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Immigration Legislation and Issues in the 119th Congress

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This report discusses immigration-related bills that have received congressional action in the 119th Congress as of the report's cover date. For the purposes of the report, bills receiving congressional action are the measures that have been enacted into law, passed by one chamber, the subject of a cloture vote, reported or ordered to be reported by a committee, or the subject of a committee hearing.

The 119th Congress has enacted a number of bills containing immigration provisions. These include a series of continuing appropriations measures, the Full-Year Continuing Appropriations and Extensions Act, 2025 (P.L. 119-4), the FY2025 reconciliation law (P.L. 119-21), the Consolidated Appropriations Act, 2026 (P.L. 119-75), and the Secure America Act reconciliation law (P.L. 119-98). Some of these acts extended the authorizations for three immigration programs: the E-Verify employment eligibility verification program, the Conrad State Program for foreign medical graduates, and the special immigrant religious worker program—as well as for a provision concerning supplemental H-2B nonagricultural worker visas. In addition to appropriating funds for immigration enforcement, P.L. 119-21 makes changes to noncitizen eligibility for public benefits and increases fees for many immigration benefits and immigration court filings.

Other immigration-related measures enacted by the 119th Congress are the Laken Riley Act (P.L. 119-1), which requires the detention of aliens who have committed certain crimes and allows states to sue the federal government for specified failures to enforce immigration law; and the National Defense Authorization Act for Fiscal Year 2026 (P.L. 119-60), which allows certain foreign workers to be admitted to Wake Island to work on U.S. military installations.

Another set of immigration-related bills were passed only by the House. Several of these add to the Immigration and Nationality Act's (INA's) grounds of inadmissibility and deportability—the grounds upon which an alien may be denied admission to or removed from the United States. These bills include the Preventing Violence Against Women by Illegal Aliens Act (H.R. 30), the Agent Raul Gonzalez Officer Safety Act (H.R. 35), the No Immigration Benefits for Hamas Terrorists Act of 2025 (H.R. 176), the Jeremy and Angel Seay and Sergeant Brandon Mendoza Protect Our Communities from DUIs Act of 2025 (H.R. 875), the Deporting Fraudsters Act of 2026 (H.R. 1958), and the Federal Working Animal Protection Act (H.R. 4638).

The House also passed several bills related to border security and immigration enforcement. These include the Subterranean Border Defense Act (H.R. 495), the Emerging Innovative Border Technologies Act (H.R. 993), the Tren de Aragua Border Security Threat Assessment Act (H.R. 4070), and the Stop Illegal Entry Act of 2025 (H.R. 3486). Three bills passed by the House relate to *sanctuary jurisdictions*—a term that is not defined in federal law but is used by some to refer to state and local jurisdictions that have adopted policies limiting their cooperation with federal immigration enforcement agencies. These measures are the District of Columbia Federal Immigration Compliance Act of 2025 (H.R. 2056), the Save SBA from Sanctuary Cities Act of 2025 (H.R. 2931), and the Make the District of Columbia Safe and Beautiful Act of 2025 (H.R. 5103).

Three other immigration-related bills passed the House: the Kayla Hamilton Act (H.R. 4371) related to the placement and screening of unaccompanied alien children; H.R. 1689, which would designate Haiti for temporary protected status (TPS); and the American Entrepreneurs First Act of 2025 (H.R. 2966), which would restrict noncitizen eligibility for Small Business Administration (SBA) loans.

Three bills were the subject of unsuccessful votes in the Senate. The Health Care Freedom for Patients Act of 2025 (S. 3386) includes provisions related to noncitizen eligibility for public benefits. S.J.Res. 99 expresses congressional disapproval of a rule to limit automatic extensions of employment authorization documents for noncitizens. S.J.Res. 190 expresses congressional disapproval of a rule related to immigration court appeals.

Congressional committees have reported a number of other immigration-related bills.

This report summarizes and discusses these immigration-related measures. While the report covers certain immigration-related funding in appropriations bills—particularly funding allocated to the U.S. Department of Homeland Security (DHS) for certain immigration functions—it does not cover all funding provisions. For information on DHS appropriations, see CRS Report R48705, *Department of Homeland Security Appropriations: FY2026 Provisions* and CRS Report R48126, *Department of Homeland Security Appropriations: FY2025 Provisions*.

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Introduction

This report discusses immigration-related bills that have received congressional action in the 119th Congress as of the report's cover date.[1] Much of this legislative activity occurred in the House. Several of these bills amended or would amend the Immigration and Nationality Act (INA).[2] For the purposes of the report, bills receiving congressional action are the measures that have been enacted into law, passed by one chamber, the subject of a cloture vote, reported or ordered to be reported by a committee, or the subject of a committee hearing.[3] This introduction provides a brief guide to the immigration-related measures that have received action, organized by the type of congressional action. The body of the report provides additional analysis of these bills; it is organized by immigration topic, based on the provisions in the included bills.

Among the immigration measures that have been enacted by the 119th Congress are multiple appropriations laws.[4] These include a series of continuing appropriations measures,[5] the Full-Year Continuing Appropriations and Extensions Act, 2025 (P.L. 119-4), the FY2025 reconciliation law (P.L. 119-21), the Consolidated Appropriations Act, 2026 (P.L. 119-75), and the Secure America Act (P.L. 119-98). Some of these acts extended the authorizations for three immigration programs—the E-Verify employment eligibility verification program, the Conrad State Program for foreign medical graduates, and the special immigrant religious worker program—as well as for a provision concerning supplemental H-2B nonagricultural worker visas. In addition to appropriating funds for immigration enforcement, P.L. 119-21 makes changes to noncitizen eligibility for public benefits and increases and introduces fees for many immigration-related applications and immigration court filings.

Other measures enacted by the 119th Congress are the Laken Riley Act (P.L. 119-1), which requires the detention of an alien[6] in removal proceedings who has committed certain crimes and allows states to sue the federal government for specified failures related to enforcing the detention and removal provisions of immigration law; and the National Defense Authorization Act for Fiscal Year 2026 (P.L. 119-60), which allows certain foreign workers to be admitted to Wake Island to work on U.S. military installations.

Another set of immigration-related bills has passed only the House. Several of these add to the INA's grounds of inadmissibility and deportability—the grounds upon which an alien may be, respectively, denied admission to or removed from the United States. These bills include the

[1] The bill text and the information on legislative action used in preparing this report come from Congress.gov, the official website for U.S. federal legislative information.

[2] The INA, the basis of U.S. immigration law, is Act of June 27, 1952, ch. 477, as amended, codified at 8 U.S.C. §§1101 et seq.

[3] House or Senate bills receiving action that have been effectively superseded by other bills may not be covered in this report. For example, many of the provisions in the FY2025 reconciliation law, as passed by the House (H.R. 1), are included in the enacted P.L. 119-21. Generally, this report covers the most recent action as of the cover date of this report and the version that is the superseding bill or law.

[4] While this report covers certain immigration provisions in some appropriations bills—particularly, funding allocated to the Department of Homeland Security (DHS) for certain immigration functions—it does not cover all funding provisions. For information on DHS appropriations, see CRS Report R48874, *Department of Homeland Security Appropriations: FY2026 State of Play*, CRS Report R48705, *Department of Homeland Security Appropriations: FY2026 Provisions* and CRS Report R48126, *Department of Homeland Security Appropriations: FY2025 Provisions*.

[5] The continuing appropriations measures are 119-4, 119-37, and 119-86.

[6] "Alien" is the term used in the INA for any person who is not a citizen or national of the United States. INA §101(a)(3) (8 U.S.C. §1101(a)(3)). In this report, the words "alien," "noncitizen," and "foreign national" are used interchangeably.

Preventing Violence Against Women by Illegal Aliens Act (H.R. 30), the Agent Raul Gonzalez Officer Safety Act (H.R. 35), the No Immigration Benefits for Hamas Terrorists Act of 2025 (H.R. 176), the Jeremy and Angel Seay and Sergeant Brandon Mendoza Protect Our Communities from DUIs Act of 2025 (H.R. 875), the Deporting Fraudsters Act of 2026 (H.R. 1958), and the Federal Working Animal Protection Act (H.R. 4638).

The House passed several bills related to border security and immigration enforcement. The Subterranean Border Defense Act (H.R. 495), the Emerging Innovative Border Technologies Act (H.R. 993), and the Tren de Aragua Border Security Threat Assessment Act (H.R. 4070) would require the U.S. Department of Homeland Security (DHS) to make or amend plans related to border security. The Stop Illegal Entry Act of 2025 (H.R. 3486) would subject certain individuals who have entered the United States illegally to increased criminal penalties.

Three bills passed by the House relate to *sanctuary jurisdictions*—a term that is not defined in federal law but used by some to refer to state and local jurisdictions that have adopted policies limiting their cooperation with federal immigration enforcement agencies. These are the District of Columbia Federal Immigration Compliance Act of 2025 (H.R. 2056), the Save SBA from Sanctuary Cities Act of 2025 (H.R. 2931), and the Make the District of Columbia Safe and Beautiful Act of 2025 (H.R. 5103).

Three other immigration-related bills passed the House. The Kayla Hamilton Act (H.R. 4371) relates to the placement and screening of *unaccompanied alien children*: children who lack lawful immigration status in the United States and are without a parent or legal guardian in the country available to provide care and physical custody. Another bill (H.R. 1689) would designate Haiti for temporary protected status (TPS), a designation given to countries experiencing conflict, disaster, or other conditions that prevent their nationals from safely returning and residing in their home countries. The American Entrepreneurs First Act of 2025 (H.R. 2966) would restrict noncitizen eligibility for Small Business Administration (SBA) loans.

Three bills were the subject of unsuccessful votes in the Senate. The Health Care Freedom for Patients Act of 2025 (S. 3386) includes provisions related to noncitizen eligibility for public benefits. S.J.Res. 99 expresses congressional disapproval of a rule to limit automatic extensions of employment authorization documents for noncitizens. S.J.Res. 190 expresses congressional disapproval of a rule related to immigration court appeals.

Congressional committees have reported a number of other immigration-related bills. In the House, the Judiciary Committee has reported the Rapid Expulsion of Migrant Offenders who Violate and Evade (REMOVE) Act (H.R. 4711), the Expedited Removal of Criminal Aliens Act (H.R. 5713), the No Censors on our Shores Act of 2025 (H.R. 1071), the Shut Down Sanctuary Policies Act of 2026 (H.R. 7640), the Preserving Integrity in Immigration Benefits Act (H.R. 6978), the Deport Alien Gang Members Act (H.R. 175), and an act to require all federal contractors to participate in the E-Verify program (H.R. 2641). The House Appropriations Committee reported the Department of Homeland Security Appropriations Act, 2026 (H.R. 4213) and the Department of Homeland Security Appropriations Act, 2027 (H.R. 9310), and the House Transportation and Infrastructure Committee reported the Non-Domiciled CDL Integrity Act (H.R. 5688). The House Homeland Security Committee ordered to be reported the Northern Border Security Enhancement and Review Act (H.R. 5517). The Senate Committee on Homeland Security and Governmental Affairs has reported the Shadow Wolves Improvement Act (S. 572) and the Northern Border Security Enhancement and Review Act (S. 850).

The Federal Lands Amplified Security for the Homeland (FLASH) Act (H.R. 1820) was the subject of a hearing by the House Natural Resources Subcommittee on Federal Lands.

Immigration Enforcement

The INA and the Homeland Security Act of 2002 (P.L. 107-296) established an enforcement regime to deter violations of federal immigration law. DHS law enforcement agencies have responsibility for border enforcement, interior enforcement (including immigration detention), and removal—the latter in conjunction with the U.S. Department of Justice's (DOJ's) Executive Office for Immigration Review (EOIR).

Customs and Border Protection (CBP) is responsible for enforcing immigration laws at the country's 328 official air, land, and sea ports of entry (POEs) and for patrolling U.S. land and maritime borders. At POEs, CBP's Office of Field Operations (OFO) conducts immigration, customs, and agricultural inspections of persons and goods. Between POEs, CBP's U.S. Border Patrol (USBP) is charged with enforcing immigration and other federal laws and preventing unlawful entries into the United States.

Immigration and Customs Enforcement (ICE) has primary responsibility for immigration enforcement activities within the U.S. interior. These activities include the identification, arrest, detention, and removal of noncitizens who are unlawfully present in the United States or are otherwise subject to removal.

H.R. 9310 (§556), as reported by the House Appropriations Committee, would require all basic training for DHS law enforcement personnel to include, at a minimum, the training requirements and qualifications that were applicable to such personnel as of January 1, 2025.[7] In addition, it would provide civilian law enforcement personnel with the department's initial and recurring training on use of force that includes de-escalation tactics and training on lethal and non-lethal weapons.

Border Security

During most of the 117th and 118th Congresses, CBP enforcement encounters at the Southwest border were relatively high,[8] with 2,475,670 total encounters in FY2023, the highest recorded annual level. Since FY2024, such encounters have declined substantially. In FY2025, there were a total of 443,671 encounters; in the first seven months of FY2026, there have been 76,568.[9] This decline reflects more restrictive border and asylum policies implemented at the end of the Biden Administration and furthered under the second Trump Administration.[10]

For decades, Congress has provided funding for and enacted laws related to border security. Appropriating funding for immigration enforcement, including border security, has been a central focus of the 119th Congress. These appropriations bills have included funds for border barriers and associated infrastructure as well as personnel and technology.

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[7] In February 2026, ICE reportedly accelerated training requirements for ICE agents so they could be deployed more expeditiously. In response to public outcry and bipartisan concerns about inadequate training standards, ICE resumed the original training regimen. See, for example, Maria Sacchetti et al., "ICE plans to scrap shortened training program for new immigration officers," *Washington Post*, May 6, 2026; and Myah Ward et al., "Trump administration axes fast-track training for new ICE recruits," *Politico*, May 6, 2026.

[8] "Enforcement encounters" generally refer to alien apprehensions; at times, encounters have included other outcomes, such as *expulsions* during the COVID-19 pandemic when public health restrictions were in place at the border. For more information, see CRS Report R46999, *Immigration: Apprehensions and Expulsions at the Southwest Border*.

[9] DHS, CBP, "Nationwide Encounters," https://www.cbp.gov/newsroom/stats/nationwide-encounters.

[10] For more information, see CRS Insight IN12417, *The Impact of the "Securing the Border" Rule on Migrant Encounters and Processing* and CRS Report R47504, *Asylum Process in Immigration Courts and Selected Trends*.

P.L. 119-21 (§90001) provides CBP with $46.55 billion for new or replacement barriers, access roads, and other barrier system elements (e.g., cameras, lights, sensors). It provides $6.15 billion for hiring, training, and retention of CBP agents, $5 billion for checkpoints and other CBP facilities, and $855 million for vehicles (§90002). The law also provides $6.17 billion for procurement and upgrades to inspection and surveillance technologies for border security and screening at POEs, to include the use of autonomous capabilities. (§90004).[11]

Following a lapse in annual appropriations for DHS in FY2026, Congress only partially funded immigration enforcement components of ICE and CBP. The Homeland Security and Further Additional Continuing Appropriations Act (P.L. 119-86), provides limited[12] continuing FY2026 appropriations to DHS. It contains approximately $11.08 billion for CBP operations through FY2028, including the transportation of unaccompanied alien children; air and marine support; and the purchase or lease of various vehicles, vessels, aircraft, and unmanned aerial systems. It also requires CBP to fully implement a 2021 policy on pregnant, postpartum, and nursing individuals and infants in custody.

Congress subsequently enacted a second reconciliation bill to fund border enforcement through FY2029. P.L. 119-98 appropriates $9.55 billion to CBP to hire and train USBP agents and support personnel "to conduct functions other than immigration enforcement and customs functions," $3.45 billion for border technology equipment, and other expenses, and $13.02 billion for hiring and training CBP agents and support staff carrying out immigration enforcement activities.

In addition to its focus on border security resources, Congress took action on legislation focused on border-related policies and strategies. H.R. 3486, as passed by the House, would amend the INA to increase the maximum prison sentence from two years to five years for persons repeatedly entering the United States unlawfully. The bill would also establish a mandatory minimum prison term of five years and permit a life sentence for persons who enter unlawfully and are subsequently convicted of a felony. It would also impose fines and increase prison sentences for individuals who have repeatedly entered unlawfully, individuals who have been removed and later attempt unlawful entry, and persons who have been denied entry three or more times and subsequently attempt unlawful entry. H.R. 993, as passed by the House, would require DHS to develop a plan to identify and implement emerging, innovative, and disruptive technologies to enhance and improve border security, such as those using artificial intelligence or fiber optic sensing.

Two bills that passed the House would make changes to requirements for DHS strategic plans related to border security. H.R. 495 would amend the FY2023 National Defense Authorization Act (P.L. 117-263) to require annual updates from CBP on the implementation of a strategic plan to counter illicit cross-border tunnel operations. H.R. 4070 would require DHS to submit a border threat assessment and strategic plan regarding Tren de Aragua and other transnational criminal organizations. Tren de Aragua is a gang that originated in Venezuela and has been designated as a foreign terrorist organization (FTO) by the United States.[13] Both of these bills would require DHS to submit reports to the House and Senate Homeland Security committees.

H.R. 9310, as reported by the House Committee on Appropriations, contains several provisions related to border security. Section 215 would direct the DHS Secretary to ensure that CBP's November 2021 policy statement, "Policy Statement and Required Actions Regarding Pregnant, Postpartum, Nursing Individuals, and Infants in Custody," or substantively similar standards, is

[11] This funding is available through FY2029.

[12] This law, for example, did not appropriate funds for USBP agents' salaries or hiring new agents or salaries.

[13] For more information, see CRS In Focus IF10715, *Venezuela: Overview of U.S. Sanctions Policy*.

fully implemented (§215).[14] Section 207 would forbid DHS to "establish, collect, or otherwise impose" a new border crossing fee at land ports of entry at the southern or northern borders, or conduct studies related to charging a border crossing fee. Section 211 would prohibit federal funds for procurement or deployment for non-autonomous surveillance tower systems along the U.S. border. Section 537 would require DHS to develop monthly estimates of the number of migrants anticipated to arrive at the Southwest border, including demographic categories (adults, families, and unaccompanied children), to cover the current and the following fiscal year to be used to inform policy planning and budgeting. Estimates would be subject to independent evaluation.

S. 850, as reported by the Senate Homeland Security and Governmental Affairs Committee, would also affect requirements for DHS's border security strategic plans. It would amend the Northern Border Security Review Act (P.L. 114-267) to require DHS to produce updates every three years to the Northern Border Threat Analysis, which was enacted as a one-time requirement in 2016, to assess current and potential terrorism and criminal threats along the U.S.-Canada land and maritime border. S. 850 would further require that the threat analysis include an assessment of recent changes in the number of apprehensions and demographics of individuals apprehended at the northern border and that DHS provide a classified briefing to relevant congressional committees on the threat analysis. It would also require that the Secretary of DHS update the Northern Border Strategy every five years, incorporating findings from the most recent threat analysis.

A similar House bill to amend the Northern Border Security Review Act (H.R. 5517) was ordered to be reported by the House Committee on Homeland Security. It would amend P.L. 114-267 to require DHS to produce updates every two years to the Northern Border Threat Analysis, provide classified briefings to relevant congressional committees on the threat analysis, update the northern border strategy 90 days after the threat analysis submission (or provide notification that no update is required), and implement Government Accountability Office (GAO) recommendations related to performance measures for CBP's Air and Marine Operations component.

The Shadow Wolves Native American tactical patrol unit within ICE's Homeland Security Investigations (HSI) directorate operates within the Tohono O'odham Nation, which straddles approximately 76 miles of the Southwest border in the Sonoran Desert.[15] The responsibilities of these special officers include disrupting and interdicting the operations of human and drug trafficking organizations along the border. S. 572, as reported by the Senate Committee on Homeland Security and Governmental Affairs, would amend the Shadow Wolves Enhancement Act (P.L. 117-113) to reclassify experienced Shadow Wolves as competitive service employees.[16] This action would implement a 2024 GAO recommendation, with which ICE concurred, to improve Shadow wolves recruitment and retention.[17] S. 572 would also amend P.L. 107-296 by requiring the ICE Director, in coordination with partner tribal governments, to determine the number of agents and the skills and knowledge needed by those agents to meet the objectives of

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[14] DHS, CBP, ''Policy Statement and Required Actions Regarding Pregnant, Postpartum, Nursing Individuals, and Infants in Custody," November 23, 2021, https://www.cbp.gov/sites/default/files/assets/documents/2022-Jul/2022-Policy%20Statement-%20and-Required.

[15] DHS, ICE, "Shadow Wolves," March 12, 2026 (updated), https://www.ice.gov/hsi/our-partners/shadow-wolves.

[16] For more information about federal service employment classifications, see CRS Report R45635, *Categories of Federal Civil Service Employment: A Snapshot*

[17] GAO, *U.S. Immigration and Customs Enforcement: Improvements Needed to Workforce and Expansion Plans for Unit of Native American Law Enforcement Personnel*, GAO-24-106385, January 30, 2024, https://www.gao.gov/products/gao-24-106385.

the Shadow Wolves program. It would require the ICE Director, in coordination with tribal governments, to establish measurable objectives related to retention and pay for Shadow Wolves.

H.R. 1820, which was the subject of a House Natural Resources Subcommittee on Federal Lands hearing, would require DHS to install additional roads on federal lands along the Southwest border. Roads must meet certain mileage and positioning requirements. It would amend the Wilderness Act (16 U.S.C. §1133) to allow CBP to access wilderness areas for border security purposes. It would also allow southern border states to place temporary structures in certain areas for border enforcement purposes without obtaining a special use authorization, prohibit the Secretary of the Interior and the Secretary of Agriculture from impeding or restricting CBP activities, reduce environmental degradation by establishing protocols to reduce trash accumulation and wildfires caused by migration, impose criminal penalties and fines on illegally present aliens who carry out activities prohibited under fire and sanitation regulations, and prohibit the use of federal funds for the provision of housing to specified aliens on lands under the jurisdiction of federal land management agencies.

Interior Enforcement

ICE describes the responsibilities of its Enforcement and Removal Operations (ERO) directorate as follows: "As part of its critical mission, ERO manages all aspects of the immigration enforcement process, including the identification, arrest, detention and removal of aliens who are subject to removal or are unlawfully present in the U.S."[18] ICE's HSI directorate focuses on criminal investigations related to "the illegal movement of people, goods, money, contraband, weapons and sensitive technology into, out of and through the United States."[19] At times, HSI agents also perform civil immigration enforcement functions.[20]

P.L. 119-98 provides through the budget reconciliation process $7.45 billion to ICE to hire, pay, and train HSI agents and support personnel, including $108.5 million to combat child exploitation; and $31.08 billion for hiring, paying, and training ICE personnel to carry out enforcement activities, transporting aliens departing or being removed, information technology, facility maintenance, fleet maintenance, and facilitating agreements under INA Section 287(g) agreements for state and local coordination with federal immigration enforcement (see the "287(g) Program " section), among other activities. The law also appropriates an additional $2.5 billion for the CBP and ICE activities specified in Title II of the bill related to the Committee on the Judiciary or in P.L. 119-21 that provide for personnel assignments for state and local participation in immigration and other homeland security enforcement. Funding is available through FY2029.

H.R. 9310, as reported by the House Committee on Appropriations, contains several provisions related to interior enforcement. Section 225 would prohibit the use of funds appropriated by the bill to be used to transport unauthorized aliens, aliens granted parole, and inadmissible aliens in the U.S. interior for purposes other than immigration enforcement, excepting unaccompanied alien children. Section 554 would prohibit any funds made available by the bill from being used to restrict an individual's ability to document ICE immigration enforcement activity that does not physically interfere with law enforcement operations. Section 557 would require DHS to use funds made available by the bill to procure and deploy appropriate identification including visible numerical and agency identifiers, for DHS law enforcement personnel engaged in immigration

[18] DHS, ICE, "Enforcement and Removal Operations," https://www.ice.gov/about-ice/ero.

[19] DHS, ICE, "Homeland Security Investigations," https://www.ice.gov/hsi/who-we-are#mission.

[20] David J. Bier, "ICE Has Diverted Over 25,000 Officers from Their Jobs," Cato Institute, September 3, 2025, https://www.cato.org/blog/ice-has-diverted-over-25000-officers-their-jobs.

enforcement. It would also make anyone who knowingly makes public any restricted personal information about an immigration officer or his or her immediate family members subject to fines or imprisonment.[21] Section 558 would prohibit the use of federal funds to knowingly detain a U.S. citizen during immigration enforcement activities, except during a violation of federal or state laws that would make them subject to arrest.

Immigration Detention

Immigration detention has been a major legislative focus for the 119th Congress. The INA authorizes and in certain circumstances requires DHS to detain aliens who are subject to removal from the United States.[22] As part of its work, ERO oversees civil immigration detention in facilities across the country.

P.L. 119-1 mandates the detention of any individual who (1) is unlawfully present in the United States or did not possess the necessary documents when applying for admission; and (2) has been charged with, arrested for, convicted of, or has admitted to committing acts that "constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person."

P.L. 119-1 also authorizes state governments to sue for injunctive relief over decisions or alleged failures by the federal government to detain such individuals if the decision or failure caused the state or its residents harm, including financial harm of more than $100. Specifically, states may sue the federal government over a decision to release an alien from custody; a failure to fulfill requirements relating to inspecting individuals seeking admission into the United States, including requirements related to asylum interviews; a failure to stop issuing visas to nationals of a country that unreasonably denies or delays acceptance of its nationals; a violation of limitations on immigration parole, such as the requirement that parole be granted only on a case-by-case basis; or a failure to detain an individual who has been ordered removed from the United States.

P.L. 119-21 contains funding provisions for ICE. It provides the agency $45 billion to increase detention capacity as well as $29.85 billion for hiring new personnel, supporting 287(g) agreements for state and local coordination with federal immigration enforcement, and bolstering other administrative and enforcement functions.[23]

P.L. 119-86 contains several provisions related to immigration detention. Section 527 prohibits placing restraints on any woman at any point during DHS custody if she is pregnant or in post-delivery recuperation unless a DHS official determines that she is a flight risk or poses a harm to herself or others, or the restraints are approved by a medical professional as appropriate for the woman's medical safety. The law imposes further restrictions and controls on such use of restraints. Section 546 prohibits appropriated funds from being used to prevent any Member of Congress or their designated congressional employee from entering a DHS detention facility for the purpose of conducting oversight. Such visits would not require advance notice, although DHS could require at least 24-hour advance notice.

H.R. 9310, as reported by the House Committee on Appropriations, contains several provisions related to immigration detention. Section 228 would allocate funds (1) to ensure that the average daily population of detainees is at full capacity at all detention facilities throughout the fiscal

[21] Under 18 U.S.C. §119.

[22] For information on detention, see CRS In Focus IF11343, *The Law of Immigration Detention: A Brief Introduction*.

[23] These two provisions make the funds available to ICE from FY2025 through FY2029 and are found in Sections 90003 and 100052, respectively.

year, and (2) to ensure that all aliens not detained by DHS (i.e., on the non-detained docket) [24] are enrolled into the Alternatives to Detention (ATD) Program with mandatory GPS monitoring. Current ICE detention capacity is about 60,000[25] and the non-detained docket numbers 7.3 million. [26] There are roughly 180,000 persons currently enrolled in ATD. [27]

Section 226 of H.R. 9310 would prohibit funds appropriated to ICE by the bill to pay for, facilitate, or require the performance of an abortion, with certain exceptions. Section 227 would prohibit funds appropriated by the bill from being used to administer hormone therapy medication or perform or facilitate any surgery for persons in ICE custody for the purpose of "sex-rejecting care." Section 230 would prohibit ICE from continuing a contract for any detention facility that received inadequate recent performance evaluations from ICE. It would also prohibit inspections of detention facilities that are subject to the 2019 National Detention Standards (NDS) used for non-dedicated facilities (i.e., those that house both ICE immigration detainees as well as other incarcerated persons) except solely for compliance with the NDS standards.

Section 538 of H.R. 9310 would require DHS to develop detailed estimates of the number of individuals anticipated to be detained in and removed from the United States. These estimates would cover the current and following fiscal year, be subject to independent evaluation, and be used to inform policy planning and budgeting. Section 551 would prohibit federal funds from being used to prevent a Member of Congress or a Member's designee from entering any DHS housing or detention facility for oversight purposes.[28] The bill would also prohibit DHS from temporarily modifying any such facility that in any way alters what would otherwise be observed by the Member or designee.

Removal

The INA provides broad authority to DHS and DOJ to remove any foreign national found to be inadmissible or deportable under the grounds specified in the INA (see the "Grounds of Inadmissibility and Deportability" section). Those ordered removed may include unauthorized aliens (i.e., foreign nationals who enter without inspection, enter with fraudulent documents, or enter legally but overstay their temporary visas). Lawfully present foreign nationals who commit crimes or certain other acts may also be subject to removal.[29]

The INA authorizes different processes for standard and expedited removal. The standard removal process is a civil proceeding where the alien attends hearings before an immigration judge who then determines whether the individual is removable.[30] Immigration courts within DOJ's Executive Office for Immigration Review (EOIR) adjudicate removal proceedings for aliens charged with immigration violations by DHS.[31] Removal proceedings typically consist of multiple hearings and commence when DHS files a Notice to Appear (NTA) charging document

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[24] For more information, see CRS In Focus IF13208, *Immigration and Customs Enforcement (ICE) and the Non-Detained Docket (NDD)*.

[25] The most recent ICE data (as of June 25, 2026) indicate that 60,170 individuals were detained by ICE. See ICE, "ICE Detention Statistics," at https://www.ice.gov/detain/detention-management, April 9, 2026.

[26] ICE Office of Legislative Affairs, congressional staff briefing, March 5, 2026.

[27] The most recent ICE data indicate that 180,701 individuals were enrolled in the ATD program. See ICE, "ICE Detention Statistics," at https://www.ice.gov/detain/detention-management, April 9, 2026.

[28] Members would not be required to provide DHS any prior notice of such a visit, while designees could be required to provide no more than 24 hours' notice.

[29] See INA §§212, 237 (8 U.S.C. §§1182, 1227).

[30] INA §240 (8 U.S.C. §1229a).

[31] For more information, see CRS Report R47077, *U.S. Immigration Courts and the Pending Cases Backlog*.

with an immigration court. For several years, immigration courts have had a backlog of pending cases. As a result, some individuals must wait years for their proceedings to be completed.

P.L. 119-21 (§100054) includes funding for DOJ to hire immigration judges and mandates that EOIR's immigration judge corps not exceed 800 judges as of November 1, 2028. P.L. 119-21 also increases several fees for immigration court filings. For example, the fee for nonpermanent residents to file an application for cancellation of removal and adjustment of status[32], previously $130, increased to $1,640 (see **Table A-1**).[33]

H.R. 4711, as ordered to be reported by the House Judiciary Committee, would require DOJ to commence removal proceedings "as promptly as possible" after DHS has filed an NTA and would direct the Attorney General to take action to ensure immigration court proceedings for aliens alleged to be deportable are completed within 15 days from commencement.

EOIR's appellate body is the Board of Immigration Appeals (BIA). In February 2026, DOJ published an interim final rule (IFR) addressing the BIA's appellate procedures, set to take effect March 9, 2026.[34] Prior to the IFR, the BIA reviewed all appeals on the merits; under the IFR, all appeals, with certain exceptions, will be dismissed unless a majority of BIA members vote en banc to accept an appeal. The IFR also reduced the deadline to file an appeal from 30 days to 10 days after the immigration judge's decision. In addition, it contains provisions related to briefing standardization and forwarding of the record of proceedings, among other things. In response to litigation filed challenging the IFR, a federal district court granted in part and denied in part the plaintiffs' motion for partial summary judgement. The district court judge set aside the substantive portions of the IFR as "unlawful and unenforceable because they were promulgated 'without observance of procedure required by law.'"[35] The government has filed an appeal of the district court judge's decision, and that matter is pending before the U.S. Court of Appeals for the District of Columbia Circuit. In June 2026, the Senate voted on a motion to proceed to consider S.J.Res. 190 providing for disapproval of the IFR; the measure was rejected.

Expedited removal is a streamlined process that has typically applied to aliens who are arriving at a POE or have been apprehended at a land border.[36] During this process, an alien who lacks proper documentation or has committed fraud or willful misrepresentation of facts to gain admission into the United States may be determined to be inadmissible and removed without any further hearings or review, unless the alien indicates an intention to apply for asylum or expresses a fear of persecution or torture if returned to their country of origin.

H.R. 5713, as reported by the House Judiciary Committee, would amend the INA to authorize the expedited removal of certain aliens who are found to be criminal gang members or members of foreign terrorist organizations, or who have been convicted of specified crimes. H.R. 5713 would also mandate detention for such aliens and make them ineligible for immigration relief.

H.R. 9310 (§558), as reported by the House Committee on Appropriations, would prohibit DHS personnel from using federal funds to knowingly remove a U.S. citizen from the United States. Section 564 would prevent ICE from removing an alien to a third country (i.e., a country other

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[32] INA §240A (8 U.S.C. §1229b). *Adjustment of status* refers to the process of obtaining LPR status from within the United States (as opposed to applying for an immigrant visa outside the country at a U.S. consulate). *Cancellation of removal* is a discretionary form of relief granted by an immigration judge to aliens in removal proceedings and is available to certain LPRs and non-LPRs.

[33] See DOJ, EOIR, Forms & Fees, updated March 2, 2026, https://www.justice.gov/eoir/eoir-forms.

[34] DOJ, EOIR, "Appellate Procedures for the Board of Immigration Appeals," 91 *Federal Register* 5267-5278.

[35] Amica Center for Immigrant Rights et al. v. Executive Office for Immigration Review, 26-cv-00696, (D.D.C. March 8, 2026), Doc. 33 at 2.

[36] INA §235(b)(1) (8 U.S.C. §1225(b)(1)).

than the alien's country of origin, citizenship, or last habitual residence) unless the removal order to that country was issued by an immigration judge.[37]

Grounds of Inadmissibility and Deportability

The INA enumerates grounds of inadmissibility and deportability that may serve as the bases for not admitting an individual into or for removing an individual from the United States. The grounds of inadmissibility are those under which foreign nationals are ineligible to receive visas or be admitted to the United States.[38] These include criminal grounds and security grounds (which encompass grounds related to terrorist activities) as well as grounds related to health, unlawful presence in the United States, use of fraud or misrepresentation to obtain an immigration benefit, alien smuggling, lack of valid entry documentation, and the likelihood of becoming a public charge (i.e., primarily dependent on public assistance), among others.[39] The INA grounds of deportability are grounds under which foreign nationals who have been admitted can be removed from the United States.[40] They include criminal grounds and security grounds as well as those related to unlawful presence, violations of nonimmigrant status or conditions of entry, alien smuggling, immigration document fraud, and being a public charge, among others.

The 119th Congress has acted on several bills concerning the INA grounds of inadmissibility and deportability. The majority of these bills were passed by the House, and most of these House-passed bills propose to amend the criminal grounds of inadmissibility and deportability.[41] The criminal inadmissibility and deportability grounds enumerate specific crimes as well as categories of crimes. A main difference between the inadmissibility and deportability grounds is that the inadmissibility grounds for certain crimes may only require that the alien admit to committing the offense or that immigration authorities have "reason to believe" the alien committed the offense, whereas the deportability grounds typically require the alien to have been convicted of the listed offense.[42] This distinction is retained in the following bills, unless otherwise noted.

House-passed H.R. 30 would create new criminal grounds of inadmissibility for sex offenses and domestic violence, stalking, child abuse, and violating protective orders. It would also create a new ground of deportability for sex offenses and amend the definition of "domestic violence" in an existing ground of deportability.

House-passed H.R. 35 would create new federal criminal offenses for operating a motor vehicle within 100 miles of the U.S. border while fleeing from a USBP agent or a law enforcement officer assisting USBP.[43] Individuals who commit or admit to committing this offense would be inadmissible and deportable (i.e., this bill doesn't require conviction for the deportability ground). In addition, individuals convicted of this crime would be ineligible for immigration relief (e.g., asylum).

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[37] See the "Policy Developments" section of CRS In Focus IF13208, *Immigration and Customs Enforcement (ICE) and the Non-Detained Docket (NDD)*.

[38] INA §212(a) (8 U.S.C. §1182(a)).

[39] For further discussion, see CRS In Focus IF12662, *Immigration: Grounds of Inadmissibility*.

[40] INA §237(a) (8 U.S.C. §1227(a)).

[41] INA §212(a)(2) (8 U.S.C. §1182(a)(2)) and INA §237(a)(2) (8 U.S.C. §1227(a)(2)), respectively.

[42] For additional discussion, see CRS Report R45151, *Immigration Consequences of Criminal Activity*.

[43] It would also impose penalties (i.e., imprisonment and fines) for such offenses. Mandatory prison sentences would be greater if the commission of the crime resulted in serious bodily injury or death.

House-passed H.R. 176 would amend the "terrorist activities" grounds of inadmissibility and deportability.[44] It would make members of Palestinian Islamic Jihad or Hamas or individuals who participated in or facilitated the October 7, 2023, attacks on Israel inadmissible and deportable. It would also make individuals who participated in or facilitated the October 7, 2023, attacks on Israel ineligible for immigration relief (e.g., asylum).

House-passed H.R. 875 would add driving while intoxicated or impaired as a ground of inadmissibility and deportability.

House-passed H.R. 1958 would add a new criminal ground of inadmissibility and deportability for fraud involving Supplemental Nutrition Assistance Program (SNAP) benefits, fraud involving Social Security numbers or cards, theft or bribery concerning programs that receive federal funds, fraudulent identification documents, major fraud against the United States, mail fraud and other fraud offenses, any unlawful receipt of public benefits, or conspiracy to commit fraud. Individuals who commit or admit to committing any of these offenses would be inadmissible and deportable (i.e., this bill doesn't require conviction for the deportability ground). These individuals would also be ineligible for immigration relief (e.g., asylum).

House-passed H.R. 4638 would add harming animals used in law enforcement as a criminal ground of inadmissibility and deportability. Individuals who commit or admit to committing this offense would be inadmissible and deportable (i.e., this bill doesn't require conviction for the deportability ground).

H.R. 175, as reported by the House Judiciary Committee, would add a new ground of inadmissibility and deportability for aliens who are affiliated with criminal gangs. It would make individuals with a criminal gang affiliation ineligible for asylum and other forms of immigration relief (e.g., asylum). Such individuals would be subject to mandatory immigration detention.

H.R. 1071, as reported by the House Judiciary Committee, would add a new criminal ground of inadmissibility and deportability for foreign government officials who are responsible for any act against a U.S. citizen in the United States that if committed by a U.S. government official would violate the First Amendment.

287(g) Program

Section 287(g) of the INA[45] permits the delegation of certain immigration enforcement functions to state and local law enforcement agencies.[46] Agreements entered pursuant to INA Section 287(g) enable specially trained state or local officers to perform specific immigration functions as outlined in the agreements, under federal oversight by ICE.

Section 216 of H.R. 9310, as reported by the House Committee on Appropriations, would not allow funds appropriated under the act to be used to reduce participation in the 287(g) program or substantially diminish the delegation of law enforcement authority authorized by the program. Under Section 217, funds may not be granted to a state or local law enforcement authority if DHS's Inspector General determines that the terms of the 287(g) agreement have been materially violated.

[44] INA §212(a)(3)(B) (8 U.S.C. §1182(a)(3)(B)) and INA §237(a)(4)(B) (8 U.S.C. §1227(a)(4)(B)).

[45] 8 U.S.C. §1357(g)

[46] For more information, see CRS In Focus IF11898, *The 287(g) Program: State and Local Immigration Enforcement*.

Sanctuary Jurisdictions

Some state and local jurisdictions have adopted policies that limit their cooperation with federal immigration enforcement agencies. These policies highlight a tension between federal agencies and these states and localities (e.g., counties, cities). Jurisdictions with these types of policies are commonly described as *sanctuary jurisdictions*, although this term is not currently defined in federal law and policymakers and observers sometimes disagree on what constitutes such a jurisdiction.

House-passed H.R. 2931 would require that the SBA relocate any regional, district, or local SBA office that is located in a sanctuary jurisdiction. This bill defines a "sanctuary jurisdiction" as a political subdivision of a state that prohibits sharing information about an individual's citizenship or immigration status or complying with certain requests from DHS. H.R. 2056, which also passed the House, prohibits the District of Columbia (DC) from acting as a sanctuary jurisdiction, which this bill defines in the same way as H.R. 2931.

H.R. 5103, as passed by the House, would establish a District of Columbia Safe and Beautiful Commission. Among other things, this commission would "encourage the redirection of available Federal, State, or local law enforcement resources to apprehend and deport illegal aliens" as well as monitor DC's "sanctuary-city status and compliance with the enforcement of Federal immigration law." This bill does not define *sanctuary-city status*.

H.R. 7640, as reported by the House Judiciary Committee, would prohibit restrictions on any federal, state, or local government entity or official assisting or cooperating with federal immigration law enforcement agencies. It would prohibit restrictions on their right to inquire about the immigration status of the individuals they come into contact with and share that information with federal authorities when encountering such individuals, among other things. It would also make state or local governments that restrict compliance with certain immigration enforcement activities ineligible for particular grant programs. H.R. 7640 would also restrict the transfer of custody of certain aliens by DHS to a requesting locality if the locality is not cooperating with DHS or complying with detainers.[47] In addition, it would clarify the authority of ICE detainers. It would mandate the issuance of detainers to anyone who allegedly violated criminal or motor vehicle law if there was probable cause to believe they were inadmissible or deportable. It would also provide a private right of action to any individual (or close relative) who was the victim of certain felonies for which an alien had been convicted if the state or local government declined to honor a detainer or restricted information-sharing with DHS. If enacted, provisions in both these sections would supersede any state or local laws or policies that would prohibit or restrict such activities. The bill would also provide immunity to those acting under the color of federal authority if someone were to seek compensatory damages; the federal government would be substituted as the defendant in those cases (with an exception for mistreatment).

Section 236 of H.R. 4552, as reported by the House Committee on Appropriations, would prohibit the use of funds made available by the act to be used in a "local jurisdiction that refuses to comply with a request from the Department of Homeland Security to provide advance notice of the scheduled release date and time for a particular illegal alien in local custody."

[47] DHS may issue a detainer to local law enforcement officers to advise them of interest in an alien who is in state or local custody; this document requests that local officers take certain actions to facilitate removal. (8 C.F.R. §287.7(a)).

Section 544 of H.R. 9310, as reported by the House Committee on Appropriations, would prohibit funds made available by the act from being provided to a locality that limits information sharing with DHS or hinders enforcement of immigration laws.

Employment Eligibility Verification

Under Section 274A of the INA, employers are required to participate in the I-9 employment eligibility verification process, in which they examine documents presented by new hires to verify identity and work eligibility. In addition, employers may elect to participate in the E-Verify electronic employment eligibility verification system, which was authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA; P.L. 104-208, Division C). E-Verify electronically verifies new hires' employment authorization through Social Security Administration and, if necessary, DHS databases. E-Verify is a temporary program that must be regularly extended. Its authorization was extended for FY2025 in several continuing appropriation acts, including P.L. 119-4. P.L. 119-75 (Division I, §5014) extends the authorization of E-Verify through the end of FY2026.

Although E-Verify is largely voluntary, there are some mandatory participants. For example, a 2008 final rule amended the Federal Acquisition Regulation (FAR) to require certain federal contractors and subcontractors to use E-Verify.[48] H.R. 2641, as reported by the House Judiciary Committee, would amend IIRIRA to require each contractor or subcontractor of an agency in the executive and legislative branches to elect to participate in E-Verify.

Noncitizen Eligibility for Public Benefits

Noncitizen eligibility for federal public benefits is a topic of long-standing congressional and public interest. Various laws enacted over the past 45 years govern noncitizens' eligibility for particular types of benefits. Some federal public benefit programs have noncitizen eligibility outlined in their authorizing statutes. In addition, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, P.L. 104-193) established comprehensive restrictions on noncitizen eligibility for most federal public benefits.[49] Noncitizen eligibility is not uniform across federal public benefit programs because PRWORA interacts with other laws, regulations, and guidance that govern each individual program.

P.L. 119-21[50] limits noncitizens' eligibility for SNAP, Medicaid, the State Children's Health Insurance Program (CHIP),[51] Medicare, and the Affordable Care Act (ACA) exchange plans and

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[48] U.S. Department of Defense, General Services Administration, and National Aeronautics and Space Administration, "Federal Acquisition Regulation; FAR Case 2007–013, Employment Eligibility Verification," 73 *Federal Register* 67, November 14, 2008.

[49] Subsequent amendments modified PRWORA's requirements to form the basic framework that applies today.

[50] For more information, see CRS Report R48633, *Health Provisions in P.L. 119-21, the FY2025 Reconciliation Law*; and CRS Report R48552, *Supplemental Nutrition Assistance Program (SNAP) and Related Nutrition Programs in P.L. 119-21: An Overview*.

[51] In the case of Medicaid and CHIP, Centers for Medicaid & Medicare Services (CMS) implementing guidance characterizes these changes as a restriction on federal financial participation (FFP) for "full Medicaid and CHIP benefits" to "FFP-eligible noncitizens." CMS defines "full Medicaid and CHIP benefits" as (1) full Medicaid benefits, (2) non-emergency Medicaid services provided to a limited-benefit eligibility group, or (3) CHIP coverage. CMS (continued...)

subsidies (i.e., the Premium Tax Credit [PTC]) to the following three categories: lawful permanent residents (LPRs), Cuban-Haitian Entrants,[52] and Compacts of Free Association (COFA) migrants lawfully residing in the United States.[53] P.L. 119-21 amended each program; it did not amend PRWORA. PRWORA's restrictions still apply.

S. 3386, which was the subject of an unsuccessful cloture process in an effort to bring it to the Senate floor, includes two provisions related to public benefits eligibility. It would reduce the federal share of ACA Medicaid expansion expenditures for "specified states" providing payments for health care furnished to "qualified aliens."[54] It would also eliminate the requirement for states to provide Medicaid (or CHIP) while an individual's immigration status is being verified. In addition, it would require the Secretary of Health and Human Services to make monthly payments to the ACA exchange plan health savings accounts (HSAs) of eligible individuals in 2026 and 2027.[55] In addition to meeting other criteria, participants would be required to be U.S. citizens, LPRs, Cuban-Haitian Entrants, or COFA migrants. Eligible individuals would need to make an election to receive exchange plan HSA contributions.

House-passed H.R. 2966 would change the eligibility requirements for the SBA 7(a) and 504 loan programs.[56] Specifically, it would make ineligible for these loans individuals who are not U.S. citizens, U.S. nationals, or LPRs. For a business applying for an SBA loan, all direct owners, indirect owners, and loan guarantors would have to be U.S. citizens, U.S. nationals, or LPRs. Applicants would also have to certify that no "ineligible person" is an applicant nor a direct or indirect owner. "Ineligible person" is defined as an asylee, a refugee, "an individual issued a visa to remain in the United States," a nonimmigrant, a DACA recipient, or an unauthorized alien.

Nonimmigrants

Nonimmigrants are foreign nationals who are lawfully admitted to the United States for a temporary period and specific purpose (e.g., tourism, study, work). Nonimmigrant visa categories

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defines "FFP-eligible noncitizens" as (1) an individual in one of the following groups: U.S. citizens and U.S. nationals, legal permanent residents (LPRs), Cuba-Haitian entrants, and COFA migrants; or (2) individuals who meet one of the specified exceptions (i.e., they receive emergency Medicaid, coverage under the CHIPRA 214 option, and are eligible for CHIP Health Services Initiatives (HSIs). For more information, see CMS, *RE: Implementation of Section 71109 "Alien Medicaid Eligibility" of the Working Families Tax Cut Legislation (*P.L. 119-21*)*, SHO #26-001, April 8, 2026, https://www.medicaid.gov/federal-policy-guidance/downloads/sho26001.pdf.

[52] Cuban-Haitian Entrants are nationals of Cuba or Haiti paroled into the United States for humanitarian reasons. For more information, see CRS Report R48514, *Immigration Parolees' Eligibility for Federal Benefits*.

[53] COFA migrants are citizens of the Republic of the Marshall Islands, Federated States of Micronesia, or Republic of Palau, who are permitted to live in the United States indefinitely under the terms of those nations' COFA with the United States. For more information, see CRS In Focus IF12194, *The Compacts of Free Association*.

[54] As defined in 8 U.S.C. §1641.

[55] Exchange plans health savings accounts (HSA) would be a specific type of HSA, as defined in Section 101 of the bill. For information on HSAs generally, see CRS Report R45277, *Health Savings Accounts (HSAs)*.

[56] For more information, see CRS Report R41146, *Small Business Administration 7(a) Loan Guaranty Program*; and CRS Report R41184, *Small Business Administration 504/CDC Loan Guaranty Program*.

are identified by letters and numbers based on the INA sections that authorize them.[57] The 119th Congress has acted on bills containing various provisions related to nonimmigrant visas.

Nonimmigrant Visa Processing

With certain exceptions, foreign nationals who wish to travel temporarily to the United States must first obtain a U.S. nonimmigrant visa, which is placed in the traveler's passport. Foreign nationals apply for visas at U.S. embassies or consulates abroad managed by the U.S. Department of State (DOS). Most nonimmigrant visa applicants are required to have an in-person interview with a DOS consular officer, who determines whether to issue or deny the visa.

Some U.S. consulates have lengthy wait times for nonimmigrant visa interviews.[58] Section 207 of H.R. 5300, as ordered to be reported by the House Committee on Foreign Affairs, would authorize the Assistant Secretary for Consular Affairs to take steps toward the goal of interviewing 80% of nonimmigrant visa applicants within three weeks of their applying. It would also require DOS to submit to Congress a sports diplomacy strategy that would, among other things, ensure efficient processing of visas for athletes and visitors traveling to the United States to participate in major sporting events.

Foreign Students (F and M Visas)

Foreign students pursuing full-time academic education or language training may travel to the United States on F-1 visas. M-1 visas are for vocational study. Schools that wish to enroll foreign students in F or M status must first be certified by DHS.[59] Under current regulations, unaccredited schools may be certified by DHS to enroll F and M students if they meet other requirements.[60] H.R. 9310 (§212), as reported by the House Committee on Appropriations, would prohibit the use of funds made available by the act from being used to admit to the United States F or M students if the college, university, or other institution of higher learning that the student will attend is not accredited by an agency recognized by the Secretary of Education.

Visas for Temporary or Seasonal Workers (H-2 Visas)

There are two H-2 visas for nonimmigrants performing temporary or seasonal work: the H-2A agricultural worker visa and the H-2B nonagricultural worker visa. Both of these visa programs are administered by DHS and the U.S. Department of Labor (DOL). Bringing in H-2 workers is a multiagency process typically involving DHS, DOL, and DOS. DHS cannot approve an employer's petition to bring in H-2A or H-2B workers unless the employer has submitted an application to DOL and received labor certification for one or more positions. To grant labor certification, DOL must find that U.S. workers are not available to perform the needed work and that the employment of foreign workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.[61]

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[57] For additional information about nonimmigrant categories, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

[58] For additional information, see CRS Insight IN12589, *Recent Developments in International Tourism to the United States*.

[59] For more information on this process, see CRS Infographic IG10039, *Foreign Students: Screening and Monitoring*.

[60] 8 C.F.R. §214.3.

[61] For additional information, see CRS Report R44849, *H-2A and H-2B Temporary Worker Visas: Policy and Related Issues*.

In December 2024, DHS published a final rule to make changes to its regulations governing the H-2A and H-2B programs.[62] Major provisions of the rule address compliance reviews and inspections, whistleblower protections, prohibited fees, and employment portability, among other issues.[63] H.R. 4213 (§415), as reported by the House Committee on Appropriations, would prohibit the use of funds made available by the act to implement, administer, or enforce this DHS rule.

Agricultural Workers (H-2A Visas)

The H-2A agricultural worker visa allows for the temporary admission of foreign workers to the United States to perform "agricultural labor or services," as defined in DOL regulations, of a temporary or seasonal nature. It is not subject to a numerical cap.[64]

The INA specifies that the DOL definition of "agricultural labor or services" for H-2A purposes includes "agricultural labor," as defined in the Internal Revenue Code of 1986; "agriculture," as defined in the Fair Labor Standards Act, as amended; and "the pressing of apples for cider on a farm." H.R. 4213 (§414), as reported, would expand the type of work that H-2A workers can perform. It would provide that for FY2026, "work performed by workers on agricultural operations (as such term is defined in section 1619 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8791) shall be considered agricultural labor or services of a temporary or seasonal nature" for H-2A purposes and that such workers would be eligible for admission for up to one year.[65] The cited source defines "agricultural operations" to include "the production and marketing of agricultural commodities and livestock." H.R. 9310, as reported by the House Committee on Appropriations, includes the same provision (§410) for FY2027.

Nonagricultural Workers (H-2B Visas)

The H-2B visa allows for the temporary admission of foreign workers to the United States to perform nonagricultural labor of a temporary nature. Unlike the H-2A visa, the H-2B visa is subject to a statutory annual numerical cap. Under the INA, the total number of aliens who may be issued H-2B visas or otherwise provided with H-2B nonimmigrant status in any fiscal year may not exceed 66,000. Each year since FY2017, Congress has enacted a provision in appropriations legislation to authorize DHS to increase the number of foreign nationals who may receive H-2B visas beyond the statutory cap upon a determination that the needs of U.S. businesses cannot be met by U.S. workers.[66] For FY2025, this authority was provided to DHS in several continuing appropriation acts, including P.L. 119-4. P.L. 119-75 (Division I, §5016) enacts this H-2B supplemental visa provision for FY2026.

A different type of H-2B cap-related provision is included in H.R. 4213 (§413), as reported by the House Committee on Appropriations. It would apply to employers that received H-2B labor certification from DOL in each year from FY2021 to FY2025. If such an employer also received H-2B labor certification and DHS petition approval for FY2026, the employer would be able to

[62] DHS, "Modernizing H–2 Program Requirements, Oversight, and Worker Protections," 89 *Federal Register* 103202, December 18, 2024.

[63] DHS, USCIS, *U.S. Citizenship and Immigration Services Modernizing H-2 Program Requirements, Oversight, and Worker Protections*, January 5, 2025, https://www.uscis.gov/sites/default/files/document/guides/H-2_Small_Business_Compliance_Guide.pdf.

[64] For addition information, see CRS Report R44849, *H-2A and H-2B Temporary Worker Visas: Policy and Related Issues*.

[65] Unlike under current law, H-2A workers would not be limited to performing work of a temporary or seasonal nature.

[66] For additional information, see CRS Report R44306, *The H-2B Visa and the Statutory Cap*.

bring in H-2B workers in FY2026 to fill the largest number of positions for which it received labor certification in any one year from FY2021 to FY2025, and these workers would be exempt from the H-2B cap. H.R. 9310, as reported by the House Committee on Appropriations, includes an analogous provision (§409) for FY2027.

In recent years, Congress has also enacted provisions in DOL appropriations acts related to DOL regulations on H-2B labor certification. These provisions define "temporary need" and the "prevailing wage" for H-2B purposes, prohibit the use of funds to enact certain regulatory provisions, and allow for the staggered entry of certain H-2B workers.[67] These provisions were extended for FY2025 in several continuing appropriation acts, including P.L. 119-4. P.L. 119-75 (Division B, §§109-111) enacts these provisions for FY2026. The same provisions were also included in H.R. 5304, as reported by the House Committee on Appropriations, and S. 2587, as reported by the Senate Committee on Appropriations.

Special provisions in current law apply to H-2B nonimmigrants performing work in the U.S. territories of Guam or the Commonwealth of the Northern Mariana Islands.[68] One provision exempts these workers from the H-2B cap until December 31, 2029. Another provision enables them to be admitted (before December 31, 2029) for a period of up to three years, notwithstanding the INA language that limits H-2B nonimmigrants to doing work of a temporary nature, to perform certain types of work. The allowable work includes "construction, repairs, renovations, or facility services that is directly connected to, supporting, associated with, or adversely affected by the military realignment occurring on Guam and in the Commonwealth."[69]

P.L. 119-60 (Division A, §1703) includes a similar provision that applies to H-2B work in another U.S. territory, Wake Island. This provision authorizes H-2B workers to be admitted for a period of up to three years to perform "construction, repairs, or renovations connected to, supporting, or associated with, a military installation on Wake Island." These workers can seek admission until December 31, 2030, and are exempt from the H-2B cap.

Exchange Visitors (J Visas)

The J visa allows for the temporary admission to the United States of exchange visitors, which include professors, research scholars, students, and foreign medical school graduates (FMGs).[70] As described in DOS regulations, the purpose of the Exchange Visitor Program is to "increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges."[71]

FMGs who enter the United States on J visas to receive graduate medical education and training are subject to a foreign residency requirement. They must return to their home countries for at least two years after completing their U.S. education or training before they can apply for certain other nonimmigrant visas or LPR status, unless they are granted a waiver. Under a temporary program, known as the Conrad State Program or the Conrad 30 Program, states may request waivers on behalf of FMGs who agree to work for at least three years in medically underserved areas designated by the Secretary of the U.S. Department of Health and Human Services (HHS)

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[67] For additional information about current staggered entry prohibitions and exceptions, see the "Seafood Industry Staggered Entry Provision" section in CRS Report R44306, *The H-2B Visa and the Statutory Cap*

[68] 48 U.S.C. §1806(b).

[69] 48 U.S.C. §1806(b)(1)(B)(i).

[70] For additional information about J visas, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

[71] 22 C.F.R. §62.

as having a shortage of health care professionals. Established in 1994 by P.L. 103-416, the program initially applied to aliens who acquired J status before June 1, 1996, and has been regularly extended. P.L. 119-75 (Division I, §5013) authorized the Conrad State Program through the end of FY2026.

Mobile Entertainment Workers (P Visas)

P visas are for foreign nationals who seek to enter the United States temporarily to perform as athletes, artists, or entertainers (individually or as part of a group or team).[72] Two bills reported by the House Committee on Appropriations (H.R. 4213 and H.R. 9310) would create a new P-visa subtype (P-4) for foreign nationals who seek to enter the United States temporarily for the purpose of "performing functions that are integral and essential to the operation of a mobile entertainment provider," such as a carnival or circus. Under current law, such workers may be hired through the H-2B visa program (see the "Nonagricultural Workers (H-2B Visas)" section). H.R. 4213 would make P-4 workers subject to the same DOL regulations that govern H-2B workers. Unlike H-2B visas, there is no numerical limit on P visas.

Asylum and Refugee Status

Asylum and refugee status are forms of humanitarian immigration protection. The INA enumerates the requirements applicable to each in Section 207 (refugee status) and Section 208 (asylum). To be granted either status, an applicant must satisfy the INA definition of a "refugee." In general, the INA provides that a refugee is a person who is outside their country and is unable or unwilling to return because of "persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."[73] Persons granted asylum or refugee status can adjust to LPR status after one year, subject to applicable requirements. A key difference between the two forms of protection is the physical location of the applicant. To apply for asylum, a person must be present or arriving in the United States, whereas prospective refugees must be outside the United States and undergo processing abroad.

Asylum

By law, asylum seekers who have been placed into expedited removal (see the "Removal" section) must establish a *credible fear of persecution* before they can apply for asylum in the United States. DHS asylum officers are responsible for interviewing aliens subject to this requirement to make these determinations. Persons found to have a credible fear of persecution are referred for formal removal proceedings, during which they may file an asylum application with the immigration court.[74]

To receive a positive credible fear determination, individuals must show that "there is a significant possibility" that they could establish eligibility for asylum.[75] H.R. 9310 (§407), as reported by the House Committee on Appropriations, would raise the threshold for establishing a credible fear of persecution. This provision would prohibit using funds made available under the

[72] For more information on P visas, see CRS Report R47159, *Temporary Professional Foreign Workers: Background, Trends, and Policy Issues*.

[73] 8 U.S.C. §1101(a)(42).

[74] For additional information, see CRS Report R48078, *Credible Fear and Defensive Asylum Processes: Frequently Asked Questions*

[75] 8 U.S.C. §1225(b)(1)(B)(v).

act to make a positive credible fear finding unless DHS determined that "the alien more likely than not could establish eligibility for asylum" and "it is more likely than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true." H.R. 9310 (§408) would place additional restrictions on the use of these funds for making credible fear findings or asylum grants. This provision would prohibit using the funding to make a positive credible fear determination or to grant asylum if the alien in question "entered, attempted to enter, or arrived in the United States after transiting through at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence," subject to specified exceptions.

A provision in INA Section 208 gives DHS discretionary authority to provide employment authorization to asylum applicants whose applications have been pending for at least 180 days. H.R. 9310 (§404) would prohibit using funds made available under the act to issue an employment authorization document to any alien whose asylum application has been denied, or who was convicted of a federal or state crime while the asylum application was pending.

Prior to the enactment of P.L. 119-21, another provision in INA Section 208 similarly gave DHS discretionary authority to impose fees on asylum applications and related applications for employment authorization and adjustment of status. P.L. 119-21 (§100018) revises the latter provision to mandate the imposition of fees on these applications. Other provisions in Title X of the act separately set various asylum-related fee amounts for FY2025, provide for their annual adjustment for inflation, and prescribe the disposition of fee proceeds. The new fees, which are in addition to any other existing fees and cannot be reduced or waived, are set for an asylum application, each calendar year an asylum application remains pending, an asylum applicant's initial employment authorization application, and each employment authorization renewal application. In addition, the act imposes other fees that are not asylum-specific but may impact asylum applicants. For example, P.L. 119-21 (§100013(d)-(e)) requires the payment of a fee "by any alien at the time such alien files an appeal of a decision of an immigration judge or "an appeal of a decision of an officer of the Department of Homeland Security" (see the "Immigration-Related Fees" section).

Refugee Status

There are longstanding refugee-related statutory provisions that establish a reduced evidentiary standard for meeting the INA definition of a "refugee." Known collectively as the Lautenberg amendment, these provisions apply to members of certain religious minority groups in Eurasia and the Baltic countries and in Iran.[76] The Lautenberg amendment is temporary and has been regularly extended over the years, although at times there have been lapses between extensions.[77] P.L. 119-4 (Division A, Title XII, §11208) extended the amendment through the end of FY2025. P.L. 119-75 (Division F, §7034(i)(5)) extends it through the end of FY2026.

Unaccompanied Alien Children

"Unaccompanied alien children" (UAC; unaccompanied children) are defined in statute as children who lack lawful immigration status in the United States, are under age 18, and are without either a parent or legal guardian in the United States who is available to provide care and physical custody.[78] Prior to 2010, the number of UAC apprehensions at the Southwest border averaged less than 10,000 annually. It has increased substantially since then. Between FY2021

[76] 8 U.S.C. §1157 note.

[77] For additional information, see CRS Report R47399, *U.S. Refugee Admissions Program*.

[78] 6 U.S.C. §279(g)(2).

and FY2024, the number of UAC and family units[79] arriving at the Southwest border reached record high levels that averaged about 131,000 apprehensions annually across the four years, posing considerable challenges to federal agencies responsible for their care and custody. Since the early months of the second Trump Administration, the number of unaccompanied children at the Southwest border has dropped to about 21,000 apprehensions, the lowest level since FY2011.[80]

HHS's Office of Refugee Resettlement (ORR) is responsible for the care and custody of such children after they are referred to the agency by DHS. ORR oversees a network of shelters for unaccompanied children that house them temporarily until they can be placed with family members residing in the United States or in ORR-supervised foster care.[81]

P.L. 119-75 includes provisions on unaccompanied children. Sections 231-234 allow private and nongovernmental organizations to make donations for the care of these children. The act requires all UAC facilities to be state-licensed except for those that the HHS Secretary determines are needed on a temporary basis due to an influx of unaccompanied children (influx facilities).[82] Additional conditions for influx facilities are specified for those operating for more than six consecutive months, including compliance with parts of the Flores Settlement Agreement,[83] staffing ratios, waivers for meeting those Flores and staffing requirements in certain specified circumstances, monitoring requirements, and congressional reporting requirements. The act prohibits HHS from preventing a Member of Congress from entering any UAC facility for oversight purposes, provided the Member provides two days' advance notice.

H.R. 5304, as reported by the House Committee on Appropriations, contains many of the same UAC provisions as P.L. 119-75. In addition, the bill would prohibit any funding from being used to administer, implement, or enforce the April 2024 "Unaccompanied Children Program Foundational Rule," which establishes in regulation the policies followed by HHS for the care and placement of unaccompanied children (§247).[84]

H.R. 4371, as passed by the House, would require HHS to consider additional information when it makes placement determinations for unaccompanied children in its custody. Current law requires HHS to place a child in the least restrictive setting that is in the child's best interest, and to assess the safety and suitability of a sponsor prior to placing a child with them. In determining the least restrictive setting, H.R. 4371 would require HHS to also consider the child's danger to self, danger to the community, and flight risk. The bill would require placement in an ORR secure facility in the case of a child who is age 13 or older and has gang-related markings or tattoos or a history of gang-related arrests or criminal conduct.

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79 A "family unit" in this section refers to at least one parent/guardian and at least one child. A child accompanied by any other related adult (e.g., uncle, older sibling, grandparent) is not considered part of a family unit.

80 DHS, CBP, "Southwest Land Border Encounters," https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters, updated April 9, 2026; and CRS Report R43599, *Unaccompanied Alien Children: An Overview*, Figure 1.

81 For more information on unaccompanied children, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*.

82 For more information, see HHS, ORR, "ORR Unaccompanied Children Bureau Policy Guide: Section 7, Policies for Influx Care Facilities," February 27, 2025.

83 The Flores Settlement Agreement established a nationwide policy for the detention, treatment, and release of UAC and recognized the particular vulnerability of UAC as minors while detained without a parent or legal guardian. For more information, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*.

84 HHS, ORR and Administration for Children and Families, "Unaccompanied Children Program Foundational Rule," 89 *Federal Register* 34384, April 30, 2024.

In assessing the safety and suitability of a sponsor, H.R. 4371 would require HHS to collect and provide DHS with information about all adult residents of the sponsor's household, including their names, dates of birth, Social Security numbers, immigration statuses, and contact information, as well as the results of all background and criminal records checks. The bill would prohibit HHS from placing a child with a sponsor who is unlawfully present in the United States.

Other Issues and Legislation

Immigration-Related Fees

Immigration-related user fees are assessed to applicants seeking immigration benefits and services administered by DHS, DOJ, and DOS. They constitute a significant component of the federal government's cost-recovery for immigration processing. They are intended to offset administrative costs, promote efficient service delivery, and allocate the financial burden of immigration processing to beneficiaries. In some cases, they raise policy concerns regarding affordability, access, and equity for vulnerable populations. DHS's U.S. Citizenship and Immigration Services (USCIS) must regularly assess and revise its fees as necessary through regulation to ensure that revenues meet expenses. USCIS last did so in April 2024, increasing many fees over the previous fee schedule (implemented in 2016).[85]

P.L. 119-21 contains provisions that either establish fees for services that previously had none (e.g., application for asylum) or increase fees over a broad range of immigration benefits and immigration court filings. According to USCIS, such fee increases are intended to have fee revenue more accurately correspond to the reported cost of providing the immigration benefit in question.[86] The fee provisions are shown in **Table A-1**, which presents the specific provision, original fee, revised fee, and how the fee revenue would be credited.[87]

Temporary Protected Status

Congress created TPS in 1990 (P.L. 101-649) to provide temporary relief from removal for foreign nationals in the United States from countries experiencing armed conflict, natural disaster, or other extraordinary conditions that prevent their safe return.[88] The DHS Secretary has the authority to designate countries for TPS for certain periods and to determine whether to later extend or terminate those designations. At the start of the second Trump Administration, 17 countries had active TPS designations. To date, the Trump Administration has announced terminations for 13 of them.[89] Several of these terminations are the subject of ongoing litigation.[90]

Haiti was first designated for TPS in 2010 following an earthquake. The first Trump Administration issued a termination notice, but it did not take effect due to legal challenges. The

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[85] For more information, see CRS Report R48021, *U.S. Citizenship and Immigration Services (USCIS): Operations and Issues for Congress*.

[86] DHS, USCIS, "USCIS Immigration Fees Required by HR-1 Reconciliation Bill," 90 *Federal Register* 34511-34516, July 22, 2025.

[87] All fees shown also include a provision that requires USCIS to adjust them annually to account for inflation.

[88] INA §244 (8 U.S.C. §1254a). For more information on TPS, see CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*.

[89] The Trump Administration recently extended Lebanon's designation for six months (through November 27, 2026). Determinations about whether to extend or terminate the remaining countries' TPS designations (El Salvador, Sudan, and Ukraine) are due in July and August 2026.

[90] DHS, USCIS, "Temporary Protected Status," https://www.uscis.gov/humanitarian/temporary-protected-status.

Biden Administration newly designated Haiti for TPS in 2021. The second Trump Administration issued a termination notice of Haiti's designation set to take effect February 3, 2026, which would have impacted an estimated 335,000 Haitians.[91] A legal challenge to the termination notice initially resulted in a federal district court order delaying the effective date, but the Supreme Court reversed that order on June 25, 2026.[92] H.R. 1689, which passed the House, would require the DHS Secretary to designate Haiti for TPS through April 2029.

Employment Authorization Documents

To work lawfully in the United States, noncitizens must have an immigration status that authorizes them to do so. In some cases, they must apply for and receive approval of their *employment authorization*.[93] The INA prohibits U.S. employers from knowingly hiring individuals who are unauthorized to work in the United States.[94] U.S. employers must attest that they have examined certain documents and verified a prospective employee's authorization to work.[95] One such document that foreign nationals can present as evidence is an employment authorization document (EAD) issued by USCIS that indicates permission to work in the United States for a specific time period.

Under regulations issued during the Obama and Biden Administrations, certain EAD renewal applicants who applied to extend their current EAD before it expired could continue working while USCIS processed the renewal application, because the filing itself triggered an automatic extension of employment authorization.[96] On October 30, 2025, USCIS issued an IFR, "Removal of the Automatic Extension of Employment Authorization Documents," that halts the automatic extension of an expiring EAD, except where provided by statute or regulation.[97] S.J.Res. 99, which failed on the Senate floor 47-50, would have invalidated the rule.[98]

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[91] DHS, USCIS, "Termination of the Designation of Haiti for Temporary Protected Status," 90 *Federal Register* 54733-54739, November 28, 2025.

[92] For more information, see CRS Legal Sidebar LSB11446, *Mullin v. Doe: Supreme Court Allows Termination of Temporary Protected Status for Haiti and Syria*.

[93] For more information, see CRS Report R47483, *Noncitizen Eligibility for Employment Authorization and Work-Authorized Social Security Numbers (SSNs)*.

[94] INA §274A(a)(1); 8 U.S.C. §1324a(a)(1).

[95] INA §274A(b)(1); 8 U.S.C. §1324a(b)(1).

[96] On November 18, 2016, DHS published a final rule that permitted a 180-day automatic extension period for certain EAD renewal applicants. DHS, "Retention of EB–1, EB–2, and EB–3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers," 81 *Federal Register* 82398-82492, November 18, 2013. DHS subsequently issued a final rule in December 2024 that increased the automatic extension period from up to 180 days to up to 540 days for certain applications. DHS, "Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants," 89 *Federal Register* 101208-101267, December 13, 2024.

[97] DHS, USCIS, "Removal of the Automatic Extension of Employment Authorization Documents," 90 *Federal Register* 48799, October 30, 2025.

[98] A nondebatable motion to proceed to S.J.Res. 99 was offered on the floor under expedited procedures contained in the Congressional Review Act, and the motion was defeated 47-50.

Review of Approved Immigration Benefits

USCIS is responsible for adjudicating applications and petitions for immigration benefits.[99] These include requests for nonimmigrant status, LPR status, naturalization, humanitarian relief (e.g., asylum, TPS), and employment authorization, among other benefits and services.

H.R. 6978, as reported by the House Judiciary Committee, would require USCIS to review certain immigration benefit requests approved by the agency from January 20, 2021, to the date of enactment to "ensure that such requests were properly adjudicated and applicable standards were properly applied." Benefit requests subject to this review are those "implicated" in Presidential Proclamation 10998 of December 16, 2025, "Restricting and Limiting the Entry of Foreign Nationals to Protect the Security of the United States." PP10998 restricts entry to the United States by nationals of 39 countries identified as "high risk," plus individuals traveling on Palestinian Authority (PA)-issued travel documents.[100]

On January 1, 2026, USCIS placed a hold on pending benefit applications for nationals of the countries identified in PP10998 and required a review of benefits approved since January 20, 2021, for such individuals.[101] According to H.Rept. 119-465, H.R. 6978 would codify this review of immigration benefit approvals.

Commercial Driver's Licenses

In September 2025, the U.S. Department of Transportation (DOT) issued an IFR[102] limiting eligibility for non-domiciled[103] commercial driver's licenses (CDLs) and commercial learner's permits (CLPs) to individuals with lawful immigration status in the following employment-based nonimmigrant categories: H-2A (temporary agricultural workers), H-2B (temporary nonagricultural workers), and E-2 (treaty investors). According to the rule, applicants for visas in these categories "undergo enhanced consular vetting and interagency screening which serves as a functional proxy for driver history vetting." The IFR requires state driver's licensing agencies to utilize Systematic Alien Verification for Entitlements (SAVE)[104] to confirm an applicant's immigration status, and outlines rules for the expiration date and the renewal process, among other things. The rule was finalized with minor changes in February 2026.[105]

H.R. 5688, as reported by the House Transportation and Infrastructure Committee, would amend Title 49 of the U.S. Code to make changes to CDL eligibility similar to the DOT final rule. The bill would allow the issuance of CDLs to individuals domiciled in a foreign jurisdiction only if that individual has lawful immigration status in the United States and "a visa determined by the Secretary to be directly connected to a legitimate, employment-based reason to hold a commercial

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[99] For more information, see CRS Report R48021, *U.S. Citizenship and Immigration Services (USCIS): Operations and Issues for Congress*.

[100] For more information, see CRS Insight IN12631, *Expanded "Travel Ban" to Take Effect January 1, 2026*.

[101] DHS, USCIS, "Hold and Review of USCIS Benefit Applications Filed by Aliens from Additional High-Risk Countries," policy memorandum PM-602-0194, January 1, 2026.

[102] DOT, Federal Motor Carrier Safety Administration (FMCSA), "Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses (CDL)," Interim Final Rule, 90 *Federal Register* 46509, September 29, 2025.

[103] The rule does not impact U.S. citizens and LPRs.

[104] USCIS operates the SAVE program, which provides online immigration status verification to federal, state, and local benefits-granting agencies and licensing bureaus (e.g., departments of motor vehicles, licensing boards). Such agencies use this information to help determine applicants' eligibility for their benefits and licenses.

[105] DOT, FMCSA, "Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses (CDL)," Final Rule, 91 *Federal Register* 7044, February 13, 2026.

driver's license." It would require states to confirm the immigration status of applicants for driver's licenses and to limit the license's validity period to a maximum of one year, among other things.

Visitors to the Northern Mariana Islands from the People's Republic of China

The Guam-Commonwealth of the Northern Mariana Islands (G-CNMI) Visa Waiver Program (VWP) allows individuals from participating countries or geographic areas to enter these U.S. territories for up to 45 days for the purposes of business or pleasure.[106] The G-CNMI VWP has a restricted subprogram called Economic Vitality and Security Travel Authorization Program (EVS-TAP), which allows prescreened nationals of the People's Republic of China (PRC) to travel to the CNMI without a visa under specified conditions. They are only authorized to travel within the CNMI and are allowed to visit for a maximum of 14 days, for business or pleasure.[107] Prior to this program, PRC nationals could be paroled into the CNMI for temporary visits for business or pleasure. That practice was discontinued on February 21, 2025.[108] Section 213 of H.R. 9310, as reported by the House Committee on Appropriations, would prohibit funds made available by the act from being used to parole PRC nationals into the CNMI for temporary visits for business or pleasure.

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[106] For more information, see DHS, "Guam-CNMI Visa Waiver Program," at https://www.dhs.gov/guam-cnmi-visa-waiver-program.

[107] DHS, CBP, "Commonwealth of the Northern Mariana Islands Economic Vitality & Security Travel Authorization Program Implementation," February 10, 2025, at https://www.cbp.gov/sites/default/files/2025-03/Guam-CNMI%2020250210.pdf.

[108] Ibid.

Appendix. Immigration Fee Provisions in P.L. 119-21

Table A-1. Changes to Immigration Fees Made by P.L. 119-21

Section Number	Section Title	Fee Before P.L.119-21	Fee After P.L. 119-21	Where Fee Revenue Would be Credited
100002	Asylum fee	$0	$100	50% of defensive asylum application fee revenue for the Department of Justice's (DOJ's) Executive Office for Immigration Review (EOIR); 50% of affirmative asylum application fee revenue for the Department of Homeland Security's (HHS's) U.S. Citizenship and Immigration Services (USCIS); other amounts to U.S. Treasury
100003	[Initial] Employment authorization document [EAD] fees	For asylum applicants: $0	Additional $550	25% for USCIS (of which 50% would be used to address immigration benefit fraud); 75% to U.S. Treasury
		For parolees: $520 (paper) $470 (online) $0 for certain parolees		U.S. Treasury
		For TPS recipients: $520 (paper) $470 (online)		U.S. Treasury
100004	Parole fee	Varies by category of parolees	$1,000 (not applicable to specified parolees)	U.S. Treasury
100005	Special immigrant juvenile fee	$0	$250	U.S. Treasury
100006	Temporary Protected Status fee	$50	$500	U.S. Treasury
100007	Visa integrity fee	N/A	$250	Fee would be reimbursed if nonimmigrant does not use the visa or uses the visa and abides by the terms of admission. Fees not reimbursed would be deposited in U.S. Treasury.
100008	Form I–94 (Arrival/Departure Record) fee	$0 or $6	Additional $24	20% used for U.S. Customs and Border Protection (CBP) to process I-94 forms pursuant to INA §286(q)(2); remainder to U.S. Treasury
100009	Annual asylum fee	$0	$100	U.S. Treasury
100010	Fee relating to renewal and extension of employment authorization for parolees	For EAD renewal: $520 (paper) $470 (online) $0 for certain parolees	Additional $275	U.S. Treasury

Section Number	Section Title	Fee Before P.L.119-21	Fee After P.L. 119-21	Where Fee Revenue Would be Credited
100011	Fee relating to renewal and extension of employment authorization for asylum applicants	For EAD renewal: $520 (paper) $470 (online)	Additional $275	U.S. Treasury
100012	Fee relating to renewal and extension of employment authorization for aliens granted Temporary Protected Status	Paper filing: $520 Online filing: $470	Additional $275	U.S. Treasury
100013	Applications for Adjustment of Status Fees (Filed in an Immigration Court)			
	(a) Fee for Filing an Application to Adjust Status to That of a Lawful Permanent Resident	$1,440 or $0 if court waives the application fee during removal proceedings	Additional $1,500	Not more than 50% to EOIR; the remainder to U.S. Treasury
	(b) Fee for Filing an Application for Waiver of Grounds of Inadmissibility	$1,050 or $0	Additional $1,050	Not more than 25% to EOIR; the remainder to U.S. Treasury
	(c) Fee for Filing an Application for Temporary Protected Status	$50	Additional $500	Not more than 25% to EOIR; the remainder to U.S. Treasury
	(d) Fee for Filing an Appeal from a Decision of an Immigration Judge	$110	Additional $900	Not more than 25% to EOIR; the remainder to U.S. Treasury
	(e) Fee for Filing an Appeal from a Decision of an Officer of the Department of Homeland Security	$110	Additional $900	Not more than 25% to EOIR; the remainder to U.S. Treasury
	(f) Fee for Filing an Appeal from a Decision of an Adjudicating Official in a Practitioner Disciplinary Case	$675	Additional $1,325	Not more than 25% to EOIR; the remainder to U.S. Treasury

Section Number	Section Title	Fee Before P.L.119-21	Fee After P.L. 119-21	Where Fee Revenue Would be Credited
	(g) Fee for Filing a Motion to Reopen or a Motion to Reconsider (immigration judge or Board of Immigration Appeals [BIA] decision)	Before the BIA: $110 Before an IJ: $145	Additional $900	Not more than 25% to EOIR; the remainder to U.S. Treasury
	(h) Fee for Filing an Application for Suspension of Deportation	$165	Additional $600	Not more than 25% to EOIR; the remainder to U.S. Treasury
	(i) Fee for Filing an Application for Cancellation of Removal for Certain Permanent Residents	$130	Additional $600	Not more than 25% to EOIR; the remainder to U.S. Treasury
	(j) Fee for Filing an Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents	$130	Additional $1,500	Not more than 25% to EOIR; the remainder to U.S. Treasury
100014	ESTA fee	$21	$40	Fee is divided into three parts: $17 per traveler credited to the Travel Promotion Fund, not more than $20 million in the fiscal year and the remainder to U.S. Treasury; $10 to recover costs of administering ESTA $13 to U.S. Treasury
100015	Electronic Visa Update System (EVUS) fee	$0	$30	$5 per enrollment deposited in U.S. Treasury. Remainder to CBP EVUS Account (created in §100015) for costs associated with administering EVUS.
100016	Fee for sponsor of unaccompanied alien child who fails to appear in immigration court	$0	$5,000	50% to ICE, 50% to U.S. Treasury
100016	Fee for aliens ordered removed in absentia	$0	$5,000	50% to ICE, 50% to U.S. Treasury
100017	Inadmissible alien apprehension fee	$0	$5,000	50% to ICE, 50% to U.S. Treasury

100018	Amendment to authority to apply for asylum under 8 U.S.C. §1158 (requires DHS to charge fee to asylum applicants)	$0	DHS to determine fee	100% to USCIS in accordance with 8 U.S.C. §1356(m)

Source: CRS analysis of existing statutes and regulations and P.L. 119-21.

Note: All fees shown also include a provision that requires USCIS to adjust them annually to account for inflation.

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