U.S. Supreme Court orders return of migrant wrongly deported to El Salvador

Wife of Kilmar Abrego GaWashington, April 11 (RHC)-- The U.S. Supreme Court has ordered the government to "facilitate" the return of a wrongly deported Salvadoran man, in a decision seen as a small victory against President Donald Trump's immigration policy.rcia, Jennifer Vasquez Sura (2nd R), listens during a news conference to discuss his husband's arrest and deportation

Washington, April 11 (RHC)-- The U.S. Supreme Court has ordered the government to "facilitate" the return of a wrongly deported Salvadoran man, in a decision seen as a small victory against President Donald Trump's immigration policy.

Kilmar Abrego Garcia, 29, was living in the eastern state of Maryland until he became one of more than 200 people sent to a prison in El Salvador last month as part of Trump's crackdown on undocumented migrants.

Most of the deportees were suspected members of Venezuelan gang Tren de Aragua, which the Trump administration has declared a "foreign terrorist organization." But Justice Department lawyers later admitted that Garcia, who is married to a United States citizen, was deported due to an "administrative error".

In a decision issued on Thursday, the conservative-majority Supreme Court ordered the government to "'facilitate" Garcia's release from custody in an El Salvador prison "and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador." Simon Sandoval-Moshenberg, a lawyer for Abrego Garcia, hailed the court's ruling, saying "the rule of law prevailed."

Garcia had been living in the US under protected legal status since 2019 when a judge ruled he should not be deported because he could be harmed in his home country.

Following his deportation and internment in the notorious CECOT counterterrorist prison, lower courts had ordered that the U.S. government return him to the US by midnight on Monday. The Supreme Court put that order on hold hours before the deadline, after the administration requested an emergency ruling.

In its challenge, the government argued that Garcia is a member of Salvadoran gang MS-13, a claim the lower courts found lacked evidence. The U.S. government also argued that it no longer had jurisdiction to have Garcia released now that he is on Salvadoran soil, calling the lower courts' orders "unprecedented and indefensible".

"We're confident that people that are [in CECOT] should be there, and they should stay there for the rest of their lives," Homeland Security Secretary Kristi Noem said on Wednesday, according to news site Axios.

The White House has trumpeted a $6 million deal with Salvadoran President Nayib Bukele in return for his holding alleged gang members in the ultra-high-security jail. "The (Monday) deadline in the challenged order is no longer effective," the Supreme Court ruled on Thursday.

However, "the rest of the District Court's order remains in effect" requiring Abrego Garcia's return, the judges added – although the lower court must clarify its order "with due regard for the deference owed to the Executive Branch in the conduct of foreign affairs".

A statement signed by liberal Justices Sonia Sotomayor, Elena Kagan and Ketanji Brown Jackson argued there was "no basis in law" for Garcia's removal to El Salvador.

Human Rights Watch on Friday called on the U.S. government to disclose information about all of the people it has moved to CECOT and allow them contact with the outside world, while denouncing the "cruelty" of the treatment of the deportees by the US and El Salvador governments.

In a separate decision issued recently, the Supreme Court ruled that Trump can continue the government's deportation of Venezuelan migrants under an 18th-century wartime law.

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