

US Supreme Court allows resumption of immigrant deportations to third countries

Barry Grey
4 October 2026

The US Supreme Court issued a ruling on September 29 lifting lower court orders restricting the Trump administration's practice of deporting immigrants to countries where they have no ties and no legal status. The decision lets the Department of Homeland Security (DHS) resume removals to third countries without giving the victims advance notice or a chance to argue that they risk being persecuted or tortured.

The ruling marked the third time the Supreme Court's right-wing majority has allowed the policy to continue while it is being challenged in the courts. The administration initiated the barbaric practice early in Trump's second term as part of its drive to expel millions of immigrants from the United States.

According to an Agence France-Presse (AFP) investigation published last month, the US has deported more than 25,000 people under secretive agreements with 35 countries that accept migrants with no ties to them. About 20,000 of the deportees have been sent to Mexico, with the rest dispersed to 27 other countries across Latin America, Africa and the Pacific. Third Country Deportation Watch, a project of Refugees International and Human Rights First, put the figure at more than 25,000 deportees sent to at least 29 countries.

The Justice Department says thousands more are eligible for removal. No one can say how many of them will be subjected to torture or killed. The day before the ruling, two dozen UN human rights experts warned that the mass deportation of migrants from the US to third countries has set off a "cascade of human rights violations" that could have "deadly" consequences.

The deals with third countries were negotiated behind closed doors, and some have never been made public. AFP reported that the US offered multimillion-dollar payments and threatened visa restrictions to pressure governments, especially in Africa, into accepting deportees. An investigation by Forbidden Stories found that the administration earmarked \$410 million to be paid to receiving countries or to United Nations agencies to facilitate the removals.

The September 29 order lifted a February 2026 ruling by US District Judge Brian Murphy in Boston. Murphy held that the government could carry out such removals only if immigrants were given meaningful notice of the destination country and an opportunity to show they faced persecution or torture there. His ruling came in a class action lawsuit filed in March 2025 by four noncitizens. The First US Circuit Court of Appeals largely upheld Judge Murphy's decision on September 18. The Trump

administration filed an emergency appeal with the Supreme Court on September 24, claiming the appeals ruling had "created substantial logistical problems with ongoing removal operations."

The order was a single unsigned page with no explanation. The court's three Democratic-appointed justices noted that they would have denied the government's request but issued no written dissent.

The court said it will hear arguments in December on whether the district court had jurisdiction to issue its order, whether it had the authority to rule on behalf of the entire class of affected immigrants, and whether the government's policy is lawful. It said it will issue a decision by the end of June. That gives the Trump administration at least nine more months to carry out deportations to third countries with no advance notice—deportations that two lower federal courts have found to be unlawful.

Attorney General Todd Blanche called the policy "entirely lawful and a critical tool for immigration enforcement." On *Fox News Sunday* he claimed, "We give absolutely appropriate amount of notice and of due process that the law requires." In fact, the policy the court has revived requires no notice at all where the receiving government has given diplomatic assurances and as little as six hours where it has not. He boasted of the administration's record on the Supreme Court's emergency docket: "We've won 80% of the time. 28 times we've won on the emergency docket."

Trina Realmuto, executive director of the National Immigration Litigation Alliance, which helped bring the initial lawsuit, called the decision "devastating." She said the court "has allowed the administration to resume sending people to third countries where they face persecution or torture," and that people "may be put on a plane without notice or an opportunity to raise a protection claim."

In their filing opposing the stay, lawyers for the immigrants said the administration was ignoring the harm of deporting thousands of longtime US residents, many with no criminal history, with no regard for the persecution or torture they could face. They noted that the lower courts had entered a final judgment, which is different than the preliminary rulings the Supreme Court previously reviewed, and that emergency docket orders are not final rulings on the merits. They cited a US official as saying the policy's purpose is "to scare people."

"Denying a stay does not prevent third-country removals," the lawyers told the high court. "Rather, it simply requires them to do so lawfully."

A policy meant to terrorize

A report published by the American Civil Liberties Union (ACLU) on September 15 stated that the aim of the third-country policy is “to terrify immigrants into abandoning their cases and ‘self-deporting.’” The ACLU noted that the administration is spending tens of millions of dollars to fly people, at times shackled for more than 50 hours, to countries where they have no ties. It described the plan as especially cruel in its choice of targets: people who had already won protection in US immigration courts after proving they were likely to be persecuted or tortured if returned to the countries they fled.

The administration’s response to the ruling confirmed the ACLU’s accusation. James Percival, the top lawyer at DHS, hailed the decision as a “victory” and declared: “A bad day for criminal illegals and open borders activists alike.” He added: “It’s not too late to get \$3,000 and a flight home.” His statement ended with a link to DHS instructions on how to self-deport.

Percival’s reference to “criminal illegals” is a lie. Many of those targeted have no criminal record, and many have legal protection against being sent to their home countries precisely because they face persecution there. Others cannot be returned because their governments refuse to take them.

Deportees have been sent to South Sudan, Uganda, Equatorial Guinea, Liberia, the Central African Republic, Costa Rica, Honduras, Panama and other countries. The people sent to these countries come from every part of the world. Since June alone, the US has sent three deportation flights to the Central African Republic carrying Afghans, Russians, Jordanians, Iranians and others.

Many of these destinations are among the most dangerous places on earth. Cross-referencing the State Department’s “Do Not Travel” (Level 4) advisories with reporting on the deportation agreements shows that at least five countries on the State Department list are either recipients of US deportees or have been targeted as destinations: South Sudan, the Central African Republic, the Democratic Republic of Congo, Uganda and Libya. The State Department warns that the Central African Republic is too dangerous to visit and advises anyone who goes there to make a will and leave a DNA sample so their body can be identified.

Beatings, bags over heads, disappearances

The treatment of deportees bears out the warnings. Last month, two men expelled by the Trump administration to Equatorial Guinea were bound, fitted with bags over their heads, beaten and pushed down a flight of stairs in plain view of other US deportees, according to witnesses and human rights lawyers. The detainees said the men were being punished for speaking to journalists and human rights experts about the conditions of their confinement. Last year, immigrant rights groups revealed that a group of migrants initially bound for South Sudan were being held in

Djibouti in a converted shipping container.

Advocates say their clients sent to third countries have faced prolonged and arbitrary detention, beatings, sexual assault and disappearance. They point to deportations to dangerous places, including Libya, El Salvador’s mega-prison and the Central African Republic.

Those challenging the government policy also say that some deportees have been unlawfully transferred by third countries back to their countries of origin, where they face torture, disappearance or murder.

The class action challenge centers on the Convention Against Torture, which the US Senate ratified in 1994 and which generally bars deportation or extradition to countries where a person may be tortured. Lower courts have found that the law requires notice and an opportunity for the migrant to raise a credible claim of fear of torture. DHS argues that it is enough to have received blanket assurances from the receiving government that no deportee will be tortured.

The legal framework for the third-country policy dates to a February 2025 ICE memo directing officers to review whether immigrants protected from deportation to their home countries could be detained again and sent elsewhere while the administration pursued agreements with foreign governments to take them.

The Supreme Court first intervened in the case last year, when it blocked two earlier lower court rulings against third-country removals, including a May 2025 order temporarily barring deportations to South Sudan without a chance to object. Now, as the case moves toward argument in December, the right-wing majority has again put the weight of the court behind the administration’s dragnet.

The Democratic Party, for its part, has done nothing to stop this practice beyond scattered, purely verbal protests. It has not used its congressional powers, including control over funding, to block the payments to foreign governments or the flights. The Democrats’ posture is in line with their record on immigration enforcement generally.

Immigrant workers are an essential component of the working class as a whole. The sadistic attack on immigrants is the spearhead of the ruling class assault on the democratic rights of the entire working class and Trump’s erection of a presidential dictatorship. It will not be stopped by the courts or any other institution of the capitalist state apparatus. All workers must defend their immigrant brothers and sisters through the development of a united and independent movement of the working class against the source of war, inequality and dictatorship—capitalism.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact