



News & Types: Immigration Monthly Updates

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Practices: Immigration

## **EXPANSION OF RESTRICTIONS ON NATIONALS FROM 19 COUNTRIES SUBJECT TO TRAVEL BAN**

In light of the murder and critical wounding of National Guard members by an Afghan national, the Administration has enhanced its prior Presidential Proclamation restricting immigration to the United States by nationals from 19 countries - Afghanistan, Burma (Myanmar), Chad, the Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, Yemen, Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan and Venezuela. The new restrictions for nationals of the travel banned countries include a hold on all requests for immigration benefits. The Administration did not include for how long the hold on all adjudications and naturalization oath ceremonies will last.

On a broader scope, U.S. Citizenship and Immigration Services (USCIS) also updated its Policy Manual to instruct immigration adjudicators to consider “country-specific factors” when exercising discretion in the adjudication process. USCIS has authority to exercise discretion when processing requests to change, extend or amend an applicant’s immigration status, all family-based, employment-based and diversity visa applications for permanent resident status and applications for employment authorization (EAD).

When an application/petition is subject to USCIS discretion, applicants should be prepared to provide documentation that their request is “worthy of favorable consideration” meaning the applicant has more favorable than negative factors. Some negative factors include but are not limited to criminal history, anti-American views, support of terrorist organizations, antisemitic ideologies, immigration violations, and being a national of a travel banned country. The Department of State (DOS) has also suggested that they may consider substantial mental and health concerns (including but not limited to age and obesity, income level, education level, employment history and periods of unemployment, lack of ties to the community and an unmoral character) as negative factors.

The Administration has also indicated that it is considering expanding the number of countries subject to Travel Ban. The list of additional countries being considered for inclusion on the Travel Ban list has not been made public.

Additional information about the Travel Ban restrictions and any expansion of the Travel Ban will be contained in future Masuda Funai Business Immigration Monthly Updates when it becomes available.

## **ADDITIONAL VISA SCREENING FOR H-1B AND H-4 VISA APPLICANTS**

All visa applicants in the H-1B Specialty Occupation Worker or H-4 Dependent Spouse/Child classifications will now undergo additional screening on their on-line and social media presence as part of the standard review of their visa application. According to DOS, the focus of the enhanced visa screening and vetting processes is for U.S. national security.

H-1B and H-4 visa applicants are now required to adjust the privacy settings on all their on-line and social media profiles to “public” enabling the government to screen the visa applicant for national security concerns. When completing the on-line visa application, all H-1B and H-4 visa applicants are required to list all social media platforms used within the past five years, including: Ask.FM, Douban, Facebook, Flickr, Google+, Instagram, LinkedIn, Myspace, Pinterest, Qzone (QQ), Reddit, Sina Weibo, Tencent Weibo, Tumblr, Twitter (X), Twoo, Vine, Vkontakte (VK) YouKu, or YouTube. Additionally, the applicant has the option of providing information on other platform(s) used to share photos, videos, status updates and other information.

This additional visa screening has been in place for student (F or M) and exchange visitor (J) visas since June 2025. Due to the time needed to complete the expanded screening and vetting, the visa application may initially be refused under INA 221(g) and the application placed in administrative processing for additional review. Administrative processing is a standard procedure to conduct mandatory background checks and screening of visa applications and there is no timeline when the administrative processing will be completed – it could be a matter of days, months, or years.

If the visa applicant’s on-line or social media accounts are coded as “private,” this can lead to a denial of the visa application. Likewise, inconsistencies provided by the individual in their visa application and the information discovered independently by the consular officer during the vetting process can lead to a denial of the application. Visa applicants may wish to review their LinkedIn or other professional on-line profile to confirm their information is consistent with that stated in their immigration petition – particularly the sponsoring employer (not project site/end-user), job title and job duties.

Given the expanded screening and vetting, H-1B, H-4, F-1, F-2, M-1, M-2, J-1, and J-2 visa applicants should anticipate longer visa processing times. Additionally, consulates in India, Vietnam and Ireland have been rescheduling H-1B and H-4 visa appointments (some by as much as six months) with little notice in order to allow for the implementation of the expanded visa screening. It is assumed that other consulates around the world will also begin to reschedule H-1B and H-4 visa appointments. Therefore, individuals who need to apply for nonimmigrant visas should incorporate visa processing delays into their decision about whether or not to travel internationally at this time.

## **IMMIGRATION CONSIDERATIONS FOR HOLIDAY TRAVEL**

Now more than ever, when travelling internationally, it is essential to have all proper U.S. immigration documents with you.

A passport must be valid for 6 months beyond the arrival date in the United States. Noncitizens should also verify that their admission to the United States is reported correctly (visa classification and expiration date based upon the latest immigration petition) by U.S. Customs & Border Protection (CBP) at <https://i94.cbp.dhs.gov/home>.

Immigration Status	Required Documentation
U.S. Citizen	U.S. Passport.
U.S. Permanent Resident	Unexpired passport and original <i>Permanent Resident Card</i> /Green Card. A Permanent Resident who envisions being outside the United States for 180 consecutive days or longer should consider applying for a Reentry Permit prior to departure.
Applicants for Permanent Resident Status (Green Card) through Adjustment of Status (AOS)	<p>Unexpired passport and an unexpired Advance Parole document (or the original EAD annotated that it is valid for travel as an I-512 Advance Parole), unless possessing an expired H-1B visa, H-4 visa or L-1 visa or L-2 visa and continuing their stay in the United States. (See information on entering the United States with an H or L visa <i>infra</i>).</p> <p>If using an AOS Advance Parole, you are not required to pay the \$1,000 parole fee but may be asked to go to Secondary Inspection to complete the immigration processing.</p>
E-1 and E-2 visa holders	Unexpired passport and unexpired U.S. visa (E-1 or E-2). If your employer has changed since the visa was issued, having the original paper version USCIS Notice of Action I-797 approving the employer change is essential to confirm the validity of your immigration status.
F-1 Students and F-2 Dependents	Unexpired passport, unexpired U.S. visa (F-1 or F-2), and their Form I-20 <i>Certificate of Eligibility for Nonimmigrant (F-1 or F-2) Student Status</i> endorsed by the Designated School Official (DSO) of the school they attend. If the F-1 student is authorized for post-completion Optional Practical Training (OPT), the student should also carry the OPT Employment Authorization Document (EAD) and evidence that the student is either employed or has an offer of employment (such as a recent pay statement or employment letter). An F-1 Student may also wish to bring a paper-version of their school transcript showing courses taken and if applicable, a paper print out of courses enrolled in for the upcoming academic term should they be questioned by a CBP officer about their student status when entering the United States.
H-1B and H-4 visa	Unexpired passport, unexpired U.S. visa (H-1B or H-4), and original (or a copy) of the paper version USCIS Notice of Action (I-797A/I-797B/I-797C) approving their current status. If H-1B/H-4 status has been extended or the H-1B employer has changed, having the paper version USCIS Notice of Action

holders	(I-797A/I-797B/I-797C) approving the extended status or employer change is essential to confirm the validity of current immigration status.
L-1A/L-1B and L-2 visa holders	<p>Unexpired passport, unexpired U.S. visa (L-1 or L-2), and if applicable, the original (or copy) paper version USCIS Notice of Action (I-797A/I-797B/I-797C) approving their current status. If L-1/L-2 status has been extended or if the L-1 employer has changed, having the paper version USCIS Notice of Action (I-797A/I-797B/I-797C) approving the extended status or employer change is essential to confirm the validity of current immigration status.</p> <p>If the L-1A or L-1B visa was issued pursuant to a Blanket Approval, the L-1 nonimmigrant must also have the unexpired and endorsed paper version of Form I-129S, <i>Nonimmigrant Petition Based on Blanket L Petition</i>.</p>

Travelers should be patient because the immigration process may take longer due to the volume of travelers and additional vetting which may be required. When scheduling a connecting flight to your final destination after arriving in the United States, allowing for a minimum of three hours from arrival to your next domestic flight departure may be helpful.

Please reach out to a Masuda Funai immigration attorney if you have questions on the documents needed for international travel.

**OPTIONS FOR TRAVELERS WITHOUT A REAL ID**

As reported in the April 2025 Business Immigration Monthly, travelers age 18 years and older must present a REAL ID-compliant state-issued driver’s license or ID card or another acceptable form of identification to board a flight within the United States or enter a secure federal building. A REAL ID is a driver’s license or ID card or Global Entry document that is also a federally accepted form of identification.

Starting February 1, 2026, travelers who do not have a Real ID will have the option to pay a \$45.00 fee to the Transportation Security Administration (TSA) to use a TSA Confirm.ID to establish their identity at security checkpoints. Processing of the TSA.Confirm.ID will be done prior to entering the security line at the airport and will require identity verification – this processing may take some time. The TSA.Confirm.ID may be used for a 10-day travel period; thereafter the traveler will need a Real ID or be processed for another TSA.Confirm.ID.

**CONSULAR POSTS IN INDIA RESCHEDULE APPOINTMENTS FOR H-1B AND H-4 VISA APPLICANTS DUE TO NEW EXPANDED SCREENING**

As outlined above, the DOS announced an expansion to H-1B and H-4 visa applications of its requirement that the online presence of visa applicants be reviewed prior to issuance of the visa. Almost immediately, U.S. Consular posts in India sent emails rescheduling H-1B and H-4 applicants’ visa appointments. The affected appointments were for those set for December 15, 2025 or later and are now being pushed as late as July 2026. The DOS has maintained all biometrics appointments, meaning applicants must be physically present in

India for the original biometrics dates and newly rescheduled visa appointment dates. Individuals are able to reschedule appointments once but are deterred from doing so in messages from the consular posts.

Consular posts in India have indicated that the new online presence and social media vetting requirements put constraints on the Consulates such that rescheduling of long-scheduled visa appointments is necessary to ensure proper processing. This creates a severe obstacle for those who have planned holiday travel specifically for the purpose of visa renewal.

## **“PROJECT FIREWALL” AND THE FEDERAL INITIATIVE TO DETER PERCEIVED H-1B FRAUD**

On November 24, 2025, the Department of Labor (DOL) issued an update on its collaboration with the Equal Employment Opportunity Commission (EEOC) in “Project Firewall.” “Project Firewall” is an enforcement initiative that the DOL and EEOC maintain will combat discriminatory hiring practices that could disadvantage U.S. workers. According to DOL, the project’s goal is to “safeguard the rights, wages, and job opportunities of highly skilled American workers.”

Specifically, the DOL has issued guidance to clarify that advertising “H-1B Only” or otherwise preferring those in H-1B status for a role over a U.S. workers can be seen as discrimination on the basis of national origin. “Project Firewall” will continue to focus on ensuring that U.S. employers prioritize U.S. workers when hiring and preventing abuse of the H-1B program.

Thus far, DOL indicated that “Project Firewall” has led to 175 investigations of H-1B cases, which have focused on wage underpayment, displacement of U.S. workers, misrepresented worksites, and questionable H-1B Labor Condition Application (LCA) filings.

## **TEMPORARY PROTECTED STATUS (TPS) UPDATES**

### Haiti

The Department of Homeland Security (DHS) Secretary Noem has issued notice terminating the designation of Haiti for TPS. Termination of Haiti’s designation will be effective February 3, 2026. After that date, all nationals of Haiti (or stateless individuals who last habitually resided in Haiti) who have already been granted TPS will no longer have TPS. All Employment Authorization Documents (EADs) issued under Haiti’s TPS designation will also expire on February 3, 2026, which removes work authorization for those individuals even if the EAD Card lists a later expiry date.

### Burma (Myanmar)

The Department of Homeland Security (DHS) Secretary Noem has issued notice terminating the designation of Burma for TPS. Termination of Burma’s designation will be effective January 26, 2026. After that date, all nationals of Burma (or stateless individuals who last habitually resided in Haiti) who have already been granted TPS will no longer have TPS. All EADs issued under Haiti’s TPS designation will also expire on January 26, 2026, which removes work authorization for those individuals even if the EAD Card lists a later expiry date.

### Syria

On November 19, 2025, federal Judge, Katherine Polk Failla, in the U.S. District Court for the Southern District of New York blocked termination of TPS for Syria. This TPS designation was originally set to end on November 21, 2025. DHS has indicated that its plans to appeal the ruling. In the meantime, individuals with EADs issued pursuant to Syrian TPS may continue to work.

**EAD MAXIMUM VALIDITY DOWN TO 18 MONTHS FROM 5 YEARS**

On December 4, 2025, USCIS reduced the maximum validity period for EADs for individuals in certain EAD categories. USCIS maintains that the reduced validity period for certain work authorization categories will result in more frequent vetting of individuals applying for work authorization because it should allow USCIS to better deter fraud and detect individuals with potentially harmful intent.

Effective for any applications filed on or after December 5, 2025, the validity period for EADs has changed from 5 years to 18 months for:

- Individuals with pending Adjustments of Status (Form I-485)
- Individuals admitted as refugees;
- Individuals granted asylum;
- Individuals granted withholding of deportation or removal; and
- Individuals with pending applications for suspension of deportation, cancellation of removal, or relief under the Nicaraguan Adjustment and Central American Relief Act.

Already in effect is H.R.1, the “One Big Beautiful Bill Act,” which limited initial and renewal EADs to a validity of one year, or the end of the parole period of duration of TPS (whichever is shorter) for:

- Individuals paroled as refugees;
- Individuals granted TPS;
- Individuals granted parole’ and
- Spouses of those paroled as entrepreneurs.

**ADMINISTRATION BEGINS TO ROLL OUT NEW “GOLD CARD”**

On December 10, 2025, USCIS published its draft of *Form I-140G, Immigrant Petition for the Gold Card Program*, representing its official rollout of President Trump’s “Gold Card.” The Petition may be filed by individuals or corporate sponsors who can provide a lawful source of funds to meet the requisite “gift” amount to the U.S. Treasury. For individuals, the “gift” amount is a minimum of \$1 million, while the threshold is \$2 million for petitions sponsored by a corporation. Each Petition carries a non-refundable filing fee of \$15,000 per applicant to be paid to DHS.

The form itself requires information on funds sourcing, including the social security numbers and U.S. immigration status of all owners of a corporation if seeking to file as a corporate petitioner. The Form allows online filing only, so applicants and petitioners must have a USCIS.gov account to proceed with filing.

At this stage, dependents (spouses and children of the applicant) may not apply with the applicant on the basis of the individual's \$1 million "gift," but will need to be required to each file their own Gold Card Petition and be subject, individually, to the \$1 million "gift" and \$15,000 filing fee.

It appears that the Administration will be adjudicating the applications based upon the EB-1 Extraordinary Ability and EB-2 National Interest Waiver categories. It is unclear whether applicants will be eligible for Adjustment of Status, or if they will need to consular process their Green Cards in their country of origin. Additionally, although the Administration indicates that qualified applicants will be able to obtain their "Gold Cards" within a matter of weeks, applicants may not be able to complete the process so quickly if they are subject to priority date backlogs in the EB-1 and EB-2 immigrant visa categories.

Although USCIS published the draft of the "Gold Card" form, the Administration has not yet begun to accept applications from individuals who would like to apply for the "Gold Card."

### **USCIS CHANGES PHOTO REQUIREMENTS**

On December 12, 2025, USCIS issued a Policy Alert announcing new guidance governing the submission and reuse of photographs in connection with immigration benefit requests. Under prior practice, USCIS could reuse previously collected photographs for up to ten years. Under the new guidance, USCIS will only reuse a photograph for up to three years from the date the photograph was taken, after which a new photograph must be collected.

USCIS further states that any photograph required in the adjudication process must be collected by a USCIS-authorized provider, although the agency has not yet clarified which providers qualify as "authorized" for this purpose. Although not explicitly stated in the Policy Alert, USCIS may limit "authorized providers" to its Application Support Centers (ASC) and schedule applicants to have their biometrics (which includes a photograph) taken at an ASC prior to the approval of applications that require a photograph.

Additional information about the implementation of this change in policy will be contained in future Masuda Funai Business Immigration Monthly Updates when it becomes available.

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