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Trump's Green Card review explained: What Indian techies on H-1B, EB-2, EB-3 need to know

As the Trump administration reviews green cards approved during the Biden years, an immigration attorney says the government's ability to "re-vet" permanent residents is legally limited, time-bound, and far from absolute.

Written by Aditi

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Trump's Green Card Re-Vetting Focus Explained

A new immigration move by the Trump administration is stirring concern across immigrant communities in the United States. The government has begun reviewing green cards that were approved during the Biden years, saying earlier checks were not strong enough and may have missed key details.

USCIS officials say the goal is to fix "systemic failures" and weak screening processes. For many immigrants, though, it has raised a deeper fear, whether permanent residency in the US is as final as it once seemed.

However, Speaking to [financialexpress.com](https://www.financialexpress.com), Rajiv S. Khanna, Managing Attorney at Immigration.com, said that while the idea of "re-vetting" lawful permanent residents may sound sweeping, US law provides only narrow and specific pathways for the government to revisit approved green cards.

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The focus of this discussion is Section 246 of the Immigration and Nationality Act (INA), which allows the US Citizenship and Immigration Services (USCIS) to rescind a green card if it is later found that the individual was not eligible at the time of approval. Khanna explained that this authority applies strictly to "adjustment of status cases," those where applicants obtained green cards while already inside the United States.

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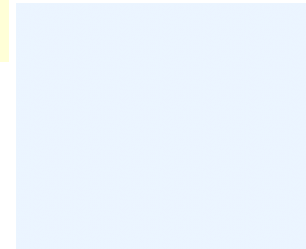
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"Under INA 246, USCIS can rescind an adjustment of status if it determines that the person was not in fact eligible for the green card at the time it was granted. The government must serve a formal Notice of Intent to Rescind within five years of the grant of permanent residence; once that notice is served, the clock stops, and the proceedings can continue past the five-year mark," he said.

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Importantly, this provision does not apply to individuals who received green cards through consular processing abroad, such as many family-based immigrants, including parents of US citizens. In those cases, the government cannot simply rescind status under INA 246 and would instead need to pursue removal proceedings before an immigration judge, a far higher legal threshold.

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"Parents of US citizens, for example, very frequently get their green cards through consular processing in their home countries. Those individuals are not subject to INA 246 rescission. If the government wants to challenge their status, it would have to initiate removal proceedings and establish deportability before an immigration judge, a meaningfully higher bar. It can take years to process," Khanna said.

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Who is most affected?

Despite political rhetoric around re-examination, Khanna cautioned that not all green card categories are equally affected. He said there is currently no indication of a systematic review of mainstream employment-based or family-based green card holders, including high-skilled professionals in EB-2 and EB-3 categories, groups that include a large number of Indian nationals.

"Employment-based green card holders, including the large population of Indian professionals in EB-2 and EB-3 categories, typically undergo a multi-year USCIS adjudication process involving labor certification, employer sponsorship, and extensive documentation. The same applies to EB-1 cases for multinational managers, outstanding researchers, and persons of extraordinary ability. These cases were not processed under the expedited or the claimed "loosely administered" programs that the Trump administration is targeting," Khanna told [financialexpress.com](https://www.financialexpress.com).



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of US citizens, similarly went through standard consular or adjustment-of-status procedures with established vetting protocols. There is no official indication that the administration is conducting a systematic review of these categories."

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Indian nationals: limited exposure, but backlog remains a concern

For Indian professionals, particularly those in employment-based immigration categories, Khanna said the current policy shift does not appear to pose immediate risk of re-vetting.

However, he pointed to a disturbing trend, the decades-long green card backlog in EB-2 and EB-3 categories, which continues to leave many Indian applicants in prolonged H-1B status and associated uncertainties. "That backlog, not re-vetting, remains the primary immigration pressure point for Indian nationals," he said.

For those worried about their status, lawyers are urging caution. "If you are an Indian national who received a green card through any non-standard pathway during the Biden years," Khanna said, "it would be prudent to consult an immigration attorney now rather than waiting to see if a notice arrives."

Refugees and asylum cases under sharper scrutiny

According to the attorney, the major enforcement attention appears to be directed at humanitarian categories, particularly refugees and asylees who later adjusted to permanent residency during the Biden administration.

According to Khanna, the administration has ordered a comprehensive review of more than 200,000 refugees admitted between 2021 and 2025, a process operationalised under a program referred to as Operation PARRIS, which began implementation in early 2026.

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However, the initiative has already faced legal resistance. Federal courts have reportedly blocked aspects of enforcement, particularly attempts to detain individuals as part of re-interview or re-verification procedures, limiting how aggressively the program can be carried out.

Legal safeguards and due process protections

Even in cases where green cards are placed under review, Khanna emphasised that individuals are not without protections. If the government initiates rescission or removal proceedings, affected residents are entitled to:

- Formal notice of allegations
- Access to immigration court hearings (in removal cases)
- The right to legal representation
- The ability to present evidence and appeal adverse decisions

"In most cases, revoking permanent residency is not automatic. It requires a legal process, and often a lengthy one," Khanna said.

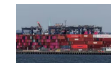
'Rubber-stamping' under fire

US Citizenship and Immigration Services (USCIS) is now actively revisiting cases approved between 2021 and 2025. USCIS Director Joseph B. Edlow has defended

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
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"Many applicants for naturalisation and lawful permanent residence were not sufficiently vetted," Edlow said. "These gaps expose the United States to significant national security risks and compromise the integrity of the immigration system. USCIS will not take shortcuts." The administration has labelled the effort as a correction of "rubber-stamping" approvals.

Beyond statutory authority, according to attorney Khanna, the current policy push is also being driven by executive action and agency directives. Khanna told Financialexpress.com that the administration is relying on a mix of presidential proclamations, executive orders, and agency-level mandates aimed at tightening vetting standards across immigration systems.


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