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News & Types: Immigration Monthly Updates

Business Immigration Monthly - May 2026

5/20/2026

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Practices: Immigration

DOJ AND DOL SIGNAL HEIGHTENED PERM ENFORCEMENT THROUGH INTERAGENCY ACTION AGAINST CLOUDERA, INC.

The U.S. Department of Justice (DOJ) and the U.S. Department of Labor (DOL) have initiated coordinated enforcement actions against Cloudera, Inc. (Cloudera), a software and data platform company. The actions arise from alleged discriminatory PERM recruitment practices that favored temporary visa holders over U.S. workers. On April 28, 2026, the DOL filed an administrative complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Cloudera intentionally structured its PERM recruitment process to deter U.S. workers from applying for high-paying technology positions, instead reserving those positions for foreign national employees sponsored for permanent residence. The complaint alleges violations of 8 U.S.C. § 1324b, which prohibits citizenship-status discrimination in hiring and recruitment.

According to the DOJ, Cloudera allegedly created a separate and more burdensome recruitment process for PERM-sponsored positions that differed from its standard hiring practices. While ordinary positions were posted through the company's external careers portal, PERM-related roles allegedly required applicants to submit resumes to a designated email address that did not accept external emails. The DOJ alleges that U.S. workers who attempted to apply received bounce-back notifications and thus were not considered for employment. This allegedly had the effect of discouraging those applicants from participating in the recruitment process. The government further alleges that Cloudera failed to investigate why no external applicants successfully applied through the designated email channel, despite certifying through the PERM process that no qualified U.S. workers were available. A Cloudera representative told Law360 that "the email account was simply not working as intended."

The enforcement actions are notable because they reflect rapid and direct interagency cooperation between the DOJ and the DOL, occurring less than one month after the filing of the OCAHO complaint. Following the DOJ's complaint, the DOL announced on May 12, 2026 that it was suspending the processing of all PERM applications filed by or on behalf of Cloudera for 180 days, with the possibility of extension pending the outcome of the DOJ's investigation. The DOL stated that its Office of Foreign Labor Certification (OFLC) acted based on evidence obtained through the DOJ's Civil Rights Division investigation. The agencies expressly

framed the matter as a coordinated enforcement effort designed to protect the integrity of both the immigration and labor certification regulations.

The DOL emphasized that the PERM program permits sponsorship of foreign workers for lawful permanent residence only after employers conduct bona fide recruitment and provide U.S. workers a fair opportunity to compete for available positions. Acting Secretary of Labor, Keith Sonderling, stated that employers attempting to circumvent these protections would be held accountable. The DOL also announced its intention to proactively use its suspension authority against employers, attorneys, or agents who are under investigation for possible fraud or willful misrepresentation connected to the PERM process. The agency's immediate suspension of Cloudera's PERM filings demonstrates increasingly aggressive enforcement and shows that labor certification consequences can now occur contemporaneously with DOJ discrimination investigations, rather than only after final adjudication of the PERM.

The DOJ further characterized the lawsuit as part of the revived "Protecting U.S. Workers Initiative," which was relaunched in 2025 and focuses on employers alleged to favor temporary nonimmigrant workers over U.S. workers. The DOJ highlighted several recent settlements involving technology and staffing companies accused of discriminatory recruitment practices, including allegations involving manipulated job requirements, restricted job advertisements, and AI-generated postings favoring foreign workers. Assistant Attorney General Harmeet K. Dhillon stated that employers may not use the PERM process "as a backdoor for discriminating against U.S. workers," reinforcing the administration's broader enforcement priority targeting perceived abuse of employment-based immigration programs.

Cloudera has denied the allegations, stating that it "is proud to hire American workers" and does not discriminate based on citizenship status. The company asserted that it has cooperated fully with the government's investigation.

PROPOSED RULE FROM ICE AND DHS TO ELIMINATE DURATION OF STATUS FOR F-1 AND J-1 NONIMMIGRANTS

U.S. Immigration and Customs Enforcement (ICE) and the U.S. Department of Homeland Security '(DHS) have proposed a rule that would eliminate the longstanding "Duration of Status" (D/S) framework for F-1 and J-1 nonimmigrants. Under the current system, international students and exchange visitors are generally admitted for the duration of their academic or exchange program. Their Form I-94, issued by U.S. Customs and Border Protection (CBP) is typically marked "D/S," allowing them to remain in the United States without a fixed expiration date. The final rule has been sent to the Office of Management and Budget for review and approval.

The proposed rule would replace the D/S framework with fixed admission periods, potentially requiring many F-1 and J-1 nonimmigrants to file extension applications after a set number of years to continue their studies or exchange programs. The proposal would also affect dependent family members and could significantly increase the number of extension filings and interactions with U.S. Citizenship and Immigration Services (USCIS). Universities, students, and exchange program participants and sponsors have expressed concern that the change could create substantial burden and uncertainty due to increased adjudication delays and

administrative burdens, particularly for individuals enrolled in long-term programs such as doctoral degrees, medical residencies, or extended research initiatives.

Likely to be implemented, the rule would represent one of the most significant structural changes to student and exchange visitor programs in decades. The rule would mark a change away from a compliance-based system and toward a fixed-term admission model requiring more frequent status renewal and government review. Such a change is aligned with other government actions increasing vetting across agencies charged with adjudicating immigration benefits.

Additional information about the final rule will be contained in future Masuda Funai Monthly Business Immigration Updates when it becomes available.

STRICTER SIGNATURE REQUIREMENTS FOR USCIS FILINGS

DHS published an interim final rule on May 11, 2026, significantly tightening USCIS signature inspection of immigration filings. The rule, titled "*Signatures on Immigration Benefit Requests*," becomes effective July 10, 2026, and applies to all immigration benefit requests submitted on or after that date.

Under the new rule, USCIS officers are expressly authorized to reject or deny applications, petitions, and other benefit requests if they later determine that a filing lacks a valid signature, even if USCIS initially accepted the filing for processing. Previously, signature issues were typically identified at intake and resulted in rejection and return of the filing package. The new rule expands USCIS discretion by permitting adjudicators to deny a case during adjudication if a signature deficiency is discovered later in the process.

DHS confirmed that USCIS may retain filing fees when denying a case based on an invalid signature. The filing may also be treated as fully adjudicated, meaning the applicant could lose important filing dates, status protections, or eligibility windows tied to timely submission. This creates substantial risk in categories with strict filing deadlines, including H-1B cap-subject filings, extensions, adjustment applications, and employment authorization requests.

Q: What constitutes a "valid signature?"

A: The definition of a valid signature is outlined in the USCIS Policy Manual. According to USCIS, "[a] signature is valid even if the original signature on the document is photocopied, scanned… Regardless of how it is transmitted to USCIS, the copy must be of an original document containing an original handwritten signature, unless otherwise specified." Importantly, USCIS notes that "[t]he regulations do not require that the person signing submit an 'original' or 'wet ink' signature on a petition, application, or other request to USCIS." Therefore, scans of original signatures meet the "valid signature" requirement outline by USCIS.

Q: What does *not* meet the signature requirement?

A: A typed name on a signature line, a signature by an attorney or representative signing on behalf of a requestor or their child; or a signature created by a typewriter, word processor, stamp, auto-pen, or similar device.

The rule is intended to address concerns about copied, stamped, auto generated, or otherwise unauthorized signatures appearing across large volumes of filings. USCIS emphasized that signatures must comply with existing regulatory requirements and agency guidance regarding original handwritten signatures or properly authorized electronic signatures. Typed names, copied signatures, or signatures placed by unauthorized individuals may trigger rejection or denial.

For employers, attorneys, and applicants, the rule substantially increases compliance risks associated with filing preparation and execution. Organizations filing high volumes of petitions may need stricter internal signature verification procedures, enhanced audit controls, and closer review of electronically signed forms before submission. Even minor signature inconsistencies could now result in denials months or years after filing.

The interim final rule is currently open for public comment through July 10, 2026. DHS stated the changes are intended to strengthen enforcement of existing signature requirements and reduce fraud in immigration filings.

JUNE 2026 VISA BULLETIN

The U.S. Department of State (DOS) has released the May 2026 Visa Bulletin, which shows some backward movement from the previous month.

Who becomes eligible to be approved for Permanent Resident status (a "Green Card") or have their Immigrant Visa interview scheduled at a U.S. Consular Post?

For *employment-based immigration* foreign nationals falling under the list below, who have applied for AOS and have submitted all the required documentation including the Medical Examination (Form I-693), become eligible to have USCIS complete the processing of their application in June 2026. Similarly, foreign nationals falling under the list below who will complete the Immigrant Visa processing at a U.S. Consular Post and who have submitted all the required documentation become eligible to have their interview scheduled in June 2026.

First Preference (EB-1)

- All countries (except China and India): Current *(no change from May 2026)*
- China: Priority date before December 1, 2023 *(advanced from April 1, 2023)*
- India: Priority date before December 1, 2023 *(advanced from April 1, 2023)*

Second Preference (EB-2)

- All countries except China and India: Current *(no change from May 2026)*
- China: Priority date before January 1, 2022 *(advanced from September 1, 2021)*
- India: Priority date before January 15, 2015 *(advanced from July 15, 2014)*

Third Preference (EB-3)

- All countries except China, India, and the Philippines: Current *(advanced from June 1, 2024)*
- China: Priority date before January 1, 2022 *(advanced from June 15, 2021)*
- India: Priority date before January 15, 2025 *(advanced from November 15, 2013)*

- Philippines: Priority date before January 1, 2024 *(advanced from August 1, 2023)*

Who may apply for Adjustment of Status (AOS) during June 2026?

USCIS will be relying on "Final Action Dates" to determine who is eligible apply for permanent resident status in the United States through a process called Adjustment of Status (AOS). This means that the priority dates below will govern who is eligible to file for AOS in June 2026.

First Preference (EB-1)

- All countries except China and India: Current *(no change from May 2026)*
- China: Priority date before April 1, 2023 *(no change from May 2026)*
- India: Priority date before December 15, 2022 *(retrogressed from April 1, 2023)*

Second Preference (EB-2)

- All countries except China and India: Current *(no change from May 2026)*
- China: Priority date before September 1, 2021 *(no change from May 2026)*
- India: Priority date before September 1, 2013 *(retrogressed from July 15, 2014)*

Third Preference (EB-3)

- All countries except China, India, and the Philippines: Priority date before June 1, 2024 *(no change from May 2026)*
- China: Priority date before August 1, 2021 *(advanced from June 15, 2021)*
- India: Priority date before December 15, 2013 *(retrogressed from November 15, 2013)*
- Philippines: Priority date before August 1, 2023 *(no change from May 2026)*

For more detail on how priority dates work, please see our client advisory "Understanding When Your Priority Date is "Current" to File (and Be Approved) for a Green Card."

MFEM NEWS

Mr. Bob White to Speak on Two Panels at the NAFSA Annual Conference in Orlando, Florida

Mr. Bob White, co-Chair of the Masuda Funai Immigration Group, has been invited to present two sessions at the NAFSA: Association of International Educators' Annual Conference being held from Monday, May 25th to Friday, May 29th in Orlando, Florida. NAFSA is the world's largest nonprofit association dedicated to international education and exchange. NAFSA serves the needs of more than 11,000 members and international educators worldwide at more than 4,300 institutions, in 170+ countries.

The first panel that Mr. White will be speaking on is a Late Breaking Session regarding upcoming changes to the F student and J exchange visitor programs, including the elimination of Duration of Status (D/S), the extension of stay process and the severe restrictions on changes of educational objectives within the programs. This session will be held on Tuesday, May 26th at 4:15pm. The title of the session is "Duration of Status: What Now?"

Mr. White will be leading another panel with officials from the U.S. Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC). The panel will be discussing current prevailing wage and PERM issues with the Directors of the OFLC's PERM program and National Prevailing Wage Center who will be attending the Conference in-person. This session will be held on Wednesday, May 27th at 1pm. The title of the session is U.S. Department of Labor: Current Issues.

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