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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - JULY 13, 2026

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Headlines:

USCIS Again Moves Work Authorization Expiration Date for Certain TPS Recipients, Issues Guidance for Employers – The new guidance, which moves the expiration date for work authorization to July 17, 2026, for Burma (Myanmar), Ethiopia, Somalia, South Sudan, Syria, and Yemen, and to July 24, 2026, for Haiti, supersedes recent previous guidance.

E-Verify Announces TPS-Related Revisions to Handbook for Employers – Sections 5.0 through 5.3 have been revised due to developments that have reduced or eliminated the automatic extension periods for qualifying Temporary Protected Status applicants and beneficiaries.

No Immediate Changes to TN Visa; USMCA Review Process Begins – The Trump administration will not renew the United States-Mexico-Canada Agreement, triggering the agreement's built-in six-year review process and beginning a potential 10-year path toward expiration. There is no immediate impact to Trade NAFTA (TN) nonimmigrant status or the ability of Canadian and Mexican professionals to obtain TN classification.

OFLC Announces List of Randomized H-2B Applications With Work Start Date of October 1 – The Department of Labor's Office of Foreign Labor Certification announced the Assignment Groups for 2,625 H-2B applications covering 51,158 worker positions with a work start date of October 1, 2026, received during the July 3-5, 2026, filing period.

Fifth Circuit's Mandatory Detention Policy Remains in Effect Pending En Banc Review – In *Sosnava Rodriguez v. Ortega* (5th Cir., No. 26-50183), the Fifth Circuit vacated its July 2, 2026, panel decision that granted noncitizens a

constitutional right to an individualized bond hearing after 90 days.

Details:

USCIS Again Moves Work Authorization Expiration Date for Certain TPS Recipients, Issues Guidance for Employers

On July 10, 2026, U.S. Citizenship and Immigration Services (USCIS)' E-Verify program issued new guidance on work authorization for eligible Temporary Protected Status (TPS) recipients affected by a court order in *Mullin v. Doe*, a recent Supreme Court decision. The new guidance, which moves the expiration date for work authorization to July 17, 2026, for six countries and to July 24, 2026, for Haiti, supersedes USCIS' guidance released on July 1 that extended work authorization for those seven countries to July 10, 2026.

The new guidance for employers of affected TPS beneficiaries from Burma (Myanmar), Ethiopia, Somalia, South Sudan, Syria, and Yemen includes the following instructions:

When completing the Expiration Date (if any) fields on Form I-9, input "as per court order" in Section 1 and "July 17, 2026" in Section 2 along with a note in the additional information box. Employers may download the Alert and TPS webpages and attach them to Form I-9. Check USCIS websites regularly for updated information.

When completing a case in E-Verify, enter the expiration date of "July 17, 2026" from the Form I-9.

The new guidance tells employers of affected Haiti TPS beneficiaries to use July 24, 2026, for the expiration date in the fields noted above.

Confusion about the shifting dates and their impact has affected both employers and TPS recipients. A commenter noted that the new EAD expiration dates "are placeholder dates that may update as the remaining litigation and implementation efforts proceed." In a July 7, 2026, press release, Massachusetts Attorney General Cambell stated, "While the Supreme Court's decision allows the federal government to terminate TPS protections for Haiti and Syria, the current TPS designations and related work authorizations remain in effect until the Supreme Court sends a certified copy of its judgment to the lower court and the federal administration issues implementation guidance."

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E-Verify Announces TPS-Related Revisions to Handbook for Employers

On July 7, 2026, U.S. Citizenship and Immigration Services' (USCIS) E-Verify program announced revisions to its M-274 *Handbook for Employers* related to Temporary Protected Status (TPS) changes.

Specifically, sections 5.0 through 5.3 have been revised due to developments that "have reduced or eliminated the automatic extension periods for qualifying TPS applicants and beneficiaries with TPS-based ." A DHS interim final rule, USCIS implementation of H.R. 1 (the "One Big Beautiful Bill Act"), and "Federal Register notices unique to specific countries" have affected various EAD categories, USCIS noted.

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No Immediate Changes to TN Visa; USMCA Review Process Begins

On July 1, 2026, the Trump administration announced that it will not renew the United States-Mexico-Canada Agreement (USMCA), triggering the agreement's built-in six-year review process and beginning a potential 10-year path toward expiration.

Although this development has generated significant attention, there is no immediate impact to Trade NAFTA (TN) nonimmigrant status or the ability of Canadian and Mexican professionals to obtain TN classification. U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services continue to adjudicate TN applications under existing eligibility standards. Employers should therefore continue regular workforce planning practices for current and prospective TN employees.

Under the treaty's "sunset" provisions, the United States, Canada, and Mexico will engage in annual review discussions. If the parties do not agree to extend or replace it, USMCA would expire on July 1, 2036. This review process is separate from the treaty's withdrawal provision, which would permit a member country to withdraw upon six months' notice. No such withdrawal has been announced.

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OFLC Announces List of Randomized H-2B Applications With Work Start Date of

October 1

On July 8, 2026, the Department of Labor's Office of Foreign Labor Certification (OFLC) announced the Assignment Groups for 2,625 H-2B applications covering 51,158 worker positions with a work start date of October 1, 2026, received during the July 3-5, 2026, filing period. OFLC completed the randomization process on July 6, 2026.

Due to the number of applications filed and the number of worker positions requested, cases were randomized into two groups, assignment group A (1,881 cases) and assignment group B (744 cases), OFLC said. Cases in Group A are being assigned to National Processing Center analysts for issuance of Notices of Acceptance or Deficiency. Group A includes enough worker positions to reach the H-2B semi-annual visa allotment of 33,000. One additional Assignment Group was created for the remaining applications and associated worker positions. Each filing was randomly given a unique number in accordance with OFLC's randomization process and placed into a group for assignment to analysts for review and processing, OFLC explained.

On July 6, 2026, OFLC provided written notice to each employer (and the employer's authorized attorney or agent) informing them about the Assignment Group for their application(s).

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Fifth Circuit's Mandatory Detention Policy Remains in Effect Pending En Banc Review

In *Sosnava Rodriguez v. Ortega* (5th Cir., No. 26-50183), the Fifth Circuit vacated its July 2, 2026, panel decision that granted noncitizens a constitutional right to an individualized bond hearing after 90 days.

The full court has decided to rehear the case *en banc*, meaning the mandatory detention policy remains in effect pending the new review. As such, the panel decision is no longer precedential or binding on district courts in the Fifth Circuit or on other panels. However, under circuit law, its reasoning can still be cited as persuasive. *See, e.g., Cheejati v. Blinken*, 106 F.4th 388, 395 (5th Cir. 2024) (noting that while a prior panel decision was vacated, "we find its reasoning persuasive); *Munn v. City of Ocean Springs, Miss.*, 763 F.3d 437, 441 (5th Cir. 2014) (finding persuasive a prior decision vacated *en banc*).

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