

Federal court orders release of El Gamal family after 10 months in ICE detention

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A federal court in Texas has ordered the release of Hayam El Gamal and her five children after more than 10 months of vindictive imprisonment by Immigration and Customs Enforcement (ICE) and the Trump administration at the Dilley Immigration Processing Center, a for-profit detention camp operated by CoreCivic in south Texas.

The *Texas Tribune* reported Monday that the El Gamal family, including 5-year-old twins, is “believed to be among the longest detained” at the Dilley facility, which first opened in 2014 under the Obama administration.

On Monday, US Magistrate Judge Elizabeth S. Chestney issued a 33-page Report and Recommendation finding that the El Gamal family’s amended habeas corpus petition should be granted and that the family should be released from ICE custody.

A habeas corpus petition is one of the oldest legal mechanisms for challenging unlawful detention. Its purpose is to require the government to justify why it is holding a person in custody. In the El Gamal case, the family challenged not a final removal order, but the procedures that kept them locked up after an immigration judge had previously found that they could be released on bond.

Attorney Eric Lee announced the development Monday on X, writing: “I am thrilled to report the El Gamal family’s habeas petition was GRANTED. The family has been ordered released.” Lee credited attorneys Chris Godshall-Bennett, Niels Frenzen and Rebecca Webber as the federal court legal team.

Importantly, Lee noted that “despite the court’s ruling, the family has not yet been released.” A hearing is scheduled for Thursday but Lee called on the federal government to release the family now, noting that ICE “continues to detain them even though a court has held that their prolonged detention violates the Constitution.”

The El Gamal family’s case has become a focal point of opposition to family detention. The court’s ruling came after protests over the weekend in both Texas and Colorado demanding their immediate release.

On Saturday, friends of the family drove from Colorado to the Dilley detention facility, where they protested outside the camp and read a statement from Hayam El Gamal. At the protest, a young woman identified as Habiba Soliman,

Hayam’s 18-year-old daughter, as “her best friend from high school,” and read Hayam’s statement describing nearly a year of detention, inhuman conditions and medical neglect.

The next day, dozens of children gathered in Colorado Springs to demand the release of their classmates and friends. Speakers denounced the collective punishment of the family for the alleged actions of Mohamed Sabry Soliman, Hayam’s former husband and the children’s father. Many of the children stressed that no child should be punished for the crimes of a parent.

At the Colorado Springs protest, one speaker declared, “Children are not responsible for the crimes of their fathers. Innocents should not be imprisoned. Sick people deserve care, this is fundamental.” Another speaker, a clinical social worker, said she had conducted a “basic mental health screening” of the family. “About 2.8 percent of people score in the severe range of depression screen, generally,” she said. Through tears, she added: “And all of them scored in that severe range.”

The federal court ruling itself underscores the significance of the family’s prolonged detention. The magistrate judge noted that the family includes “a mother with five children, ages 18, 16, 9, and twin five-year-olds,” and that their detention, then over 10 months long, had become especially grave because “each additional day a child is detained increases the risk of severe and lasting adverse effects on their psychological and physical development.”

The court decision is a significant victory, but only a first step. The family remains detained and in removal proceedings. The Dilley camp remains open. ICE and Customs and Border Protection goons continue to imprison, abuse and kill immigrants and citizens across the country. And the Trump administration, backed by congressional Republicans, is seeking to secure years of funding for the immigration Gestapo even as the Department of Homeland Security shutdown approaches 70 days.

The court filing details the extraordinary lengths to which the government went to keep the family detained. Hayam El Gamal and her children, citizens of Egypt, were taken into custody on June 3, 2025, two days after Mohamed Sabry Soliman, El Gamal’s then-husband, allegedly threw Molotov cocktails at a pro-Israel demonstration in Boulder, Colorado.

From the outset, the Trump administration treated the family as hostages. The court noted that on the same day the family was taken into custody, the White House posted that they “COULD BE DEPORTED AS EARLY AS TONIGHT.” Thirty minutes later, the official White House account posted Soliman’s mugshot alongside video of the attack and gloated: “Six One-Way Tickets for Mohamed’s Wife and Five Kids. Final Boarding Call Coming Soon.?” The magistrate judge wrote that the posts reflected “disregard for the due-process protections Petitioners are guaranteed” and the “targeting of Petitioners for potentially punitive and political purposes.”

The government’s claim that the family had to be detained for public safety collapsed almost immediately. At a September bond hearing, the Department of Homeland Security argued that Hayam El Gamal and her 18-year-old daughter should be subjected to mandatory detention because of their relation to Soliman. The immigration judge rejected this, finding that they had submitted evidence of their “lack of knowledge of or involvement in the attack,” had cooperated with law enforcement and had renounced Soliman’s conduct. DHS also conceded that the family was not a danger to the community.

Chestney noted that the family had been targeted because of their connection to Soliman “despite the fact that there has never been any evidentiary finding that Petitioners themselves were affiliated with that act or even had knowledge of its occurrence.” Chestney wrote that ignoring the evidence, the government “engaged in procedural maneuvers aimed at thwarting the possibility of Petitioners’ discretionary release from the moment they were taken into custody.”

The court also found that the government’s arguments about flight risk were undermined by its own intimidation campaign. According to the filing, El Gamal’s only US-citizen relative had been reluctant to support the family because he had been targeted for detention and interrogated by DHS about whether he would help her and the children. The court also cited El Gamal’s statement that a member of her Muslim community in Colorado Springs had warned her that “immigration officials are bothering everyone who is trying to help you. . . . Everyone is afraid.” The court’s ruling came after Hayam El Gamal was rushed to the emergency room earlier this month following weeks of being denied medical care inside Dilley. Doctors performed a CT scan, which was inconclusive as to a mass on her chest but found trace pericardial effusion, or fluid around her heart. The emergency room doctor recommended an ultrasound, but that recommendation was denied by ICE. Doctors are concerned El Gamal might have cancer or a systemic autoimmune disease requiring urgent diagnosis and treatment. El Gamal’s emergency hospitalization left her children in the concentration camp without their mother or another adult family member, since their 18-year-old sister had already been separated from them after speaking to the press about horrendous conditions at Dilley.

Under current immigration procedures, many detainees must

prove that they are neither a danger nor a flight risk in order to win release. Chestney concluded that, under the specific facts of this case, forcing the El Gamal family to prove a negative while the government used aggressive procedural maneuvers to keep them imprisoned violated due process. “In this case,” she wrote, “the Government’s aggressive tactics taken to prevent Petitioners’ release on bond combined with the allocation of the burden of proof on Petitioners to prove they are not a flight risk together violated Petitioners’ right to procedural due process.”

The release order is a blow to the Trump administration’s campaign of collective punishment against the family. But it does not end the danger facing them, or thwart the drive of the ruling class to impose a presidential dictatorship.

At the same time, congressional Republicans are moving to fund ICE and Border Patrol through a partisan reconciliation package, bypassing the usual 60-vote threshold in the Senate. Reuters reported last week that Senate Majority Leader John Thune said the Senate could soon begin work on legislation to fund ICE and CBP through the end of Trump’s presidency in January 2029. The legislation is expected to total more than \$50 billion over three years.

This new funding would come on top of the massive sums already made available under Trump’s “One Big Beautiful Bill,” which injected \$170 billion into the immigration and border police state, including billions for detention and border wall construction.

The actual release of the El Gamal family would be a welcome development. But the very fact that it required emergency litigation, public pressure and a federal habeas petition to free a mother and five children who had committed no crime is an indictment of the entire system.

What the US government did to the El Gamal family, it will do to others. The assault on immigrants is the spearhead of a broader attack on the democratic rights of the entire working class. A state that claims the power to imprison children, deny urgent medical care, override court rulings, intimidate supporters and impose collective punishment on innocent people is asserting powers that will be used ever more broadly against workers, students, protesters and all opponents of dictatorship and war.



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