



Immigration Update

June 2026

Court Vacates USCIS Policies Affecting Nationals of 39 Countries

Update (June 15): In response to the decision, the government has issued guidance that it “will follow its terms pending possible further judicial review” and that the applicable policies will be “treated as if they are not in effect.” The government has appealed the decision, so further policy guidance updates and litigation are likely.

On June 5, the U.S. District Court for the District of Rhode Island issued a significant ruling vacating four USCIS policies that had indefinitely suspended the adjudication of immigration benefit requests for individuals from 39 countries designated under the presidential travel ban. This ruling could allow affected benefits requests, including green card, employment authorization, and other types of applications before the Department of Homeland Security, to proceed. We expect the government to appeal the ruling and provide further guidance in coming days and weeks.

Background

President Trump issued two proclamations restricting entry into the United States for individuals from 39 countries whose vetting and screening practices were deemed deficient. USCIS subsequently implemented a series of sweeping internal policy changes in November and December 2025 citing the proclamations and suspending processing and implementing additional review in cases involving those 39 countries.

In a federal lawsuit, a coalition of nonprofit organizations and labor unions challenged the policies, which are summarized below:

- **Global asylum hold policy.** USCIS halted all adjudications of requests for asylum and withholding of removal, regardless of the applicant’s country of origin.
- **Benefits hold policy.** USCIS placed a hold on all pending benefit requests – including applications for adjustment of status, employment authorization, and naturalization – for individuals from the travel ban countries. This included applications for professionals, including physicians, researchers, and other critical workers.
- **Comprehensive re-review policy.** USCIS directed its personnel to conduct a comprehensive re-review of all previously approved benefit requests for individuals from travel ban countries who entered the United States on or after January 20, 2021.
- **Country-specific factors policy.** USCIS amended its policy manual to instruct adjudicators to consider “country-specific factors such as those specified in [the travel ban] as significant negative factors in the adjudication of discretionary benefit requests.”

The court granted the plaintiffs vacatur of all four challenged policies in their entirety, as well as a declaratory judgment that the policies are unlawful.

Possible Impact for Employers and Stakeholders

- **Immediate impact on pending applications.** The vacatur of the challenged policies means that USCIS’s holds on adjudications of immigration benefit applications for nationals of the 39 travel ban countries, as well as the global asylum hold, should no longer be in effect. Employers and applicants with pending cases should monitor USCIS for updated processing guidance in light of this ruling.
- **Implications for the comprehensive re-review policy.** The decision removes USCIS’s authority to conduct

blanket re-reviews of previously approved benefits on the basis of an applicant's country of origin. Individuals who have already obtained green cards, work permits, or other benefits should not be subject to the mass reconsideration program going forward.

- **Reinforcement of anti-discrimination protections.** The court's holding that 8 U.S.C. § 1152(a)(1)(A) bars nationality-based discrimination in the processing of adjustment of status and employment authorization applications provides an important check on future attempts to use country of origin as a basis for differential treatment in domestic benefits processing.

The ultimate effect of this significant decision is unclear, as additional litigation and further guidance are likely. Employers, immigration practitioners, and affected individuals should consult with counsel regarding the status of pending applications and the practical implications of this decision as implementation unfolds.

FOR MORE INFORMATION

For more information, please contact:

David W. Leopold

216.566.5543

David.Leopold@ThompsonHine.com

Allison S. Hall

216.566.5573

Allison.Hall@ThompsonHine.com

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