



# HR leaders' agenda

Top 10 2025 US  
immigration updates  
for HR leaders



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# Top 10 2025 US immigration updates for HR leaders

2025 saw significant changes to US immigration policy and procedures in the form of executive orders, presidential proclamations and regulatory amendments, among others. While some of the most impactful changes only began to take shape in the last few months of the year, many of them are already having a sizable impact in 2026.

Let's take a look at 10 key updates affecting corporate business immigration and global mobility, their impact on foreign national employees and their US employers, and some strategies to respond and move forward.

## 1 Presidential proclamation establishes new \$100,000 payment for certain H-1B petitions

The presidential proclamation "Restriction on Entry of Certain Nonimmigrant Workers" introduced a mandatory \$100,000 supplemental payment for new H-1B petitions filed on or after September 21, 2025, where the beneficiary is outside the US or where the case requires consular processing.

US Citizenship and Immigration Services (USCIS) later clarified that this payment does not apply in cases where the foreign national beneficiary is in possession of a valid H-1B visa or where the petition is filed for a change, amendment or extension of status on behalf of a beneficiary currently in the US.

However, should USCIS find that the beneficiary is ineligible for the requested change, amendment or extension, payment of \$100,000 would then be required for USCIS to approve the petition. Circumstances in which USCIS may make such a finding include abandonment of a change of status request due to departure from the United States while the petition was pending and failure to timely file an amendment and/or extension.

### Impact on employers:

The payment significantly increases the financial and administrative barriers to hiring and retaining foreign nationals in this visa category, reshaping how employers approach recruitment, compliance and long-term staffing strategies. Employers must now more carefully assess whether potential candidates and existing employees may be subject to the payment and anticipate actions, such as international travel or temporary relocation or secondment abroad, that could create future exposure to the payment.



## 2 | Changes to H-1B and H-4 visa vetting processes leads to appointment cancellations and delays in visa issuance

The Department of State (DOS) expanded social media vetting to the H-1B and H-4 nonimmigrant visa categories on December 15, 2025. Within a few days of this announcement, the consulates in India began notifying H-1B and H-4 applicants with existing appointments that those appointments would be cancelled due to “operational constraints.”

As of early 2026, visa interviews are being rescheduled as far out as 2027 and securing emergency appointments for business-related reasons has proven challenging.

### Impact on employers:

With the elevated risk of employees being unable to return on a timely basis to the US after international travel, employers have faced unexpected long-term absences, costly project delays and business continuity risks. Employees should be warned that leaving the US without a valid visa to return on, should renewal of the visa be delayed, they could face an unpaid leave of absence, potentially followed by separation depending on an employer’s policies.

In cases where the H-1B employee must be separated from the US employer due to the inability to return after international travel, the \$100,000 payment must be part of the analysis when assessing options for possible return in the future.

## 3 | Amendment to H-1B regulations creates new weighted selection process for H-1B lottery

The Department of Homeland Security (DHS) finalized an amendment to the H-1B visa cap-subject selection process on December 29, 2025, with an effective date of February 27, 2026. The new rule will apply to the FY 2027 H-1B lottery selection process and all lotteries going forward.

With this rule, DHS has replaced the random H-1B lottery with a weighted selection process that favors higher-paid workers, while still allowing an opportunity for selection for all wage levels. Each registration will now be entered into the selection pool one to four times based on the wage level offered for the position, with beneficiaries who have received an offer corresponding to the Department of Labor’s Level I wage receiving a single entry and Level IV receiving four entries.

### Impact on employers:

The new weighted H-1B lottery system impacts employer workforce planning, requiring employers to strategically evaluate foreign nationals’ compensation structures and job classifications ahead of the H-1B lottery registration period, which will take place from March 4 to March 19, 2026.

Although employers looking to hire entry-level workers and recent graduates will still have a chance to sponsor them on an H-1B, those individuals will now face a lower chance of being selected due to the weighted selection process. Consequently, employers should closely examine this segment of their foreign national population for alternative nonimmigrant visa categories, such as the O-1 and treaty-based categories, such as TN and E.





## 4 | White House announces new partial and full travel restrictions

On December 16, 2025, the President issued a new proclamation that expanded existing US travel restrictions. This update added more countries to the list of nations whose citizens face limits on entering the. These expanded restrictions build on an earlier proclamation issued on June 4, 2025 and officially took effect on January 1, 2026.

The following 7 countries were added to the initial list of 12 countries subject to full restriction on the entry of both immigrants and nonimmigrants:

- Burkina Faso
- Laos
- Mali
- Niger
- Sierra Leone
- South Sudan
- Syria

The initial list comprised the following countries:

- Afghanistan
- Myanmar
- Chad
- Republic of the Congo
- Equatorial Guinea
- Eritrea
- Haiti
- Iran
- Libya
- Somalia
- Sudan
- Yemen

The partial restrictions list was expanded from the initial five countries – Burundi, Cuba, Togo, Venezuela and Turkmenistan (which the current proclamation only restricts entry for immigrants) – to include the following 15 countries

- Angola
- Antigua and Barbuda
- Benin
- Cote d'Ivoire
- Dominica
- Gabon
- The Gambia
- Malawi
- Mauritania
- Nigeria
- Senegal
- Tanzania
- Tonga
- Zambia
- Zimbabwe

These partial restrictions apply to nonimmigrants seeking entry in the B-1/B-2, F, M and J categories. The administration is also suspending the entry of nonimmigrants and immigrants who travel on Palestinian Authority travel documents.

### Impact on employers:

US employers continue to contend with rapid changes in the immigration landscape. Travel restrictions carry significant financial and business costs associated with travel uncertainty and implementation with little advance notice. Employers may face disruptions to their operations regarding affected employees who are scheduled for future international business travel post-January 1 and may need to reassess travel plans or make alternative arrangements.

Employers need to plan their business affairs with both current and potential travel restrictions in mind. This includes reviewing the current immigration status of employees from countries listed in the proclamation to understand how these restrictions may affect their ability to travel internationally or maintain work authorization.



## 5 | USCIS announces adjudication hold and approved benefit re-review

USCIS issued a policy memorandum on January 1, 2026 directing its personnel to immediately place a hold on all pending benefit applications for foreign nationals with a country of nationality or birth in the December 16, 2025, presidential proclamation.

Further, USCIS personnel are required to conduct a comprehensive review of all policies, procedures and screening processes for benefit requests from these countries and re-review all approved benefit requests for affected individuals approved on or after January 20, 2021.

### Impact on employers:

Foreign national employees from affected countries will face processing delays, and even when processing resumes, they may encounter extended wait times, which places them at higher risk of experiencing gaps in employment authorization.

The re-review of approved benefits, including green card applications, may also result in USCIS questioning whether the benefit was properly approved and reopening those cases for adjudication.

To reduce the likelihood of a gap in work authorization, employers must ensure they are tracking employment authorization expiration dates and filing to extend nonimmigrant status and renew employment authorization documents (EADs) as soon as the six-month extension/renewal windows open.

## 6 | USCIS announces reduction of maximum validity periods for certain EADs

Effective December 5, 2025, USCIS reduced the maximum validity period for initial and renewal EADs across several eligibility categories – including EADs issued to foreign nationals who have applied for lawful permanent resident status – from 5 years to either 18 months or one year, depending on the category.

### Impact on employers:

This change increases the costs of maintaining work authorization status for foreign talent relying on an EADs. Employers may also face increased costs of hiring and retaining foreign talent due to this reduction in the maximum validity period.

The reduction may also increase human resource costs to employers with high foreign national populations since those employers will have to verify those employees' work authorization status on Form I-9 more frequently.



## 7 | DHS announces end to 540-day automatic extension of EADs

Effective October 30, 2025, DHS ended the practice of automatically extending the validity of EADs for those filing renewal applications in certain categories, including H-4 spouses and green card applicants. The previous automatic extension period of up to 540 days only applies to the eligible renewals filed before October 30.

### Impact on employers:

As with the reduced EAD validity policy change, the end to the automatic extension creates the likelihood of gaps in work authorization due to processing delays for impacted employees.

While it's more costly, the alternative option of extending underlying nonimmigrant visa work authorization becomes more attractive than relying exclusively on an EAD when an employee applies for a green card. That's because the most common nonimmigrant visa categories carry a 240-day work authorization extension beyond the current expiration date when an extension is filed in a timely manner.

## 8 | DOS disallows third-country national nonimmigrant visa applications

Since DOS restricted the ability of nonimmigrant visa applicants to apply for visas outside their country of nationality or residence, effective September 6, 2025, these applicants must now attend interviews in their country of residence or nationality. This has removed the option for most nonimmigrants in the US to apply for a visa in Canada or Mexico, which was a more attractive and less expensive option than returning to their country of nationality.

### Impact on employers:

Due to the increased costs and need for more time to travel for visa renewals, US employers may need to revisit reimbursement policies, particularly when there is no business need for travel, and to prepare for delays in their employees' ability to obtain a visa appointment, particularly in countries that handle a high volume of nonimmigrant visa applications.

# 9 | USCIS establishes process for registration requirement for certain foreign nationals in the United States

On March 12, 2025, pursuant to an executive order, DHS issued an interim final rule that requires most foreign nationals to register their physical presence in the US. Effective April 12, 2025, foreign nationals who have been in the US for more than 30 days can now register their presence by submitting a Form G-325R, "Biographic Information (Registration)," through a USCIS online account.

After a foreign national registers and appears for fingerprinting (unless waived), DHS will issue "Proof of Alien Registration." Foreign nationals 18 or older must always carry and keep this evidence of registration in their personal possession.

The group of foreign nationals required to register includes:

- Foreign nationals who entered the US without inspection or were admitted temporarily and remained past the required departure date, if they do not already have a registration form and proof of registration
- Canadian visitors who entered at land ports of entry and were not issued evidence of registration (Form I-94)
- A foreign national, whether previously registered or not, who turns 14 years old in the United States and therefore must register within 30 days after their 14th birthday

## Impact on employers:

Employers should note the importance for foreign workers to carry proof of status and/or registration documents. Foreign nationals who have previously registered already meet the requirement and do not need to re-register. This includes:

- Lawful permanent residents
- Paroled foreign nationals under INA 212(d)(5), even if the parole period has expired
- Foreign nationals admitted to the US as nonimmigrants and were issued form I-94 or I-94W, even if their admission period has expired
- All foreign nationals present in the US who were issued immigrant or nonimmigrant visas prior to arrival
- Foreign nationals whom DHS has placed in removal proceedings
- Foreign nationals issued an EAD
- Foreign nationals who have applied for lawful permanent residence using Forms I-485, I-687, I-691, I-698 or I-700, even if denied
- Foreign nationals who have been issued Border Crossing Cards



# 10 | DHS implements \$1,000 immigration parole fee

Effective October 16, 2025, DHS announced the collection of a new immigration parole fee of \$1,000. The fee must be paid by “any alien who is paroled into the United States.” DHS has established 10 exceptions as follows:

1. **Medical emergency:** The foreign national faces a life-threatening medical emergency that cannot be treated in their current country and there isn't enough time for normal visa processing.
2. **Guardian of a minor:** The foreign national is a parent or legal guardian of a minor facing a medical emergency as described above.
3. **Organ donation:** The foreign national is needed in the US to donate an organ or tissue, with insufficient time for normal visa processing.
4. **Imminent death:** The foreign national has a close family member in the US whose death is imminent and normal visa processing would delay their arrival.
5. **Funeral attendance:** The foreign national needs to attend the funeral of a close family member, with insufficient time for normal visa processing.
6. **Adopted child:** The foreign national is a child in legal custody for adoption with an urgent medical condition that requires treatment before a final visa is awarded.
7. **Adjustment of status:** The foreign national is a lawful applicant for adjustment of status and is returning to the US after temporary travel abroad.
8. **Immigration hearing:** The foreign national has been returned to a contiguous country and needs to be paroled into the US to attend their immigration hearing.
9. **Cuban and Haitian entrant:** The foreign national has been granted the status of Cuban and Haitian entrant.
10. **Public benefit:** The Secretary of Homeland Security determines that the alien's parole will result in significant public benefit, particularly if they have assisted US law enforcement and cannot be admitted through normal processes.

## Impact on employers:

If an individual is paroled into the US more than once, they may have to pay the fee upon each entry if an exception does not apply. Employers may want to proactively assess the need for international travel for affected individuals



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