

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-7780
Fax (410) 962-1812
MDD_SAGchambers@mdd.uscourts.gov

January 13, 2026

LETTER ORDER

Re: Asylum Seeker Advocacy Project v. United States Citizenship and Immigration Services, et al.

Civil Case No. SAG-25-03299

Dear Counsel:

This Court has considered Plaintiff's Motion to Clarify the Stay, ECF 64, Defendants' opposition to it, ECF 68, and Plaintiff's reply, ECF 69. In its motion, Plaintiff ask this Court to clarify the stay of EOIR's July 17 Memo and USCIS's Federal Register Notice that this Court issued at ECF 55. In response to a new memo issued by EOIR on January 2, 2026 (the "January 2 Memo"), Plaintiff asks this Court to prohibit Defendants from requiring asylum applicants to pay the annual asylum fee authorized by 8 U.S.C. § 1808 and to stay the January 2 Memo.

The stay issued in this case applied to two discrete agency actions: USCIS's Federal Register Notice and EOIR's July 17 Memo. *See* ECF 55 ("USCIS's Federal Register Notice and EOIR's July 17 Memo are temporarily stayed pursuant to 5 U.S.C. § 705."). The January 2 Memo rescinded and superseded the July 17 Memo and constitutes a new agency action. *See* Daren Margolin, Exec. Off. for Immigr. Rev., U.S. Dep't of Just., Policy Memorandum 26-01, Annual Asylum Fee (Jan. 2, 2026), <https://www.justice.gov/eoir/media/1422321/dl?inline>. The stay of the July 17 Memo, which is no longer in force, cannot reach the January 2 Memo, which did not exist at the time that this Court issued the stay and which Plaintiff's complaint did not challenge. Nor can this Court enjoin Defendants from requiring asylum applicants to pay the annual asylum fee without a legal basis to do so. If Plaintiff wishes to challenge the January 2 Memo, it may seek leave to amend its complaint.

For these reasons, Plaintiff's Motion to Clarify the Stay, ECF 64, is DENIED. Despite the informal nature of this letter, it constitutes an Order of the Court and will be docketed as such.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States District Judge