

Questions and Answers about the 75-Country Visa Ban Lawsuit *CLINIC v. Rubio*

What is This Case About?

The case is about unlawful changes to the United States' visa system. On January 21, 2026, the State Department indefinitely stopped issuing immigrant visas to applicants from a list of 75 countries. In November 2025, another State Department policy affecting visa approvals was also changed. The State Department is not allowed to make these types of changes under federal immigration laws and the Constitution. Also, they did not follow proper procedures for changing the rules. Organizations and individuals are suing to enforce the law and make sure that the State Department follows federal immigration law as passed by Congress, and returns to processing visas individually for all applicants like the law says they should.

Why Did the State Department Stop Issuing These Visas?

The State Department says they were worried about immigrants becoming a “public charge.” But all visas for people from these 75 countries are being denied. Even for people immigration officers already found are not likely to become a “public charge.”

What Does “Public Charge” Mean?

- ▶ “Public charge” means that a person is *likely* to become wholly or primarily dependent on the government for basic needs. The government can deny a visa to enter the U.S. or deny a permanent resident card to a person who is likely to become a “public charge” in the future.
- ▶ The government looks at a person's whole situation (age, income, education/skills, family, and health) and a sponsor's contract (affidavit of support) to decide if the person is likely to become a public charge in the future. It can also consider whether a person has received cash assistance, or if the government has paid for a person to stay in a long-term care facility such as a nursing home.

- ▶ Health care, community services, or other non-cash programs like SNAP/EBT, Medicaid, WIC, or Section 8 Housing Assistance should not be considered in a public charge determination under current rules.
- ▶ The federal government recently said they were going to change the definition of public charge to include many more types of benefit programs beyond what Congress and the courts have intended. But these changes are either not final or have not gone through the proper processes.
- ▶ A public charge assessment must be individualized and linked to the specific facts of an applicant's case no matter what factors are considered. It cannot be used to allow a full ban on visa issuance for entire countries. That's what the State Department did here, and that's what the case is trying to fix.

What Are the 75 Countries Listed in the Ban?

In alphabetical order, they are: Afghanistan, Albania, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bosnia and Herzegovina, Brazil, Burma, Cambodia, Cameroon, Cape Verde, Colombia, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Eritrea, Ethiopia, Fiji, The Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Haiti, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyz Republic, Laos, Lebanon, Liberia, Libya, Moldova, Mongolia, Montenegro, Morocco, Nepal, Nicaragua, Nigeria, North Macedonia, Pakistan, Republic of the Congo, Russia, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Tanzania, Thailand, Togo, Tunisia, Uganda, Uruguay, Uzbekistan, and Yemen.

Why These 75 Countries?

Without citing any facts, the Trump administration claims that people from these countries are more likely than others to “extract wealth” or “take welfare and public benefits” from the United States. The pattern is hard to miss: every single one of the 75 countries listed are in Africa, Asia, Latin America, the Middle East, and Eastern Europe, countries with populations that are mostly nonwhite or that include significant ethnic minorities.

Are Immigrants Even Eligible to Receive Public Benefits?

Many immigrants are not eligible for various forms of government assistance until years after they arrive, or until they become U.S. Citizens. Immigrants may be able to

receive services in some states, and Congress decided that all residents should be able to receive certain emergency services and access to critical public programs. Many immigrants do not enroll in government benefits even when they are eligible. Immigrants pay state, local, and federal taxes that help fund the services used by all U.S. residents, including U.S. citizens. Their work and spending helps the U.S. economy grow.

Why Was the State Department’s Action Illegal?

Immigration law requires immigrant visas or “green cards” to be issued on a case-by-case basis, with every applicant being evaluated on their own merits. These laws are in place to make sure that everyone who applies for the same type of visa is treated fairly and in the same way. These laws prevent discrimination against visa applicants.

Congress did not give the State Department the power to change the law by itself. The State Department is breaking the law because it has told all consulates to deny immigrant visas to everyone from any of the 75 countries on the list, but let immigrants from other countries with the same or similar situations still get visas on a case-by-case basis, as Congress requires. This unequal treatment is both illegal and unconstitutional because it is discrimination based on race or national origin. The visa ban is also illegal because it was put in place without going through the proper process to create new law and policy.

Who Are the Plaintiffs?

The case was filed by two organizations that serve immigrants, and 11 people who are either trying to immigrate to the United States on family-based or employment-based visas, or who have family members they are trying to bring to the U.S. with immigrant visas. The case is not a class action lawsuit. But a victory in this case would lift or remove the ban. That would mean all visa applicants from all 75 countries would no longer be denied based only on their nationality.

What is the Case Trying to Accomplish?

We’re asking the court to:

- (1) Say that the policies that ban people from these 75 countries are illegal;
- (2) Overturn the policies so they can’t be used to deny visas;
- (3) Stop the government from enforcing the policies anywhere; and
- (4) Order the State Department to return to individualized, case-by-case evaluation of visa applications and issue visas to those who qualify.

How Will This Case Help People Whose Visas Have Been Denied Since the Policies Went into Effect?

If the court decides that the policies are illegal, normal visa processing rules will return for people in the 75 named countries. This should mean that people whose visas have been refused because of the unlawful policy since it went into effect will be able to continue the process of seeking an immigrant visa.

What About People Whose Visas Were Denied Under Prior Bans?

This case focuses only on the 75-country visa ban that went into effect on January 21, 2026, and the consular cables that told immigration officials how to put that ban into practice. Visa applications that were denied or suspended under other State Department changes are not involved in this case. The case does not address the 39-country ban that went into effect on January 1, 2026, the diversity visa pause that went into effect on December 23, 2025, or bans or suspensions of other types of visas.

Can More People Join in the Lawsuit?

We are not adding more plaintiffs to the case at this time. The goal of our lawsuit is to end the 75-country visa ban for everyone from the countries listed, so even if you or your loved ones are directly affected and you do not join the case as a plaintiff, you may still benefit if we win.

What Can Affected People Do Now?

- ▶ Track and save all information about your visa case, including National Visa Center case number and status, appointment notices, refusals/221(g) notices, written communications, screenshots of CEAC updates, and other information.
- ▶ Check with your consulate on whether and how the ban might impact your situation.

If you or your loved ones are impacted by the visa ban, and you still have questions about whether this case impacts your visa application, please email BlanketVisaBanLitigation@nilc.org.