

Global Immigration alert

September 2026

United States

DOS pauses immigrant visa appointments worldwide following court rulings on nationality-based immigrant visa restrictions

Executive summary

On 26 August 2026, the Department of State (DOS) began implementing a worldwide pause on scheduling immigrant visa appointments. Consular officers who conduct immigrant visa interviews are undergoing training on how to determine if an applicant is likely to become a public charge, per recent policy changes.

This follows two recent federal court decisions concerning a DOS policy that had suspended immigrant visa processing for nationals of 75 countries based on public charge concerns. DOS has not provided a timeline for when normal immigrant visa appointment scheduling will resume.

Background and analysis

The *Immigration and Nationality Act* (INA) provides that an applicant for a visa, admission to the United States, or adjustment of status (a “green card”) is inadmissible and may be denied the benefit they are requesting if they are likely to become a “public charge” at any time. Public charge inadmissibility determinations are based on an applicant's individual circumstances, including factors such as financial resources, education, skills, health, and family support.

Effective 21 January 2026, DOS paused immigrant visa issuance to nationals of 75 countries that the administration had identified as being at “high risk of public benefits usage.” The US District Court for the Southern District of New York vacated this policy and any visa denials based solely on that policy on 21 August 2026. The court concluded that DOS could not suspend immigrant visa

processing based solely on nationality where the INA requires individualized public charge assessments.

On 25 August 2026, US District Court for the District of Columbia issued a preliminary injunction in a separate lawsuit challenging the same policy. The court found that the plaintiffs were likely to succeed in showing that the pause conflicted with the INA and was arbitrary and capricious. The injunction applies only to the plaintiffs in that case and requires DOS to restore their positions in the application processing queue and, within 30 days, complete adjudication of applications previously refused based on the pause.

Following the ruling, DOS implemented a worldwide training initiative for consular officers focused on public charge inadmissibility determinations. To facilitate the training, immigrant visa appointments are being adjusted and rescheduled at US embassies and consulates worldwide.

Key features of the pause are as follows:

- The pause applies worldwide and is not limited to nationals of any specific country or countries.
- Scheduled immigrant visa interviews may be postponed or rescheduled.
- DOS has not published a timeline for completing the training initiative or resuming normal appointment scheduling.
- The pause affects immigrant visa applicants processing through US embassies and consulates abroad.
- Adjustment of status applications filed from within the US are not covered by the pause.

What this means

Employers and foreign nationals pursuing immigrant visa processing abroad should anticipate appointment delays and scheduling disruptions. Although immigrant visa interviews may be postponed, the pause does not affect the validity of underlying immigrant visa petitions or constitute a denial of an immigrant visa application.

The 25 August 2026 preliminary injunction provides case-specific relief only to the plaintiffs in that lawsuit and does not require DOS to process other immigrant visa applications within the same timeframe. Other applicants may therefore continue to experience delays while the worldwide training initiative remains in effect.

Foreign nationals with pending immigrant visa cases should closely monitor communications from the relevant US embassy or consulate regarding interview scheduling updates. Employers with employees pursuing employment-based immigrant visas through consular processing should consider the potential impact of appointment delays on workforce planning, employee relocations, and anticipated start dates.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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