

**COMMUNITY  
ALERT**

# IMPORTANT INFORMATION FOR ASYLUM APPLICANTS FROM SPANISH-SPEAKING COUNTRIES SOUTH OF THE U.S.

**DECEMBER 2025**

The government attorney in your courtroom today may ask the judge to deny your asylum application because they believe you can be deported to another country, such as Guatemala or Honduras, under an **“Asylum Cooperative Agreement”** with that country. Listen carefully in court and read this handout to understand your rights if the government makes this request.

## NOTE

*The information below is only general information and should not be interpreted as individualized legal advice. This information is current as of the date printed. Immigration laws, including these agreements, are changing frequently. For the most updated information, it is always best to speak to a trusted attorney about your options before saying anything in court.*

## WHO DO THESE “ASYLUM COOPERATIVE AGREEMENTS” APPLY TO AND WHO IS EXEMPT?

There are certain agreements, called “Asylum Cooperative Agreements” or “ACAs” that the government has made with countries that it deems safe. According to these ACAs, an asylum seeker may be removed to these countries, even if the person has never been to that country. The government believes that it can use these ACAs to seek denial of asylum for many applicants, particularly those from Spanish speaking countries, who entered the United States on or after November 19, 2019.

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**One important exception is that the ACAs cannot apply to unaccompanied children (“UCs” or “UACs”).** Beyond that, each agreement has its own exceptions that can be complex. It is best to consult with an attorney or Department of Justice accredited representative to determine whether you qualify for an exception.

As of the date of print, there are two possible ACAs that could apply to you. However, note that the U.S. government is actively pursuing other agreements and could argue that other ACAs apply to you as well.

COUNTRY	WHO DOES IT APPLY TO?	WHO DOES IT <u>NOT</u> APPLY TO?
Honduras	<ul style="list-style-type: none"> <li>▶ Any person who arrived at a U.S. port of entry, or entered, or attempted to enter the U.S. between ports of entry (without status).</li> <li>▶ Right now the government is applying this ACA to those from Spanish-speaking Latin American countries who do not need a visa to enter Honduras (meaning it doesn't apply to Cubans or Venezuelans).</li> </ul>	<ul style="list-style-type: none"> <li>▶ Citizens or nationals of Honduras or habitual residents of Honduras.</li> <li>▶ Any person who arrived in the U.S. with a valid visa or other admission document or was not required to obtain a visa.</li> <li>▶ Any person who was or is involved in certain criminal activity or is the subject of an Interpol Red Notice.</li> </ul>
Guatemala	<ul style="list-style-type: none"> <li>▶ Any Citizens or Nationals of any Central American country (except Guatemala) who arrived at a U.S. port of entry, or entered, or attempted to enter the U.S. between ports of entry (without status).</li> </ul>	<ul style="list-style-type: none"> <li>▶ Nationals of Guatemala.</li> </ul>

## HOW CAN I RESPOND IF THE GOVERNMENT ASKS THE JUDGE TO DENY MY CASE BASED ON ONE OF THESE AGREEMENTS?

If the government raises this issue at your hearing, or just a few days before your hearing, **you have the right to ask for more time and to respond to their arguments.**

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Below are a few possible ways you can respond, depending on the situation:

- 1. You have the right to ask for more time:** You have the right to ask the judge for time to consult with an attorney before the judge makes a decision. Especially if this is the first time the government is raising this argument, it would be unfair for the judge to make a decision without giving you an opportunity to consult with a lawyer and understand your options. You have the right to tell the judge that you understand there are special requirements and exceptions for each ACA, so you need time to learn about the specific ACA being raised and understand whether you might qualify for an exception.

Immigration court rules say that you should generally have 10 days to respond to a motion (request) by the government. You can tell the judge that you would like at least 10 days to review the motion (request) and think about how you want to respond. This might include talking to a lawyer who can help you understand the ACA and its exceptions.

- 2. If you are afraid you will be harmed in the ACA country, you have the right to ask for time to apply for protection from that country:** One exception to the ACAs is if you would be persecuted or tortured in the ACA country. You have the right to ask for more time to prove that you will be harmed there. Since this is the first time the government is raising the possibility of removal to that country, you have the right to argue that you need time to gather evidence of this.

- 3. You have the right to argue that the motion (request) is late:** Immigration court rules also set deadlines for when the parties may submit requests to the judge. The deadlines are different depending on the type of hearing, but if the government is making this request for the first time today, they have missed the deadline. You have the right to remind the judge that the government's request is late, so it should be denied.

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**4. You have the right to ask the judge to evaluate if the agreement actually applies to you:** Even if the judge does not agree to give you more time, you have the right to ask that they look carefully at the specific ACA and decide whether it actually applies to **you**. This might include asking the government for proof that the proposed country would actually allow you to enter. It might also include reviewing the law and the specific ACA to decide if you might qualify for an exception. For example, for the Honduras ACA, you can always ask whether the cap for the month has been reached.

## **CAN THE GOVERNMENT ASK THE JUDGE TO DENY MY ASYLUM CASE BASED ON MORE THAN ONE ACA?**

Yes, the government may ask the judge to deny your asylum application based on more than one ACA. However, the government must prove that an ACA applies to you and they must do that for each ACA country. You have the right to ask the judge to evaluate whether each agreement actually applies to you and whether you qualify for any exception based on the specific agreement for each ACA country. You also have the right to ask for protection from each ACA country if you fear you will be persecuted or tortured.

## **WHAT IF I AM IN COURT TOGETHER WITH MY FAMILY? WILL THE ACA APPLY TO US?**

The government may request that the ACA be applied to your family. However, the government has to prove that the ACA applies to each member of your family. And each member of your family has the right to argue that the ACA does not apply or that they qualify for an exception. Just because the ACA applies to one family member does not mean it applies to everyone. The judge must decide if an ACA applies for each individual. Each family member has the right to follow the above steps.



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## WHAT DOES IT MEAN IF THE JUDGE DENIES MY ASYLUM APPLICATION BASED ON AN ACA?

If the judge denies your application because of an ACA, you may still have a right to apply for withholding of removal and protection against torture, from both your country and the ACA country. You also have a right to ask for other forms of relief. If you think you might be eligible for another form of relief, you have the right to tell the judge so that they can consider how to handle your case.

You also have the right to appeal the judge's decision if you believe it was incorrect. If you want to appeal the decision, you must tell the judge today in court that you plan to appeal. After that, you will have 30 days to file a "Notice of Appeal" with the Board of Immigration Appeals, using Form EOIR-26. If you tell the judge you want to appeal, the removal order is not final yet. You cannot be deported while your appeal is pending, but if you do not file a notice of appeal within 30 days, then your removal order becomes final.

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