IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

[redacted] **Nezameslami, et al.**	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO.:
	)	1:26-CV-00151-SDG
v.	)	
	)	
Department of Homeland Security, et al.	)	
	)	
	)	
	)	
	)	
Defendants.	)	
	)	
_____	)	

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Plaintiffs hereby move, pursuant to Federal Rule of Civil Procedure 65(a), for a preliminary injunction enjoining Defendants from enforcing Policy Manual PM-602-0192 and PM-602-0194("Benefits Pause Memoranda") and Policy Alert PA-2025-26 ("Negative Factors Policy Alert") to place Plaintiffs' benefits applications in an adjudicative hold or to use Plaintiffs' national origin as a negative factor in the adjudication of any discretionary benefit request.

Dated this 30th day of January, 2026.

Respectfully submitted,

/s/ Zachary R. New
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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1, the undersigned counsel hereby certifies that this document has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1.

Dated this 30th day of January, 2026.

/s/ Zachary R. New
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CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Dated this 30th day of January, 2026

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PLAINTIFFS' MEMORANDUM IN SUPPORT OF THE MOTION FOR A PRELIMINARY INJUNCTION

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I. INTRODUCTION

In an effort to "stop" the "flow" of migrants from countries the President has barred from entering the United States, Defendants have implemented policies that halt the adjudication of immigration benefits for Plaintiffs and similarly situated individuals and treat Plaintiffs' country of origin as a significant negative discretionary factor in the adjudication of any benefit request. Plaintiffs are likely to show that this policy is patently unlawful and that irreparable harm will result without a preliminary order to enjoin the policy from continuing to stop decisions from being made on their benefit applications, including those now at risk of detention, removal, and family separation. Plaintiffs herein move for a preliminary injunction.

A. Background

i. Significant Negative Factors Memo

On November 26, 2025, an Afghan national shot two National Guard members. Within 24 hours, USCIS, citing the shooting as its rationale, issued Policy Alert PA-2025-26. The directive requires that adjudicators immediately "consider relevant counter-specific factors" as "significant negative factors" when reviewing discretionary immigration benefits requests filed by individuals from countries identified in Presidential Proclamations 10949 and 10998. USCIS subsequently updated its Policy Manual to instruct officers to "consider any country-specific facts and circumstances" outlined in these proclamations and any future proclamations where "the President further exercises his authority under INA 212(f)." USCIS

Policy Manual, Volume 1 – General Policies and Procedures, Part E – Adjudications, Chapter 8 – Discretionary Analysis,at n. 76. USCIS' standing order that officers incorporate the reasoning of the Proclamations into their decisions thus directs USCIS officers to consider the following as "significant negative factors" in discretionary, stateside benefits requests:

- That the "foreign policy, national security, and counterterrorism objectives of the United States" require that the President "fully restrict" or "partially restrict" the "entry of nationals" from 19 countries based on these countries' "screening and vetting capabilities, information sharing policies, and country-specific risk factors—including whether each country has a significant terrorist presence within its territory, its visa-overstay rate, and its cooperation with accepting back its removable nationals." Proclamation No. 10,949, Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats, 90 Fed. Reg. 24,497 (June 10, 2025).
- That the "foreign nationals from countries named in this proclamation have been involved with crimes that include murder, terrorism, embezzling public funds, human smuggling, human trafficking, and other criminal activity." Proclamation No. 10,998, Restricting and Limiting the Entry of Foreign Nationals to Protect the Security of the United States, 90 Fed. Reg. 59,717 (Dec. 19, 2025).
- That vetting deficiencies, including "poor civil documentation and recordkeeping practices, widespread corruption and fraud, unreliable or

inaccessible criminal records, and unreliable government travel documents" render it impossible to determine whether an alien from these countries poses a risk to U.S. national security. *Id*.

Indeed, the USCIS Policy Manual itself adopts this sweeping reasoning directly, asserting that "certain countries" "lack a competent or central authority for issuing passports and civil documents among other concerns, which directly relates to USCIS' ability to meaningfully assess eligibility for benefit requests." USCIS Policy Manual, Volume 1 – General Policies and Procedures, Part E – Adjudications, Chapter 8 – Discretionary Analysis.

ii. ii. Benefits Pause

Citing the "threat to the American people" demonstrated by "an Afghan national" "executing a terrorist attack in Washington, D.C." just six days prior, DHS adopted Policy Memorandum PM-602-0192, which immediately:

(1) Placed a "hold" on all asylum applications filed by nationals of any country "until lifted by the USCIS Director through a subsequent memorandum";

(2) Placed a "hold" on "all" immigration benefit applications—and a host of others—"until lifted by the USCIS Director through a subsequent memorandum";

(3) Established that the hold would not be lifted by the USCIS Director until USCIS had "conduct[ed] a comprehensive review of all policies, procedures, and guidance" related to immigration benefits filed by nationals of the 19 countries;

(4) Required that USCIS "re-review" "approved benefits requests" for foreign nationals of the 19 listed countries who entered on or after January 20, 2021, including a re-interview.

U.S. Citizenship & Immigration Servs., Policy Alert PM-602-0192, *Pending Applications—High-Risk Countries* (Dec. 2, 2025).

Since USCIS has already declared the hold will not be lifted until a comprehensive re-review of all policies related to immigration benefits filed by foreign nationals of the affected countries, the conditions are not yet in place for USCIS to even consider lifting the ban. USCIS has provided no timeline explaining when the comprehensive review will be completed, let alone when the "pause" will itself be lifted. Since any approved immigration benefit for affected nationals must be individually greenlit by the "USCIS Director or Deputy Director" and "coordinated with the Office of Policy and Strategy," this memorandum indefinitely shuts down all applications lodged by affected nationals, their family members, and their employers requesting temporary statuses, work authorization, lawful permanent residence, or naturalization.

This policy has prevented nationals from the affected countries from obtaining any immigration benefits, and USCIS has said that this is the policy's intent. When USCIS subsequently extended its duration and applied it to an additional 20 countries via issuance of Policy Memorandum PM-602-0194, USCIS declared its intent was to "stop" "the flow" of foreign nationals from the 39 affected countries, who USCIS asserts have "high overstay rates, significant fraud, or both" and "experience widespread corruption, unreliable or fraudulent civil documents and

criminal records, and lack effective birth registration systems." U.S. Citizenship & Immigr. Servs., Policy Memorandum PM-602-0194, at 3-4.

iii. Legal Authority

USCIS employs Presidential Proclamations 10998 and 10949 as its basis for the negative factors policy alert, the benefits ban, and the subsequent extension of those two policies to 20 countries. *See* U.S. Citizenship & Immigr. Servs., Policy Alert PA-2025-26 ("U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the USCIS Policy Manual addressing the President's recent exercise of his authority under section 212(f) of the Immigration and Nationality Act (INA) through Presidential Proclamation 10949, 'Restricting the Entry of Foreign Nationals To Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats' (PP 10949) and its impact on USCIS adjudications.") (emphasis added); U.S. Citizenship & Immigr. Servs., Policy Memorandum PM-602-0192. *See also* U.S. Citizenship & Immigr. Servs., Policy Memorandum PM-602-0194 (". . . the flow of aliens from countries with high overstay rates, significant fraud, or both must stop. To address potential vulnerabilities, USCIS will place an adjudicative hold on all pending benefit requests submitted by or for aliens from the high-risk countries identified in PP 10998.").

As USCIS' memoranda themselves acknowledge, the basis for these policies is the President's authority under 8 U.S.C. § 1182(f) (Section 212(f) of the Immigration and Nationality Act). This authority permits the President to "suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants" or "impose on the entry of aliens any restrictions he may deem to be appropriate"

"[w]henever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States." This authority operates only within its "sphere." *Trump v. Hawaii*, 585 U.S. at 667, 680 (2018). Specifically, the "plain language" of 8 U.S.C. § 1182(f) permits bans on the "entry of alien into the United States," which necessarily implies that 8 U.S.C. § 1182(f) may only be used to "define[] the universe of aliens who are admissible into the United States" where "admissible" refers to whether a foreign national may lawfully enter the U.S. *Hawaii*, 585 U.S. at 686-87 (citing 8 U.S.C. § 1101(a)(13)(A) to define admission).

B. Legal Standard

To obtain a preliminary injunction, a plaintiff must show: 1) there is a substantial likelihood of success on the merits; 2) it will suffer irreparable injury if relief is not granted; 3) the threatened injury outweighs any harm the requested relief would inflict on the non-moving party; and 4) entry of relief would serve the public interest. *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1268 (11th Cir. 2006). The Eleventh Circuit has recognized that a substantial likelihood of success on the merits is "generally the most important." *Gonzalez v. Governor of Ga.*, 978 F.3d 1266, 1271 n.12 (11th Cir. 2020) (cleaned up). Moreover, "[t]he third and fourth factors merge when, as here, the government is the opposing party." *Gonalez*, 978 F.3d at 1271 (cleaned up). At the preliminary injunction stage, courts "may rely on affidavits and hearsay materials which would not be admissible evidence for a permanent injunction, if the evidence is 'appropriate given the character and

objectives of the injunctive proceeding.'" *Rubin v. Young*, 373 F. Supp. 3d 1347, 1351 (N.D. Ga. 2019) (cleaned up).

The Court's review of whether agency action is arbitrary and capricious is a narrow one, but it must be "searching and careful." *Marsh v. Or. Natural Res. Council*, 790 U.S. 360, 378 (1989) (quoting *Citizens to Preserve Overton Park Inc. v. Volpe*, 401 U.S. 402, 416 (1971)). The Court must ensure that the agency's decisions are based on a consideration of the relevant factors, and that it "examine[d] the relevant data and articulate[d] a satisfactory explanation for its actions including a 'rational connection between the facts found and the choice made.'" *Motor Vehicle Mfrs. Ass. Of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inv. v. United States*, 371 U.S. 156, 168 (1962)). An action is arbitrary and capricious if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. Of Wildlife*, 551 U.S. 644, 658 (2007) (*quoting Motor Vehicle Mfrs. Ass'n*, 463 U.S. at 43). The APA thus "sets forth the procedures by which federal agencies are accountable to the public and their actions subject to review by the courts." *Franklin v. Massachusetts*, 505 U.S. 788, 796 (1992). "It requires agencies engage in 'reasoned decision-making'" *Dep't of Homeland Security v. Regents of the Univ. of Cal.*, 591 U.S. 1 (2020) (*quoting Michigan v. EPA*, 576 U.S. 763, 750 (2015)).

II. ARGUMENT

The Court should issue a preliminary injunction enjoining Defendants' unlawful adjudication hold policy and negative discretionary factor policy. Plaintiffs are substantially likely to prevail on the merits of this case, will suffer and are suffering irreparable harm due to Defendants' unlawful policies, and the entry of relief would serve the public interest while inflicting minimal harm on Defendants. *KH Outdoor, LLC*, 458 F.3d at 1268.

A. Plaintiffs Are Substantially Likely To Prevail On The Merits

Plaintiffs are likely to succeed on the merits in this case, as the adjudicative hold policy and the negative discretionary factor policy created by Defendants are contrary to law. As set forth below, the suspension of adjudication violates the Administrative Procedure Act ("APA") and is contrary to law in multiple ways. Defendants failed to consider relevant factors in the cursory promulgation of these policies, and the substantive policies are arbitrary and capricious in several ways. Further, the policies are *ultra vires* as they have been made outside of the authority delegated to Defendants. The APA and Immigration and Nationality Act ("INA") set forth strict requirements that agencies must meet adjudicate the matters before them in a reasonable period of time, and no provision in the INA permits Defendants to abdicate their statutory mission and halt the adjudication of benefit requests based on a person's national origin.

B. APA Violations – Arbitrary, Capricious, And Contrary To Law.

Plaintiffs are likely to succeed in showing that Defendants have violated the APA in implementing the Proclamations that apply to entry for domestic

immigration policy purposes. Injunctive relief is therefore appropriate. *See* 5 U.S.C. § 705 ("the reviewing court . . . may issue all necessary and appropriate process . . . to preserve status or rights pending the conclusion of the review proceedings"); *E. Bay Sanctuary Covenant v. Trump*, 950 F.3d 1242 (9th Cir. 2020) (affirming preliminary injunction based in part on APA challenge to agency implementation of presidential proclamation).

i. Failure to Adopt Reasoned Explanation

First, Defendants' actions are arbitrary and capricious because Defendants have not adequately justified the adjudicative hold on Plaintiffs' benefit applications nor the addition of a sweeping new negative discretionary factor that applies to all individuals from the countries listed in the Proclamations, regardless of individual circumstances or status. The adjudicative hold policy and negative discretionary factor policy directly bear upon the duty and obligations of Defendants and required "a reasoned explanation." *Judulang v. Holder*, 565 U.S. 42, 45 (2011).

Defendants have failed to meet this standard for adopting the adjudicative hold policy and negative discretionary factor policy. Other than referring broadly to the government's interest in protecting "the homeland" and citing two instances where immigrants from Afghanistan had committed heinous crimes after becoming lawful permanent residents, the policy memoranda and alert reveal no more about why the adjudicative hold policy and negative discretionary factor policy were created or what factors or evidence Defendants considered before deciding to select this blanket approach for adjudicating—or rather not adjudicating—immigration benefit applications for individuals from 39 countries who have already applied for

benefits with USCIS, including those who are already lawful permanent residents or longtime nonimmigrant residents seeking to adjust status. Defendants offer no explanation why a person's national origin required a stop to all similarly situated applicants. . Indeed, that the negative discretionary factors policy was released one day after the tragic November 26, 2025 shooting and the adjudicative hold policy as released less than a week after that shooting suggests that Defendants did not consider all relevant factors, including whether rules already provided the necessary tools to review applications without discriminating against individuals on the basis of national origin. Indeed, USCIS already routinely:

- Collects biometric information from applicants for immigration benefits to "conduct background and security checks, adjudicate immigration and naturalization benefits, and perform other functions related to administering and enforcing the immigration and naturalization laws." 8 C.F.R. 103.16(a).
- Runs the applicant's name and biometric information through a variety of security-related checks, which include "conducting fingerprint-based background checks, requesting a name check from the Federal Bureau of Investigation (FBI), and other DHS or inter-agency security checks." U.S. Citizenship & Immigr. Servs., Policy Manual, Vol. 1, Pt. C, Ch. 1 (Purpose and Background).
- Runs security checks through its ATLAS system, which automatically queries DHS databases "through its rules engine to identify possible national security concerns, and then transmits the completed results to the end-user in the form of a SGN [system generated notification] viewable" by USCIS' Fraud

> Detection and National Security branch, who "manually review each hit to confirm the validity, relevancy, and accuracy of information and to determine if the information is actionable." U.S. Dep't of Homeland Sec., U.S. Citizenship & Immigr. Servs., *Privacy Impact Assessment for Continuous Immigration Vetting (CIV)*, DHS/USCIS/PIA-076 (Feb. 2019), at 7–8.

There is similarly no indication from Defendants as to whether they balanced the additional administrative burdens on United States citizens and beneficiaries who paid hundreds of dollars for an adjudication and the strong interest that exists in family unification and pursuant lawful status against the national security benefits. *See, e.g. Motor Vehicle Mfrs. Ass'n*, 463 U.S. at 43. The hold policy has stalled the adjudication of benefits for applicants, thereby leaving many applicants out of status, out of work, and in an administrative limbo within the United States, with the attendant risk of removal proceedings being initiated against these individuals.

ii. Internally Inconsistent Reasoning

Second, the Defendants' reasoning in favor of this policy is internally inconsistent. Defendants claim the goal of the policy is to "safeguard U.S. citizens from aliens who may seek to commit terrorist acts, pose threats to national security, promote hateful ideologies, or exploit immigration laws for malicious purposes." U.S. Citizenship & Immigr. Servs., Policy Memorandum PM-602-0194, *Hold and Review of USCIS Benefit Applications Filed by Aliens from Additional High-Risk Countries* (Jan. 1, 2026), at 2. But, the adjudicative hold prevents officers from reaching the "final adjudication" stage of all cases, which includes "approval, *denial*, or dismissal." *Id*., at n. 2 (emphasis added). Those who are ineligible for criminal

history or ties to terrorism, 8 U.S.C. 1182(a)(2), will have their benefits remain pending rather than being properly denied and removed from the U.S. There is no indication that Defendants considered whether halting adjudications increased the threat of harm to the homeland or contrasted the pause with their criticism of past policy that did not act fast enough to enforce the law. Moreover, the hold appears likely to persist for the indefinite future, as it will not be terminated until USCIS has completed its "comprehensive review of all policies, procedures, and screening and vetting processes for benefit requests for aliens from countries listed in PP 10998." *Id*. On Defendants' policy, those alleged to "pose threats to national security, promote hateful ideologies, or exploit immigration laws" will not have their cases denied for the indefinite future. Conversely, application of USCIS' pre-existing vetting policies in an individualized fashion would result in the denial of applications filed by those who evince a threat to national security or intent to abuse the U.S. immigration system. Case denials build a factual record enabling Immigration and Customs Enforcement to initiate deportation proceedings, and that is particularly true under this administration. *See* U.S. Citizenship & Immigr. Servs., Policy Memorandum PM-602-0187, *Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible Aliens* (Feb. 28, 2025) ("USCIS will issue an NTA against removable aliens if they have been arrested, charged with, or convicted of a criminal offense *if the benefit request is denied*."). If the goal of this is, as USCIS claims, protecting national security, then leaving cases filed by aliens who the agency views as "posing threats to national security" is an absurd result. An "[u]nexplained inconsistency in agency policy is a reason for holding an interpretation to be an

arbitrary and capricious change from agency practice" which is "itself unlawful." *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211 (2016), *citing National Cable & Telecommunications Assn. v. Brand X Internet Services*, 545 U. S. 967, 981–982 (2005). There is no evidence Defendants considered whether leaving individuals without status, without work authorization, or with their cases in this zombie-like status increases the threat to national security as compared to alternative processing methodologies, such as expediting applications of those who present threats or are statutorily ineligible based on the evidence submitted or information already within the control of the government. The alleged increased need to protect national security is compromised by USCIS's policy to stop adjudicating applications for noncitizens already present in the United States based solely on where a beneficiary was born.

"Reasoned decisionmaking under the Administrative Procedure Act calls for an explanation for agency action," not "an explanation for agency action that is incongruent with what the record reveals about the agency's priorities and decisionmaking process." *Department of Commerce v. New York*, 588 U.S. 785 (2019). Defendants have failed to rationally explain their basis for implementing the adjudicative hold policy or negative discretionary factors policy to all applicants for any immigration benefit, indicate what data, evidence, or factors the agency considered before doing so other than the two incidents that occurred in July and November 2025, and consider important aspects of the problem, including whether a complete stop or pause on adjudications for all applicants actually increases the threat to national security.

iii. In Excess of Legal Authority

Third, courts applying § 1182(f) have consistently declined to extend its ambit into the adjudication of stateside immigration benefits. *See, e.g., U.S. East Bay Sanctuary Covenant*, 932 F.3d at 773 (§ 1182(f) could not provide legal authority for a rule barring foreign nationals who illegally entered the U.S. from applying for asylum because it "imposes the penalty on aliens already within our borders," which does not "concern the suspension of entry or otherwise 'impose on the entry of aliens . . . restrictions [the President] deem[s] to be appropriate.'"); *Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Noem*, No. 25-cv-306 (RDM), 2025 WL 1825431, at 73 (D.D.C. July 2, 2025) (rejecting the arguments that 1182(f) endows the Executive with "implied authority" over deportation proceedings and that "the President's authority under § 1182(f) is delegable to USCIS."); *President & Fellows of Harvard Coll. v. DHS*, 78 F. Supp. 3d. 182, 196 (D. Mass. June 23, 2025) (preliminarily enjoining an 1182(f) travel ban on international students seeking to attend Harvard University because "the statute's purpose is to regulate and influence conduct abroad, rather than at home" and noting that courts have "expressed skepticism that the President's authority under § 1182(f) is as extensive when it is aimed at domestic policy.").

""[O]ur immigration laws have long made a distinction between those aliens who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality. In the latter instance, the Court has recognized *additional rights and privileges* not extended to those in the former category who are merely 'on the threshold of initial entry.'" *Leng May Ma*

v. Barber, 357 U.S. 185, 187 (1958) (emphasis added); *see also Zadvydas v. Davis*, 533 U.S. 678

, 693 (2001) ("The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law."). Foreign nationals already present within the U.S. can thus apply for a panoply of immigration benefits, each of which are governed by statutory schemes outside § 1182(f)'s reach. Defendants' unlawful expansion of § 1182(f) restrictions on *entry* to restrictions on domestic benefit adjudications are therefore arbitrary and capricious,

Fourth, beyond the unlawful application of § 1182(f) in the United States, Defendants are also abdicating the responsibilities entrusted to them by Congress and acting in excess of statutory authority. Congress supplied the specific mission to Defendants of adjudicating immigration applications made within the United States. 6 U.S.C. § 271(b). Within Title 8, there is no provision that permits Defendants to cease the adjudication, wholesale, of a class of noncitizens. Indeed, the INA is rife with provisions indicating that Congress intends for Defendants to act in a reasonable time in adjudicating immigration matters presented to them. *See, e.g.,* 8 U.S.C. § 1158(d)(5)(A)(ii)-(iii) (absent extraordinary circumstances, a hearing on an asylum application shall commence not later than 45 days after the date the application is filed, and a final adjudication shall be completed within 180 days after the date the application is filed); § 1184(c)(2)(C) (requiring a process for adjudicating petitions for L-1 nonimmigrants "within 30 days after the date a completed petition is filed."); § 1186a(c)(3)(A) (determination required within 90

days after an interview for a form I-751); § 1186b(c)(3)(A) (determination required within 90 days of filing or interview (whichever is later) on the removal of conditions for a form I-829); *see also* 8 U.S.C. § 1571(b) ("It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 1184(c) of this title should be processed not later than 30 days after filing the petition."). The APA similarly requires that "[w]ith due regard for the convenience and necessity of the parties or their representatives and within a reasonable period of time, each agency *shall proceed to conclude a matter presented to it*." 5 U.S.C. § 555(b) (emphasis added).

"Administrative agencies are creatures of statute. They accordingly possess only the authority that Congress has provided." *Nat'l Fed'n of Indep. Bus. v. Dep't of Lab., Occupational Safety & Health Admin.*, 595 U.S. 109 (2022); accord *Lyng v. Payne*, 476 U.S. 926, 937 (1986) ("[A]n agency's power is no greater than that delegated to it by Congress."). "[A]n order of [an agency] made in excess of its delegated powers" is an action not "made within its jurisdiction." *Leedom v. Kyne*, 358 U.S. 184, 188 (1958). Such an action is "ultra vires agency action." *Fed. Express Corp. v. United States Dep't of Com.*, 39 F.4th 756, 763–64 (D.C. Cir. 2022). And as has long been understood, an act without jurisdiction is void. *Harris v. Hardeman*, 55 U.S. 334, 339 & 342 (1852).

Congress allows for leeway in some processing windows due to extraordinary circumstances, and a sense of Congress is not legally binding, but more importantly these indicate Congress's intent in having the agency charged with adjudicating

benefit applications do just that: adjudicate. While timelines can be debated as to what is reasonable under the APA, total withholding of adjudication lacks any support in the statute, is *ultra vires*, and ultimately is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C).

C. Plaintiffs Will Suffer Irreparable Harm If relief Is Not Granted

While Plaintiffs and similarly situated individuals with all types of pending benefit applications will suffer irreparable harm absent the timely adjudication of their cases, for purposes of this Motion, Plaintiffs highlight three categories:

i. Naturalization Applications Halted

Several Plaintiffs have completed all steps towards becoming U.S. citizens only to have their naturalization processes frozen under the adjudication pause. Their naturalization interview or oath ceremonies have been canceled or indefinitely delayed, robbing them of the ability to become citizens, despite years of lawful residency. Each faces irreparable harm from this lost pathway to citizenship—the acquisition of which has been described as carrying "high and inestimable privileges" during the debates that resulted in the nation's first naturalization laws, 1 ANNALS OF CONG. 1147-64 (1790) (Joseph Gales ed., 1834). The delay in acquiring these benefits cannot be measured.

For example, Plaintiff [redacted] is a lawful permanent resident who has lived in the U.S. for 11 years. She filed her application for naturalization and was scheduled for her naturalization interview—the penultimate step to obtaining U.S. citizenship—on [redacted], only to have it cancelled following

Defendants' December 2, 2025 policy memoranda. An urban planner who has dedicated her career to public service, she finds it devastating that she is now labeled a "high risk" solely due to national origin. *See* Exhibit A.

Other plaintiffs find themselves in similar situations. Plaintiff [redacted] was on the cusp of citizenship: he passed his naturalization interview and was scheduled for an oath ceremony on December 5, 2025, only to have it "abruptly cancelled and placed on indefinite hold" due to the 39-country ban. Despite holding a Ph.D. from a U.S. university, [redacted] remains unable to apply for positions that require U.S. citizenship. Exhibit B.

ii. Loss of Legal Status and Expiring Visas

Many Plaintiffs also face the imminent or actual loss of lawful immigration status as a result of Defendants' adjudication pause. By halting adjudications of adjustment applications, work permits, and visa extensions, the government has placed these individuals at risk of falling out of status and even arrest, detention, and potential removal from the United States by Immigration and Customs Enforcement.

For example, Plaintiff [redacted] is a medical resident whose green card application is subject to the adjudicative hold. He has maintained status on a student visa to continue pursuing his medical residency, but the delays are "interrupting his ability to maintain legal immigration status" while he completes training. If he loses status, he will have to stop his residency a career and life setback that cannot be compensated later. Exhibit C.

Plaintiff [redacted] is a researcher on an expiring F-1 Optional Practical Training. [redacted] has had multiple applications subject to the

benefits pause. His employment authorization has already expired, forcing him onto unpaid leave; [redacted] has informed him that his employment will be terminated in May 2026 unless he secures lawful status. Exhibit D. Plaintiff [redacted] is completing his studies and will lose his F-1 student status upon graduation in Summer 2026. He has a pending I-485 application, but because of the freeze, it will not be adjudicated before he graduates. Once his F-1 status and university funding end, he will have no legal status or income, "creating financial instability and jeopardizing critical job opportunities essential to his career." Exhibit E.

iii. Disruption of Critical Public Services and Roles

Still others face harms that will extend beyond their own individual cases, and delays in their cases will have ripple effects on their families and their communities and also depriving the American public of their valuable contributions. These individuals were approved under programs like the National Interest Waiver, or otherwise hold roles deemed critical, yet the pause prevents them from continuing their vital work. The loss of medical professionals and researchers in fields ranging from cancer care to engineering inflicts irreparable harm on Plaintiffs and their work as their ability to continue their research is paused and impeded, but also on the public.

For example, Plaintiff [redacted] is a medical physicist who has devoted herself to cancer research, and is currently completing a residency in medical physics at a cancer center. Her adjustment of status application is stalled, creating uncertainty in work authorization that jeopardizes the continuity of her

cancer research work. [redacted]'s expertise supports critical cancer treatments; if she falls out of status or cannot continue her research due to the pause, cancer patients and research projects will suffer. Exhibit F. Similarly, Plaintiff [redacted] is a "highly regarded research fellow in oncology and critical cancer care" who aspires to begin an internal medicine residency in the U.S. She has built her career fighting cancer, but the adjudication hold on her green card has placed her career on pause, preventing her from enrolling in a residency program despite her qualifications. Each month of delay is a month [redacted] is not treating patients or advancing cancer research. Exhibit G.

Plaintiff [redacted] is a board-certified cardiologist and a cardiology clinical research fellow at [redacted], working on a major NIH-funded heart research project. Her ability to continue this cutting-edge clinical research and to access broader career opportunities in cardiology "largely depend on her ability to receive permanent resident status." The freeze has already cost [redacted] opportunities and has kept her separated from her family abroad, putting her in severe emotional distress. If she is forced to discontinue her NIH-funded research or leave the country, ongoing cardiovascular studies will be disrupted. Exhibit H.

Each of these Plaintiffs have demonstrated through their sworn declarations concrete harms that are actual and imminent. Absent a preliminary injunction, these Plaintiffs, and others similarly situated, will continue to suffer severe personal and professional harms, and in many cases, the communities that rely on their talents will also suffer with no adequate remedy available at a later date. Ultimately, the harms these Plaintiffs, and those similarly situated, will suffer violate one singular

principle: discrimination based on one's national origin is never right, is always harmful, and is downright shameful as an official policy of the United States.

D. The Balance of Equities And Public Interests Weigh In Favor Of Preliminary Relief

Finally, Plaintiffs have established that 1) the threatened injury outweighs any harm the requested relief would inflict on the non-moving part, and 2) entry of relief would serve the public interest. *KH Outdoor, LLC*, 458 F.3d at, 1268. "The third and fourth factors merge when, as here, the government is the opposing party." *Gonalez*, 978 F.3d at 1271 (cleaned up). The Court should weigh the "competing claims of injury" and "consider the effect on each party of the granting or withholding of the requested relief." *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 24 (2008). While Plaintiffs face real and irreparable injuries without relief, there is no real harm or public interest weighing against an injunction.

Defendants can cite to no evidence to back up any assertion that the United States' national security would be threatened or placed in greater jeopardy absent these draconian policies. Indeed, by *not* reviewing the applications of Plaintiffs and similarly situated individuals, Defendants would appear to be abdicating their duty and responsibility to conduct background checks, review evidence, and otherwise screen for national security threats for those who have applied for immigration benefit requests. Moreover, the discriminatory premise for the policy is at odds with American's founding principles that all men are created equal. Discrimination is never in the public interest. Defendants can point to no evidence as to how such a wide-sweeping pause would serve the national interest. Forcing individuals out of

status, out of authorized employment, or out of line for long-term benefits such as permanent residency and citizenship would seem to do the opposite and place Plaintiffs into extremely desperate and precarious positions—an issue that Defendants have not indicated that they considered in any way in implementing these policies.

Furthermore, it is always in the public's interest to ensure that the federal government complies with the law. "There is generally no public interest in the perpetuation of unlawful agency action." *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016), and Defendants "cannot suffer harm from an injunction that merely ends an unlawful practice." *Open Cmtys. Alliance v. Carson*, 286 F.Supp. 3d 148 179 (D.D.C. 2017) (citation omitted). Conversely, '[t]he public interest is served . . . by ensuring that government agencies conform to the requirements of the APA." *Gulf Coast Mar. Supply, Inc. v. United States*, 218 F.Supp. 3d 92, 101 (D.D.C. 2016), aff'd 867 F.3d 123 (D.C. Cir. 2017); accord *League of Women Voters*, 838 F.3d at 12 ("there is a substantial public interest in having government agencies abide by the federal laws that govern their existence and operations.") (citation and internation quotation marks omitted). Enforcing the APA and INA favors granting relief.

The balance of equities and the public interest overwhelmingly favor the granting of injunctive relief. There is no credible, substantial government interest while there are substantial and irreparable harms that will be suffered by Plaintiffs and similarly situated individuals.

III. CONCLUSION

The urgency of this matter is plain. Many Plaintiffs are on the verge of losing work authorization, losing status, or are stopped from obtaining U.S. citizenship, despite paying hundreds of dollars in fees and waiting months for processing to be completed. The solution is obvious and required by the APA. For these reasons, we respectfully request that this Court GRANT Plaintiffs' Motion for a Preliminary Injunction.

Respectfully submitted this 30th day of January, 2026,

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