



Legislation Text

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Res. No. 931

Resolution condemning the Trump Administration for disappearing immigrants to prisons in other countries.

By Council Members Nurse, Avilés, Louis, Restler, Cabán, Hanif, Brooks-Powers, Sanchez, De La Rosa, Joseph, Farías, Gutiérrez and Rivera

Whereas, On March 15, 2025, President Trump invoked the Alien Enemies Act of 1798 (AEA) to justify the expulsion of over 200 immigrants to El Salvador’s Terrorist Confinement Center, or CECOT, a 40,000-capacity secretive mega-prison; and

Whereas, The AEA has only been invoked three times, during the War of 1812, World War I (WWI), and World War II (WWII); and

Whereas, The AEA is most infamously known for its role in Japanese internment in the United States; and

Whereas, When invoking the AEA, the Trump Administration claimed that the United States is under invasion by Tren de Aragua, which it had previously declared a terrorist organization, a claim experts quoted in a *New York Times* article refuted, saying plainly “Tren de Aragua is not invading America”; and

Whereas, The Trump Administration alleges that the immigrants taken to CECOT are gang members, but a flurry of lawsuits filed across the country reveal many of these allegations are baseless, and several orders from federal judges have halted deportations under the AEA, with the United States Supreme Court ruling that individuals detained must be given due process to challenge their deportation in the region they were detained; and

Whereas, According to the *New York Times*, most of the immigrants erroneously identified were Venezuelans, with several dozen from El Salvador; and

Whereas, Exact numbers of those disappeared in this manner are unknown because neither the United States or Salvadoran governments have revealed the identities of the immigrants who were sent to CECOT; and

Whereas, *The Nation* and *The Guardian* reported that CECOT inmates spend 23.5 hours in their cells with 80 to 100 people, sleep on metal bunks with no mattresses and with lights turned on at all times, and are forced into prison labor, and since its opening in 2023, there have been almost 400 deaths in CECOT's custody; and

Whereas, In addition to poor conditions, reports indicate those incarcerated at CECOT are entirely cut off from the outside world and have no contact with family members or legal assistance and their families don't know if they are dead or alive; and

Whereas, The Trump Administration continues to allege that all immigrants sent to CECOT are members of gangs, but the method of determining gang memberships is a significant concern; and

Whereas, According to the Policy Director of the American Immigration Council, under the Immigration and Nationality Act, there is no language that defines "gang" or "gang affiliation" and therefore no adopted guidelines to assess whether evidence alleging gang membership is sufficient; and

Whereas, According to recent court filings challenging the AEA invocation and subsequent deportations under the invocation, to determine whether a Venezuelan national is a member of Tren de Aragua and removable under the AEA, the federal government relies on a checklist; and

Whereas, This checklist contains 20 observations each valued between 2 and 10 points, and if a Venezuelan national scores 8 point or higher they are "validated" as members of Tren de Aragua and will be issued a "notice and warrant of apprehension and removal under the Alien Enemies Act" ; and

Whereas, According to the court filings, this validation could arguably occur because an individual had tattoos of stars, clocks, crowns, or trains, which is four points, and was wearing a Chicago Bulls Michael Jordan basketball jersey, which is another four points; and

Whereas, In fact, according to an action filed against the Salvadoran government before the Inter-

American Commission of Human Rights by more than a dozen families with a family member imprisoned at CECOT, some of the Venezuelan men imprisoned in CECOT were accused of gang membership based on their tattoos and most had pending or approved applications for asylum or other kinds of humanitarian protections; and

Whereas, One Venezuelan national, Andry José Hernández Romero, who was seeking asylum in the United States, was reportedly validated as a gang member because of his crown tattoos and sent to CECOT despite his reported protestations that he is not a gang member; and

Whereas, *Gothamist* reported that at least three immigrants from New York with pending asylum claims and future immigration court dates were forced to CECOT; and

Whereas, According to reports from *The City* and *Documented*, 19 year old Merwil Gutiérrez Flores and 22 year old Angel Blanco-Marin, who are now imprisoned at CECOT, were arrested by the New York Police Department (NYPD), transferred to the Federal Bureau of Investigation (FBI), and then transferred to Immigration and Customs Enforcement (ICE) 24 hours after their initial arrest by NYPD; and

Whereas, Maryland resident Kilmar Abrego Garcia was the victim of an admitted “administrative error” by ICE that resulted in his detention and deportation to CECOT; and

Whereas, A U.S. district judge issued a ruling in April, upheld by the Supreme Court, ordering the federal government to facilitate his release; and

Whereas, However, since this ruling the Trump Administration has not shared any information with the judge about how they are facilitating Kilmar Abrego Garcia’s return and recently invoked the “state secrets privilege” in order to avoid answering questions about this mistaken deportation to the judge; and

Whereas, The Trump Administration has ignored previous court rulings, including U.S. District Judge Boasberg’s initial order blocking the White House from using the AEA and requiring the Administration to turn around two deportation flights to El Salvador; and

Whereas, The decision of the Trump Administration to disregard Judge Boasberg’s order was ruled to be

probable cause to hold administration officials in criminal contempt, but that ruling has been put on hold by the D.C. Circuit Court of Appeals; and

Whereas, The Supreme Court blocked the Trump Administration from deporting a second wave of immigrants under the AEA, New York federal court granted a preliminary injunction blocking removals under the AEA for people in the court's jurisdiction, and a federal judge in Texas permanently blocked the Trump Administration from detaining, transferring, or removing Venezuelans targeted for deportation under the AEA in the southern district of Texas; and

Whereas, The federal judge in Texas further declared that the invocation of the AEA was unlawful stating that "the President cannot summarily declare that a foreign nation or government has threatened or perpetrated an invasion or predatory incursion of the United States, followed by the identification of the alien enemies subject to detention or removal," adding that "allowing the President to unilaterally define the conditions when he may invoke the AEA, and then summarily declare that those conditions exist, would remove all limitations to the Executive Branch's authority under the AEA, and would strip the courts of their traditional role of interpreting Congressional statutes to determine whether a government official has exceeded the statute's scope"; and

Whereas, In contrast to several other federal judges, one federal judge in Pennsylvania recently ruled that Trump can invoke the AEA to remove Tren de Aragua members, but also ruled that the Administration did not provide sufficient notice prior to the deportations; and

Whereas, In the ongoing court case under Judge Boasberg, Justice Department lawyers admitted that \$4 million in United States grants were funding the detention of men deported to El Salvador; and

Whereas, In the same case, the judge ordered the Trump Administration to provide sworn declarations from Administration officials answering who exactly has custody of the people at CECOT after Trump publically said he could secure the release of Kilmar Abrego Garcia, despite the government's contention in court that the men deported to CECOT were not in the legal custody of the United States government; and

Whereas, In response to the judge’s ruling to return Kilmar Abrego Garcia, the White House Press Secretary also said “We suggest the judge contact President Bukele because we are unaware of the judge having jurisdiction or authority over the country of El Salvador,” also suggesting that once an individual is sent to CECOT they will be trapped there until the Salvadoran President determines otherwise; and

Whereas, President Bukele has stated that the sentencing at CECOT is renewable; and

Whereas, According to *Politico*, the Trump Administration is interested in another wave of deportations to CECOT, despite the ruling from the Supreme Court blocking deportation without due process, and is now also considering deporting to Rwanda, Libya, and Saudi Arabia; and

Whereas, Trump has publicly suggested sending United States citizens to prison in El Salvador; and

Whereas, Other than Kilmar Abrego Garcia, who was able to meet briefly with a visiting Maryland Senator, none of the men sent to CECOT from the United States have been heard from and many of their families and attorneys are desperately pursuing ways to find and return them to the United States; and

Whereas, Many have raised the serious constitutional and human rights concerns associated with the shipping of migrants to El Salvador’s CECOT prison and forced into prison labor, and many have also raised concerns about the complete disregard of judicial rulings by the Trump Administration; and

Whereas, The transferring of anyone, no matter their background or history, to a notorious prison in a foreign country completely isolated, forced into labor, and subject to torturous conditions is deeply disturbing and the Trump Administration pursuit of human beings living and working in the United States in this manner and toward this end is horrific; now, therefore, be it

Resolved, That the Council of the City of New York condemns the Trump Administration for disappearing immigrants to prisons in other countries.

