

Immigration Year-in-Review Under the Trump 2.0 Administration

Presented By:

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Today's Presenter



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2025 in a nutshell...



Agenda

- The overhaul to the H-1B visa and impact on the H-1B cap
- More scrutiny around F-1 international students
- International travel bans and additional scrutiny
- Increase in ICE raids, site visits and I-9 audits
- Termination of TPS for countries and rescission of CHNV
- Automatic EAD extensions
- Trump Gold Card
- What to expect in 2026

Yes – this is an ambitious agenda for a 1-hour webinar, but we will do our best!

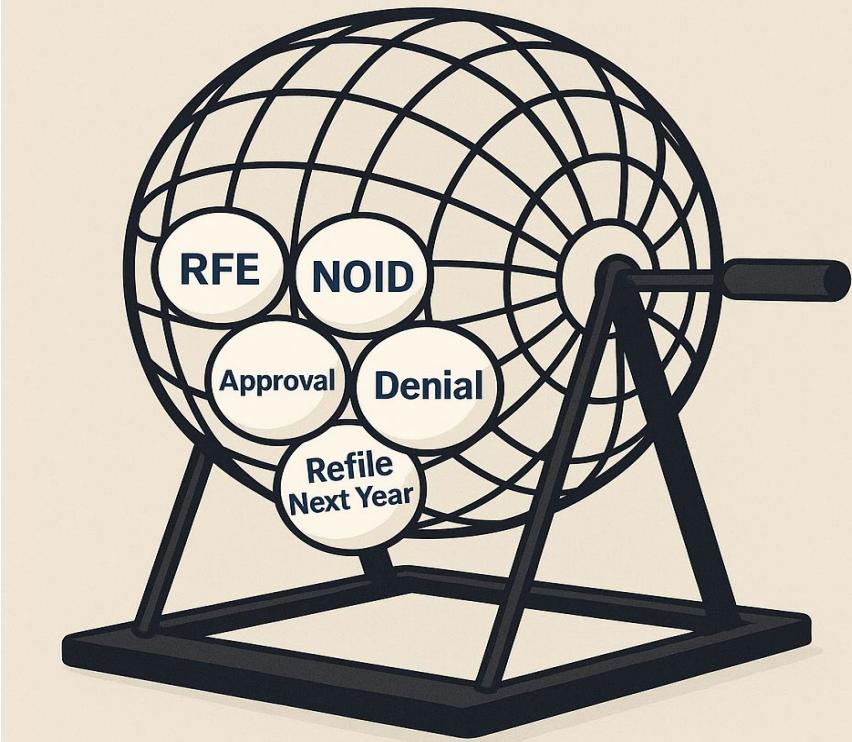
The H-1B Cap Lottery

- **What is the H-1B cap?**
 - **New** H-1B petitions are limited on a fiscal year (FY) basis; subject to a cap (lottery) of 85,000
 - 65,000 H-1B visas (commonly known as the “regular cap”) or the advanced degree exemption. The advanced degree exemption is an exemption from the H-1B cap for beneficiaries who have earned a U.S. master’s degree or higher and is available until the number of beneficiaries who are exempt on this basis exceeds 20,000.
- This year was the first year with the new H-1B cap registration fee of \$215 (was previously \$10)

Fiscal Year	H-1B registrations	Selected registrations	% of cases selected in the lottery
FY2026	358,737	120,141	33.5% ***There could be a subsequent selection process
FY2025	479,953	135,137	28.2%
FY2024	780,884	188,400	24.1%
FY2023	483,927	127,600	26.4%
FY2022	308,613	131,924	42.7%
FY2021	274,237	124,415	45.4%

**Source: USCIS

WELCOME TO THE H-1B LOTTERY



First person to post the name of the New York Lottery personality who called out the numbers for over 30 years wins a prize (bonus points for posting how this person identified herself when calling out the numbers)

Major Changes to the H-1B Category

- Implementation of \$100,000 fee applicable ONLY to:
 - Consular notification filings (those outside the United States)
 - Outsourcing and Staffing firms that rely on entry-level, lower wage roles will be impacted the most
 - Litigation challenging the proclamation is ongoing
- Fee does not apply to:
 - Petitions filed before 12:01 a.m. Eastern Time on September 21, 2025
 - Previously issued and currently valid H-1B visas.
 - Any extension, amendment, transfer is NOT subject to the fee
- Expanded screening and vetting
 - Department will expand the requirement that an online presence review be conducted for all H-1B applicants and their dependents, in addition to the students and exchange visitors already subject to this review. To facilitate this vetting, all applicants for H-1B and their dependents (H-4), F, M, and J nonimmigrant visas are instructed to adjust the privacy settings on all of their social media profiles to “public.”
 - Delays at consulate's (especially in India) reported due to additional vetting of social media accounts
- What else can we expect?
 - Additional scrutiny
 - Potential “weighted lottery system”
 - Currently, it is a system based 100% on luck
 - Proposed changes

More Scrutiny Around the F-1 Student Visa

- In August 2025, the Trump 2.0 administration proposed a new rule to end foreign student visa (F-1) abuse
- The Trump Administration announced a proposed rule that, if finalized, would limit the length of time certain visa holders – including foreign students – are allowed to stay in the United States, thereby curbing visa abuse and increasing the Department of Homeland Security's ability to properly vet and oversee these individual
- Since 1978, foreign students (F visa holders) have been admitted into the U.S. for an unspecified period known as “duration of status.” Unlike other visas issued, those with a “duration of status” designation are allowed to remain in the U.S. for an indefinite amount of time without further screening and vetting.
- What's changed?
 - Emphasis on intent during the entire time the individual is in the United States as a student
 - Greater deference given to officers at the port of entry to thoroughly vet the applicant for entry
- More scrutiny around social media posts
- According to numerous news outlets, international student attendance this year is down over 20% due to the uncertainty and increased scrutiny

International travel bans and additional scrutiny upon entry into the United States

- **Certain Countries Banned from Entry into the United States (June 2025)**
 - Visa issuance ban for entry into the United States for nationals of the following twelve countries: Afghanistan, Burma, Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen.
 - For nationals of the following countries, the proclamation suspends immigrant visa issuance, as well as nonimmigrant visa issuance in only the B, F, M, and J visa classifications for temporary visitors, students, and exchange visitors: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela.
- All persons, baggage, and merchandise are subject to inspection by CBP. On certain occasions, CBP can search electronic devices (including cell phones, laptops, and cameras). According to the CBP, border searches of electronic devices are often integral to determining an individual's intentions upon entry to the United States and thus provide additional information relevant to the admissibility of foreign nationals under U.S. immigration laws. This is especially true regarding online social media accounts which are now required to be made "public" when applying for a visa to the United States.

Impact to the I-9 Process

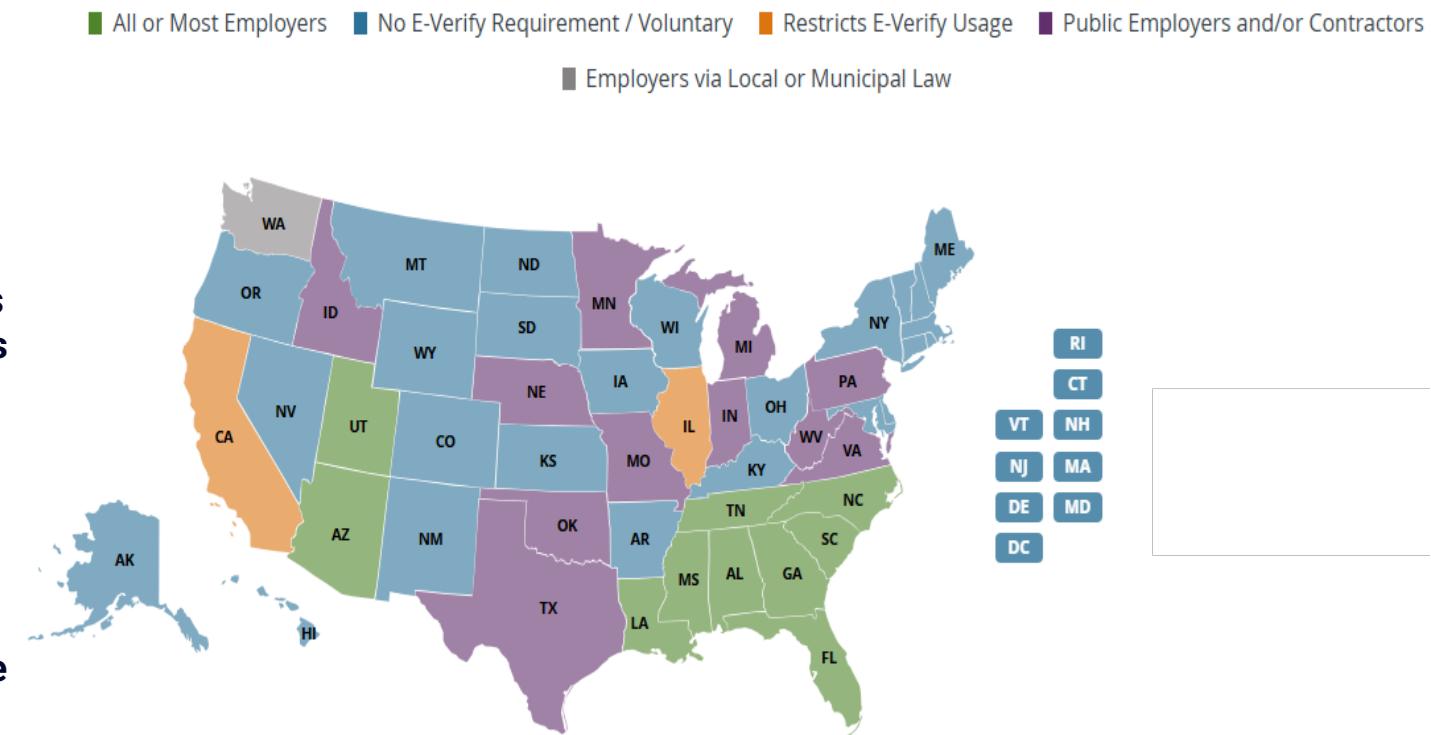
- Form required by the United States Citizenship and Immigration Services (USCIS) to establish that an employee is eligible to work in the United States.
- All U.S. employers must properly complete Form I-9 for every individual they hire for employment in the United States. This includes citizens and noncitizens.
- Both employees and employers (or authorized representatives of the employer) must complete the form.
- Also utilized to verify an individual's identity by requiring the individual to provide documentation establishing their identity through the I-9 process.
- The employer must examine these documents to determine whether they reasonably appear to be genuine and relate to the employee, then record the document information on the employee's Form I-9.
- Certain employers who choose to remotely examine the employee's documentation under a DHS-authorized alternative procedure rather than via physical examination must indicate they did so by checking the box provided.
- New form I-9 now includes alternative procedures for E-Verify employers to remotely examine employee documents.
- NOTE: It is vital that your organization has an established and consistent I-9 process for each newly hired employee as well as reverifying a current foreign national employee's work authorization for example.

Form I-9 Compliance

- Penalties for incorrect or missing I-9 forms can be imposed by ICE, the U.S. Immigration and Customs Enforcement agency. The penalties for I-9 violations have recently increased. The size of penalties depends on several factors including company size and number of violations.
 - On June 28, 2024, DHS announced the following [fine schedule](#):
 - I-9 Paperwork Violations: \$281 to \$2,789 per Form I-9
 - Knowingly Employing Unauthorized Alien (First Offense): \$698 to \$5,579 per violation
 - Knowingly Employing Unauthorized Alien (Second Offense): \$5,579 to \$13,946 per violation
 - Knowingly Employing Unauthorized Alien (Third or More Offense): \$8,369 to \$27,894 per violation
 - E-Verify Employers – Failure to Inform DHS of Continuing Employment Following Final Nonconfirmation: \$973 to \$1,942 per relevant individual employee
- Under the DOJ's new schedule, fines for document abuse and unfair-immigration related employment practices are as follows:
 - Document Abuse: \$230 to \$2,304 per violation
 - Unfair Immigration-Related Employment Practices (First Offense): \$575 to \$4,610 per individual against whom the employer is found to have discriminated
 - Unfair Immigration-Related Employment Practices (Second Offense): \$4,610 to \$11,524 per individual against whom the employer is found to have discriminated
 - Unfair Immigration-Related Employment Practices (Third or More Offense): \$6,913 to \$23,048 per individual against whom the employer is found to have discriminated
- If employers try to trick ICE, or ignore credible warnings, they risk serious fines. Companies can also be punished for "subsequent offenses" even if their prior punishment wasn't in the recent past.
- DOES THIS SCARE YOU? IT SHOULD. As they say, the best offense is a good defense. Ensuring a consistent I-9 process in your organization can prevent any/all of the above.

E-Verify

- **E-Verify is an Internet-based system that compares information entered by an employer from an employee's Form I-9, Employment Eligibility Verification, to records available to the U.S. Department of Homeland Security and the Social Security Administration to confirm employment eligibility.**
- **E-Verify operates with speed and accuracy. E-Verify is the only free, fast, online service of its kind that electronically confirms an employee's information against millions of government records and provides results within as little as three to five seconds.**
- **E-Verify was initially designed to be a voluntary program, although an increasing number of states have enacted laws, ordinances, and executive orders which require certain employers to use E-Verify for their newly hired employees.**
- **Refer to map to see which states require E-Verify**
- **Federal contractors MUST use E-Verify**



I-9 Recommendations and Warnings

- Over the last two years, there has been an increase in fines for failure to comply with I-9 regulations, as well as increased awareness of I-9 compliance in general. Historically, when DHS departments (including I-9 and USCIS) increase fees, that typically leads to more money available for enforcement, which, in this case, includes I-9 inspections. Here are some quick tips to ensure compliance:
 - Make sure you have a consistent and timely I-9 program whereby each new hire completes the I-9 process as part of the onboarding process.
 - If you are not already enrolled, we strongly encourage your company to be enrolled in E-Verify.
 - Ensure that you are using the latest version of Form I-9.
 - Proactively audit your current I-9 program to ensure compliance, which will provide insight into the strengths (or weaknesses) of your current I-9 program.
- Homeland Security Investigations (HSI) initially issues a Notice of Inspection (NOI) upon an employer whereby an employer has three (3) business days to produce the requested information.
- HSI's workforce consists of more than 10,000 employees, including special agents, criminal analysts, mission support personnel, and contract staff assigned to offices throughout the United States and around the world.
- Will President Trump increase this department?
- In 2018, ICE delivered more than 5,200 audit notices to businesses across the United States – since COVID-19, that number has dramatically increased. What does President Trump have to do in order to increase enforcements again?

ICE Raids

- ICE agents may come to your workplace for a Form I-9 audit, a raid, or to detain specific people
- This may be without warning
- ICE agents are not police officers
- Uniforms may say “Police” or “Federal Agent”
- They may carry guns
- Local police officers may go with ICE agents on ICE raids
- ICE agents may be looking for a particular person (or people)
- While on site, they may try to question, detain, and even arrest other people

ICE Raids (cont.)

- **Know your rights:**
 - Employees have the right to remain silent.
 - Employers must NOT provide either false information or false documents in an attempt to “assist” employees, which also includes impeding the agents’ ability to search.
 - Immigration officers are only allowed to enter public spaces within the workplace and require valid search warrants to enter private spaces.
 - The warrant should detail a list of items to be searched.
 - You can record and write down the names of agents.
 - You can assign an employee who will follow the agents around the facility.
 - If an officer requests to look at “privileged” documents, you can explain this to them, but ultimately, you can prevent them from taking these documents.
 - Company representatives should not make any statements to agents.

ICE Raids (cont.)

- **Best advice: Stay calm.**
 - Do not run to the exits. This will make things worse. ICE agents can say that people who are running are likely violating immigration laws.
 - If ICE agents enter a public area of your business, you can say: “I am the employer. You cannot go to other areas of the workplace without my permission.”
 - If ICE agents try to enter a private area, say: “This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?”
 - If they have a warrant, again, ask for a copy and read it. Make a copy if you can.
 - You are not required to answer questions or give any information or sign any documents.

ICE Raids (cont.)

- ICE shows you a warrant with an employee's name on it:
 - You do NOT have to say if that employee is working on that day or not
 - You do NOT have to take the ICE agents to the employee named on the warrant
- Monitor the agents and see if they are complying with what's written in the warrant
- May video or record what the ICE agents do at your workplace
- ICE agents try to stop, question, detain, or arrest a worker?
 - ICE agents may try to stop, question, or even arrest a worker without the proper authority
 - You have a right to remain silent and ask for an attorney

ICE Raids (cont.)

- **Do not put yourself or anyone else in harm's way**
- **Do not open the door if an immigration agent is knocking**
- **Do not answer any questions, you have the right to remain silent**
- **Do not sign any documents without first speaking with a lawyer**
- **Ask if you are free to leave, and leave calmly**
- **Compliance with a warrant is required**
- **Think clearly, and remain calm**
- **Do not provide any false documents or information**
- **Provide a know your rights card**

Termination of TPS and Rescission of CHNV

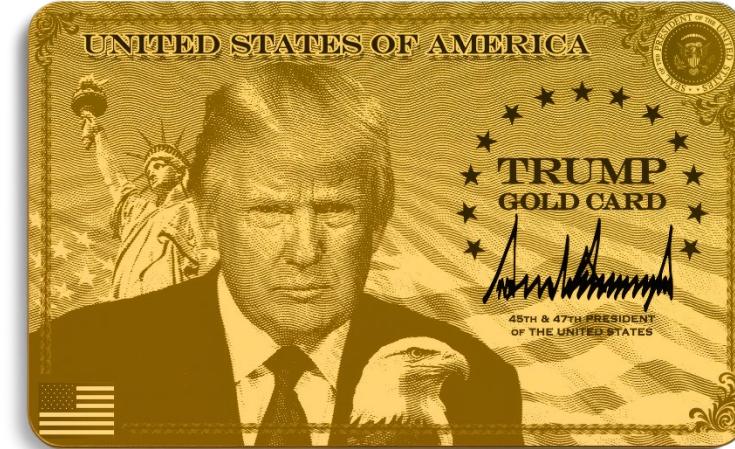
- **Department of Homeland Security (DHS) Officially Terminates Biden-era Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) (June 2025)**
- **Work Authorization for TPS (Temporary Protected Status) for Venezuelans is Terminated (June 2025)**
 - On July 22, 2025, the Federal Register published a rule implementing provisions from the HR 1 reconciliation bill, shortening the validity of TPS-related Employment Authorization Documents (EADs) and introducing new fees. Just days later, USCIS quietly issued an August 1 alert that shortens automatic extension periods for TPS EAD renewals. This marks a significant shift in TPS-based work authorization.

DHS Ends Automatic Extension of Employment Authorization

- The Department of Homeland Security has announced an interim final rule ending the practice of automatically extending employment authorization documents for aliens filing renewal applications in certain employment authorization categories. With this rule, DHS prioritizes the proper screening and vetting of aliens before extending the validity of their employment authorizations.
- USCIS recommends aliens seek a timely renewal of their EAD by properly filing a renewal application up to 180 days before their EAD expires. The longer an alien waits to file an EAD renewal application, the more likely it is that they may experience a temporary lapse in their employment authorization or documentation.

Trump Gold Card

- According to the website (trumpcard.gov), for a \$15,000 DHS processing fee and, after background approval, a contribution of \$1 million, receive U.S. residency in record time with the Trump Gold Card.
- This is a version of the EB-5 (required contribution is \$800,000) visa however, unclear how the process will actually unfold. In fact, the website states that this would be under EB-1 or EB-2.
- What is unclear is that this would typically require congressional approval to issue a Green Card and that has not yet happened.
- For now, are advising against this as there is numerous ongoing litigation and it would be inadvisable to write a check for \$1 million without any assurances
- Unlike EB-5, Congress did not enact the Gold Card. It is an executive initiative, implemented solely through presidential authority. That distinction has significant implications:
- It may be modified, suspended, or rescinded by a future administration.
- It does not include statutory grandfathering protections. Investors who begin the process today do not have guaranteed eligibility if the program is later withdrawn or struck down by a court.
- It relies on existing immigrant categories (EB-1A and EB-2 NIW) for visa issuance, meaning adjudications may still need to satisfy the regulatory standards for extraordinary or exceptional ability in the national interest. For example, EB-1A normally requires the applicant to have “sustained national or international acclaim.” Exceptional ability EB-2 normally requires the applicant to have an advanced degree and meet other criteria, in addition to meeting the requirements for a National Interest Waiver.
- In effect, the Gold Card overlays a financial-contribution model onto existing immigrant visa frameworks, creating a hybrid program that blends donation-based residency incentives with employment-based visa adjudications.



What to expect in 2026 (Takeaways)



Name the movie

What to expect in 2026 (Takeaways)

-  **Continued policy volatility**

Executive actions, agency guidance, and litigation will keep immigration unpredictable.

-  **More scrutiny, not fewer visas**

Higher RFEs, stricter interpretations, and deeper vetting across H-1B, F-1, and consular cases.

-  **Harder international travel**

Expanded travel restrictions, longer visa processing, and increased entry questioning.

-  **Longer timelines = planning risk**

Delays become the norm, not the exception.

-  **Compliance becomes a differentiator**

Employers with strong documentation and messaging will fare better.

Q & A

You have
Questions We have
Answers

Thank You