

Note: This article was written just a few days before the Trump administration announced it was bringing Kilmar Abrego Garcia back to the US to stand charges for illegally transporting undocumented immigrants. However, knowing Mr. Abrego Garcia's story could not be more relevant even after he is being brought back, as he is one of many who have experienced forced rendition to another country under the Trump administration. Not only that, but his story isn't over: we will have to wait and see if his experience with the US justice system is fair, given the fact that the US government has not abided by US law in its treatment of Abrego Garcia so far. When reading the below article, please keep in mind that the fact that Abrego Garcia is finally being brought back to the US does not somehow excuse or resolve the Trump administration's blatant violation of US law. That problem is still very much alive.

Kilmar Abrego Garcia's deportation in March 2025 represents a grave threat to all Americans' constitutional freedoms. That may be a shocking statement, because many people mistake his situation for an immigration issue, but it's about something much more fundamental than that: due process.

In 2019, Mr. Abrego Garcia was granted by an immigration court a "withholding of removal" to El Salvador on the grounds that he had a well-founded fear of persecution in his home country. At that time, the Department of Homeland Security also issued him a work permit. Yet, he was grabbed in a traffic stop on March 12, 2025 and shipped to an El Salvadoran mega-prison within just 3 days, in disregard of that order and without the chance to challenge the proceedings in court - without due process. If he was afforded his constitutional right to due process, he would most certainly still be in the United States, or at least anywhere but El Salvador; he has committed no crime other than illegally crossing the US border and, as previously mentioned, has a withholding of removal order protecting him from being deported specifically to El Salvador. But, it's not just Mr. Abrego Garcia who was transported to another country illegally - the Cato Institute (a conservative think tank), found that 50+ of the Venezuelan men imprisoned in El Salvador on March 15 by the Trump administration never even violated US immigration law. [<https://www.cato.org/news-releases/new-cato-analysis-50-venezuelans-imprisoned-el-salvador-came-us-legally-never>]

Many Americans might not view their own country in terms of lacking rule of law or being a place where government-orchestrated disappearances are a threat. I certainly didn't want to think in those terms, but the facts which I have laid out above and will lay out below are plain: that is precisely what happened with those Venezuelan men and Mr. Abrego Garcia. The US government executive branch's blatant disregard of the constitutional rights afforded to those who reside within US borders, like Mr. Abrego Garcia and others, represents a violation of rule of law norms and democratic institutions, which is a core concern of the United Nations. The UN's [Sustainable Development Goal 16](#) (Peace, Justice, and Strong Institutions) urges "accountable and inclusive institutions at all levels." This is a UN SDG that as a US citizen, I never thought we'd need to fight for within our own borders.

The timeline of events of Mr. Abrego Garcia's case clearly demonstrates the government's failure to uphold due process norms, and therefore a blatant failing of UN SDG 16. First of all, some people don't know that due process rights are afforded to noncitizens, but they are granted to immigrants (even those who enter the country illegally) under the 5th Amendment, which is a judicial perspective that has been upheld in various Supreme Court decisions [Yick Wo v. Hopkins, Wong Wing v United States, Reno v. Flores, and Trump vs. J.G.G.]. On March 31, Justice Department attorneys admitted in a filing that Abrego Garcia's deportation to the El Salvadoran prison was "an administrative error." On April 4, a US District Court gave an order which required the Trump administration to return Abrego Garcia to the US by April 7th, which the Trump administration didn't obey and challenged. By April 10th, the case had made it up to the Supreme Court, which ruled with *no dissenting votes* that the Trump administration must "facilitate" Abrego Garcia's release to the US [Noem v. Abrego Garcia]. Regarding this order, on April 29th, Trump responded to an ABC News correspondent who asked if Trump could "get [Abrego Garcia back]" with, "I could, and if he were the gentleman that you say he is, I would do that. But he's not." [<https://abcnews.go.com/US/full-transcript-trumps-exclusive-100-days-broadcast-interview/story?id=121291672>] Despite openly defying that Supreme Court order on the record in that ABC News interview, the Trump team maintains that it is doing its part to "facilitate" Abrego Garcia's return. For example, in an interview with Ross Douthat of the New York Times published on May 22, J.D. Vance explained that the Trump administration had "facilitated" Abrego Garcia's return by asking the El Salvadoran President Nayib Bukele nicely to return Abrego Garcia. Bukele reportedly emphatically refused, and Vance felt that the administration had done all it could, explaining to Douthat: "And our attitude was, okay, what are we really going to do? Are we going to exert extraordinary diplomatic pressure to bring a guy back to the US who is a citizen of a foreign country who we had a valid deportation order with?" [<https://www.nytimes.com/2025/05/22/podcasts/the-daily/vice-president-vance-pope-politics.html>]

To a layperson like me, it seems that "extraordinary diplomatic pressure" may not be necessary, perhaps simply not paying El Salvador to imprison our deportees would do the trick [<https://www.vanhollen.senate.gov/news/press-releases/in-letter-to-trump-vanhollen-presents-details-of-conversation-with-salvadoran-vp-ulloa-that-reveal-the-trump-administrations-ongoing-defiance-of-court-orders-to-facilitate-the-return-of-illegally-deported-kilmar-abrego-garcia-despite-a-clear-ability-to-comply>.] And of course, the crux of the matter is the deportation wasn't valid, because it was to El Salvador, the one place Abrego Garcia couldn't be deported to. Meanwhile, the US District Court which originally heard Abrego Garcia's case had been requiring daily updates on Abrego Garcia's status and the US government's steps taken to return him, and the Trump administration eventually claimed "state secrets privilege" on May 8 to avoid providing updates. However, the administration's lawyers have consistently failed to provide factual bases for the invocation of those privileges, leading to the unsealing of certain court records to the media on June 4th (the day I wrote this article).

At this point, you might still be thinking: “okay, I am a US citizen, and so this can’t happen to me.” But you need to look no further than the President’s own words in a May 5th “Meet The Press” interview with NBC News. The NBC interviewer asked Trump: “Your Secretary of State says everyone, citizens and noncitizens, deserve due process. Do you agree with that?” Trump: “I don’t know, I’m not a lawyer.”
[\[https://www.nbcnews.com/meet-the-press/video/meet-the-press-now-may-5-238946885559\]](https://www.nbcnews.com/meet-the-press/video/meet-the-press-now-may-5-238946885559)

One certainly doesn’t have to be a lawyer to read the 5th Amendment to the Constitution, and even if one did need a lawyer, lawyers across the country, including Supreme Court justices, have upheld noncitizens’ right to due process time and time again. Therefore, that statement by the President is inconceivable. This should be chilling for anyone who is concerned about freedoms in the US, citizen or not.

I hope reading this piece has instilled in you the sense of urgency I have been feeling for months. I believe that we must speak up to safeguard our fundamental right to not be disappeared by the US government without our day in court. Since April 17, I have been contacting my representatives daily and posting about it to my Instagram story in hopes that others will join me and that we can do something to reverse this reversal of our freedoms. It takes only 10 minutes and is the most important thing I do each day. I ask you, no, urge you, to join me and contact your representatives in Congress to demand that our government view the issue of Kilmar Abrego Garcia not as an immigration issue, but as the core due process issue that it is. As a Peace, Justice, and Strong Institutions issue.