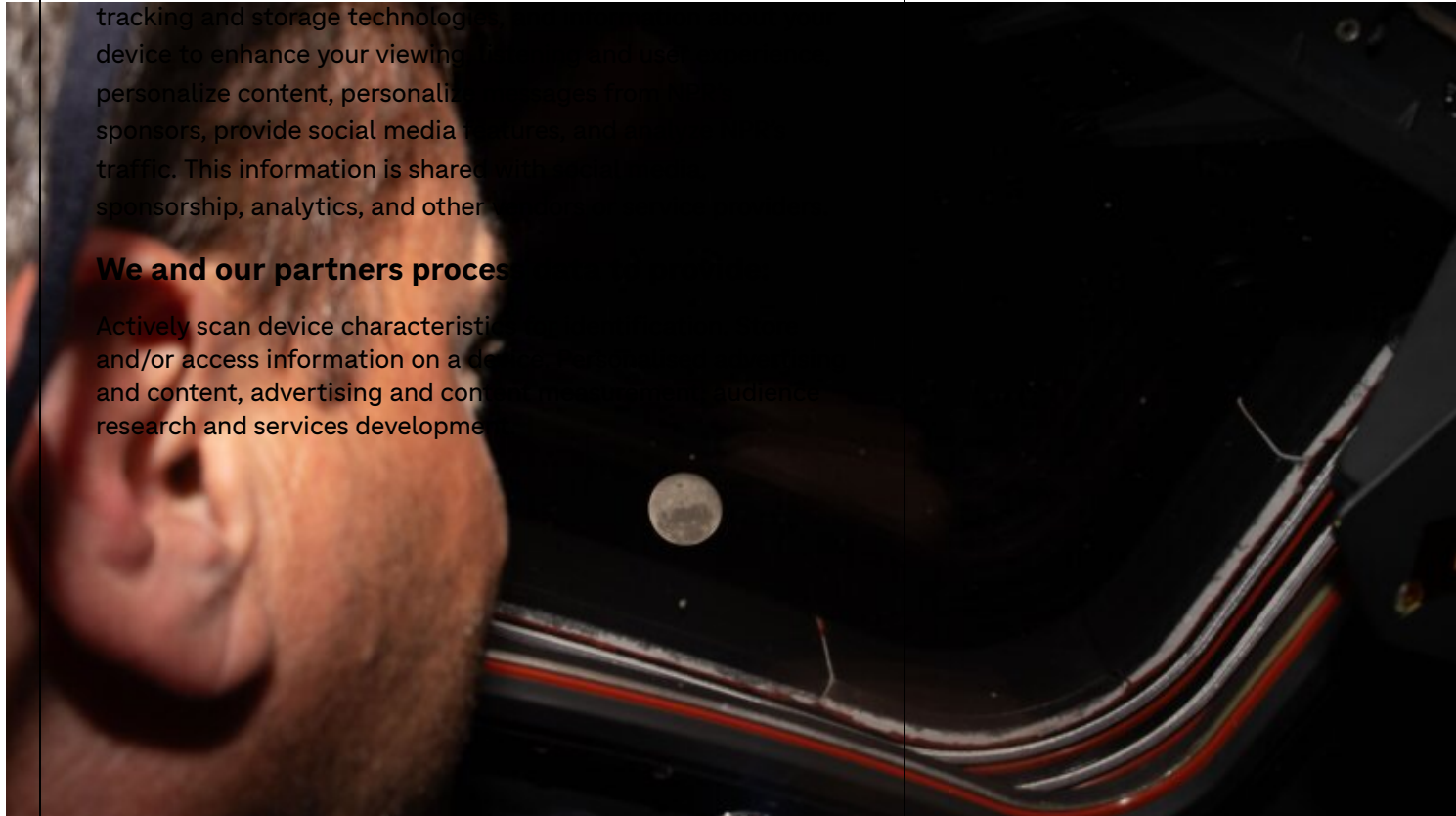
TELEVISION

Now cancer-free, 'Roastmaster' comic Jeff Ross still finds humor in loss

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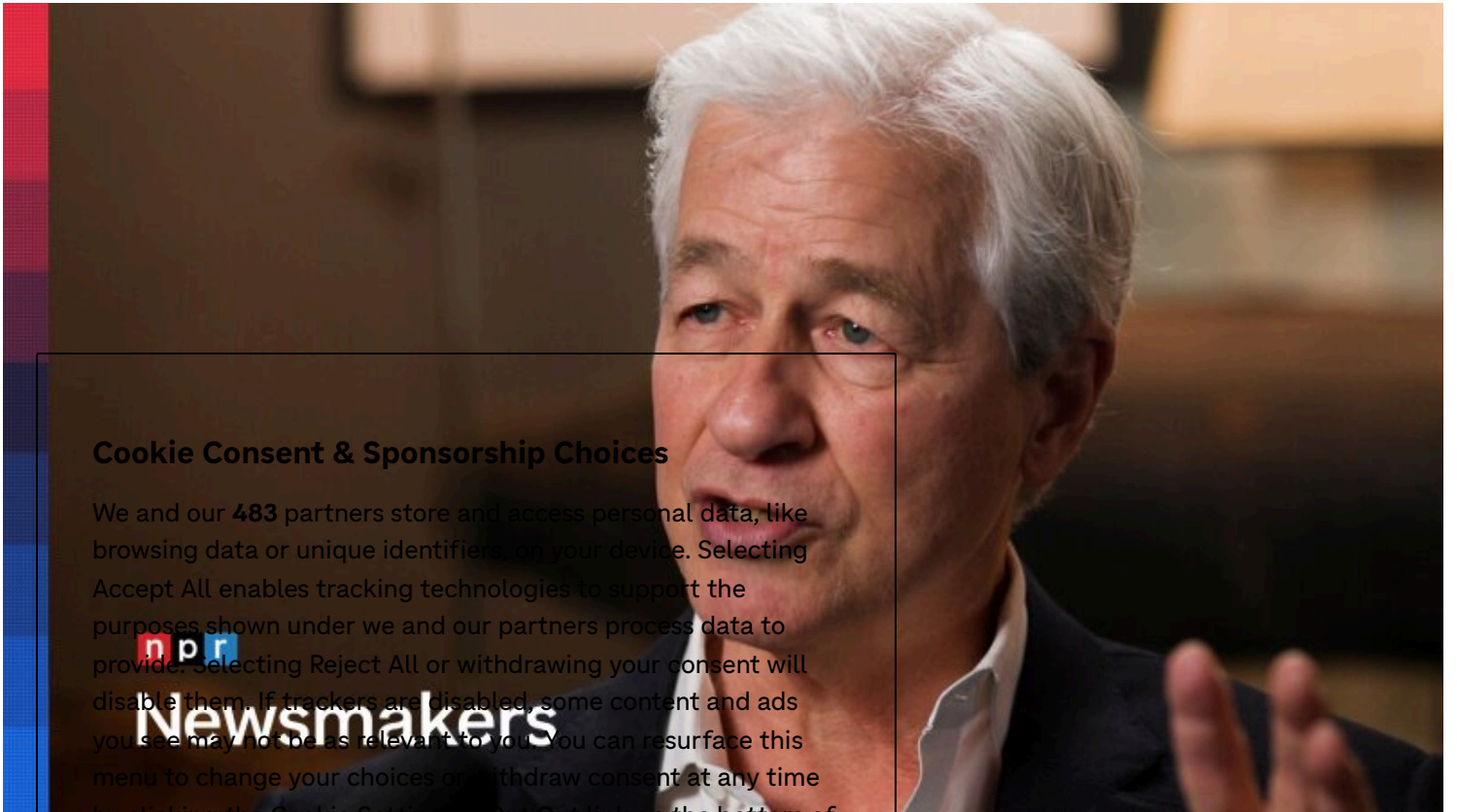
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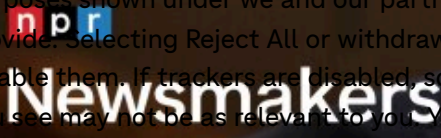
SPACE

Astronauts suggest naming a moon crater 'Carroll' after their commander's late wife



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NPR'S NEWSMAKERS

CEO of nation's largest bank says Iran war raises risk of 'bad economic outcomes'

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BUSINESS

Drive slower, go electric, don't drive at all? Americans weigh options for saving gas

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