



U.S. Citizenship and Immigration Services has announced a policy memo: applicants seeking lawful permanent residence generally must complete the process through **consular processing** with the Department of State, outside the United States.

The memo directs USCIS officers to apply the rule consistent with long standing legal intent, while also evaluating **extraordinary circumstances** on a **case by case** basis when determining whether an applicant warrants the “extraordinary form of relief” associated with adjustment of status from within the United States.

In the agency’s public statement, USCIS described the change as a return to the “original intent of the law” and emphasized that, going forward, a nonimmigrant in the United States temporarily who wants a green card must typically depart and apply abroad, except in extraordinary circumstances.

## What USCIS Announced

USCIS publicly stated that it issued a new policy memo to its officers. The announcement emphasizes several points:

- Adjustment of status is characterized as an **extraordinary form of relief** rather than the standard path.
- Most individuals present in the United States in a **temporary, nonimmigrant** status who seek permanent residence are expected to pursue the process **outside** the United States through the Department of State.
- USCIS officers are instructed to review relevant information and factors **case by case** when evaluating whether extraordinary

circumstances exist.

- The agency states the policy is intended to reduce incentives for “loopholes” and to support the immigration system’s structure, where temporary visitors come for a limited purpose and then depart.

USCIS also stated that shifting more green card processing to consular posts abroad is intended to free limited USCIS resources for other case types, specifically mentioning visas for victims of violent crime and human trafficking, naturalization, and other priorities.

## Adjustment of Status vs Consular Processing

A green card can be pursued through two main procedural channels:

### Adjustment of status (inside the United States)

Adjustment of status is the process of applying for lawful permanent residence through USCIS while physically present in the United States. It is typically associated with applicants who are eligible to remain in the U.S. and meet statutory requirements, and it can be a critical mechanism for certain categories where the law explicitly permits it.

However, USCIS’s announcement frames adjustment as the exception, not the default, for individuals who entered for a temporary purpose.

## Consular processing (outside the United States)

Consular processing is handled through the Department of State at a U.S. embassy or consulate abroad. In this route, the case is generally processed through a visa petition stage (as applicable) and then an immigrant visa interview overseas. Once issued and admitted to the United States, the person enters as a lawful permanent resident.

USCIS's announcement underscores that, in the agency's view, the immigration system was designed so that most nonimmigrants who later seek permanent residence should do so through the overseas process rather than treating a temporary visit as the first step toward a green card.

## Who This Policy Shift Most Directly Impacts

Based on USCIS's description, the policy is aimed primarily at **nonimmigrants** who are in the United States temporarily, including categories explicitly referenced by USCIS:

- Students
- Temporary workers
- Visitors on tourist visas

The announcement emphasizes that these categories are designed for a limited stay and a specific purpose. Under the stated policy direction, the expectation is that a person in one of these temporary classifications who wants to pursue permanent residence will generally need to depart and apply through the Department of State abroad.

In practical terms, this places increased importance on:

- Whether a person is in the United States in a status USCIS views as strictly temporary and time limited.
- Whether the individual's circumstances could qualify as "extraordinary" enough to support a discretionary approval of adjustment within the United States.
- Whether consular processing is the correct and expected channel for the immigrant visa stage.

## **"Extraordinary Circumstances" and Case by Case Review**

USCIS's announcement uses specific language that adjustment of status should be granted only where warranted as an extraordinary form of relief. At the same time, the memo instructs officers to consider all relevant factors and information on a case by case basis.

This is important, but also somewhat open ended.

The public statement does not enumerate a definitive list of what qualifies as extraordinary circumstances. Instead, it indicates that

officers must evaluate the full record. That framing matters because it signals that the default assumption will be consular processing unless a compelling and well supported basis exists to depart from that standard.

From a legal process perspective, the key point is that adjustment of status is discretionary even where statutory eligibility exists. A policy memo that emphasizes “extraordinary” treatment can influence how discretionary factors are weighed and how strictly officers interpret whether the in country route is appropriate

## **Relationship Between USCIS and the Department of State in Green Card Processing**

The announcement draws a bright line between agency roles.

- USCIS administers many immigration benefits and adjudicates certain petitions and applications, including adjustment of status, humanitarian classifications, and naturalization.
- The [Department of State, through consular posts, conducts immigrant visa interviews and adjudicates visas abroad](#).

USCIS’s policy statement reflects an intent to push more of the immigrant visa final stage into the Department of State workflow, aligning with the concept that many intending immigrants should be processed outside the United States rather than converting a

temporary stay into permanent residence from within.

## What the USCIS Announcement Does Not Say

The public statement is direct, but limited.

It does not, in the quoted summary:

- List specific categories that remain routinely eligible for adjustment of status without being treated as extraordinary.
- Define the precise boundaries of “extraordinary circumstances.”
- Provide detailed transition guidance for cases already filed.
- Describe evidentiary standards or required documentation unique to the extraordinary circumstances analysis.

Those items are typically addressed, if at all, within the policy memo text and related internal or public guidance. USCIS directs officers to consider all relevant factors and information, which suggests a broad evidentiary lens and substantial officer discretion. For more detailed information about this policy, refer to the official [policy memo issued by USCIS](#) which provides comprehensive guidelines for immigration officers.



## Official Reference

USCIS has directed the public to its official channels and website for updates and program information. The agency's public statement is presented as a reaffirmation that the immigration system is structured so that nonimmigrants generally depart at the end of their authorized stay and, if pursuing lawful permanent residence, do so through the Department of State abroad, with adjustment of status treated as an extraordinary remedy reserved for exceptional situations.