

# Congress of the United States

Washington, DC 20515

June 29, 2026

The Honorable Joseph B. Edlow  
Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Springs, MD, 20529

Dear Director Edlow:

We write to object to your new policy memorandum regarding adjustment of status. Adjustment of status is the statutory process by which immigrants may apply for lawful permanent residence, often called a “green card,” from within the United States. On May 21, 2026, U.S. Citizenship and Immigration Services (USCIS) issued a policy memorandum (PM-602-0199) with guidance claiming that adjustment of status is an “extraordinary form of relief.”<sup>1</sup> Without any basis in the law and in a departure from decades of precedent, this guidance creates a policy preference for consular processing abroad over adjustment of status in the United States, requiring applicants to meet new, undefined discretionary criteria to be processed domestically. We urge you to reverse this new policy and restore adjudications of adjustment of status applications in a manner consistent with the law, longstanding practice, and congressional intent.

PM-602-0199 states that adjustment of status “is a matter of discretion and administrative grace not designed to supersede the regular consular processing of immigrant visas.” This is simply incorrect. There is no statutory preference for consular processing, and legislative history shows that Congress has long maintained a strong preference *in favor of* allowing eligible noncitizens to adjust status in the United States. Adjustment of status was first introduced into law over 70 years ago, in the Immigration and Nationality Act of 1952.<sup>2</sup> The practice was introduced and later expanded in recognition of the significant number of eligible individuals seeking green cards who resided in the United States.<sup>3</sup> In the limited circumstances in which Congress intended to restrict adjustment of status, statutory text has been amended to prevent certain classes of noncitizens from using the process.<sup>4</sup>

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<sup>1</sup> U.S. Citizenship and Immigration Services, *Adjustment of Status is a Matter of Discretion and Administrative Grace, and an Extraordinary Relief that Permits Applicants to Dispense with the Ordinary Consular Visa Process*, PM-602-0199, May 21, 2026, <https://www.uscis.gov/sites/default/files/document/memos/PM-602-0199-AdjustmentOfStatusAndDiscretion-20260521.pdf>.

<sup>2</sup> Pub. L. 82-414, 66 Stat. 163 (1952).

<sup>3</sup> See, e.g., H.R. Rep. No. 85-2258 (1958).

<sup>4</sup> See *Immigration Reform and Control Act of 1986*, Pub. L. No. 99-603, 100 Stat. 3359 (1986) (amending INA 245(c)); see also H.R. Rep. No. 85-2258 (“The language of the instant bill has been carefully drawn so as not to grant undeserved benefits to the unworthy or undesirable immigrant,” regarding changes to section 245(a) of the Immigration and Nationality Act expanding eligibility for adjustment of status).

When individuals are in the United States and eligible for adjustment of status, legislative history shows that Congress has a strong preference that such individuals have an opportunity to adjust their status while remaining in the U.S. When expanding adjustment of status, Congress has often raised concerns with forcing noncitizens in the United States to use consular processing.<sup>5</sup> A 1960 House Report accompanying legislation expanding adjustment of status expressed congressional dissatisfaction with “the fallacious procedure known as ‘preexamination’ . . . consisting of round trips to Canada for the sole purpose of obtaining an immigrant visa.”<sup>6</sup> In the American Competitiveness in the Twenty-First Century Act of 2000, Congress enacted into law transitional protection for individuals stuck in the employment-based green card backlog.<sup>7</sup> The accompanying Senate report noted that the provision “enables these individuals to remain in H-1B status until they are able to receive an immigrant visa and *adjust their status within the United States*, thus limiting the disruption to American businesses.”<sup>8</sup>

PM-602-0199 would also create new criteria that do not exist in law—and are not supported by the law—for individuals to be processed for a green card from within the United States. A spokesperson for the Department of Homeland Security (DHS) recently noted: “This policy will have no noticeable impact on highly qualified applicants and skilled professionals who have followed the law. These aliens benefit the national interest and provide economic benefits to the United States and will continue to merit the favorable exercise of discretion.”<sup>9</sup> However, for decades, adjustment of status has ordinarily been granted to eligible individuals unless there are adverse factors weighing against a favorable exercise of discretion.<sup>10</sup> This is consistent with the law—if noncitizens are otherwise eligible for a favorable exercise of discretion that would result in a grant of adjustment of status, there is no legal or statutory basis to make an additional discretionary determination of “national interest” to allow them to be processed within the United States. Thus, the policy memorandum imposes what amounts to a new substantive standard—requiring applicants to affirmatively demonstrate that their adjustment serves the national interest or provides economic benefit—without any congressional authorization for such a test. Worse still, it does so without any effective date, explanation of how pending applications will be adjudicated, transition period, or clear guidance as to which categories of applicants would be affected.

This is a major policy shift. USCIS has long recognized Congress’s preference for allowing eligible noncitizens to obtain lawful permanent residence through adjustment of status in the United States.<sup>11</sup> For decades, USCIS and its predecessor agencies have adjudicated

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<sup>5</sup> See, e.g., H.R. Rep. No. 86-1202 (1960); S. Rept. No. 86-1651 (1960); S. Rept. No. 103-309 (1994); H.R. Rep. No. 85-2258.

<sup>6</sup> H.R. Rep. No. 86-1202.

<sup>7</sup> Pub. L. No. 106-313, 114 Stat. 1251 (2000).

<sup>8</sup> S. Rept. No. 106-260 (2000), <https://www.congress.gov/committee-report/106th-congress/senate-report/260/1> (emphasis added).

<sup>9</sup> Camilo Montoya-Galvez, *Trump administration appears to downplay impact of green card policy changes* (May 30, 2026), <https://www.cbsnews.com/news/trump-administration-appears-to-downplay-impact-of-green-card-policy-changes/>.

<sup>10</sup> *Matter of Arai*, 13 I&N Dec. 494 (BIA 1970); *Matter of Blas*, 15 I&N Dec. 626 (BIA 1974) (reaffirming *Matter of Arai*; clarifying that adjudications remain discretionary and case-by case).

<sup>11</sup> U.S. Citizenship and Immigration Services, *USCIS Policy Manual*, <https://www.uscis.gov/policy-manual/volume-7-part-a-chapter-1>.

millions of adjustment applications pursuant to section 245 of the Immigration and Nationality Act (INA). Since 1980, more than half of all individuals granted lawful permanent residence have obtained that status through adjustment of status in the U.S. rather than consular processing abroad.<sup>12</sup> If individuals are forced to pursue immigrant visas through consular processing abroad, many will face months or years of separation from spouses, children, parents, and other family members due to extensive visa appointment backlogs at U.S. consulates worldwide.<sup>13</sup> And as discussed above, Congress has expressly weighed in against processes that would push individuals from within the United States to consular processing abroad.<sup>14</sup>

For individuals who have built lives in the United States—including those who have children who are U.S. citizens, have stable employment, pay taxes, and participate in their communities—this forced separation will impose significant hardships on their U.S.-citizen family members and communities.<sup>15</sup> The policy also threatens substantial economic disruption. Skilled workers, entrepreneurs, medical professionals, researchers, students transitioning to permanent residence, and employees sponsored by U.S. businesses may be forced to depart the country for extended periods while awaiting immigrant visa processing abroad.<sup>16</sup> Such disruptions would impose significant costs not only on affected individuals and families, but also on American employers and the broader U.S. economy.

By directing adjudicators to treat adjustment of status as an “extraordinary form of relief” and by creating a policy preference for consular processing, the memorandum undermines the very purposes Congress sought to advance when enacting and amending section 245 of the INA. Congress established adjustment of status as a cornerstone of the modern immigration system to promote family unity, administrative efficiency, and economic stability. Any effort to dismantle that statutory framework through internal agency policy is unacceptable. As such, please provide responses to the following questions no later than XXX:

1. What is the effective date of this policy? Is USCIS applying this policy to adjustment of status applications that were filed and pending before the memorandum’s release date of May 21, 2026?
2. To which categories of adjustment of status applicants does the policy apply?
3. To how many applicants does USCIS estimate this will apply?

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<sup>12</sup> David J. Bier, *DHS Quits Granting Green Cards—Almost Entirely*, Cato Institute (May 22, 2026), <https://www.cato.org/blog/dhs-quits-granting-green-cards-almost-entirely>.

<sup>13</sup> Department of State, *Global Visa Wait Times*, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/global-visa-wait-times.html> (last updated May 18, 2026, with backlogs ranging from less than a month to as high as 16 months).

<sup>14</sup> See, *supra* note 4.

<sup>15</sup> Daniella Silva, *Green card applicants married to U.S. citizens face new uncertainty amid arrests*, NBC News (Dec. 12, 2025), <https://www.nbcnews.com/news/us-news/green-card-applicants-married-us-citizens-arrests-uncertainty-rcna247265>.

<sup>16</sup> See, e.g., David J. Bier, *1.8 Million in Employment-Based Green Card Backlog*, CATO Institute (Aug. 29, 2023), <https://www.cato.org/blog/18-million-employment-based-green-card-backlog>.

4. Has USCIS issued any formal written guidance or training to adjudicators regarding implementation of this policy? If so, please provide those materials.
5. What standards or criteria are adjudicators being instructed to apply when exercising discretion under this policy? What supervisory review mechanisms are in place to ensure consistency in adjudication? Please provide any related materials.
6. The memorandum appears to establish a new standard requiring applicants to demonstrate that their adjustment of status serves the “national interest,” and DHS spokespersons have suggested this may include persons who provide an “economic benefit.” What are the criteria for “national interest” and “economic benefit” that would merit a favorable exercise of discretion to permit processing domestically?
7. Given that this policy will substantially increase demand for immigrant visa processing at U.S. consulates abroad, did USCIS consult with the Department of State in developing this policy?
8. How does USCIS intend to provide a viable pathway to lawful permanent residence for individuals who are subject to the immigrant visa consular processing pause, travel bans, or who cannot access consular processing due to the absence of a functioning U.S. consulate in their country of nationality?
9. The memorandum makes reference to noncitizens with “dual intent” as an exception, but includes a footnote stating that “maintaining lawful status in a dual intent nonimmigrant category is not sufficient, on its own, to warrant a favorable exercise of discretion.” How will this new policy be applied to individuals with dual intent seeking to adjust status within the United States?

We look forward to your prompt response to our inquiries.

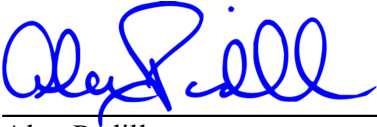
Sincerely,



Richard J. Durbin  
United States Senator  
Ranking Member, Senate  
Committee on the Judiciary

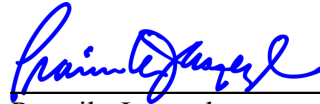


Jamie Raskin  
Ranking Member  
House Committee on the  
Judiciary



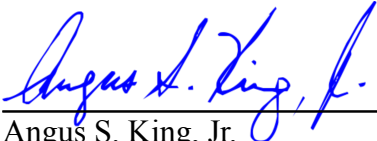
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Alex Padilla  
Ranking Member, Judiciary  
Subcommittee on Border  
Security and Immigration



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Pramila Jayapal  
Ranking Member  
Immigration Integrity,  
Security, and Enforcement  
House Judiciary Committee



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Angus S. King, Jr.  
United States Senator



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Eleanor Holmes Norton  
Member of Congress



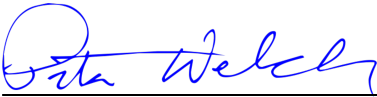
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Ruben Gallego  
United States Senator



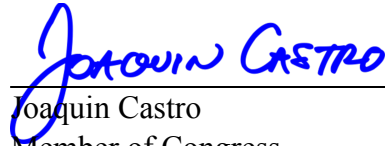
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Adam Smith  
Member of Congress



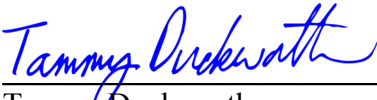
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Peter Welch  
United States Senator




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Joaquin Castro  
Member of Congress



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Tammy Duckworth  
United States Senator



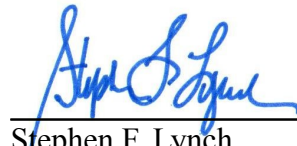
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Henry C. "Hank" Johnson, Jr.  
Member of Congress



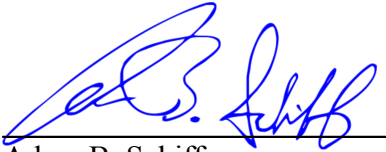
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Kirsten Gillibrand  
United States Senator

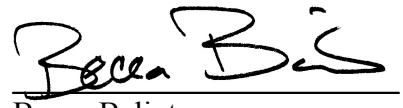


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Stephen F. Lynch  
Member of Congress



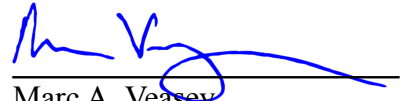
Adam B. Schiff  
United States Senator




Becca Balint  
Member of Congress



Michael F. Bennet  
United States Senator



Marc A. Veasey  
Member of Congress



Chris Van Hollen  
United States Senator



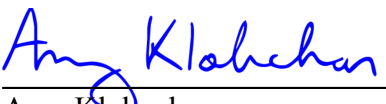
Yassamin Ansari  
Member of Congress



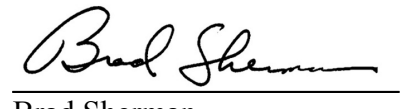
Sheldon Whitehouse  
United States Senator



Delia C. Ramirez  
Member of Congress



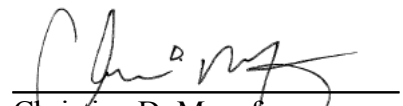
Amy Klobuchar  
United States Senator



Brad Sherman  
Member of Congress



Christopher A. Coons  
United States Senator



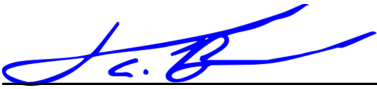
Christian D. Menefee  
Member of Congress



Mazie K. Hirono  
United States Senator



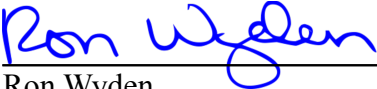
Diana DeGette  
Member of Congress



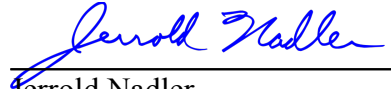
Cory A. Booker  
United States Senator



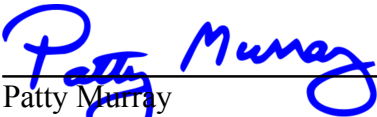
Summer L. Lee  
Member of Congress



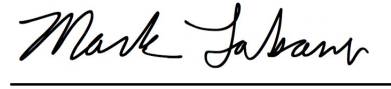
Ron Wyden  
United States Senator




Jerrold Nadler  
Member of Congress




Patty Murray  
United States Senator



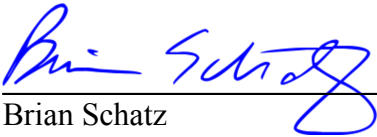
MARK TAKANO  
Member of Congress



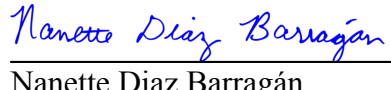
Tina Smith  
United States Senator



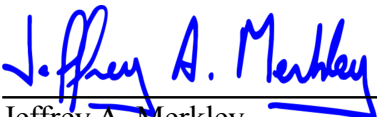
Deborah K. Ross  
Member of Congress



Brian Schatz  
United States Senator



Nanette Diaz Barragán  
Member of Congress



Jeffrey A. Merkley  
United States Senator



Maxine Dexter, M.D.  
Member of Congress



Mark Kelly  
United States Senator



J. Luis Correa  
Member of Congress



Tim Kaine  
United States Senator



Suzanne Bonamici  
Member of Congress



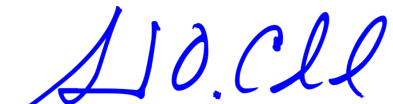
Bernard Sanders  
United States Senator



Judy Chu  
Member of Congress



Jack Reed  
United States Senator



Salud Carbajal  
Member of Congress



Catherine Cortez Masto  
United States Senator



Raja Krishnamoorthi  
Member of Congress



Angela D. Alsobrooks  
United States Senator



Doris Matsui  
Member of Congress



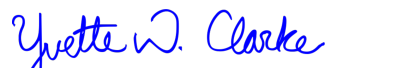
Jacky Rosen  
United States Senator



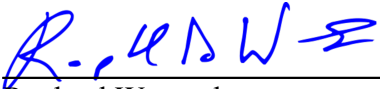
Jasmine Crockett  
Member of Congress



John Fetterman  
United States Senator



Yvette D. Clarke  
Member of Congress



Raphael Warnock  
United States Senator



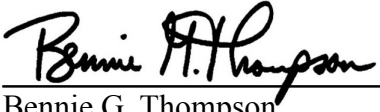
Zoe Lofgren  
Member of Congress



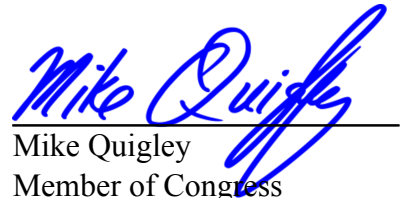
Lisa Blunt Rochester  
United States Senator



Maxwell Alejandro Frost  
Member of Congress



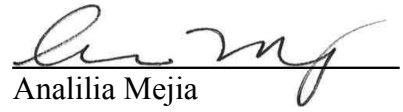
Bennie G. Thompson  
Member of Congress



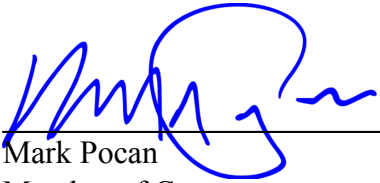
Mike Quigley  
Member of Congress



Lateefah Simon  
Member of Congress



Analilia Mejia  
Member of Congress



Mark Pocan  
Member of Congress



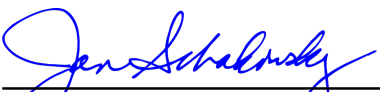
Sydney Kamlager-Dove  
Member of Congress



Steve Cohen  
Member of Congress



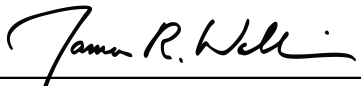
Melanie Stansbury  
Member of Congress

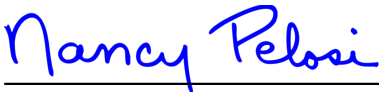


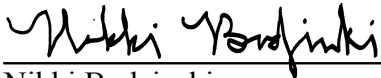
Jan Schakowsky  
Member of Congress



Betty McCollum  
Member of Congress


  
James R. Walkinshaw  
Member of Congress


  
Nancy Pelosi  
Member of Congress

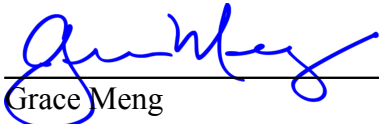
  
Nikki Budzinski  
Member of Congress

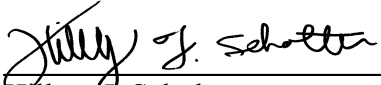
  
Adenta S. Grijalva  
Member of Congress

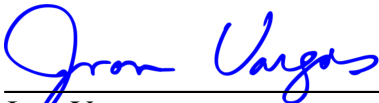
  
André Carson  
Member of Congress

  
Frederica S. Wilson  
Member of Congress


  
Adriano Espaillat  
Member of Congress


  
Grace Meng  
Member of Congress


  
Hillary J. Scholten  
Member of Congress

  
Juan Vargas  
Member of Congress

  
Robert Garcia  
Member of Congress

  
Andrea Salinas  
Member of Congress

  
Derek T. Tran  
Member of Congress

  
John Garamendi  
Member of Congress



Mary Gay Scanlon  
Member of Congress



Robin L. Kelly  
Member of Congress



Ritchie Torres  
Member of Congress



Chellie Pingree  
Member of Congress



Joe Courtney  
Member of Congress



Julie Johnson  
Member of Congress



Jake Auchincloss  
Member of Congress



Seth Moulton  
Member of Congress



Val Hoyle  
Member of Congress



Chrissy Houlahan  
Member of Congress



Mark DeSaulnier  
Member of Congress



Debbie Dingell  
Member of Congress



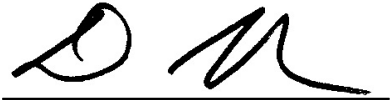
Jesús G. "Chuy" García  
Member of Congress



Timothy M. Kennedy  
Member of Congress



Nellie Pou  
Member of Congress



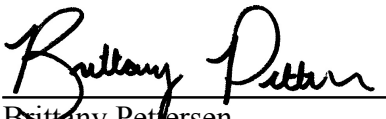
Dave Min  
Member of Congress



Veronica Escobar  
Member of Congress



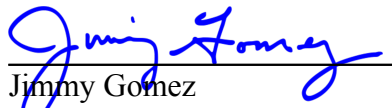
Lizzie Fletcher  
Member of Congress



Brittany Petersen  
Member of Congress



Greg Casar  
Member of Congress



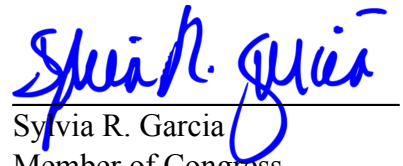
Jimmy Gomez  
Member of Congress



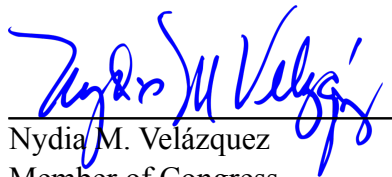
Greg Stanton  
Member of Congress



Joyce Beatty  
Member of Congress



Sylvia R. Garcia  
Member of Congress



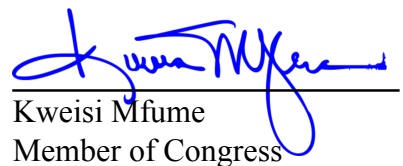
Nydia M. Velázquez  
Member of Congress



Gilbert Ray Cisneros, Jr.  
Member of Congress



Bonnie Watson Coleman  
Member of Congress

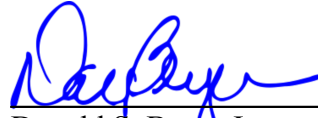


Kweisi Mfume  
Member of Congress



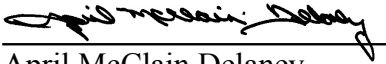
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Ro Khanna  
Member of Congress



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Donald S. Beyer Jr.  
Member of Congress



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April McClain Delaney  
Member of Congress



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Suhas Subramanyam  
Member of Congress