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NATIONAL

'Homegrown' are next': Trump hopes to deport and jail U.S. citizens abroad

APRIL 16, 2025 · 11:56 AM ET

HEARD ON MORNING EDITION



Brian Mann

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President Trump met with President Nayib Bukele of El Salvador in the Oval Office on April 14. Trump and Bukele are exploring a proposal to send U.S. citizens to be held in Salvadoran prisons, a move that critics describe as dangerous and unconstitutional.

Win McNamee/Getty Images

President Trump says his administration is actively exploring a proposal to detain U.S. citizens and send them to prisons in El Salvador. Speaking Monday, minutes before a press briefing alongside El Salvador's president, Nayib Bukele, Trump could be heard embracing the concept.

"The homegrown are next, the homegrown. You've got to build about five more places," Trump said to Bukele, an apparent reference to prison space that would be needed in El Salvador to house U.S. citizens.

El Salvador is already holding hundreds of people in a maximum-security prison. They were flown from the U.S. in recent weeks after being detained for allegedly lacking legal status or having gang affiliations.

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Critics say many of those individuals were deported with limited or no due process, some in defiance of court orders by U.S. judges.

Responding to Trump on Monday, Bukele suggested his country is prepared to incarcerate U.S. citizens. "Yeah, we've got space," El Salvador's president said.

The proposal has drawn condemnation from some legal scholars, who said it would represent an unprecedented encroachment on the civil liberties of U.S. citizens.



Supreme Court backs Trump in controversial deportations case

"It's obviously unconstitutional, obviously illegal. There's no authority in any U.S. law to deport U.S. citizens and certainly not to imprison them in a foreign country," said David Bier of the Cato Institute, a libertarian think tank based in Washington, D.C.

"The problem of course is [Trump] already has illegally deported hundreds of people by just not giving the courts an opportunity to stop him," Bier added. "I think that's the real fear, now that he is going to try to evade judicial review of deportations of U.S. citizens."



Alleged gang members seen in a cell at the Terrorism Confinement Center (CECOT) in Tecoluca, El Salvador, on April 4. Following the deportation of hundreds of migrants from the United States to El Salvador, it became a resource for the Trump administration in implementing its immigration policy. The Trump administration is now weighing whether it's legally possible to send U.S. citizens there.

Anadolu/Getty Images

Not everyone is voicing opposition to Trump's concept of detaining U.S. citizens and sending them overseas.

NPR contacted three prominent conservative legal scholars. All declined to comment. We also contacted three conservative legal think tanks. One declined to comment; two others didn't respond.

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NPR could also find no instances of Republican lawmakers in the House or Senate commenting on the idea.

"I'd do it in a heartbeat"

This isn't the first time this idea has come up since Trump took office. Posting on the social media platform X in February, El Salvador's Bukele said his country has "offered the United States of America the opportunity to outsource part of its prison system."

"We are willing to take in only convicted criminals (including convicted U.S. citizens) into our mega-prison (CECOT) in exchange for a fee," Bukele added, posting photographs of densely packed inmates crouched with hands on their heads.

His post was amplified the same day by Trump ally Elon Musk, who described the proposal as a "Great idea!!" Speaking about the concept in February, Trump said: "I'd do it in a heartbeat."

Asked again about the idea during Monday's news conference, Trump confirmed he has ordered U.S. Attorney General Pam Bondi to explore whether it might be a legal and cost-effective way to house American prisoners.

Trump also suggested his administration might send U.S. citizens to be incarcerated in other countries.

"We have others we're negotiating with, too," he said. "If it's a homegrown criminal, I have no problem. Now, we're studying the laws right now — Pam is studying. If we can do that, it's good."

"Any of us is vulnerable to basically being kidnapped"

During an appearance Monday on the Fox News show *Jesse Watters Primetime*, Bondi seemed to embrace it: "These are Americans who he [President Trump] is saying who have committed the most heinous crimes in our country, and crime is going to decrease dramatically."

But numerous legal scholars contacted by NPR described the policy idea as crossing a bright line in the U.S. government's treatment of American citizens.

"One hopes that the administration won't go down this path," said Lauren-Brooke Eisen, senior director of the Justice Program at the Brennan Center, a progressive think tank at New York University. "There are profound ethical questions that this move would signal about how we treat human beings who are U.S. citizens. Courts will almost certainly prevent this from happening."



A man is detained by federal agents as Immigration and Customs Enforcement conducted raids on Feb. 24. The Trump administration has cracked down on migrants, including many in the U.S. with legal status. Now the White House is exploring a proposal to deport U.S. citizens to be incarcerated overseas.

Houston Chronicle/Hearst Newspapers/Getty Images

In a letter sent to the U.S. State Department in February, Sen. Jon Ossoff, a Democrat from Georgia, urged the Trump administration to abandon the idea.

Ossoff cited horrendous living conditions documented in Salvadoran prisons, where inmates often lack access to proper sanitation, temperature control and even potable water.

"It would be a moral and legal travesty for the U.S. government to subject anyone to such conditions," Ossoff wrote.



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The American Civil Liberties Union has also described the concept as a legal nonstarter:

"You may not deport a U.S. citizen, period," ACLU attorney Lee Gelernt, deputy director of the group's Immigrants' Rights Project, told NPR in February. "The courts have not allowed that, and they would not allow it."

But during a White House press briefing April 8, spokeswoman Karoline Leavitt signaled that the proposal is still being seriously considered: "The president has discussed this idea quite a few times publicly. He's also discussed it privately," she said.

"The president has said if it's legal, right? If there is a legal pathway to do that, he's not sure, we are not sure — it's an idea he has simply floated and has discussed," Leavitt added.

Some judges and legal scholars are clearly concerned that the Trump administration could move forward with the proposal despite legal and constitutional barriers.

In a statement released last week, Supreme Court Justice Sonia Sotomayor said the Trump administration's legal arguments around deportation cases suggest the U.S. government already believes it "could deport and incarcerate any person, including U.S. citizens, without legal consequence, so long as it does so before a court can intervene."

Speaking last week with NPR, Laurence Tribe, a Harvard University professor emeritus of constitutional law, offered a similar warning:

"What that means is that literally any of us, whether we are from Venezuela or were born in the United States, whether we are immigrants or not, whether we are citizens or not, any of us is vulnerable to basically being kidnapped by masked agents of the United States government who don't tell us why they're picking us up, perhaps never to be seen again because we're located somewhere in a dungeon, a prison cell, rotting away, whether it's in El Salvador or anywhere else in the world," Tribe said.

The U.S. has incarcerated American citizens before in ways that challenged or violated constitutional norms, including the incarceration of roughly 80,000 Japanese Americans during World War II and the detention of Jose Padilla, a U.S. citizen held for years without trial after being accused of terrorism activities in 2002.

But some legal experts interviewed for this story said deporting Americans to serve prison time in foreign countries would cross an alarming new line, effectively stripping U.S. citizens of constitutional and legal protections.

They also noted that this proposal is being explored by U.S. officials at a time when Trump has talked about "locking up" his political enemies, directing the Justice Department and the FBI to open criminal probes into opponents' activities.

"We will expose and very much expose their egregious crimes and severe misconduct," Trump said during a speech March 14 at the Justice Department's headquarters.

Bier, of the Cato Institute, said he has been "shocked" by the lack of pushback against Trump's proposal from Republican leaders and members of the conservative legal movement.

"It's unthinkable. It's absolutely a reflection of where Donald Trump has taken the Republican Party and the conservative movement," he said.

Correction

April 16, 2025

An earlier version of this story misspelled the show *Jesse Watters Primetime* as *Jessie Waters Primetime*. And an earlier version incorrectly said roughly 120,000 Japanese Americans were incarcerated during World War II. In fact, of the roughly 120,000 people of Japanese ancestry incarcerated, two-thirds, or roughly 80,000, were U.S. citizens.

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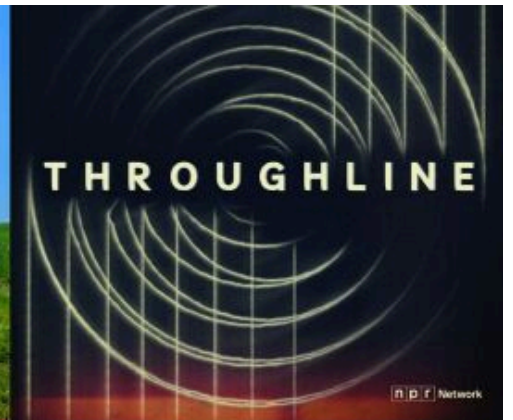
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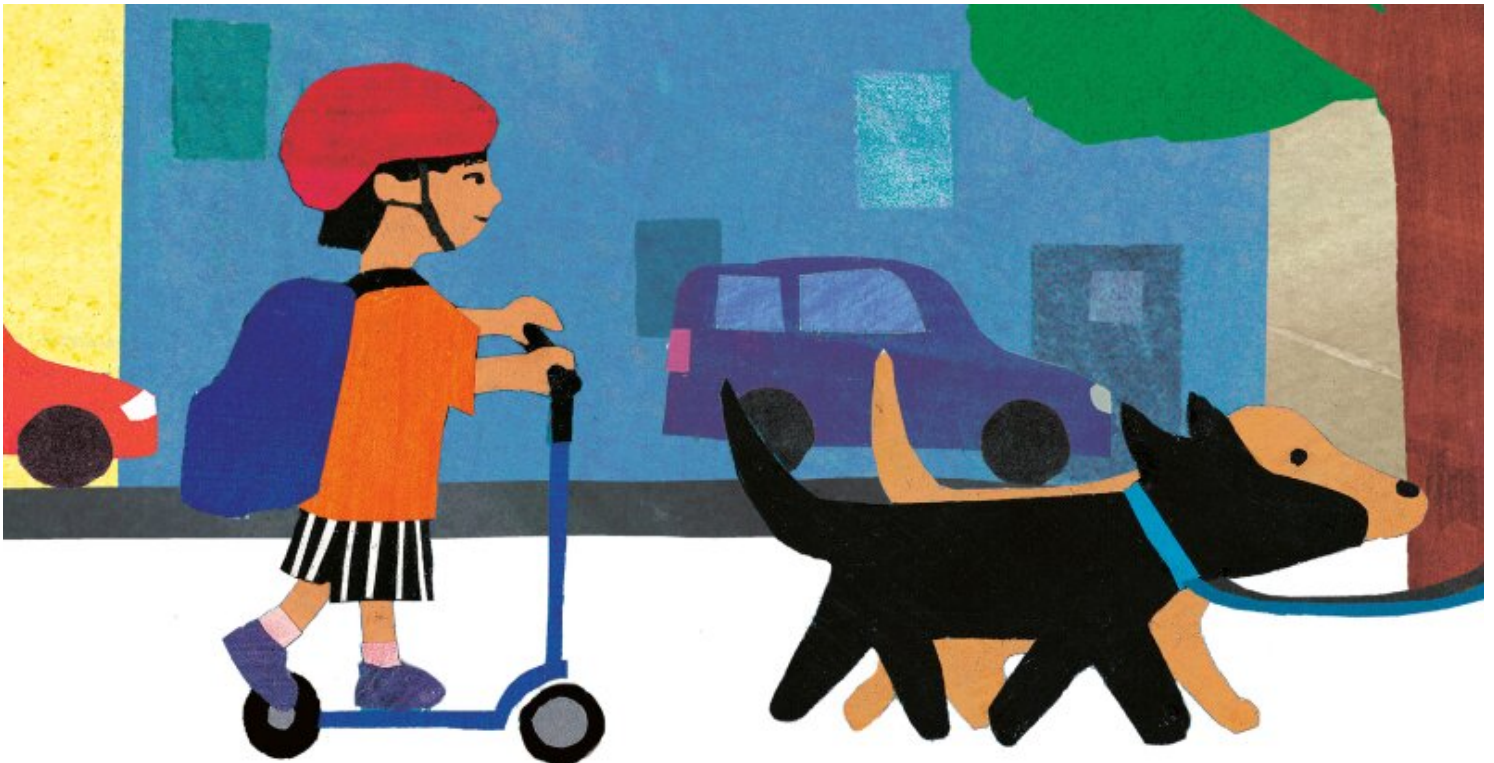
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