

## IMMIGRATION INSIDER

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[\*\*DOS Issues Updated Diversity Visa Guidance\*\*](#) – The Department of State (DOS) released updated guidance on diversity visa issuance. The guidance notes that effective immediately, DOS has paused all visa issuances to diversity immigrant visa applicants. Applicants may still submit applications and attend interviews.

[\*\*District Court Rules Against Plaintiffs in \\$100,000 H-1B Fee Lawsuit\*\*](#) – In *Chamber of Commerce v. Department of Homeland Security*, a federal district court [ruled](#) in favor of the Department of Homeland Security, finding that imposition of a \$100,000 fee for new H-1B applications and related actions were legal under a Presidential Proclamation.

[\*\*DHS Finalizes H-1B 'Weighted Selection' Rule Without Changes\*\*](#) – Under the new process, instead of a random lottery, registrations for unique beneficiaries or petitions will be assigned to the relevant Occupational Employment and Wage Statistics wage level and entered into the selection pool on a weighted basis according to those levels.

[\*\*Multiple States Support Plaintiffs in Amicus Brief Against New \\$100,000 H-1B Fee\*\*](#) – The brief asks the judge to temporarily block a new Trump administration policy to charge new H-1B nonimmigrant visa applicants a \$100,000 fee. Among other things, the states and other plaintiffs argue that the fee would exclude nonprofits and schools that are unable to afford hiring qualified H-1B workers.

[\*\*Trump Administration Plans to Build Seven Large Deportation Facilities Across United States\*\*](#) – The Trump administration plans to seek contractors to build seven large detention centers, including converted warehouses, to hold 5,000 to 10,000 detainees each, for a total of more than 80,000 detainees across the United States. Sixteen smaller processing facilities will hold up to 1,500 people each.

[\*\*European Leaders Denounce U.S. Travel Sanctions Attributed to 'Censorship'\*\*](#) – European leaders were quick to denounce the Trump administration's imposition of visa bans on five officials and activists who Secretary of State Marco Rubio said "have led organized efforts to coerce American platforms to censor, demonetize, and suppress American viewpoints they oppose."

[\*\*President Expands Full and Partial Travel Ban List\*\*](#) – President Trump issued a Presidential Proclamation expanding travel restrictions. The new proclamation applies to individuals who are outside of the United States as of January 1, 2026, and do not have a valid visa.

[\*\*President Suspends Diversity Visa Program After Shootings\*\*](#) – President Trump suspended the Diversity Immigrant Visa Program (green card lottery) following shootings at Brown University and of a Massachusetts Institute of Technology professor by a Portuguese national who immigrated to the United States in 2017 under that program.

[\*\*USCIS Clarifies Requirements for Professional Athletes as World Cup and Olympics Events Loom\*\*](#) – As the United States prepares for upcoming World Cup and Olympics events in 2025, U.S. Citizenship and Immigration Services announced new policy guidance to address the Department of Labor's adoption of the Foreign Labor Application Gateway system and its effect on certain immigrant visa petitions filed on behalf of professional athletes.

[\*\*Holiday Travel Alert: Visa Appointments Disrupted; Revocation Trends\*\*](#) – Recent developments affecting H-1B and H-4 travelers and visa holders, and others, this winter include visa appointment disruptions tied to expanded screening and an increase in visa revocation notices reportedly linked to prior arrest history.

[\*\*USCIS Limits Age and Type of Photos for Many Applications\*\*](#) – U.S. Citizenship and Immigration Services announced new guidance, effective immediately, limiting the age of foreign nationals' photos that can be used to create immigration documents to a maximum of three years, with many exceptions. Certain forms will require a new photo, along with new biometrics, regardless of when an applicant's or petitioner's last photograph was taken.

[\*\*DOS Updates Instructions for Nonimmigrant and Immigrant Visa Applicants Scheduling Interviews\*\*](#) – The Department of State announced that it has updated its instructions for all nonimmigrant and immigrant visa applicants scheduling visa interview appointments.

[\*\*DHS Announces Termination of TPS Designation for Ethiopia\*\*](#) – The Department of Homeland Security is terminating the Temporary Protected Status designation for Ethiopia.

[\*\*USCIS Posts New Form for 'Gold Card' Immigrant Petition; 'Platinum Card' Coming Soon\*\*](#) – U.S. Citizenship and Immigration Services has posted a new form for the "Trump Gold Card" immigrant visa program. The program requires a minimum "contribution" of \$1 million along with a hefty fee. The Trump administration also announced a "Trump Platinum Card," coming soon, for which foreign nationals can join a waiting list.

[\*\*DHS Terminates Family Reunification Parole Programs\*\*](#) – The Department of Homeland Security (DHS) is terminating all categorical family reunification parole programs for people from Colombia, Cuba, Ecuador, El Salvador, Guatemala, Haiti, and Honduras, and their immediate family members. DHS said it "is returning parole to a case-by-case basis."

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## OFLC Reminds Stakeholders of H-2B Filing Timeline for 2026 Peak Filing Season

On December 29, 2025, the Department of Labor's Office of Foreign Labor Certification (OFLC) [reminded employers](#) and other interested stakeholders that the filing window to submit an H-2B Application for Temporary Employment Certification (Form ETA-9142B and appendices) requesting work start dates of April 1, 2026, or later, opened on January 1, 2026. H-2B applications requesting an April 1, 2026, work start date will be denied if they were filed before that date.

OFLC will randomly order for processing all H-2B applications requesting a work start date of April 1, 2026, that were filed during the initial three calendar days (January 1-3, 2026) using the [randomization procedures](#) published in the Federal Register on March 4, 2019.

If OFLC identifies multiple applications that appear to have been filed for the same job opportunity, OFLC will issue a Notice of Deficiency. If multiple filings were submitted during the three-day filing window, all applications will receive a Notice of Deficiency requesting that the employer demonstrate that the job opportunities are not the same. Employers that fail to establish a bona fide need for each application will receive a non-acceptance denial for each application.

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## DOS Issues Updated Diversity Visa Guidance

On December 23, 2025, the Department of State (DOS) released updated [guidance](#) on diversity visa (DV) issuance. The guidance notes that effective immediately, DOS has paused all visa issuances to diversity immigrant visa applicants.

DV applicants may submit visa applications and attend interviews, and DOS will continue to schedule applicants for appointments, but no DVs will be issued. Existing DV appointments generally will not be rescheduled or canceled, DOS said. No diversity or other visas have been revoked as part of this guidance.

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### **District Court Rules Against Plaintiffs in \$100,000 H-1B Fee Lawsuit**

In *Chamber of Commerce v. Department of Homeland Security*, a district court has [ruled](#) in favor of the Department of Homeland Security (DHS), finding that imposition of a \$100,000 fee for new H-1B applications and related actions were legal under a Presidential Proclamation. "Defendants have the stronger position," U.S. District Judge Beryl Howell said. "The lawfulness of the Proclamation and its implementation rests on a straightforward reading of congressional statutes giving the President broad authority to regulate entry into the United States for immigrants and nonimmigrants alike."

Judge Howell noted, "To be clear, this decision in favor of defendants is not to dismiss or discount the past and ongoing contributions of H-1B workers to the American economy that plaintiffs highlight. Important as those contributions may be, the effects of the H-1B program on the American economy or national security, whether positive or negative, are simply not at issue in this case. The Supreme Court has long maintained that matters of economic and foreign policy are generally entrusted to the political branches of government and 'rarely proper subjects for judicial intervention.' "

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### **DHS Finalizes H-1B 'Weighted Selection' Rule Without Changes**

On December 23, 2025, the Department of Homeland Security (DHS) [announced](#) a [final rule](#) implementing a weighted selection process that generally favors the allocation of H-1B visas to those who are, in the administration's view, "higher-skilled and higher-paid." The rule governs the process by which U.S. Citizenship and Immigration Services (USCIS) selects H-1B registrations for unique beneficiaries for filing of H-1B cap-subject petitions (or H-1B petitions for any year in which the registration requirement is suspended). DHS received 17,000 comments and made no changes from the proposed rule. Court challenges are [expected to follow](#).

Under the new process, instead of a random lottery, registrations for unique beneficiaries or petitions will be assigned to the relevant Occupational Employment and Wage Statistics wage level and entered into the selection pool as follows: (1) registrations for unique beneficiaries or petitions assigned wage level IV will be entered into the selection pool four times; (2) those assigned wage level III will be entered into the selection pool three times; (3) those assigned wage level II would be entered into the selection pool two times; and (4) those assigned wage level I will be entered into the selection pool one time. Each unique beneficiary will 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, DHS said. The new final rule is expected to make it [significantly less likely](#) that companies will hire international students when they graduate from U.S. universities.

The final rule, to be published on December 29, 2025, is effective February 27, 2026, and will be in place for the Fiscal Year 2027 H-1B cap registration season.

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## Multiple States Support Plaintiffs in Amicus Brief Against New \$100,000 H-1B Fee

According to [reports](#), multiple states joined an amicus brief supporting plaintiffs in *Global Nurse Force v. Trump*, filed in the Northern District of California. The brief asks the judge to temporarily block a new Trump administration policy to charge new H-1B nonimmigrant visa applicants a \$100,000 fee. Among other things, the states and other plaintiffs argue that the fee would exclude from hiring qualified H-1B workers nonprofits and schools that are unable to afford it.

The amicus brief includes the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Wisconsin.

Another court has [upheld the fee](#).

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## Trump Administration Plans to Build Seven Large Deportation Facilities Across United States

According to [reports](#), the Trump administration plans to seek contractors to build seven large detention centers, including converted warehouses, to hold 5,000 to 10,000 detainees each, for a total of more than 80,000 detainees across the United States. Sixteen smaller processing facilities will hold up to 1,500 people each.

The larger facilities will be in Arizona, Georgia, Louisiana, Missouri, Texas, and Virginia. The smaller facilities will be in Georgia, Florida, Indiana, Louisiana, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Texas, and Utah.

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## European Leaders Denounce U.S. Travel Sanctions Attributed to 'Censorship'

According to [reports](#), European leaders were quick to denounce the Trump administration's imposition of visa bans on [five officials and activists](#) who Secretary of State Marco Rubio said "have led organized efforts to coerce American platforms to censor, demonetize, and suppress American viewpoints they oppose."

French president Emmanuel Macron said the ban was "intimidation and coercion aimed at undermining European digital sovereignty." European Council President António Costa said that "such measures are unacceptable between allies, partners, and friends," and the European Commission said that "if needed, we will respond swiftly and decisively to defend our regulatory autonomy against unjustified measures."

One of the targeted officials, former European Union (EU) commissioner Thierry Breton, is considered a [mastermind](#) of the EU's landmark [Digital Services Act](#) (DSA). "Is McCarthy's witch hunt back? As a reminder: 90% of the European Parliament—our democratically elected body—and all 27 Member States unanimously voted [for] the DSA. To our American friends: 'Censorship isn't where you think it is,' " Mr. Breton [said on X](#).

Another target is Imran Ahmed, founder and chief executive officer of the [Center for Countering Digital Hate](#). Mr. Ahmed, a U.S. permanent resident and British national, filed a lawsuit against Trump administration officials, resulting in a restraining order from a federal judge temporarily forbidding the administration from arresting or detaining Mr. Ahmed before his case can be heard. "I will not be bullied away from my life's work of fighting to keep children safe from social media's harm and stopping

antisemitism online," he [said](#).

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## President Expands Full and Partial Travel Ban List

On December 16, 2025, President Trump issued a [Presidential Proclamation](#) expanding travel restrictions [announced earlier this year](#). The new proclamation applies to individuals who are outside of the United States as of January 1, 2026, and do not have a valid visa. Below are highlights.

### Full Ban

Added to the original list of countries named in the earlier ban (Afghanistan, Burma, Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen) are the new countries under the "full" ban (Burkina Faso, Laos, Mali, Niger, Sierra Leone, South Sudan, and Syria) and individuals holding Palestinian Authority-issued or endorsed travel documents.

### Partial Restrictions

The proclamation also continues "partial" restrictions for immigrants (green card applicants) and nonimmigrants (temporary visa applicants) in the visitor/tourist category (B-1, B-2, B-1/B-2), student categories (F and M), and exchange visitor category (J) for several countries (Burundi, Cuba, Togo, Venezuela, and Turkmenistan (nonimmigrant Turkmenistan nationals on B-1, B-2, B-1/B-2, F, M, and J visas no longer face any travel restrictions, but entry to the United States of Turkmenistan nationals as immigrants remains suspended).

New countries with "partial" restrictions (suspension of entry into the United States of immigrants and nonimmigrants in the B-1, B-2, B-1/B-2, F, M, and J classifications) include Angola, Antigua and Barbuda, Benin, Cote d'Ivoire, Dominica, Gabon, The Gambia, Malawi, Mauritania, Nigeria, Senegal, Tanzania, Tonga, Zambia, and Zimbabwe.

### Both Full and Partial

Countries on both the "full" and "partial" suspension lists will be periodically reviewed every 180 days under the terms of the Proclamation to determine if any of the suspensions or limitations imposed should be continued, terminated, modified, or supplemented. Employers sponsoring individuals from these countries, and visa applicants from these countries, should closely monitor changes in federal immigration policy that may allow for future changes to their U.S. visa and entry eligibility.

### Exceptions

Significant exceptions to these travel restrictions include:

1. Lawful permanent residents of the United States (existing green card holders);
2. Existing nonimmigrant (temporary) visa holders;
3. Dual nationals of a designated country traveling on a passport of a non-designated country (for example, a dual national of the United Kingdom and Chad may be able to travel using their UK passport);
4. Diplomats holding A/G/NATO visas;
5. Athletes or members of an athletic team (including coaches and immediate relatives) traveling

for the World Cup, Olympics, or other major sporting events designated by the Secretary of State;

6. Special Immigrant Visa (SIV) holders (no longer including Afghan SIV holders);
7. Ethnic and religious minorities in Iran;
8. Individuals granted asylum;
9. Individuals whose entry is determined to be in the national interest involving the Department of Justice as determined by the Attorney General;
10. Individuals whose entry serves the U.S. national interest as determined by the Secretary of State; and
11. Individuals whose entry is determined to be in the national interest involving the Secretary of Homeland Security.

As noted above, the proclamation no longer includes exceptions for Afghans who qualify for the SIV program. Additionally, the proclamation removes exceptions previously in the June travel ban for individuals with family-based immigrant visas and adoption visas. National Interest Exceptions may also be possible, although the Department of State has not released an implementation policy.

[Practitioners advise](#) those affected by this proclamation who are presently outside of the United States to consider making plans to return immediately. See also the related [White House fact sheet](#).

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### [President Suspends Diversity Visa Program After Shootings](#)

On December 18, 2025, President Trump [suspended](#) the [Diversity Immigrant Visa Program](#), sometimes called the "green card lottery," [following shootings](#) at Brown University and of a Massachusetts Institute of Technology professor by a Portuguese national who immigrated to the United States in 2017 under that program and obtained legal permanent residence (previously, he had been in the United States on a student visa but left school).

"At President Trump's direction, I am immediately directing [U.S. Citizenship and Immigration Services] to pause the DV1 program to ensure no more Americans are harmed by this disastrous program," Secretary of Homeland Security Kristi Noem said in a [post on X](#).

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### [USCIS Clarifies Requirements for Professional Athletes as World Cup and Olympics Events Loom](#)

On December 18, 2025, as the United States prepares for upcoming World Cup and Olympics events in 2025, U.S. Citizenship and Immigration Services (USCIS) [announced](#) new [policy guidance](#) to address the Department of Labor's (DOL) adoption of the [Foreign Labor Application Gateway \(FLAG\) system](#) and its effect on certain immigrant visa petitions filed on behalf of professional athletes.

The guidance:

- Provides an overview of the FLAG system and describes the new labor certification-related documentation that must be submitted with the Form I-140 (Immigrant Petition for Alien Workers);
- Explains that labor certifications for professional athletes that were filed using the FLAG system no longer contain the minimum job requirements for the offered position; and
- Clarifies that if an immigrant petition for a professional athlete contains a labor certification obtained through the FLAG system, USCIS may issue a request for evidence to obtain the minimum job requirements if that information is not contained in the supporting documentation submitted with the Form I-140.

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### **Holiday Travel Alert: Visa Appointments Disrupted; Revocation Trends**

The Alliance of Business Immigration Lawyers (ABIL) is [alerting clients](#) about recent developments affecting H-1B and H-4 travelers and visa holders, and others, this winter: visa appointment disruptions tied to expanded screening and an increase in visa revocation notices reportedly linked to prior arrest history.

For example, attorneys have received reports that many H-1B and H-4 visa appointments scheduled in India for December 2025 have been canceled. Applicants are receiving notices that their appointments are being rescheduled for February and March 2026 instead. So far, these reports come from U.S. consulates in Hyderabad and Chennai; further cancellations and reschedulings are anticipated at other posts in India and elsewhere. Affected H-1B visa applicants and their dependents should anticipate rescheduling delays due to lengthy online presence checks and any potential security-related indicators and plan their future travel accordingly.

Attorneys also have received reports that the Department of State has initiated visa revocation actions for some H-1B visa holders based on prior arrest history, including arrests that occurred years ago (some reports reach back to 2017). Visa revocations do not necessarily impact lawful status in the United States but are a serious concern.

Visa holders in the United States may want to consider postponing international travel or delaying departure until the consulate has confirmed that a visa appointment has not been rescheduled. For case-specific guidance on travel planning, stamping strategy, rescheduling visa appointments, or responding to a revocation notice, contact your [ABIL attorney](#).

### **USCIS Limits Age and Type of Photos for Many Applications**

On December 12, 2025, U.S. Citizenship and Immigration Services (USCIS) [announced new guidance](#), effective immediately, limiting the age of foreign nationals' photos that can be used to create immigration documents to a maximum of three years, with many exceptions. Certain forms will require a new photo, along with new biometrics, "regardless of when an applicant's or petitioner's last photograph was taken," including applications to replace permanent resident cards and to register permanent residence or adjust status, and applications for naturalization and certificates of citizenship.

Additionally, USCIS said, "self-submitted photos will no longer be accepted. Only photos taken by USCIS or other authorized entities will be used." USCIS also said that it "has the discretion to require a new photograph from requestors in lieu of reusing an existing photograph."

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## **DOS Updates Instructions for Nonimmigrant and Immigrant Visa Applicants Scheduling Interviews**

On December 12, 2025, the Department of State (DOS) announced that it has updated its instructions for all nonimmigrant and immigrant visa applicants scheduling visa interview appointments.

### **Nonimmigrant Visas**

- Applicants for U.S. nonimmigrant visas should schedule their visa interview appointments at the U.S. embassy or consulate in their country of nationality or residence.
- Nationals of countries where the U.S. government is not conducting routine nonimmigrant visa operations must apply at the designated embassy or consulate, unless their residence is elsewhere.

### **Immigrant Visas**

- Immigrant visa applicants must interview in the consular district designated for their place of residence or in their country of nationality if requested, with limited exceptions.
- Residents of countries where routine visa operations are suspended or paused should apply at their designated immigrant visa processing post, unless the applicant is a national of another country with ongoing operations.

The announcements include a list of designated processing posts for applications.

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## **DHS Announces Termination of TPS Designation for Ethiopia**

On December 12, 2025, the Department of Homeland Security (DHS) announced that it is terminating the Temporary Protected Status (TPS) designation for Ethiopia.

DHS said that Ethiopian nationals with no other lawful basis for remaining in the United States have 60 days to voluntarily depart the United States. After February 13, 2026, DHS "may arrest and deport any Ethiopian national without status after their TPS has been terminated." DHS said it encourages them to use U.S. Customs and Border Protection's CBP Home Mobile App to report their departure and "self-deport" from the United States. Use of the app "includes a complimentary plane ticket, a \$1,000 exit bonus, and potential future opportunities for legal immigration," DHS said.

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## **USCIS Posts New Form for 'Gold Card' Immigrant Petition; 'Platinum Card' Coming Soon**

U.S. Citizenship and Immigration Services (USCIS) has posted a new form for the "Trump Gold Card" immigrant visa program, Form I-140G, Immigrant Petition for the Gold Card Program. The program requires a minimum "contribution" of \$1 million along with a hefty application fee. Applicants may only file the form after they have registered their information on trumpcard.gov and received confirmation that their submission was accepted. USCIS will contact the applicant when it is time to create or log in to their USCIS online account to file the form.

The form, dated 11/19/2025, was created under "[The Gold Card](#)," [Executive Order 14351](#). The fee for Form I-140G is \$15,000 per person (principal beneficiary, spouse, or child(ren), as applicable). Additional Department of State (DOS) "small fees" [may apply](#) "depending on the applicant." For a corporation or similar entity filing on behalf of an individual, the required "gift" to the United States is \$2 million for the principal beneficiary, and \$1 million per person for any accompanying spouse or children listed on the petition, in addition to the fee(s).

The Trump administration also announced a "[Trump Platinum Card](#)," coming soon, for which foreign nationals can join a waiting list. When launched, and upon receipt of a \$15,000 processing fee and a \$5 million contribution, applicants will have the ability to spend up to 270 days in the United States without being subject to U.S. taxes on non-U.S. income. Additional DOS "small fees" may apply "depending on the applicant." Those "who have ever been subject to U.S. tax on non-U.S. income (e.g., U.S. citizens and resident aliens) are not eligible to apply for the Trump Platinum Card."

It is unclear how long processing will take. The [website states](#), "Once an applicant's processing fee and application are received, the process should take weeks. The applicant will need to attend a visa interview and submit any additional documents in a timely manner." However, practitioners [expressed concerns](#) that it could take years in some cases.

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## [DHS Terminates Family Reunification Parole Programs](#)

On December 12, 2025, the Department of Homeland Security (DHS) [announced](#) that it is [terminating](#) all categorical family reunification parole (FRP) programs for people from Colombia, Cuba, Ecuador, El Salvador, Guatemala, Haiti, and Honduras, and their immediate family members. DHS said it "is returning parole to a case-by-case basis."

If a person was paroled in the United States under the FRP programs and their parole has not yet expired by January 14, 2026, it will terminate on that date unless the person has a pending application to register permanent residence or adjust status that was postmarked or electronically filed by December 15, 2025, and is still pending on January 14, 2026. If the person with parole has a pending Form I-485, the parole will remain valid until either the period of parole expires or DHS makes a final decision on their pending Form I-485, whichever is sooner. If DHS denies their Form I-485, "their period of parole will be terminated, and they should depart the United States immediately."

DHS said that when it terminates a person's period of parole under the FRP programs, it also will revoke their employment authorization based on that parole. The agency said it will notify each person individually that DHS is terminating their parole period and revoking their employment authorization.

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## [New Publications and Items of Interest](#)

[USCIS end-of-year summary](#). U.S. Citizenship and Immigration Services released its [end-of-year review](#).

[Client flyer on \\$100,000 Fee for New H-1B Workers](#). The American Immigration Lawyers Association has released a [client flyer](#) on the Presidential Proclamation requiring a \$100,000 fee for new H-1B workers. The flyer is available as a generic PDF version as well as a Word version that can be customized with the attorney's firm information.

[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 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](#)

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## ABIL Member/Firm News

**Vic Goel** was quoted by *Forbes* in [DHS Finalizes Controversial Immigration Rule on H-1B Lottery](#). He said, "The Department of Labor's [DOL] [Occupational Employment and Wage Statistics] wage levels are designed as a job classification tool that reflects the amount of experience, supervision and responsibility required for a position, not an assessment of whether the worker is 'highly skilled' or 'less skilled.' A Level I role is simply an entry-level version of the occupation, while Level IV is a senior-level position requiring greater judgment and independence." Mr. Goel said he disagrees with the central premise of the rule: that higher wage levels in the DOL system equate to higher skill and greater economic value. "[U.S. Citizenship and Immigration Services] used its framing to justify weighting the lottery in favor of Level III and IV beneficiaries. Wage levels don't correspond to skill in the way USCIS suggests, and instead they correspond to how DOL has structured job progression for prevailing wage purposes." He said that the two systems are incompatible because the DOL wage levels focus only on making sure an employer's pay for foreign nationals is fair relative to the job requirements. "USCIS lottery weighting attempts to twist those same levels into a proxy for 'skill' and 'best and brightest,' " he said.

**Cyrus Mehta** appeared on a [CNBC program](#) about the new H-1B wage prioritization rule and the \$100,000 fee. The program was broadcast in India nationally and released on YouTube.

**Mr. Mehta** authored a new blog post: [2025 in Perspective Through the Insightful Immigration Blog](#).

**Mr. Mehta** and **Kaitlyn Box** co-authored several new blog posts: [Another Round of Country Bans Driven by Presidential Animus](#) and [Deferred Action for Special Immigrant Juveniles Survives Trump's Attempts to Eliminate It](#).

**Mr. Mehta** was quoted by the *Times of India* in ['Fits the Pattern': Former Immigration Official Says Trump Could Permanently End Green Card Program as Lottery Stops](#). The article quoted Mr. Mehta's "[X](#)" post: "One person's bad actions should not be used to shut down the entire Diversity Visa program that is mandated by Congress. The Brown University shootings were not as a result of the visa program but based on the motivations of an individual. The President has in the past unfortunately attacked the DV program because it brings people from 'shithole' countries to the U.S. The alleged killer in this case is from Portugal, which hardly qualifies from among the countries that Trump has denigrated. The administration should not be using these unfortunate killings as a pretext to shut down immigration programs it disfavors."

**Mr. Mehta** was quoted by the *Economic Times* in [A Million-Dollar Gold Card, Yet the Same Long Wait for Indians Eyeing American Shores](#). Commenting on the long waits people born in India will face if they

apply for the Gold Card, he said, "If you are born in India, beware of Trump's Gold Card, as you will be stuck in the India EB-1 or EB-2 backlogs for years and even decades after you have shelled out \$1 million or more and won't see your green card for a very long time or never."

**Mr. Mehta** was quoted by the *Times of India* in [U.S. to Scan Social Media of all H-1B, H-4 Visa Applicants From December 15](#). Commenting on the new social media vetting policy for H-1Bs, he said, "The policy to punish H-1B holders who have been involved in censorship in the tech sector appears to be hypocritical. The Trump administration will deny a visa benefit if you (say as an executive in a social media company) have censored a person or viewpoint they favour – however politically incorrect, hurtful or obnoxious it may be. On the other hand, the Trump administration will have no compunctions to punish you if you have expressed views that they disfavor such as views perceived to be anti-Americanism even if it is protected under the First Amendment."

**Stephen Yale-Loehr**, of **Miller Mayer, LLP**, was quoted by *Law360* in [The Legal Fights Set to Define Access to Justice in 2026](#). He said that although the Supreme Court has largely deferred to President Trump on most immigration issues, the birthright citizenship case might present an opportunity to distance itself from his administration's policies. "The court wants at least one case, I think, to show that it does have some independence from President Trump by ruling against him. I think this is an example of such a case," he said.

**Mr. Yale-Loehr** was quoted by the *New York Times* in [Trump Administration Pauses Diversity Immigration Program After Brown Shooting](#). He noted that the program was created by Congress and presidents "cannot unilaterally negate or terminate an immigration program." He said that although the Trump administration was likely to argue that the president could [bar the entry of any foreign national who posed a national security risk](#), the courts would have to decide whether that authority allowed the president to suspend the diversity visa program entirely. "This is another example of the Trump administration acting first and letting the courts figure out the legality later," he said.

**Mr. Yale-Loehr** was quoted by *Smart Cities Dive* in [Illinois Law Tightens State Limits on Federal Immigration Enforcement](#). He said that "the dividing line between federal and state regulation of immigration has always been murky," but "federal law has generally trumped state efforts to regulate immigration because courts have ruled that immigration touches on sovereignty and foreign relations."

**Mr. Yale-Loehr** was quoted by *MarketWatch* in [Trump's \\$1 Million 'Gold Card' Immigration Program is Close to Launching. Here's What's Ahead](#).

**Mr. Yale-Loehr** and four other Cornell Law experts will present a free webinar on Thursday, January 8, 2026, from 1 to 2 p.m. ET on how immigration law and policy changed in 2025 and what we might expect in 2026. If you can't make the live webinar, you can register to get the link to view the webinar afterwards. More information and registration is here:

<https://ecornell.cornell.edu/keynotes/overview/K010826a/>

## 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>

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## 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/>.*

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