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

IMMIGRATION UPDATE - JULY 27, 2026

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Headlines:

First Circuit Denies Stay in $100,000 H-1B Fee Case – The $100,000 H-1B application fee remains vacated pending a decision on the merits in the underlying appeal.

Court Issues Administrative Stay of Certain USCIS Policies Related to TPS-Based EAD Expiration and Asylum Fees – A U.S. district court issued an order granting, in part, plaintiffs' emergency motion for an administrative stay of certain USCIS policies based on H.R. 1 (the "One Big Beautiful Bill Act"). The plaintiffs are membership-based organizations representing individuals holding Temporary Protected Status and pending asylum applicants.

DHS Is Assessing Daily Fines for Failure to Leave the United States After Removal Order – The Trump administration has begun issuing letters assessing fines of $998 per day for an individual's failure to leave the United States after receiving an order of removal, regardless of whether the person is pursuing an alternate form of immigration relief or has a work permit or other permission to remain in the United States.

DOS Announces 'B' Visa Expedited Appointment Pilot Program, Starting With Mission Mexico – The Department of State is testing a voluntary, optional nonimmigrant visa expedited appointment program for B visas at select U.S. embassies and consulates through December 31, 2026, starting with Mission Mexico (embassy and all consulates).

USCIS Updates TPS Guidance for Haiti – On July 24, 2026, U.S. Citizenship and Immigration Services (USCIS) posted an update regarding the status of employment authorization documents (EADs) for temporary protected status (TPS)-holders from Haiti. TPS and associated EADs remain valid and extended per a court order.

Details:

First Circuit Denies Stay in $100,000 H-1B Fee Case

On July 24, 2026, the U.S. Court of Appeals for the First Circuit denied a motion to continue a stay in *State of California v. Mullin.* In that case, plaintiffs (a group of 20 states) challenged a proclamation by President Trump requiring that $100,000 be paid with each H-1B petition. The plaintiffs argued that the actions taken by several federal agencies to implement the proclamation were illegal and unconstitutional. They also claimed that the policy would harm their states and lead to staffing shortages in public universities, K-12 schools, and healthcare systems.

A district court previously vacated the policy as unlikely to succeed on the merits but granted a temporary administrative stay. The First Circuit agreed with the lower court and noted that the plaintiff states were likely to be substantially injured by the stay. The First Circuit's order means that the $100,000 H-1B application fee remains vacated pending a decision on the merits in the underlying appeal.

It is widely expected that the Trump administration will petition the Supreme Court if it loses on the merits in the First Circuit. A final First Circuit decision is not expected until some time in 2027.

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Court Issues Administrative Stay of Certain USCIS Policies Related to TPS-Based EAD Expiration and Asylum Fees

U.S. Citizenship and Immigration Services (USCIS) recently announced that on July 21, 2026, a U.S. district court issued an order in *Venezuelan Association of Massachusetts v. USCIS* granting, in part, plaintiffs' emergency motion for an administrative stay of certain USCIS policies based on H.R. 1 (the "One Big Beautiful Bill Act"). Plaintiffs are membership-based organizations representing individuals holding Temporary Protected Status (TPS) and pending asylum applicants.

USCIS said it will comply with the court's order pending further judicial proceedings. The court's order stays the following portions of USCIS's policies:

- Application of H.R. 1 to TPS-based employment authorization document (EAD) expiration deadlines, meaning that any previously extended TPS-based EAD will maintain its prior expiration date;
- Rejection of asylum applications for failure to pay the annual asylum fee (AAF);
- Termination of work authorization as a result of failing to pay the AAF; and
- Initiation of removal procedures based solely on a person's failure to pay the AAF.

The court said that the administrative stay will remain in effect until an order to be issued by August 5, 2026. USCIS noted that the court's order "expressly allows USCIS to continue collecting the AAF. Therefore, any alien to whom USCIS sent or sends a notice regarding the AAF must pay the fee according to the instructions in that notice. All other fees and requirements of H.R. 1 continue in effect."

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DHS Is Assessing Daily Fines for Failure to Leave the United States After Removal Order

The Trump administration has begun issuing letters assessing fines of $998 per day for an individual's failure to leave the United States after receiving an order of removal, regardless of whether the person is pursuing an alternate form of immigration relief or has a work permit or other permission to remain in the United States. On July 23, 2026, the Department of Homeland Security (DHS) announced that under a streamlined process, it has issued more than $84 billion in civil fines for failure to leave.

DHS has sent more than 100,000 such letters, which are accompanied by fliers explaining how to self-deport. The fines can add up to more than $1 million. In one case, the letter gave the recipient 15 days to contest the decision. But after filing an appeal, the letter recipient received a second letter threatening her credit and referral for collection litigation, and stating that her debt would be considered in any future immigration proceedings. Many such appeals have been denied, according to lawyers interviewed by the *New York Times*, including a 68-year-old man whose U.S. citizen wife has cancer and who had received DHS's permission to remain in the United States after receiving an order of removal in 2012. His letter said he owed $579,838.

Advocates and attorneys for individual clients have filed several federal lawsuits to block the policy on due process and constitutional grounds.

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DOS Announces 'B' Visa Expedited Appointment Pilot Program, Starting With Mission Mexico

On July 22, 2026, the Department of State (DOS) announced that it is testing a voluntary, optional nonimmigrant visa expedited appointment program for B visas at select U.S. embassies and consulates through December 31, 2026, starting with Mission Mexico (embassy and all consulates).

Under the pilot program, eligible applicants for B visas—those making new appointments or holding existing appointments with unexpired machine-readable visa (MRV) fee receipts—may pay a $750 fee per appointment to schedule a visa interview within 10 business days (subject to availability). Applicants must first follow the usual process to pay the $185 MRV fee and schedule an interview appointment. If expedited appointments are available, these appointments will be visible for applicants to select when scheduling their appointments, DOS said. After an applicant selects an expedited appointment date and time, the $750 fee payment must be completed within 10 minutes to secure the appointment.

DOS noted that additional pilot locations may be announced throughout the pilot period.

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On July 24, 2026, U.S. Citizenship and Immigration Services (USCIS) posted an update regarding the status of employment authorization documents (EADs) for temporary protected status (TPS)-holders from Haiti. TPS and associated EADs remain valid and extended per a court order.

According to USCIS, when completing the expiration date (if any) fields on Form I-9, employers should input "as per court order" in Section 1 and "July 27, 2026" in Section 2 along with a note in the additional information box. Employers may download the Alert and TPS Haiti webpage and attach them to Form I-9. When completing a case in E-Verify, employers should enter the expiration date of

"July 27, 2026" from the Form I-9.

USCIS recommends checking the USCIS TPS Haiti webpage regularly for updates.

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The plaintiff states are Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Wisconsin.