

Catholic Legal Immigration Network v. Rubio

Thank you, Secretary of State Marco Rubio, for fighting for the American people during a period of significant foreign war and instability. We fully supported the 75 country immigrant visa pause instituted by the State Department in January 2026, and we are appalled that Judge Vargas vacated the policy on August 21, 2026.

Federal Court Challenge to the 75 Country Immigrant Visa Suspension

Case: *Catholic Legal Immigration Network, Inc. (CLINIC), et al. v. Marco Rubio, et al. (Southern Border, NY, “Hispanic Federation”)*

Case No.: 1:26-cv-00858 (JAV)

Court: United States District Court for the Southern District of New York

Judge: U.S. District Judge Jeannette A. Vargas (NY)

The Visa Suspension

On January 14, 2026, the U.S. Department of State announced that, beginning January 21, 2026, it would suspend the issuance of immigrant visas to nationals of 75 designated countries.

The policy was based on the State Department's determination that immigrants from those countries presented a high risk of becoming a public charge. The policy directed consular officers to refuse immigrant visas to nationals of the designated countries regardless of whether an individualized assessment found that the applicant was otherwise eligible and unlikely to become a public charge.

The policy affected applicants from countries including Afghanistan, Albania, Algeria, Bangladesh, Brazil, Colombia, Cuba, Egypt, Ethiopia, Ghana, Guatemala, Haiti, India, Jamaica, Nigeria, Pakistan, Russia, Somalia, Sudan, Syria, Tanzania, Thailand, Uganda, Uruguay, Uzbekistan, Yemen, and many others.

The Plaintiffs

The plaintiffs included:

Catholic Legal Immigration Network, Inc. (CLINIC)

African Communities Together (ACT)

Individual immigrant visa applicants from designated countries

U.S. citizens sponsoring family members from designated countries

The court record identifies individual plaintiffs including Agnes Kyeremaa, Fernando Lizcano Losada, Juan David Buitrago Cagua, Adrian Mitchell, Cesar Andred Aguirre, Lina Margarita Angulo Penaranda, Munthaz Mahmud Hassen, Patricia Richardson, Andres Alfonso Medina Ramirez, Maru Mahmud Hassen, and Alejandra Alcendra Moscote.

Catholic Legal Immigration Network, Inc. (CLINIC)

CLINIC is an independent 501(c)(3) nonprofit organization that works with Catholic and community immigration legal programs.

CLINIC states that its Board of Directors consists of 19 people with experience in and commitment to immigration issues.

CLINIC Board Leadership

Board Chair:

Most Reverend Jaime Soto — Bishop of Sacramento

Vice President:

Marguerite "Peg" Harmon — Catholic Community Services of Southern Arizona, retired

Treasurer:

Sister Sally Duffy, SC — Child Poverty Collaborative

Secretary:

Anna Marie Gallagher — CLINIC

Other board members listed by CLINIC include:

- Most Reverend Roy E. Campbell — Auxiliary Bishop of Washington, D.C.
- William Canny — Migration and Refugee Services, U.S. Conference of Catholic Bishops
- Most Reverend Nicholas DiMarzio — Bishop Emeritus of Brooklyn
- Most Reverend Eusebio Elizondo — Auxiliary Bishop of Seattle

CLINIC's board page states that the board oversees the organization and its mission of promoting the dignity and protecting the rights of immigrants through its network of Catholic and community legal immigration programs.

The Court's Decision

On **August 21, 2026**, Judge Jeannette A. Vargas ruled in favor of the plaintiffs on major portions of the case.

The court determined that the 75 country immigrant visa suspension was **contrary to law and exceeded the Secretary of State's statutory authority**.

Judge Vargas vacated the policy and ordered that immigrant visa refusals based solely on the policy also be set aside and remanded for further proceedings. The court also declared that the policy violated provisions of the Immigration and Nationality Act and federal regulations.

The decision therefore removed the 75 country immigrant visa suspension rather than merely pausing its enforcement.

Government Appeal

The U.S. Department of State and Secretary of State Marco Rubio subsequently appealed the district court's judgment.

According to the National Immigration Law Center's case update, the government filed its **notice of appeal on September 10, 2026**. The district court's judgment remains legally effective unless a higher court stays it.

Government Request for a Stay

The government also asked Judge Vargas to stay her judgment while the appeal proceeds.

On **September 25, 2026**, Judge Vargas **denied the government's motion for a stay pending appeal**.

The order means that the government's appeal does not, by itself, restore the 75 country immigrant visa suspension. The August judgment remains in effect unless a higher court subsequently grants a stay or otherwise changes the legal situation.

Current Status

As of **October 4, 2026**:

75 country immigrant visa suspension: Vacated by the district court

Judge: Jeannette A. Vargas, U.S. District Court for the Southern District of New York

Government appeal: Filed September 10, 2026

Government request to stay the district court judgment: Denied September 25, 2026

District court judgment: Remains in effect

Litigation: Continuing through the appellate process

The case is therefore no longer simply a question of whether the original visa suspension remains in effect. The original policy was vacated by Judge Vargas, while the federal government is challenging that decision on appeal.

Important Distinction

This case concerns the **75 country immigrant visa suspension announced in January 2026**.

It should not be confused with other U.S. immigration and travel restrictions that may apply to particular countries, visa categories, or individuals under separate authorities.

The court's decision specifically addressed the nationality-based suspension of **immigrant visa issuance to nationals of the 75 designated countries**.