



IMMIGRATION UPDATE - AUGUST 03, 2026

Posted on August 3, 2026 by Cyrus Mehta

Headlines:

[Trump Administration Considers \\$100,000 Fee for International Students to Work in United States](#) – The Trump administration is considering charging a \$100,000 fee for international students wanting to work in the United States after graduation, likely via the Optional Training Program.

[DHS Detentions Increase at Airports](#) – A growing number of foreign nationals have been detained by the Department of Homeland Security at U.S. airports while traveling between states, even if they had pending applications and were in a period of authorized stay, including spouses of U.S. citizens, tech workers, and others.

[DOS Proposes Changes to Exchange Visitor Program Rules](#) – On July 30, 2026, the Department of State published a proposed rule that would make changes to the Exchange Visitor Program.

[DHS Announces Rule Change, Effective Immediately, to Allow USCIS to Refer Asylum Applications to Immigration Judges Without Interviewing the Applicant](#) – DHS said the rule will shorten the total time that it takes asylum officers and Immigration Judges to adjudicate asylum applications and thus reduce the asylum backlog.

Firm in the News

Details:

Trump Administration Considers \$100,000 Fee for International Students to Work in United States

According to [reports](#), the Trump administration is considering charging a

\$100,000 fee for international students who want to work in the United States after graduation, likely via the Optional Training Program (OPT). As of last fall, there were an [estimated](#) 300,000 international students on OPT in the United States, about a quarter of the total international student population.

If implemented, the fee [could reduce](#) the ability of the United States to attract and retain top talent. It also could harm universities, tech companies, and Wall Street firms that benefit from the international student pipeline.

The Department of Homeland Security is reportedly [considering](#) the fee as part of a larger package of changes to OPT regulations.

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DHS Detentions Increase at Airports

Practitioners are [warning](#) that a growing number of foreign nationals have been detained by the Department of Homeland Security (DHS) at U.S. airports while traveling between states, even if they had pending applications and were in a period of authorized stay, including [spouses of U.S. citizens, tech workers, and others](#).

Incidents have been reported so far in California, Colorado, Florida, Illinois, Kansas, Michigan, New Jersey, Texas, and Virginia. The individuals affected share a common profile: their underlying nonimmigrant status has expired, but they may have timely filed an application for adjustment of status or asylum, or an extension of status request. Some of those detained had no criminal history and held valid work authorization or advance parole documents at the time. No single triggering policy or rule change has been identified behind this emerging pattern.

Employers and affected employees should not assume that a pending immigration filing eliminates travel risk simply because the employee is otherwise maintaining a period of authorized stay. An individual may be placed in removal proceedings even if they are authorized to remain in the United States by filing an adjustment of status application if the underlying nonimmigrant status has expired. Practitioners recommend that employers review their workforce records and alert their sponsored employees who may be at risk even during routine, in-country travel. It may be advisable for such employees to avoid air travel if possible. If air travel is unavoidable, affected

employees should carry immigration evidence including USCIS approval/receipt notices, I-94 printouts, Employment Authorization Documents, and AP/travel documents. It is not sufficient to have evidence on a phone or laptop; any documentation should be either original or printed.

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DOS Proposes Changes to Exchange Visitor Program Rules

On July 30, 2026, the Department of State (DOS) published a [proposed rule](#) that clarifies the conditions under which a sponsor must terminate a J-1 exchange visitor's program and authorizes DOS, in its discretion, to terminate an exchange visitor's program in limited circumstances; modifies extension of program status and reinstatement to valid program status by eliminating certain requirements and introducing updated procedures that make use of current Student and Exchange Visitor Information System functionality; includes definitions for "Unauthorized Employment" and "Valid Program Status"; and rescinds the separate extension-of-program provision for au pairs.

Comments are due by September 28, 2026.

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DHS Announces Rule Change, Effective Immediately, to Allow USCIS to Refer Asylum Applications to Immigration Judges Without Interviewing the Applicant

On July 27, 2026, the Department of Homeland Security (DHS) [announced](#) an [interim final rule](#), effective July 28, that allows U.S. Citizenship and Immigration Services (USCIS) to refer asylum applications to Immigration Judges (IJs) without first interviewing the applicant. DHS said the rule will shorten the total time that it takes asylum officers and IJs to adjudicate asylum applications and thus reduce the asylum backlog.

Previously, the agency explained, both USCIS and Department of Justice (DOJ) IJs adjudicate applications for asylum: USCIS adjudicates "affirmative" asylum applications for those who are not in removal proceedings, while IJs adjudicate "defensive" asylum applications for those who are in removal proceedings. Depending on the individual's immigration status, USCIS usually either adjudicates the application or refers it to an IJ, who conducts a new review of the application.

DHS noted that USCIS still offers an interview before a grant or denial of asylum. DHS said it is also removing the requirement that a letter communicating the basis for referral of asylum include an assessment of credibility.

Comments are due by September 28, 2026.

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Firm in the News

Cyrus Mehta was quoted by *Forbes* in [Trump Immigration Policies Make It Harder To Get And Keep Citizenship](#). He said, "If you get convicted of a crime after you have naturalized, and the facts supporting the indictment or charges go back before you naturalized, that would be grounds to denaturalize the person for either failure to maintain good moral character within the relevant five-year period or for not truthfully answering the question on the N-400 on whether you committed a crime for which you were not charged or arrested." Mr. Mehta also noted that "I still have not seen the Trump administration try to denaturalize citizens for what they may perceive as irregularities in the labor certification process such as not conducting a good faith test of the labor market or where the business necessity justification may not have been present. This is because the government has a heavy burden. In *Maslenjak v. United States*, the U.S. Supreme Court ruled unanimously that the federal government cannot strip a naturalized citizen of their U.S. citizenship for making a false statement unless the lie directly influenced the procurement of that citizenship."

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