CYRUS D. MEHTA & PARTNERS PLLC
US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - APRIL 30, 2026

Posted on April 30, 2026 by Cyrus Mehta

Headlines:

DOL Proposes Rule Clarifying Joint Employer Status – The Department of Labor's Wage and Hour Division published a proposed rule that would address joint employer status under federal wage and hour laws.

Trump Gold Card: Amid Contradictory Statements, Just One Approved So Far – Secretary of Commerce Howard Lutnick said that just one Trump Gold Card has been approved so far, but that "there are hundreds in the queue that they are going through."

Trump Admin Considers Sending Afghan Refugees in Camp Who Aided United States to DRC – According to reports, after halting a U.S. resettlement program for Afghan refugees who had aided the United States in various ways during the U.S. war against the Taliban, the Trump administration is considering sending up to 1,100 of those currently in Camp As Sayliyah, a former U.S. military base near Doha, Qatar, to the Democratic Republic of the Congo and possibly other countries.

Firm in the News

Details:

DOL Proposes Rule Clarifying Joint Employer Status

On April 22, 2026, the Department of Labor's (DOL) Wage and Hour Division announced publication of a proposed rule that would address joint employer status under federal wage and hour laws, including the Fair Labor Standards Act, the Family and Medical Leave Act, and the Migrant and Seasonal Agricultural Worker Protection Act.

In particular, the proposed rule would:

- Set forth distinct standards for determining joint employer status in "vertical" and "horizontal" scenarios.
- Advise that “horizontal joint employment” exists when separate employers are sufficiently associated with respect to the employment of the same employee, but that business relationships that have little to do with the employment of specific employees—such as sharing a vendor or being franchisees of the same franchisor—are alone insufficient to establish joint employment.
- Adopt a four-factor analysis for use in every case of potential vertical joint employment, examining whether the potential joint employer: (1) hires or fires the employee; (2) supervises and controls the employee’s work schedule or conditions of employment to a substantial degree; (3) determines the employee’s rate and method of payment; and (4) maintains the employee’s employment records.
- Explain that additional factors may be relevant in assessing vertical joint employment, but that a unanimous finding on the four factors in either direction would establish a “substantial likelihood” regarding whether an individual or entity is a joint employer with another.
- Advise that “reserved control” may be considered but is less indicative of vertical joint employment than exercised control.
- Exclude the consideration of factors that are relevant only in assessing whether a worker is an employee or independent contractor, such as whether the employee (1) is in a job that otherwise requires special skill, initiative, judgment, or foresight; (2) has the opportunity for profit or loss based on his or her managerial skill; and (3) invests in equipment or materials required for work or the employment of helpers.
- Exclude the relevance of certain general business models and business practices when determining joint employment.
- Provide examples illustrating how the proposed analysis would apply in certain factual circumstances.

DOL encourages interested parties to submit comments on the proposal by June 22, 2026.

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Trump Gold Card: Amid Contradictory Statements, Just One Approved So Far

On April 23, 2026, at a hearing before the House of Representatives' Appropriations Committee, Secretary of Commerce Howard Lutnick said that just one Trump Gold Card, under an executive order issued in September 2025, has been approved so far, but that "there are hundreds in the queue that they are going through."

According to its website, the Trump Gold Card allows an individual to immigrate into the United States by paying $1 million, plus a nonrefundable $15,000 processing fee. A corporation can pay $2 million per employee plus a 1 percent annual maintenance fee. In December 2025, when the card was launched, Mr. Lutnick said that $1.3 billion in Gold Cards had been sold in just a few days. Previously, he said on the "All-In Podcast" on March 20, 2025, that "yesterday, I sold a thousand" of the cards before the program officially launched. At a cabinet meeting last year, Mr. Lutnick predicted that $1 trillion would be raised under the program.

The Trump Gold Card website also mentions a future Trump Platinum Card, which would allow an individual to pay $5 million (plus a $15,000 processing fee) to spend up to 270 days in the United States without being subject to U.S. taxes on any non-U.S. income.

It is unclear how the proceeds from the cards will be spent. At the hearing, Mr. Lutnick said, "That will be determined by the administration, and its terms are for the betterment of the United States of America."

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Trump Admin Considers Sending Afghan Refugees in Camp Who Aided United States to DRC

According to reports, after halting a U.S. resettlement program for Afghan refugees who had aided the United States in various ways during the U.S. war against the Taliban, the Trump administration is considering sending up to 1,100 of those currently in Camp As-Sayliyah, a former U.S. military base near Doha, Qatar, to the Democratic Republic of the Congo and possibly other countries instead of allowing them into the United States. The refugees were evacuated to that camp from Afghanistan after the U.S. troop withdrawal in 2021. Most had been approved for resettlement in the United States after

extensive screening. More than 190,000 other Afghan allies have been resettled in the United States.

"This is insane," Shawn VanDiver, president of San Diego-based advocacy group AfghanEvac, told NBC News. He said that "you do not solve the world's number one refugee crisis by dumping it into the world's number two."

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Firm in the News

Cyrus Mehta was quoted by *Forbes* in Will Dispute Led ICE To Put 85-Year-Old Widow In Immigration Detention. He said he believes the case raises ethical and legal issues. "There are federal rules at 5 CFR 2635.701 that prohibit a government official from using public office for private gain. If a government official used official authority or non-public information to weaponize ICE against another, such as a noncitizen, this could trigger sanctions such as reprimand, suspension, demotion or firing. It can also potentially lead to criminal liability. Regarding the governmental attorneys who may authorize such an action or have knowledge of it, they too are subject to the rules of professional conduct in their state bar jurisdictions." He noted that the American Bar Association Model Rule 8.4 or its state bar analog "provides a basis for disciplining an attorney who engages in conduct involving dishonesty, fraud, deceit or misrepresentation or conduct that is prejudicial to the administration of justice."

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