

United States Senate

WASHINGTON, DC 20510

April 29, 2025

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump,

I read with great interest your interview with Time Magazine regarding the Supreme Court's 9-0 decision ordering you and your Administration to "facilitate" the return of Kilmar Abrego Garcia, who your lawyers admitted in federal court was wrongfully seized and deported to prison in El Salvador. You conceded in that interview that you have not asked President Bukele to return him. You also said, regarding this case, that you "don't make that decision" because your lawyers do. Your comments and the actions of your Administration clearly demonstrate your failure to comply with court orders as you continue to violate Mr. Abrego Garcia's constitutional and due process rights — and when you deny the due process rights of one person, you threaten them for everyone in America. The American public knows this. Recent polling shows that a majority of Americans reject your trampling over constitutional rights in this case.

During my visit to El Salvador, I had the opportunity to meet with Vice President Ulloa. My conversation with him revealed the extent to which you and your Administration are violating the orders of the federal courts and the Constitution of the United States. Our discussion showed that your Administration is doing nothing to comply with and implement the Supreme Court order to "facilitate" Mr. Abrego Garcia's return to the United States and revealed that the Government of El Salvador is holding him solely at the request of your Administration and, specifically, because you are paying them to imprison him.

While I had expected a private meeting with Vice President Ulloa, when I arrived at his office there were several cameras rolling to record our conversation. I agreed to have our conversation on the record. I want to report some important details of our discussion.

Vice President Ulloa told me that, "El Salvador is not able to take any action regarding the case because the case is in the U.S. and usually we do not express any opinion on domestic affairs." He went on to say, "I mean, the ball is in your court." Indeed "the ball is in your court" is a phrase he used multiple times during our conversation. He made clear that "once the case will be resolved definitely and there will be clear instruction regarding this case... El Salvador's government will apply [our] principles... of course we will act accordingly." He indicated that, "at this current moment we cannot take any actions because the case is still in the United States' situation." He reinforced this point throughout our conversation, saying the "bottom line is this is

an issue that has to be solved in the United States. We have not expressed, we cannot express any opinion on that case, because it is up to you.”

All of this makes crystal clear that, even though your Administration’s lawyers admitted in federal court that Mr. Abrego Garcia was wrongfully detained in Maryland and sent to prison in El Salvador and despite the Supreme Court’s order to “facilitate” his return, your Administration has not lifted a finger to comply with the court order. As Vice President Ulloa indicated, “the ball is in your court.”

When I asked Vice President Ulloa whether El Salvador had any evidence that Mr. Abrego Garcia had committed a crime, his response was, “how can I have it?” He said the Government of El Salvador does not “qualify those persons who are there, we just take them.” I asked if El Salvador is imprisoning Mr. Abrego Garcia simply because the United States is paying to keep him and others there. His response was, “exactly, that’s it.” He also said, “I mean, if the person that you send is not a criminal, is not whatever, I mean it is up to you, that’s what I’m saying. I don’t want to express any opinion... I think it is up to you... The ball is in your court.” He made it clear that they did not review the file of Mr. Abrego Garcia. He said, “we have a deal with the U.S. government. They send people. We host them. They pay. And that’s it.”

When I asked the Vice President why El Salvador cannot release Mr. Abrego Garcia from prison when the U.S. government conceded in court that he was wrongfully abducted – and whether he is being charged under El Salvador’s law – he responded, “What is your recommendation to El Salvador’s government? We can take him to the airport and ask an airline to take him to the States? Are you saying the airline would take a person without a passport? What kind of visa should we carry?” Further, he said, “...President Bukele said we cannot smuggle a person to the United States. Because if we send a person without a visa, tourist visa, working visa, student visa, what kind of reason can we call to get legally into the United States?” Regarding his papers, he asked, “Who will provide that? We don’t have it.”

I repeatedly pointed out that neither I nor anyone else was asking El Salvador to “smuggle” Mr. Abrego Garcia back into the United States. That argument is, of course, a red herring. I repeatedly pointed out that Attorney General Bondi had said, when President Bukele was in the Oval Office with you, that the U.S. would send a plane to pick up Mr. Abrego Garcia. So, I was not asking the Government of El Salvador to “smuggle” him into the United States, only to release him from prison. Your Administration illegally took Mr. Abrego Garcia to El Salvador in a plane, and Attorney General Bondi has said the United States could send a plane to pick him up. And the U.S. government can certainly provide him with the papers necessary to return.

My conversation with Vice President Ulloa clearly demonstrates that the Government of El Salvador has no independent legal basis for imprisoning Mr. Abrego Garcia; that, as they readily concede, the only reason for keeping him in prison is that they entered into an agreement with

your Administration to be paid by the United States. This also reveals that your Administration could easily facilitate his release by letting El Salvador know that — given his wrongful detention — they are not contractually bound to continue imprisoning Mr. Abrego Garcia. My conversation with Vice President Ulloa shows that your Administration’s claim that El Salvador is exercising its “sovereign” decision to continue to hold Mr. Abrego Garcia is a farce. The Government of El Salvador is imprisoning him because your Administration is paying them to do so and they claim to be contractually obligated. Obviously, your Administration could say El Salvador was no longer contractually obligated to imprison Mr. Abrego Garcia. Then El Salvador can release him, and Attorney General Bondi can, as promised, send the plane.

It is outrageous that Mr. Abrego Garcia and his family have been forced to suffer through this trauma because your Administration has, to date, refused to follow the requirements of the Constitution and the orders of the federal courts. Instead of fixing the egregious “administrative error” that the Administration conceded has wrongfully deposited Mr. Abrego Garcia in a prison in El Salvador, your Administration chose to attack and punish the lawyer who told the court the truth. That is shameful.

It is also shameful that you and your Administration continue to try to change the subject in this case. You continue to put out information on social media asserting that Mr. Abrego Garcia is a member of MS-13 and Vice President Vance falsely asserted that he has been convicted of crimes in the United States. Yet the federal district court judge in this case said your Administration had presented the court with “no evidence linking Abrego Garcia to MS-13 or to any terrorist activity.” So your Administration should put up or shut up in court. I am not vouching for the man, Kilmar Abrego Garcia, I am vouching for his rights.

It is also dangerous for you to suggest that we cannot fight gang violence without trampling over constitutional rights. More than two decades ago I helped establish a regional anti-gang task force to combat MS-13 and other gang violence in the Maryland-Virginia-D.C. area. We have made substantial progress in that fight, but there is more that can be done. But that is not what you and your Administration are doing. You are engaged in gross violations of the Constitution and due process rights.

As Judge J. Harvie Wilkinson III wrote on behalf of a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit: “It is difficult in some cases to get to the very heart of the matter. But in this case, it is not hard at all. The government is asserting a right to stash away residents of this country in foreign prisons without the semblance of due process that is the foundation of our constitutional order. Further, it claims in essence that because it has rid itself of custody that there is nothing that can be done. This should be shocking not only to judges, but to the intuitive sense of liberty that Americans far removed from courthouses still hold dear.”

The Fourth Circuit got to the heart of this case. Kilmar Abrego Garcia was snatched from his car while he was driving in Maryland with his five-year-old autistic son, then illegally stashed away in a prison in El Salvador. His wife, his mother, and his brother have been unable to communicate with him in any way. He has a work permit and his fellow sheet metal workers have been organizing to bring him back, as have thousands of Americans. His constitutional rights must be respected.

This case is not about Kilmar alone. It is about everyone in America. While Mr. Abrego Garcia is at the center of this case, its consequences impact the due process rights of everyone who lives in America. If your Administration can strip away the constitutional rights of one man in defiance of court orders, it can do it to all of us. I will continue to fight to defend our Constitution and the due process rights of all who live in America.

Sincerely,



Chris Van Hollen
United States Senator