



IMMIGRATION UPDATE - MARCH 02, 2026

Posted on March 2, 2026 by Cyrus Mehta

Headlines:

[DOL Proposes Rule on Determining Employee/Independent Contractor Status](#)

– The Department of Labor's Wage and Hour Division issued a proposed rule that would rescind the analysis for determining employee or independent contractor status under the Fair Labor Standards Act and replace it with analysis that it published and adopted in a prior final rule.

[U.S. Embassies Update Travel Advisories in Middle East in Response to Increased Risks and Armed Conflict](#)

– U.S. Embassies have issued new security alerts and updated travel advisories for several countries in response to unrest and armed conflict in the Middle East region. The U.S.-Israeli military operation in Iran and related risks elsewhere in the region are rapidly evolving.

[Advocacy Organization Comments on Religious Workers Interim Final Rule](#)

– The American Immigration Lawyers Association welcomed the rule and made suggestions.

Details:

DOL Proposes Rule on Determining Employee/Independent Contractor Status

On February 27, 2026, the Department of Labor's (DOL) Wage and Hour Division issued a [proposed rule](#) that would rescind the analysis for determining employee or independent contractor status under the Fair Labor Standards Act (FLSA) and replace it with analysis that it published and adopted in a prior final rule dated January 7, 2021, with a few modifications. DOL also proposes to apply this analysis to the Migrant and Seasonal Agricultural Worker Protection Act, which incorporates the FLSA's scope of employment.

Among other provisions, the proposed rule would include:

- A provision discussing the "economic reality" test for distinguishing FLSA employees from independent contractors, including that the ultimate inquiry of economic dependence turns on whether an individual is in business for him- or herself (independent contractor) or is economically dependent on an employer for work (employee) (DOL is additionally proposing to provide further context on the meaning of economic dependence); and
- Provisions describing factors examined as part of the economic reality test, including two core or primary factors—the nature and degree of the individual's control over the work and the individual's opportunity for profit or loss.

DOL said it welcomes comments on the inclusion of additional context on economic dependence into the regulations explaining that "economic dependence for work rather than economic dependence for income is the proper inquiry." Specifically, DOL has added the following sentences to the end of the proposed § 795.105(b):

Though both employees and independent contractors are dependent on others in some sense, economic dependence in this context means the dependence that a typical employee has on an employer for work, as opposed to an individual who has more of the nature and character of a business owner who has a separate business. Economic dependence does not focus on the amount of income the worker earns, or whether the worker has other sources of income.

Comments on the proposed rule are due by April 28, 2026, via one of the methods provided in the [notice](#).

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U.S. Embassies Update Travel Advisories in Middle East in Response to Increased Risks and Armed Conflict

U.S. embassies have issued new security alerts and updated travel advisories for several countries in response to unrest and armed conflict in the Middle East region:

- The U.S. Embassy Virtual Iran [announced](#) that due to military operations and other risks, U.S. citizens in Iran are advised to shelter in place

throughout the country until further notice. A [travel advisory](#) states that "U.S. citizens are at risk due to terrorism, civil unrest, kidnapping, arbitrary detention of U.S. citizens, torture, and wrongful detention." U.S. citizens should not travel to Iran for any reason and should leave Iran if they are there. Iran continues to be a Level 4 "Do Not Travel" destination. [The Foreign Interests Section of the Swiss Embassy in Tehran](#) provides [emergency services](#) for U.S. citizens. Any U.S. citizens seeking routine services should make an appointment at a U.S. embassy or consulate outside of Iran, the embassy said.

- The U.S. Embassy in Lebanon updated its [travel advisory](#), noting that on February 23, 2026, the Department of State ordered the departure of non-emergency U.S. government personnel and family members of government personnel due to the security situation in Beirut. The advisory includes a Level 4 "Do Not Travel" warning for Lebanon "due to crime, terrorism, civil unrest, kidnapping, unexploded landmines, and the risk of armed conflict. Some areas, especially near the borders, have increased risk." The advisory also mentions blocked roads and other hazards. U.S. Embassy Beirut has suspended routine consular services and advises that "Americans should contact beirutacs@state.gov in case of emergency," noting that they should "not rely on the U.S. government for assisted departure or evacuation." Additional information is available on Lebanon's [Country Information page](#).
- *Israel, the West Bank, and Gaza.* The U.S. Embassy has issued a [security alert](#) directing all U.S. government employees and their family members to shelter in place until further notice. U.S. citizens can find additional information regarding steps to take in case of mortar and rocket fire and hostile aircraft intrusion in the [Country Information](#) for Israel, the West Bank, and Gaza. The latest [travel advisory](#), issued on February 27, 2026, puts Israel at Level 3. The advisory says to "reconsider travel" to Israel and the West Bank, and not to travel to Gaza, Northern Israel, and the Israel-Egypt border region.
- The U.S. Embassy in Doha issued a [security alert](#) implementing a shelter-in-place order for all personnel countrywide. The embassy said, "We recommend all Americans do the same until further notice."

The U.S.-Israeli military operation in Iran and related risks elsewhere in the region are [rapidly evolving](#). Travel advisories and security alerts may be

updated with little notice and should be monitored. The advisories include additional information, links, and phone numbers for U.S. citizens.

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Advocacy Organization Comments on Religious Workers Interim Final Rule

On February 25, 2026, the American Immigration Lawyers Association (AILA) submitted [comments](#) on an [interim final rule](#) from the Department of Homeland Security (DHS) that reduces the required time abroad for religious workers.

AILA said it welcomed the rule, which reduces the period of time religious workers must remain outside the United States after exhausting the five-year limit in R-1 nonimmigrant status in order for them to become eligible for a subsequent period of R-1 status. Among its suggestions, AILA recommended that DHS consider allowing a reset of the five-year maximum under any of the following conditions: (1) if a religious worker changes employers, (2) if the religious worker remains with the same employer and departs the United States after having completed the initial 30 months of R-1 status, (3) if there are 6 months or a year remaining on the five year clock, or (4) if a religious worker departs the United States during the last year of the five-year maximum period.

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