

# Global Immigration alert

January 2026

## United States

### USCIS expands adjudication hold and retroactive benefit review to additional countries

#### Executive summary

On 1 January 2026, U.S. Citizenship and Immigration Services (USCIS) issued a Policy Memorandum directing its personnel to immediately place a hold on all pending benefit applications for foreign nationals from countries listed in Presidential Proclamation (PP) 10998 (Restricting and Limiting of Foreign Nationals to Protect the Security of the United States) regardless of their date of entry to the United States. This action expands the scope of previous restrictions and introduces additional "high-risk countries" subject to comprehensive review. The memorandum also requires a thorough re-review of approved benefit requests for affected individuals that were approved on or after 20 January 2021.

This policy builds on earlier measures established under PP 10949 (Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats) issued on 4 June 2025 and introduces additional "high-risk countries" to the list of full and partial restrictions. Further, family-based immigrant visa applications are now subject to the same review and restrictions as other benefit requests.

#### Background and analysis

PP 10949 previously identified 19 countries that were deemed to have inadequate screening and vetting systems, high visa overstay rates, and limited cooperation with US removal procedures. The restrictions on visa issuance and entry to the United States under PP 10949 were primarily enforced by consular and border officials and were based on

findings that these countries lacked reliable mechanisms for identifying and vetting their nationals.

PP 10998, issued on 16 December 2025, [added 20 countries](#) identified as having significant deficiencies in screening, vetting, and information sharing. The relevant government agencies determined that these countries are unable to meet basic criteria for identifying nationals who may pose national security or public safety risks, or for sharing necessary information with the United States. As a result, USCIS has directed its personnel to "conduct a comprehensive review of all policies, procedures, and screening and vetting processes for benefit requests" for the foreign nationals impacted by PP 10998.

Specifically, USCIS personnel are now required to:

- Place a hold on all pending benefit applications for individuals with a nationality, country of birth, or citizenship by investment listed in PP 10998;
- Conduct a comprehensive review of all policies, procedures, and screening processes for benefit requests from these countries; and
- Re-review all approved benefit requests for affected individuals approved on or after 20 January 2021.

#### *Operational guidance*

USCIS will assess benefit eligibility on a case-by-case basis, considering whether the applicant:

- Is listed in the Terrorist Screening Dataset (TSDS) as a Known or Suspected Terrorist

- Is connected to activities or organizations that may pose a risk to national security or public safety
- Is unable to establish their identity due to unreliable or fraudulent documentation

Officers are instructed to consider country-specific factors such as corruption, unreliable or fraudulent civil documents, and lack of effective birth registration systems when conducting security and background checks. The memorandum also outlines specific exceptions to the adjudication hold and provides operational guidance for the review and re-interview process.

*Exceptions to the hold*

Certain benefit requests are exempt from the adjudication hold, including, but not limited to:

- Applications to replace Permanent Resident Cards (Form I-90)
- Applications for replacement naturalization/citizenship documents (Form N-565)
- Applications for Certificate of Citizenship (Form N-600), except for Yemen and Somalia
- Initial applications for employment authorization for limited categories
- Requests from athletes and support staff for major sporting events
- Requests prioritized for law enforcement or the national interest, among others

**What this means**

USCIS has acknowledged that these measures may result in processing delays for impacted applicants, their employers, and family sponsors. The hold will remain in effect until further notice, and requests to lift the hold due to litigation or extraordinary circumstances require approval from USCIS leadership.

Foreign nationals born in or who are citizens of countries subject to full or partial restrictions under PP 10998 should be aware that all pending immigration benefit applications—including family-based and employment-based requests—are now subject to an adjudication hold by USCIS. While applications may continue to be processed up to the point of final decision, no approvals, denials, or dismissals may be issued until the hold is lifted or modified by USCIS leadership. Additionally, previously-approved benefit requests for impacted individuals approved on or after 20 January 2021 are subject to a comprehensive re-review, which may include additional interviews, requests for documentation, or further background checks.

For US employers, it is advisable to note that current or prospective employees who were born in or are citizens of the affected countries may have an impact in extending or renewing their immigration status and work authorization due to potential processing delays. Employers should also assess the potential impact on employees' ability to travel internationally, especially if they may need to return to the United States after 1 January 2026 when PP 10998 took effect.

Once the hold is lifted, cases will be subject to enhanced scrutiny, including a review of country-specific factors such as the reliability of civil documents, effectiveness of identity verification systems, and any derogatory information identified during security checks. These factors may be considered significant negative elements in the discretionary assessment of eligibility, which could increase the likelihood of denials even if statutory 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. It is recommended to consult with an immigration professional to assess individual circumstances and plan accordingly.

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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