



News & Types: Immigration Monthly Updates

Business Immigration Monthly - February 2026

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Practices: Immigration

FY2027	H-1B	LOTTERY	REGISTRATION	COMMENCES	MARCH	4TH
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U.S. Citizenship and Immigration Services (USCIS) has announced that the FY2027 H-1B quota registration process (“H-1B Lottery”) will open at **12:00 PM Eastern on March 4, 2026**, and will remain available until **12:00 PM Eastern on March 19, 2026**.

Employers of individuals whose registrations are selected will be eligible to file an H-1B quota petition for one of up to 85,000 H-1B approvals available beginning October 1, 2026 (the first day of the government’s FY2027). Of these, 20,000 visas are reserved for individuals who earned a U.S. Master’s degree or higher from an accredited institution (the “Master’s Cap”).

What remains the same in the H-1B Lottery from last year?

- **Online USCIS Account Registration:** Employers must continue to use their USCIS online account to create and submit an electronic registration for each prospective H-1B worker.
- **Registration Fee:** The H-1B Lottery registration fee remains \$215.
- **One Registration per Employer:** An employer may submit only one registration per prospective H-1B worker. Multiple employers may register the same individual; however, this does not increase the individual’s chances of selection.
- **Beneficiary-Centric Selection Process:** USCIS will continue using the beneficiary-centric selection model. Each employer that registers the same beneficiary will receive notice if that beneficiary is selected. If multiple employers choose to file petitions for the selected beneficiary, and each petition is ultimately approved, the worker may choose which H-1B employment opportunity to accept.

What is new for the H-1B Lottery this year?

- **Required Job Details in the Registration:** The employer is required to provide information about the occupation, location(s) of employment and prevailing wage level being offered for the position as provided by the U.S. Department of Labor’s (DOL) Occupational Employment and Wage Statistics (OEWS) system. The OEWS system has four prevailing wage levels based upon the skills needed to perform the job. A Level I wage is considered “entry level,” a Level II wage is for someone who is “qualified,” a Level III wage is for an individual who is “experienced,” and a Level IV wage is assigned to those “fully competent.”

- **Wage Level Determines the Number of Lottery “Tickets”:** USCIS will assign a number of H-1B Lottery entries (“tickets”) to the individual based on the lowest wage level in any registration filed on their behalf:

Wage Level	Number of Lottery Tickets
Level I	1 ticket
Level II	2 tickets
Level III	3 tickets
Level IV	4 tickets

Important: The lowest wage level across all registrations determines the number of tickets.

Example:

- Employer A registers the worker at Level III (3 tickets)
 - Employer B registers the worker at Level I (1 ticket)
- ☐ The worker receives only 1 ticket in the FY2027 H-1B Lottery.
- **Documentation Required in the H-1B Petition:** When filing the H-1B petition for a selected registration, the employer will need to document how it determined the wage level used in the H-1B Lottery registration and address any differences between the wage information used in the registration and the petition filing.

Additional Information

Further details about the FY2027 H-1B Lottery changes are included in:

- H-1B Program Updates Heading Into the New Year
- The January 2026 issue of the Masuda Funai Business Immigration Monthly.

USCIS anticipates notifying employers of the registration selections by March 31st. The FY2027 H-1B petition filing window for a selected registration is from April 1st through June 30th. Once the H-1B quota petition is approved, employment can commence on or after October 1, 2026.

Next Steps for Employers

Employers interested in entering prospective H-1B workers in the FY2027 H-1B Lottery are encouraged to contact their Masuda Funai attorney as soon as possible to allow sufficient time to gather the necessary information and documentation.

CURRENT STATE OF PAROLE PROGRAMS AND TPS DESIGNATIONS

The following is the current state of parole programs and TPS designations as of Friday, February 20th:

Parole Program	Current Status	Note & Work Authorization
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Parole Program	Current Status	Note & Work Authorization
Uniting for Ukraine	Existing beneficiaries retain status, but no new applications.	Active, but USCIS has put a pause and hold on Form I-134A Applications for new parolees.
Afghan Parole Programs	Suspended Adjudication under November 27, 2025 USCIS Policy Alert	Current EADs remain valid for work authorization.
Military Parole in Place	Active	Continues to provide relief for eligible military families.
Family Reunification Program (FRP) Parole	Active, pending ongoing litigation.	On January 25, 2026, the U.S. District Court for the District of Massachusetts granted preliminary injunctions in the case of Doe v. Noem to halt the DHS's efforts to revoke legal status and work authorizations for these individuals. The court found that the government failed to properly notify parolees of termination because publication in the Federal Register did not meet the "written notice" requirement set forth in 8 C.F.R. § 212.5(e)(2)(i). The USCIS has indicated that pursuant to the court order, the parole termination notices that were sent to individuals in accordance with the Federal Register notice are stayed and therefore are not currently in effect. Affected individuals may disregard the information in those notices while the injunction is in effect.

TPS Program	Current Status	Note & Work Authorization
Burma (Myanmar)	Active, pending ongoing litigation.	On January 23, 2026, the U.S. District Court for the Northern District of Illinois issued an order vacating the DHS' termination decision. (Aung DOE et al. v. Noem et al., No. 25-cv-15483 (N.D. Ill.)) USCIS acknowledges that EADs issued under the TPS designation of Burma (Myanmar) with an original expiration date of Nov. 25, 2025, May 25, 2024, or Nov. 25, 2022 are extended per court order.
El Salvador	Extended through September 9, 2026	EADs auto-extended through March 9, 2026
Ethiopia	Terminated on December 15, 2025 via Federal Register Notice.	EADs auto-extended through February 13, 2026.
Haiti	Active, pending ongoing litigation.	The District Court of the District of Columbia issued an order staying the DHS' prior TPS termination decision for Haiti. On February 4, 2026, USCIS acknowledged the Court's Order postponing the termination of the TPS Program for Haiti. Miot et al. v. Trump et al., No. 25-cv-02471-ACR (D.D.C.). USCIS acknowledged that the validity of the previous EADs issued under the TPS designation for Haiti will be extended per Court Order for an unknown period: Haiti TPS EADs with an original expiration date of February 3, 2026, August 3, 2025, August 3,

TPS Program	Current Status	Note & Work Authorization
		2024, June 30, 2024, February 3, 2023, December 31, 2022, October 4, 2021, January 4, 2021, January 2, 2020, July 22, 2019, January 22, 2018, or July 22, 2017 are extended pending further litigation.
Honduras	Active, pending ongoing litigation, but likely to be terminated soon.	EADs issued under the TPS designation of Honduras with an original expiration date of Jan. 5, 2018, Jan. 5, 2019, April 2, 2019, Jan. 5, 2020, Jan. 4, 2021, Oct. 4, 2021, Dec. 31, 2022, June 30, 2024, and July 5, 2025, is extended per court order. National TPS Alliance et al. v. Noem et al., No. 25-cv-05687-TLT (N.D. Cal.). This means that Honduras TPS beneficiaries may be able to continue to work, but it is unlikely to remain so for long because on Feb. 9, 2026, the 9th Circuit Court of Appeals stayed the district court's order finding the government is likely to succeed on the merits of its appeal either by showing that the district court lacked jurisdiction or by prevailing on plaintiffs' arbitrary-and-capricious APA challenge. National TPS Alliance et al. v Noem et al., 26-199 (9th Cir. 2026)
Lebanon	Active	EADs effective through May 27, 2026 Registration available through May 27, 2026
Nepal	Active, pending ongoing litigation, but likely to be terminated soon.	EADs issued under the TPS designation of Nepal with an original expiration date of June 24, 2018, June 24, 2019, March 24, 2020, Jan. 4, 2021, Oct. 4, 2021, Dec. 31, 2022, June 30, 2024, and June 24, 2025, is extended per court order. National TPS Alliance et al. v. Noem et al., No. 25-cv-05687-TLT (N.D. Cal.). This means that TPS beneficiaries may be able to continue to work, , but it is unlikely to remain

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Nicaragua	Active, pending ongoing litigation, but likely to be terminated soon.	EADs issued under the TPS designation of Nicaragua with an original expiration date of Jan. 5, 2018, Jan. 5, 2019, April 2, 2019, Jan. 2, 2020, Jan. 4, 2021, Oct. 4, 2021, Dec. 31, 2022, June 30, 2024, and July 5, 2025 is extended per court order. National TPS Alliance et al. v. Noem et al., No. 25-cv-05687-TLT (N.D. Cal.). This means that TPS beneficiaries may be able to continue to work, , but it is unlikely to remain so for long because on Feb. 9, 2026, the 9th Circuit Court of Appeals stayed the district court's order finding the government is likely to succeed on the merits of its appeal either by showing that the district court lacked jurisdiction or by prevailing on plaintiffs' arbitrary-and-capricious APA challenge. National TPS Alliance et al. v Noem et al., 26-199 (9th Cir. 2026)
Somalia	Terminated on January 14, 2025 via Federal Register Notice.	Work authorization expires March 17, 2026.
South Sudan	Active, pending ongoing litigation.	On November 6, 2025, DHS published Federal Register Notice a terminating TPS benefits on January 5, 2026. On December 30, 2025, a judge in the District of

TPS Program	Current Status	Note & Work Authorization
		Massachusetts issued an order staying the South Sudan TPS termination. USCIS has acknowledged that EADs issued under the TPS designation of South Sudan with an original expiration date of Nov. 3, 2023, May 3, 2025, or Nov. 3, 2025, is extended per court order. African Communities Together et al. v. Noem et al., No. 25-cv-13939-PBS (D. Mass.).
Sudan	Active through October 19, 2026.	EADs auto-extended through April 19, 2026
Syria	Active, pending ongoing litigation.	On November 19, 2025, federal Judge, Katherine Polk Failla, in the U.S. District Court for the Southern District of New York blocked termination of TPS for Syria, which was originally set to end on November 21, 2025. DHS has indicated its plans to appeal the ruling. In the meantime, individuals with EADs issued pursuant to Syrian TPS may continue to work. USCIS has acknowledged that EADs issued under the TPS designation of Syria with an original expiration date of Sept. 30, 2025, March 31, 2024, Sept. 30, 2022, or March 31, 2021 are extended per court order. Dahlia Doe v. Noem, 25-cv-8686 (S.D.N.Y.)."
Ukraine	Active through October 19, 2026.	EADs auto-extended through April 19, 2026.
Venezuela (2021 Designation)	Terminated, but pending litigation.	On October 3, 2025, the Supreme Court authorized DHS' prior cancellation of 2021 TPS for Venezuela with immediate effect.

TPS Program	Current Status	Note & Work Authorization
		However, Venezuela 2021 TPS beneficiaries who received an EAD on or before February 5, 2025, with a card expiration date of October 2, 2026 will retain employment authorization through that date.
Venezuela (2023 Designation)	Terminated, but pending litigation.	The Venezuela 2023 TPS designation was terminated following a U.S. Supreme Court decision on May 19, 2025. On December 10, 2025 in NTPSA v. Noem, U.S. District Judge Chen granted the Plaintiffs' motion for declaratory relief, which has allowed some 2023 Venezuelan TPS holders to maintain protections. On January 28, 2026, the U.S. Ninth Circuit Court of Appeals affirmed this decision. For now, Venezuela 2023 TPS beneficiaries who received TPS-related employment authorization documents (EADs), Forms I-797, Notices of Action, and Forms I-94 issued with October 2, 2026, expiration dates on or before February 5, 2025 will maintain work authorization and their documentation will remain valid until October 2, 2026, pursuant to the U.S. District Court for the Northern District of California's order dated May 30, 2025.
Yemen	Active through March 3, 2026.	EADs auto-extended only through September 3, 2025

FIFA**PASS**

The U.S. Department of State (DOS) has introduced FIFA Priority Appointment Scheduling System, or "FIFA PASS" to allow FIFA World Cup 2026™ ticket holders (who purchased their match tickets directly from FIFA) to schedule a visa interview before the start of the tournament.

Individuals who already have visa appointments scheduled on or before May 31, 2026 are encouraged to keep their original appointment dates.

Please note:

- FIFA PASS does not guarantee visa approval. It only provides access to prioritized appointment scheduling for those who meet the eligibility criteria.
- FIFA PASS does not waive any travel restrictions or grounds of inadmissibility. All applicants must still meet standard visa requirements and are subject to existing U.S. immigration laws and screening procedures.

VISA APPOINTMENT DELAYS AT U.S. CONSULATES IN INDIA

Mission India has implemented mass cancellations and rescheduling of H-1B visa appointments beginning in mid-December 2025, with many interviews postponed to late 2026, and in some cases into 2027. These disruptions appear linked to new DOS H-1B vetting requirements that took effect on December 15, 2025.

To address the backlog, Mission India introduced an Emergency Request (ER) system. While approval rates have been relatively high, applicants face significant obstacles: appointments must be rebooked within 10 days, and many find no available appointments, even after ER approval. As a result, applicants are experiencing prolonged absences from the United States, causing hardship for both workers and employers.

Given the substantial delays, Indian nationals who needs a U.S. visa may wish to limit or avoid non-essential travel.

MARCH 2026 VISA BULLETIN UPDATE

The DOS has released the March 2026 Visa Bulletin, which reflects **significant advancements** in several employment-based immigrant visa categories. These changes create new opportunities for eligible applicants to be approved for Permanent Resident status or to file for Adjustment of Status ("AOS") in March 2026.

Who Becomes Eligible for Permanent Resident Approval or a Consular Interview?

For employment-based immigration, the following foreign nationals may become eligible for final adjudication of an Adjustment of Status application (assuming all required documents, including the Form I-693 Medical Examination, have been submitted) in March 2026. Additionally, individuals completing Immigrant Visa processing at a U.S. Consular Post may become eligible to have their interview scheduled in March 2026.

Employment-Based First Preference (EB-1)

- **All chargeability areas except India and China:** Multinational Managers and Executives, Outstanding Researchers/Professors, and individuals with Extraordinary Ability.
- **China-born applicants:** Priority date before March 1, 2023 (*Advancement of 28 days from January 2026*)
- **India-born applicants:** Priority date before March 1, 2023 (*Advancement of 28 days from January 2026*)

Employment-Based Second Preference (EB-2)

- **All chargeability areas except India and China:** Priority date before October 15, 2024 (Advancement of 197 days from January 2026)
- **China-born applicants:** Priority date before September 1, 2021 (*No change from January 2026*)
- **India-born applicants:** Priority date before September 15, 2013 (*Advancement of 61 days from February 2026*)

Employment-Based Third Preference (EB-3)

- **All chargeability areas except India, China, and the Philippines:** Priority date before October 1, 2023 (Advancement of 122 days from February 2026)
- **Philippines-born applicants:** Priority date before August 1, 2023 (Advancement of 61 days from February 2026)
- **China-born applicants:** Priority date before May 1, 2021 (No change from January 2026)
- **India-born applicants:** Priority date before November 15, 2013 (No change from January 2026)

Who May File for Adjustment of Status (AOS) in March 2026?

USCIS has confirmed that applicants may use the Dates for Filing Chart for employment-based AOS filings in March 2026. This offers a meaningful opportunity—particularly for those in the EB-2 category from countries other than India and China—to file for permanent residence earlier than under the Final Action Dates chart.

Employment-Based First Preference (EB-1)

- **All chargeability areas except India and China**
- **China-born applicants:** Priority date **before December 1, 2023** (*Advancement of 122 days from January 2026*)
- **India-born applicants:** Priority date **before December 1, 2023** (*Advancement of 122 days from January 2026*)

Employment-Based Second Preference (EB-2)

- **All chargeability areas except India and China:** Eligible to file regardless of priority date based on the new Dates for Filing availability. (*Previously subject to a cut-off of October 15, 2024 since January 2026*)
- **China-born applicants:** Priority date before January 1, 2022 (*No change from January 2026*)
- **India-born applicants:** Priority date before November 1, 2014 (*Advancement of 335 days from January 2026*)

Employment-Based Third Preference (EB-3)

- **All chargeability areas except India and China:** Priority date before January 15, 2024 (*Advancement of 106 days from February 2026*)
- **China-born applicants:** Priority date before January 1, 2022 (*No change from January 2026*)
- **India-born applicants:** Priority date before August 15, 2014 (*No change from January 2026*)

For additional information, please see our Client Advisory “Understanding When Your Priority Date is “Current” to File (and Be Approved) for a Green Card”.

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