Galveston-Houston Immigrant Representation Project

FIFTH CIRCUIT RULING ON IMMIGRATION DETENTION

GHIRP Statement | October 27, 2026

On Friday, October 23rd the 5th Circuit issued a sweeping decision in Sosnava Rodriguez v. Vergara denying many immigrants the right to seek release from detention. The ruling leaves the vast majority of detained immigrants in the Fifth Circuit subject to indefinite detention without the right to challenge their incarceration before a judge. In reaching that conclusion, the court effectively held that immigrants detained for immigration purposes have no protected liberty interest in seeking freedom from government restraint.

For decades, immigrants who entered the U.S. without permission could seek release from detention by demonstrating to the immigration judge that they posed no danger to the community and were not a flight risk. That safeguard ensured that individuals, particularly those with extensive ties to the U.S. and no criminal history, could pursue lawful status while being released to the community, next to their families, lawyers, and resources they need. The administration has been eroding that system over the course of the past year, which has pushed these individuals to seek release in federal court through petitions for habeas corpus. Now, the Fifth Circuit has foreclosed this last remaining avenue for release.

Even more alarming, the opinion suggests that immigrants can be free if they just choose to leave the country. This thinly veiled threat forces immigrants to give up their right to their legal claim if they want to be free from prolonged government detention. Losing our immigrant neighbors and loved ones would undercut our resilience and leave our community worse off.

GHIRP is working with members of our Houston-Galveston community who have been detained by local law enforcement while driving to work or taking their children to school, or who have been taken into custody at their immigration appointments while seeking legal status. These are loving parents, grandparents, brothers, sisters, aunts, and uncles, who have lived in the U.S. for years. Many of them have pending applications for benefits in the U.S. including asylum, special immigrant juvenile status, and visas for survivors of crimes who are cooperating with local police.

Aggressive and widespread ICE arrests in our streets, coupled with no right to release from detention, destabilizes our community. We have already seen families torn apart by this administration's indiscriminate enforcement tactics. Now, more than ever, minor encounters with law enforcement have become a life-altering event that leads to fast-track deportations and family separation. Detention conditions in the facilities GHIRP serves are deteriorating by the day, with frequent reports of abuse and lack of basic medical care by detainees. Denying people any opportunity to seek release dehumanizes our family members, neighbors, friends, and coworkers who make our community thrive.

GHIRP's mission is to build a resilient, diverse community by providing comprehensive representation and holistic legal services to immigrants in need.

For Galveston and Houston Inquiries:
Phone: (713) 561-3059
Email: keilar@ghirp.org
Website: www.ghirp.org | **Donate**