

CLINIC v. Rubio

THE 75-COUNTRY VISA PAUSE WAS VACATED. WHAT HAPPENS NOW?

A practical roadmap for immigrant visa applicants and their legal representatives

THE BIG NEWS

On August 21, 2026, a federal court in New York ruled that the Department of State's 75-country immigrant visa policy was unlawful and vacated it. The court also set aside immigrant visa refusals that were based solely on that policy and sent those cases back to the Department of State for further proceedings. Although the Department of State has filed an appeal of that order, it remains in effect.

Four things to know right now

1 The policy was vacated

DOS may not use the challenged 75-country policy as a categorical basis to refuse immigrant visas. The decision requires DOS to return to individualized adjudication.

2 Sole-policy refusals were set aside

If a visa was refused under INA § 221(g) solely because of the challenged 75-country policy, the court ordered that refusal vacated and remanded. This is different from refusals under INA § 212(f), including the separate 39-country proclamation, or other grounds of ineligibility. Check the refusal notice, consular correspondence, or case history to determine the basis for the refusal.

3 No automatic visa approval

The decision restores the opportunity for lawful, individualized adjudication. It does not guarantee visa issuance. Applicants may still need to resolve other legal or case-specific issues before a visa can be issued.

4 Other barriers may remain

Other grounds of inadmissibility, visa restrictions, administrative processing, or case-specific issues may still apply. The decision did not invalidate separate restrictions, including the 39-country proclamation. DOS has also rescheduled many immigrant visa appointments during additional public-charge training, and CLINIC is continuing to monitor how those disruptions are affecting visa processing.

FIND YOUR SITUATION

Where is your case?

Start with the situation that best matches your case. These pathways are designed to help you identify what the ruling changes - and what it does not.

A. I have NOT had my immigrant visa interview yet

The 75-country policy should no longer require a consular officer to refuse your visa simply because of your nationality.

- Continue preparing for the interview and respond to NVC or consular requests.
- Do not assume the interview will automatically be expedited.
- Be prepared for ordinary eligibility and inadmissibility review.

BOTTOM LINE: Your nationality alone should no longer trigger refusal under the challenged policy.

B. I had my interview and was refused because of the 75-country policy

This is the group most directly addressed by the court's remedial order. Refusals based solely on the policy were vacated and returned to DOS for further proceedings.

- Save the refusal notice and all embassy or consulate emails.
- Take and save screenshots of your CEAC case status.
- Monitor your email and case status for instructions from DOS.
- Do not assume you must file a new visa application unless instructed to do so.

WHAT WE ARE WAITING FOR: DOS may need to explain how and when affected cases will be reconsidered.

C. I was refused for the policy AND another reason

The ruling removes the challenged 75-country policy, but it does not automatically eliminate an independent legal basis for refusal.

- Review the written refusal reason carefully.
- Identify whether the case also involves public charge, another inadmissibility ground, missing documents, administrative processing, or another restriction.
- Consider individualized legal advice before taking the next step.

BOTTOM LINE: The ruling may help, but another issue may still need to be resolved.

D. My visa had been approved but was not issued

The challenged DOS instructions required consular posts in some circumstances to reopen approved cases and refuse them under INA 221(g) if the visa had not yet left the consulate.

- Preserve proof that the visa was approved.
- Keep the later refusal, hold, or administrative-processing notice.
- Save any communication connecting the action to the 75-country policy.

WHY IT MATTERS: That timeline may be important when DOS implements the court's order.

QUICK REFERENCE

What the decision does - and does not do

THE RULING DOES

- Vacate the 75-country immigrant visa policy.
- Set aside refusals based solely on that policy.
- Return affected sole-policy refusals to DOS for further proceedings.
- Restore individualized visa adjudication under existing immigration law.
- Apply to the policy itself, not only to the named individual plaintiffs.

THE RULING DOES NOT

- Automatically issue a visa.
- Eliminate the public charge ground of inadmissibility.
- Erase another lawful refusal ground.
- Guarantee an interview date or processing timeline.
- Automatically eliminate a separate visa, entry, security, or program-specific restriction.
- Apply to the 39-country travel ban

Frequently Asked Questions

1. What did the Court decide?

The Court vacated the State Department's 75-country immigrant visa issuance pause. It also set aside immigrant visa refusals based solely on that policy and remanded those cases for further proceedings.

2. What happens to my application now? Is my visa automatically approved?

No. DOS now states that the January 2026 pause is no longer in effect. If your visa was refused solely because of the 75-country policy, that refusal was set aside and your case was remanded for further proceedings. You must still qualify for the visa, and other lawful grounds of inadmissibility or visa restrictions may still apply.

3. Will I need to do anything?

Possibly. DOS may require updated documents, such as a new medical exam or police clearance, if earlier documents have expired. Some applicants may also need a rescheduled interview. DOS should tell affected applicants what is required and provide information about next steps.

4. How will I be notified?

DOS must address how affected applicants will be notified about updated materials, rescheduled interviews, and changes in administrative processing. You should receive an official notice (usually by email) if your application is moving forward or if you need to submit new documents. Continue monitoring email and other official communications from the embassy or consulate handling your case.

5. Did the Court strike down public charge? Will there be a new public charge review?

No. The Court struck down the 75-country policy, not the public charge ground of inadmissibility. The Court directed DOS to confirm that a remand should not generally result in a fresh public charge analysis when a consular officer already determined that the applicant was not inadmissible on public charge grounds, unless there is a specific new reason to revisit that determination.

6. What should I do now?

Monitor your case and communications from DOS, and respond promptly if updated documents or another interview are requested. If you are unsure whether your refusal was based solely on the 75-country policy or another legal ground, consider speaking with an immigration attorney or DOJ-accredited representative.

KEY TAKEAWAY

The 75-country policy is no longer in effect, and refusals based solely on that policy have been set aside. Affected cases must now move forward without the vacated policy serving as a barrier, although other grounds of inadmissibility or case-specific requirements may still apply.

CONTEXT + NEXT STEPS

Why did the court strike down the policy?

In plain language, Congress assigned consular officers the job of deciding whether individual immigrant visa applicants qualify under the Immigration and Nationality Act. The challenged DOS policy required officers to reach one predetermined result - refusal - for applicants from 75 countries even when no other lawful ground for refusal existed.

THE COURT'S CORE HOLDING

The policy conflicted with the INA's individualized visa-adjudication scheme, the prohibition on nationality discrimination in immigrant visa issuance, and the statutory limits on the Secretary of State's authority. The court therefore vacated the policy under the Administrative Procedure Act.

What CLINIC is watching next

DOS implementation

How will embassies and consulates identify and reconsider cases affected solely by the policy?

Previously refused cases

Will applicants be contacted automatically, or will DOS require action from applicants or representatives?

Appeal or stay activity

The government has filed a notice of appeal of this judgment. Check for updates before relying on this guide in a time-sensitive case.

Consular practice

How quickly will the vacated policy disappear from day-to-day adjudications, and what patterns emerge across posts?

Remaining claims

The court ordered the parties to submit proposals by September 11, 2026, concerning how the remaining claims should proceed.

THE TAKEAWAY

The door is no longer automatically closed because an immigrant visa applicant is from one of the 75 countries. The ruling restores individualized adjudication. For many families, however, this decision is the beginning of the next step - not the end of the immigration process.

Tips for practitioners

- Review the exact refusal basis before advising that the order resolves a case.
- Preserve documentary evidence tying a refusal to the vacated policy.
- Do not promise automatic reopening, expedited action, or visa issuance unless DOS issues instructions supporting that advice.
- Continue screening for separate inadmissibility grounds, other visa restrictions, and program-specific barriers.
- Recheck litigation and DOS implementation updates before taking time-sensitive action.

Source and status

Primary source: *Catholic Legal Immigration Network, Inc. v. Rubio*, No. 1:26-cv-00858 (JAV), Opinion and Order (S.D.N.Y. Aug. 21, 2026). The court vacated the 75-country policy, vacated refusals based solely on that policy, and remanded those refusals for further proceedings. This guide reflects the court's August 21 ruling and publicly available case information as of August 24, 2026.

Case information: [NILC - CLINIC v. Rubio](#)

IMPORTANT

This resource provides general information and is not legal advice. Individual cases may be affected by separate inadmissibility grounds, visa restrictions, administrative processing, or other immigration laws. Because the litigation and DOS implementation may change, confirm current developments before advising clients.