

Congress of the United States

Washington, DC 20515

April 29, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

The Honorable Marco Rubio
Secretary of State
Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Noem and Secretary Rubio:

Since taking office in January, the Trump Administration has moved with breakneck speed to undermine our laws, subvert international treaties, and sabotage bedrock constitutional privileges like due process. Some of the Administration's most intense attacks have been on the immigration system. These actions were taken with no regard to the law or the legal safeguards that exist within our system to protect against such rampant lawlessness.

One way that the Trump Administration has tried to avoid legal responsibility is by outsourcing immigration detention to other countries. In one of its most aggressive moves, the Administration removed more than 200 individuals from the interior of the United States to the Centro de Confinamiento del Terrorismo (CECOT) and possibly other detention centers in El Salvador.¹ In the midst of these removals, Chief Judge Boasberg of the District Court of the District of Columbia issued a temporary restraining order preventing further deportations and ordered that any planes in the air at the time of the ruling be turned around.² However, the government failed to comply with the order.³ In doing so, Administration officials have willfully attempted to evade orders from a federal court to temporarily pause these removals in order to deny individuals an opportunity to exercise their constitutional right to due process.⁴

Since then, the Administration has again attempted to ship individuals to El Salvador without affording them due process, prompting a highly unusual emergency order from the Supreme Court.⁵ The Administration has attempted to justify its actions by invoking a 1789 wartime law, the Alien Enemies Act (AEA). However, the intelligence community has now twice disputed the Administration's basis for invoking the AEA.⁶ Further, and most importantly,

¹ Julie Turkewitz, *et. al.*, 'Alien Enemies' or Innocent Men? Inside Trump's Rushed Effort to Deport 238 Migrants, N.Y. TIMES (Apr. 15, 2025), <https://www.nytimes.com/2025/04/15/world/americas/trump-migrants-deportations.html>.

² Alan Feuer, *Judge Threatens Contempt Proceedings Over Deportation Flights to El Salvador*, N.Y. TIMES (Apr. 16, 2025), <https://www.nytimes.com/2025/04/16/us/politics/trump-probable-cause-contempt-deportation-flights.html>.

³ *Id.*

⁴ *J.G.G. v. Trump*, No. 25-766 (JEB), 2025 U.S. Dist. LEXIS 71895 (D.D.C. Apr. 16, 2025).

⁵ Melissa Quinn & Camilo Montoya-Galvez, *Supreme Court temporarily blocks new deportations under Alien Enemies Act*, CBS (Apr. 20, 2025), <https://www.cbsnews.com/news/supreme-court-temporarily-blocks-new-deportations-under-alien-enemies-act/>.

⁶ Michelle L. Price & Mary Clare Jalonick, *US intelligence contradicts Trump claims linking gang to Venezuelan government to speed deportations*, ASSOC. PRESS (Apr. 18, 2025), <https://apnews.com/article/trump-alien-enemies-act-venezuela-tren-de-aragua-103919f71db9a9e7a9a3de1028585483>; Charlie Savage & Julian E. Barnes,

as the Supreme Court reiterated, “[i]t is well established that the Fifth Amendment entitles aliens to due process of law’ in the context of removal proceedings,” including in proceedings under the AEA.⁷

Despite the Administration’s claims that all of the individuals removed to El Salvador were members of the Tren de Aragua gang,⁸ officials have been forced to acknowledge that “many of the [individuals] removed under the AEA do not have criminal records in the United States.”⁹ In fact, a recent Bloomberg investigation revealed that approximately 90 percent of the 200-plus people sent to CECOT lacked any criminal record in the United States.¹⁰ CBS went even further and searched for international criminal records, finding that 75 percent of the deportees had had no criminal record anywhere in the world.¹¹ And yet, despite the lack of evidence of criminality, despite the blatantly unconstitutional lack of due process, and despite a judge’s order to pause flights bound for El Salvador, the United States government sent hundreds of migrants, many of whom came here to seek protection from gang violence and a better life, to a notoriously brutal Salvadoran mega-prison and is paying that country to house them there.¹²

The United States has an obligation, under our laws, and under the 1984 Convention Against Torture, not to send anyone to a country where they are likely to be tortured.¹³ It does not appear that the Administration bothered to determine if torture would occur before it sent hundreds of immigrants to El Salvador. Indeed, the Administration appears to tout the brutality of the conditions of the detainees at CECOT.¹⁴ Now the Administration is seriously discussing sending American citizens for imprisonment in El Salvador as well.¹⁵

This cannot continue. Congress has the right and the obligation to conduct oversight over the executive branch and determine what deals our government has struck with a foreign dictator

Intelligence Assessment Said to Contradict Trump on Venezuelan Gang, N.Y. TIMES (Mar. 20, 2025), <https://www.nytimes.com/2025/03/20/us/politics/intelligence-trump-venezuelan-gang-alien-enemies.html>.

⁷ *Trump v. J.G.G.*, 604 U.S. ____ (2025)

⁸ Dec. of Acting Field Office Director Robert L. Cerna,

https://storage.courtlistener.com/recap/gov.uscourts.dcd.278436/gov.uscourts.dcd.278436.26.1_3.pdf.

⁹ *Id.* at 4.

¹⁰ *About 90% of Migrants Deported to El Salvador Had No US Criminal Record*, BLOOMBERG NEWS (Apr. 9, 2025), <https://www.bloomberg.com/news/articles/2025-04-09/about-90-of-migrants-sent-to-salvador-lacked-us-criminal-record>.

¹¹ Cecilia Vega, *U.S. sent 238 migrants to Salvadoran mega-prison; documents indicate most have no apparent criminal records*, CBS (Apr. 6, 2025), <https://www.cbsnews.com/news/what-records-show-about-migrants-sent-to-salvadoran-prison-60-minutes-transcript/>.

¹² Alan Feuer, *Judge Threatens Contempt Proceedings Over Deportation Flights to El Salvador*, N.Y. TIMES (Apr. 16, 2025), <https://www.nytimes.com/2025/04/16/us/politics/trump-probable-cause-contempt-deportation-flights.html>.

¹³ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. art. 1, 3, Dec. 10, 1984, 1465 U.N.T.S. 113; Foreign Affairs Reform and Restructuring Act of 1998, § 2242(a), 112 Stat. 2681–822; note following 8 U. S. C. § 1231.

¹⁴ Rebecca Santana & Alex Brandon, *Homeland Security Secretary Noem visits the El Salvador prison where deported Venezuelans are held*, ASSOC. PRESS (Mar. 26, 2025), <https://apnews.com/article/noem-homeland-security-immigration-prison-el-salvador-188d999b6625ea05e85a86f0ec4e670a>.

¹⁵ Brian Bennett, *Trump Escalates Fight Over Deportees in El Salvador, is ‘All For’ Sending Americans There Next*, TIME (Apr. 14, 2025), <https://time.com/7277797/trump-escalates-fight-over-deportees-in-el-salvador-weighs-sending-americans-there-next/>.

to imprison individuals—non-citizens but perhaps soon U.S. citizens too—seized in the United States, shackled, and shipped off on planes in the dead of night in an effort to place them beyond the reaches of our courts.

As such, we request you provide the following information no later than May 13, 2025.

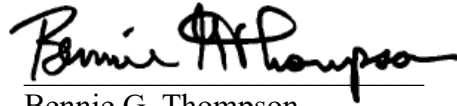
1. Please provide any and all agreements between the United States and El Salvador entered into since January 20, 2025, pertaining to the detention of individuals sent from the United States to El Salvador, including the transfer agreement between the United States and El Salvador to accept and hold non-Salvadoran nationals.
2. Please provide a detailed briefing regarding how immigrants are screened for valid asylum, withholding of removal, or Convention Against Torture protection claims prior to being removed or transferred out of the United States.
3. Please provide the number of individuals with withholding of removal or protection under the Convention Against Torture who have been removed to El Salvador since January 20, 2025.

Thank you for your attention to this matter.

Sincerely,



Jamie Raskin
Ranking Member
House Committee on the Judiciary



Bennie G. Thompson
Ranking Member
Committee on Homeland Security



Gerald E. Connolly
Ranking Member
Committee on Oversight and
Government Reform

cc: The Honorable Jim Jordan, Chairman
House Committee on the Judiciary

The Honorable Mark E. Green, Chairman
Committee on Homeland Security

The Honorable James Comer, Chairman
Committee on Oversight and Government Reform