



## IMMIGRATION UPDATE - FEBRUARY 11, 2025

*Posted on February 11, 2025 by Cyrus Mehta*

### Headlines:

**[FY 2026 H-1B Cap Initial Registration Period Opens March 7](#)** – The initial registration period for the fiscal year 2026 H-1B cap season will open at noon ET on March 7, 2025, and run through noon ET on March 24, 2025.

**[DHS Terminates 2023 But Not 2021 Venezuela TPS Designation](#)** – The Department of Homeland Security announced the termination of the Temporary Protected Status (TPS) designation for Venezuela, effective April 7, 2025, for Venezuelan nationals covered by a 2023 designation. The determination does not apply to the 2021 designation of Venezuela for TPS, which remains in effect until September 10, 2025.

**[President Trump Calls for Resettlement of White South Africans in the United States](#)** – An executive order directs the Secretaries of State and Homeland Security to "prioritize humanitarian relief, including admission and resettlement through the United States Refugee Admissions Program, for Afrikaners in South Africa who are victims of unjust racial discrimination."

**[EOIR Rescinds 2023 Memo on Language Access in Immigration Court](#)** – The Executive Office for Immigration Review rescinded a 2023 EOIR memorandum on language access in immigration court.

**[EOIR Re-establishes Anti-Fraud Program](#)** – The Executive Office for Immigration Review announced a renewed anti-fraud emphasis.

**[DOS Suspends Follow-to-Join Refugee Processing](#)** – Processing of all refugee applications under the U.S. Refugee Admissions Program is suspended, including following-to-join refugee travel eligibility determinations conducted at consular posts and embassies overseas.

**[USCIS Pauses Acceptance of Declaration of Financial Support](#)** – U.S.

Citizenship and Immigration Services is pausing acceptance of Form I-134A, Online Request to be a Supporter and Declaration of Financial Support, until it reviews "all categorical parole processes" as required by an executive order.

### **Details:**

## **FY 2026 H-1B Cap Initial Registration Period Opens March 7**

On February 5, 2025, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that the initial registration period for the fiscal year 2026 H-1B cap season will open at noon ET on March 7, 2025, and run through noon ET on March 24, 2025. During this period, prospective petitioners and representatives must use a USCIS online account to register each beneficiary electronically for the selection process and pay the associated \$215 registration fee.

Below are highlights of the USCIS announcement:

- H-1B petitioning employers who do not have a USCIS online account must [create an organizational account](#). Existing accounts for H-1B petitioning employers who had an H-1B registrant account for the FY 2021–2024 H-1B registration seasons, but did not use the account for FY 2025, will be converted to an organizational account after their next log-in. First-time registrants can create an account at any time. Additional information is available on the [Organizational Accounts Frequently Asked Questions](#). USCIS said that the FAQs will be updated with FY 2026 information "before the start of the initial registration period."
- USCIS will use the beneficiary-centric selection process launched in FY 2025. Under that process, registrations are selected by unique beneficiary rather than by registration. USCIS said, "If we receive registrations for enough unique beneficiaries by March 24, we will randomly select unique beneficiaries and send selection notifications via users' USCIS online accounts. If we do not receive registrations for enough unique beneficiaries, all registrations for unique beneficiaries that were properly submitted in the initial registration period will be selected. We intend to notify by March 31 prospective petitioners and representatives whose accounts have at least one registration selected."
- The Department of the Treasury has approved a temporary increase in the daily credit card transaction limit from \$24,999.99 to \$99,999.99 per day for the FY 2026 H-1B cap season "in response to the volume of

previous H-1B registrations that exceeded the daily credit card limit." Transactions of more than \$99,999.99 may be made via [Automated Clearing House \(ACH\)](#).

USCIS also said that for FY 2026, it is making "multiple enhancements" for organizational and representative accounts for H-1B filing, to go live before the start of the initial registration period, including:

- The ability for paralegals to work with more than one legal representative;
- An easier way for legal representatives to add paralegals to company clients;
- Pre-population of certain Form I-129 fields from selected H-1B registrations; and
- The ability to prepare a spreadsheet of H-1B beneficiary data and upload the information to pre-populate data in H-1B registrations.

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### **DHS Terminates 2023 But Not 2021 Venezuela TPS Designation**

On October 3, 2023, Venezuela was newly designated for Temporary Protected Status (TPS), which was set to expire on April 2, 2025. On February 5, 2025, the Department of Homeland Security (DHS) [announced](#) the [termination](#) of the TPS designation for Venezuela, effective April 7, 2025, for Venezuelan nationals covered by the 2023 designation.

DHS said that this determination does not apply to the 2021 designation of Venezuela for TPS, which remains in effect until September 10, 2025, or to individuals who are registered for TPS under the 2021 designation. A lawsuit challenging DHS's termination of the 2023 Venezuela TPS designation is expected shortly.

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### **President Trump Calls for Resettlement of White South Africans in the United States**

On February 7, 2025, President Trump signed an [executive order](#) (EO) to halt foreign aid to South Africa and "promote the resettlement of Afrikaner refugees escaping government-sponsored race-based discrimination, including racially discriminatory property confiscation." The EO directs the Secretaries of State

and Homeland Security to "prioritize humanitarian relief, including admission and resettlement through the United States Refugee Admissions Program, for Afrikaners in South Africa who are victims of unjust racial discrimination."

Groups representing some Afrikaners, who are members of South Africa's white minority who speak [Afrikaans](#) and are descended from predominantly Dutch settlers as well as French, German, and others, [said](#) they want to stay in South Africa. Kallie Kriel, CEO of the AfriForum, an Afrikaner lobbying group, said, "We have to state categorically: We don't want to move elsewhere." Non-Afrikaner white South Africans, who were not referred to in the EO, are of British descent or from other backgrounds.

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### **EOIR Rescinds 2023 Memo on Language Access in Immigration Court**

On February 6, 2025, Sirce Owen, Acting Director of the Department of Justice's Executive Office for Immigration Review (EOIR), issued a [memorandum](#) rescinding an EOIR memorandum dated June 6, 2023, [Language Access in Immigration Court \(DM 23-02\)](#), which provided guidance to immigration judges (IJs) on how to ensure that every noncitizen who appears before an immigration court has a "full and fair opportunity to present their case," including being provided with interpretation and translation into the noncitizen's preferred language.

Among other things, the 2023 memorandum directed IJs to familiarize themselves with resources available to noncitizens at detention facilities; for example, language assistance services at the facility's library. The 2025 memorandum said that the job of an IJ "is not to serve as a roving inspector of detention facility libraries operated by the Department of Homeland Security, and directing to engage in extrajudicial factfinding about such libraries was grossly improper."

The 2025 memorandum states that EOIR "recognizes the importance of language access and interpretive services" for those appearing in its proceedings and "is committed to providing professional interpretive services in all appropriate cases."

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## **EOIR Re-establishes Anti-Fraud Program**

On February 5, 2025, Sirce Owen, Acting Director of the Department of Justice's Executive Office for Immigration Review (EOIR), [announced](#) a renewed anti-fraud emphasis. The memo states that EOIR "is committed to re-establishing a robust and effective Anti-Fraud Program" that will:

- Provide resources to employees on how to identify and report instances of suspected fraud (particularly asylum fraud);
- Coordinate with investigative authorities to respond to instances of fraud; and
- Notify appropriate authorities of instances of fraud, misrepresentation, or abuse involving attorneys or accredited representatives.

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## **DOS Suspends Follow-to-Join Refugee Processing**

On February 7, 2025, the Department of State (DOS) [announced](#) that pursuant to an executive order, processing of all refugee applications under the U.S. Refugee Admissions Program (USRAP) is suspended, including following-to-join refugee (FTJ-R) travel eligibility determinations conducted at consular posts and embassies overseas. DOS said that "FTJ-R beneficiaries whose cases are already at a U.S. embassy or consulate should contact that embassy or consulate directly to inquire about the status of their travel eligibility interviews and for instructions on passport retrieval if they have not already received such guidance." FTJ-R beneficiaries whose cases are at the National Visa Center (NVC) should contact NVC using the [Public Inquiry Form](#).

DOS said that FTJ-R beneficiaries in possession of unexpired boarding foils should direct questions about entry into the United States to U.S. Customs and Border Protection.

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## **USCIS Pauses Acceptance of Declaration of Financial Support**

On January 28, 2025, USCIS [announced](#), "Due to the Jan. 20, 2025 Executive Order, [Securing Our Borders](#), USCIS is pausing acceptance of Form I-134A, Online Request to be a Supporter and Declaration of Financial Support, until we review all categorical parole processes as required by that order."

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