CYRUS D. MEHTA & PARTNERS PLLC
US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - JUNE 23, 2025

Posted on June 23, 2025 by Cyrus Mehta

Headlines:

DOS Resumes Visa Processing for Foreign Students and Exchange Visitors, Announces Enhanced Social Media Vetting – The Department of State resumed visa processing for new and returning students and exchange visitors (F, M, and J nonimmigrants) but announced enhanced social media and online presence screening and vetting procedures. Consular posts may resume processing of expedited appointment requests and are directed to prioritize physicians applying for J visas and applicants studying at U.S. universities where international students constitute 15 percent or less of the total student body.

President Trump Backtracks on Pause in ICE Enforcement Against Hotel, Restaurant, and Farm Workers; Worksite Enforcement to 'Massively Expand' – President Trump has reversed the pause he called for a week ago on deportation-related raids by U.S. Immigration and Customs Enforcement on worksites in the agricultural, hospitality, and restaurant industries.

OFLC Reminds Employers of Three-Day Filing Window for H-2B Workers With October 2025 Start Date, Offers Filing Tips – The three-day filing window to submit an H-2B Application for Temporary Employment Certification (Form ETA-9142B and appendices) requesting a work start date of October 1, 2025, will open on July 3, 2025, and close on July 5, 2025.

Trump Administration Considers Expanding Travel Ban to 36 Additional Countries – Following the Trump administration's issuance of a travel (entry) ban on 19 countries, President Trump is considering expanding the ban to up to 36 additional, mostly African, countries.

Firm in the News

Details:

Back to Top

DOS Resumes Visa Processing for Foreign Students and Exchange Visitors, Announces Enhanced Social Media Vetting

On June 18, 2025, the Department of State resumed visa processing for new and returning students and exchange visitors (F, M, and J nonimmigrants) but announced enhanced social media and online presence screening and vetting procedures. All applicants for F, M, and J nonimmigrant visas will be instructed to adjust the privacy settings on all of their social media profiles to "public" at their visa interviews. If the consular officer finds them otherwise eligible for the visa sought, the officer will issue the student an INA § 221(g) decision while they gather more information and documentation before issuing a final determination.

The guidance directs consular officers to review visa applicants' online presence for "any indications of hostility towards the citizens, culture, government, institutions or founding principles of the United States." Consular officers will review more than just social media accounts with particular attention to applicants with a history of political activism. Officers will comprehensively screen every visa applicant "for potential security and non-security related ineligibilities." Although the online content found may not alone be sufficient to deny a student's visa, officers will conduct additional vetting to determine if the applicant will respect U.S. laws and "engage only in activities consistent with" their status. While some travelers have taken to temporarily wiping their social media accounts, consular officers will be taking screenshots during their vetting process to preserve records of their findings.

Lack of a public online presence or refusal to make sites accessible will raise a red flag. If no derogatory information is found, the officer may make a decision on the visa application. However, according to the guidance, "f potentially derogatory information is found, post should refuse the case under the appropriate refusal code; or, if needed, post should call the applicant back for a follow-up interview."

According to the guidance, consular posts may resume processing of expedited appointment requests and are directed to prioritize physicians applying for J visas and applicants studying at U.S. universities where international students constitute 15 percent or less of the total student body.

Back to Top

President Trump Backtracks on Pause in ICE Enforcement Against Hotel, Restaurant, and Farm Workers; Worksite Enforcement to 'Massively Expand'

President Trump has reversed the pause he called for a week ago on deportation-related raids by U.S. Immigration and Customs Enforcement on worksites in the agricultural, hospitality, and restaurant industries. He said raids would be focused on "Democrat-run cities," which he claimed on Truth Social are the "core of the Democrat Power Center."

Tom Homan, the White House "border czar," said that "orksite enforcement operations are going to massively expand." On June 16, 2025, Tricia McLaughlin, Assistant Secretary for Public Affairs at the Department of Homeland Security, said that worksite operations "are very much a cornerstone" of the Trump administration's enforcement efforts. "There is no safe harbor, whether it be a church or a courthouse or a worksite. We will come for you; we will arrest you; you will be deported." Following President Trump's latest comments, the U.S. Immigration and Customs Enforcement held a call with its agency leaders in the field, ordering them to resume raids on hotel, restaurant, and agricultural worksites.

The previous change in policy for those industries, implemented last week, came after President Trump posted on Truth Social, "Our great Farmers and people in the Hotel and Leisure business have been stating that our very aggressive policy on immigration is taking very good, long time workers away from them, with those jobs being almost impossible to replace. ... We must protect our Farmers, but get the CRIMINALS OUT OF THE USA. Changes are coming!"

According to reports, some public companies are now warning investors about disruptions in their workforces. Smithfield, a major meatpacking company, said in its securities filing in March, "Increased enforcement efforts with respect to existing immigration laws by governmental authorities may disrupt a portion of our workforce or our operations."

Back to Top

OFLC Reminds Employers of Three-Day Filing Window for H-2B Workers With

October 2025 Start Date, Offers Filing Tips

On June 20, 2025, the Department of Labor's Office of Foreign Labor Certification (OFLC) reminded employers that the three-day filing window to submit an H-2B Application for Temporary Employment Certification (Form ETA-9142B and appendices) requesting a work start date of October 1, 2025, will open on July 3, 2025, and close on July 5, 2025.

This three-day period is the earliest an employer may file an application for an October 1, 2025, work start date, OFLC said, warning that "H-2B applications requesting October 1, 2025, work start dates will be denied if they are filed before July 3, 2025, at 12:00 a.m. Eastern Time." After the three-day filing window closes, OFLC said it will randomly order applications for assignment to analysts for review and processing.

OFLC offered the following filing tips:

- Only one H-2B Application for Temporary Employment Certification per job opportunity should be filed to prevent duplicate filings and delayed processing.
- If "yes" is selected for "Board, Lodging, or Other Facilities" under section F.d.5, Form ETA-9142B, and deductions other than those required by law may be made from the worker's pay, details should be included about the deductions and amounts to cover the reasonable cost of board, lodging, and other facilities in section F.d.6.
- The employer must submit with its H-2B application a copy of the job order being submitted concurrently to the State Workforce Agency (SWA) serving the area of intended employment. The job order submitted must be a copy of the actual job order or a completed job order form used by the SWA for posting in its job clearance systems.
- Original signatures and dates on Appendix B must be current.

Back to Top

Trump Administration Considers Expanding Travel Ban to 36 Additional Countries

According to reports, following the Trump administration's issuance of a travel (entry) ban/restrictions on 19 countries, President Trump is considering expanding the ban to up to 36 additional, mostly African, countries.

The 36 countries have 60 days to "mitigate ongoing vetting and screening

concerns, develop corrective action plans to remediate deficiencies and evaluate progress." A related cable reportedly said there were a range of concerns but did not specify what the concerns were for each country. In general, the cable cited concerns including unreliability in identity documents, criminal records, passports, and visa overstays, among other issues. The countries could reduce the concerns, the cable said, if they agree to accept deportees or asylees from other countries sent by the United States.

The countries on the new list reportedly include Angola, Antigua and Barbuda, Benin, Bhutan, Burkina Faso, Cambodia, Cameroon, Cape Verde, the Democratic Republic of Congo, Djibouti, Dominica, Ethiopia, Egypt, Gabon, Gambia, Ghana, Ivory Coast, Kyrgyzstan, Liberia, Malawi, Mauritania, Niger, Nigeria, St. Kitts and Nevis, St. Lucia, São Tomé and Príncipe, Senegal, South Sudan, Syria, Tanzania, Tonga, Tuvalu, Uganda, Vanuatu, Zambia, and Zimbabwe.

Back to Top

Firm in the News

Cyrus Mehta was quoted by *Forbes* in Immigration Restrictions Mount Against Americans and Legal Residents. Discussing a new proclamation that includes an exception for spouses, children, and parents of U.S. citizens coming to the United States but requires U.S. citizens to overcome a new standard—clear and convincing evidence of identity and family relationship (e.g., DNA)—Mr. Mehta said, "This standard is higher than the preponderance of evidence standard that exists presently for U.S. citizens to claim their relationship to relatives they wish to sponsor for permanent residence. Normally, the standard only escalates to the clear and convincing standard in situations involving suspected fraud, such as when a respondent in removal proceedings marries a U.S. citizen or when there have been instances of prior fraud." Regarding the Trump travel ban, Mr. Mehta said, "There seems to be a strategy to prevent immigration and future citizenship from … mainly African countries," adding that he considers the ban on lawful permanent residents sponsoring their spouses or children "draconian." He said that although "it may be difficult to challenge the entire proclamation on its face as unconstitutional under equal protection or First Amendment principles after *Trump v. Hawaii*, plaintiffs may try to take shots at challenging narrower provisions such as the provision rendering it harder for U.S. citizens to sponsor immediate relatives from the banned country." Mr.

Kurzban said the travel ban "doesn't allow people to reunify with family members, and it forces people to remain in or be deported to conditions that the United States and the rest of the world have recognized as absolutely horrific."

Back to Top