Insights: Alerts

State Department to Suspend Visa Processing for Nationals of 75 Countries: Key Implications for U.S. Employers

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Written by **Samera S. Ludwig** and **Victoria Mpistolarides**

The U.S. Department of State has announced that it will suspend immigrant visa processing for applicants from approximately 75 countries, beginning January 21, 2026, as part of a broader reassessment of consular screening and vetting procedures. According to reports, the suspension will apply indefinitely while the Department evaluates its approach to enforcing the immigration law's "public charge" provisions. While this legal alert focuses on employment-based immigrant visas, this new directive also applies to family-based immigrant visas.

This development may have significant implications for U.S. employers that rely on foreign national talent, particularly those sponsoring employees for immigrant visas or recruiting candidates abroad from affected countries.

Scope of the Suspension

According to a State Department spokesperson, U.S. embassies and consulates have been directed to refuse visa applications under existing law while the Department reassesses its screening procedures. Although the Department has not published formal guidance, media reports indicate that the suspension will impact nationals of countries including Somalia, Russia, Afghanistan, Iran, Brazil, Nigeria, Egypt, Thailand, Yemen, and many others across Africa, Eastern Europe, the Middle East, and Asia.[1]

The suspension reportedly applies primarily to immigrant visa processing at U.S. consulates abroad. No timeline has been provided for when visa processing may resume.

Public Charge Enforcement as the Underlying Basis

The reported suspension follows renewed emphasis by the administration on enforcing the public charge ground of inadmissibility under the Immigration and Nationality Act (INA § 212(a)(4)). Consular officers are reportedly being instructed to apply enhanced screening criteria when determining whether an applicant is likely to rely on public benefits in the future.

While the public charge provision has existed for decades, its enforcement has fluctuated significantly across administrations. The current approach appears to expand discretionary scrutiny and may consider factors such

as an applicant's age, health, financial resources, English proficiency, and potential future medical needs. Applications may be refused even in the absence of prior benefit usage.

Implications for Employers

U.S. employers should be aware that this suspension may directly affect:

- Employees abroad awaiting immigrant visa issuance following approval of an employment-based immigrant petition (i.e., EB-1, EB-2, EB-3, EB-5, H-1B, L-1, O-1, TN, E-2/E-1, etc.);
- Candidates being recruited from overseas who would otherwise apply for immigrant visas through consular processing;
- Global mobility and workforce planning, including the ability of multinational employers to move or deploy talent from affected countries.

Importantly, employees already in the United States pursuing adjustment of status (rather than consular processing) are not expected to be directly impacted by the suspension. However, employers should anticipate significant delays for cases requiring consular interviews abroad.

Recommended Employer Actions

Employers with foreign national employees or candidates potentially affected by this suspension should consider taking the following steps:

- Identify impacted populations within the workforce, including employees or candidates from affected countries who are planning to pursue immigrant visas through consular processing.
- Assess timing and strategy for pending or future sponsorships, including whether adjustment of status may be an available alternative for certain employees.
- Review work authorization continuity, including whether impacted employees have sufficient nonimmigrant status or employment authorization to continue working during extended processing delays.
- Prepare for delays in start dates, relocations, or permanent residence timelines.
- Communicate proactively with affected employees to manage expectations and reduce uncertainty.

Looking Ahead

The State Department has indicated that the suspension will remain in effect until it completes a reassessment of its screening procedures. While enforcement discretion under the public charge provision has historically varied, employers should expect continued volatility in consular processing and heightened scrutiny for applicants from affected countries.

We will continue to monitor developments and provide updates as additional guidance becomes available.

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[1] Based on publicly available reports, the countries reportedly affected by the suspension include: Afghanistan, Albania, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bosnia, Brazil, Burma, Cambodia, Cameroon, Cape Verde, Colombia, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Haiti, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyzstan, Laos, Lebanon, Liberia,

Libya, Macedonia, Moldova, Mongolia, Montenegro, Morocco, Nepal, Nicaragua, Nigeria, 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.

Related People

Samera S. Ludwig

t 312.628.7189

sludwig@ktslaw.com

Victoria Mpistolarides

t 312.456.2708

vmpistolarides@ktslaw.com