

# Guidance on Recent Immigration Changes

Recent U.S. immigration policy changes have created uncertainty and significant challenges for foreign nationals from 19 designated (“travel ban”) countries, as well as for asylum applicants of all nationalities. This FAQ provides guidance on what is happening, what the law allows, and what you can expect.

## Overview

Following the horrifying [November 26 shooting](#) of two National Guard members in Washington, D.C., the U.S. government imposed a sweeping set of new immigration restrictions. Under a directive from U.S. Citizenship and Immigration Services (USCIS), all asylum decisions are on hold nationwide. In addition, immigration benefits decisions for people from the 19 countries listed under the existing “[travel ban](#)” are frozen – this includes green-card (permanent resident) and citizenship applications, asylum applications, and nonimmigrant visa petitions.

USCIS has also indicated it will revisit the previously approved cases of refugees whose applications were approved from January 21, 2021, to February 20, 2025. While the messaging may be overwhelming for many, established U.S. laws and procedures act as a counterbalance against the new policies and counsel for calm. The following guidance, prepared by GYH’s seasoned lawyers, provides deeper insight into the meaning and practical impact of the latest immigration changes.

## Who is affected by the new immigration policies?

Nationals and dual citizens (by birth or nationality) of 19 designated countries are impacted. The designated countries are Afghanistan, Burma, Burundi, Chad, Republic of Congo, Cuba, Equatorial Guinea, Eritrea, Haiti, Iran, Laos, Libya, Sierra Leone, Somalia, Sudan, Togo, Turkmenistan, Venezuela, and Yemen.

- Decisions on all USCIS benefit applications for individuals who are citizens of or were born in these countries are paused.
- Decisions on affirmative **asylum** applications for citizens of **any country** are paused.
- Note: Defensive asylum applications (concerning individuals in removal/deportation proceedings) are not currently affected.

## What is happening with asylum cases?

- Affirmative asylum cases (those before U.S. Citizenship and Immigration Services) for people of any nationality are on hold; no new decisions are being issued.

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- Defensive asylum cases (in immigration court) continue as usual, and at this time, do not appear to be affected
- **If you have not applied for asylum and would like to do so:** You may still submit your application, but you will not receive a decision until the processing pause is lifted.
- **If you have a pending asylum case with U.S. Citizenship and Immigration Services (USCIS):** You may be scheduled for an interview but will not receive a decision until the processing pause is lifted.
- **If USCIS granted you asylum:** You may be re-interviewed and your asylum grant may be reexamined if you are a national of one of the 19 designated countries who entered on or after January 21, 2021. Asylum grantees from other countries may also be re-examined and re-interviewed, but this is not specified in the government's guidance. However, revocation of a grant of asylum requires notice and a formal legal process in which you have the opportunity to respond to the government's arguments and present evidence of your eligibility.<sup>1</sup> Under the immigration laws, the government must prove that a valid reason for termination exists, such as fraud, security concerns, the commission of certain crimes, or a fundamental change in conditions in your country of origin.

## I naturalized to U.S. citizenship. Can my citizenship be revoked?

- Yes, but generally only if you were ineligible to naturalize at the time you became a citizen. Denaturalization is a process where the federal government can revoke a naturalized citizen's U.S. citizenship if the government can show sufficient evidence that the individual is subject to a ground of denaturalization. This typically involves proving that the individual illegally procured naturalization, for instance if they engaged in fraud or misrepresentation by intentionally concealing material information regarding their criminal history or identity when applying to naturalize.

As an example, the government has successfully denaturalized numerous war criminals, including former Nazis, who naturalized under assumed identities, after their true identities were discovered years later.

- Denaturalization cases are brought by the Department of Justice in federal district court, and a federal judge will only order denaturalization after the naturalized individual has been given the opportunity to present his or her case against denaturalization. Denaturalization cases have been historically rare, with no more than a few dozen cases filed each year.

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<sup>1</sup> 8 C.F.R. § 208.24(a).

## Can my Green Card (LPR Status) be revoked?

- Yes, green cards can be taken away under certain narrow circumstances, but only after a hearing before an immigration judge in which the government has the burden of proving that taking away the person's green card is warranted.
  - a. If within five years of a person obtaining a green card from USCIS through a process called "adjustment of status" (AOS), USCIS becomes aware that the person was not in fact eligible for AOS, USCIS may initiate proceedings to "rescind" the person's lawful permanent resident status. This is rare. It can happen, for example, if USCIS learns that the individual obtained their green card through fraud.
  - b. In addition, the government can try to take away someone's green card at any time in certain limited circumstances. First, the government can try to take away a person's green card if the person is deportable. Grounds of deportability are set forth at [8 U.S.C. 1227\(a\)](#). In our experience, the most common reason green card holders are placed into deportation (removal) proceedings is that they acquire a criminal conviction that renders them deportable or arguably deportable. Second, green card holders returning from travel abroad can be stopped at the border, and, in some circumstances, detained, if they have, for example, committed certain crimes, departed the United States while in removal proceedings, engaged in illegal activity after having departed the United States, or abandoned their residence.

## Can my Nonimmigrant Visa (NIV) or NIV Status be Revoked or Terminated?

### What actions can the Department of Homeland Security or the Department of State take in this respect?

#### *Nonimmigrant Visa Revocation*

- By law, the Department of State (DOS) may revoke a U.S. visa at any time and for many reasons, often broadly related to national security, public safety, immigration fraud, or the applicant otherwise becoming "inadmissible" under the Immigration and Nationality Act (the primary body of federal immigration law).
- Visa revocations are discretionary and can and do occur without a court hearing. Visa holders whose visas are revoked usually receive an email from a U.S. Government agency but may find out through their school (for F-1 students) or other means. A revoked visa makes the person unable to enter the U.S. If already in the U.S., depending on which visa status the individual holds, the revocation might not automatically end the underlying status (e.g., this generally is true for F-1 students), but it will generally prevent re-entry (barring issuance of a new visa) and can lead to placement in removal proceedings.

- While we have not yet seen a significant uptick in visa revocations involving individuals who are born in or citizens of the 19 countries, it is possible these revocations may begin to occur after DOS consular officers have the opportunity to review earlier visa decisions.
- DOS may refuse to issue visas or schedule appointments for affected nationals pursuant to the earlier “travel ban” instituted by Presidential Proclamation.
- ESTA (visa waiver program) approval and visas may be revoked for security or fraud concerns, or new derogatory information.

### ***Nonimmigrant Status Termination and Revocation***

- Separate from the visa that is stamped in an individual’s passport, DHS may seek to revoke the nonimmigrant status of individuals who are lawfully present in the United States.
- Certain types of nonimmigrants are only authorized to enter the United States or obtain their nonimmigrant status after a nonimmigrant visa petition is approved on their behalf, usually by USCIS (e.g., H-1B temporary workers, L-1 international transferees). Other types of nonimmigrants may be authorized to enter the United States or otherwise obtain that status in the United States without a petition on their behalf.
- DHS has several avenues to terminate the lawful status of a nonimmigrant.
  - **Petition-Based Nonimmigrants:** If an individual’s nonimmigrant status requires an underlying petition, USCIS (an agency within DHS) can reopen and revoke the petition. The standards for doing so and the type of notice and opportunity to challenge the revocation that USCIS must provide vary depending on the nonimmigrant status, but upon revocation of the underlying petition, an individual generally will no longer be in valid status and typically will become removable.
  - **Other Nonimmigrants:** For individuals in a nonimmigrant status that does not depend on an underlying petition, DHS may reopen the earlier-approved application with USCIS that afforded the individual their status (if there was one) and convert the approval to a denial. Similarly, U.S. Immigration and Customs Enforcement (ICE), another DHS agency, can terminate the record of an F-1 student, J-1 exchange visitor, or an M-1 student in their Student and Exchange Visitor Information System (SEVIS) to commence termination of such status.
  - Finally, if ICE determines that an individual in the U.S. in a nonimmigrant status is removable on any one of several grounds (e.g., a violation of status by working without authorization, certain criminal activity, etc.), ICE can commence removal proceedings before an Immigration Judge to terminate their status. In that event, the individual will remain in status unless and until an Immigration Judge finds them removable.

## Can USCIS Refuse to Process my Petition or Application?

- USCIS has paused processing and final decisions for certain petitions and applications, based on internal policy guidance issued by the agency. That means USCIS is not moving forward with final decisions on many benefit requests right now and will not do so until further internal directive.
- USCIS immediately suspended processing of pending immigration benefit requests filed by individuals born in or citizens of countries designated by the Administration as “high-risk” (the 19 countries listed above). Unlike the travel ban, this policy also applies to individuals who are dual nationals.
- The pause applies to all types of immigration benefit requests , including, but not limited to:
  - Adjustment of status (green card) applications (Form I-485)
  - Naturalization applications and related oath ceremonies
  - Travel documents and advance parole (Form I-131)
  - Removal of conditions on lawful permanent residence (Form I-751)
  - Employment authorization applications (Form I-765)
  - Nonimmigrant visa petitions and applications (I-129, I-539)
  - Immigrant visa petitions (I-130, I-140, I-526)
- The pause *applies to pending benefit requests* regardless of when they were submitted. It also instructs USCIS to re-review some previously approved benefit requests for individuals from those countries who entered the U.S. on or after January 20, 2021.
- In conclusion, USCIS still *accepts filings*, but it will not process most pending ones for affected nationals at this time. USCIS has operationally paused *any final decisions*.
- While litigation outcomes are uncertain, this policy will likely be challenged in court because existing laws generally require USCIS to process these requests within a reasonable period of time and do not allow USCIS to withhold decisions indefinitely. GYH is monitoring developments closely and will provide updates as additional guidance or court decisions emerge.

## What legal remedies are available if my case is delayed or denied?

- You may be eligible to challenge unreasonable delays or blanket pauses through federal litigation. Under a law called the Administrative Procedure Act (“APA”), federal agencies, including USCIS, must resolve matters presented to them within a “reasonable time.” Federal judges are empowered under the APA to “compel agency action unlawfully withheld or unreasonably delayed.” A lawsuit seeking to force an agency like USCIS to make a decision on a long-delayed application is often called a petition for a writ of mandamus.

- Historically, there have been other tools available to individuals frustrated by long USCIS delays, but it is unclear whether these tools will be available or effective given the new USCIS policy. These tools include contacting the DHS Ombudsman's office and seeking case assistance from a member of Congress.

## What if I want to leave the U.S.?

- Whether someone should remain in the United States or depart is a highly individual and case-specific decision that must be made with great care, as leaving the U.S. in certain circumstances can trigger future bars to re-entry or affect long-term immigration options.
- For clients who wish to explore immigration opportunities outside the United States other than returning to their home country, outbound immigration pathways may offer a viable alternative. Our firm provides guidance on these options through strategic partnerships with trusted local immigration service providers worldwide. Depending on a person's circumstances, options may include residency based on family ties to another country, digital-nomad or remote-work visas, passive-income or retirement visas, or other special categories that align with professional or personal priorities.

## What should I do if I receive a notice or have concerns?

- **Contact our office** immediately if you receive any notice of intent to revoke, terminate, or reexamine your status or your visa.
- We will help you understand your rights and next steps.

## Key Takeaways

- Most changes involve pauses in decisions on benefits requests with USCIS or increased scrutiny of requests or prior approvals; the changes do not call for automatic denials or revocations.
- Legal processes and protections remain in place for revocation or termination of status.
- We are monitoring developments and will update you as new information becomes available.

## Resources

- [AILA Practice Alert: Sweeping Immigration Restrictions](#)
- [AILA Featured Issue: Immigration Restrictions](#)
- [Denaturalization Fact Sheet \(National Immigration Forum\)](#)
- <https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-0192-PendingApplicationsHighRiskCountries-20251202.pdf?>

## Contact Us

If you have questions or concerns, please reach out to your attorney or our office for personalized guidance.



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