CYRUS D. MEHTA & PARTNERS PLLC
US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - JANUARY 26, 2026

Posted on January 26, 2026 by Cyrus Mehta

Headlines:

WHD Releases Info on 'Project Firewall' Enforcement Initiative to Maximize Compliance with H-1B Visa Program – The announcement notes that the Department of Labor's Wage and Hour Division prioritizes investigations where employers may be displacing U.S. workers, failing to recruit U.S. workers in good faith, giving preference to H-1B workers when qualified U.S. workers are available, retaliating against workers who raise concerns about employers' noncompliance, or misrepresenting job duties, requirements, or working conditions.

USCIS Releases Guidance on 'Hold and Release' Policies and Procedures – U.S. Citizenship and Immigration Services (USCIS) released memoranda on "hold and release" policies and procedures for all pending asylum applications, USCIS benefit applications filed by individuals from "high-risk" countries, and Diversity Visa adjustment-of-status applications.

February Visa Bulletin Notes Imminent Expiration of 'Certain Religious Workers' Category – The Employment Fourth Preference Certain Religious Workers category is scheduled to expire on January 30, 2026.

EOIR Raises Fees for Immigration-Related Filings – The new fees are effective February 1, 2026.

DHS Increases Self-Deportation 'Exit Bonus' – The Department of Homeland Security (DHS) has temporarily increased the "exit bonus" for self-deportation through the U.S. Customs and Border Protection (CBP) Home app from $1,000 to $2,600.

Details:

WHD Releases Info on 'Project Firewall' Enforcement Initiative to Maximize Compliance with H-1B Visa Program

The Department of Labor's Wage and Hour Division (WHD) recently released an announcement and a flyer on "Project Firewall," a WHD "enforcement initiative to protect highly skilled U.S. workers and maximize compliance with the H-1B visa program."

The announcement notes that WHD prioritizes investigations where employers may be displacing U.S. workers, failing to recruit U.S. workers in good faith, giving preference to H-1B workers when qualified U.S. workers are available, retaliating against workers who raise concerns about employers' noncompliance, or misrepresenting job duties, requirements, or working conditions.

The flyer includes the following reminders about legal protections for U.S. workers under the H-1B program.

All H-1B employers:

- MUST provide notice of the Labor Condition Application to relevant U.S. workers on or before the date of filing.
- MUST NOT intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against a U.S. worker or applicant who has exercised whistleblower rights under the program.
- MUST NOT employ an H-1B worker at a worksite where a strike/lockout in their occupational classification is in progress.
- MUST NOT employ H-1B workers in such a way that the working conditions (e.g., hours, shifts, vacation periods, and seniority-based preferences) of its similarly employed U.S. workers are adversely affected.
- MUST NOT undercut U.S. worker wages by paying H-1B workers less than an applicable collectively bargained wage, a statistically derived prevailing wage, or the wage it pays to U.S. workers with the same job and with similar experience and qualifications.
- MUST NOT undercut U.S. worker benefits by offering H-1B workers fewer benefits than U.S. workers.

H-1B dependent employers and willful violators who employ nonexempt H-1B workers:

- MUST take good faith steps to recruit U.S. workers for the offered job.
- MUST offer the job to an equally or better-qualified U.S. worker before hiring an H-1B worker.
- MUST NOT lay off or displace the U.S. worker from a job that is essentially equivalent to the job for which the H-1B worker is sought.

Back to Top

USCIS Releases Guidance on 'Hold and Release' Policies and Procedures

U.S. Citizenship and Immigration Services (USCIS) has released memoranda on "hold and release" policies and procedures for all pending asylum applications, USCIS benefit applications filed by individuals from "high-risk" countries, and Diversity Visa adjustment-of-status applications. The memoranda include:

- Hold and Release of All Pending Asylum Applications and All USCIS Benefit Applications Filed by Aliens From High-Risk Countries (PM-602-0194). This guidance outlines the adjudicative hold, procedural requirements, and processes for the re-review, interview, or re-interview of affected individuals. The memo specifies which cases are subject to the adjudicative hold, identifies exemptions, and outlines the factors to consider when assessing benefit eligibility during the re-review, interview, or re-interview of affected individuals. USCIS personnel are instructed to prioritize national security and public safety concerns and ensure compliance with applicable laws and regulations during the adjudication process.
- Hold and Release of Pending USCIS Adjustment of Status Applications Filed by Aliens Under the Diversity Immigrant Visa Program. This directive mandates that all persons with pending adjustment of status, ancillary benefits, and waiver applications meeting certain criteria undergo a thorough review process, including an interview for the Application to Register Permanent Residence or Adjust Status (Form I-485) and, if necessary, a re-interview, to fully assess all national security, criminal, and related grounds of inadmissibility and deportation.

Back to Top

February Visa Bulletin Notes Imminent Expiration of 'Certain Religious Workers'

Category

The Department of State's Visa Bulletin for February 2026 notes that the Employment-Based Fourth Preference Certain Religious Workers (SR) category is scheduled to expire on January 30, 2026.

The bulletin states that the SR category is listed as "Unavailable" for all countries for February. If legislative action extends the category, "it is likely it will become available effective immediately. If extended, the category will be subject to the same dates for filing and final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability," the bulletin notes.

Back to Top

EOIR Raises Fees for Immigration-Related Filings

On January 21, 2026, the Department of Justice announced "inflationary adjustments" to immigration-related fees for filings with the Executive Office for Immigration Review (EOIR) under the One Big Beautiful Bill Act (OBBBA) for Fiscal Year 2026.

The new fees are effective February 1, 2026. Any filing with an Immigration Court or the Board of Immigration Appeals postmarked on or after February 1, 2026, without the proper filing fee or an applicable request for fee waiver will be rejected.

As examples, the OBBBA fee for Form I-485, Application to Register Permanent Residence or Adjust Status, will increase from $1,500 to $1,540 (with FY 2026 EOIR total fees of $2,980).

Back to Top

DHS Increases Self-Deportation 'Exit Bonus'

On January 21, 2026, the Department of Homeland Security (DHS) announced that it has temporarily increased the "exit bonus" for self-deportation through the U.S. Customs and Border Protection (CBP) Home app from $1,000 to $2,600, in addition to a free flight home.

DHS said that since January 2025, 2.2 million people have voluntarily self-deported and "tens of thousands" have used the CBP Home app. DHS noted

that using the CBP Home app "also qualifies recipients for forgiveness of any civil fines or penalties for failing to depart the country."

It is unclear how long the increase will be in effect. The announcement said it "may not last long."

Back to Top