Siam Legal International Reports Court Ruling on US Visa Pause for Thai Nationals

September 08, 2026

Bangkok, Thailand - September 08, 2026 -
Siam Legal International, a leading law firm in Thailand, is reporting that a United States federal court has struck down a policy that paused immigrant visa issuance for nationals of 75 countries, including Thailand, since January 2026. The ruling, issued August 21, 2026, by Judge Jeannette Vargas of the United States District Court for the Southern District of New York in the case CLINIC v. Rubio, directly affects Thai nationals pursuing CR-1 and IR-1 spousal visas to join American citizen spouses in the United States.

The US Department of State announced the pause in January 2026, directing consular officers to withhold approval of immigrant visa applications from nationals of the affected countries under Section 221(g) of US immigration law, citing concerns about public charge risk. Consular officers were instructed to apply this outcome regardless of whether an individual applicant had already demonstrated eligibility during the interview, according to court filings. Thailand was among roughly forty percent of countries worldwide included on the list, while nonimmigrant categories such as tourist, student, and K-1 fiancé visas remained unaffected throughout the pause.

Judge Vargas found that the policy conflicted with US immigration law by removing final decision-making

authority from individual consular officers and imposing a predetermined refusal based solely on an applicant's nationality. The court rejected the government's reliance on a 2018 Supreme Court decision upholding an earlier travel ban, ruling that the earlier case addressed presidential authority over entry into the country rather than the government's ability to direct officers to refuse applicants already found individually eligible. The ruling vacated the policy in its entirety rather than limiting relief to the plaintiffs, extending its effect to applicants from all 75 affected countries.

The decision differs from a separate July 2026 ruling in De Moura Gomes v. Rubio, in which a federal court in Washington also found the policy unlawful but limited relief to the family that filed the case. Under the August ruling, any CR-1 or IR-1 refusal issued on or after January 21, 2026, that relied solely on the policy is set aside, and affected cases are expected to be returned for individual review. Siam Legal International notes that this does not guarantee approval, as applicants must still satisfy standard requirements, including a public charge assessment conducted on an individual basis rather than a blanket rule.

"Thai nationals who received a hold on their spousal visa case earlier this year now have grounds to have that case reconsidered on its own facts, not as part of a blanket policy," said Rex Baay, Senior Immigration Consultant and Operations Manager at Siam Legal International. "Applicants should not assume this ruling means automatic approval, and strengthening documentation around financial support and the sponsor's background remains an important step while embassies work through the practical process of applying the decision."

Applicants with a pending case may check status through the Consular Electronic Application Center to confirm whether a prior refusal has been updated since the ruling, and should confirm that medical examinations and police clearance certificates have not expired during the delay. The ruling has not resolved every claim raised in the underlying litigation, with remaining issues due before the court by September 11, 2026, and the government has not confirmed whether it intends to appeal. Siam Legal International's US visa team continues to track the practical rollout of the decision at the US Embassy in Bangkok and other posts processing Thai applicants.

Siam Legal International first outlined the scope of the original pause and its effect on Thai applicants in a Siam Legal US from Thailand visa advisory, published earlier in 2026, and the firm continues to update its guidance as the litigation progresses. More than 320,000 Thai nationals currently reside in the United States, according to figures cited by Thailand's Ministry of Foreign Affairs following discussions with the US Embassy in Bangkok, underscoring the scale of family-based immigration between the two countries.

Siam Legal International is a full-service law firm with more than 22 years of experience assisting foreign

nationals in Thailand, with offices in Bangkok, Chiang Mai, Phuket, and Pattaya. The firm provides comprehensive legal and immigration support across residency planning, property transactions, business law, and litigation.

###

For more information about Siam Legal International, contact the company here:Siam Legal InternationalRex Baay+662 254 8900info@siam-legal.com18th Floor, Unit 1806 Two Pacific Place,142 Sukhumvit Rd, Khlong Toei,Bangkok 10110, Thailand

Siam Legal International

American-managed Thailand law firm with 22+ years? experience. Experts in corporate setup, BOI, FBL, family & divorce, property, litigation, immigration, notary, wills, contracts & due diligence across Bangkok, Phuket, Pattaya & more.

Website: https://www.siam-legal.com/

Email: info@siam-legal.com

Phone: +662 254 8900