

***U.T. v. Blanche*: An Explainer for Advocates on Class Certification in the Challenge to Asylum Cooperative Agreements**

*September 25, 2026*

**What is *U.T. v. Blanche*?**

In 2019, the Trump administration signed Asylum Cooperative Agreements (ACAs) with several countries to allow removal of asylum seekers to those countries rather than hear their claims in the United States. U.S. law allows for transferring an asylum seeker to a “safe third country” (not their home country, and not the United States) but requires that the asylum seeker actually be safe in that country and have access to a full and fair asylum procedure.

Through [\*U.T. v. Blanche\*](#), the Center for Gender & Refugee Studies (CGRS) and co-counsel challenged a November 2019 rule<sup>1</sup> that provides a procedural framework for ACAs. The implementation of the Rule was paused in 2020 due to the COVID-19 pandemic and the Biden administration terminated the first Trump administration’s agreements with Guatemala, El Salvador and Honduras. The case was then held in abeyance in February 2021 per joint request. However, the Biden administration did not rescind the Rule or the other challenged policies prior to the change in administrations.

**What has happened in *U.T. v. Blanche* since 2021?**

In 2025, the current Trump administration began signing a new series of ACAs with several countries and has been invoking these new ACAs in immigration court to deny asylum seekers the opportunity to have their claims heard—known as pretermission. After CGRS and co-counsel moved to do so, the U.S. District Court for the District of Columbia lifted the stay in *U.T. v. Blanche* and accepted the first amended complaint.

On December 19, 2025, CGRS and co-counsel requested leave to file a second amended complaint, adding 18 additional individual plaintiffs, and filed a motion to certify the class. The government opposed both motions.

On September 21, 2026, the U.S. District Court for the District of Columbia issued an order and [memorandum opinion](#) granting, in relevant part:

- Plaintiffs’ motion to accept the second amended complaint; AND
- Plaintiffs’ motion for class certification

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<sup>1</sup> See *Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act*, 84 Fed. Reg. 63994 (Nov. 19, 2019).

### **What is the significance of this development?**

While the District Court's order is a positive milestone in the case, the challenge to the Rule implementing ACAs is ongoing and there is no substantive relief yet obtained. Notable for asylum seekers and their advocates is the District Court's acceptance of the class definition as:

All noncitizens whom Defendants have sought or will seek to bar from asylum, withholding of removal, or protection under the Convention Against Torture in removal proceedings under 8 U.S.C. § 1229a on the basis that they can be removed to a third country under an Asylum Cooperative Agreement pursuant to the Rule, Guidance, or Designations, except that the class does not include noncitizens who have received final and unappealable adjudications on the substantive merits of such claims not premised on application of the Rule, Guidance, and Designations.

### **Does this affect application of the ACAs in immigration court or pending appeals?**

The abovementioned class definition encompasses asylum seekers who are currently facing application of ACAs in immigration court, have a pending appeal at the Board of Immigration Appeals (BIA), have a pending petition for review to a federal court of appeals, or who have been removed pursuant to an ACA invoked in immigration court. As is also mentioned above, there is no substantive relief yet obtained—the District Court's order cannot be invoked to prevent application of ACAs or request remand where ACAs have already been applied.

On the other hand, that individual asylum seekers may fall within the class definition in their current removal proceedings or appeals does **not** mean that they are prevented from (or excused from) challenging their removal before the immigration court, the BIA, or in an eventual petition for review (PFR) in their individual cases. Asylum seekers with pending PFRs are likewise not prevented from choosing to seek an abeyance in their case in light of class certification in *U.T. v. Blanche*.

### **Where can I learn more about ACAs and follow updates?**

[Visit CGRS's page on pretermission](#) to learn more about the process of pretermission, bases for pretermission, and available pretermission resources in CGRS's Technical Assistance Library. These resources include practice advisories, webinars, template oppositions to DHS motions to pretermite by ACA country, sample country conditions toolkits for ACA countries, and appellate resources such as a template BIA notice of appeal. These resources and others are available after [registering your case\(s\) with](#)

[CGRS](#). Explore aggregated, anonymized data on pretermission cases collected through CGRS's Technical Assistance program on [CGRS's Pretermission Trend Dashboard](#).

You can also read more about CGRS and co-counsel's challenge to the Rule implementing ACAs, including case filings and updates, on [CGRS's page dedicated to \*U.T. v. Blanche\*](#).

If you are working on a PFR of an ACA-based removal order, please reach out to [CGRS-TA@uclawsf.edu](mailto:CGRS-TA@uclawsf.edu) to discuss strategy, technical support, and/or amicus involvement. Please include your CGRS case number,<sup>2</sup> court docket number, briefing deadline (if any), and BIA decision.

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<sup>2</sup> If you have not made a CGRS case record yet, please do so [here](#).