

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

	:	
<b>Cristian Edu Ricaurte Bejarano</b>	:	Case No. 5:26-cv-98
Petitioner,	:	
	:	
v.	:	<b>PETITION FOR WRIT OF</b>
	:	<b>HABEAS CORPUS</b>
<b>Michael Breckon, Warden</b> of Folkston D	:	
Ray Detention Facility,	:	<b>ORAL ARGUMENT</b>
<b>Marcos Charles</b> , Acting/Director Atlanta	:	<b>REQUESTED</b>
Field Office,	:	
U.S. Immigration and Customs Enforcement;	:	
<b>Kristi Noem</b> Secretary of the U.S.	:	
Department of Homeland Security; and <b>Pam</b>	:	
<b>Bondi</b> , Attorney General of the United	:	
States, in their official capacities,	:	
Respondents.	:	

**INTRODUCTION & STATEMENT OF FACTS**

Cristian Edu Ricaurte Bejarano is an immigrant currently detained at the Folkston D Ray Detention Facility in Folkston, Georgia. He has been detained since approximately November 17, 2025 and placed in removal proceedings before the Executive Office of Immigration Review (“EOIR”). The Department of Homeland Security (“DHS”) issued a Notice to Appear dated January 21, 2023.<sup>1</sup>

On December 5, 2025, Petitioner filed a Motion for Bond/Bond Redetermination, with the immigration court. At the December 22, 2025 hearing, the Immigration Judge issued a

---

<sup>1</sup> See Exhibit A, a copy of the Notice to Appear and form I-830 which indicates a change of address for the alien address.

decision and determined that the court lacked jurisdiction pursuant to the *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).<sup>2</sup> Essentially, the court determined that the Petitioner was subject to INA § 235 (8 USC Section 1225), not INA § 236 (8 USC Section 1226).

Furthermore, the Immigration Judge determined that the class action decision, *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal), granted class certification and partial summary judgment.

The immigration judge determined that the court did not issue a declaratory judgment. Notably, the Immigration Judge issued an alternative decision stating if the court had jurisdiction, she would issue a bond in the amount of \$5,000.00.<sup>3</sup>

Petitioner contends that he is not subject to detention, nor is he subject to 8 USC § 1225 (INA § 235) and that the *Matter of Yajure Hurtado* does not apply to him. He entered the United States in January 2023, more than two years after his detention in November 2025.

Here, a habeas corpus petition is necessary because the Immigration Judge indicated that the court lacked jurisdiction to grant a bond—a legal question ripe for this Court to answer. Because the legal posture of the Executive Office for Immigration Review (“EOIR”) is that the Petitioner is subject to 8 USC § 1225 (INA § 235) and the *Matter of Yajure Hurtado*, *supra*, the court will not consider the bond motion on its merits due to a jurisdictional question, therefore, depriving the Petitioner of his due process rights under the Fifth Amendment to the United States Constitution. The Immigration Judge and EOIR have misinterpreted the statute 8 USC § 1225 (INA § 235) and misapplied the law. Petitioner is subject to 8 USC § 1226 (INA § 236), and therefore, eligible for bond. Lastly, the actions of the Immigration Judge, EOIR and DHS have been arbitrary and capricious. Based upon these reasons, Petitioner requests that this Court grant the instant petition for a writ of habeas corpus.

---

<sup>2</sup> See **Exhibit B**, a copy of the immigration bond order dated December 22, 2025.

<sup>3</sup> *Id.*

In the case at bar, the Immigration Judge denied the bond request but issued an alternative order if the jurisdiction question is resolved. Notably, in separate Master Hearing on December 18, 2025<sup>4</sup> regarding the removability of the Petitioner, the Immigration Judge ordered removal and granted a motion to pretermite an asylum case over the objections of the Petitioner on the grounds that there is an “Asylum Cooperation Agreement” (“ACA”) to the countries of Uganda, Honduras and Ecuador. Petitioner objected and claimed that his due process rights were violated. Petitioner reserved appeal and timely filed an appeal with the Board of Immigration Appeals. Absent an order from this Court, Petitioner will remain detained during the pendency of an appeal which could take years.

Petitioner asks this Court to find that is eligible for a bond and subject to 8 USC § 1226 and to adopt the alternative finding by the Immigration Judge on December 22, 2025, where she opined that if she had jurisdiction, she would set a bond in the amount of \$5,000.00.

### **JURISDICTION**

This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine whether Petitioner is subject to 8 USC § 1226 and to *the Matter of Matter of Yajure Hurtado*.

This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

---

<sup>4</sup> See Exhibit C, a copy of the court order dated December 18, 2025.

**VENUE**

Venue is proper because Petitioner is detained at Folkston D Ray Detention Facility in Folkston, Georgia, which is within the jurisdiction of this District.

Venue is proper in this District because Petitioner are officers, employees, or agencies of the United States and the Petitioner reside in this District and a substantial part of the events or omissions giving rise to her claims occurred in this District. *See*. 28 U.S.C. § 1391(e).

**REQUIREMENTS OF 28 U.S.C. § 2243**

The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents “forthwith,” unless Petitioner is not entitled to relief. *See*. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a response “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

**PARTIES**

Petitioner is an undocumented immigration seeking asylum. Petitioner is currently detained at Folkston D Ray Detention Facility. He is in the physical custody of Department of Homeland Security at the Folkston D Ray Detention Facility and under the direct control, of Respondents and their agents.

Respondent Michael Breckon, Warden of D Ray Folkston Detention Facility, is sued in because he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

Respondent Marcos Charles is sued in his official capacity as the Acting Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement. Respondent Charles is a legal custodian of Petitioner and has authority to release him.

Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement. The U.S. Customs and Border Protection, the component agency responsible for Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.

Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA"). Respondent Bondi is a legal custodian of Petitioner.

### **STATEMENT OF FACTS**

Petitioner is a 45-year-old citizen of Colombia. He has been working as a package delivery driver and has been married for five years. He has a son and granddaughter that resided with him when he was not detained. He had submitted letters of good moral character and has

not been convicted of a crime. Prior to his detention, he applied for affirmative asylum and was awaiting adjudication of his application.

### **LEGAL FRAMEWORK**

This matter arises from the decision of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) and the subsequent class action, *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal.), where in the federal court granted class certification and a partial summary judgment opining that the Matter of Yajure Hurtado misinterprets the law. Unfortunately, the Immigration Judge determined that the EOIR lacks jurisdiction to consider bond requests in violation of Petitioner's due process rights. These actions violate 8 USC § 1226(a), 8 C.F.R. § 236.1 and the Fifth Amendment to the United States Constitution.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

#### **Violation of Fifth Amendment Right to Due Process**

1. The allegations in the above paragraphs are realleged and incorporated herein.
2. The Respondents' actions denied the Petitioner the right to have his application for bond redetermination adjudicated under 8 U.S.C. § 1226(a) on the merits of whether he is a flight risk or a danger to the community, violating his constitutional rights.
3. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

#### **COUNT TWO**

#### **Violation of 8 U.S.C. § 1226(a) and Implementing Regulations**

4. The allegations in the above paragraphs are realleged and incorporated herein.

5. Respondents' actions have deprived the Petitioner an opportunity to have his bond application adjudicated on its merits and thereby have deprived him of his constitutional and statutory rights to a meaningful bond determination and to his liberty.
6. For these reasons, Petitioner's detention / challenged action violates 8 U.S.C. § 1226(a) and 8 C.F.R. § 236.1.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1226(a), and/or 8 C.F.R. § 236.1;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to either adopt the alternative decision of the Immigration Judge dated December 22, 2025, wherein she would have granted a bond in the amount of \$5,000.00 or alternatively, schedule a bond hearing before an immigration judge and, at such hearing, order that the Immigration Judge and/or Board of Immigration Appeals has jurisdiction to consider bond and afford the Petitioner an opportunity to file a request for relief.
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Dated: January 26, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Effron Sharma". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Rachel Effron Sharma  
DreamPath Law, LLC  
5425 Peachtree Parkway NW  
Norcross, GA 30092  
rachel@dreampathlaw.com  
Tel: (470) 273-3444

**DECLARATION OF LOCAL COUNSEL REGARDING VERIFICATION**

I am local counsel for Petitioner in this matter. I have not yet had direct contact with Petitioner in order to verify this petition. The Petition for writ of habeas corpus is based on information provided by lead counsel and local counsel's review of all available records. Counsel will file a verification from Petitioner as soon as counsel receives it, or in the alternate, lead counsel will file a complete verification once admitted pro hac vice. Due to Petitioner being detained far from his counsel, it will take extra time to obtain verification from Petitioner directly, but because this is an urgent matter, counsel requests leave of the court to file the verification as soon as it is available.

Dated this 26<sup>th</sup> day of January, 2026.



Rachel Effron Sharma  
DreamPath Law, LLC  
5425 Peachtree Parkway NW  
Norcross, GA 30092  
rachel@dreampathlaw.com  
Tel: (470) 273-3444

# **EXHIBIT A**

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]  
DOB: [REDACTED]

File No: [REDACTED]  
Event No: BRF [REDACTED]

In the Matter of:

CRISTIAN EDU RICAURTE-BEJARANO

Respondent: \_\_\_\_\_ currently residing at:

[REDACTED ADDRESS]

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of COLOMBIA and a citizen of COLOMBIA ;
3. You arrived in the United States at or near OTAY MESA, CA , on or about January 20, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

5701 Executive Center Drive Suite 400 Charlotte NC US 28212

(Complete Address of Immigration Court, including Room Number, if any)

on January 27, 2026 at 08:00 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

JUAN GAXIOLA

Acting/Patrol Agent in Charge <sup>TS</sup>

(Signature and Title of Issuing Officer) (Sign in ink)

Date: January 21, 2023

San Diego, California

(City and State)

# **EXHIBIT B**



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
ATLANTA - TED TURNER DRIVE IMMIGRATION COURT

Respondent Name:

RICAURTE BEJARANO, CRISTIAN EDU

To:

Johnson, Carnell  
5806 Monroe Road  
Suite #102  
Charlotte, NC 28212

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/22/2025

- Unable to forward - no address provided.
- Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals  
Office of the Clerk  
P.O. Box 8530  
Falls Church, VA 22041

- Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

- Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.
- Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.
- Other:

EXHIBIT B

Date:



Immigration Judge: BELL, JENNIFER 12/22/2025

**Certificate of Service**

This document was served:

Via:  M ] Mail |  P ] Personal Service |  E ] Electronic Service |  U ] Address Unavailable

To:  ] Alien |  ] Alien c/o custodial officer |  E ] Alien atty/rep. |  E ] DHS

Respondent Name : RICAURTE BEJARANO, CRISTIAN EDU | A-Number :



Riders:

Date: 12/23/2025 By: Conyers, Mikayla, Court Staff

# EXHIBIT C



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
ATLANTA - TED TURNER DRIVE IMMIGRATION COURT

Respondent Name:

RICAURTE-BEJARANO, CRISTIAN EDU

To:

Johnson, Carnell  
5806 Monroe Road  
Suite #102  
Charlotte, NC 28212

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/18/2025

Unable to forward - no address provided.

Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals  
Office of the Clerk  
P.O. Box 8530  
Falls Church, VA 22041

Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

Case 5:26-cv-00098-LGW-BWC Document 1 Filed 01/25/26 Page 17 of 24  
 Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**.  
This is a final order. No appeal is available.

Other:  
Order - motion to pretermit and removal order

Date: 12/17/2025



Immigration Judge: Doughty, Blake 12/18/2025

#### **Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [ E ] Alien atty/rep. | [ E ] DHS

Respondent Name : RICAURTE-BEJARANO, CRISTIAN EDU | A-Number :

Riders:

Date: 12/18/2025 By: Martin, Rita, Court Staff



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
UNITED STATES IMMIGRATION COURT  
ATLANTA – W. PEACHTREE STREET  
ATLANTA, GEORGIA

Matter of

RICAURTE-BEJARANO, CRISTIAN EDU

The respondent

File Number:



In Removal Proceedings

Charge: INA § 212(a)(6)(A)(i)

Applications: MOTION TO PRETERMIT

On Behalf of the respondent:

Carnell Johnson, Esq.  
Johnson & Nicholson, PLLC  
5806 Monroe Road, Suite 102  
Charlotte, NC 28212

On Behalf of the Department:

ACC Gerashante Walton  
Department of Homeland Security  
401 W. Peachtree Street, Suite 2850  
Atlanta, Georgia 30308

**ORDER ON MOTION TO PRETERMIT**

The respondent filed a Form I-589 application on January 29, 2024. See Exh. 2. At a master hearing on December 10, 2025, the Department of Homeland Security (“the Department” or “DHS”) orally moved the Court to pretermit the respondent’s applications for asylum under the Immigration and Nationality Act (“INA”) § 208, statutory withholding of removal under INA § 241(b)(3), and protection under the Convention Against Torture (“CAT”).

DHS asserts the respondent is barred from applying for such forms of protection under INA § 208(a)(2)(A) and 8 C.F.R. § 1240.11(h)(2), because the respondent is subject to the Asylum Cooperative Agreements (“ACAs”) with Ecuador, Uganda, and Honduras. *See Agreement Between the Government of the United States of America and the Government of the Republic of Ecuador Relating to the Transfer of Third-Country Nationals to Ecuador*, 90 Fed. Reg. 51376 (November 17, 2025) (hereinafter “ACA with Ecuador”); *Agreement Between the Government of the United States of America and the Government of the Republic of Uganda for Cooperation in the Examination of Protection Requests*, 90 Fed. Reg. 42597 (September 3, 2025) (hereinafter “ACA with Uganda”); *Agreement Between the Government of the United States of America and the Government of the Republic of Honduras for Cooperation in the Examination of Protection Requests*, 90 Fed. Reg. 30076 (July 8, 2025) (hereinafter “ACA with Honduras”).

At the hearing on December 20, 2025, the Immigration Court took administrative notice (without objection by the parties) of the ACA with Ecuador, the ACA with Uganda, and the ACA with Honduras. See Exh. 3; Exh. 5; Exh. 7. The Immigration Court also took administrative

notice (without objection by the parties) of the 2024 Department of State Human Rights Reports for Ecuador, Uganda, and Honduras. *See* Exh. 4, Exh. 5, and Exh 8.

At the request of the respondent, the Immigration Court set a special master calendar hearing on December 17, 2025, to provide the respondent with a reasonable opportunity to respond to the DHS motion. On December 16, 2025, the respondent, through counsel, filed a written response to the DHS motion to pretermite styled as “Respondent’s Motion To Preclude Removal to Ecuador, Honduras, or Uganda and to Bar Third-Country Removal Notwithstanding DHS’s Assertion of Safe Third Country Agreement” (hereinafter “Respondent’s Motion to Preclude Removal”). *See* Exh. 9.

Under INA § 208(a)(2)(A), an alien is ineligible to apply for asylum in the United States if the alien may be removed, pursuant to a bilateral or multilateral agreement, i.e., an ACA, to a country where the alien’s life or freedom would not be threatened on account of a protected ground and the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent protection. *See* 84 Fed. Reg. at 63,994. Under the regulations, an alien subject to the terms of an ACA who arrived at a U.S. port of entry or entered or attempted to enter the United States between ports of entry, on or after November 19, 2019, is ineligible to apply for asylum, statutory withholding of removal, and CAT protection. 8 C.F.R. § 1240.11(h)(2); *see also* Implementing Bilateral and Multilateral Asylum Cooperation Agreements under the Immigration and Nationality Act, 84 Fed. Reg. 63,994 (Nov. 19, 2019); *Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. 291, 298 (BIA 2025).

### *I. Applicability of ACA with Ecuador*

Under the agreement between the United States and Ecuador, Ecuador has generally committed to consider the protection requests of any third country national present in the U.S. *See* 90 F.R. 51377–51386. The agreement excludes “unaccompanied minors.” *Id.*, at 51384. By operation of regulation, the agreement may only be applied to third-country nationals who arrived at or entered the United States on or after November 19, 2019, the date the interim rule codifying the bar was published. *See Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. at 293-94 (*citing* preamble of Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act, 84 Fed Reg. 63994, 63995-96 (Nov. 19, 2019)).

The Court finds that the respondent has not demonstrated by the preponderance of the evidence that the ACA with Ecuador does not apply. *See* 8 C.F.R. § 1240.11(h)(2)(i); *Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. 294 (“Once DHS has provided notice, the respondent must have a reasonable opportunity to satisfy his burden to show by a preponderance of the evidence that the safe third country bar does not apply because he or she will more likely than not be persecuted or tortured in the relevant third country.”). Here, the respondent, a native and citizen of Colombia, entered the United States on January 20, 2023, at or near Otay Mesa, California, without inspection. Therefore, the respondent entered the United States after November 19, 2019. Moreover, Respondent is not a citizen or national of Ecuador and has never been designated as an “unaccompanied minor.”

The respondent failed to establish that he qualifies for an exception under 8 C.F.R. § 1240.11(h)(3) or the Federal Register notice for the ACA with Ecuador. 8 C.F.R. § 1240.11(h)(2). In the respondent’s I-589 application, the respondent does not express any fear of harm in Ecuador.

Moreover, the respondent has not provided any testimony or submitted any written statement in which he asserts a subjectively genuine or objectively reasonable fear of harm in Ecuador. To the contrary, the Immigration Court has taken administrative notice of the 2024 Department of State Human Rights Report for Ecuador which indicates that “the government took credible steps to identify and punishment of human rights abuses” and that the “law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.” See Exh. 6 at 1, 14. Accordingly, the record does not demonstrate that it is more likely than not he will be persecuted on account of a protected ground or tortured in Ecuador.

For the reasons stated above, the respondent is barred from applying for asylum, statutory withholding of removal, and CAT protection in the United States based on the applicability of the ACA with Ecuador.

## ***2. Applicability of ACA with Uganda***

Under the agreement between the United States and Uganda, Uganda has generally committed to consider the protection requests of any third country national present in the U.S. See 90 Fed. Reg. 42597. The agreement excludes “unaccompanied minors.” *Id.*, at 42600. By operation of regulation, the agreement may only be applied to third-country nationals who arrived at or entered the United States on or after November 19, 2019, the date the interim rule codifying the bar was published. See *Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. at 293-94 (citing preamble of Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act, 84 Fed Reg. 63994, 63995-96 (Nov. 19, 2019)).

The Court finds that the respondent has not demonstrated by the preponderance of the evidence that the ACA with Uganda does not apply. See 8 C.F.R. § 1240.11(h)(2)(i); *Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. 294 As noted above, the respondent entered the United States after November 19, 2019, is not a citizen or national of Uganda, and has never been designated as an “unaccompanied minor.”

The respondent failed to establish that he qualifies for an exception under 8 C.F.R. § 1240.11(h)(3) or the Federal Register notice for the ACA with Uganda. 8 C.F.R. § 1240.11(h)(2). The respondent has not expressed a fear of residing in Uganda (in either his I-589 application, written statements, or testimony presented at the special master calendar hearing). The respondent has not otherwise demonstrated that it is more likely than not that he will be persecuted on account of a protected ground or tortured in Uganda. The 2024 Department of State Human Rights Report for Uganda indicates that “the law provided for granting of asylum or refugee status, and the government had a system for providing protection to refugees.” See Exh. 8 at 21. Accordingly, the respondent is barred from applying for asylum, statutory withholding of removal, and CAT protection in the United States based on the applicability of the ACA with Uganda.

## ***3. Applicability of ACA with Honduras***

Under the agreement between the United States and Honduras, Honduras has generally committed to consider the protection requests of any third-country national who arrives at a U.S. port-of-entry (POE) or crosses the border between POEs. 90 F.R. 30076, at 30085 (July 8, 2025) (removing an earlier temporal restriction in the initial agreement via an exchange of diplomatic notes). In addition to Honduran nationals or stateless last habitual residents, the agreement

excludes “unaccompanied minors,” individuals involved in certain delineated crimes, and Interpol fugitives. *Id.* at 30079-30080 (Arts. 4 and 5). Moreover, by operation of regulation, the agreement may only be applied to third-country nationals who arrived at or entered the United States on or after November 19, 2019, the date the interim rule codifying the bar was published. *See Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. at 293-94 (*citing* preamble of Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act, 84 Fed Reg. 63994, 63995-96 (Nov. 19, 2019)).

The Court finds that the respondent has not demonstrated by the preponderance of the evidence that the ACA with Honduras does not apply. *See* 8 C.F.R. § 1240.11(h)(2)(i); *Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. 294. As noted above, the respondent entered the United States without inspection after November 19, 2019, is not a citizen or national of Honduras, and has never been designated as an “unaccompanied minor.” There is also no evidence that the respondent has any criminal history or is subject to any Interpol notices or alerts.

The respondent failed to establish that he qualifies for an exception under 8 C.F.R. § 1240.11(h)(3) or the Federal Register notice for the ACA with Honduras. 8 C.F.R. § 1240.11(h)(2). The respondent has not expressed a fear of return to Honduras or demonstrated that it is more likely than not he will be persecuted on account of a protected ground or tortured in Honduras. Accordingly, the respondent is barred from applying for asylum, statutory withholding of removal, and CAT protection in the United States based on the applicability of the ACA with Honduras.

#### **4. Conclusion**

The Immigration Court finds that the respondent received reasonable notice of the DHS intent to effectuate removal to Ecuador, Uganda, and/or Honduras under the applicable Asylum Cooperative Agreements. After DHS orally moved to pretermitt at a hearing on November 10, 2025, the Immigration Court scheduled a special master calendar hearing on December 17, 2025, to provide the respondent with an opportunity to respond.

For the reasons described above, the Court next finds, by a preponderance of the evidence, that all the relevant agreements are applicable because to the respondent.

Given the lack of substantial connection between the respondent and Ecuador, Uganda, and Honduras, and the minimal evidence offered concerning any likelihood of mistreatment in the event of removal there, the Court finds that the respondent has failed to prove by a preponderance of the evidence that he will more likely than not be persecuted or tortured in any of those countries. 8 C.F.R. § 1240.11(h)(2)(iii).

Therefore, the Motion to Pretermitt is granted and the Respondent is ordered removed to Ecuador and, in the alternative to Uganda and Honduras, where Respondent can pursue his protection application, pursuant to the applicable ACAs. *See* 8 C.F.R. § 1240.11.

In light of the foregoing, the Court enters the following order:

#### **ORDER OF THE IMMIGRATION JUDGE**

**IT IS HEREBY ORDERED** that the Department’s Motion to Pretermitt be **GRANTED**.

**IT IS HEREBY FURTHER ORDERED** that the Respondent is ordered removed to **ECUADOR**.

**IT IS HEREBY FURTHER ORDERED IN THE ALTERNATIVE** that the Respondent is ordered removed to **UGANDA**.

**IT IS HEREBY FURTHER ORDERED IN THE ALTERNATIVE** that the Respondent is ordered removed to **HONDURAS**.

December 17, 2025

\_\_\_\_\_  
Date

\_\_\_\_\_  
BLAKE DOUGHTY  
United States Immigration Judge  
Atlanta, Georgia

*Failure to Depart Warnings: The Court has ordered you removed from the United States. If you willfully fail or refuse to apply for the required travel documents to depart the United States, to present yourself for removal as instructed, to depart the United States as instructed, or to take any action, or conspire to take any action, to prevent or hamper your departure, you will be subject to a civil monetary penalty per day you are in violation. INA §§ 240(c)(5), 274D(a); 8 C.F.R. § 1240.13(d).*

*NOTICE OF THE RIGHT TO APPEAL: You are hereby notified that both parties have the right to appeal the Immigration Judge's decision in this case to the Board of Immigration Appeals ("Board"). 8 C.F.R. § 1003.38(a). A Notice of Appeal (Form EOIR-26) must be submitted to the Board within 30 calendar days from the issuance or mailing of this decision. 8 C.F.R. § 1003.38(b). If the final date for filing falls on a Saturday, Sunday, or legal holiday, the filing date is extended to the next business day. Id. If no appeal has been taken within the time allotted to appeal, the Immigration Judge's decision becomes final. Id. By failing to timely file an appeal, a party irrevocably relinquishes the opportunity to obtain review of the Immigration Judge's decision and challenge the ruling.*

COPY

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

OMB# 1125-0002

Notice of Appeal from a Decision of an  
Immigration Judge

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

Cristian Edu Ricaurte Bejarano

**! WARNING:** Names and "A" Numbers of **everyone** appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

For Official Use Only

RECEIVED  
JAN 14 2026  
Clerk's Office  
BIA

2. I am  the Respondent/Applicant  DHS-ICE (Mark only one box.)

I am  DETAINED  NOT DETAINED (Mark only one box.)

My last hearing was at Atlanta, GA (Location, City, State)

5. What decision are you appealing?

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

I am filing an appeal from the Immigration Judge's decision in **merits proceedings** (example: removal, deportation, exclusion, asylum, etc.) dated 12/17/2025

I am filing an appeal from the Immigration Judge's decision in **bond proceedings** dated \_\_\_\_\_ (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court?  Yes.  No.)

I am filing an appeal from the Immigration Judge's decision **denying a motion to reopen or a motion to reconsider** dated \_\_\_\_\_

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

EXHIBIT D

Page 1 of 3



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**Payment Receipt**

A payment has been processed for the following case before the Executive Office for Immigration Review.

For cases before the Immigration Court, please contact the Court that is currently hearing your case for questions regarding payment. For cases before the Board of Immigration Appeals (BIA), please contact the BIA Clerk's Office for questions regarding payment at (703) 605-1007.

A copy of this receipt must be included with the application, motion, or appeal that is filed with the Immigration Court or the BIA Clerk's Office. Failure to include a receipt showing proof of payment will result in rejection of the filing.

**A-Number:** [REDACTED]

**Payment Tracking ID:** [REDACTED]

**Payment Processed On:** 12/29/2025 3:06:17 PM EST

**Filing Type:** BIA - Appeal (new filing of a Form EOIR-26)

**Payment Type:** PLASTIC\_CARD

**Payment Amount:** \$1,010.00

Save or print this receipt immediately. A copy will not be sent via email. The tracking ID is required to retrieve a duplicate receipt.

\*Please note there is an **annual fee** for all asylum applications, which is due on the anniversary of each calendar year that an alien's asylum application remains pending; no fee-waiver or reduction in fee is permitted. **This fee must be paid timely**; failure to pay within 30 days of the anniversary due date will likely result in pretermission of the asylum application and an order of removal. This will be the only notice that the alien will receive regarding this annual payment requirement. Payment of this fee can be made at <https://epay.eoir.justice.gov/index>.

Current annual fee amounts can be found at [www.justice.gov/eoir/types-appeals-motions-and-required-fees](http://www.justice.gov/eoir/types-appeals-motions-and-required-fees).