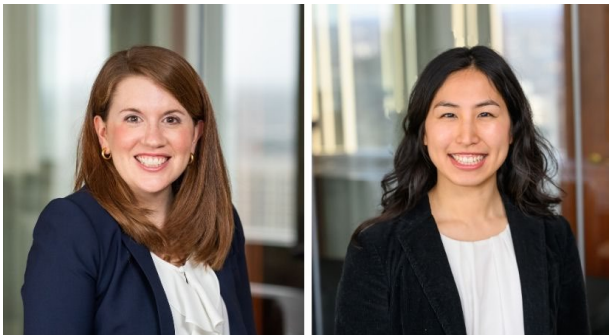


Immigration Alert

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New U.S. Citizenship and Immigration Services Policy Memorandum Raises Questions on Green Card Issuance Within the United States

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On May 21, 2026, U.S. Citizenship and Immigration Services (USCIS) released a new [Policy Memorandum](#) directing USCIS Officers to limit issuance of green cards within the United States, also referred to as “Adjustment of Status.”

What is Adjustment of Status?

Adjustment of Status is a process by which foreign nationals inspected and admitted or paroled into the United States are permitted to adjust their visa status while remaining in the United States to U.S. Permanent Residency (i.e. obtain a green card). The well-established process is explained in Section 245 of the Immigration and Nationality Act. Offering eligible foreign nationals a means to smoothly transition from a temporary U.S. visa to U.S. Permanent Residency without having to depart the United States, Adjustment of Status is an advantageous option to permanently relocate to the United States.

What is Changing?

The new Policy Memorandum appears to try to limit Adjustment of Status, describing Adjustment of Status as *“an extraordinary discretionary relief to the regular immigrant visa process and is an act of administrative grace.”* By reframing Adjustment of Status this way from what was a standard procedure, the Policy Memorandum guides USCIS Officers to *“weigh all positive and negative factors, including family ties, immigration status and history, the applicant’s moral character, and any other relevant factor that bears on determining whether the alien warrants a favorable exercise of discretion.”*

Applying for Adjustment of Status with USCIS is still possible. The eligibility requirements for Adjustment of Status have not changed.

Until we receive further guidance from USCIS or we can identify trends in how USCIS implements this Policy Memorandum, we expect USCIS to potentially question whether an applicant’s *“positive and negative factors”* warrant their approval of the Adjustment of Status.

In general terms, obtaining approval of Adjustment of Status may now be more challenging.

If USCIS denies the Adjustment of Status, the applicant will be required to apply for an immigrant visa through the U.S. consular post in his or her home country. Depending on the applicant’s circumstances, the timing of departure from the U.S. will vary, however, the applicant must at some point depart from the U.S. and present themselves at the U.S. consular post. Upon approval, an immigrant visa issued by the U.S. consular post allows the applicant to be admitted to the United States as an immigrant. A physical green card is mailed to the applicant in the United States after they are admitted to the United States on the immigrant visa. Historically, consular processing takes longer and can be more challenging compared to Adjustment of Status.

Who is Impacted?

The Policy Memorandum does not specify types of Adjustment of Status applications. Various visa holders apply for Adjustment of Status, including those on employment-based visas, spouses of U.S. Citizens or U.S. Permanent Residents, and other family members of U.S. Citizens or U.S. Permanent Residents. While the Policy Memorandum indicates that certain employment-based visas allow visa holders to apply for Adjustment of Status, and Adjustment of Status is not inconsistent with the purpose of those visas, the Policy Memorandum does not distinguish among application types or distinguish among nationalities.

Further, the Policy Memorandum does not state a future date when it becomes in “effect” (i.e. an “effective date”). It does not appear that Adjustment of Status applications currently pending with USCIS are exempt from this new guidance.

What is Next?

Davis Malm’s immigration counsel are closely monitoring developments associated with this Policy Memorandum, including official statements released by USCIS, the Department of Homeland Security, and other government agencies. We will analyze how USCIS implements the new guidance in pending and future Adjustment of Status applications and track trends in USCIS adjudication of Adjustment of Status applications.

CONTACT

U.S. immigration policies are changing rapidly, and we continue to focus on understanding how these changes impact our clients. If you would like guidance or have questions regarding current policies, please contact [Allison Ahern Fillo](#) or [Emily Tanji](#) in our [Immigration Law Practice](#).