



News & Types: Immigration Monthly Updates

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Practices: Immigration

DOJ, DOL & EEOC INTENSIFY PERM COMPLIANCE ENFORCEMENT WITH MULTI-MILLION-DOLLAR SETTLEMENTS AND EMPLOYER DEBARMENT FROM THE PERM PROGRAM

The U.S. Department of Justice (DOJ), Department of Labor (DOL) and Equal Employment Opportunity Commission (EEOC) have announced two significant enforcement actions highlighting increased federal scrutiny of employer recruitment practices under the Permanent Labor Certification (PERM) program. The settlements, announced in October 2026, involve allegations that employers discriminated against U.S. workers by creating barriers to their participation in PERM recruitment.

On October 16, 2026, the DOJ and DOL announced a settlement with Cloudera, Inc., a California-based technology company, following allegations that the company discriminated against qualified U.S. workers during PERM recruitment. According to the government's investigation, Cloudera failed to advertise PERM positions on its public careers website and instead directed applicants to a separate email address that was unable to receive messages from external accounts, effectively preventing U.S. workers from being considered. The settlement includes a two-year debarment from the PERM program, \$1.4 million in back pay for affected U.S. workers, and \$600,000 in civil penalties. procedures and reporting requirements.

Just days later, on October 20, 2026, the DOJ and EEOC announced a \$5 million settlement with Instacart involving similar allegations of discriminatory PERM recruitment practices. The agencies alleged that Instacart required U.S. workers to submit applications by physical mail for PERM-sponsored positions, despite ordinarily accepting electronic applications for other job openings. This additional application requirement resulted in many U.S. applicants not being timely considered for the PERM-sponsored positions. The settlement includes up to \$4 million in compensation for affected applicants and \$1 million in civil penalties. Instacart must also revise its recruitment procedures, permit electronic applications for PERM positions, provide employee training, and comply with monitoring and reporting obligations.

These enforcement actions underscore that employers must conduct recruitment in good faith and ensure that their procedures do not unlawfully disadvantage U.S. workers. Importantly, the DOJ has emphasized that employers cannot impose additional application burdens or otherwise treat U.S. applicants less favorably simply because recruitment is being conducted in connection with a foreign national's permanent residence sponsorship. Employers should carefully review their PERM recruitment practices, including application

procedures, accessibility of job postings, consideration of applicants and documentation of recruitment outcomes. Noncompliance with PERM regulations can result in substantial financial penalties, back-pay obligations, heightened oversight, and employer debarment from the PERM program.

TRUMP ADMINISTRATION SUSPENDS PERM ADJUDICATIONS FOR MAJOR TECHNOLOGY AND IT CONSULTING EMPLOYERS

On October 8, 2026, Trump Administration officials, led by Vice President JD Vance, U.S. Department of Labor (DOL) Secretary Keith Sonderling and Attorney General Todd Blanche, announced a sweeping enforcement action targeting employment-based immigration programs. The Administration suspended participation in the PERM labor certification program for eight major technology and IT consulting companies: Adobe, Capgemini, Cognizant Technology Solutions, HCL Technologies, Infosys, Microsoft, Tata Consultancy Services and Wipro.

Administration officials stated that the action was based on allegations that these employers relied excessively on foreign labor while reducing opportunities for U.S. workers through layoffs and workforce reductions. The companies will remain subject to ongoing government review and investigation.

The PERM labor certification process is the first step in most employment-based green card cases. Before sponsoring a foreign national for permanent residence, an employer must conduct a prescribed recruitment process and demonstrate that there are no able, willing, qualified, and available U.S. workers for the position and that hiring the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

According to DOL Office of Foreign Labor Certification disclosure data, the employers targeted by the suspension have collectively filed tens of thousands of PERM applications over the past several years:

Employer	PERM Cases Filed(FY2020-FY2026 Q3) (10/01/2019 to 06/30/2026)	Approval Rate	PERM Cases Filed During Current Trump Administration (01/20/2025-06/30/2026)	Approval Rate
Adobe Inc.	2,747	98.0%	32	93.7%
Capgemini America, Inc.	2,235	91.6%	65	0%
Cognizant Technology Solutions US Corp.	2,291	99.9%	0	0%
HCL Technologies	1,882	98.6%	21	90.4%
Infosys	1,756	96.2%	0	0%

Employer	PERM Cases Filed(FY2020-FY2026 Q3) (10/01/2019 to 06/30/2026)	Approval Rate	PERM Cases Filed During Current Trump Administration (01/20/2025-06/30/2026)	Approval Rate
Microsoft Corporation	18,189	94.0%	976	89.0%
Tata Consultancy Services	7,574	97.9%	0	0%
Wipro Limited	1,695	84.9%	0	0%

Immediate Impact

The announcement has significant implications for both employers and foreign national workers:

- New PERM labor certification applications may not be filed by the affected employers.
- DOL has suspended processing of pending PERM applications involving the named companies.
- Current H-1B employees are not immediately affected, and the H-1B visa program remains unchanged.
- However, many H-1B workers rely on the PERM process to obtain extensions beyond the standard six-year H-1B limit. Delays or an inability to file PERM applications could jeopardize eligibility for those extensions if statutory green card milestones cannot be met.
- The announcement did not expressly affect previously approved I-140 immigrant petitions, adjustment-of-status applications, or completed employment-based green card cases.
- Workers whose employers are subject to suspension may need to evaluate alternative immigration strategies, including transfers to other employers able to continue the green card process.

This action represents one of the most consequential restrictions on employment-based immigration since the beginning of the second Trump Administration. By halting PERM filings and processing for several of the nation's largest technology employers and IT consulting firms, the Administration has disrupted a primary pathway through which highly skilled foreign nationals transition from temporary work visas to U.S. permanent residence.

PROPOSED FEES FOR UNIVERSITIES RECOMMENDING OFF-CAMPUS EMPLOYMENT AUTHORIZATION FOR FOREIGN STUDENTS

Citing what it describes as “egregious cases of abuse” and “schemes to exploit the current OPT regulations for fraudulent purposes,” the Department of Homeland Security (DHS) has proposed a new fee structure that would require colleges and universities to pay substantial government fees when recommending certain forms of off-campus employment authorization for F-1 students.

Under a Proposed Rule published on October 8, 2026, DHS would impose a \$70,000 fee each time a university recommends a foreign student for Optional Practical Training (OPT) and a \$30,000 fee for each recommendation for a 24-month STEM OPT extension. The proposal represents a significant departure from the current system, under which universities certify student eligibility through their Designated School Officials (DSOs) but do not pay government fees for OPT recommendations.

OPT is a long-standing benefit available to F-1 students that allows them to gain practical work experience directly related to their field of study. Most foreign students are eligible for up to 12 months of post-completion OPT following graduation. Students who earn degrees in qualifying science, technology, engineering, and mathematics (STEM) fields may obtain an additional 24 months of work authorization through the STEM OPT extension program, resulting in a total of up to 36 months of employment authorization.

If finalized, the proposed fees could have a substantial impact on universities with large international student populations, particularly research institutions that enroll significant numbers of STEM students. Critics argue that the proposal could discourage schools from recommending students for OPT, increase administrative costs and reduce the attractiveness of U.S. universities to international students. Supporters contend that the fees are necessary to strengthen program integrity and deter abuse of employment authorization programs.

The proposal is currently subject to the federal rulemaking process, including a public comment period, and has not yet taken effect. As drafted, however, it signals increased scrutiny of student employment authorization programs and the role educational institutions play in facilitating them.

Comments may be submitted until November 9, 2026, at [Regulations.gov](https://www.regulations.gov) (<https://www.regulations.gov/commenton/ICEB-2026-0100-0001>). As of this writing, more than 3,000 public comments have been submitted.

New Investigations of University

On October 8, 2026, the Trump Administration announced investigations into nine universities regarding alleged misuse of the J-1 Exchange Visitor Program. The institutions identified include Harvard University, Stanford University, Yale University, Arizona State University, Brown University, the University of Pittsburgh, the Massachusetts Institute of Technology (MIT), the California Institute of Technology (Caltech) and the University of California, Davis (UC-Davis).

The administration alleges that these universities may have used the J-1 program in ways that exceed its intended cultural and educational exchange purpose, potentially displacing U.S. workers, or circumventing employment-based immigration pathways. The investigations are part of a broader effort to increase scrutiny of temporary visa programs utilized by higher education institutions and research organizations.

The J-1 Exchange Visitor Program is widely used by universities and teaching hospitals to sponsor a range of foreign nationals, including students, visiting professors, research scholars, short-term scholars, specialists, and physicians participating in graduate medical education and residency programs. Many universities rely heavily on the program to support academic research, international collaboration, and the training of foreign medical graduates.

While the investigations do not currently alter the availability of J-1 visas or program participation, they signal heightened federal oversight of university-sponsored exchange programs. Universities with significant international scholar populations may face additional compliance reviews, documentation requirements, and scrutiny regarding program administration, recruitment practices, and adherence to the program's educational and cultural exchange objectives.

CURRENT STATE OF TPS DESIGNATIONS AND PAROLE PROGRAMS

As discussed in our July Business Immigration Monthly, Temporary Protected Status (TPS) has ended or is scheduled to end for many countries. Employers may wish to identify affected employees, monitor work authorization expiration dates, and ensure timely updates to their Form I-9 Employment Eligibility Verification records. Employees losing TPS-based work authorization should evaluate alternative immigration options as soon as possible.

The chart below (which is current as of October 21, 2026) summarizes the status of TPS designations and related work authorization validity dates. Because these dates can have immediate employment consequences, employers should review their workforce records and plan for upcoming expirations.

TPS Program	Current Status	Validity of Work Authorization
Burma (Myanmar)	Terminated	No work authorization after August 3, 2026.
El Salvador	Active	A formal announcement on current work authorization has not been made by USCIS. Previously, EADs having a prior expiration date of March 9, 2025; June 30, 2024; December 31, 2022; October 4, 2021; January 4, 2021; January 2, 2020; September 9, 2019; or March 9, 2018, where the Beneficiary also has a USCIS noticed confirming extension of the EAD were extended through September 9, 2026. On September 9, 2026, DHS announced that TPS would be extended. The work authorization date of September 9, 2026, should be extended when DHS formally announces its decision. DHS has not provided information on when the decision will be announced, which presents I-9 and work authorization verification issues for employers.
Ethiopia	Terminated	No work authorization after February 13, 2026.
Haiti	Terminated	No work authorization after July 27, 2026.
Honduras	Terminated	No work authorization after September 9, 2025.

TPS Program	Current Status	Validity of Work Authorization
Lebanon	Active, but set to expire on November 26, 2026	EADs auto-extended through November 27, 2026.
Nepal	Terminated	No work authorization after February 9, 2026.
Nicaragua	Terminated	No work authorization after February 9, 2026.
Somalia	Terminated	No work authorization after August 14, 2026.
South Sudan	Terminated	No work authorization after August 6, 2026.
Sudan	Active	EADs auto-extended through October 19, 2026. On October 19, 2026, DHS posted on its website than an announcement on TPS for Sudan will be forthcoming and in the interim Sudanese individuals present in the United States under TPS continue to have work authorization. DHS has not provided information on when the decision will be announced, which presents I-9 and work authorization verification issues for employers.
Syria	Terminated	No work authorization after July 27, 2026.
Ukraine	Active	EADs auto-extended through October 19, 2026. On October 19, 2026, DHS posted on its website than an announcement on TPS for Ukraine will be forthcoming and in the interim Ukrainians present in the United States under TPS continue to have work authorization. DHS has not provided information on when the decision will be announced, which presents I-9 and work authorization verification issues for employers.
Venezuela	Terminated	Venezuela 2021 TPS beneficiary work authorization ended on November 7, 2025. Venezuela 2023 TPS beneficiary work authorization ended on October 2, 2026.
Yemen	Terminated	No work authorization after July 19, 2026.

Several parole programs also remain available, although some continue to face operational restrictions or ongoing litigation.

Parole Program	Current Status	Validity of Work Authorization
Uniting for Ukraine	Suspended for new beneficiaries or admissions. Active for existing beneficiaries to renew parole.	Pursuant to the January 20, 2025, Executive Order “Securing Our Borders”, USCIS has put a pause and hold on Form I-134A Applications. Parole authorizations could be valid for up to two years but are not automatically extended. Current EADs remain valid for work authorization to their expiration date.
Afghan Parole Programs	Suspended for new beneficiaries or admissions. Active for existing beneficiaries, pending ongoing litigation. Dorcas International Institute of Rhode Island, et al. v. United States Citizenship and Immigration Services, et al., 26-cv-00132-JJM-PAS (D.RI.).	Current EADs remain valid for work authorization to their expiration date. Facially expired (c)(11) EADs and the Form I-797C Receipt Notice for application for work authorization under the same (c)(11) category provides work authorization through the date indicated on the Form I-797C. See Afghan Re-Parole FAQs USCIS
Military Parole in Place	Active	EADs generally remain valid through their expiration dates unless revoked.
Family Reunification Program (FRP) Parole	Terminated for new applications. Existing beneficiaries are currently protected by a preliminary injunction in the case of Svitlana Doe v. Noem, No. 25-cv-10495	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). 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.

The status of TPS and parole programs continues to change rapidly through agency action and litigation. Employers should closely monitor developments and review work authorization documents well before expiration dates to ensure ongoing compliance and avoid workforce disruptions.

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