

# DEPORTATION AND DUE PROCESS

## The square peg in a round hole

Due process is a nebulous term since it does not exist within our Constitution, other than a few examples found within the first 10 amendments (original Bill of Rights). On the other hand, deportation is very precise. The physical removal of someone from our country. Oddly, few challenge the concept of deportation, instead choose to debate the quality of process.

First, due process. The term comes from the times of King John and the Magna Carta. Back then and now it remains a rule where any legal process must provide basic elements of fairness, as defined as the fourth, fifth, sixth, seventh and eighth amendment. Not to be confused with other rights guaranteed to citizens [sic] like free speech, owning a gun, voting or even holding public office. SCOTUS says non-citizens are afforded the due process elements in the 4th through 8<sup>th</sup> Amendment.

So where does deportation fit in the big picture? Simple, only a non-citizen can be deported. A non-citizen is a person who enters the United States from a different country, with our permission. Our laws permit this entry as a privilege, not a right. Simply put, just because you are physically here, does not mean you are allowed to be here. There is the rub. Being in the United States without permission or violating the terms of permission, makes you deportable.

Let's look at the non-permission side. Someone who enters the United States without permission. Our Supreme Court calls these people illegal aliens. How can you tell if someone is an illegal alien? Simple, to enter the United States legally, a non-citizen must present themselves at a port of entry and apply for permission. If permission to enter is given, either your passport is stamped, or you are given a stamped permission document (I-94). That is your proof you are in the United States legally. The law also requires you to carry this proof on your person while in the United States.

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Our existing laws continue with clarity. If a non-citizen cannot produce this permission, you are presumed to be an illegal alien (see above) and deportable. In a nutshell, you can be physically thrown out of the United States without further “due process”. No notice, no hearing, no judgement. Think of it this way. You’re sitting on a plane waiting for it to depart. The flight attendant asks the person sitting next to you for their “ticket”. The person says, “I have no stinking ticket.” The flight attendant orders the person off the plane. No, notice, no hearing, no judgment. No due process. None is needed since the person next to you proved they had no ticket (permission). Off the plane.

So, the United States government deported an illegal alien (see above) called Garcia to his home country of El Salvador, and the bleeding hearts arrive like swarm of Egyptian locusts. He’s a square peg in a round hole.

An immigration judge determined Garcia was deportable, was a member of the Tren de Aragua gang and was a danger to the community. The judge issued an order of deportation. An appeal court upheld the deportation order. Garcia had appealed and was granted relief that said he could be deported anywhere in the world, except El Salvador, because of possible gang retaliation. That was 2019. Six years ago!

This year the US government declared the Tren de Aragua and M13 gangs as terrorist. That triggered two legal deportation events. Our immigration laws state a terrorist who has been ordered departed, cannot appeal for relief. That meant the Garcia deportation “not to El Salvador” was no longer valid and in addition, Garcia was deportable under the Enemy Aliens Act. That means Garcia had violated not one, but three of our immigration laws. As an illegal alien (see above), as a criminal threat to the community and a terrorist gang member.

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Garcia was physically deported to El Salvador March 5<sup>th</sup> of this year under the Enemy Alien Act, and the “process” circus begins.

The nitwits are screeching Garcia was deported without due process. How? An immigration court found Garcia was an illegal alien (see above). That same court found Garcia associated with the Tren de Aragua gang and a threat to the community. Based on those findings, the judge ordered Garcia to be deported. The appeals court agreed with the judges’ determinations but added a “not El Salvador” to the deportation order. Garcia had his due process. He had a hearing, and he had an appeal. Garcia was determined deportable. These are the facts.

The nitwits are claiming Garcia was not given the opportunity to prove he was under 13 (yup) and not a Tren de Aragua gang. How can that be?. The immigration court already determined Garcia was not a minor and was part of the Tren de Aragua gang. An appeals court agreed.

This is how dishonest the judicial and legislative nitwits, and the news media, try to justify that the square peg will fit in the round hole.

Why do leftist judges and democrats want these illegal alien criminals in the United States? My guess they hate the United States more than gang-bangers.

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