



THE LEGAL LANDSCAPE

A **USCRI** HUMANITARIAN LEGAL SERVICES REPORT



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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.

European Union Moves Closer to Offshore Return Hubs

On September 4, 2026, the Group of Five—Germany, Austria, Greece, Denmark, and the Netherlands—met and agreed to make a deal with a non-European country to host migrant return hubs. The non-European country has not been named.

The Group of Five also set a timeline to establish return hubs, stating that a deal would be made [this year](#) and that the first transfer would take place within 2027.

In June 2026, the European Parliament adopted regulation [allowing](#) countries to establish migrant return hubs. The European Parliament included this measure as part of a common system for the return of third-country nationals, meaning that European Union countries commit to working together to ensure that their return policies are aligned and coherent.

European countries have pursued return hubs before, but they were pursued by individual countries and on a [bilateral basis](#). In 2023, Italy entered into a bilateral agreement with Albania to construct and control asylum processing centers for individuals intercepted at sea in Albanian territory. This agreement immediately sparked legal battles over human rights violations, the definition of territory, and the meaning of “return.”

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OTHER NEWS

On August 21, 2026, the U.S. Citizenship and Immigration Services began to require that applicants establish [exceptional circumstances](#) to reschedule an asylum interview, such as battery or extreme cruelty or serious illness of the applicant or an immediate family member, or the death of an immediate family member. Asylum offices are also requiring that all evidence be submitted at least 14 calendar days before the date of the scheduled interview. Failure to follow the new rules could lead to dismissal of the asylum application or rejection of evidence.

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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.

Early court cases mandated an immediate return of all individuals who were sent to the detention center, but these [cases](#) ruled against how Italian authorities determined whether an individual's country of origin was a safe place to return. The rulings did not touch on the legality of the detention center or the Italy-Albania deal.

Italy then repurposed the Albanian detention centers into return hubs, sending individuals who have no permission to remain in Italy but whose return is infeasible. In *Sedrata* (C-414/25), the Supreme Court of Cassation in Italy issued an [opinion](#) stating that transferring individuals to another country for the purpose of return is not against European Union law. The court went further and stated that even if an individual has a pending refugee or asylum claim in Italy, they could be held in an offshore facility like the Albania detention center.

Court cases like *Sedrata* and the adoption of a common system for the return of third-country nationals by the European Parliament have paved the way for the Group of Five discussion and plan. Reports [say](#) that the Group of Five are in discussion with countries like Rwanda and Uganda. Even though both governments have been known to clamp down on free expression and persecute certain groups, the common system states that even if specific parts of a country are deficient or some people are at risk, the agreement can still go forward.

The common system also states that return hubs must be in countries that adhere to international human rights and the principle of non-refoulement. Yet, who will be in charge of assessing and adjudicating human rights violations is not clear. The Group of Five [stated](#) that it will consult the United Nations High Commissioner for Refugees and the International Organization for Migration. The High Commissioner has not commented on the Group of Five's plans.



Federal Court Vacates the Public Charge Visa Ban

On August 21, 2026, the Catholic Legal Immigration Network, Inc. (CLINIC), African Communities Together, visa applicants, and sponsoring U.S. Citizens [secured a win](#) in a lawsuit challenging the State Department's policy suspending immigrant visas to nationals of 75 countries. In *CLINIC v. Rubio*, a federal judge in New York [vacated](#) what is commonly referred to as the public charge visa ban, finding that the Secretary of State exceeded his statutory authority when he implemented the policy in January 2026. The judge also vacated any visa denial that had been based solely on this policy.

The public charge visa ban was imposed in addition to the President's travel bans, which rely on Executive authority under the Immigration and Nationality Act, section 212(f). In contrast, the public charge policy came from the State Department itself and rests entirely on different legal grounds.

Immigrant visas are issued to individuals who intend to live permanently in the United States. A consular officer can deny an immigrant visa if they find that an applicant is likely to become a public charge based on an individual assessment and consideration of all relevant factors.

Under the vacated State Department policy, consular officers were told to deny immigrant visas outright to applicants from 75 designated countries on the theory that they were more likely to rely on public benefits. There was no individualized review, just a blanket refusal that disproportionately impacted nationals from African and Middle Eastern countries.

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