

Immigration enforcement in Minnesota

Sarah Thamer and Matt Sepic · March 25, 2026 3:45 PM · UPDATED: MARCH 25, 2026 7:20 PM

Eighth Circuit says some immigrants arrested in U.S. can be detained without bond hearings



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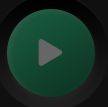
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U.S. Customs and Border Protection agents wait for a flat tire to be fixed on one of their vehicles in Minnesota on Tuesday, March 24, 2026. (Photo by Michael MPR News)



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A federal appeals court has ruled that some immigrants arrested inside the United States may be detained without a chance to ask a judge for release.

In a decision Wednesday, the U.S. Court of Appeals for the Eighth Circuit sided with the Trump Administration and overturned a Minnesota judge's ruling that had given one man that opportunity.

The case centers on Joaquin Herrera Avila, a Mexican citizen who was arrested while driving on a highway in Minnesota. He says he was pulled over because he was driving into the wrong lane.

After his arrest, he was taken to a detention facility in the United States.

In response to the ruling, the court said it had a chance to rule on whether immigrants arrested in the U.S. can be detained without a chance to ask a judge for release.

But in a decision made Thursday, the court ruled that some immigrants arrested in the U.S. can be detained without a chance to ask a judge for release.



Under the ruling, the United States border patrol can detain immigrants without a chance to ask a judge for release.

"The border is a place where people have at the border," said Graham Ojala-Barbour, a St. Paul immigration attorney who is not involved with Herrera Avila's case.

One judge on the panel strongly disagreed. In a dissent, Judge Ralph Erickson writes that his colleagues' interpretation breaks with decades of practice, where people such as Herrera Avila were typically allowed to ask for release.



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"For the past 29 years, Herrera Avila would have been entitled to a bond hearing," Erickson wrote.

Quoting from a dissent in a similar [Fifth Circuit opinion](#) by Judge Dana Douglas, Erickson adds that "[G]overnment intrusions have always been tolerated at the border that would be intolerable in the interior, for the obvious reason that citizens and noncitizens alike expect to be able to go about their business without having to show that they are 'clearly and beyond doubt entitled to be admitted' if taken, or mistaken, for an otherwise inadmissible noncitizen."

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Tunheim, who [redacted] as a federal judge since 1995. Appellate judges Stras and Erickson are appointees of President Donald Trump. President George W. Bush appointed Judge Shepherd to the Eighth Circuit bench. President Joe Biden appointed Judge Douglas.

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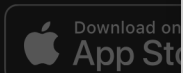
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