Aires seeks to keep its clients updated on the evolving landscape of US immigration policy, specifically those policy announcements that may be impactful to corporate mobility professionals.

August 18, 2025

**DHS Prepares Major Overhaul of H-1B Visa Selection Process**

A significant change to how skilled foreign workers are selected for H-1B visas is one step closer to becoming reality.

The proposed rule, which would replace the current randomized lottery with a merit-based selection system, has completed federal review after three weeks of evaluation by the Office of Management and Budget.

The new system would potentially prioritize H-1B applicants based on factors such as salary offers and educational credentials rather than random chance.

The proposal bears resemblance to a January 2021 Trump-era regulation that would have distributed H-1B visas according to salary levels, starting with the highest-paid positions. That earlier attempt was halted during the Biden administration's first days and later struck down by a federal court.

The H-1B program, which grants 85,000 visas annually to foreign professionals in specialty occupations, has long faced criticism from various stakeholders who argue the cap is too restrictive.

Industry experts expect the Federal Register publication within weeks, which will trigger a public comment period before any final implementation. If enacted, the change could dramatically alter hiring strategies for thousands of U.S. employers who rely on foreign talent.

**DHS Moves Forward with Plan to Limit International Student and Scholar Stay Durations**

An immigration proposal that could fundamentally alter how long international students, scholars and foreign journalists can remain in the United States has cleared a key regulatory hurdle, government officials confirmed yesterday.

The Department of Homeland Security's plan to eliminate the longstanding "duration of status" policy has completed Office of Management and Budget review after five weeks of evaluation, signaling the rule is nearing public release.

Under current regulations, international students, exchange visitors and foreign media representatives can stay in America as long as they maintain their status and continue their approved activities. The proposed change would instead impose fixed end dates on their authorized stays.

The proposal mirrors a 2020 Trump-era initiative that was never finalized. The proposed regulation is expected to be published in the coming weeks, which will initiate a public comment period before any final implementation.

**Major Changes Coming to U.S. Visa Waiver Process in September 2025**

The State Department has just announced a significant rollback of their interview waiver program that will affect travelers of all ages starting in September.

Going forward, children must now attend in-person visa interviews - ending a decades-old exemption for children under 14. Seniors over 79, previously exempt, will also need to appear in person.

This change affects virtually all visa categories. Whether you're an investor, student, skilled worker, or cultural exchange participant (E, F, H, J, L, O visas), you'll need to schedule an in-person appointment.

Only limited exceptions remain. Some B-1/B-2 tourist/business visa renewals may qualify for waivers if you apply within a year of expiration, are an adult, apply in your home country, and have a clean visa history. Diplomatic visas also retain some exemptions.

Expect significant delays. Embassy appointment calendars will likely fill quickly, especially at busy locations. Families traveling with children should plan far ahead, as scheduling multiple interview slots will add complexity.

**New Visa Bond Program Launches Next Year**

The U.S. State Department is implementing a new visa security measure starting August 2025. This year-long pilot program will require certain B1/B2 visa applicants to post financial bonds to ensure they comply with visa conditions.

Travelers from countries with high overstay rates (initially Malawi and Zambia), places with inadequate security screening capabilities, or those who purchased citizenship without living in their passport country may need to provide bonds ranging from $5,000 to $15,000.

These bonds are determined individually with no possibility for waivers during the test period. The State Department will maintain a current list of affected countries online throughout the program.

This initiative aims to test whether financial stakes can effectively reduce visa violations and encourage visitors to depart the U.S. on schedule as required by their visa terms.

*June 6, 2025*

**Trump Administration’s New Travel Ban Impacts 19 Countries**

On Wednesday, President Trump signed a proclamation that imposes a full travel ban for nationals of twelve countries and a partial travel ban of nationals of seven additional countries. As of Monday, June 9, 2025, at 12:01am EDT, the ban will go into place and suspend immigrant and nonimmigrant visa entry for the twelve full travel ban countries and also immigrant visa entry and nonimmigrant visa entry in the B-1, B-2, F, M and J visa categories for the seven partial travel ban countries.

 The countries impacted are:

* Full Travel Ban: Afghanistan, Burma (Myanmar), Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen.
* Partial Travel Ban: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela.

There are several exceptions to falling under the ban, with the most notable being:

* Green card holders.
* Dual nationals traveling on a passport of a country that is not listed as one of the 19 countries on the travel ban list.
* Certain professional athletes.
* Diplomatic travel.
* Special Immigrant Visas.
* Adoption Cases.
* Immediate family reunification.
* Those advancing a national interest and determined by the US Attorney General’s office.
* It is expected that individuals who have a valid visa as of June 9 will be able to still use those valid visas for entry, but travel should be vetted on a case-by-case basis.

Note that individuals that are nationals of these countries but currently in the US validly, can remain in the US.

 As the ban develops and continues to be implemented, it is important to communicate the update to any potentially impacted travelers and discuss best strategies to mitigate risks with intended travel. It is also expected that clarifying information and guidelines will continue to be shared in the coming days.

**Student Visa Interviews Paused**

The Trump Administration has paused student visa interviews for new F-1, J-1, and M-1 visa holders while it creates a new policy for screening applicants’ social media profiles. No information has been provided by the State Department to comment on the duration of the interview pause.

Additionally, the Administration has also released plans to aggressively revoke visas of Chinese national students. And, potentially to restrict post-graduate employment authorization for international students. No further information has been released.

Finally, The Trump Administration has also issued a ban to visa issuance and entry of foreign nationals that are seeking to enter the United States in F, M or J status in order to attend Harvard University. This ban related to Harvard University is in effect immediately and expected to last six months initially.

**“Big, Beautiful Bill” Includes $150B in Immigration Enforcement Spending**

The One Big, Beautiful Bill Act has passed in the House and now heads to the Senate. The tax and spending bill does feature spending allocated to immigration enforcement, totaling $150 billion in funds. This includes money for the hiring of new immigration enforcement agents and money for the construction of a physical barrier along the U.S. southern border. The bill also features new fees on certain migrant asylum applications and humanitarian protections.

**Supreme Court Ruling Opens Opportunities for More Deportations**

A US Supreme Court decision has cleared the way for the Trump Administration to end protections for approximately 500,000 migrants from Cuba, Haiti, Nicaragua, and Venezuela. The protections were originally put in place via the Biden-era “CHNV Program.” This program had provided legal protections for migrants from Cuba, Haiti, Nicaragua, and Venezuela. The Supreme Court decision came in an emergency appeal by the Trump Administration to lift an injunction whereby a lower-court had paused the ability of the Trump Administration to end the status of protected migrants while an underlying lawsuit was litigated in the lower-court. In a separate case, the Supreme Court also has allowed the Administration to revoke temporary legal status for 350,000 Venezuelan migrants.

*April 9, 2025*

**REAL ID requirements approaching**

Reminder! Next month, starting May 7, REAL ID enforcement will commence. This means that travelers within the United States will need to obtain a REAL ID compliant driver’s license or ID card to be used for federal purposes, including boarding commercial flights.

REAL ID application procedures may vary by state.

**Students Have Visas Revoked and Could Face Deportation**

Almost 150 international students have been stripped of their right to remain in the US. Visas have been revoked due to protesting US policies, specifically regarding the Israel-Hamas war. There are also reports that some of the visas have been revoked due to criminal infractions, such as speeding tickets or DUIs. Students or employees on F-1 visas should have heightened awareness of potential status complications due to infractions or political speech.

US Secretary of State Marco Rubio said that he has revoked 300 visas, including students, visitors, and others. He cites foreign policy views or criminal activity as the reason for the revocation.

US residents with green cards are also at risk of being stripped of their status as a result of policy views, political statements or activity, or criminal charges.

**USCIS To Recognize Only Two Sexes on Immigration Forms**

USCIS announced it will no longer offer a third gender option alongside male and female on its forms. According to USCIS, “(the Agency) will only recognize two biological sexes – make and female.” The policy further cites President Trump’s Executive Order signed in January on this topic. Previously, applicants could mark an “X” gender on forms. Applicants could experience processing delays if they do not select genders that match with their government IDs.

**H-2B Cap Reached for FY 2025**

USCIS announced it reached the H-1B cap for the second half of FY 2025. Now, filing dates for supplemental H-2B visas, can be granted through a temporary license.

H-2Bs are used by companies and staffing companies that utilize seasonal or short-term labor.

*April 2, 2025*

**Romania Inclusion in the Visa Waiver Program Paused**

The US Department of Homeland Security (DHS) has paused the inclusion of Romania in the Visa Waiver Program (VWP), which was set to occur on or around March 31, 2025.

The pause is due to a review of the country’s adherence to security requirements associated with the Visa Waiver Program.

Until further notice, Romanian nationals will need to obtain a B-1/B-2 visa if they would like to travel to the US as a visitor.

**H-1B Cap Met for FY 2026**

USCIS announced on March 31, 2025, that it received enough H-1B registrations to meet the FY 2026 H-1B cap.

Those selected have been notified as of April 1, 2025. Selected registrants have 90 days to file their H-1B cap selected petition.

*March 26, 2025*

**Potential Travel Ban Memo leaked**

A memo considering travel restrictions for citizens over 40 countries was leaked. This confirms the potential of a new travel ban, as highly suspected since the inauguration of President Trump.

The memo lists countries in three different categories. The first group would include countries that would require a full visa suspension. The second group would consider countries that would face partial suspension and impact tourist and student visas. And the third group would involve suspension of visas after a 60-day grace period passed in which countries could implement changes to be removed from the list.

Altogether, 41 countries are listed with 10 countries in the first group, 5 in the second group, and 26 countries in the third group.

Those countries are:

Group 1: Afghanistan, Iran, Syria, Cuba, and North Korea, Somalia, Sudan, Syria, Venezuela, and Yemen

Group 2: Eritrea, Haiti, Laos, Myanmar, and South Sudan

Group 3: Angola, Antigua and Barbuda, Belarus, Benin, Bhutan, Burkina Faso, Cabo Verde, Cambodia, Cameroon, Chad, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Gambia, Liberia, Malawi, Mauritania, Pakistan, Republic of the Congo, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Sierra Leone, East Timor, Turkmenistan, and Vanuatu.

**Administration asks Supreme Court to Partly Allow Restrictions on Birthright Citizenship**

The Trump Administration petitioned the US Supreme Court to allow an Executive Order on birthright citizenship to partly take effect amidst legal challenges. The emergency petition argues that individual judges do not have the power to provide a nationwide effect to their district court rulings and that the rulings should only apply to the groups of people who have brought suit against the Executive Order. The Executive Order seeks to deny citizenship to those individuals born after February 19, 2025 whose parents are unlawfully present in the United States or in the US temporarily. It also forbids US departments and agencies from issuing documents or accepting state documents recognizing citizenship for the child.

After the Executive Order was signed, district courts in Maryland, Massachusetts, and Washington blocked the order and did so via a nationwide ban.

Employees being sponsored in the US could be impacted by this Executive Order if it ever went into effect because it would mean that any children born to temporary work permit holders would not obtain automatic US citizenship and would require immigration sponsorship via their working parent(s).

**IRS Nears Deal with ICE**

The IRS and ICE could soon have a deal whereby the IRS will be able to share confidential taxpayer information with ICE to help bolster any investigations being conducted by ICE to assess potential immigrants with illegal status in the US. Section 6103 of the federal tax code prohibits the IRS to share confidential taxpayer information, however exceptions may exist for law enforcement agencies utilizing information for investigative purposes.

*March 14, 2025*

**Registration Requirement Announced**

On March 12, DHS published an Interim Final Rule implementing the Alien Registration Requirement that was announced earlier in the year and associated with Executive Order 14159. The rule will take effect on April 11. Main requirements associated with the rule are:

* All foreign nationals 14 years of age or older who were not registered and fingerprinted when applying for a US visa and who remain in the US for 30 days or longer, must apply for registration and fingerprinting.
* Parents and legal guardians for foreign nationals below the age of 14 must ensure they are registered on behalf of such children.
* Within 30 days of reaching their 30th birthday, all previously registered foreign nationals must apply for re-registration and be fingerprinted.

A registration may be waived in very limited circumstances.

After a foreign national has registered and appeared for fingerprinting, evidence of such registration will be provided. Any foreign national over the age of 18 must carry and keep this evidence in their personal possession at all times.

Note, registration does not create an immigration status, establish employment authorization, or provide any other right or benefit under U.S. immigration law.

**Social Media Information to be Collected**

The Trump Administration will begin monitoring social media activity of immigrants attempting to enter the U.S. This is in connection to the executive order protecting the U.S. from terrorism and national security threats and carrying out that order by full vetting and screenings of those seeking entry to the U.S. This could extend to visa applications and corporate travelers seeking entry.

*February 26, 2025*

**US In-Person Visa Interview Policy Tightened**

The U.S. Department of State updated information last week that visa renewal rules pertaining to interview waivers would be shifted and restricted. In particular, the eligibility for the Visa Interview Waiver would be reduced from 48 months to 12 months. Additionally, even if the timing requirement is met then applicants must be renewing their visa in the same category to be eligible for the interview waiver. From a timing perspective, this means that an individual with a visa stamp expiration date more than 12 months past will now have to attend a visa interview, even if they were otherwise eligible for an interview waiver. Moving the timing requirement from 48 months to 12 months represents a fairly significant change.

These changes will undoubtedly impact popular visa categories, including H-1B and B1/B2, creating longer appointment wait times and more congestion at consulates abroad.

As a result, mobility professionals should carefully communicate visa waiver and stamp renewal protocols to foreign nationals working in the US and ensure that they are aware of the potential logistical challenges of securing appointments. Booking and attending appointments at the Consulate will add an additional layer to the visa renewal process, which could be challenging to manage in conjunction with international travel. It will also be important that mobility teams have a standard protocol for obtaining visa expiration dates and tracking/monitoring this and the 12-month grace period on behalf of the employee. Or, in the absence of that tracking mechanism for the employee, employers should clearly communicate the responsibility to the foreign national in their policies and updates.

**Trump Announces Creation of “Gold Card”**

This week, President Donald Trump announced a new visa program for investors – referenced as a “Gold Card.” Details of the plan are forthcoming, but President Trump in an interview with reporters said that the program would be available in the next couple of weeks.

The Gold Card would likely replace the current EB-5 program and is touted as requiring a $5 million USD investment in the US with such funds likely to be remitted directly to the US Government. It is not known what other requirements will exist, but items discussed in President Trump’s interview mentioned that it is not necessarily required that the individual has any other commitments from an investment standpoint (ie, job creating or business creating) other than making the payment.

During the Gold Visa announcement, President Trump also referred to a potential opportunity that US employers could pay the Gold Visa cost on behalf of employees. Details of this are currently unknown as of the creation of this bulletin.

It is worth noting that during the Gold Card announcement President Trump indicated a willingness to create additional pathways for employers to hire exceptional talent in the United States in an easier fashion than is currently available. This could lead to speculation for mobility professionals that there is some interest in maintaining or increasing employment-sponsored immigration levels.

**Migrant Protections Put into Place by Biden Administration to be Paused**
The Trump Administration has put a freeze in place for the following programs: Uniting for Ukraine, the Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) program, and a program for Colombians, Ecuadorians, Central Americans, Haitians, and Cubans who have U.S. citizen relatives and have filed a family-based green card.

These were Biden Administration policies and will remain paused until the U.S. reviews any alleged fraud and vetting policies.

**Acting Director of ICE Reassigned**
The current Acting Director of ICE, Caleb Vitello, has been reassigned and a replacement Director has yet to be named. Additionally, the Trump Administration selected Madison D. Sheahan to serve as the Deputy Director of ICE.

**IRS Agents Deputized**

DSH Secretary Kristi Noem has deputized IRS employees and DOJ employees to help in immigration enforcement efforts. This will provide more resources to the US Government to enforce compliance within different facets of US immigration, including corporate sponsored immigration visa types.