

Green Card Crackdown: Officers now reviewing full immigration history before approving Adjustment of Status

Sunil Dhawan : 6-7 minutes

USCIS has made green card applications harder by changing Adjustment of Status from a default to a discretionary process.

June 8, 2026 19:18 IST



USCIS has made green card applications harder by changing Adjustment of Status from a default to a discretionary process, requiring many applicants to apply from abroad under stricter reviews and new guidelines.

Some green card applicants in the US are facing tough questions from the immigration authorities. Getting a US green card has just become more difficult for eligible non-residents already living in the United States. On May 22, 2026, USCIS released new policy guidance that has fundamentally changed how Adjustment of Status (AOS) applications are reviewed — and what applicants can expect going forward.

Adjustment of Status (AOS) is the process that allows eligible individuals already in the US to apply for lawful permanent resident status — a green card — without having to leave the country. That convenience is now under serious scrutiny.

USCIS has instructed its officers to implement stricter reviews of AOS applications and, in many cases, require applicants to depart the US and apply for a change of status through consular offices in their home countries.

The new USCIS policy states that adjustment of status is a “matter of discretion and administrative grace” and should be viewed as an “extraordinary form of relief.” In contrast, immigrant visa processing abroad is now described as the standard route to permanent residence. USCIS is emphasising that officers must keep this principle in mind when assessing applications and exercising discretion.

ALSO READ

What Is Happening on the Ground?

Immigration attorneys and applicants are already feeling the change.

“Officers are now openly asking applicants why they chose to adjust status inside the U.S. instead of consular processing abroad, and they’re reviewing a person’s entire nonimmigrant history for inconsistencies. USCIS has said it’ll be applied case-by-case, so eligibility alone is no longer the finish line — you have to affirmatively make your case,” says Dmitry Litvinov, CEO and Founder of Dreem.

But the picture on the ground is not entirely uniform. “Immigration lawyers in the U.S. report that USCIS officers have begun asking about equities for the favorable exercise of discretion during Adjustment of Status interviews for family-based immigrants. The questions reported so far are far less aggressive than the posture the new Memo directs officers to take. Given these competing signals, the real meaning of the new Memo will take time to reveal itself,” says Nicholas Mastroianni III, President, U.S. Immigration Fund.

ALSO READ

Who Is Most Affected — and Who Is Less So?

Not all visa holders are equally impacted. The memo is primarily directed at non-dual-intent visa holders — B-1/B-2, F-1, J-1, and TN visa holders. H-1B and L-1 holders are not the focus of the new guidance.

Applicants who can demonstrate economic benefits or national interest may encounter fewer obstacles. EB-5 investors or those on H-1B and other employment-based classifications may not be negatively impacted to the same extent, as the new directive may not be strictly enforced where foreigners are contributing economically to the US.

“A few things all attorneys agree on are that AOS has not been eliminated, and there are no pending applications that have been denied. The memo is primarily directed at non-dual-intent visa holders (B-1/B-2, F-1, J-1, TN). H-1B and L-1 holders are not the focus. It will likely take months before the full practical impact is understood through actual adjudications and RFEs,” says Shilpa Menon, Managing Director, Commercial, LCR Capital Partners.

AOS Still Exists — But Is No Longer the Default

The AOS process has not been eliminated — but it is no longer something non-citizens can take for granted. The process still exists in the same form, but its operational reality

has become significantly tougher. It is no longer the default option for green card applicants inside the US.

The numbers put this in context. In FY2023, 608,260 individuals adjusted their status to gain lawful permanent residency in the US, while 564,660 entered from abroad — primarily through employment-based applications. Most employment-based green card applicants have historically used the AOS route from within the US. That assumption can no longer be made automatically.

What Should Applicants Do?

The key message from immigration attorneys is clear: do not assume AOS is automatically available to you.

“The key takeaway is that investors should not assume that adjustment of status is automatically available in every case. The strategy should be evaluated based on the applicant’s immigration history, visa category, timing of entry, intent at the time of entry, current status in the United States, and overall facts,” says Abhinav Lohia, Chief Revenue Officer, Golden Gate Global.

While several operational details are still evolving, one thing is clear — the days of treating AOS as a straightforward, default route to a US green card are over. Each case will now need to be assessed individually, strategically, and with full scrutiny of the applicant’s immigration history and current circumstances.

Disclaimer: This article is for general informational purposes only and does not constitute legal or immigration advice. The views and opinions expressed by the experts quoted herein, if any, are their own and do not necessarily reflect the views of the publication. Financial Express is not responsible for any decisions made based on this information.

This article was first uploaded on June eight, twenty twenty-six, at eighteen minutes past seven in the evening.

© IE Online Media Services (P) Ltd