



IMMIGRATION UPDATE - AUGUST 10, 2026

Posted on August 10, 2026 by Cyrus Mehta

Headlines:

[DOS Issues Final Rule on Permanent Visa Bond Program for B-1/B-2](#)

[Visitors](#) – Under the program, an applicant for a visa as a temporary visitor for business or pleasure (B-1/B-2) may be required to submit a visa bond “to ensure that the alien maintains his or her nonimmigrant status and departs as required. Consular officers may require covered nonimmigrant visa applicants to post a bond of up to \$20,000 as a condition of visa issuance, as determined by the consular officers.”

[USCIS Clarifies That Immigration Benefit Requests May Be Denied Without](#)

[RFEs](#) – Applications for immigration benefits can be denied without first issuing a Request for Evidence or a Notice of Intent to Deny if “all required initial evidence” has not been submitted with the application.

[DHS Final Rule Requires 9-11 Biometric Fee for Certain H-1B and L-1](#)

[Nonimmigrant Visa Petitions](#) – On August 10, 2026, the Department of Homeland Security (DHS) plans to publish a final rule amending its regulations on the 9-11 Response and Biometric Entry-Exit Fee for certain H-1B and L-1 nonimmigrant visas. The final rule requires that covered employers submit the fee (\$4,000 for H-1B petitions and \$4,500 for L-1 petitions) for all H-1B and L-1 extension-of-status petitions regardless of whether the related fraud prevention and detection fee applies.

[USCIS Extends TPS-Based EAD Validity for Burma, Ethiopia, Somalia, and South Sudan; Use of Ankle Monitors Expands](#)

– U.S. Citizenship and Immigration Services has released updated guidance on court-ordered extensions of work authorization under Temporary Protected Status.

[August Visa Bulletin Shows Little Forward Movement](#) – The Department of

State's Visa Bulletin for August shows little forward movement across several employment-based categories.

President Trump Signs New Executive Orders Limiting Birthright

Citizenship – President Trump signed two new executive orders on August 6, 2026, to limit birthright citizenship for those he deems not to “fall within the rule of birthright citizenship announced by the Supreme Court.”

Details:

DOS Issues Final Rule on Permanent Visa Bond Program for B-1/B-2 Visitors

The Department of State (DOS) has issued a [final rule](#) to make permanent the Visa Bond Pilot Program. Under the program, an applicant for a visa as a temporary visitor for business or pleasure (B-1/B-2) may be required to submit a visa bond “to ensure that the alien maintains his or her nonimmigrant status and departs as required. Consular officers may require covered nonimmigrant visa applicants to post a bond of up to \$20,000 as a condition of visa issuance, as determined by the consular officers.”

DOS said that visa bonds may be required for certain visa applicants “who are nationals of countries with high overstay rates, deficient information sharing, insufficient identity verification and criminal records, and that need improvement in the area of screening and vetting and the security of travel and civil documents, including in the granting of citizenship.”

DOS said it will announce the covered countries via <https://www.travel.state.gov> “with 15 days from announcement to enactment for any countries added and with immediate effect for any countries removed from the list. Nationals of countries that are subject to a visa bond requirement under the Visa Bond Pilot Program will continue to be subject to a visa bond requirement pursuant to this rule on its effective date. The countries may be modified on a rolling basis, with removal effective immediately upon the removal date.”

The [list of countries](#), which includes varying effective dates, was last updated May 13, 2026. That list includes 50 countries, including 30 African nations. DOS said the list “may be modified on a rolling basis.” It includes Algeria, Angola, Antigua and Barbuda, Bangladesh, Benin, Bhutan, Botswana, Burundi, Cabo Verde, Cambodia, the Central African Republic, Côte d'Ivoire, Cuba, Djibouti,

Dominica, Ethiopia, Fiji, Gabon, The Gambia, Georgia, Grenada, Guinea, Guinea-Bissau, the Kyrgyz Republic, Lesotho, Malawi, Mauritania, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Papua New Guinea, São Tomé and Príncipe, Senegal, Seychelles, Tajikistan, Tanzania, Togo, Tonga, Tunisia, Turkmenistan, Tuvalu, Uganda, Vanuatu, Venezuela, Zambia, and Zimbabwe.

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USCIS Clarifies That Immigration Benefit Requests May Be Denied Without RFEs

On August 5, 2026, U.S. Citizenship and Immigration Services (USCIS) [clarified](#) that applications for immigration benefits can be denied without first issuing a Request for Evidence (RFE) or a Notice of Intent to Deny if “all required initial evidence” has not been submitted with the application.

USCIS noted that its form instructions “specify all required initial evidence for every benefit request, giving requestors all the information needed to comply.” The agency said that “prior policy allowed frivolous or substantially incomplete filings to slow USCIS processing for others waiting in line.” USCIS’s [updated policy guidance](#) states that it targets “nefarious filing practices such as frivolous and placeholder filings to secure ancillary benefits.”

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DHS Final Rule Requires 9-11 Biometric Fee for Certain H-1B and L-1 Nonimmigrant Visa Petitions

On August 10, 2026, the Department of Homeland Security (DHS) plans to publish a [final rule](#) amending its regulations on the 9-11 Response and Biometric Entry-Exit Fee for certain H-1B and L-1 nonimmigrant visas. The final rule changes DHS’s interpretation of statutory language to require that covered employers submit the 9-11 Biometric Fee (\$4,000 for H-1B petitions and \$4,500 for L-1 petitions) for all H-1B and L-1 extension-of-status petitions regardless of whether the related fraud prevention and detection fee applies. The changes also “help DHS comply with its congressional mandate to implement a biometric entry-exit system,” the agency said.

DHS said the fee requirement includes extension-of-status petitions that do not involve a change of employer. The 9-11 Biometric Fee also continues to apply unchanged to petitions seeking an initial grant of status. The fee therefore

applies “to all H-1B or L-1 petitions filed by covered employers seeking initial classification of a beneficiary as an H-1B or L-1 nonimmigrant or an extension of status for those already in such status, irrespective of whether the extension of status request is for a change of covered employers or for the purpose of remaining employed with the original covered employer.”

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USCIS Extends TPS-Based EAD Validity for Burma, Ethiopia, Somalia, and South Sudan; Use of Ankle Monitors Expands

U.S. Citizenship and Immigration Services (USCIS) has released updated guidance on court-ordered extensions of work authorization under Temporary Protected Status (TPS) for [Burma](#), [Ethiopia](#), [Somalia](#), and [South Sudan](#). As an example, the guidance for Ethiopia notes:

Ethiopia: The validity of Employment Authorization Documents (EADs) issued under the TPS designation of Ethiopia with an original expiration date of June 12, 2024, and Dec. 12, 2025, is extended per court order. *African Communities Together et al. v. Noem et al.*, No. 26-cv-10278-BEM (D. Mass.). The extension is limited relief until the lower courts align with the U.S. Supreme Court’s favorable decision in *Mullin v. Doe*, 609 U.S. ____ (2026), issued on June 25, 2026.

When completing the Expiration Date (if any) fields on Form I-9, input “as per court order” in Section 1 and “**Aug. 19, 2026**,” in Section 2 along with a note in the Additional Information box. Employers may download the Alert and [TPS Ethiopia](#) webpage and attach them to Form I-9. When completing a case in E-Verify, enter the expiration date of “**Aug. 19, 2026**,” from the Form I-9. Check USCIS websites regularly for updated information.

According to [reports](#), Immigration and Customs Enforcement (ICE) officers are expanding the use of ankle monitors. For example, Haitians in Springfield, Ohio, whose TPS has expired but who haven’t committed any crimes are receiving ankle monitors after being summoned by letter to an ICE field office. Ankle monitors are nothing new, but many of the affected Haitians had filed asylum applications and were not in immigration court proceedings. Rebecca Bundy, the supervising attorney at Advocates for Basic Legal Equality in Toledo, said that “for many folks in the Haitian community ... these are not people who are in immigration court proceedings. They are people who filed affirmative asylum applications with USCIS, and so the jurisdiction and the procedure is completely

different. We're actually not sure yet how the immigration enforcement, CBP, and ICE are claiming to have the authority to impose these restrictions, impose the ankle monitor."

TPS and work authorization were terminated recently for [Haiti](#), [Syria](#), and [Yemen](#). The TPS expiration dates vary by country. USCIS recommends checking the agency's country webpages on TPS regularly for updates because the status of an individual's TPS and work authorization depends on developments in related litigation. For example, for Haiti, a court determined on August 5, 2026, that a stay of the termination of TPS for Haiti pending judicial review was no longer in effect, but ordered that the parties in the case propose a schedule for further proceedings.

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August Visa Bulletin Shows Little Forward Movement

The Department of State's [Visa Bulletin for August](#) shows little forward movement across several employment-based categories. The bulletin includes the following information:

VISA AVAILABILITY IN THE EMPLOYMENT-BASED FIRST PREFERENCE (EB-1) FINAL ACTION DATE FOR INDIA

High demand and number use by aliens chargeable to India in the EB-1 visa category may necessitate making the category unavailable in the coming weeks if India's pro-rated limit in the EB-1 category is reached before the fiscal year ends.

VISA AVAILABILITY IN THE EMPLOYMENT-BASED SECOND PREFERENCE (EB-2) CATEGORY

Sufficient demand and increased number use in the EB-2 visa category may make it necessary to retrogress the final action date or make the category unavailable in the coming months to hold number use within the maximum allowed under the FY 2026 annual limit.

The bulletin states that these situations "will be continually monitored, and any necessary adjustments will be made accordingly."

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President Trump Signs New Executive Orders Limiting Birthright Citizenship

Following [defeat in the Supreme Court](#) on constitutional grounds of a presidential order limiting birthright citizenship, President Trump signed two new executive orders on August 6, 2026, to limit birthright citizenship for those he [deems](#) not to “fall within the rule of birthright citizenship announced by the Supreme Court”:

- [Continuing to Protect the Meaning and Value of American Citizenship](#), which “identifies, non-exhaustively, and prescribes action concerning certain categories of children of aliens who do not fall within the rule of birthright citizenship as announced by the Supreme Court”; and
- [Ending Birth Tourism](#), which aims to “prevent the entry into the United States of, or the granting of any visa or other travel authorization to, any alien entering or attempting to enter the United States for the purpose of engaging in birth tourism; revoking the visa or travel authorization and permanently barring entry of any alien who enters or attempts to enter the United States for the purpose of engaging in birth tourism; denial of entry to, or removal of, any alien who previously engaged or plans to engage in birth tourism; or other appropriate action against entities, organizations, or individuals, within or outside of the United States, responsible for facilitating or enabling birth tourism in any manner.”

The first order identifies several categories of persons it asserts are not covered by birthright citizenship, including those with a parent who is an “alien enemy,” such as a member of a designated Foreign Terrorist Organization or a Specially Designated Global Terrorist; those with a parent who is a foreign government employee, including ambassadors, certain embassy or consular employees, officials of foreign governments, or employees of international organizations with immunity; those whose parent engaged in a commercial transaction or fraudulent activity to obtain or access birthright citizenship, including arrangements to ensure that the mother or a surrogate is present in the United States or a U.S. territory to give birth; and those born in a U.S. territory or territorial waters where citizenship is not conferred by federal statute.

In the second order, “birth tourism” is [defined](#) as “(a) the entry of any foreign national into the United States via a nonimmigrant visa for the purpose of giving birth on American soil; or (b) any effort by any foreign national to facilitate the entry of any foreign national into the United States via a

nonimmigrant visa for the purpose of giving birth on American soil.” The order on birth tourism states that U.S. immigration laws “establish discrete categories of temporary nonimmigrant visas to allow foreign visitors into the United States for study, exchange, temporary employment, tourism, and other transitory activities that are now exploited by birth tourism operators. Participants in birth tourism schemes abuse these categories to establish a permanent foothold in the United States by securing the advantage of citizenship for their children and then potentially for themselves.”

Some commentators [believe](#) that even these executive orders [will be found unconstitutional](#).

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