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Processing, Treatment, and Incarceration of Deported Men in El Salvador under the State of Exception

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Pressing Issues in Latin America (PILA) publishes select reports, papers, and data from research centers in Latin America. We also invite researchers and academics who specialize in this region to contribute selected works to the series. PILA is curated by Dr. Amelia Frank-Vitale and Dr. Lauren Heidbrink, translated by Colectivo Vida Digna, and reviewed by a collective of specialists. PILA was previously housed at the Center for Mexico and Central America at Columbia University under the leadership of Dr. Nara Milanich.

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01 | Introduction

Salvadoran President Nayib Bukele declared a "State of Exception" (Régimen de Excepción) in March 2022, after gangs murdered several dozen Salvadorans in retaliation for the unraveling of a secret pact that gang leadership had with Bukele. Though the Salvadoran constitution provides for the possibility of a State of Exception as a 30-day emergency measure to be used only in situations of extraordinary and temporary crises, Bukele has renewed the emergency measure every 30 days since its beginning, so that it remains in place today, almost four years later.[1] The State of Exception suspends several rights that would otherwise be protected by the Salvadoran constitution and has led to mass arrests and years long pre-trial detention for close to 90,000 Salvadorans. With a total population of around 6.4 million, El Salvador now has the highest incarceration rate in the world.[2]

Though the Salvadoran government has deemed all data related to the State of Exception as matters of national security and avoided transparency about whom they are arresting and why,[3] reporting from nongovernmental organizations, Salvadoran experts, and investigative journalists each year of the State of Exception has revealed that those who are particularly vulnerable include individuals who fit into one or more of the following demographic characteristics: young men of low socioeconomic class from areas of high gang control with tattoos, histories of arrest, and/or who have had voluntary or involuntary contact with the gangs in the past.[4] What is not yet clear from this reporting is the degree to which individuals being deported from the United States are being caught up in the State of Exception. Because President Bukele has cut off all communication from the prisons and halted the former practice of publishing arrest, indictment, and release statistics, how many deportees are being arrested and incarcerated remains largely remains invisible to those not experiencing it themselves.

This invisibility has material consequences not just for those who have been deported since the beginning of the State of Exception but also for Salvadorans in immigration proceedings in the United States still fighting to have their petitions for legal relief granted. Indeed, absence of public knowledge about post-deportation outcomes is a matter of life and death; asylum cases are being decided every day in U.S. immigration court based on whether an individual's fear of future harm if returned to their home country is credible. As an expert witness who regularly testifies in court for asylum cases from El Salvador, I have seen firsthand how judges must adjudicate cases with too little information about the likelihood that harm will befall someone after their deportation. The lack of empirical data about post-deportation experiences minimizes awareness of how often asylum seekers succumb to the harms they describe fearing on their asylum applications.

02 | Method

To address the problem of the invisibility of post-deportation experiences in the midst of Bukele's long-running State of Exception, I am advancing a multi-year project that involves conducting long-form oral history interviews with family members of recent deportees to assess the nature and likelihood of post-deportation incarceration since the State of Exception began.

An oral history methodology involves long-form autobiographical interviews with open-ended questions that follow the narrative lead of the interviewee. I recruit family members of deportees through legal aid and other non-profit organizations in the United States and in El Salvador, and through snowball sampling. The initial 25 interviews have all been remote, conducted over audio calls without video on Zoom or WhatsApp. To maintain anonymity, each interviewee is orally consented and is not required to provide their written consent. I conduct interviews in English or Spanish at the preference of the interviewees. The interviews are audio recorded and bilingual research assistants create verbatim transcripts, translate them when necessary into English, then thematically code the data from each interview. I analyze the thematic codes to find commonalities and make comparisons across cases, with special attention to arrest process and procedures, cross-referencing these experiences with deportees' demographic characteristics such as age, history of arrest, and tattoos to ascertain potential relationships between these variables.

This project has been approved by the internal review board (IRB) at Baruch College, City University of New York (IRB # 2024-0621-Baruch) to ensure it adheres to ethical standards of research. Beyond the protections the IRB provides, the project follows the best practices of the Oral History Association, the governing body for this method.

03 | Findings

The currently available preliminary data from this ongoing project include the cases of 25 male deportees who were returned to El Salvador during each of the first four years of the State of Exception (2022-2025). The ages of the deportees range from 19 to 54, and their median age is 32.

Of these 25 deportees, 16 were incarcerated upon their arrival to El Salvador; three more were incarcerated in the weeks and months following their deportation. (See Figure 1.) In sum, 19 of the 25 deportees (76%) were incarcerated upon or following their arrival. None of the incarcerated deportees have been released. The families of 12 of the detained deportees reported that the deportees were charged with "illicit groupings"—a generic charge about gang affiliation applied to the majority of Salvadorans arrested under the State of Exception, typically issued without warrants.[5] One interviewee reported their deported family member had been arrested for murder, while two others were arrested merely for having prior criminal records, and the four remaining interviewees did not know the reason or charge affiliated with their family members' arrests.

All 19 deportees who have been incarcerated are men who have either a history of arrest, tattoos, or both.

Of the 19 deportees who have been incarcerated following their arrival, 13 have a history of arrest either in El Salvador or in the United States, and 14 have tattoos. (See Figure 2.) All 19 deportees who have been incarcerated are men who have either a history of arrest, tattoos, or both. Of the six deportees who have not been incarcerated upon or after their deportation to El Salvador,

Figure 1: Likelihood of Incarceration

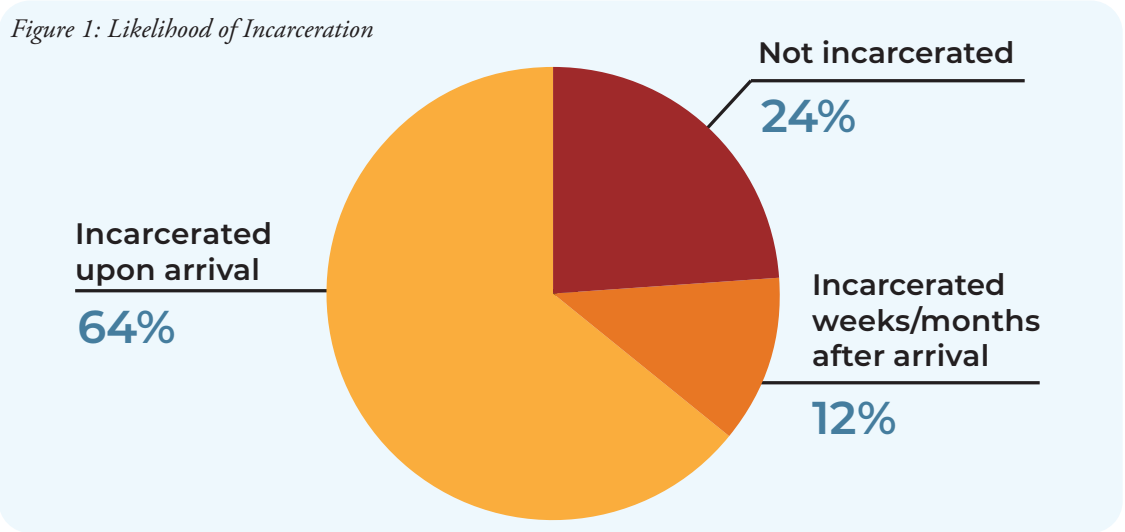
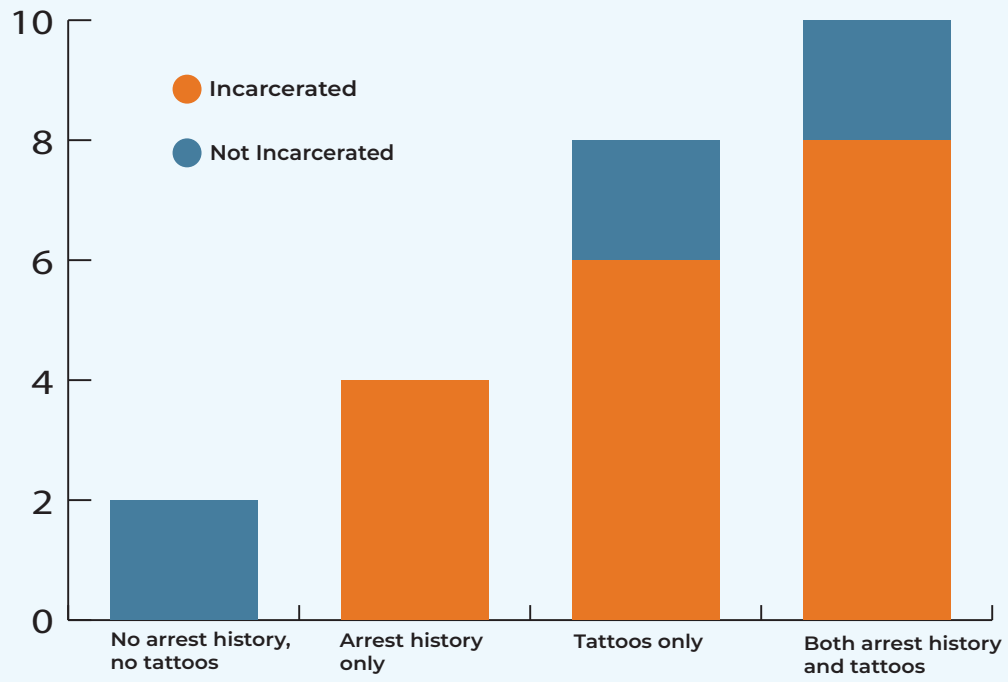


Figure 2: Incarceration by Arrest History and Tattoos

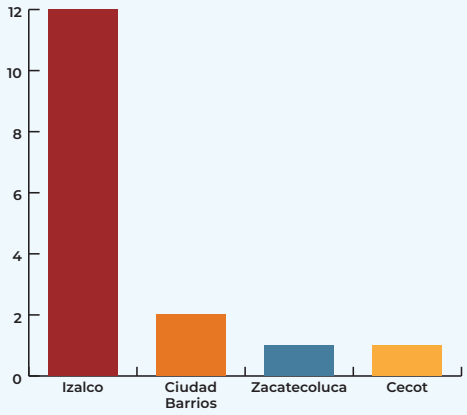


two have a history of arrest either in El Salvador or in the United States, and four have tattoos.

Ten of the 25 deportees have both a history of arrest and tattoos. Seven out of these ten deportees with both a history of arrest and tattoos were detained immediately upon arrival in El Salvador, and one more was detained two weeks after his arrival, so that eight out of ten (80%) deportees who have both a history of arrest and tattoos are now incarcerated. The remaining two have not been detained in El Salvador.

Sixteen family members of the 19 incarcerated deportees knew the name of the prisons where the deportees are being held. (See Figure 3.) Of these, 12 of the deportees are believed by their families to be imprisoned currently

Figure 3: Prisons Holding Deportees



in Izalco prison in the Sonsonate department of El Salvador. Two deportees are believed by their family members to be imprisoned in Ciudad Barrios, one in Zacatecoluca, and one in the Terrorism Confinement Center (CECOT).

04 | Arbitrary Arrests, Indefinite Detention, and Human Rights Violations

These preliminary data suggest that, in a context where Salvadoran men in general are highly vulnerable to arbitrary mass arrests, Salvadoran men who are deportees from the United States are even more likely to be caught up in the State of Exception under gang-related charges and held without the possibility of release in Salvadoran prisons. Deportation has a long cultural correlation with gang affiliation in El Salvador as the gang problem began in the country when large numbers of Salvadoran men who had joined gangs in the United States were deported in the 1980s and 1990s.[6] When combined with the current climate of nationwide mass arbitrary imprisonment without due process, this general suspicion toward deported men, who are effectively delivered into the hands of state officials when they arrive, helps to explain why deportees make an easy target for State of Exception arrests.

This reality underscores the likelihood of post-deportation life-threatening harm because human rights abuses in Salvadoran prisons are rampant. Amnesty International has found that there is a "systemic use of torture" in Salvadoran prisons under the State of Exception.[7] A July 2024 report from the Cristosal Foundation, a leading human rights monitoring organization in El Salvador, concluded that "Torture has become a state policy, with cruel and inhuman treatment regularly practiced in prisons and places of detention."[8] Deportees who are incarcerated upon or following their arrival are especially vulnerable to the range of human rights abuses occurring in Salvadoran prisons, including beatings, starvation, stabbings, strangulation, and death. In a separate ongoing study, Cristosal confirmed the cases of five men who were deported from the United States since the start of the State of Exception in 2022 who have died in Salvadoran prisons.[9]

None of the families of the 19 incarcerated deportees has been able to establish any contact with their incarcerated loved ones either personally or through privately hired lawyers. The psychological impact of this ambiguous loss permeates the interview data; one interviewee explained, "There are no visitors in the prisons. We don't know if our family members are there or where they are. We don't know for sure if they are alive or not."[10] Another confirmed, "Emotionally, I've been doing poorly. I spent a lot of time crying over [my son] without knowing anything about him. Even now, psychologically, I'm not okay, thinking, 'How is my son? What's happening to him? Have they beaten him?' Because in prison they mistreat them, and I ask myself, 'Is he alive?'"[11] The lack of contact is consistent with the nationwide communication lockdown in Salvadoran prisons which deprives families of any information whatsoever about their loved ones' heath or wellbeing, mitigates visibility of the extent of the human rights abuses taking place inside prisons, and effectively prohibits detainees from being able to exercise their constitutional right to legal representation.

Under the State of Exception, having tattoos and having a history of arrest make Salvadorans especially vulnerable to arrest. A police officer reported to Human Rights Watch in 2025 that "Having a tattoo in El Salvador is now a crime" because of the cultural correlation between tattoos and gang affiliation and the resulting impact of tattoos on Salvadorans' interactions with police.[12] Likewise, investigative journalists at *El Faro* have found "Police have arrested people for having been arrested in the past, regardless of the outcome of their old cases."[13] On the day of their arrival, deportees undergo a post-deportation processing interview with Salvadoran officials. During this interview, the officials regularly require deportees to remove their clothing so that any tattoos become visible and can be recorded. The officials also search to see if the deportee has a history of arrest in El Salvador, accessible by Salvadoran police records, or a criminal history in the United States, accessible via the Criminal History Information Sharing Program in accordance with an agreement between the governments of the U.S. and El Salvador. The fact that all the deportees in the initial dataset who have been incarcerated have tattoos and/or a history of arrest in the U.S. or El Salvador is consistent with the broader impacts of these demographic characteristics on the likelihood of arrest in El Salvador under the State of Exception.

"There are no visitors in the prisons. We don't know if our family members are there or where they are. We don't know for sure if they are alive or not."

The preliminary findings also reveal that even deported individuals who are not immediately detained may be later found by police or military who are implementing the State of Exception throughout El Salvador. This initial data set includes the cases of three deportees who were first released after standard post-deportation processing with Salvadoran police but then arrested in the weeks or months after of their arrival. None of the three interviewed family members of these deportees believed that they had committed any crimes after their arrival in El Salvador. Two of the arrests were violent; in one, a neighbor who witnessed the deportee's arrest recounted, "When they drug him out, they wouldn't even slow down for him to catch his footing… by the time they got out of the doorway and onto the street and they flung him up [into the bed of a pickup], his legs looked like *carne molida* (ground meat)."[14] Deportees being initially screened and released on the day of their deportation to El Salvador only to be arrested a short time later by local police or military underscores the inconsistency and arbitrary nature of State of Exception arrests, many of which have been driven by daily arrest quotas rather than imputed criminal activity.[15] Investigations have revealed that Salvadoran police sometimes create gang aliases for individuals on the spot to justify the arrests of individuals known not to be gang affiliated; leaked police records reveal that grounds for arrest may include merely the fact that a person looked nervous, was carrying cash, or that an anonymous

complaint had been lodged against them.[16]

The initial findings suggest that detained deportees are most likely to be held in Izalco prison, consistent with 2024 reporting from the organization Socorro Juridico Humanitario (Humanitarian Legal Aid) that deportees "are being arrested at the airport and accused, without any evidence, of criminal association, and then sent to Izalco."[17] However, there are frequent transfers between prisons and some reports of deportees being held in other prisons.

05 | Conclusion

This research is ongoing and will be updated as the sample size grows. The initial findings indicate that deportation is a pathway into indefinite detention under ongoing authoritarian emergency rule in El Salvador. The high likelihood of post-deportation incarceration is corroborated by and consistent with messaging from the Salvadoran state about general suspicion of deportees and the cultural correlation between deportees and gang affiliation.[18] For example, Gustavo Villatoro, El Salvador's Minister of Justice and Public Security, remarked in April 2024 that "Any terrorist who is deported from another country, upon setting foot in national territory will be brought to justice. We have a record of these criminals from more than twenty years ago and now they will pay for each crime committed."[19] Likewise, Attorney General Rodolfo Delgado claimed on record that "the majority of returnees are homeboys [full-fledged gang members]," despite the fact that no adult deportees arrested under the State of Exception have yet been sentenced for gang related offenses.[20]

In the current context of rampant arbitrary arrests and widespread human rights abuses in prison, deportees are particularly vulnerable to post-deportation harm at the hands of state actors. In present day El Salvador, where the State of Exception continues, due process remains suspended, and the right to defense is impossible to effect in practice, neither deportees nor their families have any recourse to protect them from these harms.

About the Author

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Sarah Bishop is a professor at Baruch College in the City University of New York and was a Fulbright Scholar in El Salvador during 2020-2021. She is the author of the books *A Story to Save Your Life: Communication and Culture in Migrants' Search for Asylum* (Columbia University Press, 2022), *Undocumented Storytellers: Narrating the Immigrant Rights Movement* (Oxford University Press, 2019), and *US Media and Migration: Refugee Oral Histories* (Routledge, 2016). She serves as an expert witness on asylum cases from El Salvador and as Amnesty International USA's El Salvador Specialist.

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