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Immigration & Nationality Law



U.S. and Canadian Immigration and Nationality Law (Bimonthly) Newsletter and Updates.

Dear Reader,

Following last week's midterm elections, many clients have asked whether a change in Congress will affect their pending immigration cases. In practical terms, it will not. Immigration adjudications are governed by existing statutes, regulations, and agency policy, and the new Congress does not take office until January 2027. Any legislative change would take months or years to work through, and current USCIS and State Department guidance, including the policy allowing denials without a prior request for evidence, remains fully in effect. The best protection for your case continues to be a complete, well-documented, and timely filing, prepared with the current rules in mind rather than the ones that may come later.

USCIS has updated its Policy Manual to reflect the expanded 9-11 Biometric Fee for L-1 petitions. Under Policy Alert PA-2026-16, issued October 27, the $4,500 fee now applies to all L-1 petitions filed by covered employers through September 30, 2027, including same-employer extensions, with a narrow exception for amended petitions that do not seek an extension. Covered employers are those with 50 or more U.S. employees where half or more hold H-1B or L-1 status. Separately, the comment period on DHS's proposed $70,000 OPT fee closed November 9, and comments on the proposed rule ending USCIS deference to prior approvals on H-1B and L-1 extensions are due November 13, 2026. Both remain proposals, and the existing rules apply until DHS publishes a final rule.

We encourage you to stay informed as immigration and travel-related policies continue to evolve. If you have any questions about how these developments may affect your status, workforce, or travel plans, please contact NPZ & B Law Group at

info@visaserve.com or call 201-670-0006 (ext. 104). Our experienced U.S. and Canadian immigration attorneys are ready to assist you.

Know Your Rights: What to Do If ICE Comes to Your Home, Workplace, or Stops You in Public (English & Spanish Versions). Please click here to download and feel free to share it with your friends and family.

Here are this month's top stories to keep you informed:

DOL'S PROPOSED PERM RULE: SCHEDULE A ENDS, NEWSPAPER ADS GO, AND LAYOFFS COULD BLOCK GREEN CARD SPONSORSHIP.

The Department of Labor has released its long-expected proposal to rewrite the PERM labor certification rules, the first major revision since 2004. DOL posted the text for public inspection on November 16 (FR Doc. 2026-23370), and it becomes official when the Federal Register prints it on November 17, 2026.

To read more, please click here . . .

WHEN A KEY EMPLOYEE'S H-1B TIME RUNS OUT: USING CANADA TO KEEP THEM ON THE TEAM.

H-1B status generally ends after six years. Workers whose green card cases started early can often extend past that limit, but many cannot: the PERM case started too late, the employer's case was delayed, or the person never entered the green card process at all.

To read more, please click here . . .

HOLIDAY TRAVEL 2026: WHAT HAS CHANGED FOR FOREIGN NATIONALS SINCE LAST YEAR.

Every year we remind clients to check passports, visa stamps, and documents before traveling over the holidays. That advice, covered in our 2025 holiday travel post, still applies.

To read more, please click here . . .

IMMIGRANT VISA INTERVIEWS STILL ON HOLD: HOW TO PREPARE FOR THE NEW PUBLIC CHARGE QUESTIONS.

In August 2026, the State Department told U.S. embassies and consulates to stop holding immigrant visa interviews while consular officers were trained on public charge rules. At the time, an official suggested the pause would be over by mid-September.

To read more, please click here . . .

LAWSUIT CHALLENGES USCIS ADJUSTMENT OF STATUS POLICIES: WHAT GREEN CARD APPLICANTS SHOULD KNOW.

A federal lawsuit filed on October 5, 2026 asks a court to set aside two USCIS policies that have made green card applications filed inside the United States harder to win. The suit is titled *American Association of University Professors v. Mullin* and carries docket number 1:26-cv-14527 in federal court in Massachusetts.

To read more, please click here . . .

FORM I-9 NOTICE OF INSPECTION: WHAT EMPLOYERS SHOULD DO IN THE FIRST THREE DAYS.

Form I-9 enforcement has picked up. An October 2026 report from an HR compliance firm says ICE Notices of Inspection have risen by as much as tenfold since early 2025. That figure comes from a private report, not from ICE data, but the direction is consistent with what employers are reporting.

To read more, please click here . . .

PRESSURED TO GIVE UP YOUR GREEN CARD AT THE AIRPORT? WHAT TO KNOW ABOUT FORM I-407 AND A NOTICE TO APPEAR.

We continue to hear from green card holders, often older parents and people who spend long stretches abroad, who were told by a CBP officer at the airport that they had “lost” their status and should sign a form giving it up.

To read more, please click here . . .

BECOMING A U.S. CITIZEN BEFORE MOVING ABROAD: TIMING, TRAVEL, AND DUAL NATIONALITY QUESTIONS.

Many long-time green card holders reach a point where they plan to move back to their home country, whether to retire, care for family, or take a job.

To read more, please click here . . .

DOS VISA BULLETIN UPDATE: VISA BULLETIN FOR NOVEMBER 2026 - IF YOUR "PRIORITY DATE" IS CURRENT, PLEASE LET US KNOW?

The U.S. Department of State has released the November 2026 Visa Bulletin, and it brings significant forward movement across several employment-based categories. After October’s mixed picture — which included a retrogression in EB-2 All Chargeability Areas — November offers welcome relief for many applicants, particularly those in EB-1, EB-2, and EB-3. **Read more . . .**

To view the current cutoff dates for each visa preference category and country of chargeability, please click here to access two charts provided by the U.S. Department of State's monthly visa bulletin.

CANADIAN IMMIGRATION LAW NEWS.

MOVING TECH TALENT FROM THE U.S. TO CANADA: HOW THE GLOBAL TALENT STREAM WORKS FOR CROSS-BORDER HIRES.

Many software developers, engineers, and data specialists working in the United States are looking at Canada, whether because of H-1B costs and uncertainty, a layoff, or a company decision to build a team north of the border.

To read more, please click here . . .

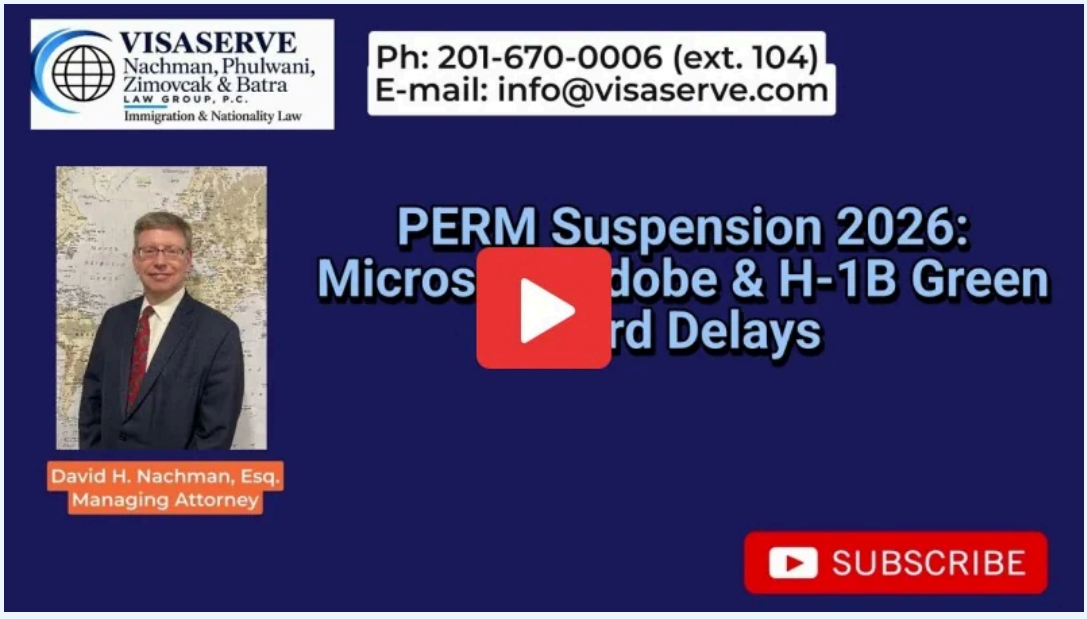
CANADA EXPRESS ENTRY 2026: NEW 70-POINT CRS BOOST FOR ELIGIBLE SKILLED WORKERS.

Canada's upcoming Express Entry changes could provide a significant advantage to certain skilled foreign workers seeking permanent residence. Beginning November 3, 2026, eligible candidates with at least 12 months or 1,560 hours of qualifying Canadian work experience in designated high-wage occupations may receive 70 additional Comprehensive Ranking System (CRS) points.

To read more, please click here . . .

NPZ&B's Immigration Insights: New YouTube Series on U.S. & Canadian Law

PERM SUSPENSION 2026: MICROSOFT, ADOBE & H-1B GREEN CARD DELAYS.



NVC CASE TERMINATED? REINSTATEMENT OPTIONS UNDER INA 203(G)



UPCOMING EVENT

U.S. Immigration Seminar – E-2 Investor Visas, L-1 Visas & New Company L-1 Work Permits

Date: Thursday, December 10, 2026

Time: 5:00 PM – 8:00 PM (Tentative, EST)

Location: 5800 Ambler Drive, Suite 210, Mississauga, ON L4W 4J4, Canada

Presenter: David Nachman, Esq., Managing Attorney

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