



IMMIGRATION UPDATE - OCTOBER 19, 2026

Posted on October 19, 2026 by Cyrus Mehta

Headlines:

[USCIS Proposes to Eliminate Deference to Prior Approvals Involving Same Facts When Adjudicating Extensions](#) – U.S. Citizenship and Immigration Services published a proposed rule that would eliminate deference to a prior approval involving the same facts when adjudicating a request to extend a petition for employment or stay.

[USCIS Publishes Final Rule Ending Automatic EAD Extensions in Certain Work Authorization Categories](#) – On October 14, 2026, U.S. Citizenship and Immigration Services published a final rule, effective the same day, that ends the practice of automatically extending the validity of Employment Authorization Documents (EADs) for those who have timely filed an application to renew their EADs in certain work authorization categories.

[DHS Interim Final Rule Expedites Termination of Refugee Status](#) – The response period to a Notice of Intent to Terminate is reduced from 30 to 10 days.

[CBP Proposes to Require Rail Carriers to Transmit Advance Traveler Information When Entering or Leaving the United States](#) – U.S. Customs and Border Protection (CBP) published a proposed rule to require rail carriers to transmit advance electronic traveler information to CBP for any individual (crew or passenger) who is arriving in or departing from the United States on board a train.

Details:

USCIS Proposes to Eliminate Deference to Prior Approvals Involving Same Facts

When Adjudicating Extensions

On October 14, 2026, U.S. Citizenship and Immigration Services (USCIS) published a [proposed rule](#) that would eliminate deference to a prior approval involving the same facts when adjudicating a request to extend a petition for employment or stay.

USCIS said that the burden of proving eligibility for all immigration benefits is on the petitioner, applicant, or beneficiary, and that the deletion of the regulation would “strengthen adjudicatory review” and “support agency priorities to improve the integrity of the immigration system and better protect the interests of U.S. workers.”

Comments may be submitted by November 13, 2026, at <https://www.regulations.gov/>.

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USCIS Publishes Final Rule Ending Automatic EAD Extensions in Certain Work Authorization Categories

On October 14, 2026, U.S. Citizenship and Immigration Services (USCIS) published a [final rule](#), effective the same day, that ends the practice of automatically extending the validity of Employment Authorization Documents (EADs) (Forms I-766) for those who have timely filed an application to renew their EADs in certain work authorization categories.

The final rule adopts the interim final rule’s provisions without changes. Among other things, the final rule:

- Revises the regulations to clearly indicate that the up-to-540-day automatic extension period only applies to renewal EAD applications filed before October 30, 2025.
- Adds a new provision explaining that, unless otherwise provided in the regulations, law, or through a Federal Register notice for Temporary Protected Status (TPS)-related employment documentation, the validity period of an expired or expiring EAD and/or employment authorization will not be automatically extended by a renewal EAD application filed on or after October 30, 2025.
- Does not affect automatic extensions of EADs and/or work authorization otherwise provided by law or Federal Register notice, such as for certain

TPS applicants.

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DHS Interim Final Rule Expedites Termination of Refugee Status

On October 14, 2026, the Department of Homeland Security (DHS) published an [interim final rule](#) to expedite termination of refugee status when DHS determines that a person was not a refugee within the meaning of INA § 101(a)(42) at the time of admission to the United States. The response period to a Notice of Intent to Terminate is reduced from 30 to 10 days.

Comments and related materials may be submitted by November 13, 2026, at <https://www.regulations.gov/>.

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CBP Proposes to Require Rail Carriers to Transmit Advance Traveler Information When Entering or Leaving the United States

On October 13, 2026, U.S. Customs and Border Protection (CBP) published a [proposed rule](#) to require rail carriers to transmit advance electronic traveler information to CBP for any individual (crew or passenger) who is arriving in or departing from the United States on board a train. The rail carrier also would be required to transmit an advance notice of arrival or departure, as applicable, for the train.

Among other things, CBP said that by mandating the transmission of this information in advance, CBP would improve its ability to (1) vet all travelers attempting to cross the U.S. border on board a train, and (2) timely respond to any identified risk or non-compliance with U.S. civil or criminal laws that CBP enforces or administers. CBP also said it “expects that the knowledge that all rail travelers will be vetted in advance would deter travelers planning to use rail travel for illicit purposes.” If CBP’s vetting flags a traveler as having “potential security, immigration, customs, or other law enforcement issues,” the agency “may recommend that the carrier not board the traveler.”

Comments must be received by December 14, 2026, at <https://www.regulations.gov/>.

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