



IMMIGRATION UPDATE - AUGUST 31, 2026

Posted on August 31, 2026 by Cyrus Mehta

Headlines:

[Trump Administration Plans to Revoke Visas of B Visitors Who Applied for Asylum](#) – According to reports, the Trump administration plans to begin revoking the nonimmigrant visas of up to 200,000 B-1 business visitors and B-2 tourists who entered with a visa issued between 2016 and 2026 and then applied for asylum.

[DHS Proposes New \\$103,265 Fee on Cap-Subject H-1B Petitions](#) – The Department of Homeland Security has issued a proposed rule to establish a \$103,265 fee for all H-1B cap-subject petitions, including those eligible for the advanced-degree exemption.

[DHS Proposal to Eliminate 60-Day Nonimmigrant Grace Period Clears Federal Review](#) – The Office of Management and Budget has [cleared](#) a Department of Homeland Security proposed rule that would eliminate the discretionary, maximum 60-day grace period provided to certain nonimmigrants whose employment ceases.

[Trump Administration Plans to Nix Work Permits for H-4 Spouses](#) – The Trump administration plans to issue a rule to eliminate employment authorization eligibility for spouses of H-1B workers.

[Worldwide Immigrant Visa Pause Expected to Last **Until** August 31, 2026](#) – The Trump administration has paused immigrant visa processing worldwide until August 31 while consular officers receive training on public charge guidance.

[Firm in the News](#)

Details:

Trump Administration Plans to Revoke Visas of B Visitors Who Applied for Asylum

According to [reports](#), the Trump administration plans to begin revoking the nonimmigrant visas of up to 200,000 B-1 business visitors and B-2 tourists who entered with a visa issued between 2016 and 2026 and then applied for asylum.

Tommy Pigott, a Department of State spokesperson, explained that the agency is coordinating with the Department of Homeland Security “to identify and revoke the nonimmigrant visas of foreigners who have come to the United States claiming to be short-term visitors, but then file for asylum to stay here permanently.” Mr. Pigott said the revocations would be done “on a rolling basis.”

[Back to Top](#)

DHS Proposes New \$103,265 Fee on Cap-Subject H-1B Petitions

On August 24, 2026, the Department of Homeland Security (DHS) [announced](#) that it has issued a [proposed rule](#) to establish a \$103,265 fee for all H-1B cap-subject petitions, including those eligible for the advanced-degree exemption. The proposed fee would be paid at the time of filing and would be imposed in addition to all other applicable fees or payments, DHS said. A federal judge [blocked a similar fee](#) on new H-1B visas last June.

Under the proposed rule, the additional fee would not apply to H-1B petitions that are not subject to the cap, such as petitions filed by certain nonprofit research organizations, governmental research organizations, and institutions of higher education.

DHS estimates the proposed fee would generate approximately \$8.8 billion annually, based on a projected annual volume of 85,000 H-1B cap-subject petitions. Commenters warned of potential far-reaching effects. Doug Rand, a senior official for U.S. Citizenship and Immigration Services under the Biden administration, [said](#), “It’s much bigger in scope” than the previously proposed fee. “This regulation, if enacted, would have catastrophic effects on America’s global talent pipeline.”

Comments must be submitted by September 24, 2026.

[Back to Top](#)

DHS Proposal to Eliminate 60-Day Nonimmigrant Grace Period Clears Federal Review

The Office of Management and Budget has [cleared](#) a Department of Homeland Security proposed rule that would eliminate the discretionary, maximum 60-day grace period provided to certain nonimmigrants whose employment ceases. The next step for the proposal is publication in the Federal Register with a public comment period. The specific content of the rule will not be known until publication. The regulation will not take effect until public comments are considered and the rule is finalized, which typically takes several months.

If the discretionary 60-day grace period is eliminated, foreign nationals whose employment ceases prematurely (and their dependents) would no longer be maintaining status and would generally be required to depart the United States immediately, unless U.S. Citizenship and Immigration Services exercises its separate discretion to forgive the lapse in status and allow the foreign national to change status or change employers within the country.

[Back to Top](#)

Trump Administration Plans to Nix Work Permits for H-4 Spouses

The Trump administration plans to issue a rule to eliminate employment authorization eligibility for spouses of H-1B workers. A [notice](#) of the proposed rulemaking, was added to a long-term [regulatory agenda](#) for the Department of Homeland Security, although there is no target date for its release.

The planned rule is the latest in a [barrage](#) of Trump administration measures restricting H-1B employment, which includes a proposed a new \$103,265 fee for new hires through the program and the proposal to eliminate a discretionary [60-day grace period](#) for nonimmigrant workers to leave the United States or change status in the United States.

Worldwide Immigrant Visa Pause Expected to Last Until August 31, 2026

The Trump administration has [paused immigrant visa processing worldwide](#) while consular officers receive training on public charge guidance. The pause

follows a [federal court ruling](#) that found the administration's earlier 75-country immigrant visa suspension unlawful because it relied on nationality-based restrictions rather than individualized public charge determinations. The Trump administration said in a [court filing](#) that the new pause on immigrant visa interviews is a temporary rescheduling and will not go past August 31, 2026.

[Back to Top](#)

Firm in the News

Cyrus Mehta was quoted by *The Times of India* in [H-1B proposed fee could face legal challenge as immigration lawyers question DHS authority](#). The article discusses the Trump administration's proposed \$103,265 fee on cap-subject H-1B petitions and potential legal challenges to the Department of Homeland Security's authority to impose it. Mr. Mehta noted that routing the additional fees through the Immigration Examinations Fee Account and then using them to fund other agencies could violate the statute establishing the account and raise separation-of-powers concerns because Congress, not the executive branch, holds the constitutional power to appropriate federal spending.

Mr. Mehta was also quoted by *The Times of India* in [US proposes \\$103,265 H-1B fee: Hiring set to become more costly](#). The article discusses the Trump administration's proposed \$103,265 fee for cap-subject H-1B petitions, which would significantly increase the cost for employers seeking to hire foreign workers and would also apply to F-1 students changing status to H-1B in the United States. Mr. Mehta called the proposed fee "preposterous" and warned that "if this rule is finalized, it will herald the death of the H-1B visa."

[Back to Top](#)