

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NATIONAL CONFERENCE OF JEWISH
WOMEN,
GREATER NEW ORLEANS SECTION,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES, et al.,

Defendants.

No. 8:25-cv-03675-ABA

LEAGUE OF WOMEN VOTERS OF
THE UNITED STATES, *et al.*,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES, *et al.*,

Defendants.

No. 8:25-cv-03777-ABA

**DEFENDANTS' SUPPLEMENTAL BRIEF IN OPPOSITION TO PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to the Court's March 30, 2026 Order, Defendants respectfully submit this supplemental brief in opposition to Plaintiffs' motion for preliminary injunction. Plaintiffs have not established a likelihood of success on the merits of their Administrative Procedure Act (APA) claims challenging U.S. Citizenship and Immigration Services' ("USCIS") decision to forego seeking the participation of non-governmental organizations ("NGOs") in administrative naturalization ceremonies. This decision, reflected in an August 29, 2025 Policy Alert (the "2025 Alert"), *see*

USCIS_052, ECF No. 53-3¹, is committed to agency discretion by law, but to the extent the Court finds it reviewable, the administrative record demonstrates that the decision was reasonable and reasonably explained, not arbitrary and capricious.

ARGUMENT

The USCIS's decision to not to seek the assistance of NGOs during administrative naturalization ceremonies to meet the requirements of 8 U.S.C. § 1443(h) and 8 U.S.C. § 1448 is a determination that is committed to agency discretion by law. *See* Defs' Opp to Pls.' PI Motion at 28-31, ECF No. 27. However, if the Court determines that USCIS's decision is reviewable under the APA, Plaintiffs are unlikely to succeed because the decision is not arbitrary and capricious.

"Judicial review under [the arbitrary and capricious] standard is deferential, and a court may not substitute its own policy judgment for that of the agency." *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021). Under the narrow standard of review for agency action, a court must merely assess whether "an agency 'examine[d] the relevant data and articulate[d] a satisfactory explanation for its action.'" *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 513 (2009) (quoting *Motor Vehicle Mfrs. Assn. of U.S., Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29 (1983)). And a court "should 'uphold a decision of less than ideal clarity if the agency's path may reasonably be discerned.'" *Id.* at 513-14 (quoting *Bowman Transp., Inc. v. Arkansas-Best Freight Sys., Inc.*, 419 U.S. 281, 286 (1974)). Here, to successfully rebut Plaintiffs' claims that the policy change was arbitrary and capricious, USCIS must merely "show that there are good reasons for the new policy . . . [b]ut it need not demonstrate to a court's satisfaction that the reasons for the new policy are *better* than the reasons for the old one." *Id.* at 515; *see also Casa De Maryland v. U.S. Dep't of Homeland Sec.*, 924 F.3d 684, 703-4 (4th Cir. 2019).

Defendants previously explained why the 2025 Alert provided a reasoned explanation for the

¹ Citations to "USCIS_" refer to documents contained in the Administrative Record filed at ECF No. 53-3.

policy change. *See* Defs’ Opp to Pls.’ PI Motion at 33-36 (ECF No. 27). The administrative record reinforces that conclusion and sets forth several “good reasons” for USCIS’s policy change.

First, USCIS has consistently maintained a preference for state and local government officials over NGOs for the distribution of voter registration applications at administrative naturalization ceremonies since 2011 and up to the 2025 change in policy. *See* USCIS_113; USCIS_040. During that time, the participation of both state and local government officials or NGOs was always subject to the availability of space on-site. *See* USCIS_113. As such, USCIS assessed that the participation of nongovernmental organizations was “sporadic and varied based upon the location.” *See* USCIS_053. When space was unavailable for state and local government or NGO participation, USCIS would distribute voter registration applications itself. *See* USCIS_113. However, “in-person voter registration services by the state or local election office is the optimal mechanism for distribution.” USCIS_114; *see also* USCIS_041. That preference makes good sense, because state and local election officials are the government entities directly responsible for voter registration and preservation of such records. *See, e.g.,* 52 U.S.C. § 21083(a)(1)(A) (requiring each state to create a “a single, uniform, official, centralized, interactive computerized statewide voter registration list” that contains “the name and registration information of every legally registered voter in the State”); 52 U.S.C. § 20701 (requiring state and local officials to retain and preserve records related to voter registration). Given the primacy of state and local officials in administering the voter registration process, the decades-long preference in favor of those officials distributing voter registration information, and the wide variability in NGO participation, USCIS identified a good reason to institute the policy change discontinuing NGO participation.

Second, since 2011 and up to the 2025 change in policy, NGOs seeking to distribute voter registration materials at administrative naturalization ceremonies had to be “deemed qualified” and approved by USCIS Field Leadership in consultation with the USCIS Office of Chief Counsel’s Ethics Office. *See* USCIS_114. NGOs were required to submit a request to participate in writing and USCIS

Field Leadership would provide a written response. *See id.* Where state and local officials were unable to participate, the opportunity to distribute voter registration materials would be opened to all interested NGOs and USCIS Field Leadership was required to consider all requests to participate and to “offer equal, non-preferential opportunities to all qualified and approved non-governmental organizations.” USCIS_114. USCIS developed a standardized form for NGO participation requests. *See* USCIS_103. If approved for participation, USCIS Field Leadership would coordinate with the NGO to determine their availability, establish parameters for their participation, and also intervene if the NGO acted outside of the agreed-upon scope. *See* USCIS_114; USCIS_041.

Coordination and supervision of NGO participation in administrative naturalization ceremonies requires more work and imposes a greater burden on USCIS Field Leadership than relying on state and local government officials who do not need to be vetted. Indeed, the prior policy imposed numerous substantive requirements on NGOs that USCIS was required to police and administer, including prohibitions on NGOs participating in political activity, obligations for NGOs to safeguard new citizens’ personal information, and requirements that NGOs not engage in discriminatory practices. *See* USCIS_114. The prior policy also required USCIS to address complaints from newly naturalized citizens, their families, or state and local election offices about conduct and performance of NGOs. *See id.* These requirements as well as the obligation to ensure equitability and fairness in opportunities for NGOs to participate do not apply to state and local officials. Thus, the administrative burden of coordination, approval, and oversight of NGO participation—amplified where there was interest from multiple NGOs—supports USCIS’s decision to rely exclusively on state and local election officials.

There is no merit to Plaintiffs’ argument that these burdens are unfounded. The requirements previously imposed on USCIS Field Offices for NGO participation, as shown in administrative record, demonstrate that that USCIS was required to shoulder a variety of burdens associated with managing NGO involvement in administrative naturalization ceremonies. The elimination of these burdens was

reasonable and provided a “good reason” for USCIS’s policy change. To survive arbitrary-and-capricious review, USCIS need not have explored or explained alternatives for reducing the administrative burdens on the agency so that NGO participation could continue. *See Fox Television Stations, Inc.*, 556 U.S. at 515 (“[An agency] need not demonstrate to a court’s satisfaction that the reasons for the new policy are *better* than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better.”); *Vt. Yankee Nuclear Power Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 543 (1978) (“Absent constitutional constraints or extremely compelling circumstances the administrative agencies should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties.” (citation modified)); *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 626 (D.C. Cir. 2016) (per curiam), *on reh’g en banc*, 671 F. App’x 822 (D.C. Cir. 2016), *and on reh’g en banc in part*, 671 F. App’x 824 (D.C. Cir. 2016) (holding an EPA decision was not arbitrary and capricious because “[t]he EPA . . . was not required to refute the factual underpinnings of its prior policy with new factual data. The [EPA] only needed to provide a reasoned explanation for discounting the importance of the facts that it had previously relied upon.”). Here, USCIS properly considered the interests of the agency and the interests of newly naturalized citizens and adequately explained the rationale for the policy change in the 2025 Alert. *See* USCIS_052 (explaining that the policy change “in no way impacts new citizens’ access to information and applications to register to vote, as this information will continue to be provided by state or local election officials, or USCIS staff at the end of naturalization ceremonies”).

Plaintiffs’ contrary arguments miss the mark. Both Plaintiffs argue that the two Executive Orders that USCIS cites as the authority for the policy change do not support the change. Pl. Mem. in Supp. of their Motion for Prelim. Inj. (“LWV Mot.”) at 13, ECF No. 21-1; Pl.’s Mem. in Supp. of Mot. for Prelim. Inj. (“NCJW Mot.”) at 29, ECF No. 20-1. The 2025 Alert cites Executive Order 14148,

which specifically rescinds Executive Order 14019 among other executive orders. USCIS_052; Exec. Order No. 14148, 90 Fed. Reg. 8237 (Jan. 20, 2025). Executive Order 14019 directed all federal agencies to broadly “consider ways to expand citizens’ opportunities to register to vote and to obtain information about, and participate in, the electoral process.” Exec. Order No. 14019 § 3, 86 Fed. Reg. 13623 (Mar. 7, 2021). As relevant here, Executive Order 14019 specifically required agencies to consider involving “nonpartisan third-party organizations” in “voter registration services on agency premises.” *Id.* § 3(a)(iii)(C). The 2025 Alert also cites Section 9 of Executive Order 14248, which directs that all federal agencies cease all actions implementing Executive Order 14019. Exec. Order No. 14248, § 9, 90 Fed. Reg. 14005 (Mar. 25, 2025). As such, the decision to discontinue NGO participation in administrative naturalization ceremonies was consistent with the directive to stop actions implementing Executive Order 14019.

The fact that the Executive Orders that USCIS cites for the policy change do not expressly compel the 2025 policy change does not provide this Court with reason to set it aside on that basis. By their nature, Executive Orders provide broad policy direction to federal agencies and allow for flexibility to act within the bounds of the law, as is the case here. *See Dep’t of Com. v. New York*, 588 U.S. 752, 781 (2019) (“Agency policymaking is not a ‘rarified technocratic process, unaffected by political considerations or the presence of Presidential power.’” (citation omitted)). Accordingly, no more searching inquiry by this Court is required to find that the Executive Orders support the 2025 policy change. *Id.* at 780-81 (“[I]n reviewing agency action, a court is ordinarily limited to evaluating the agency’s contemporaneous explanation in light of the existing administrative record. That principle reflects the recognition that further judicial inquiry into ‘executive motivation’ represents ‘a substantial intrusion’ into the workings of another branch of Government and should normally be avoided.” (citations omitted)).

The LWV Plaintiffs also argue that the factual justifications cited by USCIS for the policy change

are not satisfactory or satisfactorily articulated. Pl. Mem. in Supp. of their Motion for Prelim. Inj. (LWV Mot.), ECF No. 21-1 at 14. Specifically, they allege the policy change is arbitrary and capricious because of a lack of factual support provided by USCIS to support that NGO participation was sporadic or inconsistent, that pre-participation vetting imposed a burden on USCIS, that USCIS did not primarily rely on NGO distribution of voter registration materials, that there is a reduced need for voter registration information distribution because of publicly available resources, and that USCIS believed that newly naturalized citizens and NGOs had no reliance interests in ceremony participation. LWV Mot. at 5-6. While the record is more than sufficient to justify the burdens NGO participation placed on USCIS, the Court should not wade into an assessment on any of the LWV's other contentions as these are precisely the type of factual disputes for which the Court should defer to the agency. *See Talk Am., Inc. v. Michigan Bell Tel. Co.*, 564 U.S. 50, 66 n. 7 (2011) ("So long as the [agency] is acting within the scope of its delegated authority and in accordance with prescribed procedures, it has greater expertise and stands in a better position than this Court to make the technical and policy judgments necessary to administer the complex regulatory program at issue here."). Here, USCIS, as the agency charged with conducting administrative naturalization ceremonies, is uniquely positioned and the most qualified entity to make the determination that NGO participation is sporadic and inconsistent. It is also the most qualified entity to make the determination that the administrative burdens of NGO participation outweigh the agency's reliance on those organizations for the distribution of voter registration information. Plaintiffs may disagree with that calculus, but the rationale for USCIS's decision is not arbitrary and capricious. USCIS's decision was adequately reasoned and considered important aspects of the problem, including the effect the policy change would have on new citizens' access to information about voting and their ability to register to vote. *See* USCIS_054.

The NCJW Plaintiffs argue that USCIS's policy change is arbitrary and capricious because it bars NGOs from providing voter registration assistance while still allowing NGOs to participate in

other ways. This is a fundamental misreading of the sources that the NCJW cites to support its incorrect conclusion that NGOs can participate in administrative naturalization ceremonies in ways other than distribution of voter registration information. *See* NCJW Mot. at 30, 7; *see also* Appendix of Exhibits to NCJW Mot., ECF No. 20-2 at App. 233, 82. The NCJW cites as the sole support for this contention broad statements on USCIS’s website and in its policy manual that organizations may “participat[e] in a naturalization ceremony” or “play an important role” in naturalization ceremonies. *Id.* Nothing in the sources the NCJW cites establishes that NGOs currently participate in administrative naturalization ceremonies for any purpose outside of the provision of voter registration materials.

Finally, the NCJW argues that the ban itself imposes an administrative burden since USCIS must distribute voter registration information that otherwise would have been provided by NGOs. For this to be true, the NCJW must be granted two assumptions: (1) that the approval process for and coordination of NGO participation is *less* burdensome than USCIS distributing voter registration information itself, and (2) that state and local election officials will be absent from a significant number of ceremonies thereby requiring USCIS to distribute voter registration information at a significant number of ceremonies. NCJW offers no support for either assumption. The record reflects that it has been the policy of USCIS since 2011 that USCIS provide voter registration applications to all new citizens in the absence of both state and local elections officials and NGOs at administrative ceremonies. USCIS_113. The NCJW provides no basis on which to conclude that USCIS’s burden of providing voter registration applications after 2025 policy change is or will be any greater than it was before the change, where a lack of NGO volunteers or availability would have subjected USCIS to the very same burden it faces today. Therefore, the NCJW is unlikely to be able to establish that the policy change has increased the administrative burden on USCIS.

CONCLUSION

For these reasons, Plaintiffs cannot establish that their arbitrary and capricious claims are likely to succeed.

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Respectfully submitted,

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