

Congress of the United States

Washington, DC 20515

April 21, 2025

The Honorable Marco Rubio
Secretary
United States Department of State
2201 C Street Northwest
Washington, DC 20520

The Honorable William Duncan
Ambassador of the United States
American Embassy
Final Boulevard Santa Elena
Antiguo Cuscatlán, La Libertad
San Salvador, El Salvador

Dear Secretary Rubio and Ambassador Duncan,

We have requested access to Andry José Hernández Romero, a Venezuelan national with a pending asylum case in the United States who may be imprisoned at the Centro de Confinamiento del Terrorismo (CECOT), the maximum-security prison in Tecoluca, El Salvador. We, or his legal team, must be allowed to conduct a welfare check regarding his health, safety, and current legal status.

As you are aware, Mr. Hernández Romero left Venezuela last year and was granted an appointment to seek asylum in the United States. He was taken into custody at a legal border crossing in California while his case was processed. According to his lawyer, he underwent a credible fear interview where the Government found credible threats against him for his sexual orientation and political beliefs.

As a gay man, Mr. Hernández Romero is at particular risk of persecution if deported or imprisoned in El Salvador, a country where LGBTQIA+ people can face “torture, inhuman or degrading treatment, excessive use of force, illegal and arbitrary arrests and other forms of abuse, much of it committed by public security agents.”¹

Mr. Hernández Romero has no criminal record, and the United States Government has presented no evidence of crimes he has committed. The only evidence of any kind presented by immigration officials against Mr. Hernández Romero are two tattoos—crowns with the names of his parents—which they allege indicate his membership in the gang Tren de Aragua.

The Government is directly responsible for denying his access to due process. Therefore, it is imperative the State Department facilitate his immediate release and access to legal representation.

Since his removal from the United States, the U.S. Supreme Court has granted an injunction directing the Government to halt the further removal of Venezuelan men under the Alien Enemies Act.

Given well-documented concerns about conditions at CECOT, Members of Congress must conduct a wellness check on Mr. Hernández Romero to ensure his health and safety.² We therefore request your assistance in facilitating access to legal counsel for Mr. Hernández Romero and access by Members of Congress for a proof-of life and wellness check as soon as possible.

Additionally, we respectfully request a briefing by personnel from the U.S. Embassy in San Salvador on the State Department’s efforts to facilitate Mr. Hernández Romero’s access to legal counsel and release from custody.

¹ Human Rights Watch (2021, January 8). No Safe Haven for LGBT People in El Salvador. <https://www.hrw.org/news/2021/01/08/no-safe-haven-lgbt-people-el-salvador>.

² Human Rights Watch. (2025, March 20). Declaration on prison conditions in El Salvador in J.G.G. v. Trump case. <https://www.hrw.org/news/2025/03/20/human-rights-watch-declaration-prison-conditions-el-salvador-jgg-v-trump-case>.

Thank you for your prompt attention to this matter.

Sincerely,

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Robert Garcia
Member of Congress

A handwritten signature in black ink, appearing to read 'Yassamin Ansari', written above a horizontal line.

Yassamin Ansari
Member of Congress

A handwritten signature in black ink, appearing to read 'Maxwell Frost', written above a horizontal line.

Maxwell Alejandro Frost
Member of Congress

A handwritten signature in black ink, appearing to read 'Maxine Dexter', written above a horizontal line.

Maxine Dexter
Member of Congress