

Global Immigration alert

December 2025

United States

USCIS announces holds on processing of certain immigration benefit requests, Policy Manual updates, and retroactive reviews of certain approvals

Executive summary

On 2 December 2025, U.S. Citizenship and Immigration Services (USCIS) issued a Policy Memorandum (the 2 December memo) directing its personnel to:

- Place a hold on all Applications for Asylum and for Withholding of Removal (Form I-589) *regardless of the applicant's country of nationality*;
- Place a hold "on pending benefit requests" for foreign nationals from countries listed in Presidential Proclamation 10949, which was issued in June 2025 and created full and partial restrictions on entry to the United States for nationals of 19 countries; and
- Conduct a "comprehensive re-review of approved benefit requests" for foreign nationals from those 19 countries who entered the United States on or after 20 January 2021.

USCIS has allotted 90 days from 2 December to:

- Prioritize a list for review, interview, re-interview, and referral to U.S. Immigration and Customs Enforcement "and other law enforcement agencies as appropriate;" and
- Issue operational guidance for USCIS personnel.

Background and analysis

On 9 June 2025, President Trump issued Presidential Proclamation 10949, which restricted and suspended the entry of nationals from 19 countries identified as posing significant national security and public safety risks under

Immigration and Nationality Act (INA) §212(f). Historically, this provision has been used primarily to impose entry bans that are enforced by consular and border officials. The country-specific designations were based on findings that these countries have inadequate screening and vetting systems, poor identity management, high visa overstay rates, and limited cooperation with US removal procedures.

The administration identified the following 12 countries for full restriction: Afghanistan, Burma (Myanmar), Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen. Partial restriction measures were put in place for an additional seven (7) countries: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela.

On 27 November 2025, two National Guard service members were shot in Washington, DC. The suspect, an Afghan national who resettled in the United States in 2021, was taken into custody. This incident prompted USCIS to implement additional national security measures for individuals from the 19 "high-risk countries" outlined in the proclamation as well as all applicants for asylum and withholding of removal, regardless of nationality.

Although the situation remains fluid and the information released by USCIS requires additional clarification to determine the full impact, the following are some of the most

significant developments that have taken place since 27 November:

Hold on Pending Benefit Requests:

Until USCIS personnel are directed otherwise, they are not authorized to adjudicate benefit requests for individuals who were born in or are a citizen of one of the 19 countries based on the 2 December memo. The hold will remain in effect until it is lifted by a subsequent memorandum. Requests to lift the hold "due to litigation or other extraordinary circumstances" may only be approved by the USCIS director or deputy director.

When permitted to proceed with the adjudication process, USCIS will be required to assess whether the asylum applicant or foreign national from one of the "high-risk countries of concern" who entered the US is:

- Listed in the Terrorist Screening Dataset (TSDS) as a Known or Suspected Terrorist (KST) under Tier 1 or Tier 2 classifications or is included in Tier 3 or Tier 4 of the TSDS with significant derogatory information related to them
- Connected to prior, current, or planned involvement in, or association with, an activity, individual, or organization that would render them inadmissible under the INA
- Linked to prior, current, or planned involvement in, or association with, an activity, individual, or organization that may pose a risk of serious harm or danger to the community; or
- Unable to establish their identity.

Retroactive Review of Approved Benefit Requests:

USCIS Director Joseph Edlow confirmed on 27 November 2025 that, at the president's direction, the agency will conduct a comprehensive review of all green cards issued to nationals of the countries of concern identified in the proclamation. The 2 December memo expands this review to *all* previously-approved benefit requests for individuals who were born in or are a citizen of one of the 19 countries who entered the U.S. on or after 20 January 2021.

USCIS Policy Manual Update:

USCIS revised its Policy Manual to incorporate the consideration of relevant country-specific facts and circumstances such as those outlined in the proclamation into the adjudication of discretionary immigration benefit requests. These benefits include adjustment of status applications, requests for extensions of stay and changes of non-immigrant status, as well as employment authorization document applications.

Specifically, the Policy Manual has been updated to include "relevant country-specific facts and circumstances, such as insufficient vetting and screening information" as a factor to consider in the exercise of discretion. As noted in Volume 1, Part E, Chapter 8, "USCIS may consider on a case-by-case basis country-specific facts and circumstances, such as those outlined in the Proclamation, as a significant negative factor when making an individual assessment in weighing discretion, with certain exceptions." These changes apply to all pending and newly-filed discretionary benefit requests as of 27 November 2025, once the hold on the processing of these cases is lifted by USCIS.

What this means

The December 2 memo acknowledges the burden of processing delays that these holds and re-reviews will place on impacted foreign nationals, which will also extend to their US employer and family sponsors. Currently, US employers are still permitted to file employment-based immigration benefit requests on behalf of foreign nationals from the 19 countries, but the broad language referring to a hold being placed on "benefit requests for" such individuals suggests that these cases will not be adjudicated by USCIS while the hold is in place.

Further, once the hold is lifted, it is likely that processing times will be significantly delayed while USCIS completes the necessary national security, public safety, and inadmissibility and ineligibility requests. Individuals who were born in and/or are citizens of one of the 19 countries can also expect that country-specific factors, including limitations in identity verification and vetting capabilities, will be treated as significant negative considerations in the exercise of discretion. This may increase the likelihood of denials for nationals from the identified countries even when statutory eligibility requirements are met.

Developments in this space remain fluid. Potentially impacted foreign nationals, their employers, and other interested parties should remain abreast of the latest developments, which can come with little notice and immediate effect, as additional clarifications and further action are possible.

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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