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# Supreme Court rules Trump admin must ‘facilitate’ return of wrongfully deported Maryland man Kilmar Abrego Garcia

By Victor Nava

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The Supreme Court on Thursday ruled that the Trump administration must “facilitate” the return of [Kilmar Abrego Garcia](#), the wrongfully deported Maryland man, to the US, but scrapped the deadline set by a lower court for his homecoming.

In a unanimous decision, the high court left part of Biden-appointed Maryland District Court Judge Paula Xinis’ order in effect but remanded the case to her for clarification on exactly how the government should “effectuate” his release from a

The justices noted that the Trump administration’s emergency request to stay Xinis’ April 7 deadline for Abrego Garcia’s return is “effectively granted” because the deadline already passed.

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The Supreme Court’s ruling Thursday was unanimous.

via REUTERS

Abrego Garcia, whom the Trump administration suspects of being a member of the ruthless MS-13 gang, has been held at the **brutal Center for Terrorism Confinement (CECOT)** in El Salvador since last month.

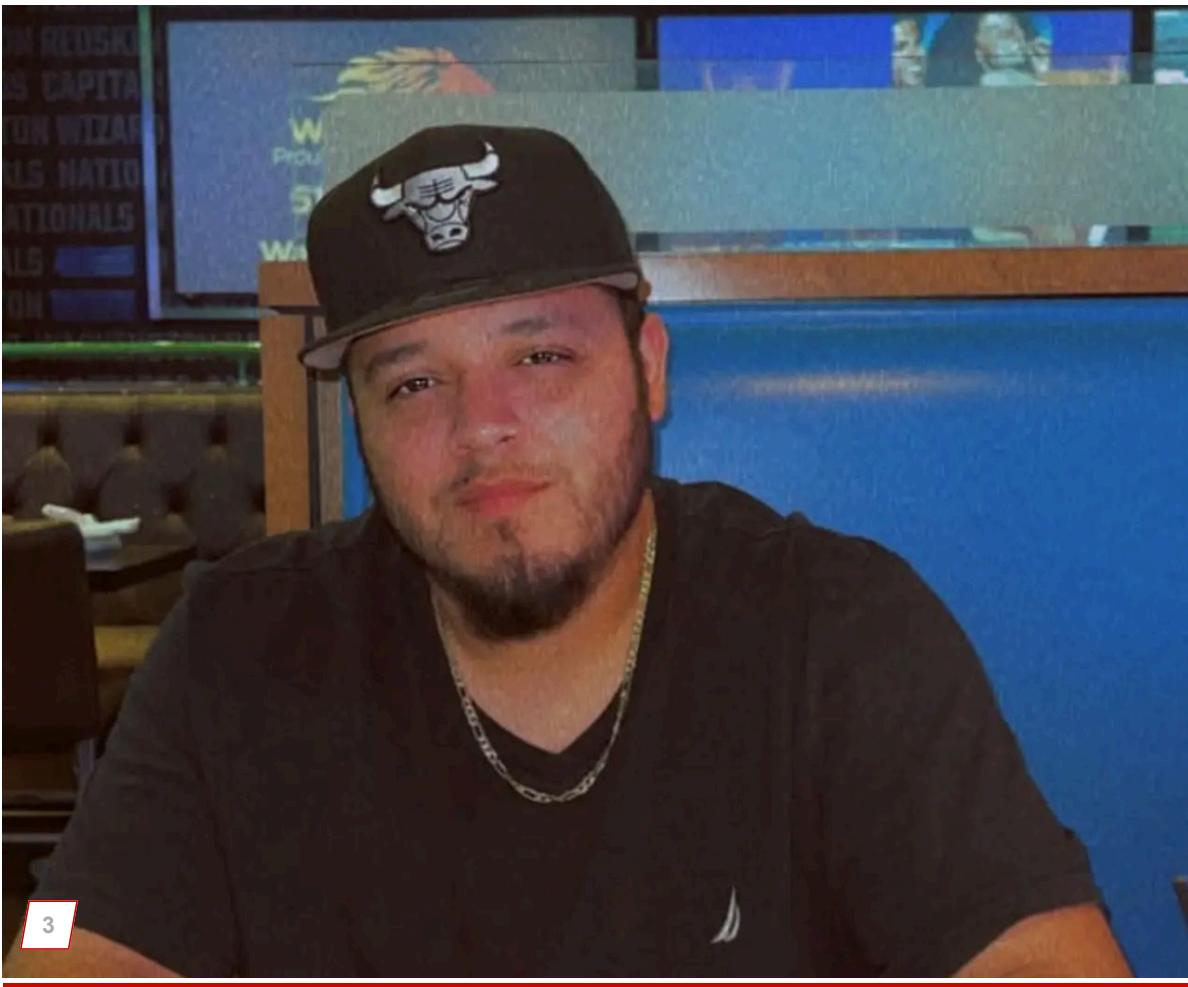
His deportation was acknowledged by the Trump administration to have been “illegal” because he was “subject to a withholding order forbidding his removal to El Salvador,” according to the high court.

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"The [lower court] 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," read the opinion.

"The intended scope of the term 'effectuate' in the District Court's order is, however, unclear, and may exceed the District Court's authority," it continued. "The District Court should clarify its directive, with due regard for the deference owed to the Executive Branch in the conduct of foreign affairs."

"For its part, the Government should be prepared to share what it can concerning the steps it has taken and the prospect of further steps."



An immigration judge shielded Abrego Garcia from deportation to El Salvador in 2019.

via REUTERS

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The Trump administration, however, contends that it “cannot guarantee success in sensitive international negotiations” over Abrego Garcia’s release from foreign custody.

“The United States does not control the sovereign nation of El Salvador, nor can it compel El Salvador to follow a federal judge’s bidding,” Solicitor General John Sauer wrote in the administration’s Supreme Court petition earlier this week.

“While the United States concedes that removal to El Salvador was an administrative error,” he added, “that does not license district courts to seize control over foreign relations, treat the Executive Branch as a subordinate diplomat, and demand that the United States let a member of a foreign terrorist organization into America tonight.”

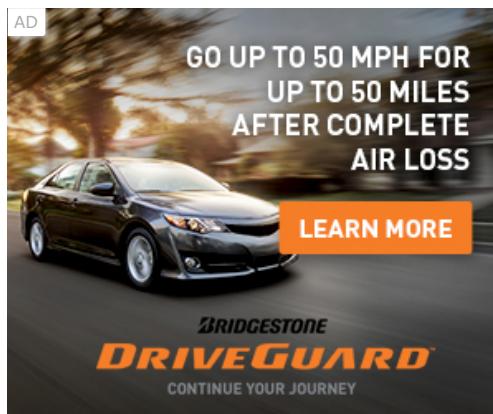
Administration officials claim that Abrego Garcia was “confirmed to be a ranking member of the MS-13 gang by a proven and reliable source.” They also alleged that he entered the country illegally in 2011 and originally came from El Salvador.



Kilmar Abrego Garcia’s family insists that he is not a gang member.

Getty Images

Abrego Garcia’s family and lawyers maintain that he has no gang ties. They allege that since 2006, gang members have threatened to abduct and kill him to extort money from his parents back in Central America.



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In a statement in support of the ruling, Justice Sonia Sotomayor argued that the Trump administration should be working faster to correct “its egregious error” and was “plainly wrong” to suggest Abrego Garcia could not be returned to the US.

“The Government’s argument, moreover, implies that it could deport and incarcerate any person, including US citizens, without legal consequence, so long as it does so before a court can intervene,” Sotomayor wrote.

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