



What you should know about habeas corpus petitions

This fact sheet talks about how a habeas petition can help if you get detained, how you can be ready to file a habeas petition, and tips for what to do if you are detained.

What is a habeas petition?

A habeas corpus petition (or just “habeas”) is a lawsuit filed in federal district court. It argues that a person’s immigration detention is unlawful. It asks a judge to order the person released.

What can the federal judge decide in a habeas petition?

The judge could order one of these things:

- order the person released,
- order the immigration judge to hold a bond hearing to decide if the person should be released, or
- deny the petition.



A habeas petition does **not** give a person lawful immigration status in the United States.

How can I get ready now if I am at risk of being detained and may need a habeas petition in the future?

- **Fill out** [this information sheet](#) and give a copy to someone who can help you if you are detained. **Make sure you know your A#!**
- **Gather** important papers. Keep them in a safe place. Make sure someone you trust knows where to find them. Important papers include things like:
 - immigration papers from you when you entered the United States
 - Immigration papers from when you were released from immigration detention
 - Papers and documents that show your immigration status or pending immigration applications
 - any other legal papers, like for criminal cases

- **Memorize** important phone numbers:
 - emergency contacts
 - your immigration lawyer, if you have one
- **Find** trusted organizations and lawyers that you or your family members can call in case you are detained.

What should I do if I am detained?

- **DO NOT sign** any documents unless you understand exactly what they are
- Have someone you trust **get your immigration documents** and get them to a lawyer ASAP.
 - If you do not have money to pay a lawyer to file a habeas petition for you, you may qualify for free legal help from the [Minnesota Habeas Project](#).
 - If you do not qualify for the Minnesota Habeas Project, you or someone you trust can help you file a habeas petition yourself using a [Habeas Petition Form](#). The [Habeas Explainer Packet](#) is a helpful guide for filing a habeas petition yourself.
- **Tell your** emergency contacts if you're going to be transferred to another detention center.
 - Friends or family should check the [ICE Detainee Locator](#) or local county jail public rosters to find you.



This fact sheet was developed for the [MN Habeas Project](#) in collaboration with the National Immigration Project and the James H. Binger Center for New Americans at the University of Minnesota Law School.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

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