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JUNE 2026

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U.S. & CANADIAN IMMIGRATION INSIGHTS

U.S. IMMIGRATION

USCIS RELEASES POLICY MEMO ON ADJUSTMENT OF STATUS

On May 22, U.S. Citizenship and Immigration Services issued a policy memo emphasizing that adjustment of status (AOS) should be considered an "extraordinary form of relief". The memo stated that foreign nationals seeking permanent residence should generally pursue immigrant visa processing through U.S. consulates abroad.

The announcement suggested that instances where non-immigrants come to the U.S. for a temporary and specific purpose shouldn't serve as the first step toward obtaining a green card.

While the memo appeared to acknowledge that H-1B and L-1 workers and their dependents may be less affected, it didn't define what constitutes "extraordinary" circumstances. This raised questions for individuals seeking AOS from statuses such as F-1/OPT, TN, B-1/B-2, and Visa Waiver Program (ESTA) entrants.

Since the announcement, the government's language has softened. On May 30, the Department of Homeland Security clarified that most individuals pursuing permanent residence may continue to complete the process from within the U.S. DHS characterized the memo as a reminder of officers' longstanding discretionary authority rather than a substantive policy change.

Still, DHS hasn't yet provided detailed guidance regarding which applicants, if any, could be required to complete immigrant visa processing abroad. The lack of clarity surrounding "extraordinary circumstances" continues to create uncertainty for employers, foreign nationals and immigration practitioners.

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DISTRICT COURT VACATES $100,000 H-1B FEE

On June 8, a district court in Massachusetts vacated the $100,000 H-1B proclamation fee policy, ruling it unlawful under the Administrative Procedure Act and as an improper use of executive power. For now, U.S. Citizenship and Immigration Services shouldn't require the $100,000 fee for approval of any H-1B petition.

The federal government is expected to file an appeal of the court decision and request a stay that could, if granted, permit collection of the fee. Employers should monitor developments closely and seek legal advice as the process plays out.

STATE DEPARTMENT OFFERS EXPEDITED B VISA APPOINTMENTS

From July 1 to December 31, 2026, certain U.S. consular posts will be offering B-1/B-2 visa applicants limited appointments within 10 business days for an additional $750 fee. This isn't expected to affect wait times for other visa appointments.

The State Department will post a list of consular posts participating in the pilot program on its website. The adjudication process for the B visa application remains the same.

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DISTRICT COURT SETS ASIDE USCIS BENEFIT ADJUDICATION PAUSE

On June 5, a district court in Rhode Island vacated the U.S. Citizenship and Immigration Services policies that imposed a hold on asylum and immigration benefit adjudications. The hold affected applicants from "high-risk" countries, including additional ones listed in a January 1, 2026 USCIS policy memorandum.

USCIS stated that it strongly disagrees with the court's order, but will follow its terms pending possible further judicial review.

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CANADIAN IMMIGRATION

OINP REVOKES ALL EXISTING STREAMS

All nine existing Ontario Immigrant Nominee Program (OINP) nomination categories have been closed, effective May 30, 2026. The closure is part of a series of regulation changes to prepare for a new OINP design.

The nine categories cover every current pathway to provincial nomination in Ontario. While the province is expected to introduce new consolidated pathways, the final eligibility rules are still to come.

For now, applications submitted before May 30 should be assessed under the prior rules, but that's still to be confirmed.

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IRCC ISSUES NEW GUIDANCE ON CITIZENSHIP CERTIFICATE REVIEWS

In recent months, Immigration, Refugees and Citizenship Canada sent letters to some Canadian citizenship-by-descent applicants about concerns regarding the documentation they submitted to support their citizenship claims.

After a period of uncertainty, IRCC has now provided clearer guidance. Applications must be supported by authentic, reliable and verifiable documents. That means documents issued by the original authority that created or keeps the record (e.g. a civil registry or vital statistics office), which clearly show who issued the document. The application can't be supported solely by third-party records.

Required documents proving Canadian citizenship of a parent, grandparent or parental ancestor include:

- provincial or territorial birth certificate;
- birth certificate from another country that shows the parent-child relationship in each generation;
- Canadian citizenship or naturalization certificate;
- Certificate of Registration of Birth Abroad or Certificate of Retention of Canadian Citizenship;
- British naturalization certificate issued in Canada or Newfoundland and Labrador;
- proof of British subject status before January 1, 1947 (or April 1, 1949 for Newfoundland and Labrador);
- proof of landed immigrant status in Canada before January 1, 1947 (or April 1, 1949 for Newfoundland and Labrador).

If applicants do not have a birth certificate or birth record for themselves or any of their parental ancestors, other acceptable documents to show parentage and Canadian citizenship (issued by the original authority) include:

- hospital record of birth;
- record from a physician or midwife who witnessed the birth;
- baptismal certificate or record;
- census records;
- boat manifest.

Applicants who can't provide official documents issued by the original authority must explain why in writing, and show proof of efforts to get them (e.g. emails or letters with original authorities, or confirmation saying the records are unavailable).

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QUEBEC EXPERIENCE PROGRAM REOPENS

To help the province meet its immigration targets, the Quebec Experience Program will reopen for two years, from July 2, 2026, to July 2, 2028. The first application period will run until October 31, 2026, with no cap on applications. There are two streams:

- International students who've graduated from Quebec: a bachelor's, master's or doctorate; a technical college diploma; a professional studies diploma alone or followed by a professional specialization certificate of at least 1,800 hours (as of November 19, 2025).

- Temporary foreign workers: work experience in Quebec in National Occupation Categories 0, 1, 2 or 3 for at least two years (as of November 19, 2025).

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ALBERTA INTRODUCES NEW REGISTRATION AND LICENSING REQUIREMENTS

On May 14, 2026, the Immigration Oversight Act (formerly Bill 26) received royal assent in Alberta and is now in force. The regulatory amendments create a registration requirement for employers of temporary foreign workers, and new licensing requirements for foreign worker recruiters and immigration consultants.

Employers must now register with the province before accessing federal programs (including the Temporary Foreign Worker Program), meaning registration is necessary for a Labour Market Impact Assessment.

The Act also establishes a system of offences, powers to investigate contraventions of prohibitions and administrative penalties for such contraventions.

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