

## **Bukele rejects returning Maryland man Trump officials mistakenly deported**

El Salvador's president says it would be "preposterous" to return Kilmar Abrego García. Trump also floated deporting criminal U.S. citizens to El Salvador.

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By [Cleve R. Wootson Jr.](#) and [Dan Diamond](#)

Salvadoran President Nayib Bukele said Monday that he does not plan to return a Maryland man whom the Trump administration mistakenly deported to his country, as the U.S. judicial system barrels toward a potential constitutional crisis over the standoff.

"How can I return him to the United States?" Bukele said in an Oval Office meeting with President Donald Trump, responding to a reporter's question. "I smuggle him into the United States? Of course I'm not going to do it. The question is preposterous."

Kilmar Abrego García, a Salvadoran immigrant who is married to a U.S. citizen, was deported last month to El Salvador's brutal mega-prison, CECOT. His case has become a focal point of the Trump administration's attempt to deport more than 1 million immigrants from the United States — and the court battles over the legality of that campaign. The Supreme Court on Thursday backed a lower-court order that requires the White House to "facilitate" the release of Abrego García, but the justices stopped short of saying a lower-court judge could order the administration to "effectuate" his return.

Trump officials on Monday suggested that the administration was not bound to follow court orders to return Abrego García from El Salvador.

"No court in the United States has a right to conduct the foreign policy of the United States," Secretary of State Marco Rubio said during the Oval Office meeting.

Trump officials on Monday repeated their arguments that Abrego García is a member of a criminal gang, MS-13, that Trump has declared a foreign terrorist organization, allowing for his deportation. Abrego García's lawyers have denied the claim, and U.S. District Court Judge Paula Xinis, who has ordered the Trump administration to return Abrego García from El Salvador, has said that there is no evidence Abrego García is a gang member.

The claims date to 2019, when Abrego García and other day laborers seeking construction jobs at a Home Depot were detained by police and questioned about gang activity. Abrego García said he wasn't in a gang. A U.S. immigration judge that year shielded Abrego García from deportation to El Salvador, concluding that he was likely to face persecution there by a local gang that tried to extort his family and then recruit him into their ranks before he fled the country. The Trump administration did not appeal that decision, known as a withholding of removal order.

Muzaffar Chishti, a senior fellow at the Migration Policy Institute, said the Trump administration's argument that the withholding of removal order cannot apply is a "totally new development."

"The first question is, why didn't they assert that before," Chishti said, adding that the declaration of whether Abrego García is a foreign terrorist and whether that affects the withholding of removal order should fall to an immigration judge or potentially to the Justice Department's immigration appeals board. "Just because the government is asserting that someone was a member of the terrorist organization ... the final word on that cannot be the government's, the final word on that has to be an immigration judge."

Trump also told reporters on Monday that he was open to deporting U.S. citizens if they had committed violent, criminal acts.

"If it's a homegrown criminal, I have no problem," Trump said in the Oval Office. "We're studying the laws right now, Pam [Bondi, the attorney general] is studying. If we can do that, that's good."

Immigration experts have said there is no legal way for a person with U.S. citizenship to be deported. The president has previously raised the idea of sending U.S. citizens who have been convicted of some crimes to prisons in other countries.

Bukele, whom Trump hailed Monday as "one hell of a president," has emerged as a key player in the Trump administration's plans to conduct mass deportations of undocumented immigrants.

The two presidents struck a deal that has allowed El Salvador to accept more than 200 Venezuelans deported from the United States since Trump's inauguration in January. The White House and the Salvadoran government have circulated videos and pictures of the purported gang members — kneeling, hands behind their backs, clothes pulled open to expose tattoos — being processed into the prison.

A top Immigration and Customs Enforcement official admitted in a court filing that "many" of those deported do not have criminal records in the United States. Lawyers and relatives of many of the men have disputed the Trump administration's claim that they are members of criminal gangs.

Bukele has described the agreement as an opportunity for America to "outsource part of its prison system," saying that his country was willing to accept convicted criminals — including convicted U.S. citizens — and place them in its mega-prison in exchange for a fee.

"You are helping us out, and we appreciate it," Trump told Bukele on Monday. He also praised El Salvador's president for constructing the CECOT prison complex.

“I said, can you build some more of them, please?” Trump said, suggesting that he wanted to ramp up deportations to El Salvador.

Bukele responded that it was an honor to participate in Trump’s mass-deportation efforts, saying the initiative would help protect other U.S. citizens.

“To liberate 350 million people, you have to imprison some,” Bukele said. “You have to imprison them so you can liberate 350 million Americans that are asking for the end of crime and the end of terrorism.”

We have offered the United States of America the opportunity to outsource part of its prison system.

We are willing to take in only convicted criminals (including convicted U.S. citizens) into our mega-prison (CECOT) in exchange for a fee.

The fee would be relatively low for... [pic.twitter.com/HTNwtp35Aq](https://pic.twitter.com/HTNwtp35Aq)  
— Nayib Bukele (@nayibbukele) [February 4, 2025](#)

The Abrego García case has become a major point of contention in Trump’s mass-deportation efforts, and the nuanced order from the Supreme Court has given the government’s lawyers an opening to push back on Xinis, the district court judge overseeing the case in Maryland, with non-answers, shifting claims and a defiant tone.

Government attorneys said Sunday night that the administration is not required to engage El Salvador’s government in efforts to facilitate Abrego García’s return, arguing that he “is no longer eligible” for the protection from deportation that should have prevented him from being sent to El Salvador in the first place.

Abrego García’s attorneys say he is the victim of a “Kafkaesque mistake.” They also warn he is danger of being tortured and killed in the mega-prison where he is being held, and have told Xinis that the Trump administration should be held in contempt for failing to detail its efforts to repatriate their client.

Bukele has risen in power as he has tempered widespread violence in what had been one of the world’s most dangerous, gang-infested countries. The 43-year-old skirted a constitutional ban on successive terms for president, jokingly referring to himself as the “world’s coolest dictator.”

But those inroads against crime and gangs have come at a humanitarian cost. Some 85,000 people have been imprisoned in El Salvador since Bukele declared emergency rule in 2022 — one of the highest incarceration rates in the world. Most don’t have access to an attorney and have not been tried in court, caught in a legal, and at times fatal, black hole. Nearly 400 people have died in the unhygienic, overcrowded prisons, according to human rights groups.

Bukele, who has aspired for a larger presence on the global stage, has found an ally in a Trump administration searching for novel ways to fulfill the president’s immigration-related promises. He has soaked up praise from Rubio and other U.S. officials. And this week he received red-carpet treatment in the United States, welcomed by an honor guard at the White House before sitting down in the Oval Office with the most powerful person in the world.

His visit also raised anxiety among Democrats who questioned why Trump was hosting El Salvador's leader while the Trump administration was refusing to share information about people that it had deported to the country.

Sen. Chris Van Hollen (D-Maryland) on Sunday requested an urgent meeting with Bukele, saying he needed answers on the status of Abrego García, a constituent.

"I have met with Mr. Abrego Garcia's wife, mother and brother and, as you can imagine, they are extremely worried about his health, safety, and continued illegal confinement, as am I," Van Hollen wrote in a [letter](#) to Milena Mayorga, El Salvador's ambassador to the United States. A Van Hollen spokeswoman said Monday morning that the embassy had confirmed receipt but had not yet scheduled a meeting.

*Marianne LeVine and Ann Marimow contributed to this report.*

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