

Asylum Cooperative Agreements: Denial of Due Process and Risks of Return to Danger

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President Trump's policy of mass deportations includes a global push to offshore America's refugee obligations. To that end, he signed an Executive Order directing the Secretary of State to facilitate international cooperation and agreements that transfer asylum seekers to third countries to seek protection there, arrangements that have come to be known as Asylum Cooperative Agreements (ACAs).

Since then, and as part of a broader strategy of international agreements to facilitate [third country removals](#), the administration has entered into ACAs with [Belize](#), [Ecuador](#), [Guatemala](#), [Honduras](#), [Paraguay](#), and [Uganda](#). Given the dubious human rights records of these states and the serious inadequacy of their asylum systems, it is apparent that the administration's goal is not to share the responsibility of offering safe haven, but to deny asylum seekers access to protection in the United States and elsewhere.

The Legal Requirements for Safe Third Country Agreements

ACAs must comply with the [Immigration and Nationality Act](#), which allows the government to bar an asylum seeker from applying for protection in the United States if they can be removed, pursuant to a bilateral or multilateral agreement, to a third country where they will have access to a full and fair asylum procedure and will not be returned to persecution or torture. Agreements that meet these criteria are known as Safe Third Country Agreements (STCAs). For decades, the United States had only one such agreement, with [Canada](#).

The Trump administration's ACAs have consistently failed to meet the statutory requirements. In 2019, CGRS and partners first challenged the ACAs signed with El Salvador, Guatemala, and Honduras; those agreements were later terminated under the Biden administration. A 2021 Senate Foreign Relations Committee [report](#) documented that none of those countries met the statutory criteria to be considered safe third countries where asylum seekers could meaningfully request protection. The report's findings were borne out in practice: not a single applicant sent to Guatemala under that ACA received asylum, and those transferred were effectively coerced into returning to the very countries they had fled.

The current administration has revived and expanded the ACAs, again ignoring the safeguards Congress established, both by entering into agreements with countries that fall far short of the statutory criteria and by implementing them in ways that deny asylum seekers the due process protections the law requires.

The Regulatory Framework for the ACAs is Unlawful

The regulatory framework implementing the ACAs is fundamentally flawed. The [governing regulations](#) fail to ensure that asylum seekers receive adequate notice or a meaningful opportunity to raise fears about the country to which they may be sent. They do not require individualized determinations of whether a specific applicant would actually have access to protection in the ACA country. They also allow designations based solely on whether a protection system exists on paper, without regard to its actual capacity to function in practice. The result is the unlawful deportation of vulnerable people to nations where their lives and freedom are at risk. Following the renewal of the ACAs in the second

Trump administration, CGRS and co-counsel have resumed our challenge to the rule and its accompanying guidance in [U.T. v. Bondi](#).

The ACAs Make a Mockery of our Asylum System

As documented by CGRS, improper use of these insufficient agreements has wreaked havoc on the immigration courts. Since September 2025, the Department of Homeland Security (DHS) has filed motions in thousands of immigration court cases to “prepermit” asylum claims, arguing that applicants can be removed to one or more ACA countries instead. Prepermission denies an applicant a full hearing to present evidence or argument, violating the right to due process. Immigration judges (IJs) across the country have approached DHS’s prepermission motions in a variety of ways. In many instances, IJs have granted these motions on the same day they are filed, without giving applicants any notice or meaningful opportunity to explain why they fear being sent to an ACA country.

Even when IJs provide additional time to respond, it is rarely sufficient. Gathering evidence of risk of harm across multiple potential destination countries is a complex task, and those without legal representation face near-impossible odds. Some asylum seekers have succeeded in challenging prepermission, including by demonstrating a risk of harm in an ACA country, by showing that the agreement includes a numerical cap on transfers, or by documenting that the ACA country has publicly [stated](#) it will not accept certain nationalities. Nonetheless, DHS has appealed the denials of motions to prepermit, relying heavily on a recent Board of Immigration Appeals [precedent](#) that, contrary to immigration law and due process, limits the scope of arguments that IJs may consider.

CGRS maintains an extensive database of reported individual immigration court decisions across the country. Of the 64 outcomes reported to CGRS in January 2026, over 80% were complete denials of relief compared to just 9% of the 59 outcomes recorded in January 2025. The vast majority of the recently reported denials are ACA-based prepermissions, eclipsing all other merit-based rationales.

This is consistent with government data showing a surge in asylum applicants ordered removed to ACA countries at the end of 2025, a trend expected to continue. Between October 2025 and January 2026, at least 32 people were [removed to Honduras](#) pursuant to the ACA. CGRS resources on prepermission and ACA-related litigation trends are available through our [Technical Assistance Library](#) for advocates representing asylum seekers, or upon [request](#) for general research purposes.

Congress Must Take Action to Ensure Adherence to its Statutory Intent

1. Hold oversight hearings on the implementation of the ACAs, including on the violation of the right to due process in immigration court proceedings, the human rights conditions and asylum systems in receiving countries, and the fate of those already transferred.
2. Demand transparency on both the entering into and implementation of ACAs, including the categorical designations of receiving countries as having a full and fair asylum procedure, the number of asylum seekers subject to prepermission motions, the number ordered transferred, the countries to which they have been sent, and the outcomes for those already transferred.
3. Condition further funding for implementation of ACAs on demonstrated compliance with statutory standards, including evidence that designated countries provide meaningful protection in practice.
4. Seek opportunities to co-sponsor legislation imposing meaningful substantive safeguards, including congressional treaty ratification, on ACAs.