

SEPTEMBER 2026

CUMMING & PARTNERS

U.S. & CANADIAN IMMIGRATION INSIGHTS

U.S. IMMIGRATION

MAJOR FEE INCREASE PROPOSED FOR H-1B CAP FILINGS

The Department of Homeland Security has proposed a new \$103,265 fee for all H-1B cap subject petitions. That includes those eligible for the advanced degree exemption. The fee would be paid at filing and added to existing H-1B costs.

The proposed fee would not apply to cap exempt H-1B petitions filed by qualifying non-profits, government research institutions or universities.

DHS says the revenue would help recover federal expenses tied to administering the immigration system, including adjudications, fraud prevention, security vetting, modernization and interagency operations.

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COURT PAUSES IMPLEMENTATION OF DURATION OF STATUS RULE

For now, the Department of Homeland Security can't take any further action to implement the final rule entitled ["Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media"](#) (published July 17, 2026).

The rule was to take effect September 15, 2026. However, on September 14 the U.S. District Court for the District of Massachusetts postponed the effective date and preliminarily enjoined DHS from implementing it. The existing duration of status framework for F, J and I nonimmigrants remains in place for now.

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UPDATE FOR CURRICULAR PRACTICAL TRAINING AUTHORIZATIONS

Guidance issued on August 24, 2026 changes how Curricular Practical Training (CPT) can be approved for F 1 students. CPT will only be authorized when an internship or practicum is a mandatory part of the degree program for all students (domestic and international), not just an elective. Schools must provide documentation showing the training is required for graduation. Processing for CPT authorization may take longer during this period. CPT approvals issued before August 24 for fall 2026 remain valid. The Office of International Services will provide additional guidance to affected students.

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NEW RULING CHANGES TRAVEL RULES FOR ADVANCE PAROLE HOLDERS

An immigration ruling issued on Aug. 13, 2026, changes how Advance Parole works for people who've spent time in the U.S. without lawful status. The Board of Immigration Appeals decided that leaving the country with valid Advance Parole documents now counts as a departure under U.S. immigration law.

This means that anyone who has more than 180 days of unlawful presence could be deemed inadmissible upon return. Because unlawful presence rules are complex, anyone unsure of their situation should get qualified legal advice before traveling.

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COURT ORDER ENDS PAUSE OF IMMIGRANT VISAS FOR NATIONALS OF 75 COUNTRIES

The State Department has confirmed that the immigrant visa issuance pause affected nationals of 75 countries ended on August 21, 2026. That followed a U.S. District Court order. The blanket pause had been in effect since January 21, 2026.

Affected applicants can again submit applications and attend scheduled interviews. However, immigrant visa interviews have now been paused at posts worldwide as consular officers receive training on the standards for public charge assessments. At this time, it's unclear when interviews will resume.

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DHS PROPOSES ELIMINATING GRACE PERIOD AFTER JOB LOSS

The Department of Homeland Security has proposed eliminating the 60-day grace period after a job loss for H-1B, L-1, O-1, E, TN and H-1B1 workers. If this proposal is finalized, it would effectively mean that status can end immediately when employment ceases. The separate 10-day periods before and after petition validity would remain, but don't cover a mid-validity termination. Comments on the proposal are open until November 10, 2026.

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CANADIAN IMMIGRATION

FOREIGN NATIONALS GAIN FLEXIBILITY TO PURSUE SHORT-TERM STUDIES

Eligible foreign nationals who hold a valid work permit will now be able to study without a study permit for a course/program of six months or less. That's under a public policy in place from September 4, 2026 through December 31, 2027. The policy also applies in Quebec without a CAQ for qualifying short-term studies.

With this policy, Immigration, Refugees and Citizenship Canada aims to support temporary foreign workers in upgrading their skills, obtaining new credentials or professional licensing, and advancing into higher-skilled occupations. IRCC says this serves labour market needs, and strengthens pathways to permanent residence for workers contributing to Canada's economy.

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RESIDENCE PATHWAY FOR HONG KONG NATIONALS CLOSES APPLICATIONS

The special permanent residence pathways for Hong Kong nationals, introduced in 2021, stopped accepting new applications on August 31, 2026. Applications received on or before that date will continue processing. An associated open work permit public policy, for people with pending Hong Kong pathway applications, remains in place until May 2029.

As of June 30, 2026, Immigration, Refugees and Citizenship Canada had received approximately 30,315 applications (representing 48,560 people) under the permanent residence pathway public policy. More than 8,600 applications (13,485 people) had been approved.

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OPEN WORK PERMITS EXTENDED FOR PALESTINIAN NATIONALS

Under previous measures, eligible Palestinian nationals in Canada, and certain family members of Canadian citizens or permanent residents, were able to receive an open work permit. Now, Immigration, Refugees and Citizenship Canada has introduced a temporary public policy allowing those individuals to apply from inside Canada to extend that open work permit. Standard application fees apply, and the policy is in effect from August 1, 2026 to December 30, 2027.

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