



Explainer: New Rule Shortens Refugees' Time to Contest Termination of Their Status

Introduction

On October 14, 2026, the Department of Homeland Security (DHS) issued an [interim final rule](#) reducing the time refugees have to respond when U.S. Citizenship and Immigration Services (USCIS) initiates the termination of their refugee status. The rule, “Removing 30-Day Refugee Termination Notice,” shortens the response period from 30 days to 10 days and took effect immediately. This substantially [reduces](#) the time available to obtain legal representation, gather evidence, and contest the government’s determination before losing refugee status. The rule comes amid the administration’s broader [review](#) of refugees admitted under the Biden administration, including people whose applications for lawful permanent residence, commonly known as a “green card,” remain pending. Refugee resettlement organizations and legal advocates have raised [concerns](#) that the shorter deadline will make it difficult for affected individuals to meaningfully respond.

When Can Refugee Status Be Terminated?

Refugees generally apply for protection while outside the United States and undergo screening and processing before being admitted through the [U.S. Refugee Admissions Program](#). Their admission differs from asylum, which individuals generally seek at the U.S. border or after arriving in the country. Although both forms of protection address persecution, they are governed by distinct procedures. Under [section 207\(c\)\(4\)](#) of the Immigration and Nationality Act, refugee status may be [terminated](#) if the government determines that the individual was not a refugee within the meaning of the law at the time of admission. A subsequent change in conditions in the person’s home country is not, by itself, a basis for terminating refugee status under this provision. Historically, termination of refugee status has [been](#) “exceedingly rare.”

Before terminating status, USCIS must provide a written Notice of Intent to Terminate (NOIT) explaining the proposed action. The individual may respond with written evidence, request an interview to present oral testimony, or both. Before the new rule, the regulation provided 30 days to respond. The NOIT is not a termination and the opportunity to respond occurs before any final termination decision by USCIS. The response is not an administrative appeal of an already completed termination of refugee status. That distinction matters because federal regulations do not provide for administrative appeals of USCIS [decisions](#) to terminate refugee status, although individuals may subsequently seek alternative protections or relief in immigration court. Recent court [rulings](#) suggest that individuals may be able to bring suit in federal court to challenge a USCIS determination that an individual did not qualify as a refugee at the time of admission.

What Does the New Rule Change?

The rule reduces the response period from 30 days to 10 days while retaining the existing grounds for termination and the opportunity to submit evidence or request an interview with USCIS to explain why their status should not be terminated. It does not change the underlying legal standard for deciding whether someone qualified as a refugee. The principal features of the revised process are:

- **Shorter response period.** Refugees have 10 calendar days from service of the notice to submit a response, a reduction from the previous time period of 30 days.
- **Additional time for mailed notices.** Under the applicable service rules, three days are added when the notice is served by mail, producing a 13-day response period. The period runs from the mailing date, not the date the individual receives the notice. A deadline falling on a weekend or federal holiday moves to the next business day.
- **Continued opportunity to request an interview.** Individuals may still submit written evidence, request an interview to give oral testimony supporting their case, or both.
- **Consequences for failing to respond.** Failure to respond within the applicable period allows USCIS to proceed with termination without a rebuttal from the individual. There remains no administrative appeal of a termination decision.

Under the new rules, individuals have an extremely limited timeframe to respond to a NOIT. The timing of service is particularly consequential. Because the deadline for mailed notices begins before delivery, individuals may have less than 10 days after receiving a NOIT to understand the allegations, contact an attorney, and prepare their response. In addition, experts [caution](#) that a refugee's attorney may not automatically receive a copy of the notice, making prompt communication between refugees and their legal representatives especially important.

Who May Be Affected?

The rule applies to individuals who remain in refugee status and have not adjusted to [lawful permanent residence](#), meaning they have not received a green card. It is not limited to a particular nationality or to refugees admitted during the Biden administration, even though DHS's [stated](#) rationale emphasizes admissions during that period. Termination can also affect family members, as a spouse or child whose refugee status derives from the principal refugee may lose that status when the principal's status is terminated. DHS [identified](#) approximately 186,000 refugees admitted during fiscal years 2015 through 2025 who had not adjusted to permanent residence as the maximum population potentially subject to the measure. It is important to note that this number is not a projection of how many people will receive termination notices, lose their status, or be removed – it is simply the larger pool of individuals who could theoretically receive a NOIT. Whether an individual receives a notice depends on USCIS's review of the facts and circumstances of their case.

The rule does not directly change the procedures governing asylees, humanitarian parolees, Special Immigrant Visa holders, or people whose protection derives from Temporary Protected Status (TPS) rather than refugee status. These distinctions are important for [Afghan arrivals](#), who entered the United States through several different pathways. Afghans admitted as refugees who have not adjusted to permanent residence may be affected, while those [admitted](#) through humanitarian parole or as Special Immigrant Visa holders are not covered by this refugee-termination rule solely because of those statuses.

Why Did DHS Issue the Rule?

DHS [states](#) that the shorter response period will allow it to act more quickly when it determines that a person was not eligible for refugee status at admission. The administration argues that processing changes during the Biden administration prioritized admission numbers and speed at the expense of adequate screening and eligibility review. Refugee resettlement organizations [dispute](#) that characterization, noting that refugees underwent interviews and background checks and received government approval before entering the United States.

The rule follows the administration's November 2025 [directive](#) to review refugees admitted during the Biden administration and place affected pending green card applications on hold. The pause in green card processing in these cases is significant because affected individuals would now be subject to the rule's shortened response period. Refugee resettlement organizations [emphasize](#) that these individuals entered through a government-approved process involving interviews and background checks. They argue that revisiting those determinations should include a realistic opportunity for refugees to obtain counsel and respond to the government's concerns. As a result, refugees with valid grounds to contest termination stand to lose their refugee status because they cannot secure legal assistance or present supporting evidence in time.

Why Are Advocates Concerned About the Shorter Deadline?

Advocates [warn](#) that the shortened deadline could undermine refugees' due process rights by denying them a meaningful opportunity to obtain counsel, gather evidence, and contest the proposed termination of their status. Preparing a response may [require](#) obtaining immigration records, locating documents abroad, translating evidence, and developing declarations addressing the government's allegations. Refugees may also need to find an attorney after receiving the NOIT. Advocates and refugee resettlement organizations have criticized the rule, warning that the shortened period could undermine refugees' ability to defend their status. The consequences extend beyond the termination decision itself. Termination of refugee status ends employment authorization associated with that status and can lead to removal proceedings, creating potential disruption for families and employers.

While termination of refugee status may lead to removal proceedings, termination itself is not itself a deportation order. Individuals placed in removal proceedings may be able to seek asylum, withholding of removal, protection under the Convention Against Torture, or other

available relief before an immigration judge. Those possibilities are distinct from an administrative appeal of USCIS's refugee termination decision and depend on the circumstances of the individual case.

What Happens Next?

DHS issued the change as an interim final rule, making it effective before completing the usual notice-and-comment rulemaking process. The Department [invoked](#) the Administrative Procedure Act's "good cause" and foreign affairs exceptions to justify proceeding without advance public comment and without the usual delayed effective date. DHS is accepting comments through November 13, 2026, under docket [USCIS-2026-0397](#), and may revise the policy when issuing a subsequent final rule. However, the shorter response period applies while that comment process is underway.

The rule's practical effects will [depend](#) on how USCIS implements the shortened period and how many refugees receive NOITs. Important issues include whether notices clearly explain the allegations and deadline, whether delivery delays reduce the time available to respond, and whether individuals can obtain records, translations, and legal assistance quickly enough. The underlying legal question in an individual termination case remains whether the person qualified as a refugee when admitted, a standard that is not changed under the new rule. But clearly, the new rule will have a significant impact on those receiving NOITs, who now face an extremely limited period to contest and respond before USCIS makes a decision that can end refugee status and associated employment authorization.