

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0: 26-cv-00767-PJS-DLM

ALI HASSAN,

Petitioner,

v.

**RESPONDENTS' RESPONSE TO
PETITION FOR WRIT OF
HABEAS CORPUS**

PAMELA BONDI, *et al.*,

Respondents.

Petitioner Ali Hassan filed this petition for a writ of habeas corpus seeking immediate release from custody. Respondents submit this response to the petition. The Court should deny Petitioner's request for habeas relief because, as a refugee who failed to acquire permanent resident status within one year, his detention is mandatory under 8 U.S.C. § 1159(a)(1).

BACKGROUND

Respondents do not dispute the salient facts alleged in the Petition. *See* ECF 1 ¶¶ 1, 4. Petitioner asserts he was admitted to the United States on May 2, 2024. *Id.* ¶ 1. Petitioner is a refugee from Somalia. *Id.* ¶ 4. It is undisputed that, at the time of Petitioner's recent immigration-related arrest in Minnesota within the past week, he had not yet acquired permanent resident status.

Petitioner filed this habeas petition on January 28, 2026. Dkt. 1. The Court entered a briefing schedule, and Respondents now submit their response.

ARGUMENT

I. Detention of Refugees Under 8 U.S.C. § 1159(a)(1)

The Court should deny the petition on the merits. As Petitioner acknowledges, he was admitted to the United States pursuant to Immigration and Nationality Act (INA) Section 207(c)(2), which is 8 U.S.C. § 1157(c)(2). 8 U.S.C. § 1159(a)(1)(C) states, “[a]ny alien who has been admitted to the United States under section 207 of this Act . . . who has not acquired permanent resident status, shall, at the end of such year period, return or be returned to the custody of the Department of Homeland Security for inspection and examination for admission to the United States” *Id.* That is what’s happening here. Petitioner acknowledges entering the United States on December 23, 2024. Pet. ¶ 1. Petitioner acknowledges being detained by ICE on January 21, 2026 well over a year after his arrival. *Id.* Accordingly, since it has been more than one year since Petitioner entered the United States under INA Section 207, Petitioner is subject to mandatory detention. 8 U.S.C. § 1159(a)(1)(C). Application of the statute’s plain text here is clear and straightforward.

This detention is not indefinite, and the current status is preliminary. Petitioner notes that “[b]eing a refugee who has not yet adjusted their status to permanent resident is not a ground of deportability under 8 U.S.C. 1227,” Pet. ¶ 32, and Respondents agree with that much. The statute simply says such refugees “shall . . . be returned to . . . custody,” and that initial custody is ultimately for purposes of “inspection and examination for admission to the United States as an immigrant in accordance with” 8 U.S.C. §§ 1225, 1229a, and 1231. 8 U.S.C. § 1159(a)(1)(C). Thus, the statute “clearly provides for the

initial detention of refugee aliens for their “inspection,”” *Omanovic v. Crawford*, 2006 WL 2256630, *5 (D. Ariz. Aug. 7, 2006), and once that inspection occurs, such detention may often continue pursuant to detention authority such as 8 U.S.C. § 1226 in connection with ongoing removal proceedings. *See, e.g., id.* (observing that detention authority in that case had shifted from Section 1159(a) to 1226(c)). Petitioner’s inspection will occur in due course.

Because Petitioner’s detention is lawful, the petition should be denied.

II. Evidentiary Hearing

Respondents believe the Court can rule on this petition without holding an evidentiary hearing. The facts are not likely to be disputed, and the only issues before the Court are ones of legal interpretation capable of resolution on the parties’ submissions.

CONCLUSION

For the reasons discussed above, Respondents respectfully request that the Court deny this habeas petition.

Dated: January 30, 2026

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