

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**AMERICAN IMMIGRATION
LAWYERS ASSOCIATION**
1331 G Street, NW, Suite 300
Washington, D.C. 20005-3142,

**BENACH PITNEY
REILLY IMMIGRATION**
4530 Wisconsin Ave NW Suite 400
Washington, DC 20016,

Plaintiffs,

v.

**U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,**
C/O Office of the Chief Counsel
5900 Capital Gateway Drive
Camp Springs, MD 20588-0009,

Defendant.

Case No. 1:26-cv-3094

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF UNDER THE
ADMINISTRATIVE PROCEDURE ACT**

INTRODUCTION

1. A little over seventeen months ago, U.S. Citizenship and Immigration Services (“USCIS”) tried to do exactly what it is doing here again. Then, targeting some ten immigration benefits forms, USCIS, without warning announced it would not accept older versions of the form. Perhaps at the time, realizing that such actions were arbitrary and capricious, the agency quickly reversed course. And yet, once again, the agency attempts to relive history.
2. On August 31, 2026, USCIS published a new edition of Form I-864, I-864A and Form I-864EZ, Affidavit of Support Under Section 213A of the INA, carrying an edition

date of August 24, 2026. It published the form one week later on August 31, 2026.

On the same day it published the forms, the agency announced that the new edition took effect immediately and that no grace period would apply. The announcement came at approximately 4:00pm on the effective date; the forms themselves were not functional on USCIS' website with some mandatory fields unfillable.

i ALERT: On Aug. 31, 2026, USCIS published a new edition of [Form I-864, Affidavit of Support Under Section 213A of the INA](#) (edition date: 08/24/26). Because there will be **no grace period**, USCIS is providing a preview version of the 08/24/26 edition of Form I-864 and its instructions.

Beginning Aug. 31, 2026, we will only accept the 08/24/26 edition. Effective Aug. 31, 2026:

- USCIS will accept the 08/24/26 edition of Form I-864 if it is postmarked or electronically submitted **on or after** Aug. 31, 2026.
- USCIS will not process or accept the 10/17/24 edition of Form I-864 if it is postmarked or electronically submitted **on or after** Aug. 31, 2026.

Please note: The 08/24/26 edition of Form I-864 includes a privacy release that authorizes USCIS to request information from one or more consumer reporting agencies.

If a sponsor has a credit or security freeze on their consumer or credit report file, USCIS may not be able to access the information necessary to assess the sufficiency of Form I-864. To avoid any delays, a sponsor should expeditiously respond to any requests made to release a credit or security freeze.

3. Under the announced policy, USCIS will accept only the August 24, 2026, edition of Form I-864 and it will neither process nor accept the prior October 17, 2024, edition if such is postmarked or submitted electronically on or after August 31, 2026. Put another way, those affidavits already signed, assembled, and ready for mail would have to be redone or be subject to rejection immediately upon delivery.
4. This change, affecting hundreds of filings, was not published in the Federal Register. According the 2023 Federal Register Notice for the I-864 changes, the agency

estimated that the changes impacted the following number of people: the estimated total number of respondents for the information collection; Form I-864 is 453,345, the estimated total number of respondents for the information collection Form I-864A is 215,800; and the estimated total number of respondents for the information collection Form I-864EZ is 100,000. 88 FR 62103 (September 8, 2023).

5. The zero grace period forms change was not preceded by notice and an opportunity to comment. It was not accompanied by any explanation of why the agency departed from its own longstanding practice of allowing a grace period when it revises a form. Instead, it was simply announced as an alert on the agency's website. While stakeholders who are subscribed to email notifications from USCIS, did receive an alert, even that alert was not received until approximately 4:32pm.
6. Form I-864 is not a peripheral document. Congress made it a condition of admission. Most family-based immigrants are inadmissible unless a sponsor executes an affidavit of support that satisfies section 213A of the Immigration and Nationality Act ("INA"). INA § 212(a)(4)(C), (D), 8 U.S.C. § 1182(a)(4)(C), (D); INA § 213A, 8 U.S.C. § 1183a.
7. A family-based adjustment application or immigrant visa package without a compliant affidavit cannot move forward. Importantly, under USCIS's recently announced policy, USCIS can now immediately deny immigration filings that lack required initial evidence or fail to establish eligibility, without first issuing a Request for Evidence (RFE) or Notice of Intent to Deny (NOID).¹

¹U.S. Citizenship and Immigration Services, USCIS to Reduce Frivolous Immigration Benefits Requests by Reinforcing Evidence Standards, <https://www.uscis.gov/newsroom/alerts/uscis-to-reduce-frivolous-immigration-benefits-requests-by-reinforcing-evidence-standards> (last visited Sept. 1, 2026).

8. Preparing the affidavit takes time and coordination because the signer is most often not the applicant. Sponsors, joint sponsors, and household members must assemble tax transcripts, wage records, and proof of assets. Because only physical, wet-ink signatures are accepted by USCIS, signature pages can travel between households, and often across state lines, to be completed fully. An affidavit signed in July for a family-based adjustment package assembled in August is only viable if the form edition is accepted by the Agency upon delivery. The chronology and the timeline matters to ensure that the benefits sought are actually ascertainable.
9. The zero grace period policy erases that value without warning. Affidavits correctly completed and validly signed on a current edition, and placed in the mail before the announcement, will be rejected on arrival. This is true even though nothing in those affidavits is deficient. They fail for one reason alone: the date printed at the bottom of the page coupled with the agency's arbitrary policy as to a no grace period effective date.
10. Rejection is not a mere clerical inconvenience. A rejected benefit request does not retain a filing date. 8 C.F.R. § 103.2(a)(7)(ii). A rejection cannot be appealed. 8 C.F.R. § 103.2(a)(7)(iii). Moreover, for an adjustment applicant, the loss of a filing date can mean the loss of employment authorization and advance parole, the loss of the ability to file the application entirely should an "immigrant visa" no longer be available upon the date of refiling, or for a child approaching twenty-one, the loss of eligibility altogether.
11. The new edition also does more than simply change the date because the August 24, 2026 edition adds an authorization under which the sponsor permits USCIS and the

Department of State to request, and any consumer reporting agency to provide, information including credit reports and credit scores in connection with the sufficiency determination on the affidavit. USCIS has advised sponsors that a credit or security freeze may prevent the agency from obtaining that information and that any request to lift a freeze should be answered quickly.

12. That is a substantive change in what the government collects and how it decides cases. It converts a showing of income and assets into a consumer credit inquiry, and it asks sponsors to surrender privacy protections designed to guard them. Neither INA § 213A nor the regulations at 8 C.F.R. part 213a condition sponsorship on a credit report or a credit score. The public was given no opportunity to comment on whether the agency should gather this information, how it will be used, how long it will be kept, or what befalls a sponsor who declines to authorize the inquiry.
13. USCIS has offered no reasoned justification for instituting an immediate effect of the affidavit of support changes. It identified no emergency and it did not weigh the reliance interests of sponsors and applicants who prepared or mailed filings on the edition the agency itself had published and held out as current until August 31, 2026. It did not consider pro se filers, who learn of website alerts late, if at all. It did not consider the obvious and less damaging alternative of a transition or grace period, which the agency has used for this very form in the past.²

²The edition immediately before the current one is 10/17/24. USCIS's forms-updates entry for Form I-864 and Form I-864A states that starting Feb. 10, 2025, only the 10/17/24 edition would be accepted, and that until then filers could also use the 12/08/21 E and 12/08/21 editions. That is a grace period of roughly 60 days. The pattern goes back further. For the 07/02/15 edition of the I-864, I-864A, I-864EZ, and I-864W, USCIS announced that starting 10/06/15 it would accept only the new edition, and that filers could use the

14. The burden of the policy falls squarely on the practitioners who prepare these filings. Plaintiff Benach Pitney Reilly Immigration devote their practices to family-based immigration, where Form I-864 is required in nearly every case. For them, work already completed, and already billed, must be re-done at their own cost. Sponsors and joint sponsors who had already signed these forms once must be requested to re-sign and re-return the new forms for submission. This can create a burden on the process as a whole. **See attached Ex. A.**
15. Plaintiff American Immigration Lawyers Association (“AILA”) brings this action on behalf of members who are subject to the policy and in its own right for injuries to its operations. These no grace period, abrupt actions by the agency require immediate action to address the instant chaos and uncertainty they cause. AILA must immediately pivot from other critical work to address members in crisis. Given the immediate chaos and uncertainty the zero-grace period policy created, AILA, in immediate response, took steps to make sure members were aware of the change by sending emails to various listservs, made edits to the Associations website to post the revised form changes, created and distributed member alerts, Drafted, finalized and distributed practice alerts for members, attempted to engage the agency in liaison efforts in an effort to seek a grace period, reviewed litigation options and prepared filings for litigation. These efforts required immediate and complete attention to address the potential crisis USCIS caused for AILA’s over 18000 members (about the seating capacity of Madison Square Garden³). **See attached Ex. B.**

03/22/13 edition until then. That is a three-month window. So, on the two prior I-864 revisions, USCIS gave a grace period each time https://www.uscis.gov/forms/forms-updates?items_per_page=50&page=2

³ https://en.wikipedia.org/wiki/Madison_Square_Garden

16. The harm here was entirely avoidable. A grace period of sixty or ninety days would allow affidavits already signed to be filed, would give sponsors time to consider the new credit authorization, and would give the agency time to comply with the procedural requirements it bypassed.
17. Plaintiffs ask this Court to declare the zero grace period policy unlawful, to set it aside, and to enjoin its enforcement.

PARTIES

18. Plaintiff AILA is the national bar association of immigration lawyers, established to promote justice, to advocate for fair and reasonable immigration law and policy, to advance the quality of immigration and nationality law and practice, and to enhance the professional development of its more than 18,000 members. AILA is headquartered at 1331 G Street, NW, Suite 300, Washington, D.C. 20005.
19. Benach Pitney Reilly Immigration is a Washington, DC-based immigration law firm. The firm was initially founded in 2012, and its founding partners focused their work on immigration law and practice. Sarah Beth Pitney is a named Partner with the firm and began work as an immigration attorney in 2017, first in Florida and then in DC. Sarah Beth Pitney, along with partners, Ava Benach and Erica Reilly, employ a staff of 13, all devoted to providing immigration services. These attorneys are members of AILA. Benach Pitney Reilly Immigration derives all income from the provision of immigration legal services, which requires the collection of information on USCIS forms.

20. Defendant USCIS is a component of the Department of Homeland Security and shares responsibility for administering the INA. USCIS adjudicates applications and petitions for immigration benefits and publishes the forms that applicants, petitioners, and sponsors must use to seek those benefits.

JURISDICTION AND STANDING

21. Plaintiffs bring this civil action for declaratory and injunctive relief under the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 *et seq.*
22. This Court has jurisdiction under 28 U.S.C. § 1331 because the action arises under the laws of the United States. The Court may grant declaratory relief under 28 U.S.C. §§ 2201 and 2202.
23. The United States has waived sovereign immunity for this action. 5 U.S.C. § 702.
24. The zero grace period policy is final agency action reviewable under 5 U.S.C. § 704. It marks the consummation of the agency’s decision making on the acceptance of Form I-864 editions, and legal consequences flow from it. Filings on the prior edition are rejected, and rejected filings lose their filing dates and cannot be appealed. *See Bennett v. Spear*, 520 U.S. 154, 177-78 (1997).
25. To establish standing, a plaintiff must show an injury in fact that is concrete and particularized, a causal connection between the injury and the challenged conduct, and a likelihood that a favorable decision will redress the injury. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992).
26. Plaintiff AILA has associational standing to sue on behalf of its members. AILA is a national voluntary bar association of attorneys and law professors who practice and teach immigration law with over 18,000 members in the United States and abroad.

Its members include attorneys who prepare and file Form I-864 and its related forms on behalf of sponsors and intending immigrants in family-based immigrant visa and adjustment of status matters. Those members would have standing to sue in their own right. Each is subject to the challenged action, and each faces the concrete and imminent injury of having client filings rejected, of losing filing dates and the priority that attaches to them, of absorbing the cost of re-preparing and re-executing affidavits of support already signed and assembled, and of counseling sponsors on a consent to disclosure of consumer report information that Defendants added without notice or opportunity to comment.

27. The interests AILA seeks to protect in this action are germane to its purpose, which includes promoting the fair and orderly administration of the immigration laws and protecting the ability of its members to represent noncitizens and their sponsors effectively. And neither the claims asserted nor the relief requested requires the participation of individual members. AILA brings claims under the Administrative Procedure Act and seeks vacatur of the challenged agency action and declaratory and injunctive relief, none of which turns on the circumstances of any individual member or any individual filing. *See Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977); *Warth v. Seldin*, 422 U.S. 490, 511 (1975).
28. First, an association must do more than assert that some unidentified member has been harmed; it must identify members who have suffered the requisite harm. *Summers v. Earth Island Inst.*, 555 U.S. 488, 498-99 (2009). AILA identifies several:
 - a. A member in New York, New York who is a solo practitioner with one part-time assistant reported that several adjustment-of-status applications were

complete and ready for filing. The same-day edition change required the practitioner to recreate the Forms I-864, transmit the replacement forms to clients, obtain new signatures, and reassemble the filing packages. Because commonly used immigration-form software had not yet incorporated the new edition, the practitioner had to download the form from USCIS and manually re-enter the information. As he pointed out, "There are no substantive changes between the new edition versus the old edition; yet there is no other way to complete the new form besides entering in all the information manually."

b. A member in Darien, Connecticut is an attorney and reported two affected immediate-relative adjustment matters. In the first, a filing mailed more than a week earlier still had not generated a fee charge or receipt; if it were returned for any intake issue, the firm would have to prepare a new Form I-864, obtain renewed signatures, and incur additional delay. A second case that was ready to be filed on September 1 could not proceed because the firm was waiting for signatures on a newly prepared Form I-864.

c. A member in Portland, Oregon is an attorney and reported electronically filing an adjustment application on August 31 using the prior edition of Form I-864 before learning of the same-day change. Although no rejection or request for evidence had yet issued, the abrupt policy created immediate uncertainty as to whether a properly submitted and pending filing would be accepted.

d. A member in Burlington, Vermont reported that low-income clients filed a one-step, K-1-based adjustment package on August 31 before USCIS announced the new edition. Counsel feared that USCIS would reject the filing solely because

the included Form I-864 carried the prior edition date and would not refund the filing fee, requiring the clients to bear the expense of filing again. As the member put it, “These clients are low-income, and if they had to pay the filing fee again, that would be a hardship for them.”

29. These are but a few of the many members impacted by USCIS’s abrupt policy change.
30. Plaintiff Benach Pitney Reilly Immigration is comprised of attorney all of whom are AILA members, are parties to this action and have alleged their own injuries.
31. In addition, AILA exists in part to advance the quality of immigration law and practice and to support its members in the competent representation of clients before USCIS. A challenge to a rejection policy that governs the forms members must use in nearly every family-based case sits at the center of that purpose, not at its margins.
32. Finally, Plaintiffs seek declaratory and injunctive relief addressed to a single, uniform agency policy. They seek no damages and no individualized monetary award, and the lawfulness of the policy can be decided without the participation of individual members in the litigation. *See Nuclear Energy Inst., Inc. v. EPA*, 373 F.3d 1251, 1265 (D.C. Cir. 2004); *Warth*, 422 U.S. at 515.
33. Nothing in *Alliance for Hippocratic Medicine* disturbs associational standing on these facts. The plaintiffs there could identify no member who was subject to the challenged action or who faced any concrete consequence from it. Here, the members are named, they are the persons who prepare and file the affected filings, and their injuries are already fixed in dollars and hours.

34. The zero grace period policy operates directly on the work product of the Benach Pitney Reilly Immigration. USCIS regulations recognize their role insofar as a benefit request may be prepared and filed by an attorney on the applicant's behalf. 8 C.F.R. § 103.2(a)(3). In each case, every benefit request must be executed in accordance with the form instructions the agency publishes. 8 C.F.R. § 103.2(a)(1). Their injury is in concrete economic terms. Attorneys and paralegal hours already devoted to affidavits of supports which were completed on the October 17, 2024, edition must be re-spent to complete the work anew on the revised edition. Sponsors and joint sponsors must be located, re-contacted, and asked to sign again, and financial documentation must be re-assembled and re-copied. Filings must be re-mailed at the firm's expense. Because the firm charges flat fees in most family-based matters, this second round of work generates no additional revenue and is absorbed as a loss. The firm estimates that loss, even conservatively calculated of approximately \$30,000.00
35. These are monetary injuries, which have always sufficed under Article III. "For standing purposes, a loss of even a small amount of money is ordinarily an injury." *Czyzewski v. Jevic Holding Corp.*, 580 U.S. 451, 464 (2017).
36. Plaintiff Benach Pitney Reilly Immigration is also injured in another distinct way. Because USCIS announced the policy on the day it took effect and gave no guidance on filings already in transit, these Plaintiffs cannot advise clients on if a package may be expected to be timely rejected, or whether a signed affidavit retains any value. Counsel who cannot answer those questions cannot discharge their professional

obligations, and they face professional claims when filings are rejected through no fault of their own.

37. Causation is direct. The injuries arise from the agency's own announced policy operating on Plaintiffs' own filings, not from the independent choices of third parties. Redress follows directly as well: an order setting aside the policy and requiring USCIS to accept the October 17, 2024 edition for a reasonable period would eliminate the need to redo the work.

VENUE

38. Venue is proper in this district under 28 U.S.C. § 1391(e)(1). Defendant is an agency of the United States, Plaintiff AILA and Plaintiff Benach Pitney Reilly Immigration reside in this district, and no real property is involved in this action.

LEGAL BACKGROUND

39. Congress requires most family-based immigrants to obtain an affidavit of support from a sponsor. An immigrant seeking admission or adjustment of status on the basis of a family relationship is inadmissible unless the petitioner, and where necessary a joint sponsor, executes an affidavit of support that satisfies INA § 213A. INA § 212(a)(4)(C), (D), 8 U.S.C. § 1182(a)(4)(C), (D).
40. Section 213A specifies what the affidavit must contain and makes it an enforceable contract under which the sponsor agrees to maintain the sponsored immigrant at an income of at least 125% of the federal poverty guidelines. 8 U.S.C. § 1183a(a)(1). The implementing regulations appear at 8 C.F.R. part 213a. USCIS carries out the statute through Form I-864 and its related forms.

41. Every form and benefit request “must be submitted to DHS and executed in accordance with the form instructions.” 8 C.F.R. § 103.2(a)(1). The instructions are incorporated by reference into the regulations and carry the force of law. All benefit requests must be filed in accordance with those instructions. 8 C.F.R. § 103.2(a)(3).
42. USCIS records a benefit request as received “as of the actual date of receipt at the location designated for filing,” whether filed on paper or electronically. 8 C.F.R. § 103.2(a)(7)(i).
43. A benefit request that is rejected does not retain a filing date. 8 C.F.R. § 103.2(a)(7)(ii). Under the same regulation, a benefit request may be rejected only if it is not signed with a valid signature, not executed, not filed in compliance with the regulations governing the filing of that specific request, or not submitted with the correct fee. *Id.* A rejection may not be appealed. 8 C.F.R. § 103.2(a)(7)(iii).
44. The APA requires an agency to publish substantive rules of general applicability, statements of general policy, interpretations of general applicability, and rules of procedure in the Federal Register. 5 U.S.C. § 552(a)(1). Legislative rules must be preceded by notice and an opportunity for comment. 5 U.S.C. § 553(b), (c). A substantive rule ordinarily may not take effect until at least thirty days after publication. 5 U.S.C. § 553(d).
45. A court must set aside agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A). Agency action is arbitrary and capricious where the agency fails to examine the relevant data and to articulate a satisfactory explanation connecting the facts found to the choice made. *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29,

43 (1983). When an agency changes course, it must display awareness that it is changing position and must account for serious reliance interests its prior policy engendered. *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221-22 (2016); *see also Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1 (2020).

46. The term “agency action” includes an agency’s failure to act. 5 U.S.C. § 551(13); *see Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 62 (2004).
47. USCIS has long followed a practice of allowing a transition period when it revises a form. When the agency issued the 07/02/15 edition of Form I-864 and its related forms, it continued to accept the prior 03/22/13 editions for roughly two months before requiring the new edition. That practice permitted sponsors and counsel to complete filings already underway.
48. Form I-864 and related forms are a collection of information within the meaning of the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520, and is approved by the Office of Management and Budget under OMB Control Number 1615-0075. Defendants may not conduct or sponsor that collection unless OMB has approved it and issued a currently valid control number, which the form must display. 44 U.S.C. § 3507(a); 5 C.F.R. § 1320.5(b). OMB approval extends to the specific content of the collection, including the questions asked, the instructions, and the certifications a respondent must execute. When an agency revises an approved collection, the revision must be cleared before it may be imposed on the public, and clearance requires two separate publications in the Federal Register. First, before submitting the revision to OMB, the agency must publish notice and provide the public 60 days to comment to the agency, and the agency must consider those comments and account for them in its

submission. 44 U.S.C. § 3506(c)(2)(A); 5 C.F.R. § 1320.8(d)(1). Second, on or before the date it submits the revision to OMB, the agency must publish a notice stating that OMB approval is being sought and directing that comments be submitted to the Office of Information and Regulatory Affairs within 30 days of publication, and OMB must allow at least 30 days for public comment before deciding whether to approve. 5 C.F.R. §§ 1320.5(a)(1)(iv), 1320.10(a), (b). The only exception to this sequence is emergency processing, which the agency must request and justify, and which it must disclose in the Federal Register notice. 5 C.F.R. § 1320.13. A collection of information that does not comply with these requirements may not be enforced against the public, and no person may be penalized for failing to comply with it. 44 U.S.C. § 3512; 5 C.F.R. § 1320.6.

49. The changes Defendants made to the 08/24/26 edition of Form I-864 and related forms are substantive, not cosmetic. The new edition adds a consent provision, placed directly above the sponsor's signature in the Sponsor's Declaration and Certification, by which the sponsor authorizes USCIS and the Department of State to obtain information about the sponsor from one or more consumer reporting agencies. That provision imposes a new obligation on every sponsor who executes the form, requires the sponsor to surrender access to information he was not previously required to disclose or authorize, and alters what USCIS may collect and consider in adjudicating the affidavit of support. A revision of that character is a revision to the underlying collection of information approved under OMB Control Number 1615-0075, and the Paperwork Reduction Act permits Defendants to impose it only after they completed the clearance process the statute prescribes.

Before submitting the revised collection to the Office of Management and Budget, Defendants were required to publish notice in the Federal Register and solicit public comment for a period of 60 days. 44 U.S.C. § 3506(c)(2)(A); 5 C.F.R. § 1320.8(d)(1). On or before the date of submission, Defendants were required to publish a second Federal Register notice stating that OMB approval was being sought and requesting that comments be submitted to OMB within 30 days of publication. 5 C.F.R. §§ 1320.5(a)(1)(iv), 1320.10(a). OMB in turn was required to allow at least 30 days for public comment before acting on the submission. 5 C.F.R. § 1320.10(b). Defendants did neither. Defendants did not seek or obtain an exemption for emergency processing under 5 C.F.R. § 1320.13, and no circumstance identified in that section is present here. Defendants thus imposed a revised collection of information on the public without the notice and comment the Paperwork Reduction Act requires.

FACTUAL BACKGROUND

50. On August 31, 2026, USCIS published the August 24, 2026 edition of Form I-864 and posted an alert announcing the change. The alert states that there will be no grace period, and beginning August 31, 2026 the agency will accept only the August 24, 2026 edition of Form I-864. The agency further stated that it will not process or accept the October 17, 2024 edition of the form if that edition is postmarked or submitted electronically on or after August 31, 2026. The agency published a preview version of the new edition and its instructions on the same day, explaining that a preview was necessary because no grace period would apply. Critically, the form was not yet even fully functional when released, with key text fields left

unfillable, requiring any individual to find technological work-arounds to hand-write the form for the submission to be accepted.

51. USCIS did not publish the policy in the Federal Register. It did not solicit public comment on the immediate effective date. It gave no advance notice of any kind to sponsors, applicants, or the attorneys who represent them.
52. The August 24, 2026, edition of the I-864 is not a superficial revision. It adds a privacy release that, by signing, the sponsor authorizes USCIS and the Department of State to request, and any consumer reporting agency to provide, information from one or more consumer reporting agencies in order to obtain or verify information. These reports include credit reports and scores, in connection with the sufficiency determination on the affidavit of support.
53. USCIS has further advised that if a sponsor has a credit or security freeze on a consumer or credit report file, the agency may be unable to access the information it says it needs to assess the sufficiency of the affidavit. The Agency, therefore, instructs a sponsor to work quickly to release the freeze.
54. Sponsors place freezes on their credit files for many reasons and the agency did not address such reasons in any way. Many do so after becoming victims of identity theft or after notice of a data breach. Others do so on the advice of financial institutions or law enforcement. The new edition of the I-864 presents these sponsors with a choice the agency has never before required them to make and has never explained. It forces them to seek a release of the freeze on their reports or place the individual they sponsored in a position of having benefits denied.

55. Nothing in INA § 213A or in 8 C.F.R. part 213a makes a credit report or a credit score a criterion for the sufficiency of an affidavit of support. The statute speaks to income, to assets, and to the sponsor's enforceable undertaking. USCIS did not afford the public an opportunity to comment on the addition of the consumer reporting authorization before placing it on the form and requiring its immediate use. They did this without providing an explanation for the departure from its practice of allowing a transition period. It identified no exigency requiring same-day effect, described no problem that a grace period would have caused, and pointed to no statutory or regulatory deadline compelling the timing.
56. USCIS also gave no guidance on filings already in transit when the announcement issued. Sponsors who signed a valid affidavit on August 25, 2026, and packages mailed on August 28, 2026, were placed at risk of rejection by an announcement that had not yet been made.
57. USCIS did not consider pro se filers. An individual self-preparing an adjustment of status package would learn of the website alert, if at all, well after they have mailed their applications. Problematically, that individual, relying on the Agency's own website to download the forms even a day earlier, would have no reason to suspect anything was amiss; a much later rejected form would be the first that individual would learn of the filing error. The consequences of rejection would, potentially, be irreversible. USCIS routinely takes weeks to determine whether to accept or reject a submission and often takes a month or more to notify the filer. The filer must then reassemble the package on the new edition and file again. Each step adds

preparation costs, mailing costs, and delay at an agency that already carries substantial backlogs.

58. Benach Pitney Reilly Immigration has expended attorney and paralegal time preparing affidavits of support on the October 17, 2024 edition for clients whose packages were mailed or were scheduled for mailing before or on August 31, 2026. Those affidavits either have to be re-done immediately or are now at risk of rejection, and the additional work comes at the firm's expense. The chaos cause has also resulted in countless client inquiries since the announcement and has resulted in the inability of the Benach Pitney Reilly Immigration from being unable to answer basic questions about filings already in the mail.
59. Several of Benach Pitney Reilly Immigration clients rely on joint sponsors who agreed to sign forms of sponsorship and who are now placed in the position of either submitting to a mandatory, intrusive credit check or declining to serve as a sponsor altogether. When a joint sponsor withdraws, the case does not simply slow down; it is at risk of failing altogether.
60. These harms, multiplied by the thousands when the total membership of AILA is considered. In order to quickly and zealously address the chaos and uncertainty resulting from the agency's zero grace period policy.
61. The harm would be substantially mitigated if USCIS accepted the October 17, 2024, edition of Form I-864 for a period of ninety days from August 31, 2026. That period would also permit the agency to comply with the notice requirements it bypassed.

CLAIMS FOR RELIEF

COUNT ONE

**Violation of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*
(Arbitrary and Capricious Agency Action)**

62. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.
63. The APA entitles a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action, to judicial review. 5 U.S.C. § 702. The Court may hold unlawful and set aside agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).
64. The zero grace period policy is a departure from the agency's longstanding practice of allowing a transition period when it revises Form I-864. USCIS neither acknowledged the departure nor justified it.
65. USCIS failed to consider the reliance interests of sponsors, applicants, and their counsel, who prepared filings using the edition the agency published and held out as current. Those reliance interests were substantial, obvious, and known to the agency.
66. USCIS failed to consider the position of pro se filers, who depend on the agency's website for notice and who cannot reasonably be expected to detect a same-day change.
67. USCIS failed to consider the obvious alternative of a transition period, which would have addressed any legitimate agency interest at negligible cost.

68. USCIS failed to consider the consequences of rejection, including the loss of a filing date, the unavailability of any appeal, the loss of interim benefits, and the risk that a child will age out of eligibility while the filing is redone.
69. USCIS failed to explain why sponsors must now authorize a consumer credit inquiry, why that authorization is necessary to a sufficiency determination that the statute frames in terms of income and assets, or what will happen to a sponsor who maintains a credit freeze.
70. The policy is also arbitrary in its operation. It rejects filings that are complete, accurate, signed, and paid for, on the sole ground that the edition date on the page is one edition old. The agency has identified no defect in those filings and no purpose served by rejecting them.
71. For these reasons the zero grace period policy is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.

COUNT TWO

Violation of the Administrative Procedure Act (Failure to Provide Notice and Opportunity for Comment; Failure to Publish)

72. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.
73. The zero grace period policy determines whether a filing will be accepted or rejected, and rejection carries the loss of a filing date and the loss of any right of appeal. A rule of that character alters the rights and obligations of sponsors and applicants and requires notice and comment. 5 U.S.C. § 553(b), (c).
74. The addition of the consumer reporting authorization to a mandatory form independently required notice and comment. It changes the information the

government collects from sponsors and the basis on which the agency evaluates an affidavit of support.

75. Even if the policy were exempt from notice and comment, it is at a minimum a substantive rule of general applicability, a statement of general policy, an interpretation of general applicability, or a rule of procedure, and it therefore required publication in the Federal Register. 5 U.S.C. § 552(a)(1).
76. The publication requirement serves the purpose that this case illustrates. It gives regulated parties and their representatives notice of how an agency will treat their filings and prevents precisely the surprise that has occurred here.
77. Defendant did not publish the zero grace period policy in the Federal Register.
78. Defendant also gave the policy immediate effect, without the sixty-day period the APA requires between publication of a substantive rule and its effective date. 5 U.S.C. § 553(d).
79. These failures have harmed Plaintiffs. Filings prepared in reliance on the prior edition are at risk of rejection, work already performed must be repeated, and neither Plaintiffs nor their clients had any opportunity to be heard before the policy took effect.

COUNT THREE
Violation of the Administrative Procedure Act
(Not in Accordance with Law; Conflict with the Agency's Own Regulations)

80. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.
81. A court may set aside agency action that is not in accordance with law. 5 U.S.C. § 706(2)(A). An agency's own regulations bind the agency and govern its conduct.

82. The regulations identify the only grounds on which USCIS may reject a benefit request. A request may be rejected if it is not signed with a valid signature, not executed, not filed in compliance with the regulations governing the filing of that specific request, or not submitted with the correct fee. 8 C.F.R. § 103.2(a)(7)(ii).
83. An affidavit of support executed on the October 17, 2024, edition of Form I-864, signed by the sponsor, complete, and accompanied by the correct fee where a fee applies, satisfies each of those requirements. It was the edition the agency itself published, and it was executed in accordance with the instructions in effect when it was signed.
84. Rejecting such a filing solely because a newer edition was published after it was signed is not authorized by the regulation and conflicts with its plain terms.
85. The zero grace period policy is therefore not in accordance with law and must be set aside.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court: (a) assume jurisdiction over this matter; (b) Declare that Defendant's zero grace period policy for Form I-864 violates the Administrative Procedure Act; (c) hold unlawful and set aside the zero grace period policy under 5 U.S.C. § 706(2)(A); (d) enjoin Defendant from rejecting any Form I-864 executed on the October 17, 2024, edition pending a hearing on Plaintiffs' motion for a preliminary injunction; (e) enjoin Defendant from enforcing the zero grace period policy and order Defendant to accept the October 17, 2024 edition of Form I-864 for a period of not less than ninety days, or for such period as the Court deems appropriate, and in any event until Defendant complies with the notice requirements of the Administrative

Procedure Act; (f) order Defendant to restore the filing date of any Form I-864 rejected under the zero grace period policy; (g) award attorneys' fees, costs, and interest as permitted by law; and (h) grant such further relief as is just and proper.

September 2, 2026

Respectfully Submitted,

/s/ Rekha Sharma-Crawford
Rekha Sharma-Crawford
U.S. District Court Bar ID #MO0018
Sharma-Crawford Attorneys
515 Avenida Cesar E. Chavez
Kansas City, MO 64108
Tel: (816) 994-2300
rekha@sharma-crawford.com

/s/ Jennifer R. Coberly
Jennifer R. Coberly,
U.S. District Court Bar ID#
American Immigration Lawyers
Association
1331 G. St. NW
Washington, DC 20005
Tel: 202-507-7692
jcoberly@AILA.org

/s/ Brian Scott Green
Brian Scott Green
US District, Court, Bar ID # MD0013
Law Office of Brian Green
9609 S University Boulevard
Highlands Ranch, CO 80130
Tel: (443) 799-4225
BrianGreen@greenUSimmigration.com

/s/ Christopher W. Dempsey
Christopher W. Dempsey
U.S. District Court Bar ID AR0006
Dempsey Law, PLLC
1930 San Marco Boulevard, Suite 204
Jacksonville, FL 32207
Tel: (904) 760-6272
chris@cdempseylaw.com

/s/ Zachary New
Zachary Ryan New*
Joseph & Hall, P.C.
12203 E. Second Ave
Aurora, CO 80011
Tel: (303) 297 9171
zachary@immigrationissues.com

** Motion for Admission Pro
Hac Vice Forthcoming*

Attorneys For Plaintiffs

EXHIBIT A

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

American Immigration Lawyers Association,
1331 G Street, NW Suite 300
Washington, D.C. 20005-3142

Benach Pitney Reilly
4530 Wisconsin Ave NW Suite 400
Washington, DC 20016

Plaintiffs,

v.

U.S. Citizenship and Immigration Services;
c/o Office of the Chief Counsel
5900 Capital Gateway Drive
Camp Springs, MD 20588

Defendant.

Case No.

DECLARATION OF SARAH BETH PITNEY, ESQ

I, Sarah Beth Pitney, declare and state as follows:

1. My name is Sarah Beth Pitney and I am a member in good standing of the District of Columbia Bar (No. 229744). I am a partner of the law firm of Benach Pitney Reilly. I have been a member of the Bar since 2017. My practice is devoted to providing immigration services and advice to noncitizens. In this capacity, I represent clients in family-based petitions, adjustment of status applications, waiver filings, asylum applications, naturalization applications and applications for relief in removal proceedings.

2. Benach Pitney Reilly is a small business with three partners, one of counsel attorney, two senior attorneys, and one associate attorney, and ten support staff. Our attorneys are billed at hourly rates of between \$500 and \$800 per hour, while our support staff are billed at rates of \$350 to \$425 per hour. The firm exclusively practices in the area of immigration law. Benach Pitney Reilly derives all its income from the provision of immigration services. Providing immigration legal services requires the collection of information on USCIS forms.
3. Benach Pitney Reilly has expended significant law firm time, including attorney and paralegal time, preparing forms for clients for various immigration benefits including Form I-864 Affidavit of Support under Section 213A of the INA.
4. The Form I-864 affidavit is lengthy and time consuming to complete and submit. Attorneys and staff work closely with clients in the preparation and submission of this form to USCIS to ensure that the information is accurate, complete and thorough. This requires a lot of diligence and is time consuming. Such diligence is essential however, since if the Form I-864 is rejected, it can cause further delays and the potential loss of benefits altogether. As a result, attorneys and staff spend vast amounts of time ensuring that all filings are carefully completed, and each requirement is fully met. Mindful of the harsh consequences which may arise should USCIS return the form, Benach Pitney Reilly remains diligent in checking form versions and notifications from USCIS on any pending or projected changes. In the preparation of these filings, the forms are but one part of the process. Applications require both the completion of the form along with

the collection of data and documents to fully comply with the benefit requirement.

5. The Form I-864 Affidavit of Support under Section 213A of the INA is 12 pages long, with 18 pages of instructions. According to the Form I-864 instructions, under the Paperwork Reduction Act, Office of Management and Budget ("OMB") estimates that the information collection for and preparation of this form is approximately five (5) hours and forty-nine (49) minutes. Benach Pitney Reilly spends several hours preparing and filing Form I-864 in connection with family-based immigration benefit petitions and applications. As indicated, the form is but one part of the process and the filing of the applications require many more hours to properly ensure compliance with the legal requirements. In general, it will take Benach Collopy at least 3 hours for support staff to prepare and for an attorney to review Form I-864 affidavit as part of family-based immigration benefit petition or application.
6. Since August 31, 2026, when USCIS suddenly uploaded a new, mandatory Form I-864 affidavit which was now required for all related filings with no grace period for use of the prior edition (which Benach Pitney Reilly had prepared and had signed by our clients and the financial sponsors of our clients), with no public announcement of this very important change, Benach Pitney Reilly attorneys and staff have been frantically checking to determine which applications and filings were at risk of wrongful rejection (and answering telephone calls and emails from distressed clients) to determine which applications and filings were at risk of wrongful rejection.

7. USCIS's failure to provide notice or guidance prior to their unannounced actions has caused hours of work and cost substantial resources of Benach Pitney Reilly.
8. We have identified thirteen (13) petitions and applications that either will be likely rejected, or will have to be redone and reassembled in order to comply with the new form edition.
9. In addition to the unreasonable burden of having to redo applications, there is also a substantial amount of time spent addressing client fears and panic. Immigrant clients often feel vulnerable in seeking immigration benefits; this is particularly true for those in the marginalized communities we regularly serve. With USCIS's unilateral and unannounced policy change and without any grace period to transition to the new Forms and Policy, many of these clients are left with severe anxiety and feelings of helplessness. Some are now at risk of being detained and surreptitiously removed due to a lack of evidence showing a pending benefit request filed with USCIS.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Sarah B. Pitney", written in a cursive style.

Dated: September 1, 2026

Sarah Beth Pitney, Esq.

EXHIBIT B

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

American Immigration Lawyers Association,
1331 G Street, NW Suite 300
Washington, D.C. 20005-3142

Benach Pitney Reilly
4530 Wisconsin Ave NW Suite 400
Washington, DC 20016
Plaintiffs,

v.

U.S. Citizenship and Immigration Services;
c/o Office of the Chief Counsel
5900 Capital Gateway Drive
Camp Springs, MD 20588
Defendant.

Case No.

DECLARATION OF BENJAMIN JOHNSON

I, Benjamin Johnson, declare and state as follows:

1. I am the Executive Director of the American Immigration Lawyers Association ("AILA") and have served in this capacity since 2016.
2. AILA, founded in 1946, is a national, non-partisan, non-profit association with more than 18,000 members throughout the United States and abroad, including lawyers and law school professors who practice and teach in the field of immigration and nationality law. AILA's core functions include advancing the quality of immigration and nationality law and practice and providing high level guidance and educational opportunities to its members to enhance their professional development and effectiveness in their chosen areas of immigration law expertise.
3. As AILA's Executive Director, I have full access to all information relating to AILA regarding its priorities, initiatives, financial expenses, and the current state of all divisions, including educational, government relations, attorney relations, publications, education efforts, attorney recruitment, and business relations. I am

also acutely aware of member needs and concerns and am responsible for taking immediate associational steps to respond to member concerns. These steps can include, but is not limited to, creating responsive educational materials and practice advisories, issuing member-wide alerts on immigration law and policy changes, creating and distributing resources to address urgent membership needs resulting from agency actions, and developing litigation strategies to address agency actions that negatively impact members, their practices and their clients. AILA seeks to promote justice and advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.

4. Beginning the afternoon of August 31, 2026, AILA members began raising alarm bells, as they noticed that the United States Immigration and Citizenship Services ("USCIS") revised its website with a new Form I-864, Form I-864A, and Form I-864EZ (herein referred to collectively as "Form I-864"). The forms were published without advance notice to the public and were implemented that same day, effective immediately, without a typical grace period. It was not until after 4:30 pm ET, that USCIS sent an email to its stakeholders notifying them of the new Form I-864 that had apparently already taken effect that same day.
5. AILA members, particularly those who represent family members of U.S. Citizens and Legal Permanent Residents and Diversity Lottery winners pursuing their green cards, have been overwhelmingly concerned that USCIS will reject completed forms and applications that were in full compliance with USCIS requirements at the time they were completed and sent to USCIS or were filed electronically.
6. Moreover, AILA members are extremely worried that adjustment of status applications that they were preparing for filing in the coming days, weeks, or month, would need to be redone with the new forms, possibly resulting in significant delays in the filing, missed deadlines, children aging out of eligibility, a longer wait for work authorization and permission to travel, and becoming subject to changed rules.
7. Because of this abrupt and unlawful change in policy, beginning on August 31, 2026, and continuing to date, AILA has taken steps to make sure that membership is aware of the new forms and understand the new changes. Steps taken included:
 - a. Research, draft and publish practice alerts notifying members of all possible information regarding the form changes USCIS instituted with no notice or grace period, and sharing the information and analyses via various membership listservs and publications to ensure that members were aware

that they may need to revise forms before submission or potentially refile already submitted forms that could be rejected.

- b. Review each affected form line by line to understand exactly what the USCIS revised and provide information to its membership re same, because USCIS did not provide such information to the public;
 - c. Research the details of the clearance process with respect to the forms at issue performed by the Office of Information and Regulatory Affairs, a division within the Office of Management and Budget under the Executive Office of the President; and
 - d. Submit an inquiry to USCIS to request a grace period, to which to date, AILA has only received an acknowledgement email response.
8. The failure to receive any advance notice as to the final forms for immigration benefits has disrupted AILA's regular functions and our ability to deliver on obligations and commitment to its membership, including advising its members on how to comply with immigration laws and regulations.
 9. The failure to receive any advance notice as to the changes to the Form I-864 and its immediate implementation also significantly impacts AILA members' ability to advise their clients and forces them to expend additional resources to prepare forms again, advise their clients and their sponsors on the new obligations created by the revised Form I-864, and prepare their clients for the consequences of delayed filings, including lapses in lawful immigration status, the risk of losing eligibility to become lawful permanent residents, the risk of losing their ability to work and travel, and consequences of possibly becoming subject to the new public charge rules.
 10. This unexpected form change that took effect on the day it was published, without a grace period, compounded member's concerns about being able to timely file their clients Adjustment of Status applications. Many members were already rushing to prepare cases before the new Public Charge Final Rule takes effect on September 18, 2026, as there is much uncertainty about how this new rule will be implemented. Moreover, the current version of Form I-485, which is the primary form in an adjustment of status application, is also set to expire; a new version of Form I-485 is set to take effect on September 18, 2026, as part of the new rule on Public Charge. While this form is also being implemented without a grace period, USCIS provided advance notice to the public about the form charge through the notice and comment process and by posting a preview version of the form nearly one month in advance of its effective date on its website.

11. Similarly, members were also rushing to file cases on August 31, 2026 and September 30, 2026, before their clients' immigrant visa priority date retrogressed, or before the annual allotment of immigrant visas for Diversity Lottery winners expired and family-based immigrant visas were no longer available.
12. AILA received the following reports as of September 2, 2026, from immigration law practitioners and law practices following USCIS's August 31, 2026 announcement that the August 24, 2026 edition of Form I-864 would become mandatory immediately, without any transition or grace period. These reports are representative of what thousands of other AILA members are also experiencing. To protect attorney and client confidentiality, the identities of reporting practitioners, law practices, and clients are omitted. The summaries identify only the reporting location and practice type. *Unless placed in quotation marks, the entries below are concise paraphrases of the reports received.*
 - a. **New York, New York — Solo Practitioner:** A solo practitioner with one part-time assistant reported that several adjustment-of-status applications were complete and ready for filing. The same-day edition change required the practitioner to recreate Forms I-864, transmit the replacement forms to clients, obtain new signatures, and reassemble the filing packages. Because commonly used immigration-form software had not yet incorporated the new edition, the practitioner had to download the form from USCIS and manually re-enter the information.
 - b. **Darien, Connecticut — Law Firm:** A member attorney reported two affected immediate-relative adjustment of status matters. In the first, a filing mailed more than a week earlier still had not generated a fee charge or receipt; if it were returned for any intake issue, the firm would have to prepare a new Form I-864, obtain renewed signatures, and incur additional delay. A second case that was ready to be filed on September 1, 2026 could not proceed because the firm was waiting for signatures on a newly prepared Form I-864.
 - c. **Portland, Oregon — Individual Attorney / Legal Clinic:** An attorney reported electronically filing an adjustment application on August 31, 2026 using the prior edition of Form I-864 before learning of the same-day change. Although no rejection or request for evidence had yet issued, the abrupt policy created immediate uncertainty as to whether a properly submitted and pending filing would be rejected and need to be refiled.

- d. **Olympia, Washington — Solo Practitioner:** A solo practitioner reported that four cases had been fully prepared for filing were no longer able to be filed after the announcement. Many clients were low-tech or lived far away, making replacement forms and signatures difficult to obtain. The resulting rework also threatened the firm's ability to meet deadlines, because a related form that will be part of the filing, Form I-485, will take effect on September 18, 2026, also without a grace period. Delays in acquiring replacement forms, may require the entire filing package to be redone.

"We have 4 cases ready to file that are now not ready to file."

- e. **South Jordan, Utah — Law Firm -** A member attorney reported delivering to FedEx on the morning of August 31, 2026 a substantial adjustment package for two family members, prepared with the prior edition of the affidavit-of-support forms. The attorney learned of USCIS's change only later that afternoon and anticipated that the clients' cases would be rejected. Thus, a completed filing placed with the carrier before the public announcement was exposed to rejection solely because of the same-day edition rule.
- f. **Chicago, Illinois — Law Firm:** A law firm reported that several clients were affected and that the firm had to redo multiple Forms I-864 for cases it had intended to submit on August 31, 2026 and before the September 18, 2026 change to Form I-485. The policy therefore imposed immediate, uncompensated rework while threatening planned filing timelines.
- g. **Burlington, Vermont — Law Firm:** A member attorney reported that low-income clients filed a one-step, K-1-based adjustment of status package on August 31, 2026 before USCIS announced the new edition. Counsel feared that USCIS would reject the filing solely because the included Form I-864 carried the prior edition date and would not refund the filing fee, requiring the clients to bear the expense of filing again.

"These clients are low-income, and if they had to pay the filing fee again, that would be a hardship for them."

- h. **Louisville, Colorado — Nonprofit Immigration-Law Practice:** A nonprofit immigration-law practice reported filing a one-step adjustment of status package postmarked August 31, 2026 with the prior edition of Form I-864. If

USCIS rejected the package, the client might be unable to refile before September 18, when a new public-charge framework was expected to take effect. The no-grace-period policy therefore threatened to move an otherwise timely filing into a materially different adjudicatory framework.

- i. **Jacksonville, Florida — Law Firm:** A law firm reported that multiple clients mailed adjustment-of-status packages during the weekend immediately preceding the August 31, 2026 announcement. Those packages, prepared and dispatched in reliance on the edition USCIS had identified as current, were placed at risk of rejection while in transit.
- j. **Portland, Maine — Law Firm:** A member attorney reported that the newly posted USCIS PDF contained several fields that were not fillable, including fields for occupation, employer, total income, attorney information, and names on addendum pages. Counsel had to insert text manually in Adobe, transfer the information, conduct a line-by-line review, call the clients, upload a new version with instructions, and obtain new signatures for a filing that had already been prepared. The attorney received the notice email only late in the afternoon on August 31, 2026.

“Even working efficiently, the impact on a single case is hours, not minutes.”

13. The diversion of resources that AILA has been forced to undertake to address these and other member issues that have arisen from this sudden form change add a significant burden to the organization’s operation, and as seen from the examples above, its members are seeing direct financial and practical impacts from USCIS’s actions. Members are seeing their firms financially impacted, their ethical obligations to their clients stressed, and their ability to practice law burdened because a required form was issued with no grace period and no notice. AILA as an association has been forced to quickly pivot to assist its members with these very issues.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: September 3, 2026



Benjamin Johnson

American Immigration Lawyers Association

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AMERICAN IMMIGRATION LAWYERS ASSOCIATION
and BENACH PITNEY REILLY IMMIGRATION

Plaintiff(s)

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Defendant(s)

SUMMONS IN A CIVIL ACTION

(Defendant’s name and address) U.S. CITIZENSHIP AND IMMIGRATION SERVICES
c/o Office of the Chief Counsel
5900 Capital Gateway Drive
Camp Springs, MD 20588-0009

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CHRISTOPHER W. DEMPSEY
DEMPSEY LAW, PLLC
1930 San Marco Boulevard, Suite 204
Jacksonville, Florida 32207
Tel: (904) 760-6272 | chris@cdempseylaw.com

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ANGELA D. CAESAR, CLERK OF COURT

Signature of Clerk or Deputy Clerk

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

r (name of individual and title, if any) _____

r d (date) _____

☐ r r d d d (place) _____
 _____ (date) _____ r

☐ d d r d r d (name) _____
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 (date) _____ d d d d r

☐ r d (name of individual) _____
 d d r r (name of organization) _____
 _____ (date) _____ r

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☒ r (specify): Pursuant to Fed. R. Civ. P. 4(i), service may be accomplished by delivering a copy of the summons and complaint via certified mail to the Attorney General of the United States, the U.S. Attorney for the District of Columbia, and the officials/agencies named in the Complaint.

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Server's signature_____
Printed name and title_____
Server's address

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AMERICAN IMMIGRATION LAWYERS ASSOCIATION
and BENACH PITNEY REILLY IMMIGRATION

Plaintiff(s)

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Defendant(s)

SUMMONS IN A CIVIL ACTION

(Defendant's name and address) U.S. ATTORNEY GENERAL
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

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CHRISTOPHER W. DEMPSEY
DEMPSEY LAW, PLLC
1930 San Marco Boulevard, Suite 204
Jacksonville, Florida 32207
Tel: (904) 760-6272 | chris@cdempseylaw.com

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ANGELA D. CAESAR, CLERK OF COURT

Signature of Clerk or Deputy Clerk

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

r **d** **r** (name of individual and title, if any) _____
 (date) _____

☐ **r** **r** **d** **d** (place) _____
 (date) _____ **r**

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 (date) _____ **d** **d** **d** **d** **r**

☐ **r** **d** (name of individual) _____
d **d** **r** **r** (name of organization) _____
 (date) _____ **r**

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☒ **r** (specify): Pursuant to Fed. R. Civ. P. 4(i), service may be accomplished by delivering a copy of the summons and complaint via certified mail to the Attorney General of the United States, the U.S. Attorney for the District of Columbia, and the officials/agencies named in the Complaint.

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 Server's signature

 Printed name and title

 Server's address

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AMERICAN IMMIGRATION LAWYERS ASSOCIATION
and BENACH PITNEY REILLY IMMIGRATION

Plaintiff(s)

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Defendant(s)

SUMMONS IN A CIVIL ACTION

(Defendant's name and address) CIVIL PROCESS CLERK
U.S. Attorney's Office for the District of Columbia
601 D Street, NW
Washington, DC 20530

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CHRISTOPHER W. DEMPSEY
DEMPSEY LAW, PLLC
1930 San Marco Boulevard, Suite 204
Jacksonville, Florida 32207
Tel: (904) 760-6272 | chris@cdempseylaw.com

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ANGELA D. CAESAR, CLERK OF COURT

Signature of Clerk or Deputy Clerk

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

r **d** **r** (name of individual and title, if any) _____
 (date) _____

☐ **r** **r** **d** **d** (place) _____
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 (date) _____ **d** **d** **d** **d** **r**

☐ **r** **d** (name of individual) _____
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 (date) _____ **r**

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☒ **r** (specify): Pursuant to Fed. R. Civ. P. 4(i), service may be accomplished by delivering a copy of the summons and complaint via certified mail to the Attorney General of the United States, the U.S. Attorney for the District of Columbia, and the officials/agencies named in the Complaint.

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 Server's signature

 Printed name and title

 Server's address

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~~Application~~
~~AILA Doc. No. 26090305. (Posted 9/3/26)~~

☐ G. Habeas Corpus/ 2255 ☐ 530 Habeas Corpus – General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus – Alien Detainee	☐ H. Employment Discrimination ☐ 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	☐ I. FOIA/Privacy Act ☐ 895 Freedom of Information Act ☐ 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	☐ J. Student Loan ☐ 152 Recovery of Defaulted Student Loan (excluding veterans)
☐ K. Labor/ERISA (non-employment) ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 740 Labor Railway Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	☐ L. Other Civil Rights (non-employment) ☐ 441 Voting (if not Voting Rights Act) ☐ 443 Housing/Accommodations ☐ 440 Other Civil Rights ☐ 445 Americans w/Disabilities – Employment ☐ 446 Americans w/Disabilities – Other ☐ 448 Education	☐ M. Contract ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholder's Suits ☐ 190 Other Contracts ☐ 195 Contract Product Liability ☐ 196 Franchise	☐ N. Three-Judge Court ☐ 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multi-district Litigation
 ☐ 7 Appeal to District Judge from Mag. Judge
 ☐ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Administrative Procedure Act, 5 U.S.C. §§ 552, 553, 702, 704, 705 & 706; challenge to USCIS same-day implementation of revised Forms I-864, I-864A & I-864EZ without notice or grace period.

VII. REQUESTED IN COMPLAINT	☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ N/A	JURY DEMAND: YES ☐ NO ☒
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES ☐ NO ☒	If yes, please complete related case form
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DATE: 9/3/2026	SIGNATURE OF ATTORNEY OF RECORD /s/ Christopher W. Dempsey
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one nature of suit. For nature of suit descriptions, see here.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.