

## IMMIGRATION INSIDER

Vol. 21, No. 10 • October 5, 2025

### INSIDE THIS ISSUE

**[Group Sues Trump Administration Over \\$100K H-1B Application Fee; U.S. Chamber of Commerce Objects to Fee](#)**

– In reaction to the fee, several entities have pushed back, including a lawsuit filed by a group representing many organizations that rely in part on H-1B workers and a letter from the U.S. Chamber of Commerce to Treasury Secretary Howard Lutnick.

**[Supreme Court Says Trump Administration Can Terminate TPS for Venezuelans](#)** – The Supreme Court ruled that the Trump administration can move forward with plans to terminate Temporary Protected Status for hundreds of thousands of Venezuelans in the United States. Justice Ketanji Brown Jackson dissented.

**[USCIS Targets Minneapolis-St. Paul Area in Immigration Fraud Operation, Warns of Expansion to Other Cities](#)** – Operation Twin Shield was "the first time USCIS dedicated resources on this scale in a single geographical area." USCIS Director Joseph Edlow warned that the operation was the "first of many" and said that "[a]ny city should be prepared to be the next site for an operation of this magnitude."

**[Refugee Admissions to be Cut to Record Low in 2026; White Afrikaners to be Prioritized](#)** – The Trump administration plans to cut refugee admissions to a record low in 2026 and prioritize relief for certain groups like white Afrikaners from South Africa. The cap of 125,000 set under the Biden administration in 2024 is expected to be lowered to 7,500.

**[Employer Tips: What If There's a Federal Government Shutdown?](#)** – For employers with foreign national workers, it is important to understand which immigration related functions may be affected in the event of a federal government shutdown. Based on prior shutdowns, this article provides a brief overview of how key agencies' processes may be affected and actions employers can take now.

**[Agencies Issue Guidance on President Trump's Proclamation Requiring a \\$100,000 Fee for Certain H-1B Petitions](#)** – Following on the heels of President Trump's issuance of a proclamation requiring a \$100,000 fee for certain H-1B petitions where the worker is outside the United States, U.S. Citizenship and Immigration Services released a related frequently asked questions document, and other agencies released related guidance.

**[DOL Launches 'Project Firewall' H-1B Enforcement Initiative](#)** – The Department of Labor launched "Project Firewall" to ensure that "employers prioritize qualified Americans when hiring workers and [hold] employers accountable if they abuse the H-1B visa process."

**[DHS Issues Proposed Rule on Weighted Selection for Cap-Subject H-1B Petitions](#)** – The Department of Homeland Security published a proposed rule to implement a "weighted selection" process for cap-subject H-1B petitions that "would generally favor the allocation of H-1B visas to higher skilled and higher paid aliens, while maintaining the opportunity for employers to secure H-1B workers at all wage levels."

**[DHS Terminates Temporary Protected Status for Syria; Beneficiaries Have 60 Days to Leave the United States; E-Verify Issues Guidance for Employers](#)** – The Department of Homeland Security announced that Temporary Protected Status for Syrians is terminated and affected Syrian nationals have 60 days to voluntarily depart the United States and return home.

**[New \\$100,000 Fee on H-1B Entries by Presidential Proclamation, USCIS Clarifies](#)** – On September 19, 2025, President Trump issued a Presidential Proclamation requiring a \$100,000 fee for certain H-1B petitions where the worker is outside the United States.

**[Trump Administration Unveils Gold and Platinum Immigration Plans](#)** – The Trump administration has announced a plan for three new immigration pathways: the Gold Card, the Corporate Gold Card, and the forthcoming Platinum Card.

[Court Reinstates Venezuela's TPS Designation](#) - The Ninth Circuit has upheld a district court decision restoring Venezuela's Temporary Protected Status (TPS) designation.

[State Department Puts a Price Tag on the Diversity Visa Lottery—One Dollar](#) - Starting September 16, 2025, every hopeful Diversity Visa lottery entrant must pay the token charge at the time of registration.

[USCIS Unveils New Naturalization Civics Test](#) - USCIS is reintroducing a revised civics test that will apply to applicants filing on or after October 20, 2025.

[USCIS Announces First-Half FY 2026 H-2B Visa Cap Reached](#) - Employers subject to the cap and seeking to hire H-2B workers to start between October 1, 2025, and March 31, 2026, can no longer file new petitions.

[Egypt Reaches Diversity Visa Cap for FY 2025](#) - The U.S. Department of State (DOS) announced that Egypt has reached its annual limit under the Diversity Visa (DV) Program for fiscal year 2025.

[EB-5 Unreserved Visa Cap Reached for FY 2025](#) - The U.S. Department of State has announced that the unreserved category of EB-5 immigrant investor visas has reached its annual limit for fiscal year 2025.

[State Department Expands Visa Interview Waiver Eligibility; DHS Restores Hungary's ESTA Eligibility](#) - DOS announced updates to its interview waiver policy for nonimmigrant visa applicants and DHS restored Hungary's ESTA eligibility.

[Korean Worker Detentions Revive Questions Over B-1 Visa Use](#) - The detention and swift removal of hundreds of South Korean workers at a Georgia electric vehicle battery plant this month has reignited debate over the use of the short-term business visa.

[A Field of Dreams for California Immigrants](#) - In this New York Times article, read about the rolling acres of Sonoma County, where lies a baseball diamond.

[AVITS Now Features Real-Time DS-160 Validation](#) - There's a new feature in the Department of State's AVITS visa scheduling system: real-time DS-160 validation.

[USCIS NTAs During the H-1B 60-Day Grace Period](#) - An increase in Notices to Appear (NTAs) issued when an employer withdraws an H-1B petition, even when a change-of-employer (COE) or change-of-status (COS) petition has been timely filed within the grace period.

[October 2025 Visa Bulletin Released with Notable Progress](#) - Forward movement in key employment-based categories (especially for India), creates a valuable opportunity for many to file early and secure benefits.

[DOS Ends Third-Country Nonimmigrant Visa Appointments](#) - Nonimmigrant visa applicants, with a few exceptions, must schedule their appointments at the U.S. embassy or consulate in their country of nationality or residence.

[Annual Cap Reached for EB-1 Immigrant Visas; October Visa Bulletin Released; Religious Workers Category to Expire](#) - U.S. embassies and consulates could not issue additional immigrant visas in the EB-1 category until the start of FY 2026 on October 1, 2025. The Visa Bulletin for October also notes that the E-4 Certain Religious Workers category expired on September 30, 2025.

[Supreme Court Says Government Can Continue to Detain People in Los Angeles Area for Now; Sotomayor Dissents](#) - The Supreme Court granted, without explanation, an application for stay of a district court's injunction in *Noem v. Perdomo*, a case that challenged immigration officers' practice of detaining individuals in the Los Angeles area based on certain characteristics.

## ALSO IN THIS ISSUE

[New Publications and Items of Interest](#)

[ABIL Member/Firm News](#)

[Government Agency Links](#)

[About ABIL](#)

[Back to Top](#)

## Group Sues Trump Administration Over \$100K H-1B Application Fee; U.S. Chamber of Commerce Objects to Fee

In reaction to the Trump administration's \$100,000 fee for new H-1B applications, several entities have pushed back, including a lawsuit filed by a group representing many organizations that rely in part on H-1B workers and a letter from the U.S. Chamber of Commerce to Treasury Secretary Howard Lutnick.

The group that has [sued](#) the Trump administration over the new fee argues that the "arbitrary and capricious" fee is unlawful, the required regulatory process was not followed, and the administration failed to consider the harm to entities across the United States that rely on H-1B workers, including not only high-tech companies but also schools, churches, hospitals, nonprofits, and businesses.

The group that filed the lawsuit includes the American Association of University Professors, U.A.W. International, Global Nurse Force, Global Village Academy Collaborative (a charter school association), and the Society of the Divine Word's Chicago Province. Representatives for the plaintiffs include Democracy Forward, the Justice Action Center, and the South Asian American Justice Collaborative.

Citing studies showing that H-1B workers contribute to the U.S. economy, increase domestic employment, and raise wages, the U.S. Chamber of Commerce's [letter](#) to Secretary Lutnick noted that a lack of availability of skilled H-1B workers also can cause companies to "outsource entire functions." The Chamber said it is "particularly concerned about the administration's new policy of imposing a \$100,000 fee on new H-1B visas. This additional fee is easily 10 to 20 times (more for smaller companies) above the current fees. This would clearly limit the ability of many companies, especially smaller firms, to hire the skilled individuals they need to grow their businesses and the American economy." The Chamber recommended that the Trump administration rescind its proclamation imposing the new fee and instead "work with Congress to look at reforms to the H-1B program that could accompany an increase in the number [of] visas annually available to meet the needs of our growing economy."

Alternatively, if the Trump administration decides to keep the new fee, the Chamber recommended "clarifications" to address questions detailed in an attachment to its letter, including whether regulations will be published, how a "new" petition is defined, and what evidence will be required to determine that a particular H-1B beneficiary is not subject to the new fee.

[Back to Top](#)

## Supreme Court Says Trump Administration Can Terminate TPS for Venezuelans

The Supreme Court has [ruled](#) that the Trump administration can move forward with plans to terminate Temporary Protected Status for hundreds of thousands of Venezuelans in the United States. The Supreme Court stayed a September 5, 2025, U.S. district court order pending the disposition of the government's appeal in the Ninth Circuit and of a petition for a writ of certiorari. The unsigned opinion stated, "Although the posture of the case has changed, the parties' legal arguments and relative harms generally have not. The same result that we reached in May is appropriate here."

Justice Ketanji Brown Jackson dissented, calling the decision "yet another grave misuse of our emergency docket." She said, "This Court should have stayed its hand. Having opted instead to join the fray, the Court plainly misjudges the irreparable harm and balance-of-the-equities factors by privileging the bald assertion of unconstrained executive power over countless families' pleas for the stability our Government has promised them."

[Back to Top](#)

## USCIS Targets Minneapolis-St. Paul Area in Immigration Fraud Operation, Warns of Expansion to Other Cities

U.S. Citizenship and Immigration Services (USCIS), in coordination with U.S. Immigration and Customs Enforcement (ICE) and the Federal Bureau of Investigation, [announced](#) on September 30, 2025, that it had conducted "Operation Twin Shield," a "targeted surge of fraud detection and deterrence activities across Minneapolis-St. Paul and surrounding areas" from September 19 to 28, 2025. According to USCIS, Operation Twin Shield was "the first time USCIS dedicated resources on this scale in a single geographical area." USCIS Director Joseph Edlow [warned](#) that the operation was the "first of many" and said that "[a]ny city should be prepared to be the next site for an operation of this magnitude."

The operation focused on site visits and targeted verifications for applicants and petitioners with pending immigration benefits who matched "specified risk criteria," USCIS said without elaborating. Employment authorizations and certain parole-related requests, among others, were investigated. USCIS officers focused on more than 1,000 cases that had "fraud or ineligibility indicators" and conducted more than 900 site visits and in-person interviews. USCIS said they found evidence of fraud, noncompliance, or public safety or national security concerns in 275 cases. USCIS issued Notices to Appear (NTAs) or referred people to ICE in 42 cases, and four people were "apprehended."

USCIS said it expects that data on NTAs, referrals to ICE, and adverse adjudicative actions in the Minneapolis-St. Paul cases to increase as more administrative investigations are completed.

[Back to Top](#)

## Refugee Admissions to be Cut to Record Low in 2026; White Afrikaners to be Prioritized

According to [reports](#), the Trump administration plans to cut refugee admissions to a record low in fiscal year 2026 and prioritize relief for certain groups like white Afrikaners from South Africa whom it deems face "unjust discrimination." The cap of 125,000 set under the Biden administration in 2024 is expected to be lowered to 7,500.

This plan follows other Trump administration [actions](#) to prevent many refugees from coming to or resettling in the United States, or obtaining asylum. Mark Hetfield, who is president of HIAS, a Jewish resettlement agency, said that such a low refugee ceiling "would break America's promise to people who played by the rules. Trump isn't just putting the Afrikaners to the front of the line. He is kicking years-long-waiting refugees out of the line." HIAS has had to lay off more than half of its staff since the Trump administration cut funding for the refugee program.

[Back to Top](#)

## Employer Tips: What If There's a Federal Government Shutdown?

The 2024-2025 federal fiscal year was marked by multiple threats of government shutdowns, each one narrowly avoided with continuing resolutions to keep the government funded. As the current fiscal year draws to a close, there is speculation that [Republicans and Democrats in Congress may not reach an agreement](#) on annual spending bills by midnight on September 30, 2025. If a budget or continuing resolution is not passed by this deadline, there will be a shutdown, and all but essential personnel will be furloughed. To top it all off, in the event of a shutdown, the Trump administration is [threatening mass firings](#) of employees in federal programs with lapsed funding that are not statutorily required and are "not consistent with the President's priorities"—although commenters have [called into question the feasibility](#) of such impromptu reductions in force.

For employers with foreign national workers, it is important to understand [which immigration related functions may be affected](#). There are no guarantees, but based on prior shutdowns, below is a brief overview of how key agencies' processes may be affected and actions employers can take now.

### **U.S. Citizenship and Immigration Services**

As a fee-based agency that is not dependent on federal appropriations, U.S. Citizenship and Immigration Services (USCIS) is expected to continue processing petitions and applications. New filings, extensions, and USCIS-mandated steps in the green card process can continue to be filed and processed, with some possible processing delays.

However, filings that require a certified Labor Condition Application (LCA) from the Department of Labor, such as requests for H-1B, H-1B1, and E-3 classification, may be delayed if the certification has not been completed before shutdown. Filings without certified LCAs cannot be approved during the shutdown. USCIS has historically accepted late I-129 filings upon reopening with evidence that the primary reason for the delay was the government shutdown. USCIS has not confirmed, however, whether they will adopt a similar approach this time.

**E-Verify**, USCIS's system that allows employers to verify work authorization, will be inaccessible during a shutdown because that program requires appropriated funds. Although E-Verify would be suspended during a government shutdown, employers will need to continue to complete Forms I-9 for any new hires in a timely fashion. The information may be input into E-Verify once the government reopens.

*Employers should:*

- File petitions requiring certified LCAs (H-1B, H-1B1, E-3) before the shutdown.
- Keep evidence of filing delays caused by a shutdown for possible late acceptance.
- Continue timely completion of Forms I-9 for all new hires.
- Plan to update E-Verify once the system reopens.
- Keep an eye out for updates from USCIS indicating whether it will accept filings without or with pending LCAs.

### **Department of Labor**

The Office of Foreign Labor Certification (OFLC), which oversees filings with the Department of Labor (DOL), is normally closed during government shutdowns. OFLC typically does not accept or process any applications or related materials during a shutdown, including LCAs, applications for a prevailing wage determination, applications for permanent employment certification (PERM), and PERM audit responses. OFLC has stated that the Foreign Labor Application Gateway (FLAG) system will be disabled and inaccessible in the event of a shutdown. As a result, users will not be able to access the FLAG system to print approved applications or take any other actions within the system. Additionally, appeals pending with the Board of Alien Labor Certification Appeals (BALCA) will be placed on hold during the shutdown.

*Employers should:*

- Submit LCAs, prevailing wage requests, and PERM applications before the shutdown.
- Access the FLAG system early to download/print approved applications and certifications.
- Prepare for processing delays upon reopening.

## Department of State

Generally, the Department of State (DOS) is not affected by government shutdowns because visa and passport operations are fee-funded. However, during prior shutdowns, DOS has reduced or halted visa issuance. Individuals with scheduled or planned visa stamp appointments should be prepared for delays or disruption to consular services and should monitor the situation closely. If international travel cannot be avoided, individuals should understand that interruptions to consular services can result in prolonged delays and the possibility of being unable to return to the United States for several months.

*Employers should:*

- Advise employees to expect delays in visa issuance or stamping.
- Review travel plans—avoid non-essential international travel around shutdown dates.

## Immigration and Customs Enforcement/Customs and Border Protection

U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) personnel are considered essential workers, so these agencies should remain fully operational. Ports of entry at airports or land border crossings will remain open. However, individuals who seek to apply for an immigration benefit at a port of entry or a pre-clearance facility (such as TN and L-1 applications for Canadian nationals) will need to confirm the operational status of the location where they intend to apply.

*Employers should:*

- Confirm operations at ports of entry or pre-clearance locations for TN/L-1 applications.
- Advise employees on possible variations in processing at different locations.

Employers and sponsored employees are encouraged to monitor the situation for updates and consult [immigration counsel](#) with questions or concerns.

## Executive Office for Immigration Review

Based on [previous actions](#) during a federal government shutdown in 2013, the Executive Office for Immigration Review (EOIR) would be expected to continue to adjudicate detained cases. Court functions that support the detained caseload would continue, but other functions would be suspended. The Board of Immigration Appeals (BIA) would process emergency stay requests as well as cases where the person is detained, including case appeals, motions, federal court remands, and bonds. The BIA Clerk's Office staff would accept all filings. The Office of the Chief Administrative Hearing Officer would maintain its ability to issue subpoenas and accept for filing any complaints that must be filed to comply with statutory deadlines.

*Employers should:*

- Expect processing delays in non-detained cases.
- Check the EOIR's website for the [operational status](#) of specific immigration courts.

[Back to Top](#)

## Agencies Issue Guidance on President Trump's Proclamation Requiring a \$100,000 Fee for Certain H-1B Petitions

Following on the heels of President Trump's issuance of a [proclamation](#) requiring a \$100,000 fee for certain H-1B petitions where the worker is outside the United States, U.S. Citizenship and Immigration Services (USCIS) released a related [frequently asked questions \(FAQ\)](#) document, and other agencies released related guidance.

The USCIS FAQ notes which petitions are included and not included, and states that further steps will be taken, including:

- A rulemaking by the Department of Labor to revise and raise the prevailing wage levels to "upskill" the H-1B program and "ensure that it is used to hire only the best of the best temporary foreign workers."
- A rulemaking by the Department of Homeland Security to "prioritize high-skilled, high-paid aliens in the H-1B lottery over those at lower wage levels."

Additional changes are also under consideration and will be announced in the coming months, USCIS said.

USCIS released additional [guidance](#) regarding the proclamation, as did [U.S. Customs and Border Protection \(CBP\)](#). The Department of State (DOS) released a related [FAQ](#). USCIS said that DOS also sent guidance to all consular offices that is consistent with the guidance from USCIS and CBP. CBP's guidance, posted on X, states that the "updated H-1B visa requirement applies only to new, prospective petitions that have not yet been filed. Petitions submitted prior to September 21, 2025 are not affected. Any reports claiming otherwise are flat-out wrong and should be ignored."

The White House also released a related [fact sheet](#) on September 19, 2025.

[Back to Top](#)

## DOL Launches 'Project Firewall' H-1B Enforcement Initiative

On September 19, 2025, the Department of Labor (DOL) [launched](#) "Project Firewall," to ensure that "employers prioritize qualified Americans when hiring workers and [hold] employers accountable if they abuse the H-1B visa process."

DOL said that it will conduct investigations of employers through Project Firewall "to maximize H-1B program compliance. To achieve this goal, the Secretary of Labor will personally certify the initiation of investigations for the first time in the department's history." Violations may result in "the collection of back wages owed to affected workers, the assessment of civil money penalties, and/or debarment from future use of the H-1B program for a prescribed period of time," DOL noted.

Additionally, DOL said it "will share information and coordinate with relevant government agencies, as permitted by law, to combat discrimination against American workers and ensure the law is properly enforced by leveraging the full force of the federal government."

[Back to Top](#)



## DHS Issues Proposed Rule on Weighted Selection for Cap-Subject H-1B Petitions

On September 24, 2025, the Department of Homeland Security (DHS) published a [proposed rule](#) to implement a "weighted selection" process for cap-subject H-1B petitions that "would generally favor the allocation of H-1B visas to higher skilled and higher paid aliens, while maintaining the opportunity for employers to secure H-1B workers at all wage levels."

Under the proposed process, DHS said, registrations for unique beneficiaries or petitions would be assigned to the relevant Occupational Employment and Wage Statistics wage level and entered into the selection pool as follows:

[R]egistrations for unique beneficiaries or petitions assigned wage level IV would be entered into the selection pool four times, those assigned wage level III would be entered into the selection pool three times, those assigned wage level II would be entered into the selection pool two times, and those assigned wage level I would be entered into the selection pool one time. Each unique beneficiary would only be counted once toward the numerical allocation projections, regardless of how many registrations were submitted for that beneficiary or how many times the beneficiary is entered in the selection pool.

Comments on the proposed rule must be submitted by October 24, 2025, using the instructions in the [notice](#). Comments on the associated information collections must be submitted by November 24, 2025.

[Back to Top](#)

## DHS Terminates Temporary Protected Status for Syria; Beneficiaries Have 60 Days to Leave the United States; E-Verify Issues Guidance for Employers

On September 19, 2025, the Department of Homeland Security (DHS) [announced](#) that Temporary Protected Status (TPS) for Syrians is terminated and affected Syrian nationals have 60 days to voluntarily depart the United States and return home. "After the 60 days have expired, any Syrian nationals admitted under TPS who have not begun their voluntary removal proceedings will be subject to arrest and deportation. Any alien who forces DHS to arrest and remove them will never be allowed to return to the United States," DHS warned.

DHS said that those leaving the United States are encouraged to use U.S. Customs and Border Protection's [CBP Home app](#) to "report their departure from the United States and take advantage of a safe, secure way to self-deport that includes a complimentary plane ticket, a \$1,000 exit bonus, and potential future opportunities for legal immigration."

Meanwhile, E-Verify issued related [guidance](#) on September 22, 2025, noting that Syria's TPS designation and related benefits terminate on November 21, 2025, at 11:59 p.m. The guidance states that Form I-766, Employment Authorization Documents (EADs), with a category A12 or C19 and a Card Expires date of September 30, 2025; March 31, 2024; September 30, 2022; or March 31, 2021, issued under a prior TPS designation of Syria, expire on November 21, 2025. "Employers must reverify TPS Syria beneficiaries who presented these EADs before they start work" on November 22, 2025, the guidance notes.

[Back to Top](#)



## New \$100,000 Fee on H-1B Entries by Presidential Proclamation, USCIS Clarifies

On September 19, 2025, President Trump [issued a Presidential Proclamation](#) requiring a \$100,000 fee for certain H-1B petitions where the worker is outside the United States. Effective September 21, 2025, U.S. entry will be restricted unless the petition is accompanied by this payment. The restriction is temporary (12 months, through September 20, 2026) but may be extended.

The Proclamation does not end the H-1B program. Employers may continue to file extensions, amendments, and transfers for H-1B employees already inside the United States. Pending or approved petitions for workers who remain in the U.S. will not be subject to the new fee. However, international travel is strongly discouraged, as returning employees could face the new payment requirement. The Department of Homeland Security may exempt individuals, companies, or industries if employing H-1B workers is in the “national interest,” though the standard for these exemptions is not yet defined. Cap-exempt entities (universities, nonprofits) are not specifically carved out but may qualify under this exemption.

On September 20, 2025, USCIS Director Joseph Edlow issued a memorandum attempting to clarify implementation of the Proclamation. According to USCIS, the \$100,000 fee applies only prospectively, to petitions not yet filed. The Proclamation does not apply to beneficiaries of petitions filed before the effective date, beneficiaries of approved petitions, or individuals holding validly issued H-1B visas.

Despite this clarification, key questions remain unanswered. The memorandum does not specify whether the fee applies to petitions requesting a change or extension of status, or a change of employer. It also leaves open the possibility that USCIS may attempt to limit the fee to cap-subject petitions in the FY27 lottery, but no confirmation has been provided. Moreover, the USCIS guidance departs from the Proclamation’s language, creating inconsistencies that heighten uncertainty.

[Back to Top](#)

## Trump Administration Unveils Gold and Platinum Immigration Plans

On September 19, 2025, the Trump administration [announced a plan](#) for three new immigration pathways: the Trump Gold Card, the Trump Corporate Gold Card, and the forthcoming Trump Platinum Card. These programs represent a departure from the traditional job-creating EB-5 immigrant investor model, introducing donation-based routes to existing employment-based green card categories.

The Trump Gold Card would allow individuals to qualify under the EB-1A “extraordinary ability” or EB-2 “national interest waiver” categories by making a nonrefundable \$1 million donation to the U.S. government. Gold Card holders would be treated like other permanent residents, subject to worldwide taxation and reporting obligations, and their status could be revoked under the same rules that apply to immigrant visas.

For employers, the Trump Corporate Gold Card requires a \$2 million donation to sponsor an employee. Sponsorship could be transferred between employees, though it remains unclear whether a transfer would be possible after the originally sponsored employee secures a green card.

The administration also previewed a Trump Platinum Card, which would involve a \$5 million donation and allow recipients to spend up to 270 days in the United States annually without U.S. taxation on foreign income.

Implementation of these programs is expected within 90 days, but applications cannot yet be filed until the Department of Homeland Security and the Department of Commerce issue detailed procedures.

[Back to Top](#)

## **Court Reinstates Venezuela’s 2023 TPS Designation**

In a major ruling for hundreds of thousands of Venezuelans living in the U.S., the Ninth Circuit has upheld a district court decision restoring Venezuela’s 2023 Temporary Protected Status (TPS) designation. The court found that DHS Secretary Kristi Noem’s February 2025 attempt to vacate and terminate the country’s TPS status was “arbitrary and capricious” and exceeded her statutory authority under the Administrative Procedure Act.

The decision means that more than 300,000 Venezuelan nationals who rely on TPS protections—many of them spouses and parents of U.S. citizens—can remain shielded from deportation and maintain their work authorization until October 2, 2026. The court emphasized that DHS’s abrupt reversal ignored established procedures, failed to consult other agencies, and relied on pretextual reasoning rather than genuine country condition evidence.

[USCIS](#) has since confirmed that Venezuela’s 2023 TPS designation is reinstated, with protections and work authorization extended under the terms of that designation. Eligible Venezuelan nationals may continue to apply for or renew TPS, safeguarding their ability to live and work lawfully in the United States while conditions in Venezuela remain unsafe.

On Friday, September 19, 2025, the administration filed an emergency appeal with the U.S. Supreme Court. Separately, the 2021 TPS designation for Venezuela will terminate on November 7, 2025.

[Back to Top](#)

## **State Department Puts a Price Tag on the Diversity Visa Lottery—One Dollar**

The State Department has instituted a [new rule](#) for the Diversity Visa (DV) lottery: a \$1 registration fee. Starting September 16, 2025, every hopeful entrant must pay the token charge at the time of registration.

Why the change? Officials say it’s about fairness—shifting the cost burden from the small group of winners to everyone who throws their name in the hat. Winners who advance in the process will still face the standard \$330 visa application fee, but now even the long-shot dreamers must chip in. Payments will be processed through a secure government portal during registration, and applicants are urged to remain alert to scams, as the official U.S. government website is the only legitimate payment channel.

It’s a small fee with a big message: even the lottery of American opportunity has a cover charge.

[Back to Top](#)

## **USCIS Unveils New Naturalization Civics Test**

USCIS has [announced](#) the first changes in a planned multi-step overhaul of the naturalization process, reintroducing a revised civics test that will apply to applicants filing on or after October 20, 2025. Known as the 2025 Naturalization Civics Test, the update is a modified version of the 2020 test, which briefly replaced the long-standing 2008 version before being rolled back.

The new test expands the civics question bank from 100 to 128 possible questions. Applicants will be asked up to 20 questions and must answer at least 12 correctly to pass. Unlike in 2020, examiners will stop asking questions once an applicant has either passed or failed, streamlining the process.

USCIS has emphasized that the update is intended to provide a more comprehensive assessment of applicants' knowledge of U.S. history and government, while also claiming that the process is uniform and fair. Updated study materials are now available on the USCIS website, and the agency will temporarily keep 2008 test resources online for those who filed before the transition.

This marks the first step in what the agency has described as a broader effort to “strengthen assimilation, promote a unified American identity, and safeguard the responsibilities of citizenship.” Future changes to the naturalization process are expected to follow.

[Back to Top](#)

### **USCIS Announces First-Half FY 2026 H-2B Visa Cap Reached**

U.S. Citizenship and Immigration Services (USCIS) has [announced](#) that the quota for H-2B non-agricultural worker visas for the first half of fiscal year 2026 has been reached on September 12, 2025. Employers seeking to hire H-2B workers for start dates between October 1, 2025, and March 31, 2026, who are subject to the cap can no longer file new petitions under that cap period.

However, certain petitions remain eligible: H-2B workers who are exempt from the cap, those changing employers, extending status, and other non-cap-subject petitions will still be considered.

Employers planning to use the H-2B program should monitor USCIS updates closely for when the second-half cap opens for April 1, 2026 employment start date.

[Back to Top](#)

### **Egypt Reaches Diversity Visa Cap for FY 2025**

The U.S. Department of State (DOS) [announced](#) that Egypt has reached its annual limit under the Diversity Visa (DV) Program for fiscal year 2025. As of September 15, no further DV-2025 visas will be issued to Egyptian nationals.

By law, no single country can receive more than seven percent of the 52,056 diversity visas available each fiscal year. Egypt hit that threshold on September 15<sup>th</sup>, making it the first country to reach the cap for the 2025 program year.

DOS emphasized that selection in the lottery does not guarantee a visa. Each year, more individuals are selected than the number of visas available, to account for applicants who may not qualify or who decline to pursue the process.

[Back to Top](#)

### **EB-5 Unreserved Visa Cap Reached for FY 2025: New Applications on Hold Until October**

The U.S. Department of State has [announced](#) that the unreserved category of EB-5 immigrant investor visas has reached its annual limit for fiscal year 2025, effective as of mid-September. As a result, no new EB-5 unreserved visas will be issued by U.S. consulates or approved for adjustment of status until the new fiscal year begins on October 1.

This USCIS/DOS action affects the portion of the EB-5 program allocated under the unreserved visa categories (known by their codes C5, T5, I5, R5, RU, NU), which make up about 68% of EB-5 visas. It also includes unused reserved visas carried over from prior years, in accordance with the EB-5 Reform and Integrity Act of 2022.

For EB-5 applicants, this means that unless they are applying under one of the reserved subcategories (i.e. targeting rural areas, high-unemployment areas, or infrastructure projects), they must wait until October to proceed. The backlog remains heavy for nationals of countries with high demand; for example, the “Final Action Date” for China remains in December 2015, while India has advanced but is still subject to a long wait.

While the annual cap reflects steady demand for the investor-immigrant pathway, the pause underscores how quickly visa numbers are being exhausted. The reset on October 1 offers a fresh start, but applicants planning for EB-5 under unreserved categories are advised to act early and to explore set-aside categories that remain current to avoid delay.

[Back to Top](#)

### **State Department Expands Visa Interview Waiver Eligibility; DHS Restores Hungary’s ESTA Eligibility**

On September 18, 2025, the U.S. Department of State (DOS) [announced an update](#) to its interview waiver policy for nonimmigrant visa applicants, effective October 1, 2025. The policy expands consular officers’ authority to waive in-person interviews for certain low-risk applicants, such as renewals and specific visa categories, when local conditions permit. The DOS stated that all waivers will continue to be decided on a case-by-case basis, with national security and program integrity remaining priorities.

In a related development, the Department of Homeland Security (DHS) confirmed that [Hungary’s eligibility](#) for the Electronic System for Travel Authorization (ESTA) has been restored. Hungarian nationals are once again able to apply for travel to the United States under the Visa Waiver Program, which allows short-term visits without first obtaining a visa. AILA noted that the reinstatement follows diplomatic discussions and reflects Hungary’s compliance with U.S. security requirements.

Both agencies emphasized that travelers should review official updates and consult the relevant websites before making plans, as policies remain subject to change.

[Back to Top](#)

### **Korean Worker Detentions Revive Questions Over B-1 Visa Use**

The [detention and swift removal](#) of hundreds of South Korean workers at a Georgia electric vehicle battery plant this month has reignited debate over the use of short-term business visas for activities that edge into unauthorized employment. The workers, many of whom had entered the United States on business visitor visas or under the visa waiver program, were assisting with equipment installation and project setup when U.S. immigration authorities intervened. Within days, most were returned to South Korea, prompting diplomatic concern and raising alarms about the chilling effect such enforcement actions could have on future investment in U.S. manufacturing projects.

The controversy highlights a longstanding tension in immigration law: the B-1 visa is intended for limited activities like meetings, supervision, or training, but the line between permissible “business” and prohibited “work” has often been contested. Companies argue that short-term technical roles are essential to launching major projects, while regulators view such practices as a circumvention of employment-authorized visas.

This is not a new issue. In 2013, the Indian IT firm Infosys faced one of the largest immigration settlements in history—\$34 million—over allegations it used B-1 visas to bring foreign employees to the United States for work assignments that should have required H-1B visas. Although criminal charges were ultimately dropped, the case underscored how reliance on business visas for project-critical labor has long been scrutinized by U.S. authorities.

Without clearer rules or new options for short-term technical work, coupled with an enforcement-first administration in the White House, companies may reconsider testing the limits of business visas, or may avoid bringing manufacturing projects to the United States altogether.

[Back to Top](#)

### [A Field of Dreams for California Immigrants](#)

In this [New York Times article](#), read about the rolling acres of Sonoma County, where pinot noir and chardonnay vines stretch toward the horizon, there lies a baseball diamond—carved not by the major leagues, but by the calloused hands of vineyard workers. For more than two decades, it has been a sanctuary where laborers, line cooks, electricians, and the like have traded their gloves of toil for leather mitts, finding in the crack of a wooden bat a reprieve from life’s heavier burdens.

But this year, the Vinedos (or the Vineyards), members of the amateur Bay Area Latin League, struggled to field a complete roster. Fear has crept in alongside the vines. With the return of ICE raids under a new administration, many players stay home, wary of a knock on the door or a shadow in the parking lot.

Still, the field remains. Manuel Vallejo, the vineyard manager who first dreamed it into existence, tends both grapes and game, knowing the two are bound by the sweat of immigrant labor. Young men like Ervin, a Nicaraguan asylum seeker, come to the field to forget their peril, if only for a few innings. “When I’m on the baseball field, I forget about everything,” he says.

In the waning summer light after another game, with ranchera songs drifting and an American flag fluttering near home plate, the game endures, fragile and fleeting, but no less sacred. For in this vineyard field of dreams, baseball is not just a sport. It is therapy. It is resistance. It is hope.

[Back to Top](#)

### [AVITS Now Features Real-Time DS-160 Validation](#)

The American Immigration Lawyers Association (AILA) recently issued a [practice alert](#) highlighting a new feature in the Department of State’s AVITS visa scheduling system: real-time DS-160 validation. Rolled out in collaboration with DOS, the tool instantly cross-checks applicants’ DS-160 number, passport, and date of birth against the Consular Electronic Application Center (CEAC).

If the information matches and the DS-160 hasn’t already been used, applicants can move forward seamlessly with fee payment and scheduling. If not, they’ll be prompted to verify their details in CEAC before trying again. This change aligns with the DOS’s earlier requirements that DS-160s be submitted at least two business days before an interview, and mirrors similar systems like Yatri and TravelDocs. In essence, this new tool means fewer surprises later in the process.

While the feature aims to streamline scheduling and reduce errors, practitioners should be prepared for some hiccups as the system continues to roll out. Applicants may encounter interruptions if the validation fails, making it important to double-check information before submission.

As AVITS continues to evolve, real-time DS-160 validation is a step towards greater efficiency in consular processing. While the adjustment period may bring some initial bumps, the long-term goal is a smoother, more reliable visa scheduling experience for applicants and practitioners alike.

[Back to Top](#)

## USCIS NTAs During the H-1B 60-Day Grace Period

AILA reports an increase in Notices to Appear (NTAs) issued when an employer withdraws an H-1B petition, even when a change-of-employer (COE) or change-of-status (COS) petition has been timely filed within the grace period. The 60-day grace period was intended as a safeguard under 8 CFR § 214.1(l)(2), in which H-1B professionals who lose their jobs can remain in the United States for up to 60 days to find new employment or change status without being considered out of status. Yet recent practice shows that this protection is fraying. The withdrawal step, required to end an employer's wage obligations, now sometimes ironically triggers the very removal notice it was meant to prevent.

USCIS points to a February 2025 policy memo expanding its authority to issue NTAs when petitions are denied or revoked. But the memo also emphasized discretion. The legal mismatch is striking. H-1B portability under AC21 allows a worker to start for a new employer once a non-frivolous petition is filed. Immigration judges often dismiss these NTAs because the workers remain legally present and authorized for employment. But by then, the damage is done: careers disrupted, travel plans frozen, and families put through needless fear.

By treating workers with pending, bona fide filings as potentially out of status, USCIS is reshaping a long-standing protection for high-skilled workers. At minimum, this overreach not only chills hiring, but also signals to global talent that the United States is a risky place to stake a career. Until the agency realigns with its own rules, the 60-day grace period remains less a cushion than a trap waiting to ensnare.

[Back to Top](#)

## October 2025 Visa Bulletin Released with Notable Progress

The [October 2025 Visa Bulletin has been released](#), marking the start of a new fiscal year and a reset of annual visa limits. USCIS has announced that applicants should use Chart B (Dates for Filing) this month for both employment-based and family-sponsored categories. This means many individuals may be eligible to file adjustment of status applications sooner, unlocking benefits like work and travel authorization while they wait for their green card.

Highlights include forward movement across most employment-based categories, with particularly meaningful relief for Indian nationals in EB-2, EB-3, and EB-5. EB-1 remains current for most countries, creating opportunities for faster filings, while EB-5 set-aside categories remain fully current worldwide. However, EB-5 Unreserved for China has retrogressed by three months. Family-sponsored categories also see modest but steady progress.

Employers should take advantage of this early-year momentum to reassess immigration strategies, move quickly on pending cases, and identify employees who may now be eligible to file. Employees should confirm their eligibility and prepare documentation to file promptly. Acting now can reduce uncertainty and secure valuable interim benefits while waiting for green card approval.

[Back to Top](#)

## DOS Ends Third-Country Nonimmigrant Visa Appointments

On September 6, 2025, the Department of State (DOS) [announced](#) that nonimmigrant visa (NIV) applicants generally must schedule their appointments at the U.S. embassy or consulate in their country of nationality or residence. Third-country visa appointment scheduling is generally no longer permitted, with limited exceptions. Applicants must be able to demonstrate legal residence in the country where they are applying, if eligibility is based on residency.



DOS [updated instructions](#) on its website over the weekend accordingly. Applicants with existing NIV appointments that were scheduled before the September 6 update will generally not be canceled, but going forward, applicants who apply outside their country of nationality or residence "might find it more difficult to qualify for the visa," DOS said, and visa fees will not be refunded or transferred. Applicants who need to apply outside their country of nationality or residence should expect longer wait times. Nationals of countries without routine NIV operations must apply at a designated U.S. embassy or consulate as listed in the chart on the DOS website.

DOS outlined exceptions for applicants seeking A, G, C-2, C-3, NATO visas, diplomatic/official visas, or travel under the UN Headquarters Agreement. Limited exceptions may also apply for humanitarian, medical, or foreign policy reasons.

[Back to Top](#)

### **Annual Cap Reached for EB-1 Immigrant Visas; October Visa Bulletin Released; Religious Workers Category to Expire**

On September 8, 2025, the Department of State (DOS) [announced](#) that all immigrant visas in the Employment-Based First Preference (EB-1) category for Fiscal Year (FY) 2025 have been issued. As a result, U.S. embassies and consulates could not issue additional immigrant visas in the EB-1 category until the start of FY 2026 on October 1, 2025. This follows a similar announcement by DOS regarding immigrant visas in the EB-2 category [last week](#).

DOS has released the [October Visa Bulletin](#). As of October 1, 2025, new visa numbers became available, and processing resumed for qualified applicants, including those in the EB-1 category.

The Visa Bulletin for October also notes that the E-4 Certain Religious Workers (SR) category expired on September 30, 2025. No SR visas could be issued overseas, or final action taken on adjustment of status cases, after midnight on September 29, 2025. Visas issued before that date were valid only until September 29, 2025, and all individuals seeking admission in the non-minister special immigrant category must have been admitted into the United States by midnight on September 29, 2025.

The bulletin notes that the SR category is listed as "Unavailable" for all countries for October. If Congress extends the category, DOS said "it is likely it will become available effective immediately."

[Back to Top](#)

### **Supreme Court Says Government Can Continue to Detain People in Los Angeles Area for Now; Justice Sotomayor Dissents**

On September 8, 2025, the Supreme Court granted, without explanation, an application for stay of a district court's injunction in *Noem v. Perdomo*, a case that challenged immigration officers' practice of detaining individuals in the Los Angeles area based on characteristics such as their apparent race or ethnicity, whether they spoke Spanish or English, the location where they were found (such as a car wash or bus stop), and the type of job they appeared to work. The stay means that the federal government can continue to stop and detain people under these conditions in Los Angeles while litigation continues.

Justice Brett Kavanaugh concurred. He said there was illegal immigration in the Los Angeles area in "extraordinary numbers" and that U.S. immigration officers therefore have prioritized immigration enforcement there. "The Government sometimes makes brief investigative stops to check the immigration status of those who gather in locations where people are hired for day jobs; who work or appear to work in jobs such as construction, landscaping, agriculture, or car washes that often do not



require paperwork and are therefore attractive to illegal immigrants; and who do not speak much if any English," he said. "If the officers learn that the individual they stopped is a U. S. citizen or otherwise lawfully in the United States, they promptly let the individual go. If the individual is illegally in the United States, the officers may arrest the individual and initiate the process for removal."

Justice Sonia Sotomayor dissented, noting that during the raids, "teams of armed and masked agents pulled up to car washes, tow yards, farms, and parks and began seizing individuals on sight, often before asking a single question," in some cases handling people roughly and detaining them. She said people, including U.S. citizens, also were taken from Home Depots, tow yards, farms, recycling centers, churches, and parks. She noted that the federal government's practices have intimidated people in the area and that the government is likely violating the Fourth Amendment and relying solely on generalizations that treat large segments of the population with suspicion. "The Government, and now the concurrence, has all but declared that all Latinos, U. S. citizens or not, who work low wage jobs are fair game to be seized at any time, taken away from work, and held until they provide proof of their legal status to the agents' satisfaction." Justice Sotomayor opined, "We should not have to live in a country where the Government can seize anyone who looks Latino, speaks Spanish, and appears to work a low wage job. Rather than stand idly by while our constitutional freedoms are lost, I dissent."

[Back to Top](#)

## New Publications and Items of Interest

**Know your rights.** A number of organizations, including the [American Civil Liberties Union](#) (ACLU) ([English](#) and [Spanish](#)), the [Immigrant Legal Resource Center](#), [Catholic Legal Immigration Network, Inc.](#), the [National Immigrant Justice Center](#), the [American Immigration Lawyers Association](#), and the [Asian Law Caucus](#), have published resources highlighting immigrants' and nonimmigrants' rights in the United States and at ports of entry, including "know your rights" information and what documents they may want to carry when traveling inside the United States. ACLU of Northern California also released [Know Your Rights: U.S. Airports and Ports of Entry](#).

**E-Verify webinars:** E-Verify has [added a webinar](#) with a focus on acceptable documents for Form I-9 verification, and has updated its [calendar of webinars](#).

**SAVE webinars:** Systematic Alien Verification for Entitlements (SAVE) has updated its [calendar of webinars](#).

### Immigration agency X (formerly Twitter) accounts:

- EOIR: @DOJ\_EOIR
- ICE: @ICEgov
- Study in the States: @StudyinStates
- USCIS: @USCIS

**Alliance of Business Immigration Lawyers:** ABIL is available on X (formerly Twitter): [@ABILImmigration](#)

[Back to Top](#)

## ABIL Member/Firm News

**Janice Flynn** was quoted by the [Washington Post](#), the [Mumbai Mirror](#), and [The Week](#). She said that the new changes would "freeze the ability for people or for companies to bring in skilled labor into the United States." She said the changes will be felt hardest by small- and medium-size businesses. She noted that they could also cut off the pipeline of U.S.-trained talent and lead companies to consider whether they want to be based in the United States.

**Loan Huynh** was quoted by MPR News in [Trump's \\$100K H-1B Visa Fee Could Hit Major Minnesota Companies, Institutions](#). She said, "This fee will make it nearly impossible for many employers to sponsor foreign national workers that they desperately need." She noted that companies may try to seek waivers, but the rules are unclear.

**Klasko Immigration Law Partners, LLP**, has published several client alerts, [Project Firewall Launched Targeting H-1B Program Compliance](#), [DOS Ends Third-Country Nonimmigrant Visa Appointments](#), and [Annual Cap Reached for EB-1 Immigrant Visas; Issuance Paused Until October 1](#).

**Klasko Immigration Law Partners, LLP**, [announced the hire of a new Senior Associate](#) to their Individual Case Unit team.

**Charles Kuck** was quoted by the *Washington Post* in [Indian Students Say New Social Media Scrutiny Cost Them U.S. Visas](#). Mr. Kuck said, "This is the kind of stuff that totalitarian regimes engage in." He also noted that getting approved for a visa after being rejected once is "highly unlikely. Not while Donald Trump is president."

**Mr. Kuck** was profiled by *Atlanta Magazine* in [We Spent an Emotional Day With One of Atlanta's Top Immigration Attorneys. Here's Why He Says the System Doesn't Work](#). Among other things, he said, "There's nothing about our immigration system that works. It doesn't work for deporting the right people, and it doesn't work for getting the right people here. But this is all fixable. Congress can fix all of it tomorrow."

**Mr. Kuck** was quoted in many media outlets regarding the U.S. Immigration and Customs Enforcement (ICE) raid on a Georgia Hyundai plant. A representative sample is below:

- [After High-Profile ICE Raid, Trump Reportedly Wants Korean Workers to Stay in U.S.](#) (*Time Magazine*). Mr. Kuck, who represents seven of the detained South Koreans, disputed ICE's claim that those arrested in the raids were "[found to be working illegally](#)." Mr. Kuck said his clients entered through either the U.S. Electronic System for Travel Authorization (ESTA) program or the B-1 temporary business visitor visa program. The article notes that earlier he had told the [Associated Press](#) that many of the workers "were either there as engineers or were involved in after-sales service and installation." He told [Reuters](#) that "[t]he vast majority of folks, including the ones I represent, should never have been detained."
- [Anger Mounts in Korea as Release of Workers Detained in Georgia is Delayed](#) (*New York Times*). Mr. Kuck commented on where the South Korean detainees were being held at the ICE processing center in Folkston, Georgia. He said the private prison is unclean, poorly run, and unpleasant to be in. "It is jail," he said.
- [Lawyer Says Many Immigrants Detained at Hyundai U.S. Facility Appeared to be Working Illegally](#) (*Reuters*). Mr. Kuck said the workers he represents were legally allowed to engage in specific work that was outlined in letters attached to their applications, including installing and calibrating battery equipment. "It was more detailed than some of the letters that I've written for clients in similar situations," he said. "The vast majority of folks, including the ones I represent, should never have been detained." He said that in addition to South Korean workers, he was also representing two Mexicans with valid work permits through the Deferred Action for Childhood Arrivals program and a Colombian asylum seeker with a valid work permit. "They just arrested everyone who wasn't a citizen or a resident and figured they would sort it out later," he

said.

- [Metro Atlanta Korean-Americans Respond to Immigration Raid in Southeast Georgia](#) (*Atlanta News First*). He said many of the workers were engineers and installers who would have been gone in a few months.
- [South Korea Says a Charter Plane Carrying South Korean Workers Will Leave Atlanta at Thursday Noon](#) (*11 Alive*). He said that no company in the United States makes the machines used in the Georgia battery plant, so the workers had to come from abroad to install or repair equipment on site—work that would take about three to five years to train someone in the United States to do.
- [Flight Repatriating South Koreans Detained by U.S. Immigration Authorities Departs Atlanta](#) (*YouTube/CNN*).
- [South Korean Workers Detained in Immigration Raid Leave Atlanta and Head Home](#) (*YouTube/WBNS 10TV*).
- [South Korean Detainees Ready to Leave U.S., Despite Pres. Trump Seeking Ways to Let Them Stay](#) (*YouTube/Arirang News*).
- [After Georgia Hyundai ICE Raid, Asians Say Fear Exists in Community](#) (*YouTube/11 Alive*).
- [Immigration Attorney Representing Workers Detained in Hyundai Raid Speaks Out](#) (*MSNBC*).
- [Attorney Says Detained Korean Hyundai Workers Had Special Skills for Short-Term Jobs](#) (*Politico*).

**Cyrus Mehta** and **Kaitlyn Box** co-authored several new blog posts: [Trump's Reshaping of the H-1B Visa in the Manner He Chooses is Further Demonstration of Authoritarianism](#) and [BIA Grasps for Loper Bright Like a Drowning Person Grasps for Straws](#).

**Mr. Mehta** was quoted by *Newsweek* in [Trump's H1-B Visa Move Sparks Alarm for Thousands of U.S. Businesses](#). He said, "The \$100,000 supplemental fee [for new H-1B applications] will completely eviscerate the H-1B program, and it would just impede and discourage employers from hiring H-1B workers." He noted that the combination of the fee and the Trump administration's proposal to weight selection by salary "would be a total disincentive for graduates to get hired in the U.S." He also pointed to the chaos immediately following the proclamation: "A lot of people tried to rush back to the U.S. ... and that was completely unwarranted. We also heard about H-1B workers who were on a flight leaving the U.S. ... they came out of the flight ... after hearing the news in the cabin itself." Mr. Mehta also echoed frustrations about the lack of guidance. He said attorneys have been inundated with client questions but cannot provide definitive answers: "It was done so incompetently that there was no clarity at all. We are getting all kinds of tricky questions, and it's very hard to give advice with certainty." He added, "I just don't see how an employer would be willing to hire a grad and pay the \$100,000 filing fee."

Regarding Friday's Presidential Proclamation on H-1B entry restrictions and fee, **Mr. Mehta** was quoted in [this Forbes article](#), [this Times of India article](#) on the relief to H-1B workers, and this separate [Times of India article](#) about the prohibitive fee.

**Mr. Mehta** was quoted in this *Times of India* article: [BIA Ruling Ends Bond for Illegal Entrants in US – But Overstays and Laid Off H-1Bs Still Eligible](#), as well as [this Law360 article](#).

**Angelo Paparelli**, of **Seyfarth Shaw LLP**, was quoted by *Newsweek* in [Trump's H1-B Visa Move Sparks Alarm for Thousands of U.S. Businesses](#). He said, "This proclamation lacks the factual predicate ... justifying the determination that the H-1B entry ban is in the national interest." He noted that the Trump administration's proposal "does not say how the \$100,000 fee will be paid, where the \$100,000 fee will be deposited and how it will be spent." Mr. Paparelli also highlighted practical concerns, such as how employers could make such large payments especially given that U.S. Citizenship and Immigration

Services no longer accepts paper checks. "Most credit cards have limits that are far less than the \$100,000 fee," he noted. Mr. Paparelli predicted that if the measure survives in court, it "would have major adverse impacts on the H-1B program, and force U.S. employers to consider recruiting fewer noncitizens here or seek more welcoming immigration options in other countries." He added, "The September 19, 2025, proclamation equates layoffs with abuse—a false conflation."

**Stephen Yale-Loehr**, of **Miller Mayer, LLP**, was quoted by *America's Voice* in [Bad Bunny Hops Over U.S. on World Tour, Cites ICE Fears](#). In a [quote from The Hill](#) that was included in this article, he said, "Hosting global events is more than a point of pride—it's a test of openness, security and competence. A successful World Cup and Olympics would show the world that the U.S. remains dynamic, open and capable. But if fear and red tape define the visitor experience, we would send another message entirely: America isn't worth the trouble."

**Mr. Yale-Loehr** was quoted by *Newsday* in [ICE Arrests: What's the Agency's Legal Burden for Making Them?](#) He noted that by more widely applying a law dating to the Clinton era, the Trump administration can quickly deport an immigrant who has been in the United States for less than two years "rather than having to wait to go through the clogged immigration court system."

**Mr. Yale-Loehr** authored an op-ed published by *Slate*: [Trump's Invisible Border Wall](#).

## Government Agency Links

*Follow these links to access current processing times of the USCIS Service Centers and the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:*

**USCIS case processing times online:** <https://egov.uscis.gov/processing-times/>

**Department of State Visa Bulletin:** <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>

[Back to Top](#)

## About ABIL

*The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 400 member lawyers and their more than 1,000 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL's work also includes advocating for enlightened immigration reform, providing speakers and media sources, presenting at conferences, publishing books and articles on cutting-edge immigration topics, and sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.*

*The Alliance of Business Immigration Lawyers' website is at <https://www.abil.com/>.*

### Disclaimer/Reminder

*This email does not constitute direct legal advice and is for informational purposes only. The information provided should never replace informed counsel when specific immigration-related guidance is needed.*

*Copyright © 2025 Alliance of Business Immigration Lawyers. All rights reserved.*

[Back to Top](#)