



# THE LEGAL LANDSCAPE

A **USCRI** HUMANITARIAN LEGAL SERVICES REPORT



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## The Legal Landscape

Starting in February 2025, the U.S. Committee for Refugees and Immigrants (USCRI) has sent weekly updates on immigration-related litigation to our network and staff. What started as a list of nine cases has expanded into a list of nearly 50 cases and appeals. As we continue to track litigation for our partners, USCRI will also provide a deeper dive into legal topics so that you can understand the law as it changes. Against a shifting legal landscape, USCRI hopes these updates will be helpful to newcomers and communities who want reliable and timely information.

## Expanded Expedited Removal

In the United States, the removal process often starts with a Notice to Appear, or a charging document setting out the U.S. Government's position that an individual lacks U.S. citizenship and was not authorized to enter or did not possess the right documents to enter. Then, the individual must go to immigration court, where they can disagree with the Government's position, apply for refugee protection, or apply for another immigration benefit that allows them to remain in the United States.

Individuals in immigration court are not afforded the same due process rights as a criminal defendant would in criminal court. Nevertheless, the removal process allows for some due process rights, such as the right to be heard by an immigration judge. Individuals are also given time—time to process a new court system, find a lawyer, and figure out U.S. immigration law.

Expedited removal diminishes due process rights even further through acceleration. A noncitizen can be screened by U.S. border officials and ordered deported without further immigration court proceedings, review by an immigration judge, or further administrative review. The Executive Branch can apply [expedited removal](#) to inadmissible noncitizens arriving in the United States and designate other groups of noncitizens who have not been admitted or paroled and who have not been present in the country for the last two years.

### IN THIS ISSUE

- Expanded Expedited Removal
- The Laws Behind Ceuta
- New Lawsuit Against Asylum Referrals

### OTHER NEWS

Form I-485, Application to Register Permanent Residence or Adjust Status, will be [revised](#) on **September 18, 2026** to conform with a [new final rule](#) that would result in more public charge-based inadmissibility determinations.

A [preview version](#) is available now, as there will be no grace period.

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The U.S. Committee for Refugees and Immigrants (USCRI), established in 1911, is a nongovernmental, not-for-profit international organization dedicated to addressing the needs and rights of refugees and immigrants. USCRI is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code. The full amount of your donation may be tax-deductible to the extent allowed by law.

On January 23, 2025, the Acting Secretary of Homeland Security issued a [memo](#) (“Huffman Memo”) recommending sub-agencies to apply expedited removal to people who had been paroled into the United States under a parole program that has been paused or terminated. On January 24, the Executive Branch formally [designated](#) another group subject to expedited removal as any noncitizen nationwide who are unable to prove that they have been in the United States for the last two years. On February 18, Immigration and Customs Enforcement [directed](#) officers to consider noncitizens who were paroled in and who have not applied for asylum for expedited removal.

Numerous parole programs have paused or been terminated since January 2025. The Cuban, Haitian, Nicaraguan, and Venezuelan parole program was [terminated](#) and allowed to take effect despite court challenges. Uniting for Ukraine, Family Reunification Parole, Central American Minors, and CBP One parole programs are paused and under [litigation](#). These pauses and terminations put more individuals under the scope of the Huffman Memo and at risk of expedited removal.

In March 2025, immigrant rights nonprofits filed a [lawsuit](#) against the Huffman Memo and the February 18 directive. On August 1, the district court issued a [stay](#) of agency action, blocking those policies and preventing the expansion of expedited removal. The Government appealed that order to the D.C. Circuit Court of Appeals.

On August 11, 2026, a three-judge panel on the D.C. Circuit [vacated](#) the district court’s protections over jurisdictional issues. In order to litigate in federal court, plaintiffs need to have standing. Plaintiffs can show they have standing by pointing to a specific injury that is caused by the allegedly unlawful actions that can be redressed by the federal court. The circuit ruled that Plaintiffs in this case do not have standing because a court order would not redress their alleged harms. The panel reasoned that blocking these policies would not reverse the trend of increasing expedited removals, as the Executive Branch could rely on other authorities to produce the same result.

The circuit ruling vacates the temporary protections put in place by the district court. It does not rule on whether the challenged policies are lawful. The mandate is held, so the circuit court order will not take effect until seven days after the petition for rehearing or rehearing *en banc* deadlines. In the district court, the parties have moved for summary judgment, or a ruling on the law.



## The Laws Behind Ceuta

In the last week of July 2026, around [72,000 people](#) crossed the Spanish-Moroccan land and sea border into Ceuta, a Spanish autonomous region. The death toll is reported to be between [100](#) and [141](#) people. While investigations are still underway, many officials are blaming social media misinformation spread after a July 8 Spanish Supreme Court ruling about summary returns of migrants arriving by sea.

In July 8, 2026, the Supreme Court of Spain issued a narrow [ruling](#), ordering that noncitizens who swim to Ceuta and Melilla cannot be subject to Spain's summary return process but must go through the [expulsion process](#) outlined under a 2000 law. The ruling clarified that a border crossing by swimming to those two cities is distinct from crossing a physical border barrier, which would trigger the summary return process.

The decision does not state that people who swim to those two cities would be guaranteed legal status in Spain, yet social media posts implied that it did. In the tragic event of Ceuta, misinformation about the legal process and ruling unfortunately led to the deaths of individuals hoping for a better future.

## New Lawsuit Against Asylum Referrals

On August 19, 2026, a coalition of advocacy and legal services organizations [filed](#) a lawsuit in the U.S. District Court for the District of Columbia to challenge the Department of Homeland Security's [interim final rule](#) that strips the right to an interview from affirmative asylum seekers. Under this measure, the Department predicted that it would directly refer 31 percent of affirmative asylum applicants to immigration court without the opportunity for a non-adversarial process. This strategic lawsuit seeks redress for harms to immigrant serving organizations caused by this change, which is a similar argument taken by plaintiffs who secured a [win](#) for immigrants impacted by travel-ban related adjudication holds in *Dorcas International Institute of Rhode Island v. U.S. Citizenship and Immigration Services*, Case No. 1:26-cv-00132, District Court for the District of Rhode Island.