

Immigration Sentinel

July 2026

Fisher Broyles

U.S. Supreme Court Round-Up

In Trump v. Barbara the Court struck down President Trump's executive order seeking to abolish birthright citizenship. The Court found Trump's order cannot be reconciled with the 14th Amendment to the U.S. Constitution, which confers citizenship on anyone "born ... in the United States, and subject to the jurisdiction thereof."

In Mullin v. Doe the Court ruled the U.S. Department of Homeland Security (DHS) can continue termination of Haitian and Syrian Temporary Protected Status (TPS), despite the Trump Administration's failure to follow proper procedures, finding that the law bars judicial review of non-constitutional claims related to TPS, and any equal protection claims are unlikely to succeed. U.S. Citizenship & Immigration Services (USCIS) has directed employers to use July 10, 2026 as the employment expiration date for Syrian and Haitian employees (Employment Authorization Document (EAD) category A12 or C19) on Form I-9 and in E-Verify. With no further court intervention expected, employers must reverify affected employees on or before July 10. This decision also has future adverse implications for the fate of TPS designations of other countries as the Court's decision held the judicial branch does not have the power to review an Administration's decision to end TPS for any country, making it easier for a President's Administration to terminate a TPS designation.

In Blanche v. Lau the Court ruled the Immigration & Nationality Act (INA) does not require U.S. Customs & Border Protection (CBP) officers to have "clear and convincing evidence" that a lawful permanent resident (LPR) has committed a crime involving moral turpitude before deeming the resident an applicant for admission. This gives more latitude to CBP officers to impose serious



Supreme Court Round-Up, continued

consequences on green card holders returning from overseas travel if the officer believes the green card holder has committed a crime, even if there has not been a conviction and there is otherwise little evidence of wrongdoing. A pending criminal charge alone may be enough for authorities to detain or delay deciding on a green card holder's application for admission until the criminal case is resolved.

In Mullin v. Al Otro Lado the Court ruled DHS can turn back asylum seekers at the border, reasoning that under the INA a person "arrives in the United States" for purposes of 8 U.S.C. §§1158(a)(1) and 1225(a) only when crossing the border into the United States; the INA neither entitles a person standing at the border in Mexico to apply for asylum nor requires an immigration officer to inspect them.

\$100,000 H-1B Fee Unlawful - Appeal Pending

The District Court of Massachusetts found that the Trump Administration's imposition of a \$100,000 supplemental fee on H-1B visas was unlawful as it intruded upon Congress's taxing power and violated the Administrative Procedures Act (APA). The judge ordered the policy implementing the fee to be vacated. Trump's Administration has filed a notice of appeal indicating it attempts to continue to litigate the issue, and the Court granted an administrative stay on its decision pending a motion for a stay filed with the First Circuit Court of Appeals.

July 2026 Visa Bulletin Issued

The U.S. Department of State (DOS) issued the July 2026 Visa Bulletin. There continues to be modest advancement in most family-based preference categories, and there is progress in the third preference employment-based (EB-3) category for most countries. DOS announced that all available EB-2 immigrant visas chargeable to India have been issued for FY2026; as a result, no additional EB-2 immigrant visas for India will be available until the annual allocation resets at the start of FY2027 on October 1, 2026. Like the prior month, USCIS determined that applicants in all family-sponsored preference categories must use the Dates for Filing chart, and applicants in all employment-based preference categories must use the Final Action Dates chart. The bulletin continues to include a warning that retrogression in future months may be necessary on account of President Trump's proclamations pausing the issuance of immigrant visas to countries deemed high risk.

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DOS Reducing Services in Africa

News sources are reporting DOS plans to reduce visa processing operations in Africa from approximately 50 posts to 20 designated visa-processing hubs. Under the reported plan, consular sections in non-hub countries would remain open to provide limited services, including assistance to U.S. citizens, emergency consular support, and certain diplomatic and national-interest visa cases.

Expedite Fee for Visitor Visas

U.S. Department of State published a rule creating a \$750 fee for an expedited B-1/B-2 nonimmigrant visa interview appointment, effective 7/1/26-12/31/26. The fee will allow applicants to secure an interview appointment at selected posts within ten business days.

USCIS Resumes Case Processing

A Federal District Court Judge vacated several USCIS policies that had imposed an indefinite hold on processing immigration benefits for noncitizens from 39 countries subject to the U.S. travel ban. USCIS announced it is complying with the ruling and has resumed adjudicating affected immigration applications.

TPS Lebanon Extended

DHS published a notice automatically extending the Temporary Protected Status (TPS) designation for Lebanon, along with associated employment authorization, through November 27, 2026.

**PLEASE CONTACT US AT
CORYIMMIGRATIONTEAM@FISHERBROYLES.COM OR
1.833.4FB.VISA WITH QUESTIONS.
WE STAND READY TO SUPPORT!**

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