

# Supreme Court Addresses Rights of Green Card Holders in *Blanche v. Lau*

The Supreme Court of the United States' opinion in *Blanche v. Lau*, No. 25-429 (June 23, 2026), reshapes how border officers may treat returning green card holders suspected of having committed offenses that would render them inadmissible. The ruling is important for lawful permanent residents (LPRs) planning international travel.

## Quick Hits

- By a 6–3 vote, the Supreme Court in *Lau* held that border officers may “parole” a returning LPR based on suspected “commission” of an inadmissibility offense—not based on a conviction or on “clear and convincing” evidence of the commission of an inadmissibility offense—at reentry.
- Paroled LPRs can be physically present in the United States but are not legally admitted, which can disrupt employment authorization and other benefits tied to permanent resident status.
- The ruling primarily affects LPRs with unresolved criminal or other inadmissibility issues.

On June 23, 2026, the Supreme Court issued its decision in [Blanche v. Lau](#), addressing how the Immigration and Nationality Act (INA) treats returning LPRs with potential inadmissibility issues at the border.

In a 6–3 decision, with the majority authored by Justice Clarence Thomas,

the Court held that the INA permits border officers to “parole” returning LPRs suspected of inadmissibility issues, rather than admit them in the usual course, without establishing by “clear and convincing evidence” that they are inadmissible. The government may instead establish the relevant inadmissibility basis later during removal proceedings.

Most foreign nationals, including those in nonimmigrant status, such as H-1, L-1, or F-1, must prove admissibility each time they seek to enter the United States. Returning LPRs have traditionally been treated differently. The [INA](#) generally treats them as simply returning—not applying for admission.

## Background

Muk Choi Lau, a Chinese national, became an LPR in 2007. In May 2012, New Jersey authorities charged him with third-degree trademark counterfeiting. While that charge was pending, Lau traveled abroad, and upon return to JFK Airport on June 15, 2012, the U.S. Department of Homeland Security (DHS) paroled him into the United States under [8 U.S.C. § 1182\(d\)\(5\)\(A\)](#) rather than admitting him outright. In June 2013, Lau pled guilty to the offense charged and received two years’ probation.

DHS then began removal proceedings, charging Lau as inadmissible under [8 U.S.C. § 1182\(a\)\(2\)\(A\)\(i\)\(I\)](#) based on a conviction for a crime involving moral turpitude. Lau argued that DHS should not have treated him as an arriving alien based only on a pending, unproven charge. The immigration judge ordered him removed in 2018, and the Board of Immigration Appeals affirmed the decision and dismissed Lau’s appeal in November 2021. In December 2021, Lau petitioned the U.S. Court of Appeals for the Second Circuit for review of the Board of Immigration Appeals’ decision.

The Second Circuit [vacated](#) the removal order in 2025, holding that DHS had lacked clear and convincing evidence at reentry to treat Lau as an

applicant for admission. The Supreme Court granted certiorari to resolve a circuit split as to when DHS must justify treating a returning LPR as seeking admission.

## **The Supreme Court's Holding in *Lau***

The central question before the Supreme Court was whether border officers must have "clear and convincing" evidence at the time of reentry that an LPR has committed a qualifying offense before they may parole, rather than admit, the person as a returning resident. The Court answered no, adopting a two-step framework: "commission," not "conviction," of a disqualifying offense is enough at the border to place an LPR on parole. Conviction may then be established later in criminal proceedings, and immigration authorities can remove the LPR based on that conviction.

The distinction between "parole" and "admission" matters because they carry different consequences. If admitted, an LPR remains in the ordinary posture of a returning resident. If paroled, the person may physically enter the United States but is not legally admitted, which threatens immigration status and work authorization. Picking up on these practical consequences, Justice Ketanji Brown Jackson, joined by Justices Sonia Sotomayor and Elena Kagan, dissented, warning that the ruling could leave some LPRs in limbo with a loss of benefits, including employment disruptions.

## **Key Takeaways**

For employers and foreign national employees, the ruling does not affect most green card holders returning from routine international travel. However, LPRs with pending or unresolved criminal issues should obtain immigration advice before international travel, because reentry may now carry a greater risk, even before a conviction. Future cases may clarify the exact burden border officers must meet to make a parole determination in cases such as this.

Ogletree Deakins' [Immigration Practice Group](#) will continue to monitor developments and will provide updates on the [Immigration](#) blog as additional information becomes available.

This article and more information on how the Trump administration's actions impact employers can be found on Ogletree Deakins' [Administration Resource Hub](#).

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