



[Mass Deportations Carried Out in Defiance of a Court Order Blocking Them](#)

Over the past week, President Trump invoked the Alien Enemies Act of 1798 – an 18th century wartime law – and carried out the deportation of hundreds with alleged gang ties, despite a federal judge’s court order temporarily blocking the expulsion and demanding that any airborne planes carrying the migrants be returned to the United States. The administration’s decision to defy the judicial court order has rightfully elicited controversy, as has the use of the law outside of a time of war. Legal experts point out that federal courts have jurisdiction over the president and thus, the manner in which the deportations have been implemented denies the right to due process and is a clear overreach of power by the Trump administration. The case also raises serious constitutional concerns since under the United States’ system of checks and balances, government agencies are expected to comply with a federal judge’s ruling. As a result, many seem to acknowledge and anticipate that The Supreme Court of the United States (SCOTUS) could ultimately determine whether or not the White House has the far-reaching power that it claims regarding mass deportations.

The rarely-applied wartime law that the Trump administration has tried to use as a means for justifying its recent mass deportation has only been invoked three times in the entire history of the United States, with all of these involving official congressional declarations of war during the War of 1812, World War I, and World War II. For this reason, many observers contend that Trump’s decision to do so in the absence of any such formal proclamation amounts to a troubling and unlawful abuse of the executive branch of government’s power. As one nonpartisan law and policy institute analyst outlined, “The president’s invocation of a wartime authority for peacetime immigration enforcement is a manifest abuse and injustice [and] it is shameful to try to revive this outdated and discriminatory law to target immigrants in modern-day America.” From a purely practical perspective as well, others argue that the law cannot be used against nationals of a country with whom the United States is not at war with. On that note, federal judge James Boasberg appeared to concur with this notion in his court order, whereby he ruled that the terms “invasion” and “predatory incursion” stated in the law relate to hostile acts perpetrated by adversarial nations during a time of war. Some anti-immigration forces have urged for a “non-literal reading” of the “invasion” and “predatory incursion” parts of the law, however, if dangerously interpreted as such, it serves as an abuse of power as it bypasses conventional immigration laws and due process in regular times of peace. Perhaps one of the most alarming elements surrounding the Trump administration’s recent action as well is that if it withstands a potential legal challenge, the move could open the door for other groups of migrants to be targeted in a way which circumvents normal due process and the rule of law.

Attorneys for the American Civil Liberties Union (ACLU) and other rights groups have sought to highlight why the court order defiance is such an unsettling development. ACLU officials have remarked that “There is no foreign military action to justify President Trump’s intended invocation of this act, making his actions not only unlawful but an outright assault on fundamental rights. This is yet another dangerous overreach by the administration, designed to support an unchecked mass deportation program, all while bypassing the necessary judicial review.” The current administration’s refusal to abide by the court order runs counter to the system of checks and balances among the three branches of government – a cornerstone of American democracy which was of course designed to grant each with specific roles and responsibilities in order to ensure a balance of power and prevent any one branch from overstepping its authority. On top of failing to uphold some of the most basic principles that define the

United States system of governance, the dubious behavior of immigration agents under the Trump administration in the case of the recent defiant deportations is far from an isolated incident. Just during the past two weeks alone, immigration enforcement officers have unconstitutionally detained a former Columbia University graduate student with a green card, a Lebanese doctor at Brown University with a valid visa (who also had a court order in place blocking her immediate removal), two German tourists, and multiple immigrants who are either married to U.S. citizens or have long lived in the United States.

It is important to note that even with the concerns of executive overreach under Trump, previous presidents have also deported millions of immigrants. In fact, the numbers deported by Biden exceed those of Trump. Recently uncovered data found that Immigration and Customs Enforcement (ICE) agents actually deported fewer immigrants back in February of this year than they did under the Biden administration during the same month a year ago. According to the data, ICE deported around 11,000 migrants last month – the first full month Trump was in office – compared to just over 12,000 in February of 2024. This should be taken in its proper context though, as one of the major reasons for the higher numbers under the Biden administration was the increased traffic from attempted border crossings in that month of 2024, compared to in 2025. Looking at the respective February data for both presidents, Biden did also issue slightly more removal flights than Trump, at 137 to 128.

There are also indications that President Trump plans to rewrite the [Immigration and Nationality Act](#), which according to the Cato Institute, could lead to the reinstatement of “a system of nationality-based discrimination that Congress first adopted in 1924 before repealing it in the Immigration and Nationality Act of 1965.” Trump signed an executive order on January 20th to “identify countries throughout the world for which vetting and screening information is so deficient as to warrant a partial or full suspension on the admission of nationals.” This new immigration ban would have a hierarchy system of nations in which he considers citizens from them on a green, yellow, orange, and red color classification. The “green” nationalities would be allowed, the “red” nationalities would be subject to a total ban, “orange” nationalities to a partial ban, and “yellow” nationalities would be subject to new requirements – which could escalate into “red” or “orange” classifications if their governments fail to adopt changes within 60 days.

The evident tensions between the White House and the judiciary this week have continued in the preceding days. Following the Trump administration’s defiance of his court order, Federal Judge Boasberg demanded that the Department of Justice (DOJ) answer questions in order to provide more details regarding the controversial deportations carried out. Boasberg has called for government lawyers to divulge the reasoning behind why his court order was not adhered to and answer questions about its actions. Meanwhile, the Trump administration has sent a letter urging for the removal of Boasberg from the case, prompting a rare statement from U.S. Supreme Court Chief Justice John Roberts rebuking the call to impeach the judge as an inappropriate response to disagreement over a judicial decision.