

No. 25-886

IN THE
Supreme Court of the United States

KENNETH GENALO, DIRECTOR OF THE NEW YORK
FIELD OFFICE OF U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, ET AL.,

Petitioners,

v.

KEISY G.M.,

Respondent.

**On Writ Of Certiorari
To The United States Court Of Appeals
For The Second Circuit**

**BRIEF OF THE UNITED STATES
CONFERENCE OF CATHOLIC BISHOPS AND
THE CATHOLIC LEGAL IMMIGRATION
NETWORK, INC. AS *AMICI CURIAE*
IN SUPPORT OF RESPONDENT**

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INTEREST OF *AMICI CURIAE**

Amici are religious organizations motivated by the teachings of the Catholic Church, including the central belief that all human life is sacred and that every person is imbued with an inviolable dignity, having been created in the image and likeness of God. *Amici* believe that the purpose and responsibility of civic government is to promote the common good by, among other things, protecting that dignity, regardless of national origin. That dignity can be undermined when people, citizens and noncitizens alike, are subjected to indefinite civil detention without judicial review or any other consideration of their individual circumstances.

The United States Conference of Catholic Bishops (the “Conference” or “USCCB”) is a nonprofit corporation whose members are the Cardinals, Archbishops, and Bishops of the United States and the U.S. Virgin Islands. On behalf of the Christian faithful, the USCCB advocates and promotes the pastoral teachings of the Church in a broad range of areas, from the free expression of ideas and the rights of religious organizations and their adherents, to fair employment and equal opportunity for the underprivileged, protection of the rights of parents and children, the value of human life from conception to natural death, and care for immigrants and refugees. When lawsuits touch upon important tenets of Catholic

* Pursuant to Supreme Court Rule 37.6, counsel for *amici curiae* represent that this brief was not authored in whole or in part by any party or counsel for any party. No person or party other than *amici*, their members, or their counsel made a monetary contribution to the preparation or submission of this brief.

teaching, the Conference has filed *amicus curiae* briefs to assert its view, most often in this Court. In so doing, the Conference seeks to further the common good for the benefit of all.

The Catholic Legal Immigration Network, Inc. (“CLINIC”) is a national nonprofit organization established in 1988 by the USCCB. Guided by the Gospel imperative to welcome the stranger, CLINIC protects the rights and promotes the dignity of immigrants through a network of 410 Catholic, faith-based, and community-based legal immigration programs across 49 states and the District of Columbia. CLINIC provides legal training, technical assistance, and advocacy in support of its network of approximately 3,000 legal professionals, who collectively provide immigration services to nearly 500,000 immigrants each year, many of whom are subject to mandatory civil detention without judicial review.

SUMMARY OF ARGUMENT

Freedom from physical restraint is among the most basic liberties our Constitution protects. Since the Founding, courts have safeguarded that freedom by ensuring that detention does not continue for months or years without individualized review by a neutral tribunal.

This fundamental right to be free from arbitrary confinement is not limited to citizens. When Congress began in earnest to enact statutes regulating immigration in the late nineteenth century, courts entertained habeas petitions as a check on the Executive’s power to detain noncitizens, despite the fact that those statutes said nothing about judicial review. And

even when Congress later authorized pretrial detention without any mention of the potential for release, courts insisted that the right to be free from physical restraint was so fundamental that noncitizens were nevertheless entitled to a bond hearing. This Court's more recent immigration decisions confirm that the Constitution mandates judicial review of Executive detention decisions, whether through habeas or some other mechanism.

The through-line is clear: Executive detention has never been wholly insulated from judicial scrutiny. That scrutiny is all the more necessary where a detainee has had no process whatsoever, including before an Article II tribunal, as is the case here.

This accords with Catholic social teaching, which recognizes both the legitimate authority of the state and the dignity of the individual. In his landmark encyclical, *Pacem in Terris*, Pope John XXIII proclaimed that “the common good is best safeguarded when personal rights and duties are guaranteed.” Pope John XXIII, *Pacem in Terris* (Apr. 11, 1963), <https://t.ly/cCj3o>. Governmental authorities therefore must “ensure that these rights are recognized, respected, co-ordinated, defended and promoted, and that each individual is enabled to perform his duties more easily” because “safeguard[ing] the inviolable rights of the human person” and “facilitat[ing] the performance of his duties” is “the principal duty of every public authority.” *Ibid.*

That same sentiment has recently been affirmed by the Holy See on the international stage: The “principles of equality before the law, accountability, the equitable application of the law, the separation of

powers, legal certainty, due process, the prevention of arbitrariness, as well as transparency in both procedural and legal matters, must always be observed.” H.E. Archbishop Paul Richard Gallagher, *Statement at the General Debate of the High-Level Week at the Opening of the 80th Session of the United Nations General Assembly* (Sept. 29, 2025), <https://t.ly/vKnOv>. Those principles are effectuated by procedures that require the government to justify significant deprivations of liberty based on individualized circumstances rather than categorical assumptions.

Although this Court has upheld civil detention without judicial review for brief periods, it has never approved anything like the indefinite detention purportedly authorized by 8 U.S.C. § 1226(c). Nor has it ever permitted detentions of the lengths at issue here—lasting nearly two years—without any consideration of the detainee’s individual circumstances. That is for good reason: Such indefinite confinement without individualized review by a neutral tribunal is anathema to our constitutional system and the ordered liberty it enshrines.

The consequences of abandoning that system are severe and concrete. As *amici* have witnessed, prolonged detention can cost people their jobs, homes, health, and the ability to participate meaningfully in their own legal proceedings. It can separate parents from children, destabilize entire families, and inflict harms that cannot be undone by eventual release. Although such detention may at times be necessary to further important state interests, such as ensuring public safety, it must be subject to justification before a neutral tribunal.

ARGUMENT

I. SINCE THE FOUNDING, COURTS HAVE AFFIRMED THE RIGHT TO JUDICIAL REVIEW OF PROLONGED CIVIL DETENTION.

“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). That freedom predates the Founding, and it has been reaffirmed time and again by this Court. See 4 William Blackstone, *Commentaries on the Laws of England* 296 (1769). Although it does not prohibit even prolonged detention in all circumstances, it does guarantee a right to individualized review of the grounds for that detention before a neutral tribunal. That right applies with equal force to all detainees, irrespective of their national origin, citizenship, or immigration status.

1. At the Founding, the right to seek judicial review of one’s detention was already a long-established safeguard of liberty. English law guaranteed any prisoner who hadn’t yet been convicted of a crime the opportunity to seek release on bail, and the refusal or delay of bail to a qualified detainee was recognized as “an offence against the liberty of the subject”—one that violated the common law and England’s habeas corpus act. 4 Blackstone, *Commentaries* 296–297. The Court of King’s Bench could “bail in any Case whatsoever,” 4 William Blackstone, *Analysis of the Laws of England* 148 (6th ed. 1771), including in civil cases, which sometimes began with a person’s arrest, see 3 Blackstone, *Commentaries* 290 (1768).

The Framers demonstrated their ongoing commitment to that right with the Judiciary Act of 1789,

which provided that, “upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death.” Ch. 20, § 33, 1 Stat. 73, 91. Even capital defendants were entitled to individualized review of their detention, with a judge maintaining “discretion” to release the detainee based on “the nature and circumstances of the offence, and of the evidence, and the usages of law.” *Ibid.* Each subsequent federal law regarding bail has similarly provided for judicial review of pretrial detention and the right to seek release on bail. See, e.g., Bail Reform Act of 1984, Pub. L. No. 98-473, ch. 1, sec. 203, §§ 3141–3142, 98 Stat. 1976, 1976–1977; Bail Reform Act of 1966, Pub. L. No. 89-465, sec. 3, § 3146, 80 Stat. 214, 214–215.

2. The right to judicial review of one’s detention was not limited to citizens. On the contrary, courts have recognized the right of noncitizens to seek individualized review of their detention since Congress first began regulating immigration in the late nineteenth century.

In 1882, Congress passed the Chinese Exclusion Act, under which Chinese people who satisfied certain criteria were barred from entering the United States, and those who were already present in the United States were subject to deportation. See Act of Aug. 3, 1882, ch. 376, § 2, 22 Stat. 214, 214 (excluding convicts and other people unable to take care of themselves); Act of May 6, 1882, ch. 126, §§ 1, 12, 22 Stat. 58, 59, 61 (excluding Chinese laborers and authorizing deportation of Chinese people “found unlawfully within the United States”). Although those laws said nothing about pretrial detention or judicial review,

courts repeatedly held that habeas remained available for noncitizen detainees to challenge their detention during the pendency of their deportation proceedings.

In *In re Chin Ah Sooy*, 21 F. 393 (D. Cal. 1884), for example, a Chinese national was detained pending his deportation proceedings. *Id.* at 393–394. Despite acknowledging that the law authorizing the deportation proceedings didn’t “make[] any specific provision” for judicial review of the detention, the court held that habeas corpus was available because the “right to demand the judgment of the court whether they were lawfully restrained of their liberty could not be gainsaid.” *Ibid.* The court further explained that “any human being claiming to be unlawfully restrained of his liberty has a right to demand a judicial investigation into the lawfulness of his imprisonment,” and that such a rudimentary principle of law wasn’t to be “questioned by any one who knows by what constitutional and legal methods the right of liberty is secured and enforced.” *Id.* at 393. In the court’s words, to keep the noncitizen “in prison or on bail for an indefinite period was out of the question.” *Id.* at 395.

In *In re Chow Goo Pooi*, 25 F. 77 (C.C.D. Cal. 1884), the court similarly made clear that a detainee awaiting deportation proceedings “is entitled as of common right to sue out a writ of *habeas corpus*, that the legality of his detention and restraint may be passed upon by the court.” *Id.* at 78. So no detainee could be denied the fundamental opportunity to challenge his pre-adjudication detention through habeas corpus. *Ibid.*

Other courts—including this Court—agreed, even rejecting outright the government’s argument that noncitizens had no recourse in habeas corpus. See, e.g., *In re Jung Ah Lung*, 25 F. 141, 142 (D. Cal. 1885), *aff’d sub nom. United States v. Jung Ah Lung*, 124 U.S. 621 (1888); see also Gerald L. Neuman, *Habeas Corpus, Executive Detention, and the Removal of Aliens*, 98 Colum. L. Rev. 961, 1005 (1998) (recounting history of habeas corpus in light of Chinese Exclusion Act). As the district court explained in *Jung*, even a noncitizen “is a free man, under our flag, and within the protection of our laws,” such that his liberty cannot be restrained without affording him those protections. 25 F. at 142. This Court affirmed that holding. 124 U.S. at 635.

3. The Chinese Exclusion Act was silent regarding both the detention of noncitizens during the pendency of their deportation proceedings and the reviewability of that detention by a court. Subsequent congressional enactments were not, including the law at issue here. Nevertheless, courts correctly continued to insist upon detainees’ right to have their detention reviewed by a neutral tribunal.

As early as 1888—just six years after passage of the Chinese Exclusion Act—Congress expressly authorized the “arrest[] upon a warrant issued” of “any Chinese person, or person of Chinese descent, found unlawfully in the United States.” Act of Sept. 13, 1888, ch. 1015, § 13, 25 Stat. 476, 479. Although this statute did not provide for judicial review of the arrest and subsequent detention of Chinese nationals during the pendency of their deportation proceedings, “courts around the nation consistently concluded that they possessed the authority to grant pretrial release.”

Lindsay Nash, *Resurrecting Immigration Releases*, 135 Yale L.J. 1533, 1565 (2026) (collecting cases). Those courts explained that their power to release detainees on bond was “inherent” and “incident to the power to hear and determine cases.” *Ibid.* (quoting *In re Chin Wah*, 182 F. 256, 258 (D. Or. 1910) (collecting cases)).

Congress went further in the 1917 Immigration Act, declaring that Executive deportation decisions were “final” and thus not subject to judicial review. Immigration Act of 1917, Pub. L. No. 64-301, ch. 29, § 19, 39 Stat. 874, 890. Even though some process had already been provided through administrative proceedings, courts continued to entertain habeas petitions challenging those deportation and exclusion decisions. See Neuman, *supra*, at 1016 (collecting cases).

As this Court later explained, these cases “recognize[d] that Congress had intended to make these administrative decisions nonreviewable to the fullest extent possible under the Constitution.” *Heikkila v. Barber*, 345 U.S. 229, 234 (1953). But these cases nevertheless underscored that “some ‘judicial intervention in deportation cases’ is unquestionably ‘required by the Constitution.’” *INS v. St. Cyr*, 533 U.S. 289, 300 (2001) (quoting *Heikkila*, 345 U.S. at 235), superseded by statute in other part, 8 U.S.C. § 1252(a)(2)(D). In both *Heikkila* and *St. Cyr*, this Court reaffirmed that habeas—or some equivalent procedure to challenge Executive detention—was the constitutional floor. See *Heikkila*, 345 U.S. at 233–235 (affirming the unavailability of judicial review of an immigration decision under the Administrative Procedure Act because habeas was available to satisfy due process); *St.*

Cyr, 533 U.S. at 314 (rejecting statutory interpretation that would preclude habeas review of immigration decision because such an interpretation “would raise serious constitutional questions”).

If the Constitution demands judicial review of noncitizens’ detention even where *some process* has been provided through administrative proceedings, it must necessarily require judicial review of noncitizens’ detention where *no process* has been given. See, e.g., *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (“Where a person is detained by executive order, rather than, say, after being tried and convicted in a court, the need for collateral review is most pressing.”). That is exactly the case presented here.

4. To be sure, legitimate practical considerations may render immediate review of a detention impractical. That is why courts have always acknowledged that the government may detain individuals without judicial review for some amount of time. But practical exigencies do not change the fact that “liberty is the norm” and “detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987); see also *St. Cyr*, 533 U.S. at 305 (some judicial supervision “has always been available to review the legality of Executive detention”). The indefinite detention without judicial review contemplated by 8 U.S.C. § 1226(c) goes too far under our constitutional framework.

As this Court explained in *Demore v. Kim*, 538 U.S. 510 (2003), noncitizens may be constitutionally detained without a bond hearing under 8 U.S.C. § 1226(c), but for only “the brief period necessary for their removal proceedings.” *Id.* at 513. Underlying

the Court’s reasoning was the assumption that “the vast majority of cases” involving detention under § 1226(c) “last[] roughly a month and a half” and “about five months in the minority of cases” where a noncitizen chooses to appeal. *Id.* at 530. Implicit in that decision is the recognition that prolonged periods of detention without judicial supervision run afoul of the Constitution. Cf. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (“due process requires that the nature and *duration* of commitment bear some reasonable relation to the purpose for which the individual is committed” (emphasis added)).

The lack of any temporal limitation on the petitioner’s commitment in *Foucha* was one of the reasons this Court held that Louisiana’s civil commitment statute was unconstitutional. 504 U.S. at 81. The State in that case argued that Foucha could be committed “indefinitely” under Louisiana’s commitment scheme. *Id.* at 82–83. But this Court rejected that argument, noting that the Due Process Clause permits detention without a judicial determination of guilt only in “carefully limited” instances. *Ibid.* (quoting *Salerno*, 481 U.S. at 755).

And the fact that the Speedy Trial Act imposed “stringent time limitations” on pretrial detention was an important factor in this Court’s decision to uphold the Bail Reform Act of 1984 in *Salerno*. 481 U.S. at 747. There, the Court noted that the Bail Reform Act’s authorization of pretrial detention didn’t violate the Due Process Clause because the detainee was entitled to a “full-blown adversary hearing” and the duration of detention was strictly limited. *Id.* at 747, 750–751.

This Court’s decisions therefore underscore that meaningful limitations on the length of unsupervised pretrial detention matter. And that is no less the case in the context of civil immigration detention. Indeed, this Court has emphasized that a “statute permitting indefinite detention of an alien would raise a serious constitutional problem.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

G.M.’s 21-month detention illustrates the point. Having been detained for nearly two years—more than four times longer than the Court’s estimated average in *Demore*—G.M. exemplifies why judicial review is a necessary constitutional safeguard against arbitrary confinement. See G.M. Br. 36.

* * *

Not every noncitizen detained during the pendency of immigration proceedings is entitled to release. But all are entitled to an individualized review of their detention by a neutral tribunal, especially once that detention has become unreasonably prolonged. Centuries of jurisprudence and fundamental principles of fairness require nothing less.

II. PROLONGED DETENTION WITHOUT JUDICIAL REVIEW INFLECTS SEVERE AND OFTEN IRREPARABLE HARM.

In their own teaching, the U.S. Catholic bishops have underscored the importance of due process both as a matter of justice and as a bulwark for the protection of other fundamental rights, including in the immigration context. The USCCB has explicitly recognized that the special circumstances of detained immigrants present an issue of “particular concern,” and it has advocated against the broad application of

mandatory detention because it threatens due process and inflicts serious hardship on both individuals and families. USCCB, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (Nov. 15, 2000), <https://t.ly/0cIiq>; see also USCCB, *Special Message on Immigration from Plenary Assembly in Baltimore* (Nov. 12, 2025), <https://t.ly/38SmY> (“We are concerned about the conditions in detention centers and the lack of access to pastoral care.”).

CLINIC’s affiliate network serves individuals and families who are vulnerable to the impacts of prolonged detention. The following stories are true but presented using aliases to protect the privacy of these individuals and their families. They illustrate the cumulative harms that can result when civil immigration detention extends for months without a meaningful opportunity to seek judicial relief.[†]

Luis. “Luis” entered the United States as an unaccompanied child and was later approved for Special Immigrant Juvenile Status with a grant of deferred action. He obtained employment authorization. Notwithstanding Luis’s status, Immigration and Customs Enforcement (ICE) arrested Luis during a workplace raid and detained him for several months.

While detained, Luis lost his job. He took on debt to maintain his lease so he had a place to live if an immigration judge granted his bond request. He struggled to stay in touch with family and friends, and

[†] Although not all of these stories of detention arise under 8 U.S.C. § 1226(c), they nonetheless underscore the harms that noncitizens face in prolonged detention.

detention made it more difficult for him to obtain documents that were essential to his immigration case. Luis suffered from stomach and skin illnesses that were likely exacerbated by cold while he was detained. When he received medical care after repeated requests, he was told to change his diet—something he couldn’t effectively do while in detention.

Luis’s mental health also deteriorated rapidly. Although he entered detention with a history of mental-health concerns and self-harm, his condition worsened as his confinement continued. He became increasingly distressed and isolated, and he eventually resumed cutting himself while in custody. He sought medical help but continued to experience severe psychological distress. That distress was compounded by the guards’ mistreatment of him, including harassing him for associating with a transgender detainee.

Even after an immigration judge stated that he did not consider Luis to be a danger to the community or a flight risk, Luis still was not released because the immigration judge concluded that the tribunal lacked jurisdiction to grant bond.

Luis was finally released after a court of appeals ruled that he and similarly situated detainees were statutorily eligible for bond hearings. After ten months of detention, Luis emerged traumatized, in debt, and stripped of his previous deferred-action status. He is recovering and rebuilding his life, and continues to wait for his opportunity to apply for permanent residency based on his Special Immigrant Juvenile Status.

Jaime. “Jaime” came to the United States with a visitor’s visa. He applied for asylum because his home

country's government threatened to persecute him for his political activities. He also applied for temporary protected status and eventually obtained employment authorization.

Jaime built a life in the United States while he waited for the government to adjudicate his case. He worked and sent money to support his parents, both of whom had severe illnesses and continued to receive threats based on Jaime's political opinions. Jaime also has a daughter, a U.S. citizen with severe special needs for whom Jaime was the primary provider. Eventually, his parents came to the United States, too.

After about six years in the United States waiting for an adjudication, a run-in with law enforcement led to Jaime's arrest, and he was detained pending removal proceedings. In detention, Jaime experienced headaches from the noise and fluorescent lighting. He felt completely alone, separated from his family. He knew that his parents were struggling without his support, especially with the added responsibility of caring for his daughter in his absence.

After five more months of detention, Jaime finally was granted withholding of removal. But instead of being released, he was held for another ninety days while the government sought to remove him to a third country—leaving him the brutal choice between being separated from his daughter with special needs and separating her from his parents to bring her to an unknown country.

After the government was unable to remove Jaime to a third country, it released him subject to ongoing check-ins.

Ana. “Ana” was detained by ICE, and the state took custody of her children. A family court told her that she could visit her children by video call every two weeks, but the staff where she was detained never facilitated those calls. Ana spent more than six months in detention without a single visit with her children until the week before she was released.

Ana was sexually assaulted in detention. A mental-health provider told her that if she reported the assault, she would be placed in isolation. Because Ana knew this isolation would exacerbate her depression and anxiety, she felt she had no choice but to keep quiet. A few days later, the same assailant attacked Ana, leaving her with scratches, bite injuries, and psychological trauma. Shortly after that, Ana—not her attacker—was locked in a punishment cell without receiving necessary care. She stayed there for more than a week.

Some weeks later, Ana was transferred to another detention facility, where staff mistreated and racially discriminated against Ana and other detainees. Staff denied detainees access to toilet paper and belittled them. The facility also did not provide language services and almost never facilitated detainees’ online court hearings.

Months after Ana’s detention, she still has trouble sleeping because of the severe psychological damage it caused. Ana is continuing to fight for custody of her children. She says: “It hurts me a lot that I am not with my children, and it hurts my children a lot to not be with me. The first time I saw them on video-call, they cried so much. It was such a sad moment for them as well as for me.”

Amadou. “Amadou” is a 47-year-old Black man from Mauritania. Since the mid-1960s, Black Mauritians have experienced systemic and state-sponsored discrimination and ethnic cleansing.

Amadou entered the United States in 2001. He applied for asylum in 2002, but his application was denied. He was placed in removal proceedings, and an immigration judge ordered him removed to Mauritania in February of 2002. He appealed, but the appeal was dismissed 18 months later. ICE has never been able to remove Amadou to Mauritania.

In 2009, Amadou became eligible to apply for employment authorization. He was ordered to report in person to ICE for the next seventeen years. He never missed an appointment.

In January 2026, while visiting Detroit, Michigan, Amadou took a wrong turn and ended up on the Ambassador Bridge to Canada. Customs and Border Protection took him into custody, and he has been detained ever since.

About three months into Amadou’s detention, his wife gave birth to their baby girl. Tragically, the baby passed away at just three months old. Because of his prolonged detention, Amadou was not with his wife for the birth of their child. He never met his daughter during her short life, nor was he present to help lay his child to rest or to comfort his grieving family.

Amadou filed a habeas petition challenging his prolonged detention. The petition is still pending. Amadou remains in detention, separated from his family.

Alejandro. “Alejandro” is a young Cuban father. He and his family had been in the United States for

more than a year when he was detained by ICE directly outside a court building after Alejandro's immigration hearing. He was transported to the El Paso Processing Center, where he was confined for nearly a year.

Alejandro describes his detention as "horrific." Guards mistreated him and others, physically and psychologically. On one occasion, he tried to verbally defend himself from a guard's abusive remarks, and seventeen guards handcuffed him in retaliation and dragged him to a small room, where five of the guards beat him. Alejandro said, "[the guards] know a lot. They don't beat your face to avoid the swelling. They beat you on your ribs or where clothes cover." The punishment for talking back to a guard did not end there: He was then taken to "*la loba*"—what detainees call isolation confinement—for two days. He was constantly afraid.

Alejandro requested a bond hearing in December 2025. The immigration judge granted a \$2,000 bond but retracted the decision the next day, stating that the court no longer had jurisdiction. Alejandro missed spending Christmas with his family as a result.

Despite becoming a permanent resident, Alejandro still was not released from detention on a procedural technicality. With the help of another detainee, Alejandro filed a habeas petition. Shortly after, without explanation or warning, guards woke him at around 1:00 a.m. and transferred him to a detention center in New Mexico, where he stayed ten days.

The federal district court granted Alejandro's habeas petition. Before he was released, guards took

Alejandro to a hospital to be medically examined after binding his hands, feet, and hips. The guards escorted him publicly, in highly restrictive chains, which was humiliating for someone who had been ordered released.

Alejandro spent over a year in detention. Alejandro describes himself as resilient and happy to be back with his partner and child, but he thinks a lot about what happened to him while in detention. Nightmares and night sweats are near-constant reminders of Alejandro's experience in detention. His fear sometimes paralyzes him and renders him unable to leave his home. He shared his thoughts about the harm of detention: "The physical and psychological harm is not only for me, but for my family," "for my child. There was no need for this."

Oscar. "Oscar" was born in Venezuela. After experiencing death threats in Venezuela, he fled the country and traveled to the United States in 2024 with his partner and young child.

Oscar settled in the United States and sought asylum for his family. He complied with all court requirements while his case was in process. Even so, ICE officers arrested him. Oscar was held in detention centers in Virginia and Texas for ten months.

When Oscar was finally released on bond and returned to his family, his three-year-old son no longer recognized him. He is now trying to put his life back together after a senseless period of detention that left lasting negative effects on him and his family. A federal district court later concluded that Oscar's arrest violated due process.

Omar. “Omar” was ambushed by ICE officers while he and a friend were at a gas station. He was detained in a facility in Texas, far from his family, home, and community network.

In detention, Omar was completely cut off from his support system. He couldn’t contact friends or family, including his three children. The food provided in detention made him feel sick, but he had no access to commissary funds to buy anything. He lost weight in detention.

Omar did not receive a hearing date until two months after he was detained. His representative moved to terminate proceedings against him. The immigration judge denied the motion and set Omar’s next hearing for two months later.

Omar is still in detention. He has since been moved to New Mexico, but conditions have hardly improved. He is completely separated from his support system and socially isolated.

Elias. “Elias” entered the United States in December 2016 as an unaccompanied minor. He applied for asylum, and his removal proceedings were administratively closed in 2021 to allow that application to proceed at U.S. Citizenship and Immigration Services. ICE nevertheless detained Elias in June 2025 during a traffic stop while he was on his way to work. His attorney filed a habeas petition a year later. A federal district court granted his habeas petition and ordered his immediate release. He was released the following day, after spending one year and almost two months in detention.

Elias’s two-year-old U.S.-citizen daughter was only about 21 months old when he was detained.

Elias's prolonged detention strained his relationship with his partner, so the two are no longer together.

Elias's absence caused immense suffering and distress in his young daughter, who has a kidney disorder and requires specialized care and medication. She constantly looked for Elias in their home and would roam the house looking for her father. Elias's ex-partner struggled to keep a stable job while he was detained because of their daughter's care and medical needs. In the short time Elias's ex-partner did maintain a job, their daughter did not receive adequate medical support from caregivers and had several medical setbacks. From then on, Elias's ex-partner could only work odd jobs so that she could oversee their daughter's care. She eventually could not afford to pay rent and had to move in with her mother. That living arrangement was temporary, so she and Elias's daughter had to relocate again during his detention.

All the while, Elias suffered from mistreatment. Officers sometimes refused to give detainees water. Elias's friends were beaten and threatened by guards. When Elias was held in detention in New Mexico, the guards made clear that anyone they perceived to cause problems or "make a fuss" would be taken to a punishment cell.

Now that he's free, Elias feels like he's starting over. He is reconnecting with his daughter after missing more than a year of her life. Elias has struggled to find a stable job.

* * *

These stories demonstrate that prolonged detention imposes consequences that extend well beyond the immediate deprivation of physical liberty. Over

time, detention can sever employment and community ties, undermine financial stability, impair a person's ability to participate in his own legal proceedings, and exacerbate medical and mental health issues. These harms aren't limited to the detainee—they ripple through families and communities. Without meaningful judicial supervision, these cascading effects can inflict severe irreparable harm even without any individualized finding of danger or flight risk. These experiences underscore the importance of timely, individualized judicial review for immigrants who face prolonged detention.

CONCLUSION

The judgment of the Second Circuit should be affirmed.

Respectfully submitted.

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