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News & Types: Immigration Monthly Updates

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Practices: Immigration

+INCREASED FEES FOR CERTAIN H-1B AND L-1 PETITIONS

Beginning September 9, 2026, U.S. Citizenship and Immigration Services (USCIS) will expand the collection of the **9-11 Biometrics Fee** (for certain Specialty Occupation Worker) and L-1A or L-1B (Intracompany Transferee) petition filings.

The fee applies to employers with more than 50 employees in the United States where more than 50% of the workforce holds H-1B or L-1A/L-1B status. Previously, the fee generally applied only to initial H-1B and L-1A/L-1B petitions. Under the new rule, covered employers must pay the fee when filing any H-1B or L-1A/L-1B petition that requests immigration status or an extension of status, including extension petitions. An amended petition not requesting an extension of status by a covered employer will not require payment of this fee. The fee amounts remain:

- **$4,000** for H-1B petitions
- **$4,500** for L-1A and L-1B petitions

Congress established the fund to support efforts to develop and maintain biometric entry-exit systems that track foreign nationals entering and departing the United States. These systems are intended to strengthen immigration enforcement, enhance national security, and address visa overstay concerns.

The Department of Homeland Security (DHS) continues to expand its use of biometric technology at ports of entry. U.S. Customs and Border Protection (CBP), for example, uses facial recognition technology through its Traveler Verification Service to verify traveler identities and detect individuals attempting to enter the country using fraudulent documents. Since 2018, CBP officers intercepted 87 imposters at U.S. airports and 2,158 importers at land pedestrian entries.

The 9-11 Biometrics Fee is in addition to the other fees paid by the petitioning employer for the H-1B or L-1A or L-1B classification. These fees can include the USCIS Form I-129 Petition Fee, the $500.00 Fraud Prevention and Detection Fee for employers requesting initial H-1B or L-1 classification, the Asylum Program Fee of $600.00 or $300.00 if the employer has 25 or fewer employees (“small employer”), and any applicable H-1B Supplement Fees.

VISA BOND PROGRAM BECOMES PERMANENT

Effective August 3, 2026, the U.S. Department of State (DOS) finalized regulations making the Visa Bond Pilot Program a permanent requirement for certain individuals applying for B-1 (Business Visitor) or B-2 (Tourist) visas.

The program was initially introduced as a pilot designed to reduce visa overstays. According to DOS, the pilot was largely successful, with fewer than 50 participants overstaying their authorized period of stay in the United States.

As discussed in prior editions of the Masuda Funai Business Immigration Monthly, the government began requiring visa bonds from certain applicants from countries with high visa overstay rates, limited screening and vetting capabilities, or from countries offering Citizenship-by-Investment (CBI) programs. During the 12-month pilot, nationals from 50 countries were subject to the bond requirement. Of the approximately 20,000 visa applications requiring a bond, nearly half ultimately paid the bond and received visas.

Who must pay the visa bond?

Certain nationals applying for a B-1/B-2 visa may be required to post a bond before a visa can be issued. The requirement generally applies to individuals from countries that are not part of the Visa Waiver Program. Although the Immigration and Nationality Act (INA) permits the government to require bonds from F-1 student visa applicants, DOS is currently limiting the program to certain B-1/B-2 applicants.

Which countries are currently subject to the visa bond?

Nationals of these countries applying for a B visa are subject to the visa bond payment:

Algeria, Angola, Antigua and Barbuda, Bangladesh, Benin, Bhutan, Botswana, Burundi, Cabo Verde, Cambodia, Central Africa Republic, Cote D'Ivoire, Cuba, Djibouti, Dominica, Ethiopia, Fiji, Gabon, The Gambia, Georgia, Grenada, Guinea, Guinea Bissau, Kyrgyz Republic, Lesotho, Malawi, Mauritania, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Papua New Guinea, São Tomé and Príncipe, Senegal, Seychelles, Tajikistan, Tanzania, Togo, Tonga, Tunisia, Turkmenistan, Tuvalu, Uganda, Vanuatu, Venezuela, Zambia, and Zimbabwe.

Because DOS may modify the list, applicants should verify their status before scheduling a visa appointment.

How much is the bond?

Under the permanent program, the bond amounts range from $10,000, $15,000 or $20,000 per applicant – with $15,000 being the standard bond amount in most cases. The visa applicant is subject to the bond payment even if applying for the B visa in another country. Beginning October 1, 2027, bond amounts will be adjusted periodically for inflation.

How long is the B visa valid?

Visa validity depends on the reciprocity agreement between the United States and the applicant's country of citizenship. A B-1/B-2 visa may be issued as:

- A single-entry and have a 3-month validity.

- Multiple entries and have a 3-month validity.
- Multiple entries with up to a 12-month validity.

Once the bond has been posted and the B-1/B-2 visa issued, the traveler may arrive and depart the United States at any commercial airport or CBP preclearance location. The visa bond holder may not arrive in the United States via a charter air, general aviation, land, or seaport of entry.

The period of admission to the United States will be determined by CBP. A B-2 visa holder may be admitted for up to 6 months. A B-1 visa holder is generally admitted for up to 6 months, but the time may be shortened or lengthened depending on documentation presented of the scheduled duration of the business activity. Posting a bond does not prevent a traveler from applying to U.S. Citizenship & Immigration Services (USCIS) for an extension of stay or a change of status while in the United States.

When can the bond be forfeited?

The bond may be forfeited if the visa holder fails to comply with the terms of the program, including:

- Violating a condition of the bond agreement.
- Filing a late extension or change-of-status application with USCIS.
- Remaining in the United States beyond the authorized period of stay.
- Remaining in the United States after a denial of an extension or change-of-status request.
- Filing an asylum or other humanitarian protection application while in the United States.
- Departing the United States after the authorized stay has expired.

Individuals applying for a visa to travel to the United States for business or pleasure (B-1/B-2 visa) are encouraged to look at Countries Subject to Visa Bonds during the 15-day period before their interview at the Consular Post to learn whether or not they are subject to the visa bond payment.

DENATURALIZATION EFFORTS CONTINUE: OLD IMMIGRATION ISSUES RESURFACE

(A/K/A THE USCIS BLOOPER REEL)

In the August 2025 Masuda Funai Business Immigration Monthly we reported that the Department of Justice (DOJ) was increasing its focus on denaturalization cases following the issuance of

Executive Order 14160 titled Protecting the Meaning and Value of American Citizenship.

On August 3, 2026, DOJ announced that it filed denaturalization actions against 25 individuals over a 14-day period. According to DOJ, 123 civil denaturalization complaints have been filed since January 2025.

While some cases involve individuals with serious criminal histories, many others are based on allegations that the individual obtained permanent residence or U.S. citizenship through fraud, misrepresentation, or the omission of material information. Several of the newly filed cases involve issues that allegedly existed for years and were not identified during earlier stages of the immigration process, including visa applications, adjustment of status filings, and naturalization applications.

For naturalized U.S. citizens, allegations of fraud or material misrepresentation made during any stage of the immigration process can result in denaturalization proceedings. In some cases, the loss of citizenship may also lead to removal proceedings and could affect family members whose immigration status was based on the denaturalized individual's immigration history.

The recent increase in denaturalization filings serves as a reminder that accuracy and consistency in immigration filings remain critical. The government continues to review historical immigration records and compare information submitted across multiple applications. Individuals with concerns about prior filings, identity issues, or undisclosed facts should seek legal advice before submitting new immigration benefits applications or petitions.

A POSSIBLE END TO THE 60-DAY GRACE PERIOD?

On August 6, 2026, the DHS and USCIS initiated the regulatory process to eliminate this discretionary 60-day grace period, which was implemented during the final days of the Obama Administration and has been in effect since January 17, 2017.

This grace period allows foreign workers in the treaty trader (E-1), treaty investor (E-2), Australian worker (E-3), specialty occupation worker (H-1B), specialty occupation worker from Chile or Singapore (H-1B1), intracompany transferee (L-1), person of extraordinary ability in science, arts, education, business or athletics or extraordinary achievement in the motion picture or television industry (O-1), or USMCA professional (TN) classification to continue to maintain status in the United States for up to 60 days (or until I-94 expiration, if earlier) after their employment termination. Within the grade period, the foreign worker may find a new sponsoring employer and file a change of employer petition, file an application to change of status, or depart the United States.

If this regulation is finalized as expected, the proposal could mean that a covered nonimmigrant worker would have limited time to evaluate potential options to remain in the United States when their employment is terminated. This would be particularly significant for H-1B and other employment-based visa holders affected by layoffs or terminations.

The proposed regulation has not been published yet. When it is published, the public will have the opportunity to submit comments. DHS will then have to review the comments before issuing a final rule with an effective date for the change. Therefore, currently, the 60-day grace period continues to remain in effect.

When additional information becomes available about the regulation, we will post it in a future Masuda Funai Business Immigration Monthly.

MANDATORY ELECTRONIC FILING OF CERTAIN IMMIGRATION FORMS

DHS issued an interim final rule effective August 11, 2026, that gives USCIS authority to require electronic filing for immigration benefit requests that are currently capable of being filed online. The rule does not immediately require electronic filing of all USCIS forms. Instead, it creates a framework for USCIS to make e-filing mandatory on a form-by-form basis. Currently, there are no forms that are required to be filed online.

Under the rule:

- A form must have been available for electronic filing for at least 180 days before USCIS can require it to be filed electronically.
- USCIS must provide at least 60 days' advance notice on its website before mandatory e-filing takes effect for a particular form.
- Once the requirement takes effect, applicants and petitioners will generally need to use the designated electronic filing system rather than submitting a paper filing.
- USCIS will provide a waiver process for individuals who are unable to file electronically.
  - DHS created new Form I-936, Request for Waiver of Mandatory Electronic Filing Requirement, for this purpose.
- Electronic filing includes USCIS' existing guided online filing process as well as PDF-upload filing through a USCIS online account, where USCIS makes that functionality available.

The stated purpose is to move USCIS away from its paper-heavy intake system. DHS says greater electronic filing will reduce manual processing and administrative costs and improve the agency's ability to conduct security vetting and detect fraud. DHS also acknowledges practical concerns for attorneys and applicants, including file-size limits, difficulties submitting related forms together, large evidentiary records, changes to law-firm workflows and case-management systems, and technical barriers for some applicants.

U.S. REENTRY PERMIT PICKUP PROCEDURE AT THE U.S. EMBASSY IN TOKYO

A lawful permanent resident must be physically present in the United States when Form I-131 Application for Travel Document is filed with USCIS and must complete biometrics in the United States. However, after filing and satisfying the biometrics requirement, the applicant may generally travel abroad while the application is pending. The applicant may request that the approved reentry permit be sent to a U.S. Embassy for pickup.

For permanent residents residing in Japan, the applicants can request that the approved permits be sent to the U.S. Embassy in Tokyo. If requested, the applicant can check the U.S. Embassy's (Tokyo) website to determine whether the Embassy has received the physical permit from USCIS. Once the applicant's receipt number appears on the Embassy's list, the applicant must schedule an appointment to pick it up. The applicant should bring the appointment confirmation, Form I-797C, passport, and Green Card, if applicable. A family member may also pick up the permit on the applicant's behalf with appropriate authorization and identification.

PRACTICAL GUIDANCE FOR F AND J NONIMMIGRANTS FOLLOWING ELIMINATION OF DURATION OF STATUS

As reported in the August 2025 Masuda Funai Business Immigration Monthly, DHS' final rule eliminating Duration of Status (D/S) for F, J, and I nonimmigrants takes effect on September 15, 2026. On or after this date, F and J nonimmigrants will be admitted for a fixed period based upon the length of their program, not to exceed four years, plus a 30-day grace period.

For F-1 Optional Practical Training (OPT) and STEM OPT students who enter the United States on or after September 15th and whose authorized period of stay does not extend through the requested OPT period may need to extend their status while in the United States by filing Form I-539 with USCIS or by traveling and seeking readmission. DHS recommends filing I-539 extensions at least 180 days before expiration, even though there is no restriction on how early the I-539 extension application may be filed. I-539 processing delays are a significant concern because premium processing is not currently available for these Form I-539 extension applications.

The existing 180-day rule allowing for automatic work authorization extension for timely filed STEM OPT applications for a student moving from regular OPT to STEM OPT remains unchanged. If the student timely files the STEM OPT application before the regular OPT EAD expires, the student can continue working for up to 180 days while USCIS adjudicates the STEM OPT application. The new rule does not change this protection.

The rule also provides up to a 240-day automatic extension for certain F-1 on-campus employment, F-1 Curricular Practical Training (CPT) and J-1 Academic Training (AT) while a timely I-539 extension application is pending. However, applications filed during the 30-day grace period do not receive this automatic work authorization extension. Therefore, students should file their Forms I-539 before the beginning of the grace period when possible.

SEVP ISSUES REMINDER TO SCHOOLS ABOUT CPT REQUIREMENTS AND THEIR RESPONSIBILITIES WHEN DETERMINING WHETHER TO APPROVE CPT

On August 12, 2026, Immigration and Custom Enforcement's (ICE) Student and Exchange Visitor Program (SEVP) sent a message to all SEVP certified schools titled "Reminder of Liability for DSOs Regarding CPT Authorization".

In the message, SEVP indicated that it has observed a rise in CPT authorizations that it does not believe are proper based upon regulatory requirements and that it would be increasing its scrutiny of CPT approvals. SEVP reminded schools that CPT must be "integral" to the curriculum. Although not defined in the F-1 regulation, SEVP defines "integral" in the guidance as a "core and essential part of the student's studies, without which, they would be unable to complete their degree." Additionally, "the absence [of CPT] would make the attainment of a degree an impossibility and [that] the work associated with CPT is required for all students pursuing that degree" (not just international students). SEVP indicated that schools should maintain "thorough" records supporting the curricular necessity of "each" CPT authorization.

In the guidance, SEVP in bold reminded Designated School Officials (DSO) that they are "certifying under the penalty of perjury" that CPT is required by the degree or otherwise integral to the student's curriculum. In addition to potential personal liability for DSOs, SEVP also reminds schools that misuse of CPT may also result in the potential withdrawal of the school's SEVP certification.

At the end of the Trump administration's first term, SEVP announced that it was creating a Practical Training Compliance Unit. However, the Unit was not implemented before the end of the term. In the current message, SEVP does not indicate that it will now be implementing this Unit. However, SEVP does indicate that it reserves the right to request documents and other evidence from DSOs regarding compliance with CPT requirements.

Although schools should routinely ensure that all of their programs remain compliant with the regulations, they may want to complete a more thorough review of their CPT programs at this time in order to ensure compliance with the terms of this very detailed and direct SEVP message.

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