

Memo on Detention of Refugees Frequently Asked Questions

February 2026

On February 18, 2026, the leadership of U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE) issued a [memo](#) titled “**Detention of Refugees Who Have Failed to Adjust to Lawful Permanent Resident Status,**” stating that federal immigration agents should arrest lawfully admitted refugees who have not yet obtained lawful permanent resident status (also known as a green card) within one year of arrival and detain them for re-screening and determining whether they can adjust their status.

How does the February 18 refugee detention memo change policy?

The new [policy](#) rescinds an ICE [2010 memo](#) that said failing to apply for status as a lawful permanent resident within a year of living in the United States was not a basis for detaining refugees who entered the country legally. The new memo was released as part of litigation in *U.H.A. v Bondi*, a district court case in Minnesota, on [Operation PARRIS](#).

What is the new policy on detaining and inspecting refugees who have not obtained lawful permanent resident status?

Under this new [policy](#), after one year of admission in the United States:

- Refugees must “return” or be “returned” (arrested) to DHS custody (detention) for inspection and examination for admission as a lawful permanent resident (LPR).
- If refugees do not voluntarily return to custody, DHS may arrest and detain them.
- Detention of refugees may last for the duration of the inspection and examination process. The memo states that detention is not indefinite but is not limited to 48 hours and may last for the “reasonable length of time” necessary to determine admissibility but does not specify a time frame.
- If a refugee is found inadmissible at the inspection, DHS may initiate removal proceedings.

How will this detention policy memo harm refugees?

The new policy could result in numerous harmful effects including family separation, job loss, re-traumatization, and wrongful detention without access to attorneys. The memo does not include any exceptions or considerations for children, the elderly, nursing mothers, or those with medical conditions. In the memo, DHS and ICE acknowledge that where refugees relied on prior guidance and did not take steps to prepare for custody, there are potential “adverse consequences of arrest and detention under this new policy, such as financial consequences of missing work, unmet household and family obligations, and a delay in securing legal representation,” but states that important public policy interests outweighed those “perceived reliance interests.”

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Are green card decisions on pause for recently arrived refugees?

Yes. Under a November 21, 2025, [memo](#) from USCIS, the agency was placing a hold on all adjudications for any applications to adjust status filed by refugees, their derivatives, and follow-to-join refugees admitted during January 20, 2021, to February 20, 2025.

How many refugees are impacted by this new memo?

Attorneys and service providers believe tens of thousands of refugees may be affected. More than 200,000 refugees have been admitted since 2021. While many of the refugees have applied for and been granted green cards, those who were admitted more recently have not been granted LPR status.

Are refugees legally in the United States?

Yes. Refugee status is a lawful basis for residing and working in the United States. Refugees are admitted to the United States under the Immigration and Nationality Act (INA) as amended by the Refugee Act of 1980. They are conditionally approved as refugees by USCIS, undergo medical and other screening overseas, have travel authorization to the United States, and enter and are admitted lawfully by Customs and Border Protection (CBP) at a port of entry at a U.S. airport.

Are refugees interviewed and vetted already?

Yes. Refugees are extensively vetted before arriving in the United States. Vetting procedures involve multiple government agencies, including the DHS and the Federal Bureau of Investigation, and include biometric screening, in-person interviews, and document reviews. The process often takes up to 36 months. Refugees often experience additional security interviews after they arrive in the United States. Obtaining refugee status is one of the most intensive and difficult ways to arrive and reside in the country.

What are ways I can support those impacted?

Support [Global Refuge's](#) refugee resettlement and [legal services](#) programs to support the long welcome so that refugees can reach permanent status and have improved access to services.

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