



CUMMING & PARTNERS
CROSS-BORDER LAW

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CUMMING & PARTNERS U.S. & CANADIAN IMMIGRATION INSIGHTS

U.S. IMMIGRATION

NEW PUBLIC CHARGE RULES COMING SEPT. 18

USCIS is rescinding the current public charge rule effective Sept. 18, 2026, restoring broad officer discretion over green card applications filed through adjustment of status.

Under the Immigration and Nationality Act, an applicant for adjustment of status is inadmissible if the government determines they are likely to become dependent on taxpayer-funded public benefits - this is known as being a “public charge.”

Public charge policy has shifted multiple times over the past decade. The first Trump administration’s 2019 rule dramatically broadened the test, adding weight to factors like use of Medicaid, SNAP, and housing assistance. The Biden administration stopped enforcing it in 2021 and, in 2022, replaced it with a narrower rule limited to cash assistance and long-term institutionalization.

The rule taking effect Sept. 18 rescinds that 2022 framework, empowering USCIS officers to assess all pertinent facts and make a case-by-case, totality-of-the-circumstances determination for each applicant.

USCIS will publish a revised Form I-485 (Application to Register Permanent Resident or Adjust Status), and won’t accept older versions postmarked or submitted on or after Sept. 18. Applicants should be ready to provide evidence on household finances, employment history, education, skills, and any prior use of means-tested benefits - pending adjustment of status applications should be reviewed now to confirm they’re positioned to file or be adjudicated on the current form before the cutoff.

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STATE DEPARTMENT EXPANDS EXPEDITED B VISA APPOINTMENT PILOT

Additional sites have now joined a State Department pilot program offering expedited appointments for B1/B2 visa appointments. The program started in the U.S. embassy and all consulates in Mexico, where applicants could secure a limited number of appointments within 10 business days, for an added fee of \$750. As of August 18, the pilot is also available at the following U.S. consular posts:

- Canada (embassy and all consulates)
- Bogota, Colombia
- Guatemala City, Guatemala
- San Jose, Costa Rica
- Tegucigalpa, Honduras

Eligible B visa applicants must first schedule a regular appointment and pay the standard fee, and can then opt to pay the additional fee to secure an earlier interview slot, if available. The \$750 fee is nonrefundable and nontransferable. Appointments booked under the pilot also can’t be rescheduled, and missed appointments will result in forfeiture of the fee.

An expedited appointment doesn’t affect the prospects of visa approval, and the adjudication and security processing timelines will remain the same. The pilot runs through December 31, 2026, so travelers with time-sensitive business needs should weigh whether the added cost and inflexibility are worth the earlier slot. After that, the State Department will assess whether to continue the service and at what fee.

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CANADIAN IMMIGRATION

ONTARIO WORKFORCE PRIORITY STREAM NOW OPEN

Under the Ontario Immigrant Nominee Program, the new Ontario Workforce Stream has now opened. The stream includes three pathways for TEER 0-3, TEER 4-5, and self-employed physicians. Employers and prospective applicants should confirm which pathway aligns with the role in question, since eligibility criteria differ meaningfully across the three streams. For more details and links, see our [July newsletter](#).

IRCC UPDATES RECIPROCAL EMPLOYMENT WORK PERMIT GUIDELINES

On Aug. 6, 2026, IRCC published corrected guidelines for officers assessing work permit applications under the reciprocal employment category, administrative code C20 (R205(b) of the International Mobility Program). This LMIA-exempt work permit allows foreign nationals to work in Canada without a labour market impact assessment when their job offer creates or maintains comparable opportunities abroad for Canadians or permanent residents.

The Aug. 6 update fixed an erroneous version of the guidance published July 29, which had required applicants to already be employed by the overseas company - a requirement IRCC has since confirmed was never the intended policy. The corrected guidance also confirms that reciprocity doesn’t have to be strictly between two countries; multinational companies may demonstrate reciprocal opportunities across their international offices.

This interpretation now applies to all C20 applications, regardless of when they were filed.

Additional guidance has been introduced for officers reviewing employer-specific work permit offers, or assessing renewals under this category. Evidence of reciprocity requires documents like an exchange agreement, a letter from the receiving Canadian institution or the appropriate governing body (for cultural agreements), or the offer of employment.

These updates aim to ensure consistent decisions and clearer expectations for applicants and employers using the reciprocal employment pathway.

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