

# The U.S. Government is Forcibly Disappearing Migrants

*“I feel like my son was kidnapped. I’ve spent countless hours searching for him... Yet, after all this, no one has given me any information or provided a single document about his case.” – father of a Venezuelan teenager, [Merwil Gutiérrez](#), disappeared to El Salvador.*

## What are enforced disappearances?

Enforced disappearances are serious human rights violations that involve three key components:

- The arrest, detention, abduction or other form of **deprivation of liberty** of a person;
- By a **government actor** (or an individual acting with the authorization, support or acquiescence of the government); and
- The **refusal by the government to acknowledge** the deprivation of liberty or the **concealment of the fate or whereabouts** of the disappeared person.

These actions work to place the person **outside the protection of the law**. There is no minimum time necessary to qualify as a disappearance – **it can be temporary**.

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### Disappearances of migrants to El Salvador

Beginning in March 2025, the Trump administration rendered about [252 Venezuelan](#) and [36 Salvadoran](#) migrants to a high-security prison notorious for its inhumane conditions in El Salvador, the Terrorism Confinement Center (CECOT). The United States is [paying](#) the Salvadoran government to jail the migrants at the CECOT and is [considering](#) disappearing U.S. citizens there as well.

The migrants who were renditioned to the CECOT had been detained in Immigration and Customs Enforcement (ICE) custody when they suddenly vanished from the ICE detainee locator system. They had no opportunity to notify relatives, speak with counsel, or contest the rendition. Some missed U.S. immigration court hearings in the immediate days following the flights to El Salvador. In many cases, their

loved ones and counsel [learned](#) they were in El Salvador only when they saw [pictures](#) of them among those on the March flights to the CECOT or when they saw their names on a [list](#) obtained by reporters, a list that does not include all of the people we believe were disappeared to El Salvador.

The U.S. government continues to conceal the fate or whereabouts of these individuals. To date, neither the U.S. nor Salvadoran governments have publicly [confirmed](#) the identities of who was sent there. Of nearly 100 disappearances [registered](#) with Cristosal, a human rights organization in Central America, none of the detained people have been able to communicate with their families or lawyers following their disappearance to CECOT.

The Trump administration invoked the Alien Enemies Act of 1798, a law meant to be used during war, to rendition many of these people without any semblance of due process to heinous conditions and seeming indefinite, incommunicado detention at a foreign prison. The U.S. government alleges that the Venezuelan nationals are members of the Tren de Aragua gang and has alleged at least one Salvadoran national is a member of the Mara Salvatrucha (MS-13) gang. It did not provide any notice of their designation as gang members, present any evidence supporting the designation, or give the individuals an opportunity to challenge the designation before a judge before rendering them to the CECOT prison. Independent fact finding has shown the [vast majority](#) have no criminal record. Some were [asylum seekers](#) whose asylum applications were under active review by the immigration court. The administration appears to have carried out the renditions [in violation](#) of a federal court order requiring the government to turn the planes around and has continued to refuse to bring back the migrants despite a [ruling](#) by the Supreme Court and other court orders.

The government also disappeared some of the migrants because they had final orders of removal. While the government [claims](#) that these were removals under regular immigration procedures, it is [unlawful](#) to remove people with final orders of removal to a third country without notice or an opportunity to express a fear of persecution or torture and apply for protection from removal to that third country. Moreover, disappearing migrants to a high-security prison known for its horrific conditions, including systematic use of torture and indefinite detention, is unprecedented, unconscionable, and blatantly illegal.

The U.S. government has disappeared multiple people in violation of previous court orders. [Kilmar Abrego Garcia](#), a Salvadoran man, was granted protection from deportation to El Salvador in 2019 by an immigration court due to the persecution he faced in El Salvador, but was nevertheless disappeared to the CECOT in violation of that order. [Cristian](#), a 20-year-old Venezuelan asylum seeker's deportation was prohibited by a 2024 settlement agreement. The administration also rendered [Merwil Gutiérrez](#), a Venezuelan teenager whom ICE agents reportedly acknowledged was not the person they were searching for.

The Trump administration has made clear that it is using these disappearances to scare migrants into abandoning their immigration cases and relinquishing their rights, [stating](#): “If you do not leave, we will hunt you down, arrest you, and you could end up in this El Salvadorian prison.”

- *“I feel like my son was kidnapped. I’ve spent countless hours searching for him, going from one precinct to another, speaking with numerous people who kept referring me elsewhere. Yet, after all this, no one has given me any information or provided a single document about his case.” – [Father of a Venezuelan teenager, Merwil Gutiérrez, disappeared to El Salvador](#)*
- *“We know nothing. They say nothing. They give no information. That’s the trauma – not knowing anything about these young men, especially mine.” – [Mother of Andry José Hernández Romero, an LGBT asylum seeker who was a makeup artist in Venezuela, who had a pending asylum case in the United States when he was disappeared to El Salvador](#)*
- *“We don’t know what is happening to him. This is practically a kidnapping. We haven’t heard any news of my brother.” – [Sister of Arturo Suarez, a Venezuelan singer, who was disappeared to El Salvador](#).*

### Disappearances of migrants while in CBP custody and transfers to Costa Rica and Panama

In February 2025, the Trump administration [transferred nearly](#) 500 migrants who had been detained in the custody of the Department of Homeland Security (DHS), including pregnant women and families with young children, to Costa Rica and Panama under agreements with those countries that to date have not been made public. This included asylum seekers fleeing Afghanistan, China, Ghana, Iran, Russia, Turkey, Uzbekistan, among other countries. Many were transferred to Costa Rica and Panama without a screening on their asylum claim, in violation of U.S. law.

Families and adults subjected to these transfers [told](#) Human Rights First that upon arriving at the U.S. southern border to seek protection, they were detained with little to no phone access in U.S. border custody to speak to an attorney or their family and denied access to asylum and statutorily required fear screenings. Some people were transferred to Costa Rica and Panama without being told where they were being taken or given an opportunity to inform relatives or lawyers. Meanwhile, their spouses and other family members in the United States were desperately searching for them while they were detained incommunicado in U.S. custody, only to learn that they had been abruptly sent to another country without an opportunity to seek U.S. asylum.

- *“In the United States, they didn’t allow us to make any phone calls. They said: ‘Fuck you. If you want to communicate, go to your country.’” – Asylum seeker disappeared to Panama after being detained by DHS*

- *"It was...weeks of hell for me...for 17 days I didn't hear from [my wife and children]...my daughter got sick [in CBP detention] and went to the hospital...I couldn't talk to them. I rented rooms, slept in my car, stayed in San Diego looking all over them." – Asylum seeker living in the United States whose wife and three children were detained by CBP and then sent to Costa Rica*

Once in Panama, migrant families and adults were arbitrarily detained incommunicado in a [hotel](#) and at a [remote jungle camp](#) without legal status and denied access to phones, their passports, and legal counsel, potentially amounting to a temporary enforced disappearance, before being released after a [lawsuit](#) alleged violations by Panamanian authorities.

In Costa Rica, migrant families and adults were arbitrarily [detained](#) for months at a remote migrant camp without legal status, their passports confiscated, and access to counsel restricted until late April when Costa Rican authorities [agreed](#) to release them and issue temporary humanitarian permits.

### Disappearances of migrants while in CBP and ICE detention

Immigrants and asylum seekers are regularly held incommunicado, that is untraceable for those searching for them or able to make contact themselves with the outside world, while in U.S. immigration custody for varying periods of time. There is no functioning mechanism for the public to track where in Customs and Border Protection (CBP) custody a person is detained, confirm their whereabouts with the government, visit the facility, or call the person who is detained, leaving desperate family members in the United States and abroad unable to find their loved ones and know whether they are safe nor for the limited few who have counsel to be able to find their clients. In 2024, DHS updated the ICE detainee locator system to include people detained in CBP custody for more than 48 hours, following [allegations of enforced disappearances](#) by the United Nations. However, the locator has serious limitations, including that it does not show the geographic location where in CBP custody a person is detained, and the 48-hour delay means that many people are deported or expelled before they even appear in the locator. Some asylum seekers have reported to Human Rights First that they were not allowed to make a single phone call while in CBP custody, resulting in incommunicado detention.

People also suffer enforced disappearances while in ICE detention, including due to DHS failures to update the ICE detainee locator, denial of phone access for prolonged periods, transfers to other detention centers, and unprecedented disappearances of people from U.S. detention centers to El Salvador, Guantanamo Bay, and elsewhere. In April 2025, the New York Times [reported](#) that Ricardo Prada Vásquez, a Venezuelan immigrant taken into ICE custody in January, had "simply disappeared," with the government refusing to provide any information on where he had been sent. More than a month after his disappearance and after the New York Times story was published, DHS stated that he had been sent to El Salvador.

- *A Russian asylum-seeking family that was held in CBP custody and deported to potential persecution in Russia without a statutorily required fear screening, told Human Rights First:*

*"For four days I was asking for a phone call. They [immigration officers] said, 'you can't make a phone call; we already called on your behalf and that's sufficient.' Finally, I was allowed to make a phone call and they said 'you have one minute.'...We were [later] taken from our cells and notified that we would be transported to a credible fear interview in New York. We knew it was lies, but we pretended we believed them after all the conditions that we had faced...[while at the airport in New York], none of the officers who were escorting us [to the deportation flight] had badges. I said, 'you are deporting us illegally. I don't even know who you are. Are you an ICE officer?' Then he lifted up his shirt and showed his gun. Was this a warning?"*

### Disappearances of migrants to Guantanamo

In February 2025, for the first time in history, the United States [began](#) transferring migrants from U.S. immigration detention to the military prison and migrant detention center in Guantanamo Bay. The administration has transferred [hundreds](#) of people to Guantanamo, mostly Venezuelan and Nicaraguan migrants, and subsequently removed many to [Venezuela](#) as well as at least one person to the [CECOT](#) in El Salvador. When the government first began disappearing migrants to Guantanamo, they were not searchable in the ICE detainee locator and frantic loved ones were often unable to confirm their whereabouts. While the government has taken some steps to update the ICE detainee locator when someone is detained in Guantanamo, it [continues](#) to cause confusion for loved ones and attorneys because it often lists an address in Florida. Additionally, no notice is given to a person's attorney or loved ones before their transfer there while severe barriers in accessing counsel and horrific conditions of confinement [persist](#).

- *"To me it's the desperation, the frustration that I know nothing of him...It's a terrible anguish. I don't sleep." – [Mother of Mayfreed Duran](#), a Venezuelan migrant disappeared to Guantanamo*
- *"It feels like we have been kidnapped, incommunicado...Since February 1, when I last spoke with my family, until today, February 17, I have not been able to communicate with anyone in the outside world...When we asked for calls, the officers say that this is a terrorist prison and there is no capacity to make calls." – [Tilso Ramon Gomez Lugo](#), a Venezuelan migrant disappeared to Guantanamo*

## The United Nations issued General Allegations to the U.S. Government on its forced disappearance of migrants

The United Nations Working Group on Enforced or Involuntary Disappearances ([UNWGEID](#)) issued [General Allegations](#) to the U.S. government in 2024 for its practice of disappearing migrants in Customs and Border Protection (CBP) custody and in Coast Guard custody during maritime interdictions given individuals weren't searchable and reported being held incommunicado. The Working Group also raised concerns regarding U.S. border policies that expelled or returned third-country migrants to Mexico where they were then subjected to enforced disappearances. After the Working Group issued the General Allegations, in June 2024 the Biden administration [updated](#) the ICE detainee locator to include individuals who have been in CBP custody for more than 48 hours, but significant limitations persist as discussed above.

In April 2025, Human Rights First and thirteen immigrants' rights organizations submitted a [written statement](#) to the Working Group documenting the escalation of enforced disappearances of migrants and asylum seekers under the Trump administration.

## The U.S. Government must cease the forced disappearances of migrants

The Trump administration's disappearance of migrants who are in U.S. immigration detention or transferred, expelled, or rendered to CECOT in El Salvador, Guantanamo, and other places violates the law. These lawless acts undermine fundamental freedoms enshrined in our constitution and international treaties. These include the right to life, right to personal integrity, right to family unity, and rights to not be subjected to enforced disappearances, refoulement, arbitrary detention, and torture and cruel, inhumane, or degrading treatment or punishment.