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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - APRIL 06, 2026

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Headlines:

FY 2027 Initial H-1B Registration Selection Process Completed – U.S. Citizenship and Immigration Services has received enough electronic registrations for unique beneficiaries during the initial registration period to reach the fiscal year 2027 H-1B numerical allocations (H-1B cap), including the advanced degree exemption (master's cap).

USCIS Releases Update on Screening/Vetting of Foreign Nationals – U.S. Citizenship and Immigration Services outlined a series of actions it has implemented to screen and vet foreign nationals after issuance of related policy memoranda.

Supreme Court Hears Oral Arguments on Birthright Citizenship – The Supreme Court heard oral arguments on President Trump's bid to eliminate "birthright citizenship" for children of undocumented and temporary foreign nationals in the United States. Under the executive order being challenged, the U.S. government would no longer recognize the U.S. citizenship of children born in the United States to temporary visa holders.

Details:

FY 2027 Initial H-1B Registration Selection Process Completed

On March 31, 2026, U.S. Citizenship and Immigration Services (USCIS) announced that it has received enough electronic registrations for unique beneficiaries during the initial registration period to reach the fiscal year (FY) 2027 H-1B numerical allocations (H-1B cap), including the advanced degree exemption (master's cap).

USCIS has notified all prospective petitioners with selected beneficiaries that

they are eligible to file an H-1B cap-subject petition. Registrants' online accounts will display their registration status.

USCIS said that H-1B cap-subject petitions for FY 2027, including petitions eligible for the advanced degree exemption, may be filed with USCIS as of April 1, 2026, if filed for a selected beneficiary and based on a valid registration. Only petitioners with registrations for selected beneficiaries may file H-1B cap-subject petitions for FY 2027.

The period for filing the H-1B cap-subject petition will be at least 90 days, USCIS noted. Petitioners must include a copy of the applicable selection notice with the FY 2027 H-1B cap-subject petition. USCIS will only accept the 02/27/26 edition of the Petition for a Nonimmigrant Worker (Form I-129).

USCIS noted that the Presidential Proclamation, Restriction on Entry of Certain Nonimmigrant Workers, requires certain H-1B petitions filed on or after September 21, 2025, to be accompanied by an additional $100,000 payment as a condition of eligibility.

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USCIS Releases Update on Screening/Vetting of Foreign Nationals

On March 30, 2026, U.S. Citizenship and Immigration Services (USCIS) released an update on its "strict screening and vetting of foreign nationals seeking entry or immigration benefits" based on recent executive orders and guidance.

Among other things, USCIS outlined a series of actions it has implemented after issuance of related policy memoranda. USCIS said that over the past several months, it has reviewed and updated screening and vetting practices, including:

- Shortening validity periods for certain Employment Authorization Documents to require more frequent security checks;
- Updating photograph reuse policies to strengthen identity verification, including biometric identity verification when reusing fingerprints;
- Increasing social media and financial vetting and community interviews;
- Launching Operation PARRIS to conduct additional background checks, re-interviews, and merit reviews of refugee claims, led by the USCIS Vetting Center;
- Developing system connectivity for automatic notifications of biometric matches and new criminal information; and

- Requiring final arrest encounter reviews and Department of State Consular Consolidated Database checks before final adjudication.

USCIS also says it has "established an internal process for lifting holds on individual or group cases," requiring multi-office review. USCIS reports that holds have already been lifted for limited categories, including certain employment authorization documents, certain petitions filed by U.S. citizens, certain rescheduled oath ceremonies, and asylum cases from "non high-risk" countries, among others, but USCIS did not define what qualifies as "certain" in each category or publish timelines for broader hold lifting.

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Supreme Court Hears Oral Arguments on Birthright Citizenship

On April 1, 2026, the Supreme Court heard oral arguments in *Trump v. Barbara* on President Trump's bid to eliminate "birthright citizenship" for children of undocumented and temporary foreign nationals in the United States. Under the executive order being challenged, the U.S. government would no longer recognize the U.S. citizenship of children born in the United States to temporary visa holders, including F-1 students, J-1 exchange visitors, and H-1B and L-1 nonimmigrant workers.

While the outcome is uncertain, the government attorneys faced tough questions from the justices. A win for the government would fundamentally shift birth in the United States from conferring permanent citizenship to merely granting temporary, contingent immigration status dependent on a parent's status. The 14th Amendment of the Constitution guarantees citizenship to babies born in the United States who are "subject to the jurisdiction of the United States" at the time of their birth. The arguments focused on what the phrase "subject to the jurisdiction of the United States" means.

According to immigration practitioners, a ruling in the government's favor would require that the parents of all children born in the United States establish certain domicile requirements for their children to become U.S. citizens. Because the United States has no central registry of its citizens, one would have to be created, and every U.S. citizen would have to be able to prove not only the location of their birth but also that their parents were U.S. citizens or green card holders at the time of their birth.

A ruling is expected in late June. One question is whether the Justices will rule on narrower statutory or broader constitutional grounds.

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