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Supreme Court orders Maryland dad Kilmar Abrego Garcia returned to US from El Salvador prison

Trump administration admitted sending him to notorious prison was 'administrative error'

Alex Woodward in New York • Friday 11 April 2025 00:44 BST • [13](#) Comments



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The **Supreme Court** has ruled **Donald Trump's** administration must "facilitate" the return of a **wrongfully** deported Maryland father Kilmar Abrego Garcia imprisoned in a brutal El Salvador jail.



With no noted dissents, Thursday's unsigned order from the nation's high court states that the administration "should be prepared to share what it can concerning the steps it has taken and the prospect of further steps."

A lower court **judge who ordered Abrego Garcia's return** to the United States must now "clarify" the ruling, "with due regard to the deference owed to the executive branch in the conduct of foreign affairs," the justices noted.

That order "properly requires the Government to 'facilitate' Abrego Garcia's release from custody in **El Salvador**, and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador," according to the court's decision. "The intended scope of the term 'effectuate' in the District Court's order is, however, unclear, and may exceed the District Court's authority."

A separate statement from the court's three liberal justices said "the proper remedy is to provide Abrego Garcia with all the process to which he would have been entitled had he not been unlawfully removed to **El Salvador**."

Department of Homeland Security spokesperson Tricia McLaughlin said the decision "agreed with us that the District Court improperly interfered with the President's foreign affairs power" and was "overbearing."

"We look forward to continuing to advance our position in this case," she told *The Independent* in a text message.



The Trump administration admitted Kilmar Abrego Garcia was deported to El Salvador's notorious prison due to an 'administrative error' but has refused efforts to return him to the United States (AP)

Immigration and Customs Enforcement agents deported Abrego Garcia last month despite a court order that blocked his removal from the country. Administration officials conceded he was sent to **El Salvador** due to an "administrative error" but insisted it was impossible to bring him back.

In a 22-page ruling on April 6, **Maryland** District Judge Paula Xinis ripped the Trump administration for its “wholly lawless” and “grievous error” that “shocks the conscience.”

“As defendants acknowledge, they had no legal authority to arrest him, no justification to detain him, and no grounds to send him to El Salvador — let alone deliver him into one of the most dangerous prisons in the Western Hemisphere,” Judge Xinis wrote.

Trump appealed to the nation’s highest court hours before the judge’s midnight deadline to return Abrego Garcia to the United States. Chief Justice **John Roberts** then issued **a single-page order** that paused the lower court’s order as the justices considered the case.

In their response to Trump’s appeal, lawyers for Abrego Garcia said he “sits in a foreign prison *solely* at the behest of the United States, as the product of a Kafka-esque mistake.”



The president “may not seize individuals from the streets, deposit them in foreign prisons in violation of court orders, and then invoke the separation of powers to insulate its unlawful actions from judicial scrutiny,” they wrote.

The administration sent Abrego Garcia to El Salvador’s mega prison — which human rights groups have derided as a “**tropical gulag**” — on March 15. He joined dozens of mostly Venezuelan immigrants on removal

flights after the president **secretly invoked the wartime Alien Enemies Act to summarily deport alleged Tren de Aragua gang members.**

One of those planes allegedly carried immigrants with court orders for their removal, not under the president's wartime authority. Abrego Garcia was on that plane — something administration officials have called an "oversight" — even though there were no orders for his removal from the country.



Kilmar Abrego Garcia's wife Jennifer Vasquez Sura and attorneys have demanded the Trump administration return the wrongfully deported Salvadoran man, who is a father to their five-year-old child (AP)

In 2019, a judge blocked Abrego Garcia's removal from the U.S. after his credible testimony that he fears violence and death in El Salvador, from which he fled as a teenager in 2011.

Under that American court order, Abrego Garcia is allowed to live and work in the United States, but must attend regular check-ins with **Immigration and Customs Enforcement**. His most recent appearance was in January, according to court documents.

Abrego Garcia has no criminal record in either the United States or El Salvador, according to his attorney. He has been living in **Maryland** with his wife and 5-year-old child — both U.S. citizens — and helping raise two children from a previous relationship.

After he was granted humanitarian protections, Abrego Garcia found work as a sheet-metal worker and enrolled in a five-year licensing program with the University of Maryland as he helped his three children, including his young son, who was diagnosed with autism.

Despite admitting the “error,” government lawyers have fought to keep him imprisoned.

Following news of the government’s admitted error in court filings, Vice President JD Vance falsely labeled Abrego Garcia a “convicted gang member.” White House Press Secretary Karoline Leavitt admitted there was a “clerical error” in his case, but claimed, **without providing evidence**, that Garcia was a “leader” of the **MS-13** gang, and “involved in human trafficking.”



In a brief to the Supreme Court on April 8, the Trump administration argued that courts cannot direct the president's "foreign policy" decision-making when it comes to removing Abrego Garcia out of a Salvadoran prison.

Government attorneys once again accused Abrego Garcia of being a member of **MS-13**, and "the United States has a compelling interest in not having a member of a foreign terrorist organization on U.S. soil, and the public interest strongly favors the exclusion of foreign terrorists from the United States," they wrote.

Judge Xinis has noted that "the 'evidence' against Abrego Garcia consisted of nothing more than his Chicago Bulls hat and hoodie" as well as "a vague, uncorroborated allegation from a confidential informant claiming he belonged to MS-13's 'Western' clique in New York — a place he has never lived."

Andrew Feinberg contributed reporting from Washington, D.C.

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