



# LEGAL ALERT

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## MAJOR USCIS SHIFT ON ADJUSTMENT OF STATUS: KEY TAKEAWAYS FROM THE MAY 21 MEMORANDUM

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The U.S. Citizenship and Immigration Services (USCIS) has announced a significant policy shift regarding adjustment of status applications (Application for Permanent Residence I-485). This change reinforces the agency's position that foreign nationals seeking lawful permanent residence should generally complete the immigrant visa process through consular processing abroad rather than from within the United States. The newly issued [policy memorandum](#) emphasizes that adjustment of status is an extraordinary discretionary benefit, not an automatic entitlement, and directs immigration officers to evaluate applications on a case-by-case basis while considering all relevant equities and circumstances.

According to USCIS, the updated guidance is intended to realign agency practice with the original framework of the Immigration and Nationality Act. USCIS spokesman **Zach Kahler** stated that individuals who enter the United States temporarily—such as tourists, students, and temporary workers—are expected to depart upon completion of their authorized stay and should not view temporary admission as the first step toward obtaining permanent residency. Under the revised policy approach, applicants seeking a Green Card from within the United States may face substantially heightened scrutiny and may be required to pursue immigrant visa processing through a U.S. consulate in their home country absent extraordinary circumstances justifying adjustment of status domestically. USCIS acknowledges exceptions including nonimmigrant categories with dual intent and immigrant categories where only adjustment of status provides a pathway to permanent resident status.

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