



IMMIGRATION UPDATE - APRIL 20, 2026

Posted on April 20, 2026 by Cyrus Mehta

Headlines:

[**New ICE I-9 Inspection Policy Increases Risks for Employers**](#) – A new fact sheet indicates a change in policy that increases the risks for employers by reclassifying some former technical violations as substantive.

[**May Visa Bulletin Includes Advances in Various Immigrant Visa Categories, Possible Retrogression for India EB-5 Unreserved Category**](#) – The Department of State's Visa Bulletin for May notes that dates for filing and final action dates have been advanced across various immigrant visa categories, and that sufficient demand and increased number use by India in the EB-5 unreserved visa categories may make it necessary to retrogress the final action date or make the category unavailable.

[**SAVE and E-Verify Release Updates on EADs Under TPS for Burma and Ethiopia, Superseding Earlier Notices**](#) – The Systematic Alien Verification for Entitlements and E-Verify programs recently updated guidance on Employment Authorization Document validity in light of court orders affecting Temporary Protected Status.

[**House Passes Bipartisan Bill to Extend Haitian TPS; Fate in Senate is Uncertain**](#) – Ten House Republicans and one independent voted for the bill in addition to all of the House Democrats.

[**Firm in the News**](#)

Details:

New ICE I-9 Inspection Policy Increases Risks for Employers

A recent fact sheet, [Form I-9 Inspection Under Immigration and Nationality Act § 274A](#), released by U.S. Immigration and Customs Enforcement (ICE), indicates a change in policy that increases the risks for employers by reclassifying some former technical violations as substantive. Some of the reclassified errors now considered substantive, for example, include failure on the I-9 form to:

- Include employee's date of birth or date of hire
- Include employee's rehire date
- Date Section 1 or Section 2 Certification
- Use a Spanish-language form outside of Puerto Rico
- Include translator's name, address, signature, or date

The fact sheet includes lists of additional violations considered substantive or technical, along with a flow chart outlining the I-9 inspection process and information on penalty calculations. The fact sheet notes that an employer may receive a monetary fine for all substantive violations and any uncorrected technical or procedural failures. Employers have at least 10 business days after the inspection to correct technical or procedural failures, but not substantive violations.

The bottom line: Employers should carefully ensure that every piece of required information is entered accurately and completely on the I-9 form.

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May Visa Bulletin Includes Advances in Various Immigrant Visa Categories, Possible Retrogression for India EB-5 Unreserved Category

The Department of State's [Visa Bulletin for May](#) includes several updates:

- Immigrant visa issuance rates for people from certain countries have decreased. Consequently, to make visas available to prospective immigrants from other countries so they can use immigrant visa numbers that are available in Fiscal Year (FY) 2026, dates for filing and final action dates have been advanced across various immigrant visa categories. The bulletin notes that retrogression may be necessary later in the fiscal year to keep issuances within annual limits.
- Sufficient demand and increased number use by India in the EB-5 unreserved visa categories may make it necessary to retrogress the final

action date or make the category unavailable to hold number use within the maximum allowed under the FY 2026 annual limit.

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SAVE and E-Verify Release Updates on EADs Under TPS for Burma and Ethiopia, Superseding Earlier Notices

The Systematic Alien Verification for Entitlements (SAVE) and E-Verify programs, under U.S. Citizenship and Immigration Services (USCIS), recently updated guidance on Employment Authorization Document (EAD) validity in light of court orders affecting Temporary Protected Status (TPS) for several countries, superseding earlier notices on the terminations of TPS for those countries.

Previously, SAVE and E-Verify issued notices for South Sudan, Somalia, Haiti, and Syria. New notices, issued April 13, 2026, are for Burma ([SAVE](#); [E-Verify](#)) and Ethiopia ([SAVE](#); [E-Verify](#)).

Affected TPS beneficiaries generally remain in valid status, and their EADs remain valid, subject to the applicable court orders and country-specific guidance on the relevant USCIS TPS pages.

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House Passes Bipartisan Bill to Extend Haitian TPS; Fate in Senate is Uncertain

On April 16, 2026, the U.S. House of Representatives passed [H.R. 1689](#), a bipartisan bill, by 224 to 204. The bill would extend Haitian Temporary Protected Status (TPS) for three more years for [an estimated 350,000 Haitians](#) in the United States. Ten House Republicans and one independent voted for the bill in addition to all of the House Democrats.

The future of the bill looks less certain in the Senate, where it will head next.

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Firm in the News

[Cyrus Mehta](#) was [interviewed](#) by Amy Goodman of Democracy Now on the retaliatory firing of Immigration Judges (IJs) when they have ruled against the Trump administration. He said that the firing of so many IJs was “egregious” because noncitizens will be “subject to the ruling of judges that are under

pressure.”

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