



IMMIGRATION INSIDER

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Federal District Court Strikes Down Trump Administration's Suspension of Immigrant Visas for Nationals of 75 Countries – The court held that the policy is contrary to law and was issued in excess of Secretary of State Marco Rubio's statutory authority. The court therefore vacated the policy under the Administrative Procedure Act. The judgment also vacated any refusal of an immigrant visa that was based solely upon the policy and remanded those agency actions for further proceedings.

Coalition Challenges DHS's 'Duration of Status' Final Rule – A coalition of organizations filed a lawsuit in a U.S. district court challenging the Department of Homeland Security's final rule that replaces the "Duration of Status" (D/S) framework for F-1 international students and J-1 exchange visitors with fixed admission periods of no more than four years, and imposes fixed periods of admission for representatives of foreign media in I status.

USCIS Revises I-485 Permanent Residence/Adjustment Application – The 09/18/26 edition of Form I-485 will replace the 01/20/25 edition. USCIS said the form has been revised to align with the recently announced Public Charge Ground of Inadmissibility final rule.

USCIS Issues Guidance on Public Charge Inadmissibility Determinations – U.S. Citizenship and Immigration Services is issuing updated guidance explaining how the agency will determine whether an individual applying for adjustment of status to lawful permanent residence is likely at any time to become a public charge.

USCIS Releases New Guidance on Ethiopian TPS – U.S. Citizenship and Immigration Services released new guidance on Ethiopian Temporary Protected Status that supersedes earlier guidance posted on August 6. The guidance notes that the Ethiopia TPS designation was terminated on August 18, 2026.

DOS Expands Expedited B Nonimmigrant Visa Appointment Pilot Program – In addition to Mission Mexico (embassy and all consulates), the program is now expanded to include Mission Canada (embassy and all consulates) and the embassies in Bogota, Guatemala City, San Jose, and Tegucigalpa.

DHS Considers Elimination of 60-Day Grace Period Following Termination of Sponsored Employment – If the proposed rule is finalized as anticipated, employees who are terminated early from their positions and their family members may need to leave the United States immediately and (if they wish) apply for new status from abroad at a U.S. embassy or consular post. The text of the rule is not yet available.

USCIS to Publish Revised Applications for Extension/Change of Nonimmigrant Status and Work Authorization – The publication date and edition date for both forms is 09/15/26. U.S. Citizenship and Immigration Services (USCIS) said that it will reject older forms starting on September 15, 2026. Because there will be no grace period, USCIS released "preview versions" of the forms and instructions.

Overruling Precedent, BIA Now Says Leaving United States Temporarily Under Advance Parole Constitutes 'Departure' – The Board of Immigration Appeals has ruled that the term "departure" under the Immigration and Nationality Act does not include an exception for persons who leave the United States temporarily with a grant of advance parole.

DHS Issues Interim Rule on Mandatory Electronic Filing – The interim final rule will allow U.S. Citizenship and Immigration Services to require mandatory electronic filing of certain benefit requests.

E-Verify Status Change Report Expands – The E-Verify Status Change Report has expanded in scope. Previously, the report only identified parolee (category C11) Employment Authorization Documents (EADs) that were invalidated. It now identifies employees with asylum or Temporary Protected Status-related EADs that have been invalidated.

DOS Establishes New Birth Tourism Prevention Task Force – The Department of State has established a Birth Tourism Prevention Task Force to "[review] the activities of visa holders worldwide to identify instances of birth tourism, take action to revoke visas of those who engage in or facilitate it, and dismantle the networks that profit from this abuse."

DOS Issues Guidance on Fixed Period of Admission for Sponsors of J Nonimmigrant Exchange Visitors – Pursuant to a final rule establishing a fixed period of admission, effective September 15, 2026, for exchange visitors, international students, and others, the Department of State issued guidance for J exchange visitor sponsors.

DOS Issues Final Rule on Permanent Visa Bond Program for B-1/B-2 Visitors – Under the program, an applicant for a visa as a temporary visitor for business or pleasure (B-1/B-2) may be required to submit a visa bond "to ensure that the alien maintains his or her nonimmigrant status and departs as required. Consular officers may

require covered nonimmigrant visa applicants to post a bond of up to \$20,000 as a condition of visa issuance, as determined by the consular officers.”

[USCIS Clarifies That Immigration Benefit Requests May Be Denied Without RFEs](#) – Applications for immigration benefits can be denied without first issuing a Request for Evidence or a Notice of Intent to Deny if “all required initial evidence” has not been submitted with the application.

[DHS Final Rule Requires 9-11 Biometric Fee for Certain H-1B and L-1 Nonimmigrant Visa Petitions](#) – On August 10, 2026, the Department of Homeland Security (DHS) plans to publish a final rule amending its regulations on the 9-11 Response and Biometric Entry-Exit Fee for certain H-1B and L-1 nonimmigrant visas. The final rule requires that covered employers submit the fee (\$4,000 for H-1B petitions and \$4,500 for L-1 petitions) for all H-1B and L-1 extension-of-status petitions regardless of whether the related fraud prevention and detection fee applies.

[USCIS Extends TPS-Based EAD Validity for Burma, Ethiopia, Somalia, and South Sudan; Use of Ankle Monitors Expands](#) – U.S. Citizenship and Immigration Services has released updated guidance on court-ordered extensions of work authorization under Temporary Protected Status.

[August Visa Bulletin Shows Little Forward Movement](#) – The Department of State’s Visa Bulletin for August shows little forward movement across several employment-based categories.

[President Trump Signs New Executive Orders Limiting Birthright Citizenship](#) – President Trump signed two new executive orders on August 6, 2026, to limit birthright citizenship for those he deems not to “fall within the rule of birthright citizenship announced by the Supreme Court.”

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District Court Judge Rules Against Trump in Birthright Citizenship Case

On September 2, 2026, in [CASA, Inc., v. Trump](#), a U.S. district judge in Maryland ruled against President Trump's latest [Executive Order 14418](#), issued August 6, 2026, that once again attempts to limit birthright citizenship.

The court said that the order "is almost certainly unconstitutional as applied to the certified class for the simple reason that the Supreme Court ... already decided that the children in the class are citizens at birth. This Court must, once again, preliminarily enjoin enforcement of the President's most recent attempt to strip the right to citizenship from them."

The court noted that "[s]ince his second term in office began on January 20, 2025, the President has tried, through Executive Order, to upend our country's longstanding tradition of birthright citizenship and eliminate, for large swaths of Americans, the right to citizenship by birth, a right enshrined in the Citizenship Clause of the Fourteenth Amendment."

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U.S. District Judge Rules in Favor of *Stanford Daily* on Free Speech for F-1 Students

On August 28, 2026, in [Stanford Daily Publishing Corporation v. Rubio](#), a U.S. district judge ruled in favor of the student newspaper *Stanford Daily* in a case challenging the Trump administration's actions against free speech by noncitizen students in the United States "who express opinions the government wants to suppress."

The plaintiffs alleged, the court said, that since March 2025, the Trump administration changed the U.S. government's "immigration policy and pattern of enforcement by arresting, detaining, and deporting students with F-1 visas when those students use their freedom of speech to express opinions that the government does not like—such as expressing support or empathy for Palestinian people, or criticizing Israel's actions regarding Palestine or the conflict in Gaza." The plaintiffs argued that these actions violated the First and Fifth Amendments to the U.S. Constitution. The court said, "Stated plainly, in the United States, freedom of speech belongs to the people. It is not the government's to take."

The *Stanford Daily* [noted](#) that it was "one of three plaintiffs in the lawsuit, alongside two anonymous students not affiliated with Stanford, though one later departed the case. The plaintiffs were represented pro bono by the [Foundation for Individual Rights and Expression \(FIRE\)](#)."

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DHS Issues Interim Final Rule on Children Born in United States to Foreign Government Employees

The Department of Homeland Security (DHS) [announced](#) that it plans to issue an [interim final rule](#), effective September 4, 2026, to allow certain children born in the United States to foreign government employees who are not U.S. citizens to register as lawful permanent residents.

DHS said the rule amends existing regulations that allow children born in the United States to foreign diplomatic officers to register as lawful permanent residents. The rule extends that opportunity to eligible children when neither parent is a U.S. citizen and at least one parent is a foreign government employee at the time of the child's birth.

The interim final rule replaces the term "foreign diplomatic officer" with the broader term "foreign

government employee.” Under the rule, DHS explained, “foreign government employee” includes “foreign diplomatic officers accredited to the United States, certain foreign embassy or consulate employees who are nationals of that foreign country, persons employed by a foreign government in an official capacity, and persons employed by an international organization that possesses international-organization immunity.”

The rule also clarifies categories that are not included, such as “personal employees or attendants of foreign officials, certain employees of state-owned enterprises, third-country nationals working for foreign governments, certain contractors, and foreign government employees visiting the United States in a personal capacity.”

DHS said that given the injunction in [CASA, Inc., v. Trump](#), it will not implement the rule “specifically to any member of the certified class, or otherwise conflict with the preliminary injunction, unless and until the government obtains relief from the injunction. If the government obtains timely relief from the injunction, DHS will implement the rule accordingly.”

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USCIS Says It Will Follow Court Order on Diversity Visa Adjustment Applications

According to [reports](#), on August 28, 2026, the U.S. District Court for the Northern District of California issued an order in *Medani v. Trump* that temporarily vacated [PM-602-0193](#) pending further litigation. That memorandum, issued by U.S. Citizenship and Immigration Services (USCIS) on December 19, 2025, placed a “hold” on Diversity Visa (DV)-related adjustment of status applications and ordered a comprehensive review of related policies, procedures, and screening and vetting processes. USCIS is now ordered, “to the extent practicable and in good faith, to take all reasonable steps during the remainder of the Diversity Visa fiscal year to resume ordinary adjudication of plaintiffs’ pending adjustment of status applications without applying” the memo.

USCIS [noted](#) that the court granted in part the plaintiff’s motion for class certification. With respect to USCIS, the court certified the following subclass: “all selectees and derivative beneficiaries under the FY-2026 Diversity Visa Program who are subject to the USCIS DV Hold imposed by Policy Memorandum PM-602-0193.”

USCIS said it “strongly disagrees with the Court’s order but will follow its terms pending possible further judicial review.”

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Lawsuit Challenges ‘Arbitrary Mandatory Form Changes’ Issued Without Warning

On September 3, 2026, the American Immigration Lawyers Association (AILA) and immigration law firm Benach Pitney Reilly [sued the Trump administration](#) for “implementing substantive form changes again, without warning, that will harm potentially thousands of AILA members and their clients.” The lawsuit was filed in the U.S. District Court of the District of Columbia.

In a [press release](#), AILA alleged that late on August 31, 2026, “U.S. Citizenship and Immigration Services (USCIS) announced that as of that day, new editions of the forms I-864 [Affidavit of Support], I-864A, and I-864EZ would be required without exception—potentially leading to the rejection of countless applications. In violation of the Administrative Procedures Act (APA), the Paperwork Reduction Act (PRA), and longstanding agency practice, no notice was given and no grace period was implemented;

USCIS only informed the public of these changes via the 'Forms Update Alert' after 4:30 p.m. Eastern Time on the day they would take effect. To make matters even more alarming, form errors on the USCIS website created additional barriers to compliance."

The [USCIS I-864 webpage](#), updated on September 4, 2026, now states that "USCIS is providing a 30-day grace period during which we will accept the 10/17/24 edition of Form I-864. Beginning Oct. 1, 2026, we will only accept the 08/24/26 edition of Form I-864. USCIS will not process any 10/17/24 edition of Form I-864 postmarked or electronically submitted on or after Oct. 1, 2026."

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Canada Attracts Researchers From U.S. Universities

According to [reports](#) of a Canada-bound "brain drain" from the United States, 21 Canadian universities have taken advantage of Trump administration pressures on scientific research and funding at top U.S. universities by hiring at least 48 researchers from them. The hirings are funded, in part, by heavy Canadian government investment in research and innovation projects.

One scientist, Phillip Zamore, chair of the RNA Therapeutics Institute at the University of Massachusetts, will join the medical faculty at McGill University in Montréal. He said, "I used to live in the country that I thought was the most enthusiastic about the prospects for science improving the human condition, of any country in the world. And I woke up one day and that wasn't true anymore."

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Trump Administration Plans to Revoke Visas of B Visitors Who Applied for Asylum

According to reports, the Trump administration plans to begin revoking the nonimmigrant visas of up to 200,000 B-1 business visitors and B-2 tourists who entered with a visa issued between 2016 and 2026 and then applied for asylum.

Tommy Pigott, a Department of State spokesperson, explained that the agency is coordinating with the Department of Homeland Security "to identify and revoke the nonimmigrant visas of foreigners who have come to the United States claiming to be short-term visitors, but then file for asylum to stay here permanently." Mr. Pigott said the revocations would be done "on a rolling basis."

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DHS Proposes New \$103,265 Fee on Cap-Subject H-1B Petitions

On August 24, 2026, the Department of Homeland Security (DHS) [announced](#) that it has issued a [proposed rule](#) to establish a \$103,265 fee for all H-1B cap-subject petitions, including those eligible for the advanced-degree exemption. The proposed fee would be paid at the time of filing and would be imposed in addition to all other applicable fees or payments, DHS said. A federal judge [blocked a similar fee](#) on new H-1B visas last June.

Under the proposed rule, the additional fee would not apply to H-1B petitions that are not subject to the cap, such as petitions filed by certain nonprofit research organizations, governmental research organizations, and institutions of higher education.

DHS estimates the proposed fee would generate approximately \$8.8 billion annually, based on a

projected annual volume of 85,000 H-1B cap-subject petitions. Commenters warned of potential far-reaching effects. Doug Rand, a senior official for U.S. Citizenship and Immigration Services under the Biden administration, [said](#), “It’s much bigger in scope” than the previously proposed fee. “This regulation, if enacted, would have catastrophic effects on America’s global talent pipeline.”

Comments must be submitted by September 24, 2026.

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DHS Proposal to Eliminate 60-Day Nonimmigrant Grace Period Clears Federal Review

The Office of Management and Budget has cleared a Department of Homeland Security proposed rule that would eliminate the discretionary, maximum 60-day grace period provided to certain nonimmigrants whose employment ceases. The next step for the proposal is publication in the Federal Register with a public comment period. The specific content of the rule will not be known until publication. The regulation will not take effect until public comments are considered and the rule is finalized, which typically takes several months.

If the discretionary 60-day grace period is eliminated, foreign nationals whose employment ceases prematurely (and their dependents) would no longer be maintaining status and would generally be required to depart the United States immediately, unless U.S. Citizenship and Immigration Services exercises its separate discretion to forgive the lapse in status and allow the foreign national to change status or change employers within the country.

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Trump Administration Plans to Nix Work Permits for H-4 Spouses

The Trump administration plans to issue a rule to eliminate employment authorization eligibility for spouses of H-1B workers. A notice of the proposed rulemaking, was added to a long-term regulatory agenda for the Department of Homeland Security, although there is no target date for its release.

The planned rule is the latest in a barrage of Trump administration measures restricting H-1B employment, which includes a proposed a new \$103,265 fee for new hires through the program and the proposal to eliminate a discretionary 60-day grace period for nonimmigrant workers to leave the United States or change status in the United States.

Worldwide Immigrant Visa Pause Expected to Last Until August 31, 2026

The Trump administration has paused immigrant visa processing worldwide while consular officers receive training on public charge guidance. The pause follows a federal court ruling that found the administration’s earlier 75-country immigrant visa suspension unlawful because it relied on nationality-based restrictions rather than individualized public charge determinations. The Trump administration said in a [court filing](#) that the new pause on immigrant visa interviews is a temporary rescheduling and will not go past August 31, 2026.

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Federal District Court Strikes Down Trump Administration’s Suspension of Immigrant Visas for Nationals of 75 Countries

On August 21, 2026, in [Catholic Legal Immigration Network v. Rubio](#), the federal district court for the

Southern District of New York struck down the Trump administration's suspension in January 2026 of immigrant visas for nationals of 75 countries. At the time, the court noted, the Department of State (DOS) explained that it deemed immigrants from those 75 countries to pose a high risk of utilizing welfare or becoming a public charge. The court noted that Secretary of State Marco Rubio then sent a cable to all diplomatic and consular posts ordering consular officers to refuse immigrant visas to nationals of the 75 designated countries regardless of whether the consular officer had, following an individualized assessment, determined that the applicant was not likely to become a public charge and that the applicant was otherwise eligible for a visa. The court said that the "nationality-based immigrant visa suspension policy" thus had "the effect of categorically banning the issuance of immigrant visas to nationals of nearly 40% of the world's countries."

The court held that the policy is contrary to law and was issued in excess of Secretary Rubio's statutory authority. The court therefore vacated the policy under the Administrative Procedure Act. The judgment also vacated any refusal of an immigrant visa that was based solely upon the policy and remanded those agency actions for further proceedings.

The court ordered the parties to submit a joint letter by September 11, 2026, setting forth their proposals on how to proceed with respect to the remaining claims in the case.

Affected countries [include](#) Afghanistan, Albania, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bosnia, Brazil, Burma, Cambodia, Cameroon, Cape Verde, Colombia, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Eritrea, Ethiopia, Fiji, The Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Haiti, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyzstan, Laos, Lebanon, Liberia, Libya, Macedonia, Moldova, Mongolia, Montenegro, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Republic of the Congo, Russia, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Tanzania, Thailand, Togo, Tunisia, Uganda, Uruguay, Uzbekistan, and Yemen.

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Coalition Challenges DHS's 'Duration of Status' Final Rule

On August 18, 2026, a coalition of organizations filed a [lawsuit](#) in the U.S. district court in Massachusetts challenging the Department of Homeland Security's (DHS) final rule, published in July, that replaces the "Duration of Status" (D/S) framework for F-1 international students and J-1 exchange visitors with fixed admission periods of no more than four years, and imposes fixed periods of admission for representatives of foreign media in I status.

The coalition includes NAFSA: Association of International Educators; the Presidents' Alliance on Higher Education and Immigration; the Association of Independent Colleges and Universities in Massachusetts; the American Federation Of Teachers (AFT); Graduate Labor Organization, AFT Local 6516 (GLO); International Union, United Automobile, Aerospace and Agricultural Implement Workers of America; United Auto Workers Local 2322; and The NewsGuild-CWA.

The Presidents' Alliance on Higher Education and Immigration [explained](#) in a press release that the complaint argues that the final rule violates the Administrative Procedure Act because DHS failed to adequately assess its costs and benefits, meaningfully respond to public comments, consider less burdensome alternatives, and justify the rule based on its stated objectives. It also alleges that DHS provided an inadequate public comment period and exceeded its statutory authority. "These changes will create significant uncertainty and administrative burdens for international students, exchange visitors, and the institutions that support them. They will also interfere with academic decision-making,

disrupt students' educational and professional plans, and undermine the ability of U.S. colleges and universities to attract and retain global talent," the Presidents' Alliance said.

On August 19, 2026, the district court judge issued an order setting the briefing schedule and setting a hearing date. The defendant's response is due August 31, 2026. An in-person motion hearing is scheduled for September 9, 2026.

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USCIS Revises I-485 Permanent Residence/Adjustment Application

On August 19, 2026, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it will publish a revised edition of Form I-485, Application to Register Permanent Residence or Adjust Status (edition date: 09/18/26).

The 09/18/26 edition of Form I-485 will replace the 01/20/25 edition. USCIS said the form has been revised to align with the recently announced [Public Charge Ground of Inadmissibility](#) final rule.

USCIS is providing a [preview version of the 09/18/26 edition of Form I-485](#) and its instructions because there is no grace period for accepting the revised edition of Form I-485. USCIS said, "Do not file the 09/18/26 edition of Form I-485 before Sept. 18, 2026. We will only accept the 09/18/26 edition of this form if it is postmarked or electronically submitted on or after Sept. 18, 2026."

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USCIS Issues Guidance on Public Charge Inadmissibility Determinations

On August 18, 2026, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it is issuing updated guidance in the [USCIS Policy Manual](#) explaining how the agency will determine whether an individual applying for adjustment of status to lawful permanent residence is likely at any time to become a public charge.

USCIS said that it considers various factors when making public charge determinations, including age; health; family status; assets, resources, and financial status; and education and skills. USCIS also will consider receipt of means-tested public benefits, such as cash assistance for income maintenance, housing assistance, food stamps, financial aid for college, or any other similar benefit. For means-tested public benefits received before September 18, 2026, USCIS will only consider the person's "receipt of public cash assistance for income maintenance and long-term institutionalization at the government's expense." For means-tested public benefits received on or after September 18, 2026, USCIS will consider "any and all benefits." USCIS said it will review all relevant evidence in the record and make case-by-case decisions in the totality of the person's circumstances.

A public charge bond is possible in an amount to be determined by the USCIS officer. A person invited by USCIS to do so in a Notice of Intent to Deny may submit a cash bond or a surety bond (posted through a surety company certified by the U.S. Treasury) by submitting [Form I-945, Public Charge Bond](#).

USCIS provided the following table:

Categories that are subject to public charge	Categories that are not subject to public charge
Spouses, children, and parents of U.S.	Asylees and refugees

Categories that are subject to public charge	Categories that are not subject to public charge
citizens • Unmarried sons and daughters of U.S. citizens and their children • Spouses, children, and unmarried sons and daughters of LPRs • Married sons and daughters of U.S. citizens and their spouses and children • Brothers and sisters of U.S. citizens • Fiancé(e)s of U.S. citizens • Amerasians based on preference category, born on or after Dec. 31, 1950, and before Oct. 22, 1982 • Widows or widowers of U.S. citizens • Priority workers • Professionals with advanced degrees or aliens of exceptional ability • Skilled workers, professionals, and other workers • Investors • Religious workers • Certain employees or former employees of the U.S. government abroad • Panama Canal Zone employees • Foreign medical school graduates • Retired employees of international organizations • U.S. armed forces personnel • International broadcasters • Diplomats or high-ranking officials unable to return home (Section 13 of the Act of September 11, 1957) • Diversity visa immigrants • Certain entrants before Jan. 1, 1982 • Alien witnesses or informants	• Amerasian immigrants at admission • Afghan and Iraqi interpreters or Afghan and Iraqi nationals employed by or on behalf of the U.S. government • Cuban and Haitian entrants at adjustment of status under section 202 of the Immigration Reform and Control Act of 1986 • Applicants seeking adjustment under the Cuban Adjustment Act • Nicaraguans and other Central Americans who are adjusting status to lawful permanent resident • Haitians who are adjusting status to lawful permanent resident under the Haitian Refugee Immigration Fairness Act of 1998 • Lautenberg parolees • Special immigrant juveniles • Applicants for registry • Applicants seeking Temporary Protected Status • Certain nonimmigrant ambassadors, ministers, diplomats, and other foreign government officials, and their families • Victims of human trafficking (T nonimmigrants) • Victims of qualifying criminal activity (U nonimmigrants) • Self-petitioners under the Violence Against Women Act • Certain battered aliens who are “qualified aliens” under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 • Applicants adjusting status who qualify for a benefit as surviving spouses, children, or parents of military members • American Indians born in Canada who are not U.S. citizens • Certain members of the Texas Band of Kickapoo Indians of the Kickapoo Tribe of Oklahoma • Nationals of Vietnam, Cambodia, and Laos applying under the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2001 • Polish and Hungarian parolees • Certain Syrian nationals

Categories that are subject to public charge	Categories that are not subject to public charge
	Applicants adjusting under the Liberian Refugee Immigration Fairness law

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USCIS Releases New Guidance on Ethiopian TPS

On August 18, 2026, U.S. Citizenship and Immigration Services (USCIS) released [new guidance](#) on Ethiopian Temporary Protected Status (TPS) that supersedes earlier guidance posted on August 6. The guidance notes that the Ethiopia TPS designation was terminated on August 18, 2026.

Forms I-766, Employment Authorization Document, with category A12 or C19 issued to TPS Ethiopia beneficiaries are no longer valid, USCIS said.

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DOS Expands Expedited B Nonimmigrant Visa Appointment Pilot Program

On August 18, 2026, the Department of State (DOS) [announced](#) the expansion of its voluntary pilot program to test B nonimmigrant visa expedited appointments at select U.S. embassies and consulates through December 31, 2026.

In addition to Mission Mexico (embassy and all consulates), the program is now expanded to include Mission Canada (embassy and all consulates) and the embassies in Bogota, Guatemala City, San Jose, and Tegucigalpa.

Under the pilot program, eligible applicants for B visas (those making new appointments or holding existing appointments with unexpired machine-readable visa [MRV] fee receipts) may pay a \$750 fee per appointment to schedule a visa interview within 10 business days (subject to availability). Applicants must first follow the usual process to pay the \$185 MRV fee and schedule an interview appointment, DOS said.

The announcement includes frequently asked questions.

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DHS Considers Elimination of 60-Day Grace Period Following Termination of Sponsored Employment

The Department of Homeland Security (DHS) [plans to propose](#) a new rule that would eliminate the 60-day grace period currently available to noncitizen workers following termination of sponsored employment.

The 60-day grace period [was added in 2017](#) and applies to H-1B, H-1B1, L-1, O-1, TN, E-1, E-2, and E-3 workers as well as their dependents. Currently, when an employer terminates a temporary worker in one of these categories before the end of the authorized period of stay, the worker may generally remain in valid status for up to 60 days. During this [grace period](#), the individual may seek sponsorship with another employer, change to a new status, or arrange to leave the United States without concerns about being out of status. A grace period enables individuals to make other arrangements following an

unexpected termination as well, including addressing a spouse's employment or a child's schooling.

If the rule is finalized as anticipated, employees who are terminated early from their positions and their family members may need to leave the United States immediately and (if they wish) apply for new status from abroad at a U.S. embassy or consular post. Where practical, employers may wish to consider providing advance notice of termination to give affected employees time to make arrangements or seek sponsorship from another employer. For H-1B employees, in certain circumstances involving employer-initiated termination, the employer must offer to pay the reasonable cost of the employee's return transportation abroad.

The text of the proposed rule is not yet publicly available. The Office of Management and Budget is reviewing the rule before its expected publication in the Federal Register. The proposed rule is expected to be subject to a public notice-and-comment period before it becomes final.

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USCIS to Publish Revised Applications for Extension/Change of Nonimmigrant Status and Work Authorization

On August 14, 2026, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it will publish revised editions of Form I-539, Application to Extend/Change Nonimmigrant Status, and Form I-765, Application for Employment Authorization.

USCIS said the forms "have been revised to align with the recently published Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media [final rule](#)."

The publication date and edition date for both forms is 09/15/26. USCIS said that it will reject older forms starting on September 15, 2026. Because there will be no grace period, USCIS released "preview versions" of the forms and instructions on the [Form I-539](#) and [Form I-765](#) webpages.

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Overruling Precedent, BIA Now Says Leaving United States Temporarily Under Advance Parole Constitutes 'Departure'

Overruling *Matter of Arrabally and Yerrabelly*—a 2012 precedent decision [holding](#) that a person who leaves the United States temporarily with a grant of advance parole does not thereby make a "departure" under the Immigration and Nationality Act and thus does not trigger the 3- or 10-year bars to reentry into the United States—the Board of Immigration Appeals [ruled](#) on August 13, 2026, in *Matter of Delcarmen-Lara* that the term "departure" under the INA does not include an exception for such persons.

Jeff Joseph, President of the American Immigration Lawyers Association, [commented](#), "This ruling flip-flops on 14 years of well-settled law and policy. This decision punishes people for following the rules and jeopardizes people who have well-established lives in the U.S., including Dreamers protected by the Deferred Action for Childhood Arrivals (DACA) program, people with Temporary Protected Status (TPS), and the immediate family of U.S. citizens with pending applications for their green cards. The new decision puts people at risk of being barred from the United States and separated from family for years if they leave and then try to re-enter—even if they have paid for and been granted permission to travel. ... With *Arrabally* now gone, those affected will not be able to leave the country to see their families, attend funerals, or for education or employment purposes."

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DHS Issues Interim Rule on Mandatory Electronic Filing

On August 10, 2026, the Department of Homeland Security [announced](#) an [interim final rule](#), effective August 11, 2026, to allow U.S. Citizenship and Immigration Services (USCIS) to require mandatory electronic filing (e-filing) of certain benefit requests. The rule provides a framework for the process USCIS will follow to require a benefit request to be e-filed and how a waiver of the e-filing requirement for individuals unable to file electronically may be requested. USCIS said the rule “is intended to increase digital intake and processing to move USCIS and requestors from a mostly paper process to an electronic process.”

Comments must be received by October 13, 2026.

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E-Verify Status Change Report Expands

On August 11, 2026, E-Verify [announced](#) that the E-Verify Status Change Report has expanded in scope. Previously, the report only identified parolee (category C11) Employment Authorization Documents (EADs) that were invalidated. It now identifies employees with asylum or Temporary Protected Status (TPS)-related EADs that have been invalidated.

In addition to the C11 category, the expanded report now includes the C08 (asylum applicant with a pending asylum application), C09 (adjustment of status applicant under INA Section 245), A12 (granted Temporary Protected Status [TPS]), and C19 (TPS applicant) categories. The new report also identifies EADs based on a pending Adjustment of Status (AOS) application that have been invalidated.

Immigration attorneys [recommend](#) that before taking any HR action, employers should:

1. Review the employee’s Form I-9 and identify the document(s) used to establish work authorization. If the employee relied on a document other than a flagged EAD, or holds a separate basis for authorization, the employee’s appearance on the report might not mean they are not work-authorized.
2. For A12 and C19 TPS EADs, confirm the current status of the relevant country’s termination before treating the document as invalid. Some countries’ TPS designations remain subject to litigation, and an invalidation flag may not resolve those questions on its own.
3. If reverification is warranted, use Form I-9, Supplement B, and give the employee a programmatically consistent opportunity to present alternative evidence of continuing work authorization.

For employers reverifying an employee’s work authorization on the Form I-9, E-Verify provided the following [guidance](#):

- E-Verify employers with an employee whose EAD is included in the Status Change Report must reverify that employee’s Form I-9 using Supplement B.
- The employee must provide unexpired documentation from List A or List C on the Lists of Acceptable Documents. Do not reverify identity documents (List B). During this process, you must allow employees to choose which acceptable documentation to present for reverification.

- Do not create a new E-Verify case.

E-Verify also recently [updated its related guidance](#) for employers on invalidated EADs.

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DOS Establishes New Birth Tourism Prevention Task Force

Pursuant to recent executive orders, the Department of State (DOS) [announced](#) on August 12, 2026, that it has established a Birth Tourism Prevention Task Force to “[review] the activities of visa holders worldwide to identify instances of birth tourism, take action to revoke visas of those who engage in or facilitate it, and dismantle the networks that profit from this abuse.”

DOS said the Task Force analyzes and connects information held across DOS, the Department of Homeland Security, and other federal agencies. Among other things, DOS said it is “addressing birth tourism on a global scale, examining travel histories of individuals from all around the world.” As part of this effort, DOS said, the Task Force has revoked more than 600 visas, noting that DOS “generally revokes visas when there are indications of a potential ineligibility.”

The executive orders include [Continuing to Protect the Meaning and Value of American Citizenship](#) and [Ending Birth Tourism](#), both signed on August 6, 2026.

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DOS Issues Guidance on Fixed Period of Admission for Sponsors of J Nonimmigrant Exchange Visitors

On August 10, 2026, pursuant to a [final rule](#) establishing a fixed period of admission for exchange visitors (J-1 nonimmigrants), international students (F-1 nonimmigrants), and others, the Department of State (DOS) issued guidance for J exchange visitor sponsors with respect to completion of Form DS-2019 and maintaining accurate Student and Exchange Visitor Information System records.

Among other things, [Guidance Directive: 2026-01, Final Rule Establishing a Fixed Time Period of Admission for Exchange Visitors \(J Nonimmigrants\)](#) states:

Effective September 15, 2026, all new and continuing exchange visitors who enter the United States or change to J status on or after that date will receive an Admit Until Date (AUD). The AUD marks the last day the exchange visitor is authorized to remain in the United States in J status; this period cannot exceed four years. Exchange visitors who need additional time beyond their AUD to complete program objectives must apply to [U.S. Citizenship and Immigration Services] for an extension of stay via the Form I-539 Application to Extend/Change Nonimmigrant Status or depart the United States and apply for admission at a U.S. port of entry with a valid Form DS-2019 and U.S. visa.

The guidance states that it must be followed for new exchange visitors and for those continuing their program on or after the effective date (September 15, 2026). For exchange visitors on a program authorized before September 15, 2026, the guidance advises sponsors to review the Program End Date in SEVIS to confirm that it reflects the date the exchange visitor is expected to complete the program. If the Program End Date does not reflect that date, sponsors must add an Expected Completion Date in Field 4, following the requirements set forth in the guidance.

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DOS Issues Final Rule on Permanent Visa Bond Program for B-1/B-2 Visitors

The Department of State (DOS) has issued a [final rule](#) to make permanent the Visa Bond Pilot Program. Under the program, an applicant for a visa as a temporary visitor for business or pleasure (B-1/B-2) may be required to submit a visa bond “to ensure that the alien maintains his or her nonimmigrant status and departs as required. Consular officers may require covered nonimmigrant visa applicants to post a bond of up to \$20,000 as a condition of visa issuance, as determined by the consular officers.”

DOS said that visa bonds may be required for certain visa applicants “who are nationals of countries with high overstay rates, deficient information sharing, insufficient identity verification and criminal records, and that need improvement in the area of screening and vetting and the security of travel and civil documents, including in the granting of citizenship.”

DOS said it will announce the covered countries via <https://www.travel.state.gov> “with 15 days from announcement to enactment for any countries added and with immediate effect for any countries removed from the list. Nationals of countries that are subject to a visa bond requirement under the Visa Bond Pilot Program will continue to be subject to a visa bond requirement pursuant to this rule on its effective date. The countries may be modified on a rolling basis, with removal effective immediately upon the removal date.”

The [list of countries](#), which includes varying effective dates, was last updated May 13, 2026. That list includes 50 countries, including 30 African nations. DOS said the list “may be modified on a rolling basis.” It includes Algeria, Angola, Antigua and Barbuda, Bangladesh, Benin, Bhutan, Botswana, Burundi, Cabo Verde, Cambodia, the Central African Republic, Côte d’Ivoire, Cuba, Djibouti, Dominica, Ethiopia, Fiji, Gabon, The Gambia, Georgia, Grenada, Guinea, Guinea-Bissau, the Kyrgyz Republic, Lesotho, Malawi, Mauritania, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Papua New Guinea, São Tomé and Príncipe, Senegal, Seychelles, Tajikistan, Tanzania, Togo, Tonga, Tunisia, Turkmenistan, Tuvalu, Uganda, Vanuatu, Venezuela, Zambia, and Zimbabwe.

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USCIS Clarifies That Immigration Benefit Requests May Be Denied Without RFEs

On August 5, 2026, U.S. Citizenship and Immigration Services (USCIS) [clarified](#) that applications for immigration benefits can be denied without first issuing a Request for Evidence (RFE) or a Notice of Intent to Deny if “all required initial evidence” has not been submitted with the application.

USCIS noted that its form instructions “specify all required initial evidence for every benefit request, giving requestors all the information needed to comply.” The agency said that “prior policy allowed frivolous or substantially incomplete filings to slow USCIS processing for others waiting in line.” USCIS’s [updated policy guidance](#) states that it targets “nefarious filing practices such as frivolous and placeholder filings to secure ancillary benefits.”

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DHS Final Rule Requires 9-11 Biometric Fee for Certain H-1B and L-1 Nonimmigrant Visa Petitions

On August 10, 2026, the Department of Homeland Security (DHS) plans to publish a [final rule](#) amending its regulations on the 9-11 Response and Biometric Entry-Exit Fee for certain H-1B and L-1 nonimmigrant visas. The final rule changes DHS’s interpretation of statutory language to require that covered employers submit the 9-11 Biometric Fee (\$4,000 for H-1B petitions and \$4,500 for L-1 petitions) for all

H-1B and L-1 extension-of-status petitions regardless of whether the related fraud prevention and detection fee applies. The changes also “help DHS comply with its congressional mandate to implement a biometric entry-exit system,” the agency said.

DHS said the fee requirement includes extension-of-status petitions that do not involve a change of employer. The 9-11 Biometric Fee also continues to apply unchanged to petitions seeking an initial grant of status. The fee therefore applies “to all H-1B or L-1 petitions filed by covered employers seeking initial classification of a beneficiary as an H-1B or L-1 nonimmigrant or an extension of status for those already in such status, irrespective of whether the extension of status request is for a change of covered employers or for the purpose of remaining employed with the original covered employer.”

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USCIS Extends TPS-Based EAD Validity for Burma, Ethiopia, Somalia, and South Sudan; Use of Ankle Monitors Expands

U.S. Citizenship and Immigration Services (USCIS) has released updated guidance on court-ordered extensions of work authorization under Temporary Protected Status (TPS) for [Burma](#), [Ethiopia](#), [Somalia](#), and [South Sudan](#). As an example, the guidance for Ethiopia notes:

Ethiopia: The validity of Employment Authorization Documents (EADs) issued under the TPS designation of Ethiopia with an original expiration date of June 12, 2024, and Dec. 12, 2025, is extended per court order. *African Communities Together et al. v. Noem et al.*, No. 26-cv-10278-BEM (D. Mass.). The extension is limited relief until the lower courts align with the U.S. Supreme Court’s favorable decision in *Mullin v. Doe*, 609 U.S. ____ (2026), issued on June 25, 2026.

When completing the Expiration Date (if any) fields on Form I-9, input “as per court order” in Section 1 and “**Aug. 19, 2026**,” in Section 2 along with a note in the Additional Information box. Employers may download the Alert and [TPS Ethiopia](#) webpage and attach them to Form I-9. When completing a case in E-Verify, enter the expiration date of “**Aug. 19, 2026**,” from the Form I-9. Check USCIS websites regularly for updated information.

According to [reports](#), Immigration and Customs Enforcement (ICE) officers are expanding the use of ankle monitors. For example, Haitians in Springfield, Ohio, whose TPS has expired but who haven’t committed any crimes are receiving ankle monitors after being summoned by letter to an ICE field office. Ankle monitors are nothing new, but many of the affected Haitians had filed asylum applications and were not in immigration court proceedings. Rebecca Bundy, the supervising attorney at Advocates for Basic Legal Equality in Toledo, said that “for many folks in the Haitian community ... these are not people who are in immigration court proceedings. They are people who filed affirmative asylum applications with USCIS, and so the jurisdiction and the procedure is completely different. We’re actually not sure yet how the immigration enforcement, CBP, and ICE are claiming to have the authority to impose these restrictions, impose the ankle monitor.”

TPS and work authorization were terminated recently for [Haiti](#), [Syria](#), and [Yemen](#). The TPS expiration dates vary by country. USCIS recommends checking the agency’s country webpages on TPS regularly for updates because the status of an individual’s TPS and work authorization depends on developments in related litigation. For example, for Haiti, a court determined on August 5, 2026, that a stay of the termination of TPS for Haiti pending judicial review was no longer in effect, but ordered that the parties in the case propose a schedule for further proceedings.

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August Visa Bulletin Shows Little Forward Movement

The Department of State's [Visa Bulletin for August](#) shows little forward movement across several employment-based categories. The bulletin includes the following information:

VISA AVAILABILITY IN THE EMPLOYMENT-BASED FIRST PREFERENCE (EB-1) FINAL ACTION DATE FOR INDIA

High demand and number use by aliens chargeable to India in the EB-1 visa category may necessitate making the category unavailable in the coming weeks if India's pro-rated limit in the EB-1 category is reached before the fiscal year ends.

VISA AVAILABILITY IN THE EMPLOYMENT-BASED SECOND PREFERENCE (EB-2) CATEGORY

Sufficient demand and increased number use in the EB-2 visa category may make it necessary to retrogress the final action date or make the category unavailable in the coming months to hold number use within the maximum allowed under the FY 2026 annual limit.

The bulletin states that these situations "will be continually monitored, and any necessary adjustments will be made accordingly."

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President Trump Signs New Executive Orders Limiting Birthright Citizenship

Following [defeat in the Supreme Court](#) on constitutional grounds of a presidential order limiting birthright citizenship, President Trump signed two new executive orders on August 6, 2026, to limit birthright citizenship for those he [deems](#) not to "fall within the rule of birthright citizenship announced by the Supreme Court":

- [Continuing to Protect the Meaning and Value of American Citizenship](#), which "identifies, non-exhaustively, and prescribes action concerning certain categories of children of aliens who do not fall within the rule of birthright citizenship as announced by the Supreme Court"; and
- [Ending Birth Tourism](#), which aims to "prevent the entry into the United States of, or the granting of any visa or other travel authorization to, any alien entering or attempting to enter the United States for the purpose of engaging in birth tourism; revoking the visa or travel authorization and permanently barring entry of any alien who enters or attempts to enter the United States for the purpose of engaging in birth tourism; denial of entry to, or removal of, any alien who previously engaged or plans to engage in birth tourism; or other appropriate action against entities, organizations, or individuals, within or outside of the United States, responsible for facilitating or enabling birth tourism in any manner."

The first order identifies several categories of persons it asserts are not covered by birthright citizenship, including those with a parent who is an "alien enemy," such as a member of a designated Foreign Terrorist Organization or a Specially Designated Global Terrorist; those with a parent who is a foreign government employee, including ambassadors, certain embassy or consular employees, officials of foreign governments, or employees of international organizations with immunity; those whose parent engaged in a commercial transaction or fraudulent activity to obtain or access birthright citizenship, including arrangements to ensure that the mother or a surrogate is present in the United States or a U.S. territory to give birth; and those born in a U.S. territory or territorial waters where citizenship is not conferred by federal statute.

In the second order, “birth tourism” is [defined](#) as “(a) the entry of any foreign national into the United States via a nonimmigrant visa for the purpose of giving birth on American soil; or (b) any effort by any foreign national to facilitate the entry of any foreign national into the United States via a nonimmigrant visa for the purpose of giving birth on American soil.” The order on birth tourism states that U.S. immigration laws “establish discrete categories of temporary nonimmigrant visas to allow foreign visitors into the United States for study, exchange, temporary employment, tourism, and other transitory activities that are now exploited by birth tourism operators. Participants in birth tourism schemes abuse these categories to establish a permanent foothold in the United States by securing the advantage of citizenship for their children and then potentially for themselves.”

Some commentators [believe](#) that even these executive orders [will be found unconstitutional](#).

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New Publications and Items of Interest

Alliance of Business Immigration Lawyers: ABIL is available on X (formerly Twitter): [@ABILImmigration](#)

Webinar on prevailing wage tips and trends. The Department of Labor’s Office of Foreign Labor Certification will hold a two-hour webinar on Thursday, August 20, 2026, starting at 1 p.m. ET, to provide general filing tips and trends for the H-2B Prevailing Wage Determination process. See the [announcement](#) for details on how to join (scroll to August 6, 2026).

Flyers on domestic travel risks. The American Immigration Lawyers Association has released [flyers](#) to help [green card holders](#), [visa holders](#), and [undocumented clients](#) understand the risks of traveling within the United States and how best to avoid them (available in PDF and Word formats to enable customization).

Comment re USCIS’s proposed limit on eligibility for discretionary employment authorization. A recent American Immigration Lawyers Association [comment](#) argues that this policy change would have drastic negative consequences for applicants, employers, families, and the economy.

Know your rights. A number of organizations, including the [American Civil Liberties Union](#) (ACLU) ([English](#) and [Spanish](#)), the [Immigrant Legal Resource Center](#), [Catholic Legal Immigration Network, Inc.](#), the [National Immigrant Justice Center](#), the [American Immigration Lawyers Association](#) (AILA), and the [Asian Law Caucus](#), have published resources highlighting immigrants’ and nonimmigrants’ rights in the United States and at ports of entry, including “know your rights” information and what documents they may want to carry when traveling inside the United States. ACLU of Northern California also released [Know Your Rights: U.S. Airports and Ports of Entry](#). In addition to a client flyer for permanent residents detained at ports of entry, linked above, AILA also released [Know Your Rights: If ICE Visits Your Home](#).

E-Verify webinars: E-Verify has updated its [calendar of webinars](#).

SAVE webinars: Systematic Alien Verification for Entitlements (SAVE) has updated its [calendar of webinars](#).

Immigration agency X (formerly Twitter) accounts:

- EOIR: [@DOJ_EOIR](#)
- ICE: [@ICEgov](#)
- Study in the States: [@StudyinStates](#)
- USCIS: [@USCIS](#)

Alliance of Business Immigration Lawyers: ABIL is available on X (formerly Twitter): [@ABILImmigration](#)

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ABIL Member/Firm News

Klasko Immigration Law Partners, LLP, has published several client alerts: [DHS Proposes New \\$103,265 H-1B Fee for Cap-Subject Petitions](#), [60-Day Grace Period Elimination: What Employers Should Know](#), [E-Verify Status Change Report: Now Covers TPS, Asylum, and AOS EADs](#), and [New Executive Orders on Citizenship and Birth Tourism: What Travelers and Employers Need to Know](#).

Klasko Immigration Law Partners, LLP, has released several new podcast episodes in its “Statutes of Liberty” series: [Episode 41: D/S Elimination: Final Rule Implementation and the Road Ahead](#) and [Episode 40: Becoming a U.S. Citizen \(Part 2\): Pitfalls and Accommodations](#).

Klasko Immigration Law Partners, LLP, has published several new client alerts: [Travel on Advance Parole May Now Trigger Immigration Bars](#), [Appeals Court Keeps \\$100,000 H-1B Fee Blocked](#), and [DOJ Is Not Slowing Down on PERM Recruitment Discrimination Investigations and What Employers Should Consider Doing Now](#).

Charles Kuck, of **Kuck Baxter**, was quoted by *Bloomberg* in *Trump Devises New \$100,000 H-1B Visa Fee After Defeat in Court*. Commenting on the proposed new fee, he said, “They want to stop U.S. employers from using H-1B. It’s really simple. India’s gonna love this. China’s gonna love this. Europe is gonna love this.”

Mr. Kuck was quoted by Fox 5 Atlanta regarding an increase in arrests at airports by U.S. Immigration and Customs Enforcement (ICE) agents under a data-sharing agreement between ICE and the Transportation Security Administration (TSA), and a related, recently introduced federal bill, the No TSA Data for ICE Act. Mr. Kuck said, “What’s happening now is ICE is under tremendous, tremendous pressure to arrest as many people as possible to meet daily calls from the White House. The simplest way to meet this quota is not to go on the street and randomly look for people. It’s that people come to you.” He noted that “[t]he law that we’ve lived with for the last 50 years, which is if you’re in lawful status and you have an extension pending, you’re lawfully here. ICE is now taking the position that no, unless it’s approved, you’re not lawfully here, and we can detain you.” Mr. Kuck also said, “I have four cases right now. The individuals were picked up at airports. And one of them is still in custody. We’re still trying to wait for a bond hearing to get him out. And every one of those people has historically been considered to be in status.”

John Fojut, of **Kuck Baxter**, authored a new article: [Getting a Tourist/Business Visa With a Pending Immigrant Petition](#).

Mr. Fojut authored several new blog posts: [Why Your Visa Interview Is Only 2.5 Minutes Long](#) and [Presenting Crisply: Being the Applicant Who Can Be Approved in a Minute](#).

Cyrus Mehta was quoted by *Law360* in [Circuit Split Raises Stakes for Timing of Detention Review](#). Mr. Mehta commented on recent court rulings that may render the immigration court system ineffective for seeking release on bond, which he said means that any detained noncitizen who wants to challenge the constitutionality of their detention could be made to wait “a year or two, or longer” if forced through the petition-for-review process. Mr. Mehta, who is a member of Palestinian green-card holder Mohsen Mahdawi’s legal team, said that “[e]very day that you’re detained, if there’s a constitutional violation, is very problematic.”

Mr. Mehta, who is Editor-in-Chief of the [American Immigration Lawyers Association Law Journal](#), and members of the journal’s Editorial Board participated in a [video roundtable discussion](#) on the Supreme Court’s recent decisions in *Trump v. Barbara* and *Blanche v. Lau* and their implications for immigration law and practice.

Mr. Mehta was quoted by *The Times of India* in *H-1B proposed fee could face legal challenge as immigration lawyers question DHS authority*. The article discusses the Trump administration’s proposed \$103,265 fee on cap-subject H-1B petitions and potential legal challenges to the Department of

Homeland Security's authority to impose it. Mr. Mehta noted that routing the additional fees through the Immigration Examinations Fee Account and then using them to fund other agencies could violate the statute establishing the account and raise separation-of-powers concerns because Congress, not the executive branch, holds the constitutional power to appropriate federal spending.

Mr. Mehta was also quoted by *The Times of India* in [US proposes \\$103,265 H-1B fee: Hiring set to become more costly](#). The article discusses the Trump administration's proposed \$103,265 fee for cap-subject H-1B petitions, which would significantly increase the cost for employers seeking to hire foreign workers and would also apply to F-1 students changing status to H-1B in the United States. Mr. Mehta called the proposed fee "preposterous" and warned that "[i]f this rule is finalized, it will herald the death of the H-1B visa."

Mr. Mehta and **Damira Zhanatova** were quoted by *Forbes* in [Trump Officials Now Restricting All Legal Immigration Categories](#). *Forbes* quoted an analysis by Mr. Mehta and Ms. Zhanatova: "The public charge rule would provide even more discretion to officers to deny adjustment of status applications in light of the USCIS memo that indicates that adjustment of status requires extraordinary discretion. The Trump administration has been open about disfavoring immigration to the U.S., whether legal or illegal. The new public charge rule provides the Trump administration another powerful tool to restrict legal immigration to the U.S."

Mr. Mehta authored a new blog post: [Trump's Latest Attack on Birthright Citizenship is Still Blatantly Unconstitutional](#).

Mr. Mehta and **Ms. Zhanatova** co-authored a new blog post: [Court Strikes Down 75-Country Immigrant-Visa Ban as Unlawful Nationality Discrimination](#).

Mr. Mehta was quoted by the *Times of India* in [U.S. Green Card Applicants to Face Broader Public Charge Scrutiny From September 18](#). He said, "The new rule and accompanying guidance will impact mainly elderly parents, especially those who have health issues, who are being sponsored if their sponsors are also unable to satisfy the new criteria. The new public charge rule and policy is another obstacle that the Trump administration has imposed to restrict legal immigration to the U.S."

Mr. Mehta was quoted by the *New Republic* in [ICE's Airport Crackdowns Are Designed to Spread Fear](#). "I think the public doesn't understand that immigration is kind of very gray and very paradoxical, because you could still be amenable to detention and being placed in removal even though you're authorized to stay here. That's the paradox," Mr. Mehta said, adding that "I don't know whether they have any parameters." He noted that "[t]he goal of this administration is to just create fear, panic, confusion, and there is this general hostility towards noncitizens, and even if you're a citizen, there's still hostility."

Mr. Mehta was quoted by the *Times of India* in [Immigration Attorneys Warn Indian Diaspora to Exercise Caution While Travelling Domestically](#). Regarding H-1B status, he said, "If the underlying H-1B status has lapsed, and the person has a pending adjustment application, they could be amenable to detention and placed in removal technically."

Stephen Yale-Loehr, of **Miller Mayer, LLP**, was quoted by *Epoch Times* in [New D/S Rules for International Students Nearing Effective Date; Lawsuit Still Unresolved](#). He said that he believes the plaintiffs have a "very good chance of winning" the lawsuit discussed in the article, noting that procedurally, the Department of Homeland Security failed to adequately consider the thousands of comments criticizing the proposed rule; moreover, he said, eliminating D/S (duration of status) could be considered a substantive violation of the law. He believes the judge will make a ruling before September 14, 2026, which is at least one day before the new rule takes effect. [The original article is in Chinese; this quote is translated from Chinese into English.]

Mr. Yale-Loehr was quoted by the *New York Sun* in [A Ghost Court From 1996 Awakens To Try To Deport an Alleged ISIS Matriarch](#). Commenting on the Trump administration's revival of the Alien Terrorist Removal Court, he said, "There are usually easier ways to deport someone, such as for committing a

crime or overstaying a visa. The Trump administration is looking at every nook and cranny of the immigration statute to find new ways to deport people.”

Mr. Yale-Loehr was quoted by *USA Today* in “ ‘Unworthy of Trust’: Is Trump Pushing the Justice Department Too Far?” Commenting on the disconnect between Department of Justice lawyers’ arguments under the Trump administration and what courts will accept, he said, “A lot of it is pressure coming from the top, whether it is President Trump or senior officials within the Justice Department. It undermines the American public’s faith in the Justice Department.”

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Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of State’s latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS case processing times online: <https://egov.uscis.gov/processing-times/>

Department of State Visa Bulletin: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>

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About ABIL

The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 370 member lawyers and their more than 800 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL’s work also includes advocating for enlightened immigration reform, providing speakers and media sources, presenting at conferences, publishing books, authoring articles on cutting-edge immigration topics, and sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.

The Alliance of Business Immigration Lawyers’ website is at <https://www.abil.com/>.

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