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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - MARCH 23, 2026

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Headlines:

USCIS Reaches H-2B Cap for Second Half of FY 2026; Filing Dates Now Available for Supplemental Visa Allocations – U.S. Citizenship and Immigration Services (USCIS) has received enough petitions to meet the H-2B temporary nonagricultural worker statutory cap for the second half of Fiscal Year (FY) 2026. USCIS also announced that filing dates for the second and third allocations of the supplemental H-2B visas for FY 2026 are now available.

'Keep Innovators in America Act' Would Codify OPT Program – A newly introduced bipartisan bill would codify the Optional Practical Training program for international students in the United States. The bill is aimed at attracting and retaining U.S.-trained talent.

DOS Adds 12 More Countries to List Subject to Visa Bonds for B-1/B-2 Visas – A citizen or national traveling on a passport issued by one of the listed countries who is found otherwise eligible for a B-1 or B-2 visa must post a bond for $5,000, $10,000, or $15,000. The amount is determined at the time of the visa interview.

April Visa Bulletin Advances Filing and Final Action Dates for Immigrant Visa Numbers in Various Categories – Immigrant visa issuance rates for people from certain countries have decreased. Consequently, to make visas available to prospective immigrants from other countries, the dates for filing and final action dates have been advanced across various immigrant visa categories.

Details:

USCIS Reaches H-2B Cap for Second Half of FY 2026; Filing Dates Now Available for Supplemental Visa Allocations

On March 20, 2026, U.S. Citizenship and Immigration Services (USCIS) announced that it has received enough petitions to meet the H-2B temporary nonagricultural worker statutory cap for the second half of Fiscal Year (FY) 2026. March 10, 2026, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date on or after April 1 and before October 1, 2026.

USCIS also announced that filing dates for the second and third allocations of the supplemental H-2B visas for FY 2026 are now available. The supplemental visas are available only to U.S. businesses that "are suffering irreparable harm or will suffer impending irreparable harm without the ability to employ all the H-2B workers requested in their petition, as attested by the employer on a new attestation form" under a temporary final rule authorizing H-2B supplemental visas for FY 2026, USCIS said. To assist U.S. businesses that need workers to begin work on different start dates, the supplemental visas are being distributed in three allocations, USCIS said:

- The first allocation for employment start dates from January 1 through March 31, 2026, included 18,490 visas limited to returning workers who were issued H-2B visas or held H-2B status in fiscal years 2023, 2024, or 2025. As of February 6, 2026, USCIS had received enough petitions to reach the cap for this allocation.
- The second allocation for employment start dates from April 1 through April 30, 2026, includes 27,736 visas, plus any unused visas from the first allocation, limited to returning workers who were issued H-2B visas or held H-2B status in fiscal years 2023, 2024, or 2025. Employers must file these petitions between March 25, 2026, and April 23, 2026.
- The third allocation for employment start dates from May 1 through September 30, 2026, includes 18,490 visas, plus any unused visas from the first and second allocations. Employers must file these petitions between April 24, 2026, and September 15, 2026.

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'Keep Innovators in America Act' Would Codify OPT Program

A bipartisan bill, the "Keep Innovators in America Act" (H.R. 8013), would codify

the Optional Practical Training (OPT) program for international students in the United States. Introduced on March 19, 2026, by Reps. Sam Liccardo (D-CA), Jay Obernolte (R-CA), and Raja Krishnamoorthi (D-IL), the bill is aimed at attracting and retaining U.S.-trained talent.

Rep. Obernolte said, “At a time of intensifying global competition, it is not in our national interest to educate the world’s most talented students in American institutions only to send them abroad to compete with us. This legislation ensures that we can retain top talent in critical fields on a temporary basis while strengthening American innovation and maintaining strong oversight and respect for our immigration laws.”

Benjamin Johnson, Executive Director of the American Immigration Lawyers Association (AILA), said that international students “contribute more than $40 billion annually to the U.S. economy and support hundreds of thousands of American jobs.” Scott Corley, Executive Director of Compete America, said the OPT program “has played a key role in sustaining America’s global technology leadership. For decades, OPT has helped ensure that the world’s best STEM students—educated at U.S. universities—can contribute to our economy, strengthen our workforce, and drive innovation here at home rather than abroad. At a time when the United States faces increasing global workforce competition in critical and emerging technology fields, maintaining and strengthening this pathway through statutory codification is an essential step toward keeping top talent in the United States and ensuring our economy, national security, and innovation ecosystem remain the strongest in the world.”

The “U.S. for Success Coalition,” a group of more than 50 organizations, supports the bill. Its endorsement list also includes the Compete America Coalition, Technet, the Information Technology Industry Council (ITI), FWD.us, AILA, the Presidents' Alliance on Higher Education and Immigration, the Council of Graduate Schools, NAFSA: Association of International Educators, AIRC: The Association of International Enrollment Management, AIFS: American Institute for Foreign Study; the American Association of Collegiate Registrars and Admissions Officers, Global Detroit, EnglishUSA, Studyportals, the Alliance for International Exchange, TESOL International Association, and Shorelight, LLC.

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DOS Adds 12 More Countries to List Subject to Visa Bonds for B-1/B-2 Visas

On March 18, 2026, the Department of State (DOS) added 12 countries to the list of those subject to visa bonds for persons traveling to the United States on temporary B-1 (business) and B-2 (visitor) visas. The newly added countries include Cambodia, Ethiopia, Georgia, Grenada, Lesotho, Mauritius, Mongolia, Mozambique, Nicaragua, Papua New Guinea, Seychelles, and Tunisia. The list includes the implementation date for each country.

DOS noted that a citizen or national traveling on a passport issued by one of the listed countries who is found otherwise eligible for a B-1 or B-2 visa must post a bond for $5,000, $10,000, or $15,000. The amount is determined at the time of the visa interview. The applicant must also submit Department of Homeland Security Form I-352. Applicants must agree to the terms of the bond through the Department of the Treasury's online payment platform, Pay.gov. This requirement applies regardless of the place of application, DOS said.

Applicants should submit Form I-352 to post a bond only after a consular officer directs them to do so, DOS advised. Applicants will receive a direct link to pay through Pay.gov. They must not use any third-party website for posting the bond. If someone pays fees without a consular officer's direction, the fees will not be returned, DOS said. A bond does not guarantee visa issuance.

A temporary final rule, published in the Federal Register on August 5, 2025, established the pilot program.

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April Visa Bulletin Advances Filing and Final Action Dates for Immigrant Visa Numbers in Various Categories

The Department of State's Visa Bulletin for April reports, among other things, that immigrant visa issuance rates for people from certain countries have decreased. Consequently, to make visas available to prospective immigrants from other countries, the dates for filing and final action dates have been advanced across various immigrant visa categories.

The bulletin notes that as additional immigrant visa demand materializes, or administration actions are amended, retrogression may be necessary later in the fiscal year to keep issuances within annual limits.

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