UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Edicson David QUINTERO CHACÓN, *Petitioner*, v. Kristi NOEM, Secretary, U.S. Department of Homeland Security,[1] *et al.*, *Respondents*.	Civil Action No. 4:25-cv-50-CDL-AGH

PETITIONER'S BRIEF IN OPPOSITION TO RESPONDENTS' MOTION TO DISMISS OR STAY PROCEEDINGS

[1] Because Respondent Dickerson is no longer Mr. Quintero's immediate custodian, Petitioner respectfully requests that this Court modify the order in which Respondents' names are listed in the case caption, listing Respondent Noem first. He does not seek to add or remove any Respondents from those named in his Amended Petition, Dkt. 24, only to change the order.

INTRODUCTION

In an interview this week, El Salvador's Vice President Félix Ulloa described El Salvador's imprisonment of migrants sent from the United States as a "service" El Salvador offers the international community, akin to medical, tourism, and technological services. Ex. 1 at 13. Vice President Ulloa went on to say, "The status of the inmates or the person arriving isn't determined by El Salvador; it is determined by the state that requests the service." *Id.* Respondents, on behalf of the United States, have requested and are paying El Salvador for the "service" of confining Petitioner Edicson David Quintero Chacón ("Mr. Quintero") at the Centro de Confinamiento del Terrorismo, the Terrorism Confinement Center ("CECOT"), just as Respondents did when they paid CoreCivic for the "service" of detaining Mr. Quintero at Stewart Detention Center. The prison operator has changed, but Mr. Quintero's legal custodians remain the same.

For the reasons set forth below and in any subsequent supplement, the Court should deny Respondents' Motion to Dismiss the Amended Petition, Dkt. 27 ("MTD"). The Court had jurisdiction over Mr. Quintero's original habeas petition and continues to have jurisdiction over his petition now. Mr. Quintero's habeas claims are live and redressable because Respondents are Mr. Quintero's legal custodians with the ability to determine his status, as high-ranking Salvadoran officials have confirmed. And there are no statutory bars to Mr. Quintero's claims. The Court should also deny Respondents' alternative motion to stay these habeas proceedings because the *D.V.D. v. U.S. Department of Homeland Security* class action seeks fundamentally different relief based on different legal theories than Mr. Quintero's Amended Petition.[2]

[2] There is a pending habeas class action challenging the detention of people sent to CECOT pursuant to the Alien Enemies Act. That court is currently addressing the question of whether proposed class members are in the constructive custody of the United States and found jurisdictional discovery to be warranted. *See J.G.G. v. Trump*, No. 1:25-cv-766 (D.D.C. May 8, 2025), ECF No. 116. Based on Respondents' representation that Mr. Quintero was not sent to El Salvador pursuant to the Alien Enemies Act, Dkt. 10-1

FACTUAL AND PROCEDURAL BACKGROUND

Mr. Quintero is a native and citizen of Venezuela. Dkt. 24 ("Am. Pet.") ¶ 29. On or about June 13, 2024, ICE took Mr. Quintero into custody during a routine ICE check-in. *Id.* ¶ 35. On September 11, 2024, an Immigration Judge ordered Mr. Quintero removed to Venezuela. *Id.* ¶ 37. On February 10, 2025, still detained with no prospect of removal to Venezuela that he knew of, Mr. Quintero filed a *pro se* habeas petition challenging his indefinite detention. Dkt. 1. On March 15, 2025, Respondents transported Mr. Quintero, along with approximately 260 other people, mostly from Venezuela, on three separate flights to CECOT in El Salvador. Am. Pet. ¶ 44; Dkt. 10-1 ¶ 8. Respondents assert they sent Mr. Quintero to CECOT pursuant to the usual removal statute for people with final removal orders, 8 U.S.C. § 1231. Dkt. 10-1 ¶¶ 7–8. Mr. Quintero remains detained, incommunicado, at CECOT. Am. Pet. ¶ 1. Human Rights Watch, which investigates human rights abuses globally, "is not aware of any detainees who have been released from that prison." *Id.* ¶ 8.

Mr. Quintero is detained at CECOT at Respondents' behest. Respondents negotiated an arrangement with the government of El Salvador for the detention of non-U.S. citizens sent from the United States to Salvadoran prisons. Am. Pet. ¶¶ 26, 27, 51 54–57. The U.S. government paid or is paying the Salvadoran government approximately $6 million dollars to detain individuals, including Mr. Quintero, at CECOT for a renewable one-year term. *Id.* ¶¶ 9, 56, 67. Respondents have touted this agreement as a money-saver for the United States because it will allegedly be cheaper than detention in the United States. *Id.* ¶¶ 9, 55. Respondents retain authority to determine the "long term disposition" of Mr. Quintero and the other individuals they sent to CECOT. *Id.* ¶¶ 9, 57. Respondents have access to and have visited CECOT, and have a direct line of communication

¶¶ 7–8, undersigned counsel knows of no class habeas proceedings that would include Mr. Quintero as a class member.

with El Salvador's president, Nayib Bukele. *Id.* ¶¶ 64–66.

At the time Mr. Quintero filed his *pro se* habeas petition, the United States had not removed Venezuelans to Venezuela for over a year. *Id.* ¶¶ 39, 77. However, removals to Venezuela resumed in February 2025, just days after Mr. Quintero filed his habeas petition. *Id.* ¶¶ 77, 79. More removals to Venezuela occurred in March 2025. *Id.* ¶ 80. In fact, removal flights to Venezuela were scheduled for March 16, but were canceled *after* the March 15 flights to CECOT, "out of concern that Venezuela's plane could be seized under the authority of the Alien Enemies Act." *Compare* Ex. 2 at 7–8, 12, *with* Dkt. 10-1 ¶ 7 (declaring that "on March 15, 2025, Venezuela was not willing to accept its nationals for repatriation."). The United States is currently removing Venezuelans to Venezuela. *See* Am. Pet. ¶ 82; Ex. 2 at 12.

Mr. Quintero filed his amended habeas petition on April 16, 2025. Am. Pet.; *see* Dkt. 22. Respondents[3] moved to dismiss the petition or, alternatively, stay these proceedings on May 2, 2025. MTD.

ARGUMENT

I. Legal Standard

Respondents set forth the correct legal standards under Federal Rules of Civil Procedure 12(b)((1) and (6). *See* MTD at 5–6. Respondents primarily raise jurisdictional challenges to the Amended Petition under Rule 12(b)(1); they argue mootness, and although Respondents mischaracterize the relief Mr. Quintero seeks, they also make a redressability argument without calling it that. MTD at 11–16. A case is moot when there is no live controversy in which a court

[3] Mr. Quintero does not contend that his "former warden holds the present power to produce Petitioner to this Court." MTD at 13. That is why Mr. Quintero has named Respondents Trump, Rubio, Bondi, Noem, Lyons, and Genalo in their official capacities and alleged they have the legal authority to effectuate his release. *See* Am. Pet. ¶¶ 9, 22–27, 55–57, 65–67. Respondents fail to acknowledge that in their Motion to Dismiss. *See* MTD at 2 n.1, 13.

can provide meaningful relief. *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1335–36 (11th Cir. 2001). Redressability is satisfied when the court order sought would result in "a significant increase in the likelihood" that the petitioner's injury will be redressed. *Harrell v. The Fla. Bar*, 608 F.3d 1241, 1260 n.7 (11th Cir. 2010) (quoting *Utah v. Evans*, 536 U.S. 452, 464 (2002)). Respondents' arguments are largely facial, asserting that the facts alleged do not demonstrate constructive custody, that the Court lacks power to order the relief sought, and that Mr. Quintero's claims are jurisdictionally barred by statute. Respondents also suggest, without providing evidence, that as a matter of fact, Mr. Quintero is not in Respondents' custody and Respondents cannot facilitate and effectuate his release from CECOT. Mr. Quintero seeks jurisdictional discovery and reserves the right to supplement this opposition with evidence obtained through discovery. *See* Dkt. 28.

II. The INA Does Not Bar This Court's Review of Mr. Quintero's Habeas Petition Challenging His Unlawful Detention.

Respondents argue that three of the INA's jurisdiction-stripping and channeling provisions—8 U.S.C. § 1252(a)(5), (b)(9), and (g)[4]—preclude judicial review of Mr. Quintero's habeas petition. MTD at 7–11. These arguments fail for one simple reason: Mr. Quintero does not challenge his removability, removal order, or removal in this habeas petition; he challenges his unlawful detention "under or by color of the authority of the United States." 28 U.S.C. § 2241. *See* Am. Pet. ¶¶ 113–36. The primary form of relief he seeks is the quintessential habeas remedy: release from government custody. *See id.* ¶ 16, p. 33. His claims thus fall outside the "narrow scope" of the INA's jurisdictional bars. *Canal A Media Holding, LLC v. U.S. Citizenship & Immigr.*

[4] Sections 1252(a)(5) and (b)(9) work together to channel judicial review of removal orders and all legal and factual questions "arising from any action taken or proceeding brought to remove [a noncitizen] from the United States" under the INA through the petition for review process in the appropriate court of appeals. 8 U.S.C. § 1252(a)(5), (b)(9). Section 1252(g) bars judicial review of any claim "arising from the decision or action by [DHS] to commence proceedings, adjudicate cases, or execute removal orders" except as provided under Section 1252. *Id.* § 1252(g).

Servs., 964 F.3d 1250, 1257 (11th Cir. 2020) (cleaned up) (referring to § 1252(b)(9)); *see also Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482, 487 (1999) [hereinafter *AADC*] (adopting a "narrow reading" of § 1252(g) and confirming that it "applies only to three discrete actions" as opposed to "all claims arising from deportation proceedings"); *D.V.D. v. U.S. DHS*, 2025 WL 1142968, at *5–11 (D. Mass. Apr. 18, 2025) (detailed analysis of § 1252(b)(9) and (g)). Binding Supreme Court and Eleventh Circuit precedent, and the plain language of the statute, dictate the outcome here: the INA does not strip jurisdiction to review Mr. Quintero's detention.

To begin with, Respondents' claim that the INA's zipper clause, § 1252(b)(9), bars jurisdiction, MTD at 10–11, is foreclosed by the Supreme Court decision in *Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018) (holding that "§ 1252(b)(9) does not present a jurisdictional bar" to challenges brought by detained noncitizens to prolonged detention without bond during removal proceedings). The *Jennings* Court rejected an "extreme" and "expansive interpretation" of the term "arising from" in § 1252(b)(9) that "would lead to staggering results" and "make claims of prolonged detention effectively unreviewable." *Id.* at 293; *see also id.* at 294 (looking to *AADC*'s narrow interpretation of § 1252(g), which contains the same "arising from" language, in reaching this conclusion). Under *Jennings*, Mr. Quintero's habeas claims are not barred by § 1252(b)(9).

Moreover, the Eleventh Circuit has held that none of the three INA jurisdictional provisions Respondents invoke apply to federal-court challenges to immigration detention. *See Alvarez v. U.S. Immigr. & Customs Enf't*, 818 F.3d 1194, 1201–05 (11th Cir. 2016) (holding that § 1252(g) did not bar review of plaintiff's *Bivens* claim that immigration officials unconstitutionally prolonged his post-order detention, and explaining that § 1252(g) applies to the agency's "discretionary decisions" as to the "three discrete actions" listed in the statute); *Madu v. U.S. Att'y Gen.*, 470 F.3d 1362 (11th Cir. 2006) (holding that § 1252(a)(5) and (b)(9) did not bar habeas challenge to

detention and impending removal where petitioner contended he was not subject to a final order of removal); *cf. Romero v. Sec'y, U.S. Dep't of Homeland Sec.*, 20 F.4th 1374, 1380 (11th Cir. 2021) (relying on *Madu* to hold that "§ 1252(a)(5) did not deprive the district court of jurisdiction" over habeas petition filed by petitioner subject to order of supervision based on allegedly invalid removal order).

Similarly, binding precedent instructs that other types of claims that are "independent of or collateral to the removal process" or bear only a "tangential relationship" to removal proceedings can be heard in district court. *Canal A*, 964 F.3d at 1257 (quoting *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1032 (9th Cir. 2016));[5] *see Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 19 (2020) (holding that neither § 1252(b)(9) nor § 1252(g) bars review of challenge to rescission of DACA program). These cases—several of which are cited by Respondents—further support this Court's jurisdiction over Mr. Quintero's claims.

Respondents cite various cases involving unsuccessful attempts to challenge the validity or execution of a removal order, or other actions or decisions that are inextricably bound up with removal proceedings. *See* MTD at 8–9, 11. Those cases are distinct from the instant petition, which challenges Mr. Quintero's unlawful *detention*. In *Camarena v. Director, Immigration and Customs Enforcement*, for example, the Eleventh Circuit rejected two petitioners' attempts to invoke the court's habeas jurisdiction to prevent their removal pursuant to valid final orders of removal, holding that "their claims fall squarely within § 1252(g)'s jurisdictional bar." 988 F.3d 1268, 1272 (11th Cir. 2021). Other cases cited by Respondents are similarly inapposite as they involve

[5] While Respondents cite *J.E.F.M.* to support their contention that § 1252(a)(5) and (b)(9) strip district courts of jurisdiction to hear claims like Mr. Quintero's, *see* MTD at 10–11, the Ninth Circuit in that case expressly distinguished its holding, which concerned the proper vehicle to raise right-to-counsel claims brought by minors in removal proceedings, from habeas claims challenging immigration detention, over which district courts clearly possess jurisdiction. *See* 837 F.3d at 1032 (citing *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006)).

challenges to removal, not custody. *See Silva v. United States,* 866 F.3d 938, 939, 942 (8th Cir. 2017) (holding, in a split decision, that § 1252(g) barred a suit for damages under the Federal Tort Claims Act and *Bivens* arising from the plaintiff's wrongful deportation in violation of an administrative stay because his claims "arise from a decision to execute a removal order"); *Singh v. Napolitano*, 500 F. App'x 50, 52 (2d Cir. 2012)[6] (concluding district court lacked jurisdiction over habeas petition challenging the rescission of the petitioner's asylum grant because it constituted an "effective[] challenge [to] the validity and execution of his removal order"); *H.T. v. Warden, Stewart Det. Ctr.*, No. 4:20-CV-146, 2020 WL 12656230, at *5 (M.D. Ga. Dec. 29, 2020) (concluding that § 1252(g) barred challenge to removal raised by a petitioner who had already been removed and was no longer in custody), *report & recommendation adopted*, 2021 WL 5444776 (M.D. Ga. Feb. 23, 2021); *Alomaisi v. Decker* No. 20-cv-5059 (VSB) (SLC), 2021 WL 611047, at *7–8 (S.D.N.Y. Jan. 27, 2021) (similar), *report & recommendation adopted*, *Alomaisi v. Mayorkas*, 2021 WL 3774117 (S.D.N.Y. Aug. 25, 2021); *Yearwood v. Barr*, 391 F. Supp. 3d 255, 260, 262–63 (S.D.N.Y. 2019) (finding challenge to manner of removal barred). None of these cases involved core habeas challenges to unlawful detention.

Two of the Eleventh Circuit opinions that Respondents cite in fact *directly support* this Court's jurisdiction over habeas claims seeking to remedy unlawful detention like those raised in Mr. Quintero's petition. *See* MTD at 11. In *Linares*, the Eleventh Circuit upheld the dismissal of one claim that was clearly barred by § 1252(a)(5) and (b)(9), but it vacated the district court's

[6] By contrast, the Second Circuit held in a precedential opinion issued earlier this week that § 1252(a)(5), (b)(9), and (g) do not bar habeas review of a detained student's challenge to her unlawful detention by immigration authorities. *Ozturk v. Hyde*, No. 25-1019, --- F.4th ---, 2025 WL 1318154, at *10, 13 (2d Cir. May 7, 2025). The court explained that the petitioner's "claims do not themselves challenge 'removal proceedings' and thus § 1252(b)(9)'s 'channeling function has no role to play.'" *Id.* at *11 (quoting *Canal A*, 964 F.3d at 1257); *see also id.* at *8 (rejecting government's similar attempt to "dramatically overstate[] the reach of § 1252(g)"). The same reasoning applies to Mr. Quintero's petition.

dismissal of a "second, distinct claim" under § 2241 challenging the petitioner's continued detention in violation of the INA and the Due Process Clause. *Linares v. Dep't of Homeland Sec.*, 529 F. App'x 983, 984–85 (11th Cir. 2013) (per curiam) (citing *Madu*, 470 F.3d at 1363, 1368) (remanding to district court to determine whether petitioner was entitled to relief under *Zadvydas v. Davis*, 533 U.S. 678 (2001)). Similarly, in *Themeus*, the Eleventh Circuit affirmed dismissal of a habeas petition "to the extent it challenged the underlying basis of [the petitioner's] removal order," but reached the merits of the petitioner's *Zadvydas* claim challenging an immigration detainer lodged against him while in state criminal custody. *See Themeus v. U.S. Dep't of Just.*, 643 F. App'x 830, 832–33 (11th Cir. 2016) (per curiam). Based on the unmistakable distinction drawn in these and other cases between challenges to removal and other types of challenges—including, paradigmatically, habeas challenges seeking release from unlawful government custody—this Court should reject Respondents' unsupported contention that the INA bars judicial review here. As the Second Circuit recently noted: "This distinction makes practical sense. While challenges to ***removal*** can be heard in a petition for review after [agency proceedings], the same is not true of constitutional challenges to ***detention*** like the ones raised by [petitioner]." *Ozturk*, 2025 WL 1318154, at *12 (emphases in original).

Tellingly, Respondents do not marshal a single authority to support their argument that the INA strips district courts of habeas jurisdiction over challenges to unlawful executive detention. Instead, they attempt to recast Mr. Quintero's petition as "challeng[ing] [his] removal to El Salvador rather than Venezuela," MTD at 7, or presenting "an impermissible challenge to his final removal order," *id*. at 10. It is true that, in addition to seeking release from custody, Mr. Quintero seeks a writ ordering Respondents to facilitate and effectuate his return to the United States or removal to Venezuela. Am. Pet. at 33. But, as explained below, Mr. Quintero simply seeks any

relief the Court may fashion that will give full effect to the central habeas remedy—release. *See* Part III.C.

Accordingly, 8 U.S.C. § 1252(a)(5), (b)(9), and (g) do not deprive this Court of jurisdiction over Mr. Quintero's challenge to his ongoing detention in CECOT in Respondents' custody.

III. This Court Retains Article III Jurisdiction.

A. Habeas Jurisdiction Vested at the Time Mr. Quintero Filed His *Pro Se* Habeas Petition and Continues Despite His Transfer.

Respondents cite the general principle that noncitizens "who have already been removed prior to filing habeas petitions do not satisfy the 'in custody' requirement" for habeas jurisdiction. MTD at 12. But Mr. Quintero was not removed prior to filing; he was detained in this District at Stewart Detention Center when he filed his original habeas petition.[7] Dkt. 1. He sued his immediate custodian at the time, the Warden of Stewart. This Court was thus the proper venue for his original habeas petition. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (stating that a habeas corpus petition challenging current custody generally must be filed in the district of confinement). Mr. Quintero has since amended his petition to add additional Respondents who are his legal custodians, *see infra* Part III.B., and over whom this Court has personal jurisdiction.[8] And because respondents cannot defeat habeas jurisdiction by transferring a petitioner out of the district, this Court retains jurisdiction and "may direct the writ to any respondent within its jurisdiction

[7] Contrary to Respondents' arguments, because Mr. Quintero is still "in custody," *see infra* Part III.B., he could also file a new habeas petition now, and the proper venue would most likely be the District of D.C. *See Abu Ali v. Ashcroft*, 350 F. Supp. 2d 28, 44 (D.D.C. 2004).

[8] Respondents incorrectly state that *Padilla* holds that "a custodian with the power to produce Petitioner must be *physically within the jurisdiction of this Court* for it to exercise jurisdiction in habeas." MTD at 13 (citing *Padilla*, 542 U.S. at 435) (emphasis added). *Padilla* requires that the Court have personal jurisdiction over Respondents; here, the Court has personal jurisdiction over Respondents because they submitted to the Court's jurisdiction in this case and because they can be reached by service of process. *Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 495 (1973); Fed. R. Civ. P. 4(i); *see also, e.g.*, Resps. Ltr., *Khalil v. Trump*, No. 2:25-cv-01963 (D.N.J. Mar. 28, 2025), ECF No. 140 (conceding that DHS Secretary Noem is within the District of New Jersey's jurisdiction).

who has legal authority to effectuate [Mr. Quintero's] release." *Padilla*, 542 U.S. at 441 (citing *Ex Parte Endo*, 323 U.S. 283 (1944)); *see also Ibarra v. Warden, Stewart Detention Ctr.*, No. 4:18-CV-167-CDL-MSH, 2018 WL 8370330, at *1 (M.D. Ga. Dec. 12, 2018).

B. Mr. Quintero Is in Respondents' Constructive Custody.

Mr. Quintero is subject to "indefinite detention in a foreign jail hired by the United States." *G.F.F. v. Trump*, --- F. Supp. 3d ---, 2025 WL 1301052, at *4 (S.D.N.Y. May 6, 2025). "[T]he United States exerts control over each of the . . . migrants sent to CECOT. The Defendants detained them, transported them by plane, and paid for their placement in the mega-jail until 'the United States' decides 'their long-term disposition.'" *Abrego Garcia v. Noem*, --- F. Supp. 3d ----, 2025 WL 1014261, at *5 (D. Md. Apr. 6, 2025), *denying stay pending appeal*, No. 25-1345, 2025 WL 1021113, at *4 (4th Cir. Apr. 7, 2025) (Thacker, J., concurring) (concluding that district court properly determined that the U.S. government has power over people detained at CECOT), *denying in part application to vacate*, 145 S. Ct. 1017 (2025) (per curiam). As is true whenever the United States outsources custody operations to a contractor or agent, habeas is available here because, legally, Mr. Quintero remains in U.S. custody.

The statutory writ of habeas corpus extends to cases where a person[9] is "in custody under or by color of the authority of the United States," or "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(1), (3). "The writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." *Harris v. Nelson*, 394 U.S. 286, 290 (1969). Habeas is a broad and flexible remedy with the "capacity to reach all manner of illegal detention" and the "ability to cut through barriers of form and procedural mazes." *Id.* at 291. In keeping with the writ's broad scope, the concept of

[9] "[T]here is little reason to think that Congress intended the geographical coverage of the statute to vary depending on the detainee's citizenship." *Rasul v. Bush*, 542 U.S. 466, 481 (2004).

"custody" under § 2241 is construed "very liberally." *Howard v. Warden*, 776 F.3d 772, 775 (11th Cir. 2015). Even if a person is not in "actual, physical custody," they are in custody for purposes of habeas when there is a "significant restraint on their liberty that is not shared by the general public." *Id.* (citing *Jones v. Cunningham*, 371 U.S. 236, 239–43 (1963)).

Custody that occurs outside the United States is not *per se* immune from habeas review under § 2241. *See*, *e.g.*, *Munaf v. Geren*, 553 U.S. 674, 680 (2008); *Rasul*, 542 U.S. at 480–83; *Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 498 (1973) (collecting cases). Indeed, courts have entertained habeas petitions when a U.S. official is one of the physical custodians, albeit outside the United States—as was the case in *Munaf*, *see* 553 U.S. at 679 (petitioner was in custody of "an international coalition force operating in Iraq composed of 26 different nations, including the United States")—and also when a foreign sovereign is the physical custodian of a person detained by color of U.S. authority. *See Abu Ali*, 350 F. Supp. 2d at 30–31. Most importantly for this case, "the United States may not avoid the habeas jurisdiction of the federal courts by enlisting a foreign ally as an intermediary" to act as jailer. *Id.* at 41; *cf. Abrego Garcia v. Noem*, 2025 WL 1135112, at *1 (4th Cir. Apr. 17, 2025) (Wilkinson, J.) (rejecting position that government may "stash [people] away" in "foreign prisons" and then "claim[] . . . that because it has rid itself of custody . . . there is nothing that can be done" for people it has sent to CECOT).

The writ also plainly extends to cases where the immediate physical custodian is not a federal official, such as when a state or private contractor provides detention services as respondents' agent. *See Abu Ali*, 350 F. Supp. 2d at 47–79 (collecting cases). For example, Mr. Quintero's original petition named the warden of Stewart—a facility owned and operated by CoreCivic, Inc. and under contract with ICE—as respondent. The United States, as legal custodian, stepped in to answer for Mr. Quintero's detention, "because [Respondent Dickerson] was detaining

the Petitioner at the request of the United States." Dkt. 10 at 1 n.1*; see also Adu v. Bickham*, No. 7:18-cv-103, 2018 WL 6495068, at *4 (M.D. Ga. Dec. 10, 2018) ("The warden of the facility where Petitioner is detained would be unable to carry out the Court's instructions [to release Petition from custody] without more senior [federal] officials taking certain actions."), *report & recommendation adopted*, (M.D. Ga. Feb. 15, 2019), ECF No. 69. A habeas petitioner's custody need only be "the result of the respondent's action from which he seeks habeas corpus relief," including situations where an "imprisoning sovereign is the respondent's agent." *Steinberg v. Police Ct. of Albany*, 610 F.2d 449, 453 (6th Cir. 1979) (citing *Brown v. Wainwright*, 447 F.2d 980 (5th Cir. 1971) and *Braden*, 410 U.S. at 498–99).

Under these established principles, which another district court distilled just yesterday, *see J.G.G. v. Trump*, No. 1:25-cv-766 (D.D.C. May 8, 2025), ECF No. 116, the facts set forth in the Amended Petition, and to be proven after jurisdictional discovery, establish that Mr. Quintero is being held under or by color of U.S. authority. Respondents negotiated with El Salvador to offshore part of the U.S. immigration detention system in exchange for payment. Am. Pet. ¶¶ 54–56, 62, 64–67. Pursuant to that arrangement, and not any basis under domestic Salvadoran law,[10] Respondents transferred Mr. Quintero from the United States to El Salvador, where he was taken to CECOT. *Id.* ¶¶ 44, 48, 58. The U.S. government will decide "long-term disposition" of Mr. Quintero's custody. *Id.* ¶ 57.

In short, Mr. Quintero alleges that Respondents have "enlist[ed] a foreign ally as an intermediary" to detain him indefinitely, and therefore there is jurisdiction to review that detention.

[10] Since Mr. Quintero amended his petition, it has become even clearer that El Salvador is "indifferent to" the detention of the individuals the United States sent to CECOT, which weighs in favor of jurisdiction in this Court. *Abu Ali*, 350 F. Supp. 2d at 68. *See* Ex. 1 at 13 (El Salvador's Vice President, referring to the people the United States sent to CECOT, explaining: "The status of the inmates or the person arriving isn't determined by El Salvador; it is determined by the state that requests the service.").

Abu Ali, 350 F. Supp. 2d at 41, 67–68 (ordering jurisdictional discovery where petitioner, who was physically held in Saudi custody, alleged the United States initiated his arrest, was controlling events in Saudi Arabia, and was keeping him there to avoid constitutional scrutiny by U.S. courts, and that he would be released by Saudi officials upon request by the U.S. government); *see also Idema v. Rice*, 478 F. Supp. 2d 47, 52–53 (D.D.C. 2007) (ordering the government to respond to habeas petition alleging petitioner was in Afghanistan's physical custody after "United States officials ordered [his] arrest, ordered [his] torture, stole exculpatory evidence during [his] trial and appeal, exerted undue influence over Afghan judges, and either directly or indirectly ordered judges who found [him] innocent not to release [him] from prison"). The fact that Mr. Quintero is "being held indefinitely, and without benefit of any legal proceeding," further weighs in favor of habeas review. *See Rasul*, 542 U.S. at 487–88 (Kennedy, J., concurring); Am. Pet. ¶ 8 (detention at CECOT is potentially permanent).

All the information before the Court supports the conclusion that Mr. Quintero, despite being in El Salvador, remains imprisoned at Respondents' behest. Respondents do not grapple with the facts alleged, including that their own public statements, *see* Am. Pet. ¶¶ 55, 64–66, demonstrate their responsibility for Mr. Quintero's continuing post-removal detention. Similarly, Respondents' argument that Mr. Quintero is not in their custody simply because he has been removed from the United States, MTD at 12–13, ignores Mr. Quintero's specific allegations and arguments. *See, e.g.*, Am. Pet. ¶ 13 (alleging that Respondents are "orchestrating and paying for his custody" in El Salvador); ¶¶ 51, 114, 118 (similar); ¶¶ 54–67 (describing Respondents' arrangement with El Salvador); ¶¶ 93–98 (describing in detail the legal standard for "custody" under § 2241). Respondents cite run-of-the-mill cases where, unlike here, the U.S. government deported a person *and then let them go. See Soliman v. U.S. ex rel. INS*, 296 F.3d 1237, 1243 &

n.2 (11th Cir. 2002); *H.T.*, 2020 WL 12656230, at *6. Here, in contrast, Mr. Quintero presents an urgently live controversy; absent a court order, he faces lawless imprisonment, possibly for life.

C. This Court Can Order Respondents to Provide Meaningful Relief.

"[H]abeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and courts have "broad discretion in conditioning a judgment granting habeas relief," *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987). The Great Writ "is not now and never has been a static, narrow, formalistic remedy; its scope has grown to achieve its grand purpose—the protection of individuals against erosion of their right to be free from wrongful restraints upon their [liberty]." *Jones*, 371 U.S. at 243. Accordingly, this Court can and should exercise its power to provide Mr. Quintero with the relief sought—namely, an order requiring Respondents to release him from the notorious CECOT prison in El Salvador, where he is being held at Respondents' behest, and facilitate his return either to the United States or Venezuela. Such relief is appropriate and proportional in light of the extraordinary circumstances of this case, which are entirely of Respondents' own making.

First, Respondents mischaracterize the relief sought. MTD at 16. Mr. Quintero seeks an order directed at Respondents—not foreign sovereign nations—who have power over Mr. Quintero's detention. *See* Am. Pet. at 33 (requesting that the Court order "*Respondents* to immediately release Mr. Quintero from their custody and facilitate and effectuate his prompt return and release into the United States or facilitate and effectuate his prompt removal and release to Venezuela" (emphasis added)).[11] As the ultimate authority over Mr. Quintero's detention, *see id.* ¶¶ 54–56, 62, 64–67, Respondents may secure his release, rendering his harm redressable.

The Supreme Court's recent affirmance of an order to facilitate the return of Kilmar Abrego

[11] The Prayer for Relief provides for various options to allow for flexibility in how to accomplish Mr. Quintero's goal of release from detention.

Garcia, another person the U.S. sent to CECOT, is all this Court needs to conclude Respondents have sufficient power over Mr. Quintero to provide meaningful relief, and that federal courts may order Respondents to use that power. *Abrego Garcia*, 145 S. Ct. at 1018; *see supra* Part III.B.; *Abrego Garcia*, 2025 WL 1021113, at *4 (Thacker, J., concurring) (finding "Abrego Garcia is a detainee of the [U.S.] Government, who is being housed temporarily in El Salvador, 'pending the United States' decision on [his] long term disposition,' and that therefore "the district court's order does not require the United States to demand anything of a foreign sovereign").

Respondents provide no evidence of *inability* to release Mr. Quintero or facilitate his return. Respondent Trump recently confirmed such action is within his power. When an interviewer said, "You could get [Mr. Abrego Garcia] back [from El Salvador]. There's a phone on this desk," Respondent Trump responded, "I could."[12] The interviewer pressed: "The power of the presidency, you could call up the president of El Salvador and say, 'Send him back right now.'" Respondent Trump confirmed: "And if he were the gentleman that you say he is, I would do that."[13]

The mere fact that Mr. Quintero is detained in another country does not render the Court unable to redress his unlawful detention. The Court's habeas jurisdiction extends beyond its borders when custody itself is extraterritorial. *See, e.g.*, *Padilla*, 542 U.S. at 447, n.16; *Abu Ali*, 350 F. Supp. 2d at 40–41. The necessary corollary is that relief may include an order directing action by U.S. government custodians with extraterritorial effects. The broad and flexible nature of the writ affords any relief necessary to "dispose of the matter as law and justice require." 28 U.S.C. § 2243. Mr. Quintero seeks any relief the Court deems reasonable and appropriate to secure his freedom, including his release, followed by transport to the United States (possibly as an

[12] Fritz Farrow, *Trump says 'I could' get Abrego Garcia back from El Salvador*, ABC News (Apr. 29, 2025), https://perma.cc/57A9-6AQY.
[13] *Id.*

interim step on the path to release) or to Venezuela.

Neither option is too "speculative." Venezuela is currently accepting U.S. deportations. Am. Pet. ¶ 82. As for return to the United States, the Government "can—and does—return wrongfully removed migrants as a matter of course." *Abrego Garcia*, 2025 WL 1021113, at *4 (Thacker, J. concurring) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)); *see also Abrego Garcia,* 2025 WL 1113440, at *2 n.1 (D. Md. Apr. 15, 2025). Courts, far from powerless to redress Executive violations of law, routinely order such return. *See, e.g.*, Ex. 3, *Singh v. Att'y Gen*., No. 15-10136 (11th Cir. July 2, 2015) (instructing DHS to locate petitioner and advise him of his right "to be returned to the United States"); *Nunez-Vasquez v. Barr*, 965 F.3d 272, 286 (4th Cir. 2020); *Arce v. United States*, 899 F.3d 796, 799 (9th Cir. 2018); *Orabi v. Atty' Gen.*, 738 F.3d 535, 543 (3d Cir. 2014); *Samirah v. Holder*, 627 F.3d 652, 665 (7th Cir. 2010) (commanding the Attorney General "take whatever steps are necessary to enable the plaintiff to reenter the United States"); *Umba v. Garland*, No. 19-9513, 2021 WL 3414104, at *10 n.2 (10th Cir. Aug. 5, 2021); *Hamama v. Adducci*, No. 2:17-cv-11910 (E.D. Mich. Jan. 15, 2019), ECF No. 513. In addition to Mr. Abrego Garcia, a court has already ordered the government "facilitate" the return of *another* individual sent to CECOT. *J.O.P. v. U.S. Dep't of Homeland Sec.*, --- F. Supp. 3d ---, 2025 WL 1180191, at *7 (D. Md. Apr. 23, 2025), *appeal docketed*, No. 25-1519 (4th Cir. May 7, 2025).

Second, the Executive's power in the realm of immigration and foreign affairs does not bar the relief sought. The Supreme Court's affirmance of the order to facilitate Mr. Abrego Garcia's return confirms no such bar exists and demonstrates confidence that federal courts can order relief necessary to protect the rights of those at CECOT while maintaining "due regard for the deference owed to the Executive Branch in the conduct of foreign affairs." *Abrego Garcia*, 145 S. Ct. at 1018.

Respondents' cases are inapposite, as they relate to the government's power over the

admission,[14] exclusion, and parole of noncitizens. MTD at 13–16 (citing, *e.g.*, *Nishimura Ekiu v. United States*, 142 U.S. 651 (1892) (relating to exclusion); *Kleindienst v. Mandel*, 408 U.S. 753 (1972) (same); *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537 (1950) (same); *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020) (discussing admission and exclusion)). Contrary to Respondents' framing, Mr. Quintero does not request the unraveling of his removal order or an order granting admission/entry, parole, or any lawful status or presence in the United States. He does not seek to remain in the United States. Dkt. 1 at 3 (stating that he "just want[s] to go home"). He merely pleads for an end to his unlawful confinement. Thus, the relief sought does not implicate any "inherent" Executive power over the administration of immigration laws.

Respondents further misstate the scope of the Executive's power over immigration and foreign affairs, which does not include free license to exceed statutory limits and trample over individuals' constitutional rights. The Supreme Court has "long held that when the President takes official action, the Court has the authority to determine whether he has acted within the law." *Clinton v. Jones*, 520 U.S. 681, 703 (1997). Here, as in *Abrego Garcia*, it is "the province and duty of the judicial department to determine . . . whether the powers of any branch of the government . . . have been exercised in conformity to the Constitution; and if they have not, to treat their acts as null and void." 2025 WL 1021113, at *3 (Thacker, J., concurring) (quoting *Powell v. McCormack*, 395 U.S. 486, 506 (1969)). And a "court should not unnecessarily flinch from a justiciable controversy that it has 'a responsibility to decide' simply because the claim arises in the foreign-affairs context." *J.G.G.*, 2025 WL 890401, at *9 (quoting *Zivotofsky ex rel. Zivotofsky v. Clinton*, 566 U.S. 189, 194–95 (2012)). Nothing prevents the Court from meeting its obligation here.

[14] The term "entry," when used to connection with immigration matters, refers to the immigration law concept of "admission." *Trump v. Hawai'i*, 585 U.S. 667, 695 n.4 (2018); *Matter of Pierre*, 14 I.&N. Dec. 467, 468–69 (BIA 1973) (collecting cases using this definition of "entry" that predate the INA).

Ultimately, Respondents' handwringing over the Court's supposed inability to order negotiations between two countries, or direct foreign countries to act, misses the point entirely. As Mr. Quintero's custodians, Respondents have the authority release him. *Supra* Part III.B. As a factual matter, Respondents have not claimed, much less submitted evidence, otherwise. Once released from CECOT, Mr. Quintero may, at Respondents' discretion, be released into the U.S., *see* 8 U.S.C. § 1182(d)(5)(A), or removed to Venezuela pursuant to his removal order, *see* Dkt. 24-2, 8 U.S.C. § 1231(b)(2). Neither course implicates a judicial intrusion into matters solely under Executive control; rather, they would constitute the regular exercise of Respondents' authority. This Court has the authority to "administer" the writ "with the initiative and flexibility essential to ensure that miscarriages of justice within its reach are surfaced and corrected." *Harris*, 394 U.S. at 291. The Court can and should order Respondents to release Mr. Quintero from CECOT and facilitate and effectuate his return to the United States or removal to Venezuela.

IV. The *D.V.D.* Litigation Is Not a Proper Basis to Stay or Dismiss These Proceedings.

Respondents argue this Court should dismiss, or alternatively, stay Mr. Quintero's case pending resolution of *D.V.D. v. U.S. Department of Homeland Security*, No. 1:25-cv-10676 (D. Mass.). Neither is appropriate here: while the cases involve overlapping facts—namely, removal to third countries—the fundamental nature of the claims and the relief sought is different, and it is only through this petition that Mr. Quintero challenges his unlawful detention.

Courts have discretion to stay or dismiss a case "to avoid duplicating a proceeding already pending in another federal court." *I.A. Durbin, Inc. v. Jefferson Nat. Bank*, 793 F.2d 1541, 1551–52 (11th Cir. 1986). "The proponent of a stay bears the burden of establishing its need." *Clinton*, 520 U.S. at 708. Where "there is even a fair possibility" a stay "will work damage" to another, the moving party "must make out a clear case of hardship or inequity in being required to go forward." *Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936).

D.V.D. is a recently filed class action challenging DHS's policy or practice of removing individuals to third countries without adequate process. *See* Dkt. 27-2 at 1. The case raises Administrative Procedure Act and Fifth Amendment claims, and seeks, *inter alia*, to prohibit DHS from removing (or attempting to remove) individuals to a third country without a meaningful opportunity to present a fear-based claim as to that third country, as well as the "immediate[] return [of] class members who have been removed to a third country without written notice and a meaningful opportunity to apply for protection under the Convention Against Torture unless the class member confirms they do not wish to return." *Id.* at 36–37. While the cases have some overlap, only this case challenges Mr. Quintero's detention and provides a mechanism for his *release* from custody. *See Wilkinson v. Dotson*, 544 U.S. 74, 7 (2005) ("[H]abeas . . . is . . . the specific instrument to obtain release from [unlawful] confinement."). *D.V.D.* seeks the *transfer* of class members to the United States for additional process. *See* Dkt. 27-2. Success in *D.V.D.* would thus not afford Mr. Quintero complete relief. This alone is sufficient reason to deny Respondents' request.

A stay or dismissal would also lead to unwarranted delay in reviewing Mr. Quintero's petition, in which his liberty is at stake and upon which he is entitled to a speedy determination. "[H]abeas proceedings implicate special considerations that place unique limits on a district court's authority to stay a case in the interests of judicial economy." *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000). The statutory provisions for prompt returns, immediate hearings, and summary disposition of habeas cases expressly require that petitions must be heard and decided promptly. *See* 28 U.S.C. §§ 2241, 2243; *Braden*, 410 U.S. at 490 (noting the need to "preserve the writ of habeas corpus as a swift and imperative remedy in all cases of illegal restraint or confinement"). Accordingly, in habeas proceedings, stays are substantive, not procedural. Delay

means more indefinite imprisonment, and that is the harm itself. *See Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (explaining the "importance and fundamental nature of the individual's right to liberty").

Resolution of *D.V.D.* will take many months or years given its complexity; the government has yet to file a responsive pleading.[15] Here, Mr. Quintero seeks expedited consideration. Am. Pet. at 33. Each day Mr. Quintero remains at CECOT compounds the very harm that he filed this case to remedy, *i.e.*, his continuing unlawful imprisonment in a foreign prison notorious for human rights abuses. *See Garmendiz v. Capio Partners, LLC*, No. 8:17-CV-00987, 2017 WL 3208621, at *2 (M.D. Fla. July 26, 2017); *Richardson v. Verde Energy USA, Inc.*, No. CV 15-6325, 2016 WL 4478839, *2 (E.D. Pa. Aug. 25, 2016) (denying stay where "the duration of the stay is indeterminate" and such "a significant delay with unknown limits would cause [plaintiffs] unnecessary prejudice"). Accordingly, this Court should deny Respondents' request to stay or dismiss this case pending *D.V.D.*

CONCLUSION

For the foregoing reasons, Respondents' Motion to Dismiss and their Alternative Motion to Stay Proceedings should be denied.

Dated: May 9, 2025

Respectfully submitted,

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[15] The parties in *D.V.D.* are currently mired in disputes over the government's compliance with the court's preliminary injunction. *See D.V.D.*, No. 1:25-cv-10676 (D. Mass. May 7, 2025), ECF Nos. 91, 92. Those disputes are likely to be protracted and do not relate to Mr. Quintero.

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Exhibit 1

El Grand Continent

«Dicen que algún funcionario negoció con las pandillas —son acciones aisladas—. No es una política de gobierno»: la entrevista con el consigliere de Bukele

AUTOR	Florent Zemmouche
PORTADA	© EFE/Emilio Naranjo/SIPA
FECHA	6 de mayo de 2025

Desde hace unos meses, un pequeño país de América Central es el centro de atención.

Su presidente, Nayib Bukele, autoproclamado «el dictador más cool del mundo», habría encontrado una solución revolucionaria para limpiar las calles de criminales. Hoy, vende los servicios penitenciarios de las prisiones salvadoreñas a Trump y al resto del mundo.

Nos hemos reunido con el Vicepresidente de El Salvador Félix Ulloa para comprender sus ambiciones y la lógica política y jurídica de este proyecto contrarrevolucionario.

¿Cómo analiza el regreso de Donald Trump en Estados Unidos y sus cien primeros días en el poder en la Casa Blanca? ¿Qué ha cambiado o implicado la presidencia Trump para El Salvador?

Félix Ulloa – El presidente Trump y el presidente Bukele tienen una relación muy cordial, de mucho respeto, con muchas visiones en conjunto para resolver los problemas de cada uno de nuestros países. Nos alegra de que haya esa visión y esa relación armónica entre ambos presidentes.

El regreso de Donald Trump a la Casa Blanca lo vemos como el derecho soberano de cada pueblo y cada democracia de elegir a sus gobernantes en procesos electorales legítimos y transparentes. Es la decisión soberana del pueblo de los Estados Unidos la que ha hecho que el señor Trump sea presidente de nuevo.

Hasta ahí podemos opinar, porque como miembros de un gobierno extranjero nunca opinamos sobre los asuntos internos de otro Estado y por eso no podemos entrar a hacer valoraciones –sino simplemente reconocer objetivamente los hechos–.

En este caso, los hechos objetivos son que las elecciones que se llevaron a cabo el mes de noviembre del año pasado reflejaron claramente la voluntad del pueblo de los Estados Unidos de América.

En el centro de esa relación entre Estados Unidos y El Salvador están los detenidos que se mandan a las cárceles salvadoreñas. ¿Cómo se justifica legalmente que el CECOT se convierta en una suerte de cárcel estadounidense —una suerte de territorio estadounidense—? ¿No es una forma de vasallización extrema hacia Estados Unidos y no implica incluso un problema de soberanía para ustedes?

No, definitivamente no. Lo que nosotros hacemos es diferente. El Salvador es un país que propone una oferta de servicios a la comunidad internacional.

Tenemos una oferta de servicios turísticos, de servicios tecnológicos –aquí en El Salvador está instalada una de las oficinas más grandes de Google–, de servicios médicos.

La calidad de los internos o de la persona que viene no la califica El Salvador; la califica el Estado que pide la prestación de servicio.

FÉLIX ULLOA

En torno a lo que usted menciona: en vista de la calidad y seguridad de las instalaciones que proponemos, se está dando este servicio que podríamos llamar un alojamiento penitenciario. Es como si viene una persona a El Salvador y pide tratamiento médico; tenemos turismo médico para personas que vienen a hacerse tratamiento odontológico, etc.

Entonces no vemos que sea un tema de derecho internacional ni de conflicto internacional en la medida en que está respaldado por la

prestación de un servicio. La calidad de los internos o de la persona que viene no la califica El Salvador; la califica el Estado que pide la prestación de servicio.

¿Eso significa que hoy cualquier país, el gobierno francés o español por ejemplo, podría contactar a su administración para pedirle que reciban a prisioneros en las cárceles salvadoreñas?

Claro, con todo gusto. Cualquier país puede requerir los servicios de las instalaciones penitenciarias de El Salvador. Tenemos la capacidad para poder brindar ese servicio.

Es una relación de carácter estrictamente comercial o financiero. Es una relación de prestación de servicio; es decir, no se trata de una exportación –como muchos lo han dicho– de un sistema carcelario.

De hecho, hemos tenido ya la visita de varios gobiernos que han venido a El Salvador para examinar nuestro sistema. El último que acaba de estar acá es una delegación de Ecuador cuyos miembros estuvieron revisando nuestras instalaciones: no sólo del CECOT, sino estuvieron también en el centro penitenciario de Santa Ana donde pudieron ver cómo funciona nuestro sistema.

Ahí están las declaraciones de los funcionarios ecuatorianos que explican cómo está la calidad de vida de los internos, su inserción en los mercados laborales. Pudieron ver los talleres que tenemos en diferentes industrias, producción de ropa, de uniformes, de pupitres para las escuelas, producción agropecuaria con granjas de porcino, de gallinas.

En fin, hay todo un sistema penitenciario en El Salvador que sirve de modelo para otros países. En ese sentido, le damos por ejemplo a los internos la posibilidad de conocer nuevas formas de trabajo o desarrollar nuevos oficios para algunos de ellos en panadería, en agricultura, sastrería, carpintería, etc. con un programa que se llama “Cero Ocio”.

Cualquier país puede requerir los servicios de las instalaciones penitenciarias de El Salvador.

FÉLIX ULLOA

¿A qué papel aspira El Salvador de Bukele, con esta influencia inédita —lo que podríamos llamar poder blando— en el escenario internacional, a su vez en la región y en el mundo?

En primer lugar, nosotros no estamos interesados en exportar nuestro modelo.

Lo que sí estamos es abiertos para compartir nuestra experiencia con los gobiernos o las instituciones que nos piden explicarlo. En ese caso, se los planteamos sin ningún problema.

De hecho, usted mencionaba el caso de Francia: yo tuve la oportunidad de hablar con el ministro del interior de Francia Bruno Retailleau y explicarle cómo funciona nuestro plan de control territorial, nuestra política de seguridad. En este caso, enviamos documentación para que ellos pudieran conocer de primera mano nuestra experiencia en el éxito que ha tenido El Salvador en materia de seguridad.

Después de ser el país más violento del mundo, después de tener una tasa de más de 30 asesinatos diarios –o sea cada hora se asesinaba más de un salvadoreño en 2015–, ahora es el país más seguro de todo el hemisferio occidental. Somos más seguros que Canadá que tiene una tasa de 2.5 muertos por cada 100.000 habitantes. Nosotros estamos en 1.9 por cada 100.000 habitantes –es decir, el país más seguro de las Américas–.

Se suele escuchar que muchos países quieren aplicar el mismo modelo salvadoreño…

Por supuesto, el éxito de nuestro modelo llama la atención de muchos gobiernos. Sus respectivos pueblos están reclamando la aplicación del modelo salvadoreño porque se ve la forma en que los salvadoreños ahora disfrutan de la vida diaria.

Uno ahora va a ver a las personas en El Salvador con una sonrisa en la cara. En el transporte público, en los espacios públicos, en todos los lugares donde hay concentraciones de personas, uno ve los rostros alegres.

Hace cinco años esas mismas caras eran caras de angustia. Lo único que se veía era tristeza y preocupación. Entonces, hay un pueblo que da testimonio de los beneficios de la política de seguridad de este gobierno. Eso va en contra de las críticas de algunos organismos que se permiten hablar sin conocer la realidad de El Salvador, sin haber vivido la angustia de nuestro pueblo.

Sólo si tomamos el periodo antes de que el presidente Bukele tomara posición el 1 de junio de 2019, en los dos gobiernos anteriores de 2009 a 2019, se asesinaron a 41.000 salvadoreños. Esas son cifras del Instituto de

Medicina Legal: 41.000 salvadoreños en una década. Ahora llevamos más de 880 días con cero homicidios.

Entonces, las cifras hablan por sí mismas. Más allá de las consideraciones que hagan personas con una visión crítica o sesgada, los datos hablan por sí mismos.

Y es el pueblo salvadoreño el que está, con su permanente respaldo a las políticas del presidente, validando toda la política de seguridad de nuestro gobierno.

> Hay casos periodísticos que dicen que algún funcionario negoció con las pandillas: son acciones aisladas. No es una política de gobierno.
>
> FÉLIX ULLOA

¿Es posible establecer la paz en El Salvador como lo ha logrado su administración sin negociar —o sin haber negociado en algún momento— con las maras?

Desde luego. Es decir, este gobierno jamás ha negociado con las maras. Y eso lo podemos sostener vis a vis los gobiernos anteriores. Están grabadas las conversaciones entre funcionarios, por ejemplo, del gobierno del FMLN: hay pruebas del entonces ministro Arístides Valencia y Benito Lara, que eran funcionarios de alto nivel del gobierno, negociando con una pandilla. Y en el otro lado, también hay pruebas del alcalde de San Salvador de la época, Ernesto Muyshondt, con el que era presidente de la Asamblea Legislativa, el doctor Norman Quijano, negociando con la otra pandilla. Eso está grabado, está procesado, está judicializado. Hay procesos judiciales.

En el caso de El Salvador, desde 2019 hasta la fecha, el presidente Bukele jamás ha autorizado ningún tipo de negociación con las pandillas. Hay casos periodísticos que dicen que algún funcionario negoció: son acciones aisladas. No es una política de gobierno.

Al contrario, en el pasado, cuando las maras querían conseguir mayores prestaciones del gobierno se negociaba. Por ejemplo, los cabecillas tenían una vida holgada en los penales, les llevaban fiesta, strippers, tenían todas las prestaciones. Pero si querían más, aceleraban la cuota de homicidios y los gobiernos para bajarla, negociaban con ellos y les daban más prestaciones.

Aquí quisieron hacer lo mismo en marzo de 2022: en un fin de semana, asesinaron más de 80 personas pensando que el gobierno iba a ceder a sus pretensiones.

Ese día se decretó el régimen de excepción y ese día se declaró la guerra contra las pandillas –que todavía está vigente hoy–. Y a partir de ese momento, tenemos a más de 85.000 miembros de pandillas o colaboradores que están siendo procesados. Algunos de ellos ya han sido condenados, otros están en las cortes esperando sus juicios.

Entonces eso le demuestra que no ha habido ningún tipo de negociación con ellos. La prueba es que tenemos a los cabecillas del más alto nivel de las pandillas encarcelados. Anteriormente, se capturaban a pandilleros de rango bajo o mediano, palabreros, gatilleros, homeboys. Nosotros ya hemos capturado 13 de los 15 máximos cargos de la MS-13. Sólo se nos están escapando dos o tres –pero hemos llegado a todas las estructuras–.

Eso le indica que no puede haber ninguna negociación cuando se está desarticulando todo el poder logístico, económico, organizacional y militar que tenían las estructuras criminales.

> Es una relación de carácter estrictamente comercial o financiero. Es una relación de prestación de servicio; es decir, no se trata de una exportación –como muchos lo han dicho– de un sistema carcelario.
>
> FÉLIX ULLOA

Dice que han capturado a los cabecillas del más alto nivel pero en las últimas publicaciones de El Faro el líder pandillero del Barrio 18 llamado Charli afirma haber sido liberado por el Gobierno de Bukele y haber pactado con él.

Bueno, acuérdese que pueden decir cualquier cosa.

Cuando el presidente Bukele fue alcalde de la ciudad de San Salvador, dijeron que también había negociado con las pandillas para liberar las calles del centro de la ciudad. Es posible que en las negociaciones con los líderes de los vendedores ambulantes hayan habido pandilleros y por eso dicen ellos que son negociaciones entre las pandillas y el gobierno.

Pero como política de Estado nunca ha habido negociación.

¿Tienen un registro con todas las detenciones en El Salvador? ¿Saben cuántos detenidos hay actualmente en las cárceles salvadoreñas?

Actualmente hay más de 85.000 detenidos sólo a nivel de miembros de pandillas.

Hay presos por razones personales, por delitos comunes, etc. pero los pandilleros tienen su propio régimen. Están bajo una normativa especial –que es la del régimen de excepción–. Nosotros no les aplicamos este régimen a los delincuentes comunes, sino que sólo a los miembros de las pandillas.

Cuando el presidente Bukele fue alcalde de la ciudad de San Salvador, dijeron que también había negociado con las pandillas para liberar las calles del centro de la ciudad. Es posible que en las negociaciones con los líderes de los vendedores ambulantes hayan habido pandilleros.

FÉLIX ULLOA

¿Qué va a pasar con los venezolanos que fueron deportados de Estados Unidos a El Salvador y que Bukele ha propuesto a Maduro intercambiar con presos venezolanos?

Ahí puede ver la doble moral de la comunidad internacional.

Por un lado, hay un informe reciente de Naciones Unidas que pide que se liberen a los venezolanos que están detenidos en El Salvador. El presidente Bukele ha ofrecido su libertad a cambio de que el dictador Maduro libere a los que sí son presos políticos en Venezuela. Están presos por su forma de pensar, por su afiliación política.

Aquí estos están presos por haber cometido delitos en un país que los ha enviado y nosotros los tenemos en alojamiento penitenciario. Entonces, cuando el presidente da esta solución, esta salida, nadie de la comunidad internacional piensa en los presos políticos de Venezuela. Incluso se habla de la mamá de María Corina Machado que también está acosada en Venezuela.

Ahí es donde nosotros vemos que hay una doble moral: por un lado, se está abogando por personas que han cometido ilícitos y que están detenidos por delitos y por otro lado, no se aboga por personas que están detenidas simplemente por su forma de pensar.

Eso es lo que nosotros queremos que se vea –y es lo que el presidente Bukele ha evidenciado–: la doble moral de la comunidad internacional

frente a un hecho notorio. Como lo dijo el presidente, si Maduro liberó 30 presos políticos por uno que estaba detenido en Estados Unidos, ¿por qué ahora no libera en igual número de paridad a los presos políticos con el número de venezolanos que están detenidos en El Salvador?

¿Cuál es la próxima fase del plan de seguridad del modelo salvadoreño? ¿A quién van a detener si las pandillas ya no están en la calle y tienen a 85.000 mareros presos como usted indica?

En estos momentos estamos en la sexta etapa.

El "Plan Control Territorial" tiene siete.

Estamos en la penúltima –la etapa de la integración social–.

> Los pandilleros tienen su propio régimen. Están bajo una normativa especial — que es la del régimen de excepción—.
>
> FÉLIX ULLOA

Para eso se creó la Dirección de Integración Social que permite la reconstrucción del tejido social que fue destruido por la violencia durante la época en la que las maras controlaban el territorio nacional y la vida de las comunidades. La vida y la muerte estaban en sus manos. Entonces ese tejido social se desarticuló. Ahora lo estamos reconstruyendo.

Hay una política de construcción de los CUBOS: Centros Urbanos de Bienestar y Oportunidades. Los estamos construyendo en las zonas donde las maras tenían sus cuarteles generales o las zonas más golpeadas por la violencia. Ahora son espacios públicos que se están recuperando para las personas.

Las escuelas se han recuperado, ya no son el objetivo que tenían las maras para reclutar a los estudiantes que servían para cobrar extorsiones o para el narcomenudeo de droga. Es decir, ahora la escuela se ha vuelto otra vez el centro educativo por excelencia. Hemos recuperado los espacios públicos, los parques, etc.

Ahora vemos a las personas que van a los parques en la noche, cuando antes eso no se veía. Antes en los espacios públicos los niños no podían cruzar una calle a otra porque una mara controlaba un sector y la otra mara el otro. Ahora esos espacios se han borrado: hay campeonatos de fútbol y básquetbol en todas las colonias.

Es decir, se ha recuperado la normalidad y la armonía en las comunidades.

¿Qué le espera a la gran cantidad de inocentes detenidos arbitrariamente por el régimen que se encuentran en las cárceles salvadoreñas?

Si usted sigue la información oficial, va a ver que se han liberado más de 7.000 personas que han logrado comprobar en los tribunales que no tienen ninguna vinculación con las maras.

Hay una administración de justicia en la cual el debido proceso se garantiza a toda persona que es detenida. Si no tiene para pagar un abogado, el Estado le proporciona abogados. Se han contratado a más de 300 abogados por parte de la Procuraduría General de la República para representar a las personas que no tienen recursos para pagar un abogado.

Si consideramos que hemos capturado a más de 80.000 personas y hemos liberado a más de 7.000, el margen de error es de menos de un 10%.

FÉLIX ULLOA

Y luego, los procedimientos ya no dependen del gobierno; dependen de la justicia, de los jueces. Si se les presentan las evidencias adecuadas y correctas, los procesados van recuperando su libertad. No son decenas, ni cientos: son miles las personas que han salido libres. El último reporte de la Procuraduría para la Defensa de Derechos Humanos indica que durante los tres años de régimen de excepción un poco más de 7.000 personas han logrado recuperar su libertad al demostrar que no pertenecían a las estructuras criminales.

Se le podría objetar que ya son 7.000 demasiados… Es considerable el número de inocentes encarcelados.

Si consideramos que hemos capturado a más de 80.000 personas y hemos liberado a más de 7.000, el margen de error es de menos de un 10%.

En una guerra como la que tenemos contra las pandillas, esto para nosotros es un éxito. Eso quiere decir que lo que estamos haciendo no es perfecto –y eso lo reconocemos–. Pero sigue siendo algo muy bueno. No hay ninguna obra humana perfecta. Lo que tratamos es reducir el margen de error.

Por eso hemos establecido también protocolos para capturar a las personas. No nos vamos a llevar preso a cualquier joven que anda con un tatuaje. Se han corregido las malas prácticas de policías o de militares que han abusado, violado derechos humanos o capturando personas por razones personales. Es más, la semana pasada se condenó a un policía a 25 años de prisión porque estaba extorsionando gente y usaba su poder para meter gente a la cárcel.

Esos errores son los que se están corrigiendo. Hay una oficina en la policía de quejas contra el mal proceder de policías. Se ha acusado de que el gobierno salvadoreño viola los derechos humanos. Esa es otra mentira: la política del Estado es defender los derechos humanos de la población.

Cuando nosotros llegamos al gobierno había habido 41.000 asesinados. O sea, se habían violado los derechos humanos de 41.000 personas –y de toda su familia, los huérfanos, las viudas, todos sus entornos–. El Estado no los defendía. Nosotros salimos a defenderlos.

Nos dicen que hay 300 o 400 denuncias de personas que han sido capturadas ilegalmente. Pero en una relación de proporcionalidad, uno puede ver que la acción del gobierno es claramente proteger a la población en su conjunto.

Hemos liberado a más de 7 millones de personas que estaban atrapadas en sus casas por el temor a las maras. Han sido liberadas hoy las comunidades. A cambio, hemos recluido a 85.000 individuos que están recibiendo el proceso judicial indicado. Son los tribunales los que se encargan de establecer las penas.

El Grand Continent

“They say that some official negotiated with the gangs - these are isolated actions -. It is not a government policy”: The Interview with Bukele’s Advisor

AUTHOR	Florent Zemmouche
FRONT PAGE	@EFE/Emilio Naranjo/SIPA
DATE	May 6, 2025

For a few months now, a small Central American country has been the center of attention.

Its president, Nayib Bukele, self-proclaimed “the coolest dictator in the world”, would have found a revolutionary solution to clean the streets of criminals. Today, he sells penitentiary services in Salvadoran prisons to Trump and the rest of the world.

We met with El Salvador’s Vice President Félix Ulloa to understand their ambitions and the political and legal logic of this counter-revolutionary project.

How do you analyze the return of Donald Trump in the United States and his first 100 days in power at the White House? What has the Trump presidency changed or meant for El Salvador?

Félix Ulloa - President Trump and President Bukele have a very cordial, respectful relationship, with many shared visions for solving the problems in each of our countries. We are happy that this vision and a harmonious relationship exist between the two presidents.

We view Donald Trump's return to the White House as the sovereign right of each people and each democracy to elect their leaders through legitimate and transparent electoral processes. It's the sovereign decision of the people of the United States that has made Mr. Trump president again.

That's as far as we can opine, because as members of a foreign government we never opine about the internal affairs of another state and so we cannot make assessments - but simply objectively recognize the facts.

In this case, the objective facts are that the elections that were carried out in November of last year clearly reflect the will of the people of the United States.

At the heart of this relationship between the United States and El Salvador are the detainees sent to Salvadoran prisons. How is it legally justified that CECOT becomes a sort of U.S. prison - a sort of U.S. territory -? Isn't it a form of extreme vassalage to the United States and doesn't it even pose a sovereignty problem for you all?

No, definitively not. What we are doing is different. El Salvador is a country that offers services to the international community.

We offer tourist services, technological services - here in El Salvador is one of Google's largest offices-, and medical services.

> The status of the inmates or the person arriving isn't determined by El Salvador; it is determined by the state that requests the service.
>
> FÉLIX ULLOA

Regarding what you mentioned: given the quality and security of the facilities we have to offer, we are providing this service, which we might call prison accommodation. It's like if a person comes to El Salvador for medical treatment; we have medical tourism for people who come here for dental treatment, etc.

So we don't see this as an issue of international law or international conflict, to the extent that it is supported by the provision of a service. The status of the inmates or the person arriving isn't determined by El Salvador; it is determined by the state that requests the service.

Does that mean that today any country, the French or Spanish government, for example, could contact your administration and ask that you receive their prisoners into Salvadoran prisons?

Of course, with pleasure. Any country can request services of El Salvador's prison facilities. We have the capacity to provide that service.

It's a relationship of a strictly commercial or financial nature. It's a relationship of service provision; that is, it's not an export of a prison system, like many have claimed.

In fact, we have already had several governments visit El Salvador to examine our system. The last one that was here was a delegation from Ecuador, whose members inspected our facilities: not only CECOT, but also the Santa Ana prison, where they could see how our system works.

There are statements from the Ecuadorian officials that explain the inmates' quality of life and their integration in the labor market. They were able to see the workshops we have in different industries, clothing production, uniform production, desks for schools, and agricultural production with pig and chicken farms.

In short, there is a whole prison system in El Salvador that serves as a model for other countries. In this regard, we give inmates, for example, the opportunity to learn new ways of working or develop new trades in areas such as baking, agriculture, tailoring, carpentry, etc. through a program called "Zero Idleness".

Any country can request services of El Salvador's prison facilities.
|
FÉLIX ULLOA

What role does El Salvador's Bukele aspire to, with this unprecedented influence - what we might call soft power - on the international stage, and in turn, in the region and in the world?

First of all, we are not interested in exporting our model.

What we are open to is sharing our experiences with governments or institutions that ask us to explain it. In that case, we will present it without any problem.

In fact, you mentioned the case of France: I had the opportunity to speak with the French Minister of the Interior, Bruno Retailleau, and explain to him how our territorial control plan and our security policy work. In this case, we sent documentation so that they could learn firsthand about our experience with El Salvador's success in security.

After being the most violent country in the world, after having a rate of more than 30 murders per day-that is, more than one Salvadoran was murdered every hour in 2015-we are now the safest country in the Western Hemisphere. We are safer than Canada, which has a rate of 2.5 deaths per 100,000 inhabitants. We are now at 1.9 for every 100,000 inhabitants-that is, the safest country in the Americas.

It is often heard that many countries want to apply the Salvadoran model…

Of course, the success of our model draws the attention of many governments. Their respective peoples are calling for the implementation of the Salvadoran model because they see the way that Salvadorans now enjoy daily life.

You will now see people in El Salvador with a smile on their face. On public transportation, public spaces, everywhere there are crowds of people, you see happy faces.

Five years ago, those same faces were faces filled with distress. All you saw was sadness and concern. Now, there is a population that attests to the benefits of this government's security policy. This goes against the critiques of some organizations that allow themselves to speak without understanding the reality of El Salvador, without having experienced the anguish of our people.

If we take the period before President Bukele took office on June 1, 2019, in the prior two administrations from 2009 to 2019, 41,000 Salvadorans were murdered. These are statistics from the Institute of Forensic Medicine: 41,000 Salvadorans in a decade. Now, we are going on 880 days with zero homicides.

Therefore, the statistics speak for themselves. Beyond the considerations made by people with a critical or biased view, the data speak for themselves.

And it is the Salvadoran people who, with their continued support for the president's policies, validate our government's entire security policy.

> There are media reports that some official negotiated with gangs: these are isolated actions. It is not a government policy.
>
> FÉLIX ULLOA

Is it possible to establish peace in El Salvador like your administration has achieved without negotiating, or without having negotiated at any point, with the gangs?

Of course. That is to say, this government has never negotiated with the gangs. And we can sustain that vis-à-vis the previous administrations. Conversations between officials, for example, from the FMLN government, are recorded: there is evidence that then-Minister Arístides Valencia and Benito Lara, who were high-level government officials, were negotiating with one gang. And on the other hand, there is also proof of the mayor of San Salvador at the time, Ernesto Muyshondt, with the then-President of the Legislative Assembly, Dr. Norman Quijano, negotiating with another gang. That is recorded, it is being processed, and prosecuted. There are judicial proceedings.

In the case of El Salvador, from 2019 to this day, President Bukele has never authorized any type of negotiation with the gangs. There are media reports that some official negotiated with gangs: these are isolated actions. It is not a government policy.

On the contrary, in the past, when the gangs wanted to obtain greater benefits from the government, they negotiated. For example, the ringleaders lived comfortably in the prisons; they were given parties, strippers, and they had all the benefits. But if they wanted more, they increased the homicide rate, and to lower it, the governments negotiated with them and gave in to more demands.

Here they wanted to do the same in March of 2022: one weekend, they murdered more than 80 people thinking that the government was going to give in to their demands.

That day, the state of exception was announced, and war on gangs was declared, which is still in place today. From that moment on, we have more than 85,000 gang members or collaborators who are being prosecuted. Some of them have already been convicted; others are waiting in court proceedings awaiting trial.

This then shows you that there has not been any type of negotiation with them. The proof is that we have the highest-level gangs leaders in prison. Previously, they captured low or mid-range gang members, gunmen, and homeboys. We have already captured 13 of the 15 top MS-13 leaders. Only two or three are escaping us, but we have reached all the structures.

That indicates to you that there cannot be any negotiation when all the logistical, economic, organizational, and military power held by these criminal structures is being dismantled.

It's a relationship of a strictly commercial or financial nature.
It's a relationship of service provision; that is, it's not an export of a prison system, like many have claimed.

FÉLIX ULLOA

You said that you have captured the highest-level leaders but in the most recent publications by *El Faro,* Barrio 18 gang leader Charli claims to have been freed by the Bukele government and to have made a pact with him.

Well, remember that they can say anything.

When President Bukele was the mayor of San Salvador, they said that he also negotiated with the gangs in order to free up the city center's streets. It is possible that in the negotiations with the leaders of the street vendors there may have been gang members, and that is why they say those were negotiations between gangs and the government.

But as a State policy there has never been negotiation.

Do you have a record of all the arrests in El Salvador? Do you know how many detainees there are currently in the Salvadoran prisons?

Currently, there are more than 85,000 detainees at the gang level alone.

There are prisoners for personal reasons, common crimes, etc., but the gang members have their own regime. They are subject to special regulations, that is the state of exception. We don't apply this set of rules to common criminals, only those who are gang members.

When President Bukele was the mayor of San Salvador, they said that he also negotiated with gangs in order to free up the city center's streets. It is possible that in the negotiations with the leaders of the street vendors there may have been gang members.

FÉLIX ULLOA

What will happen to the Venezuelans who were deported from the United States to El Salvador, whom Bukele has proposed to Maduro to exchange for Venezuelan prisoners?

There you can see the double standard of the international community.

On the one hand, there is a recent United Nations report that demands that Venezuelans detained in El Salvador be released. President Bukele has offered their freedom in exchange for dictator Maduro's release of political prisoners in Venezuela. They are imprisoned for their way of thinking, for their political affiliation.

Here, they are imprisoned for having committed crimes in the country that sent them, and we have in prison accommodations. When the president gives this solution, this way out, no one in the international community thinks of Venezuela's political prisoners. There is even talk about María Corina Machado's mother, who is also harassed in Venezuela.

There is where we see the double standard: on one hand, they are advocating for the people who committed crimes and are detained for those crimes but on the other hand, they are not advocating for those who are detained simply for their way of thinking.

That is what we want to be seen – and this is what President Bukele has shown – the double standard of the international community in the face of a well-known fact. As the president said, if Maduro released 30 political prisoners for one who was detained in the United States, why doesn't he now release political prisoners to match the number of Venezuelans who are detained in El Salvador?

What is the next phase of the Salvadoran model's security plan? Who are you going to arrest if the gangs are no longer in the streets and you have 85,000 imprisoned gang members as you stated?

At this time, we are in the sixth stage.

The "Territorial Control Plan" has seven.

We're on the penultimate step, the social integration phase.

Gang members have their own regime.
They are subject to special regulations, that is the state of exception.
|
FÉLIX ULLOA

To this end, the Directorate of Social Integration was created, enabling the reconstruction of the social fabric destroyed by violence during the time when the gangs controlled the national territory and community life. Life and death were in the hands of the gangs, and so the social fabric was dismantled. Now, we are rebuilding it.

There is a policy to build the CUBOS: Urban Centers of Wellbeing and Opportunities. We are building the centers in areas where the gangs had their general headquarters or zones hit hardest by violence. These are public spaces we are now reclaiming for the people.

The schools have been recovered and are no longer where the gangs carry out their objective to recruit students for extortion or drug dealing. In other words, schools have once again become the educational center par excellence. We have reclaimed public spaces, parks, etc.

Now we see people going to parks at night, which was never seen before. Before, children couldn't cross the street in public spaces because the gang controlled one area and another gang the other. Now, those divisions have been erased: there are soccer and basketball competitions in every neighborhood.

In other words, normalcy and harmony have been restored in the communities.

What awaits the large number of innocent people arbitrarily detained by the regime in Salvadoran prisons?

If you follow official information, you will see that more than 7,000 people have been released who managed to prove in court that they don't have any ties to the gangs.

There's a justice administration through which due process is guaranteed to each person who is arrested. If you do not have money to pay an attorney, the State provides lawyers. More than 300 attorneys have been hired by the Attorney General's Office to represent people who do not have the resources to pay an attorney.

> If we consider that we have captured more than 80,000 people
> and released more than 7,000, the margin of error is less than 10%.
>
> FÉLIX ULLOA

And then, the proceedings no longer depend on the government; they depend on justice and the judges. If they present adequate and correct evidence, the accused will regain their freedom. It's not dozens or hundreds: the number of people released is in the thousands. The latest report from the Human Rights Ombudsman's Office indicates that during the three years of the state of exception, a little more than 7,000 people have been able to regain their freedom by proving they did not belong to criminal organizations.

You could object that there are already 7,000 too many…The number of innocent people in prison is considerable.

If we consider that we have captured more than 80,000 people and released more than 7,000, the margin of error is less than 10%.

In a war like the one we are waging against the gangs, for us this is a success. It means that what we're doing isn't perfect—and we recognize that. But it's still very good. No human endeavor is perfect. What we're trying to do is reduce the margin of error.

That is why we have also established protocols for arresting people. We're not going to put any young person who walks around with a tattoo in jail. The bad practices of police and military personnel who have abused, violated human rights, or arrested people for personal reasons have been corrected. Moreover, last week, a police officer was sentenced to 25 years in prison for extorting people and using his power to put people in jail.

These are the errors we are now correcting. There is an office within the police for complaints of police misconduct. The Salvadoran government has been accused of violating human rights. That is another lie: the state's policy is to defend the human rights of the population.

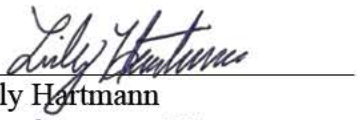
When we came to power, 41,000 people had been murdered, or in other words, the human rights of 41,000 people had been violated, along with those of their families, orphans, widows, and everyone in their lives. The State did not defend them; we came out to defend them.

We are told that there are 300 or 400 reports of people who have been illegally detained, but in a proportional sense, one can see that the government's action is clearly to protect the population as a whole.

We have freed more than seven million people who were trapped in their homes due to fear of gangs. Today, we have freed communities. In return, we have detained 85,000 individuals who are undergoing the appropriate legal process. It is the courts that are responsible for establishing the penalties.

CERTIFICATE OF TRANSLATION

I, Lily Hartmann, am competent to translate from the Spanish language into English and certify that the translation of the May 6, 2025 article from *El Grand Continent* is true and accurate to the best of my abilities.



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May 7, 2025
Date

Another official asked him whether he was afraid of returning to Venezuela, he later told Núñez. When he responded yes, he was informed he would be taken into custody while his case was adjudicated. Three lawyers with extensive experience in refugee law said they had never heard of a vetted refugee being arrested on arrival.

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Days after Trump's inauguration, the new administration began to put in motion plans to speed up deportations.

Trump said he wanted to deport "millions" of immigrants, but reaching that goal would prove difficult. Most of the 11 million undocumented immigrants in the U.S. are entitled to an immigration court hearing before they can be deported, including criminals. With the current backlogs, those cases can take months or years to resolve.

In late January, Richard Grenell, Trump's special missions envoy, traveled to Caracas to meet with Maduro and persuaded Venezuelan officials to temporarily accept deportation flights from the U.S.

The meeting generated international headlines and seemed to signal the level of authority Grenell wielded in the new administration and the contrasting approaches he and Rubio had on Venezuela. While Grenell favored engagement, Rubio had long been a Venezuela hawk keen on applying maximum pressure on Maduro.

Grenell did not respond to questions or an interview request.

Three days later, in early February, Rubio announced an agreement of his own. He said that in an "extraordinary meeting" at Bukele's lake house, the Salvadoran president had agreed to accept "any illegal alien in the United States who is a criminal from any nationality, be they MS-13 or Tren de Aragua, and house them in his jails."

About two weeks after Rubio announced the agreement with El Salvador, Trump designated Tren de Aragua and MS-13 as foreign terrorist organizations. Experts estimate the number of active Tren de Aragua members in the United States is probably in the hundreds. But U.S. Immigration and Customs Enforcement (ICE) and local law enforcement agencies were announcing arrests of alleged Tren de Aragua members almost every day.

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In early March, immigration attorneys started receiving reports that Venezuelan migrants were being moved from detention centers around the country to facilities in South Texas.

Among them was Franco Caraballo Tiapa, who was transferred March 8 to the Rio Grande Processing Center in the border town of Laredo. He told his wife he was dressed in red to identify him as dangerous and put into a cell with dozens of other Venezuelans. He had an ongoing asylum case and no criminal record in Venezuela or the U.S., according to government records reviewed by The Post. According to the asylum application he filed jointly with his wife, he had been detained and beaten for participating in political protests in his home country.

While the transfers to South Texas were underway, Maduro on March 10 stopped accepting U.S. deportation flights in retaliation for the Trump administration revoking Chevron's license to operate in Venezuela.

But Grenell again stepped in and, on March 13, posted on X that he had persuaded Maduro to resume accepting the deportation flights. They were scheduled to restart within 24 hours. That same morning, as Trump's envoy was announcing his plan, Rubio sent the formal notice to El Salvador about sending hundreds of Venezuelan deportees. Documents obtained by The Post show U.S. officials also planned to send two Salvadoran members of MS-13.

Bukele had specifically requested the return of one of them, high-ranking gang leader Cesar Humberto Lopez Larios, according to the documents. Lopez Larios had been held on terrorism-related charges by the U.S. Justice Department, and authorities said he had information about an alleged secret deal Bukele had struck with MS-13, granting the gang's leaders money and privileges in exchange for reduced violence in El Salvador. The Salvadoran government ultimately agreed to take up to 300 Venezuelans and the MS-13 leaders, CNN recently reported, citing an internal document.

As Rubio was sending his message March 13, some of the immigrants who would soon be deported to El Salvador were still being taken into custody. On that day, at least seven Venezuelan migrants were detained at their homes, some of them after Rubio's message was sent, according to interviews.

That morning, officers arrived at the Dallas-area home of Daniel Paz González, a 29-year-old Venezuelan whom a judge had ordered deported after he missed an immigration check-in appointment, according to his sister, Greilys Herrera.

Although they had come looking for Paz, family members said, the officers also arrested his two Venezuelan roommates: Leonel Javier Echavez Paz, his cousin, and Yohan Fernández. Both men had work permits and no removal orders, Herrera said.

"They have tattoos that need to be investigated," officers explained to Herrera when she went to the house to pick up Paz's son, her toddler nephew. Herrera described Echavez's and Fernández's tattoos respectively as a rose and a Chicago Bulls insignia — popular motifs that immigration officials have said also sometimes indicate gang membership. Independent experts say Tren de Aragua does not use tattoos to identify who belongs to the gang.

While her brother was to be deported because of the judge's order, Herrera said the officers assured her that her 19-year-old cousin and their friend would later be released. None of the three men were criminals or in a gang, Herrera said.

Documents provided by the family show the three men were transferred to East Hidalgo Detention Center, seven hours south of Dallas but a short, 25-minute drive from an airport in Harlingen, Texas, from which many deportation flights leave.

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Historic dust storms whipped across much of Texas on March 14, bringing visibility to nearly zero.

The weather forced the cancellation of the deportation flights to Venezuela that Grenell had posted about the previous day, Venezuela's interior minister announced. The flights had been slated to leave from the Fort Bliss military base in El Paso, according to two people familiar with the plan. They were rescheduled for two days later. Manifests show the rescheduled flights were expected to carry 230 Venezuelans to Caracas.

Hundreds of miles to the southeast, the three planes that would fly to El Salvador waited at the Harlingen airport as groups of mostly Venezuelan detainees from East Hidalgo and three other South Texas detention centers were loaded onto buses and told they were going to be deported. Some in the group later told their attorneys and family members that authorities had informed them that they were headed to Venezuela.

Just after noon, an officer told a group of waiting men that the flights were called off and would be rescheduled for the next day, court records show. The migrants were given varied reasons such as "weather" or "a mechanical issue."

Salvadoran officials had been asking for documentation showing the criminal associations of each of the men the United States planned to send to CECOT, according to the U.S. official and the administrator of the airport in El Salvador. The New York Times first reported on those negotiations. The airport administrator said those discussions were ongoing as of March 14 when he learned the flights would be delayed.

After the flights were delayed, immigration authorities transferred Abrego García the man the government would later say was deported by mistake — from a detention center in Louisiana to South Texas. He arrived that evening, his wife told The Post.

The delay also gave the Venezuelans an opportunity to tip off their families and attorneys about their imminent deportation. Rumors began to fly that the planes might be headed to Guantánamo Bay Naval Base or El Salvador, court records show.

At least one attorney, Martin Rosenow, was convinced there had been a misunderstanding. He said he assured his client's wife that her husband could not be involuntarily deported without a removal order from a judge.

But other attorneys speculated that Trump had secretly signed a proclamation invoking the Alien Enemies Act and was waiting to publish it online thus putting it into effect until the last possible moment as part of a strategy to avoid legal challenges.

Attorneys at the American Civil Liberties Union and Democracy Forward spent their Friday night scrambling to mount a legal challenge before their clients could again be taken to the airport.

They filed in federal court in D.C. in the predawn hours of March 15.

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Hours later, guards at the El Valle Detention Center began calling names from a list. For a second day in a row, several dozen men were brought into a room and told to gather their belongings. Among the men were plaintiffs in the ACLU's lawsuit, according to a court filing.

By then, their case had been assigned to James E. Boasberg, the chief judge of the U.S. District Court in D.C. At 9:40 a.m. Eastern time, Boasberg issued a temporary restraining order, barring the removal of the five plaintiffs named in the lawsuit. The order instructed the government to "maintain the status quo" until a court hearing he scheduled for early evening.

But across South Texas, DHS officials continued to move forward with the operation.

Shackled migrants were loaded onto buses. Shortly after 3:30 p.m. Eastern, men at El Valle were again loaded onto buses and taken to the airport, one man later said in a sworn statement. Unbeknownst to the deportees on board, the White House published a signed copy of Trump's proclamation invoking the Alien Enemies Act at 3:53 p.m. as they were being driven to the airport.

At the airport in Harlingen, the three planes destined for El Salvador waited on the tarmac. A helicopter hovered overhead as people — including some of the ACLU plaintiffs — were taken off the buses and loaded onto the planes in groups of 10.

One man carried documents showing he had an upcoming court appearance in his asylum case and no deportation order, still under the impression he could not be deported.

Inside the planes, people began to panic, according to court filings that described the scene. Some wept. Others desperately asked the officers lining the aisles for information about where they were going. They received no response.

An officer boarded one of the planes and called out several names, including those of the ACLU plaintiffs on board, they later told their attorneys, who shared their accounts in court filings. As they were taken off the plane and again loaded onto a bus, the plaintiffs said they were told by an officer that they had "just won the lottery."

At 5 p.m. in D.C., the hearing began in Boasberg's courtroom.

When Boasberg asked a government attorney whether deportations under the act were imminent, the attorney, Drew Ensign, said he did not know.

ACLU lawyer Lee Gelernt told the judge he had received reports that planes in Texas were about to take hundreds of people to a Salvadoran prison. He urged the judge to temporarily block the government from deporting not just his clients but any detainee under the authority of the Alien Enemies Act.

Boasberg suggested a brief pause to give the government's attorneys time to gather information before he made a decision.

The hearing adjourned at 5:22 p.m.

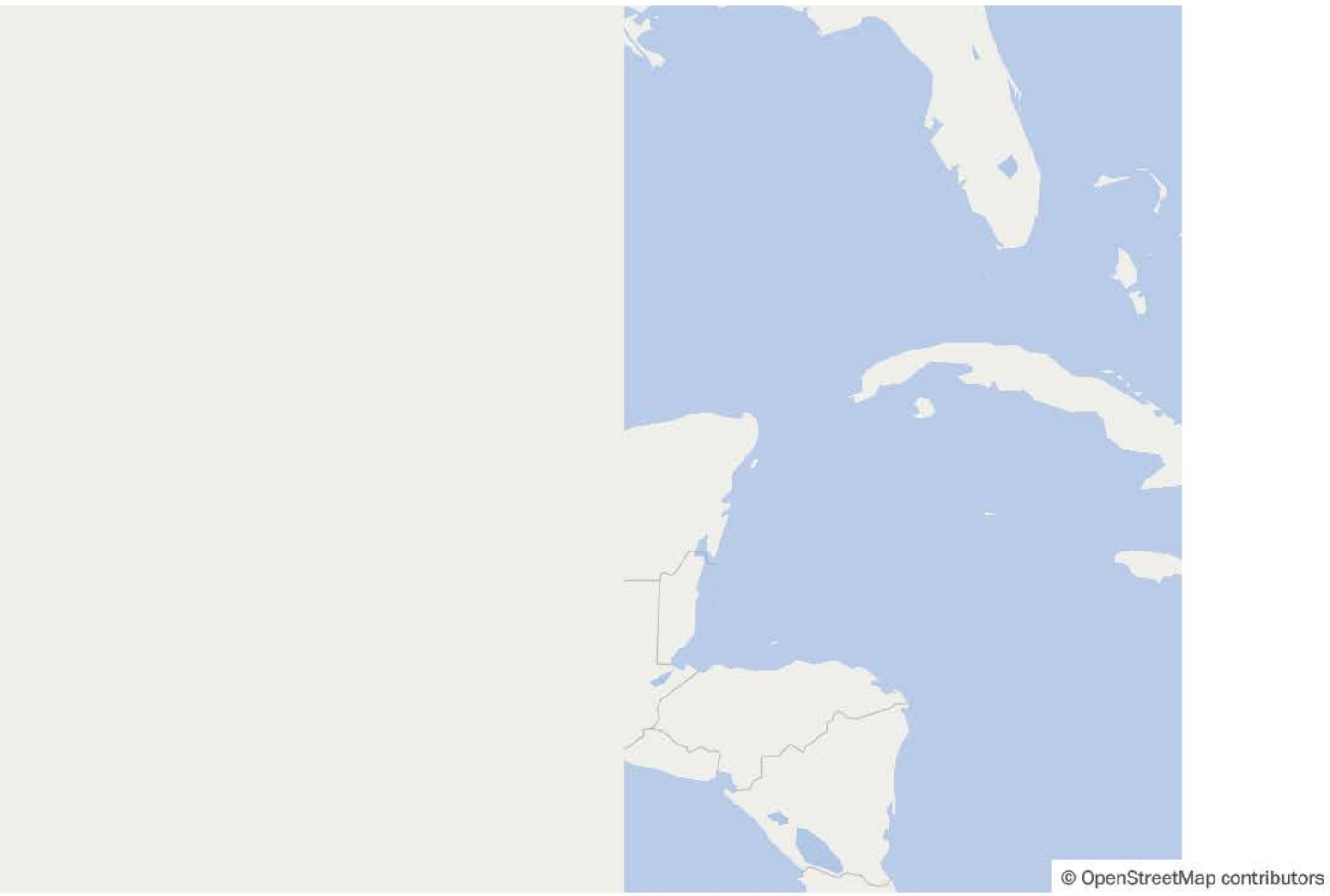
"See everybody in 38 minutes," Boasberg said.

Four minutes later, the first plane departed from the Texas airfield.

The second followed 19 minutes after that.

By the time court reconvened 15 minutes later, the two planes were already flying off the coast of Mexico over international waters, according to flight data.

Deportation flights landed after judge said planes should turn around



Source: Flight records reviewed by The Washington Post

JOYCE SOHYUN LEE AND KEVIN SCHAUL / THE WASHINGTON POST

Ensign told the judge that the government could not publicly provide "operational details as to what is going on" because of potential "national security issues." But when Boasberg moved the proceeding into a closed session, Ensign said he did not have details to share.

Worried that there would be no way for the judge to intervene once the planes reached El Salvador, the ACLU's Gelernt pushed the judge to rule quickly. Just before 7 p.m., Boasberg issued a temporary injunction blocking the Trump administration from using the act to deport alleged gang members in custody.

"I think there's clearly irreparable harm here given that these folks will be deported, and many — or a vast majority — to prisons in other countries or even back to Venezuela, where they face persecution, or worse," Boasberg said.

To Ensign, he said, "you shall inform your clients of this immediately, and that any plane containing these folks that is going to take off or is in the air needs to be returned to the United States."

His order was published in writing at 7:26 p.m.

The third plane took off from Texas 10 minutes after that. Officials would later say the migrants on that flight were not deported under the Alien Enemies Act but under traditional immigration law.

The government did not turn the planes around.

***

The flights made their stop in Honduras, where they waited to comply with Bukele's request to arrive late at night.

On board, guards circulated a form for the detainees to sign, court records show. It was in English, and the migrants struggled to understand it.

But one phrase did stand out to all of them: Tren de Aragua.

Gladis Caricote said she refused to sign.

Caricote, a Venezuelan woman who believed she was being deported to her home country, peered out her window as the plane landed in El Salvador. What she saw didn't look right, she told The Post.

"They kept insisting that we were going to Venezuela," Caricote said. "But we didn't recognize the airport or the uniforms of the officials on the tarmac."

While the men on board were violently dragged onto buses, the women were not. U.S. officials had sent them to El Salvador for detainment at CECOT, but the prison houses only men. Bukele would not accept the women.

Caricote said she and the other women became distraught when they saw the men being shoved and slapped by Salvadoran guards. It was a spectacle that would soon be seen by millions around the world. Bukele's team captured it on camera, then slickly edited it into a video he and Trump shared on social media.

***

The names of Venezuelans believed to be imprisoned in El Salvador have disappeared from an online ICE detainee tracker. They now appear on a list obtained and published by CBS News that has become, in the absence of government information, an unofficial guide to those shipped to CECOT on March 15.

Venezuela is prepared to send its own planes to "rescue the kidnapped Venezuelans," said Peña, Maduro's vice minister of foreign affairs. But the possibility of a quick resolution is further complicated by the fact that Venezuela and El Salvador do not have diplomatic relations.

The U.S. deportation flights to Venezuela that Grenell had helped arrange for March 16 the ones that had been rescheduled because of weather — were canceled out of concern that Venezuela's plane could be seized under the authority of the Alien Enemies Act.

A week later, Maduro agreed to send a plane to Honduras to pick up Venezuelans being deported from the U.S.

Since then, Venezuela has accepted at least two deportation flights a week, according to the U.S. official and another person familiar with the flights. Among those Venezuela has taken back is the migrant Rubio has described as a suspected gang member — a man who pleaded guilty to assaulting a police officer in Times Square and was originally supposed to be deported March 16.

The Trump administration has also flown at least two other planes of migrants to El Salvador. But it has done so under federal immigration law, not the Alien Enemies Act, and for those flights it has provided a list of names and information on criminal backgrounds for the migrants, who were destined for the megaprison.

The names of Molina, Caraballo and the three men who were arrested at their Dallas home are among those missing from ICE's online detainee locator and now appear on the unofficial list.

No one has heard from them since the planes left South Texas.

Sarah Cahlan, Mary Beth Sheridan and Joyce Sohyun Lee contributed to this report.

What readers are saying

The comments overwhelmingly criticize the Trump administration's decision to send Venezuelan migrants to El Salvador, likening it to authoritarian and fascist actions. Many commenters express outrage over the lack of due process and the inhumane treatment of migrants, drawing... Show more

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.

Exhibit 3

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 15-10136-FF

GURBINDER SINGH,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petitions for Review of a Decision of the
Board of Immigration Appeals

Before: MARTIN, ROSENBAUM, and JILL PRYOR, Circuit Judges.

BY THE COURT:

On January 12, 2015, Gurbinder Singh filed a petition for review in this Court of the Board of Immigration Appeals' dismissal of his appeal of a final order of removal. In conjunction with his petition, Mr. Singh filed motions to proceed *in forma pauperis* ("IFP") and for a stay of removal. Three days later, a representative of the Office of Immigration Litigation ("OIL") notified the Court that Mr. Singh was in the custody of the U.S. Immigration and Customs Enforcement agency ("ICE") and represented that there were "no travel plans" for Mr. Singh.

This Court granted Mr. Singh's motion for leave to proceed IFP on April 9, 2015. On June 10, 2015, this Court granted Mr. Singh's motion for a stay of removal pending the outcome

EXHIBIT H

of his petition for review. The Court issued a briefing schedule making Mr. Singh's initial brief due on June 23, 2015.

The following day, counsel for respondent U.S. Attorney General ("the government") telephoned to inform the Court that, when she contacted ICE to notify the agency of the stay of removal, she learned that ICE had removed Mr. Singh to India on April 15, 2015, without notifying the government, OIL, or this Court. The government subsequently filed an official Notice of Removal with the Court in which counsel stated that the agency was "taking steps to investigate this matter further with ICE and to ascertain what steps ICE may take to facilitate Petitioner's return to the United States." Included with the Notice of Removal was a declaration of ICE officer Orestes Cruz, who confirmed that, although ICE's Chief Counsel's office had asked that the Office of Enforcement and Removal Operations (also under ICE's agency umbrella) contact OIL with any changes in Mr. Singh's removal status, ICE's records did not reflect that the Chief Counsel's office had been so advised before Mr. Singh was removed.

On June 16, 2015, the government filed a Supplemental Notice of Removal in which counsel stated that ICE had begun the process of attempting to locate Mr. Singh to return him to the United States and represented that counsel would update the Court when she received additional information. As of the date of this order, the Court has received no update from the government, ICE, OIL, or Mr. Singh. Indeed, the Court is doubtful that Mr. Singh is aware his motion for stay of removal was granted and that he accordingly has a right to remain in the United States pending the outcome of his petition for review. Moreover, Mr. Singh's premature removal likely also prevented him from receiving notice of his briefing schedule in this case.

Recognizing that Mr. Singh was improperly removed more than two months ago and presumably is unaware of both his rights and obligations in this case, we deem it prudent to

appoint counsel to protect his interests, facilitate his return, and assist the Court in navigating his case. The Court hereby appoints Jay Bogan with the law firm of Kilpatrick Townsend & Stockton LLP to represent Mr. Singh throughout his proceedings before this Court.

Additionally, the government is hereby ordered to use its best efforts to locate Mr. Singh in India as quickly as possible and to make contact with him. Upon initiating contact, the government is hereby ORDERED to advise Mr. Singh of the following:

1. Mr. Singh has a right pursuant to this Court's stay of removal to be returned to the United States.

The government must advise Mr. Singh of his right to be returned to the United States pending the outcome of his petition for review and of this Court's appointment of counsel in his case. If, upon contact, Mr. Singh informs the government that he does not wish to return to the United States, the government shall secure a written memorialization to that effect, even if that writing is in Mr. Singh's native language. If Mr. Singh chooses to remain in India, his decision has no bearing on the pendency of his case or his entitlement to counsel, and the government must advise Mr. Singh accordingly.

2. The Court has appointed counsel for Mr. Singh at no cost

The government must advise Mr. Singh that, regardless of whether he wishes to be returned to the United States, his case remains under the Court's consideration. The government must inform Mr. Singh that the court has appointed him counsel at no cost to him. The government is ordered to facilitate Mr. Singh's contact with his appointed counsel, including by permitting Mr. Singh to telephone counsel at the government's expense and by providing translation services if necessary. If Mr. Singh informs the government that he does not wish to

be represented by counsel, the government shall secure a written memorialization to that effect as well.

Every fifteen days, the government shall notify this Court of the status of its efforts to locate Mr. Singh until he is contacted. The government shall also inform the Court promptly once Mr. Singh has been contacted and promptly upon his decisions regarding whether he will return to the United States and/or accept the appointment of counsel. At that time, the government shall file with the Court any written memorialization of his decisions as described above. If Mr. Singh wishes to be returned to the United States, the government is ORDERED to return him as soon as possible. All merits briefing in this case is hereby STAYED pending a determination by Mr. Singh within seven days of his being located by the United States government, of whether he wishes to proceed with his case, and, if he chooses to proceed and to return to the United States, until his return to the United States.

Finally, the government is DIRECTED to show cause within fifteen days why this Court should not impose sanctions upon the agencies and officers involved in Mr. Singh's improper removal.

IT IS SO ORDERED.