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.

*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 Visas have been revoked due to protesting US policies, specifically regarding the Israel-Hamas war. There are also reports that some of the visas have been revoked due to criminal infractions, such as speeding tickets or DUIs.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.