



Explainer: USCIS Memorandum on Adjustment of Status Within the United States

Introduction

On May 21, 2026, U.S. Citizenship and Immigration Services (USCIS) released a [policy memorandum](#) that indicated that many immigrants already living and working in the United States would have to leave the country and complete their green card applications abroad, instead of using [adjustment of status](#) — the longstanding process that allows eligible immigrants to apply for permanent residence without departing the United States.

Signaling a dramatic policy shift, the USCIS memorandum [indicated](#) that adjustment of status would be considered an "extraordinary" benefit rather than a routine process. Public [statements](#) from the Trump administration accompanying the memorandum suggested that many immigrants seeking permanent residence would be required to leave the United States and complete their green card processing at a U.S. consulate abroad.

However, following criticism from [businesses](#), [legal practitioners](#), and other stakeholders, Trump administration officials later [clarified](#) that many applicants who provide an economic benefit or otherwise serve the national interest would likely still be permitted to adjust status from within the United States, implementing the memorandum on a [“case-by-case” basis](#) rather than applying it to all applicants.

This explainer examines how shifting many green card applicants from the adjustment of status process to consular processing abroad would impact American businesses and families, as well as challenges such a move would create for U.S. consulates. It also explores the legal questions raised by the proposal, including whether the executive branch has authority to substantially restrict a pathway to permanent residence established by Congress in the Immigration and Nationality Act (INA).

Green cards and adjustment of status

Having a [“green card”](#) is the colloquial term for lawful permanent residence in the United States. A [lawful permanent resident](#) (LPR) is a foreign-born person who has been granted the ability to live, work, and receive certain government benefits in the U.S. indefinitely. Becoming an LPR is a necessary step in the naturalization process.

Every year, the U.S. [sets aside](#) 140,000 employment-based green cards for skilled, unskilled, and professional workers, as well as investors; 50,000 diversity green cards for individuals from countries with low rates of immigration to the United States; and

226,000 family-preference green cards for certain relatives of U.S. citizens and lawful permanent residents. Notably, [immediate relatives of U.S. citizens](#) — spouses, unmarried children under 21, and parents of adult U.S. citizens — are exempt from annual numerical limits.

[Adjustment of status](#) is a process [created](#) by Congress in Section 245 of the INA ([8 U.S.C. § 1255](#)) that allows eligible immigrants already present in the United States to apply for green cards without departing the country. The process has existed [since 1960](#), when Congress expanded the modern adjustment of status framework to [allow](#) eligible immigrants already in the United States to complete the green card process domestically. This remains an important component of the U.S. immigration system, eliminating the need for many applicants to leave the country and seek permanent residence through U.S. consulates abroad. Each year, hundreds of thousands of immigrants become lawful permanent residents through this process. In fiscal year 2024 alone, nearly [783,000](#) individuals received green cards through adjustment of status.

For more than six decades, adjustment of status has been a well-established feature of U.S. immigration law, routinely administered by Republican and Democratic administrations, and supported through congressional appropriations as the principal pathway for eligible applicants already in the United States to obtain lawful permanent residence.

Key provision of the USCIS memorandum

USCIS’s policy memorandum [emphasized](#) that adjustment of status is discretionary and should be treated as an extraordinary benefit. [Public statements](#) following the announcement suggested that many immigrants seeking green cards would instead be expected to return to their home countries and complete immigrant visa processing through U.S. consulates abroad.

As noted above, the announcement generated significant [concern](#) and [criticism](#) because adjustment of status has long been the primary pathway through which many immigrants transition to permanent residence while remaining in the United States. In response, the Trump administration seemingly [minimized](#) the reach of the memorandum, [clarifying](#) that many applicants who contribute to the U.S. economy or otherwise serve the national interest would likely remain eligible to adjust status without leaving the country. In walking back its initial statements indicating significant limitations in the use of adjustment of status, a Trump administration official [stated](#), “This policy will not prevent any alien from obtaining a green card who legitimately and properly qualify. It will result in some aliens who do not merit the discretionary benefit ultimately applying with the Department of State overseas. . . . [It] will have no

noticeable impact on highly qualified applicants and skilled professionals who have followed the law.”

Impact on American businesses

If implemented broadly, requiring green card applicants to go abroad to have their green cards processed could [disrupt](#) American businesses that rely on foreign-born workers.

Many adjustment applicants are already employed in the United States under temporary work visas. Requiring these workers to leave the country while their immigrant visa applications are processed could create staffing shortages, delay projects, and increase uncertainty for employers. Although the timeline for consular processing varies by visa category and embassy workload, the issuance of immigrant visas at U.S. consular offices can take up to [two years](#).

In addition, since 2025, the Trump administration has [suspended](#) entry for nationals of 39 countries. As a consequence, employers could face the prospect of losing workers from those nations who would otherwise be eligible to apply for adjustment of status and continue working legally in the United States. If the memorandum forces them to return to their countries of origin, they may not be eligible to re-enter the United States on any type of visa.

Moreover, since February 2026, the State Department [has paused](#) immigrant visa processing at U.S. consulates for nationals of 75 countries. It is important to highlight that, although the pause threatens to exacerbate backlogs while limiting access to immigrant visas, nationals of those 75 affected countries would remain eligible for temporary nonimmigrant visas.

Impact on American and immigrant families

The proposal could also [affect](#) U.S. citizens and lawful permanent residents with family members seeking green cards.

Under the current system, many applicants can remain with their families in the United States while their applications are processed. Requiring applicants to complete processing abroad could result in months of being separated from their families if visa appointments, security reviews, or other delays occur.

For some applicants, the consequences could be even more significant. Certain family members of U.S. citizens, including spouses and parents, may be eligible under current law to obtain lawful permanent residence through adjustment of status, even if they have spent time in the United States without lawful status. If these individuals were instead required to leave the country and pursue consular processing abroad, they could

be subject to statutory bars on reentry that may prevent them from returning to the United States or from obtaining permanent residence for up to [ten years](#).

Impact on U.S. consulates

USCIS currently [processes](#) hundreds of thousands of adjustment-of-status applications each year inside the United States. If many of these applicants were instead required to process through U.S. consulates abroad, embassies and consulates could face significant increases in workload. This could lengthen wait times not only for immigrant visas but also for other visa categories.

Rather than reducing backlogs, the policy would shift processing burdens from USCIS offices in the United States to consular posts around the world that are already facing [significant backlogs](#). Redirecting adjustment-of-status applicants to overseas processing could further strain this system and increase wait times for immigrant visa interviews and other visa categories. The system will already be facing significant stress from the recent [announcement](#) that the administration will be consolidating visa processing operations in Africa from nearly [50 embassies](#) and consulates to approximately 20 regional hubs, a move that could further concentrate workloads and require many applicants to travel to third countries for interviews. Shifting green card processing currently done in-country to U.S. consulates abroad would only further strain the system. Together, these changes threaten to significantly increase processing times and transfer existing pressures from the domestic immigration system to U.S. consular posts abroad.

Potential legal challenges

Supporters of the policy [contend](#) that adjustment of status is a discretionary benefit and that immigration authorities have broad authority over how it is administered. They argue the language of Section 245 of the INA ([8 U.S.C. § 1255](#)) – which provides that the status of immigrants “may be adjusted by [the Secretary], in his discretion” – grants the executive branch significant discretion in determining when and how adjustment should be approved.

Critics [argue](#) that Congress explicitly [created](#) the adjustment of status process through the INA and that the executive branch cannot eliminate or severely limit it through administrative action alone. Critics also [argue](#) that while immigration authorities have discretion in adjudicating individual adjustment of status applications, any fundamental change to the statutory framework or eligibility requirements would generally require congressional action or formal rulemaking under the Administrative Procedure Act rather than a policy memorandum. Accordingly, if the memorandum were to be applied in such a way that dramatically limited the ability for individuals to apply for adjustment of status domestically, litigation would seemingly be likely.

Conclusion

The USCIS memorandum raised concerns that many green card applicants could be required to leave the United States and complete their applications abroad. Critics argued that such a policy could disrupt businesses, separate families, and increase pressure on U.S. consulates worldwide.

Even though the Trump administration largely walked back the memorandum's reach after receiving pushback from employers, legal practitioners, and others, the episode highlights the important role adjustment of status plays in the U.S. immigration system and the significant economic and family-related consequences that could result from restricting access to that process.