

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

ASYLUM SEEKER ADVOCACY PROJECT,

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

JOSEPH B. EDLOW, in his official capacity
as Director of United States Citizenship and
Immigration Services,

EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW, and

SIRCE E. OWEN, in his official capacity as
Acting Director of the Executive Office for
Immigration Review,

Defendants.

Civil Action No. 1:25-cv-03299-SAG
Honorable Stephanie A. Gallagher

Hearing Requested

Decision Requested By October 27, 2025

**Plaintiff's Motion For A Temporary Restraining Order, Preliminary Injunction,
And/Or Preliminary Relief Under 5 U.S.C. § 705**

Plaintiff, by and through its undersigned counsel, moves pursuant to Rule 65 of the Federal Rules of Civil Procedure and 5 U.S.C. § 705 for a temporary restraining order, preliminary injunction, and/or preliminary relief concerning Defendants' application of the annual asylum fee codified at 8 U.S.C. § 1808. As set forth in the attached memorandum of law, USCIS's and EOIR's retroactive application of Section 1808 exceeds their statutory authority; USCIS's and EOIR's conflicting agency actions implementing Section 1808 are arbitrary and capricious; and, in the alternative, EOIR is unlawfully withholding and unreasonably delaying agency action in providing applicants a method to pay the annual asylum fee to the extent any asylum seekers are currently required to pay. Plaintiff respectfully requests that this Court issue the requested preliminary relief

to prevent irreparable harm to Plaintiff and its members while this case is litigated on the merits. In support of this motion, Plaintiff submits the attached memorandum of law, declaration of Swapna C. Reddy, and accompanying exhibits.

ASAP respectfully asks the Court to enter a stay under 5 U.S.C. § 705 and a temporary restraining order or preliminary injunction that: (1) forbids USCIS and EOIR from requiring asylum seekers who filed their applications on or before July 4, 2025 to pay the annual asylum fee; and (2) orders USCIS and EOIR to reinstate the applications of any ASAP members who filed applications for asylum on or before July 4, 2025 if their applications have been denied or otherwise rejected for non-payment of the annual asylum fee. In the alternative, and to the extent any applicant is currently required to pay the fee, the Court should (3) forbid EOIR from imposing that requirement until the agency has provided applicants clear instructions on how to pay, a mechanism to do so, and reasonable notice and opportunity to comply.

ASAP respectfully requests that the Court schedule oral argument and rule on this motion by October 27, 2025. An October 2, 2025 USCIS alert states that the agency began sending notices to individuals with pending applications on October 1 that required them to pay the annual asylum fee within 30 days. A decision by October 27 will therefore provide needed clarity before some applicants' payments would be due under USCIS's deadline. To ensure that the Court is able to reach a decision by that date, ASAP requests that the Court order the government to file its opposition brief by October 15, and ASAP to file its reply brief by October 21.

DATED: October 7, 2025

Respectfully submitted,

/s/ Andrew G. Barron

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Counsel for Plaintiff

*Application for admission *pro hac vice* pending

**Application for admission *pro hac vice* forthcoming

Certificate Of Service

I hereby certify that, on October 7, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. There is currently no Counsel of Record for Defendants. I certify that by Noon ET tomorrow, October 8, 2025, I will have served on Defendants the foregoing motion, the accompanying brief in support, the declaration of Swapna C. Reddy, and all exhibits, and will have filed an additional Certificate of Service confirming that such service was caused via first class mail, postage prepaid, to:

Department of Justice
ATTN: Assistant Attorney General for Administration, Justice Management Division
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

U.S. Attorney for the District of Maryland
36 S. Charles Street
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Baltimore, MD 21201

USCIS Director Joseph Edlow
ATTN: Office of the Chief Counsel
5900 Capital Gateway Drive
Mail Stop 2120
Camp Springs, MD 20588-0009

United States Citizenship & Immigration Services
ATTN: Office of the Chief Counsel
5900 Capital Gateway Drive
Mail Stop 2120
Camp Springs, MD 20588-0009

Sirce E. Owen
Acting Director, Executive Office of Immigration Review
5107 Leesburg Pike
Falls Church, VA 22041

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5107 Leesburg Pike
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Additional courtesy copies of the foregoing documents and all attachments will be immediately sent by email to the following email addresses:

- uscis.serviceofprocess@uscis.dhs.gov
- diane.kelleher@usdoj.gov
- thomas.corcoran@usdoj.gov

Additionally, on October 7, 2025, I caused copies of the complaint and summons in this action to be sent to each of the defendants by certified mail and a courier service.¹

DATED: October 7, 2025

/s/ Andrew G. Barron
Andrew G. Barron (D. Md. Bar 30311)
Counsel for Plaintiff

¹ The United States Citizenship & Immigration Services and its Director did not accept the courier's delivery.