



IMMIGRATION UPDATE - SEPTEMBER 21, 2026

Posted on September 21, 2026 by Cyrus Mehta

Headlines:

[Federal Court Postpones Effective Date of Final Rule Limiting Duration of Status for F, J, I Nonimmigrants](#) – A federal court in Massachusetts issued a preliminary injunction that postponed the effective date of a Department of Homeland Security final rule that would have ended duration-of-status admissions for F, J, and I nonimmigrants effective September 15, 2026.

[DOS Expands Online 'Screening and Vetting' of Visa Applicants](#) – Effective October 1, 2026, the Department of State will instruct all applicants for I, TD, and TN nonimmigrant visas "to set the privacy settings on all of their social media profiles to 'public' or 'open.'" The latest announcement expands the vetting that currently applies to many other visa categories.

[Trump Orders New H-1B Restrictions/Reviews and Extends \\$100,000 Fee for New H-1B Nonimmigrant Applications](#) – President Trump issued an executive order and a proclamation that, together, impose new H-1B restrictions, order the Secretary of Labor to review previously submitted labor condition applications, and extend the \$100,000 fee on new H-1B nonimmigrant applications.

Details:

Federal Court Postpones Effective Date of Final Rule Limiting Duration of Status for F, J, I Nonimmigrants

On September 14, 2026, a federal court in Massachusetts issued a [preliminary injunction](#) postponing the effective date of a Department of Homeland Security (DHS) final rule that would have replaced duration-of-status (D/S) admissions for F, J, and I nonimmigrants with fixed admission periods beginning September 15, 2026. The ruling preserves the existing D/S framework while the litigation

proceeds, affecting students, exchange visitors, foreign media representatives, sponsoring institutions, and employers.

In granting preliminary relief, the court found that the plaintiffs were likely to succeed on the merits of their Administrative Procedure Act claim. That finding is preliminary and does not constitute a final ruling on the validity of the rule. The court scheduled a status conference for October 2, 2026.

The order enjoins DHS from taking further action to implement the rule while litigation proceeds. The court denied requests for *vacatur* (invalidating the rule) and summary judgment without prejudice, meaning those requests may be renewed later in the course of litigation.

Practitioners [recommend](#) that employers coordinate with immigration counsel and affected employees before making status, travel, or filing decisions that assume the fixed admission period rule is in effect, since D/S remains the controlling framework. Employers who sponsor F, J, or I visa holders should notify their HR teams, hiring managers, and affected employees that current D/S rules remain in effect until further notice. This update does not change any prior requirements regarding F-1 employment authorization, such as filing timeframes to apply for post-completion Optional Practical Training (OPT) or STEM-OPT extensions, and it does not change I-9 requirements for these forms of employment authorization. Employers, designated school officials, exchange visitor program officers, and international offices are advised to confer with immigration counsel to identify which steps remain appropriate under the current framework.

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DOS Expands Online 'Screening and Vetting' of Visa Applicants

On September 18, 2026, the Department of State (DOS) announced that effective October 1, 2026, the agency will "broaden its online presence review" to cover applicants in additional nonimmigrant visa classifications: I (foreign media representatives), TN (U.S.-Mexico-Canada Agreement professionals), and TD (USMCA dependents).

To support this "vetting" process, DOS will instruct all applicants for I, TD, and TN nonimmigrant visas "to set the privacy settings on all of their social media profiles to 'public' or 'open.'"

DOS said that the latest announcement expands, to the applicants above, the vetting that currently applies to the following visa categories:

- Diplomatic and official visas: A-3, C-3 (if a domestic worker), G-5
- Students: F-1, M-1, F-2, M-2
- Temporary workers and trainees: H-1B, H-3, H-4 dependents of H1-B and H-3
- Exchange visitors: J-1, J-2
- Fiancé(e)s and dependents: K-1, K-2, K-3
- International cultural exchange participants: Q
- Religious occupations: R-1, R-2
- Witnesses, informants, and victims: S, T, U

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Trump Orders New H-1B Restrictions/Reviews and Extends \$100,000 Fee for New H-1B Nonimmigrant Applications

President Trump issued an executive order and a proclamation that, together, impose new H-1B restrictions, direct the Secretary of Labor to review previously submitted labor condition applications, and extend through September 21, 2027, the \$100,000 payment requirement tied to certain new H-1B petitions for workers outside the United States.

Below are highlights of the order and proclamation:

- On September 18, 2026, President Trump signed the executive order, [Enhancing Program Integrity and Interagency Coordination in the Administration of the H-1B Nonimmigrant Visa Program](#). The order directs the Secretaries of State, Labor, and Homeland Security to “take into account in any labor condition application, petition, visa, and entry of aliens entering or attempting to enter the United States as H-1B nonimmigrants to perform services in a specialty occupation whether the employer sponsor directly or indirectly engaged in layoffs within the previous year or plans future layoffs that negatively affect the employment of similarly situated United States workers.”

The order also directs the Secretary of Labor, through the Wage and Hour Division, to “begin reviewing data related to previously submitted labor condition applications to determine whether further action against sponsoring

employers is warranted.”

- On September 19, 2026, President Trump issued the proclamation, [Restriction on Entry of Certain Nonimmigrant Workers](#), which extends his \$100,000 fee on new H-1B nonimmigrant visa applications to September 21, 2027, with certain exceptions, such as for the national interest. Litigation over the \$100,000 fee by the U.S. Chamber of Commerce and others remains [pending](#).

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