



IMMIGRATION UPDATE - AUGUST 24, 2026

Posted on August 24, 2026 by Cyrus Mehta

Headlines:

[Federal District Court Strikes Down Trump Administration's Suspension of Immigrant Visas for Nationals of 75 Countries](#)

– The court held that the policy is contrary to law and was issued in excess of Secretary of State Marco Rubio's statutory authority. The court therefore vacated the policy under the Administrative Procedure Act. The judgment also vacated any refusal of an immigrant visa that was based solely upon the policy and remanded those agency actions for further proceedings.

[Coalition Challenges DHS's 'Duration of Status' Final Rule](#) – A coalition of organizations filed a lawsuit in a U.S. district court challenging the Department of Homeland Security's final rule that replaces the "Duration of Status" (D/S) framework for F-1 international students and J-1 exchange visitors with fixed admission periods of no more than four years, and imposes fixed periods of admission for representatives of foreign media in I status.

[USCIS Revises I-485 Permanent Residence/Adjustment Application](#) – The 09/18/26 edition of Form I-485 will replace the 01/20/25 edition. USCIS said the form has been revised to align with the recently announced Public Charge Ground of Inadmissibility final rule.

[USCIS Issues Guidance on Public Charge Inadmissibility Determinations](#) – U.S. Citizenship and Immigration Services is issuing updated guidance explaining how the agency will determine whether an individual applying for adjustment of status to lawful permanent residence is likely at any time to become a public charge.

[USCIS Releases New Guidance on Ethiopian TPS](#) – U.S. Citizenship and Immigration Services released new guidance on Ethiopian Temporary Protected

Status that supersedes earlier guidance posted on August 6. The guidance notes that the Ethiopia TPS designation was terminated on August 18, 2026.

DOS Expands Expedited B Nonimmigrant Visa Appointment Pilot Program

– In addition to Mission Mexico (embassy and all consulates), the program is now expanded to include Mission Canada (embassy and all consulates) and the embassies in Bogota, Guatemala City, San Jose, and Tegucigalpa.

Firm in the News

Details:

Federal District Court Strikes Down Trump Administration's Suspension of Immigrant Visas for Nationals of 75 Countries

On August 21, 2026, in [*Catholic Legal Immigration Network v. Rubio*](#), the federal district court for the Southern District of New York struck down the Trump administration's suspension in January 2026 of immigrant visas for nationals of 75 countries. At the time, the court noted, the Department of State (DOS) explained that it deemed immigrants from those 75 countries to pose a high risk of utilizing welfare or becoming a public charge. The court noted that Secretary of State Marco Rubio then sent a cable to all diplomatic and consular posts ordering consular officers to refuse immigrant visas to nationals of the 75 designated countries regardless of whether the consular officer had, following an individualized assessment, determined that the applicant was not likely to become a public charge and that the applicant was otherwise eligible for a visa. The court said that the "nationality-based immigrant visa suspension policy" thus had "the effect of categorically banning the issuance of immigrant visas to nationals of nearly 40% of the world's countries."

The court held that the policy is contrary to law and was issued in excess of Secretary Rubio's statutory authority. The court therefore vacated the policy under the Administrative Procedure Act. The judgment also vacated any refusal of an immigrant visa that was based solely upon the policy and remanded those agency actions for further proceedings.

The court ordered the parties to submit a joint letter by September 11, 2026, setting forth their proposals on how to proceed with respect to the remaining claims in the case.

Affected countries [include](#) Afghanistan, Albania, Algeria, Antigua and Barbuda,

Armenia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bosnia, Brazil, Burma, Cambodia, Cameroon, Cape Verde, Colombia, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Eritrea, Ethiopia, Fiji, The Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Haiti, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyzstan, Laos, Lebanon, Liberia, Libya, Macedonia, Moldova, Mongolia, Montenegro, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Republic of the Congo, Russia, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Tanzania, Thailand, Togo, Tunisia, Uganda, Uruguay, Uzbekistan, and Yemen.

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Coalition Challenges DHS's 'Duration of Status' Final Rule

On August 18, 2026, a coalition of organizations filed a [lawsuit](#) in the U.S. district court in Massachusetts challenging the Department of Homeland Security's (DHS) final rule, published in July, that replaces the "Duration of Status" (D/S) framework for F-1 international students and J-1 exchange visitors with fixed admission periods of no more than four years, and imposes fixed periods of admission for representatives of foreign media in I status.

The coalition includes NAFSA: Association of International Educators; the Presidents' Alliance on Higher Education and Immigration; the Association of Independent Colleges and Universities in Massachusetts; the American Federation Of Teachers (AFT); Graduate Labor Organization, AFT Local 6516 (GLO); International Union, United Automobile, Aerospace and Agricultural Implement Workers of America; United Auto Workers Local 2322; and The NewsGuild-CWA.

The Presidents' Alliance on Higher Education and Immigration [explained](#) in a press release that the complaint argues that the final rule violates the Administrative Procedure Act because DHS failed to adequately assess its costs and benefits, meaningfully respond to public comments, consider less burdensome alternatives, and justify the rule based on its stated objectives. It also alleges that DHS provided an inadequate public comment period and exceeded its statutory authority. "These changes will create significant uncertainty and administrative burdens for international students, exchange visitors, and the institutions that support them. They will also interfere with

academic decision-making, disrupt students' educational and professional plans, and undermine the ability of U.S. colleges and universities to attract and retain global talent," the Presidents' Alliance said.

On August 19, 2026, the district court judge issued an order setting the briefing schedule and setting a hearing date. The defendant's response is due August 31, 2026. An in-person motion hearing is scheduled for September 9, 2026.

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USCIS Revises I-485 Permanent Residence/Adjustment Application

On August 19, 2026, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it will publish a revised edition of Form I-485, Application to Register Permanent Residence or Adjust Status (edition date: 09/18/26).

The 09/18/26 edition of Form I-485 will replace the 01/20/25 edition. USCIS said the form has been revised to align with the recently announced [Public Charge Ground of Inadmissibility](#) final rule.

USCIS is providing a [preview version of the 09/18/26 edition of Form I-485](#) and its instructions because there is no grace period for accepting the revised edition of Form I-485. USCIS said, "Do not file the 09/18/26 edition of Form I-485 before Sept. 18, 2026. We will only accept the 09/18/26 edition of this form if it is postmarked or electronically submitted on or after Sept. 18, 2026."

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USCIS Issues Guidance on Public Charge Inadmissibility Determinations

On August 18, 2026, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it is issuing updated guidance in the [USCIS Policy Manual](#) explaining how the agency will determine whether an individual applying for adjustment of status to lawful permanent residence is likely at any time to become a public charge.

USCIS said that it considers various factors when making public charge determinations, including age; health; family status; assets, resources, and financial status; and education and skills. USCIS also will consider receipt of means-tested public benefits, such as cash assistance for income maintenance, housing assistance, food stamps, financial aid for college, or any other similar benefit. For means-tested public benefits received before September 18, 2026,

USCIS will only consider the person's "receipt of public cash assistance for income maintenance and long-term institutionalization at the government's expense." For means-tested public benefits received on or after September 18, 2026, USCIS will consider "any and all benefits." USCIS said it will review all relevant evidence in the record and make case-by-case decisions in the totality of the person's circumstances.

A public charge bond is possible in an amount to be determined by the USCIS officer. A person invited by USCIS to do so in a Notice of Intent to Deny may submit a cash bond or a surety bond (posted through a surety company certified by the U.S. Treasury) by submitting [Form I-945, Public Charge Bond](#).

USCIS provided the following table:

Categories that are subject to public charge

- Spouses, children, and parents of U.S. citizens
- Unmarried sons and daughters of U.S. citizens and their children
- Spouses, children, and unmarried sons and daughters of LPRs
- Married sons and daughters of U.S. citizens and their spouses and children
- Brothers and sisters of U.S. citizens
- Fiancé(e)s of U.S. citizens
- Amerasians based on preference category, born on or after Dec. 31, 1950, and before Oct. 22, 1982
- Widows or widowers of U.S. citizens
- Priority workers
- Professionals with advanced degrees or aliens of exceptional ability
- Skilled workers, professionals, and other workers
- Investors
- Religious workers
- Certain employees or former employees of the U.S. government abroad
- Panama Canal Zone employees
- Foreign medical school graduates
- Retired employees of international organizations
- U.S. armed forces personnel
- International broadcasters
- Diplomats or high-ranking officials unable to return home (Section 13 of the Act of September 11, 1957)
- Diversity visa immigrants
- Certain entrants before Jan. 1, 1982
- Alien witnesses or informants

Categories that are not subject to public charge

- Asylees and refugees
- Amerasian immigrants at admission
- Afghan and Iraqi interpreters or Afghan and Iraqi nationals employed by or on behalf of the U.S. government
- Cuban and Haitian entrants at adjustment of status under section 202 of the Immigration Reform and Control Act of 1986
- Applicants seeking adjustment under the Cuban Adjustment Act
- Nicaraguans and other Central Americans who are adjusting status to lawful permanent resident
- Haitians who are adjusting status to lawful permanent resident under the Haitian Refugee Immigration Fairness Act of 1998
- Lautenberg parolees
- Special immigrant juveniles
- Applicants for registry
- Applicants seeking Temporary Protected Status
- Certain nonimmigrant ambassadors, ministers, diplomats, and other foreign government officials, and their families
- Victims of human trafficking (T nonimmigrants)
- Victims of qualifying criminal activity (U nonimmigrants)
- Self-petitioners under the Violence Against Women Act
- Certain battered aliens who are "qualified aliens" under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- Applicants adjusting status who qualify for a benefit as surviving spouses, children, or parents of military members
- American Indians born in Canada who are not U.S. citizens
- Certain members of the Texas Band of Kickapoo Indians of the Kickapoo Tribe of Oklahoma
- Nationals of Vietnam, Cambodia, and Laos applying under the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2001
- Polish and Hungarian parolees
- Certain Syrian nationals
- Applicants adjusting under the Liberian Refugee Immigration Fairness law

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USCIS Releases New Guidance on Ethiopian TPS

On August 18, 2026, U.S. Citizenship and Immigration Services (USCIS) released [new guidance](#) on Ethiopian Temporary Protected Status (TPS) that supersedes earlier guidance posted on August 6. The guidance notes that the Ethiopia TPS designation was terminated on August 18, 2026.

Forms I-766, Employment Authorization Document, with category A12 or C19 issued to TPS Ethiopia beneficiaries are no longer valid, USCIS said.

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DOS Expands Expedited B Nonimmigrant Visa Appointment Pilot Program

On August 18, 2026, the Department of State (DOS) [announced](#) the expansion of its voluntary pilot program to test B nonimmigrant visa expedited appointments at select U.S. embassies and consulates through December 31, 2026.

In addition to Mission Mexico (embassy and all consulates), the program is now expanded to include Mission Canada (embassy and all consulates) and the embassies in Bogota, Guatemala City, San Jose, and Tegucigalpa.

Under the pilot program, eligible applicants for B visas (those making new appointments or holding existing appointments with unexpired machine-readable visa 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, DOS said.

The announcement includes frequently asked questions.

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Firm in the News

Cyrus Mehta was quoted by the *Times of India* in [U.S. Green Card Applicants to Face Broader Public Charge Scrutiny From September 18](#). He said, "The new rule and accompanying guidance will impact mainly elderly parents, especially those who have health issues, who are being sponsored if their sponsors are also unable to satisfy the new criteria. The new public charge rule and policy is

another obstacle that the Trump administration has imposed to restrict legal immigration to the U.S.”

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