



Immigration insights

Quarterly US immigration update

11 June 2026



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01 The new travel reality



Tracking immigration policy changes

Travel restrictions

Travel restrictions include country-specific travel bans, suspension on visa issuance for certain visa categories, visa bonds, and delays in consular visa appointment wait times.

Potential issues for those traveling for consular visa appointments:

- Increased visa stamp processing times and appointment wait times
- Increased issuance of administrative processing,
- Selective restrictions to nationals of certain countries applying for visas
- Limitations on visa interview waiver availability, and
- No flexibility in selecting alternative consular locations with better wait times.

Timely travel considerations

Heightened security conditions stemming from the conflict in the Middle East resulted in closure of multiple US diplomatic posts, suspension of consular operations, and the cancellation of routine visa appointments.

Uncertainty on visa issuance timelines, significant residual delays in pending visa issuance, and rescheduling cancelled appointments.

H-1B CAP Specific Travel Considerations

- Limit and delay planned international business travel;
- Ensure employees communicate personal travel plans to HR, Immigration, or Global Mobility team; and
- Work with immigration counsel to strategize when unexpected travel needs arise.

Contingency plan for delayed return

Employers should consider developing contingency plans to address business continuity matters.

- Allow for flexibility for resource planning and onboarding timelines for employees impacted by travel restrictions or visa delays.
- Account for delayed assignments, international remote work policies, payroll matters, and tax implications.
- Timely consideration of alternative processing strategies.

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Department of state trends & risks

Travel ban

- 19 Fully Suspended Countries – entry of immigrants and nonimmigrants is suspended
- 20 partially suspended countries – immigrants and certain nonimmigrant classes (B, F, M, and J) are suspended
- Dual nationals traveling on passports of non-designated countries exempted

Visa revocations

Department of State increase in “prudential” visa revocations for any law enforcement encounter, even when previously disclosed:

- Consulate has authority to revoke visa if they have new info indicating potential inadmissibility or ineligibility.
- Large uptick in these revocations earlier this year, likely stemming from database integration.
- DUI arrests are common triggers, but any law enforcement encounter (even those with no arrest or conviction) have led to revocations.
- Revocation will appear in DOS database, requiring strong explanation in future interviews.
- Does not mean permanent ineligibility but does invalidate visa and require a new trip to the consulate to travel internationally.
- Cannot formally appeal, but most can reapply.

214(b) Visa denials

- Cannot formally appeal, but most can reapply.
- Reported uptick in 214(b) denials, even for those previously approved.

Enhanced security screenings

Department of state increase in “prudential” visa revocations for any law enforcement encounter, even when previously disclosed

- Enhanced social media vetting
- Initially applied to F, M, & J
- Expanded to include H-1B and H-4 (December 2025)
- Expanded again to include A-3, C-3, G-5, H-3, K-1, K-2, K-3, Q, R-1, R-2, S, T, and U (March 2026)
- Requires disclosure of public media handles and settings of accounts to “public”

Consular processing times

- Some consular posts have seen a significant increase in wait times for appointments because of increased security vetting.
- With increases in visa revocations, visa refusals, and enhanced security screenings, risk of travel increases.
- Refusals occurring at ports of entry as well.

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Short term business travelers

With increased scrutiny on short term travelers on B-1 and ESTA, employers should consider implementing a short-term business traveler program.

- A short-term business traveler compliance program should include:
 - A process for the issuance of invitation letters to external parties, including eligibility criteria, signatory authority, and a tracking method;
 - An assessment process for determining eligibility for short-term travel;
 - A compliance process to ensure short-term business travelers have any necessary visas or program application approvals; and
 - A method, program, or tool to track short-term business travel.

Proposed new data collection requirements for ESTA travelers

- US Customs and Border Protection (CBP) has proposed the collection of additional data from ESTA applicants, including:
 - A live facial photograph in addition to a photo of the passport biographical page;
 - Social media information covering the past five years; and
 - “Cost effective” data fields, including telephone numbers, email addresses, IP addresses and metadata from submitted photos, family member details, and biometrics (face, fingerprint, DNA, iris).

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02 Mobility and talent strategy



Department of Labor upcoming changes

- On 27 March 2026, DOL published proposed rule to increase prevailing wage floors for wage levels I to IV

Wage Level	Current computation	Proposed computation
1	17th percentile	34th percentile
2	34th percentile	52nd percentile
3	50th percentile	70th percentile
4	67th percentile	88th percentile

- The public comment period closed on 26 May 2026
- DOL will need to review and consider all comments, before publishing a final rule
- The annual wage refresh will occur 1 July 2026

How to prepare

- Consider using private wage surveys
 - Wage data must meet Dept. Of Labor criteria for employer provided surveys
 - Dept. Of Labor will closely monitor use of private wage surveys
 - Private wage survey must align with the job duties of the H-1B, H-1B1, E-3, or PERM role
- Review and refresh of job descriptions
 - Ensure job descriptions for H-1B, H-1B1, E-3, and PERM roles accurately describe the job duties
 - Ensure job descriptions outline the minimum education, experience, and skills requirements for the role
- Manage expectations
 - Employers may experience higher than anticipated prevailing wages for new H-1B, H-1B1, and E-3 Change of Employer petitions, as well as extension petitions, even for previously standard cases or junior or entry-level positions.
 - Employer may experience higher than anticipated prevailing wages for PERM sponsorship.
 - It may become more frequent that employers need to commit to a higher than anticipated prevailing wage to acquire or retain foreign talent.
- Review foreign talent acquisition and retention strategies and policies
 - Developing clear policies guided by employer culture, business needs, goals, and talent needs can help decide when an employer will commit to a higher than anticipated prevailing wage

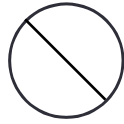
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Evolving USCIS adjudication risks



High-risk countries and USCIS holds

- Pending petitions receive RFEs asking for individual positive factors that outweigh negative country conditions
- Applies to dual nationals from unaffected countries
- 39 countries affected



Consular hold

- No issuance of immigrant visas for 75 countries deemed “high risk” for public benefits usage
- Dual nationals exempted
- NIVs unaffected



Green card - adjudication trends

Steep declines in approval rates for job offer exempt EB-1 Categories

- EB-1A (Extraordinary Ability) - 75% in FY 2025, Q1 to 53% in FY 2025, Q4
- EB-2 NIW (National Interest Waiver) - 63% in FY 2025, Q1 to 35% in FY 2025, Q4



Other EB-1 categories holding steady

EB-1B (Outstanding Researcher) and EB-1C (Multinational Managers & Executives) held steady

- EB-1B - 98.5% in FY 2025, Q1 to 97% in FY 2025, Q4
- EB-1C - 98% in FY 2025, Q1 to 96.5 in FY 2025, Q4

Adjustment of Status

- More scrutiny of marriage validity for EB-based AOS

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Impacts of changes in USCIS adjudication trends and policies

Change of status and “Grace Periods” following termination of employment

- USCIS “archived” its 60-day grace period guidance.
- Agency taking a more robust stance with “bridging” petitions, especially changes to B status.
- New approach creating RFEs and denials, forcing FNs to consular process (which can then trigger the USD\$100,000 fee for H-1Bs).

Enhanced law enforcement database integration - stricter vetting

- Increase in RFEs for law enforcement encounters, even if previously disclosed.
- More intense security screenings.
- Delayed adjudications, increased risk of denial on discretionary grounds.

“Bridging” petitions

- Applications for change of status that is pending beyond the applicant’s last status held and at the time a new employer files a H-1B sponsorship petition for a new hire.
- These bridging applications are being scrutinized or delayed, sometimes even resulting in denial of the H-1B petition.

Current risks to US employers:

- Delayed onboarding of the candidate.
- Denial of the H-1B petition, if bridging application is denied.
- If USCIS refuses to adjudicate the H-1B as a change of status, the petition can be subject to the payment of the USD\$100,000.

How to prepare:

- Conduct pre-hire evaluations to understand risks, strategies, and timelines.
- If a candidate has a bridging application, employers will need to prepare for delayed onboarding of the candidate or potential denial of the change of status request of the H-1B petition.
- Be familiar with when the exceptions to USD\$100,000 applies for H-1B consular notification petitions.
- Review foreign national talent acquisition strategy and policies, to develop and determine how employers will approach these risks.

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03 Compliance under scrutiny



Immigration health check

Overview

- Detailed review of each component of your immigration program to identify and advise on operational, strategic, financial and compliance risk and exposure
- Provide actionable recommendations to rectify any exposures and move forward with leading practices

Immigration policy and operating model review

- Guidance on developing or improving immigration policy
- Provide benchmarking for criteria on sponsorship and other practices
- Review model with key stakeholders (HR, mobility, and legal) to vet effectiveness, risks, and challenges
- Review of process for record keeping, monitoring, and maintaining immigration status

Recruiting and onboarding

- Review foreign national talent acquisition strategy and pre-hire processes
- Review I-9 completion and documentation process

Site visit process and guidance

- Internal I-9 & E-Verify Audit and Report of Findings
- Internal Public Access File (PAF) Audit
- Establish a Site Visit Response Protocol

Work location and travel policies

- Immigration risk review and assessment for Employees and Short-Term Business Travelers



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Regulatory shifts

I-9 policy updates

- Immigration and Customs Enforcement (ICE) updated guidance on its Form I-9, indicating increased scrutiny of paperwork errors during inspections and a reduced threshold for certain clerical or administrative errors.
- ICE identified several common paperwork issues and re-classified those errors as substantive violations.
- Current policy: A good-faith exception may allow an employer who has committed only technical or procedural violations to avoid civil penalties if corrected within ten (10) business days of written notice.
- With the expansion of what ICE will consider substantive violations, there is an increased risk of employer's facing civil penalties.
- Some examples of substantive violations include missing date of birth, missing the USCIS or A number, missing a date next to the employee signature, and incomplete List A, B, or C data, even where document copies are retained.

FDNS site visits and ICE Raids

- Site visits are an inspection conducted to verify the details of immigration filings, including worksite location, job details, minimum requirements, and reporting relationships.
- The site visit can also include an I-9 audit and/or a PAF audit.
- As the focus on identifying fraud increases, site visits and inspections are expected to become more rigorous and continue to grow in frequency. As a result, employer response protocols, audit procedures, and related training should expand and adapt to the increased scrutiny.
- ICE raids are targeted law enforcement operations that focus on individuals who may be present without proper status or documentation. ICE can implement robust tactics during raids in comparison to an audit or inspection.
- Employers may consider having a security protocol and knowing under what circumstances ICE may or may not be permitted inside an office or worksite location.

Potential change to duration of status (D/S) designation for F, J, and I categories

- DHS has proposed a rule to establish a fixed time period of admission and extension of stay procedure for individuals on F, J, and I nonimmigrant status.
- Once implemented, employers should update their tracking or monitoring process to include employees who hold F, J, or I status.

Role of the state: state agencies and immigration

Whether your company is a global business looking to expand to the United States or an established local business looking to add a new office or move to a new location, it is prudent to consider state-specific policies or approaches to various areas of immigration when making that decision.

Immigration law falls under the purview of federal law and regulations; however, it has become increasingly common for individual states to utilize local authority to implement programs, bans, restrictions, or policies related to immigration.

When considering opening an office location or allowing remote work in a specific state, employers should consider:

- A state's response to federal immigration enforcement efforts;
- Restrictions or promotion of hiring practices for foreign nationals;
- Equal pay transparency laws and state-specific worksite enforcement laws;
- State laws on driver's licenses for foreign nationals

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Examples:

The North Dakota Office of Legal Immigration serves as a liaison between agencies and partners that facilitate global talent and immigration activities, the governor's office, and the legislative body. The office plans to develop a pilot program that supports businesses pursuing or employing work-authorized immigrants.

State of Texas banning state employers from hiring employees who would need H-1B sponsorship.

Florida Board of Governors barring state universities from hiring H-1B workers for one year.

Oregon lawmakers are considering withholding state grants or contracts for private companies assisting ICE.

Tennessee lawmakers are considering plans that would permit the detainment of truckers who do not have documentation of lawful status and to restrict drivers' license tests to only English.

04 Looking ahead



Tracking immigration policy changes

Executive action

- Executive orders
 - Proclamations
-
- USD\$100,000 payment
 - National interest exception
 - Travel restrictions
 - Defining birthright citizenship

Key agency activity

- Policy guidance and memoranda issued by governmental agencies such as DHS, USCIS, CBP, ICE, DOS and DOL
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- Adjudicative hold
 - ICE I-9 inspections update
 - DOS: social media vetting expansion beyond F1, J, H1B and H4
 - DOS: applying at country of nationality or residence
 - USCIS: new vetting activity (FBI check)
 - DOL updated wage guidance
 - Final Rule on F-1 duration of status expected soon
 - TPS lawsuits

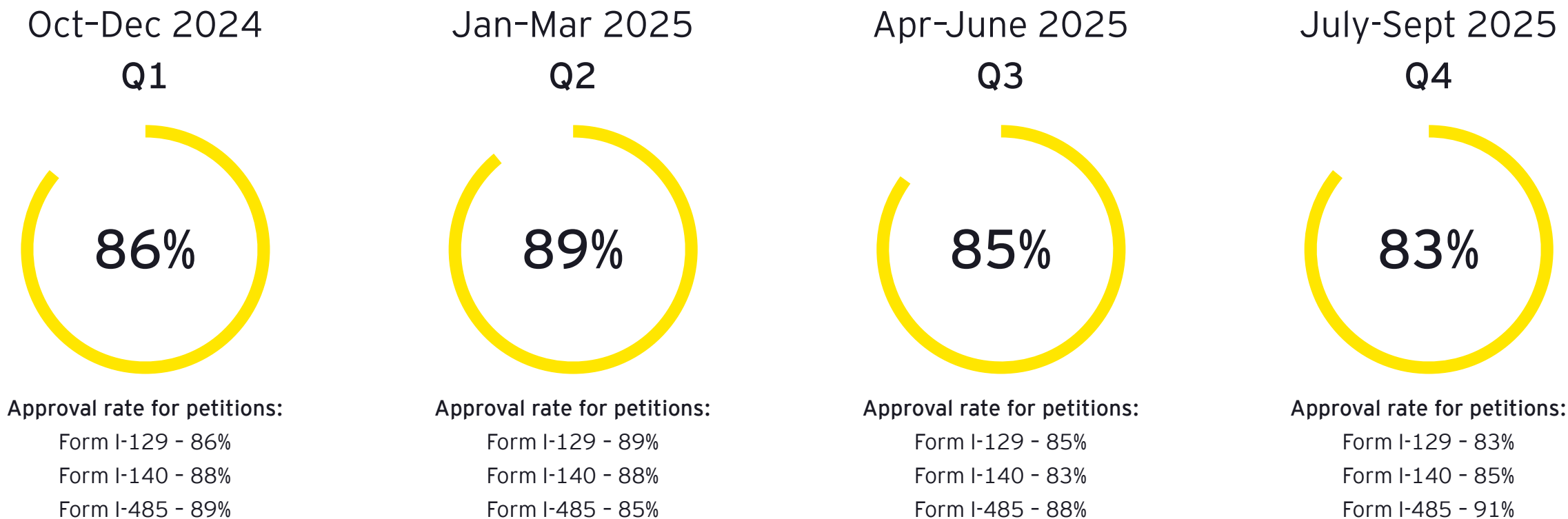
Adjudicative trends

- Case-by-case decisions by officers on visas and immigration benefit applications
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- Bridging applications scrutiny
 - Premium processing delays for certain beneficiaries
 - Increase in interviews for employment-based adjustment of status cases
 - Increase in scrutiny on bona-fide marriage relationship for employment-based adjustment of status cases
 - Significant decrease in approval rates for job offer exempt employment-based immigration classifications (EB-1A and NIW)
 - Increase in revocations

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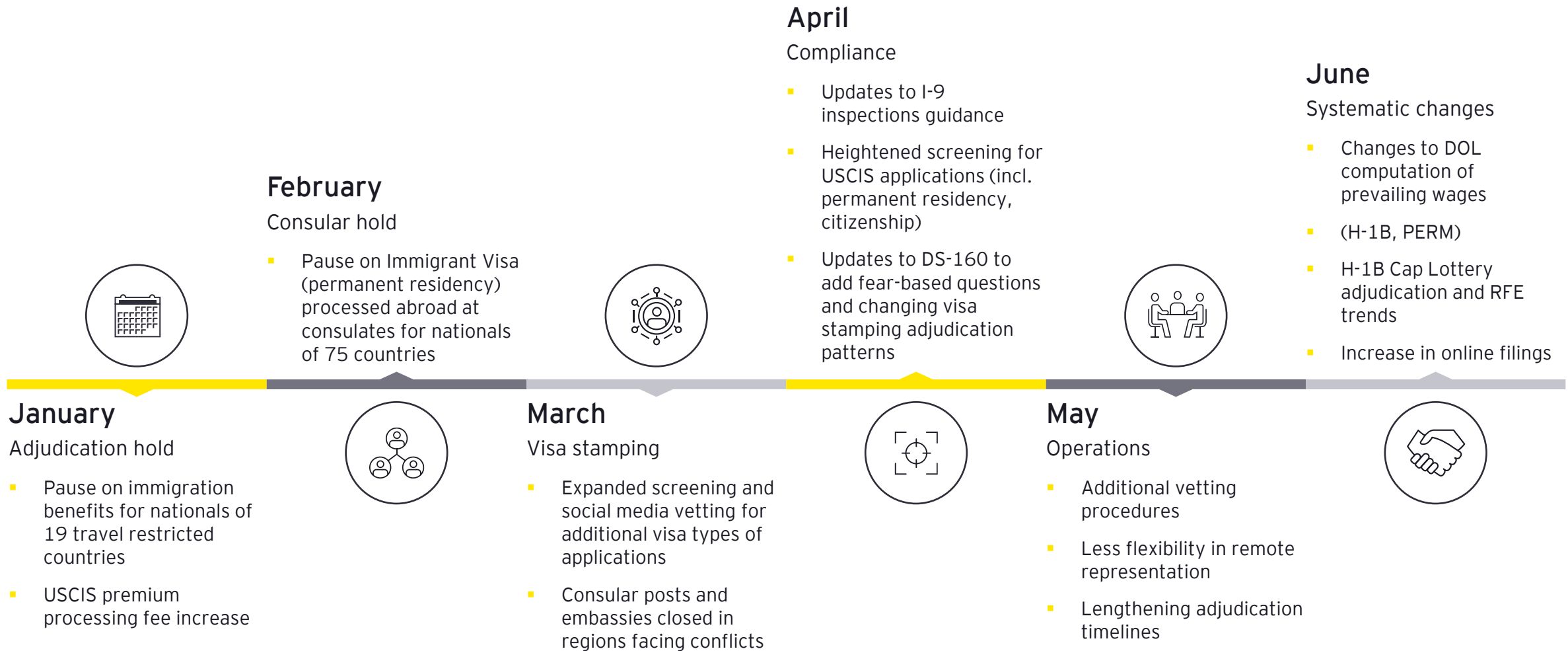
USCIS petition approval rates - FY 2025

Posted USCIS approval and denial rate averages from October of 2024 to Sept of 2025



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2026 - Immigration updates in review



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