UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-00770-JWB-DJF

Hassan Hassan,

Petitioner,

v.

Bondi, *et al.*

Respondents.

FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Hassan Hassan ("Petitioner"), filed this petition for a writ of habeas corpus requesting immediate release from detention by the Department of Homeland Security's ("DHS") U.S. Immigration and Customs Enforcement ("ICE") on the basis that the Petitioner is a lawfully admitted refugee. Respondents, Pamela Bondi, Kristi Noem, Todd M. Lyons, Charles Wall, and Peter Berg (collectively "the Federal Respondents") submit this response to the petition. The Court should deny Petitioner's request for habeas relief because his detention is mandatory under INA Section 209(a)(1)(C) and moreover under 8 U.S.C. ¶ 1225—the Petitioner is not eligible for bond or a bond hearing.

BACKGROUND

The Federal Respondents do not contest the following specific facts extracted from the Petition. Petitioner claims to have been admitted to the United States as a refugee on July 18, 2024. Pet. ¶ 1. ICE has detained Petitioner, and he remains in ICE custody. Pet. ¶ 1. Petitioner is from Somalia. Pet. ¶ 4.

ARGUMENT

The Court should deny this petition on the merits. As Petitioner acknowledges, he was admitted to the Country as a refugee. INA Section 209(a)(1)(C), codified in the United States Code as 8 U.S.C. 1159(a)(1)(C), states that, "[a]ny alien who has been admitted the Untied States under section 1157 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 . . ." This is the case in the present instance. Documentation provided as part of the Petitioner's filing indicates that Petitioner entered the United States in 2024. Since it has been more than one year since Petitioner entered the United States under INA Section 207, Petitioner is subject to mandatory detention by DHS.

I. Mandatory Detention

A. Mandatory Detention under U.S.C. § 1159(a)

It is undisputed Petitioner entered the United States as a refugee on or around April 2024. Petition ¶ 6. At that time, Petitioner was informed that he was required to file his adjustment of status one year after entry. Petition ¶ 30. It is undisputed that Petitioner was arrested by ICE and is currently detained. Petitioner has provided no evidence, nor has asserted that he held permanent resident status at the time of his detention. As such, it is undisputed INA Section 209(a) applies to Mr. Hassan. Based on the INA § 209's plain text, context, and structure, the Court should hold Petitioner is properly subject to mandatory detention under § 209(a)(1)(C).

B. Mandatory Detention under § 1225

The Court should uphold Petitioner's mandatory detention under § 1225(b)(2). Petitioner is a noncitizen present in the United States, he is "deemed" to be an "applicant for admission" under § 1225(a)(1). Pursuant to the statute's "catchall provision"—paragraph (b)(2)—a noncitizen like Petitioner who is deemed an applicant for admission and who is not subject to paragraph (b)(1) must be detained during removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

First, § 1225's plain text "deem[s]" people who are already "present in the United States" without admission to be applicants for admission. *See* 8 U.S.C. § 1225(a)(1). Although paragraph (b)(1) applies to those "arriving" in the United States and other more recent arrivals, paragraph (b)(2) is not so limited and applies instead to any "other" noncitizen "who is an applicant for admission." *Compare id.* § 1225(b)(1)(A)(i), *with id.* § 1225(b)(2)(A); *accord Jennings*, 583 U.S. at 287. The term "seeking admission" does not implicitly narrow this provision to just those applicants for admission who are "arriving" at the border. Such an interpretation would render paragraph (b)(2) essentially redundant of (b)(1). Rather, (b)(2) includes all people deemed to be applicants for admission who are not already covered by paragraph (b)(1).

Second, the context of § 1225's passage in a 1996 reform package shows Congress intended to place noncitizens who are present without admission on equal footing with those who are apprehended upon arrival. Before the current version of § 1225 was enacted, under the entry doctrine, inadmissible noncitizens who successfully evaded apprehension and gained entry enjoyed greater rights than those who were found inadmissible after

appearing for inspection. *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc) (explaining history of § 1225), *declined to extend by United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024). But Congress did away with the distinction by, among other changes, deeming both categories to be treated as applicants for admission in § 1225(a) and treating them similarly in § 1225(b). Interpreting § 1225(b) to turn on physical entry rather than lawful admission after inspection would reinvigorate the entry doctrine, contrary to Congress's legislative efforts.

Based on § 1225's plain text, context, and structure, the Court should hold Petitioner is properly subject to mandatory detention under § 1225(b)(2).

II. Remedy

Under Petitioner's theory, he is not subject to expedited removal proceedings and not subject to detention under any provision of § 1225. If he is correct, then he would have to be subject to discretionary detention under § 1226(a). But § 1226(a) does not grant "any *right* to release on bond." *Matter of D-J-*, 23 I. & N. Dec. 572, 575 (original emphasis) (citing *Carlson v. Landon*, 342 U.S. 524, 534 (1952)). Instead, the statute provides that the government "*may* release the [noncitizen] on . . . bond of *at least* $1,500" or on conditional parole. 8 U.S.C. § 1226(a)(2) (emphasis added). Under this plain text, posting bond of "at least $1,500" is a condition precedent to release. *Id.* And whether a person is entitled to release on bond in the first place depends on if he can prove he "is not a danger to the community or a flight risk." *Miranda v. Garland*, 34 F.4th 338, 347 (4th Cir. 2022). Petitioner is not entitled to an order of immediate release from this Court, unmediated by

the immigration court procedures ordinarily applicable to custody redetermination proceedings under § 1226(a).

III. Evidentiary Hearing

Finally, the Federal Respondents believe that 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 that are capable of resolution on the parties' submissions.

CONCLUSION

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

Dated: January 30, 2026

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