



# IMMIGRATION UPDATE - FEBRUARY 17, 2026

*Posted on February 17, 2026 by Cyrus Mehta*

Headlines:

**DHS Shutdown Not Expected to Affect Most ICE, CBP, USCIS Operations** –

The Department of Homeland Security is technically in partial shutdown status, although certain operations are expected to continue, including most activities conducted by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection. U.S. Citizenship and Immigration Services fee-funded activities are also expected to continue during the shutdown.

**USCIS Received Enough Supplemental H-2B Petitions to Reach Cap for Returning Workers** – U.S. Citizenship and Immigration Services has received enough petitions to reach the cap for the additional 18,490 H-2B visas made available under a temporary final rule for the first allocation of returning workers of Fiscal Year 2026 with start dates from January 1 to March 31, 2026.

**DHS Terminates TPS for Yemen** – The Department of Homeland Security announced the termination of Temporary Protected Status for Yemen effective 60 days after the date of publication of the notice in the Federal Register.

**Appeals Court Allows Termination of TPS for Honduras, Nepal, Nicaragua** – The U.S. Court of Appeals for the Ninth Circuit issued a stay pending appeal allowing the Trump administration to move forward with plans to terminate Temporary Protected Status for an estimated 60,000 migrants in the United States, including 50,000 Hondurans, 7,000 Nepalis, and 3,000 Nicaraguans.

**OFLC Releases Data on Employers and Selected Program Statistics** – The Department of Labor's Office of Foreign Labor Certification has released a comprehensive set of public disclosure data and selected program statistics.

**DOS Confirms That China is Not Part of Immigrant Visa Pause** –

Practitioners alerted the Department of State (DOS) that its Travel Docs site

erroneously stated that China was included among dozens of countries for which immigrant visa processing has been paused. DOS subsequently removed the statement from its website.

Details:

### **DHS Shutdown Not Expected to Affect Most ICE, CBP, USCIS Operations**

On February 14, 2026, the Department of Homeland Security (DHS)'s funding lapsed due to a breakdown in spending bill negotiations between Democrats and Republicans over how DHS agencies conduct their operations. DHS is therefore technically in partial shutdown status, although certain operations are expected to continue, including most activities conducted by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection. U.S. Citizenship and Immigration Services fee-funded activities are also expected to continue during the shutdown.

To unblock the funding, Democrats are demanding that Congress impose certain "guardrails" on DHS agencies, such as prohibiting DHS officers from conducting stops, questioning, and searches based on an individual's presence at certain locations, their job, their spoken language and accent, or their race and ethnicity; requiring officers to use body cameras, remove masks, and display identification; obtaining judicial search warrants before entering homes; and prohibiting funds from being used to conduct enforcement near sensitive locations, including medical facilities, schools, child-care facilities, churches, polling places, and courts.

The partial shutdown is expected to last at least a week, with the caveat that members may be called back to Congress if a viable agreement is reached.

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### **USCIS Received Enough Supplemental H-2B Petitions to Reach Cap for Returning Workers**

On February 13, 2026, U.S. Citizenship and Immigration Services (USCIS) announced that it has received enough petitions to reach the cap for the additional 18,490 H-2B visas made available under a temporary final rule for the first allocation of returning workers of Fiscal Year (FY) 2026 with start dates from January 1 to March 31, 2026. February 6, 2026, was the final receipt date for petitions requesting supplemental H-2B visas under the first allocation.

USCIS explained that it received more petitions than available H-2B visas for the first allocation. The agency used a computer-generated selection process to allocate the visas without exceeding the first FY 2026 supplemental cap allocation. On February 13, 2026, USCIS conducted this random selection process for petitions received on the first five business days of filing (February 2 through 6, 2026).

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### **DHS Terminates TPS for Yemen**

On February 13, 2026, the Department of Homeland Security (DHS) [announced](#) the termination of Temporary Protected Status (TPS) for Yemen effective 60 days after the date of publication of the notice in the Federal Register. As of press time, it was unclear when the notice would be published.

TPS Yemen beneficiaries in the United States, estimated to number about 1,380, with no other lawful basis for remaining have 60 days from publication to voluntarily depart the United States. The agency encouraged those leaving the United States to use U.S. Customs and Border Protection's [CBP Home app](#) to report their departure from the United States. The app includes a complimentary plane ticket, a \$2,600 exit bonus, and potential future opportunities for legal immigration, DHS said.

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### **Appeals Court Allows Termination of TPS for Honduras, Nepal, Nicaragua**

On February 9, 2026, the U.S. Court of Appeals for the Ninth Circuit issued a [stay pending appeal](#) allowing the Trump administration to move forward with plans to terminate Temporary Protected Status (TPS) for an estimated 60,000 migrants in the United States, including 50,000 Hondurans, 7,000 Nepalis, and 3,000 Nicaraguans.

The court said it concluded that "the government is likely to succeed on the merits of its appeal either by showing that the district court lacked jurisdiction or by prevailing on plaintiffs' arbitrary-and-capricious challenge."

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## OFLC Releases Data on Employers and Selected Program Statistics

The Department of Labor's Office of Foreign Labor Certification (OFLC) has released a comprehensive set of [public disclosure data](#) (through the first quarter of fiscal year 2026) drawn from employer applications requesting prevailing wage determinations and labor certifications for the PERM, LCA (H-1B, H-1B1, E-3), H-2A, H-2B, CW-1, and Prevailing Wage programs. The public disclosure files include all final determinations OFLC issued for these programs during the October 1–December 31, 2025, reporting period of Fiscal Year (FY) 2026.

OFLC has also released [selected program statistics](#) for the first quarter of FY 2026 for the PERM, LCA (H-1B, H-1B1, E-3), H-2A, H-2B, CW-1, and Prevailing Wage programs.

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## DOS Confirms That China is Not Part of Immigrant Visa Pause

According to [reports](#), practitioners alerted the Department of State (DOS) on February 10, 2026, that its Travel Docs site erroneously stated that China was included among dozens of countries for which immigrant visa processing has been [paused](#) as of January 21, 2026. DOS subsequently removed the statement from its website.

Countries subject to the pause [include](#) Afghanistan, Albania, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bosnia and Herzegovina, Brazil, Burma, Cambodia, Cameroon, Cape Verde, Colombia, Côte 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, Kyrgyz Republic, Laos, Lebanon, Liberia, Libya, Moldova, Mongolia, Montenegro, Morocco, Nepal, Nicaragua, Nigeria, North Macedonia, 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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