



IMMIGRATION UPDATE - JULY 23, 2025

Posted on July 23, 2025 by Cyrus Mehta

Headlines:

[USCIS To Increase Fees for Various Immigration-Related Applications and Benefits](#) – Applicants must submit the new fees with benefit requests postmarked on or after July 22, 2025. U.S. Citizenship and Immigration Services said it will reject any form postmarked on or after August 21, 2025, without the proper fees.

[August Visa Bulletin Includes Updates, Retrogressions, Predictions](#) – The Department of State's Visa Bulletin for August 2025 includes updates on the retrogression of the EB-2 Rest of World category, and visa availability in the EB-3 and Other Workers categories and the EB-5 Unreserved categories for India and China.

[H-1B Cap Reached for FY 2026; New H-1B Proposed Rule Will Prioritize Higher Salaries](#) – U.S. Citizenship and Immigration Services (USCIS) has received enough petitions to reach the congressionally mandated 65,000 H-1B visa regular cap and the 20,000 H-1B visa U.S. advanced degree exemption, known as the master's cap, for fiscal year 2026. Also, USCIS plans to propose a new rule for review that would resurrect the first Trump administration's efforts to prioritize higher salaries in the H-1B selection process.

[USCIS Implements Supreme Court Order on 2023 Venezuela TPS Designation](#) – U.S. Citizenship and Immigration Services released instructions implementing a Supreme Court emergency stay in *National TPS Alliance v. Noem* for Venezuelan Temporary Protected Status (TPS) beneficiaries who received certain TPS-related documentation on or before February 5, 2025.

[E-Verify Allows Employees to Opt Out of E-Verify+](#) – A new feature allows employees to opt out of the E-Verify+ process and complete a traditional Form

I-9 and E-Verify case instead.

[E-Verify Updates Status Change Report](#) – The new Status Change Report now includes an additional "Revoked Document Number" field.

[USCIS Will Require New Edition of Nonimmigrant Worker Petition Starting July 30](#) – As of July 30, 2025, U.S. Citizenship and Immigration Services will require the new January 20, 2025, edition of Form I-129, Petition for a Nonimmigrant Worker. Until that date, the January 17, 2025, edition is also acceptable.

[Joseph Edlow Confirmed as USCIS Director](#) – On July 15, 2025, the U.S. Senate confirmed Joseph Edlow as director of U.S. Citizenship and Immigration Services.

Details:

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USCIS To Increase Fees for Various Immigration-Related Applications and Benefits

On July 18, 2025, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it plans to publish a [Federal Register notice](#) on July 22, 2025, to raise fees for various immigration-related forms, benefits, statuses, petitions, applications, and requests administered by multiple government agencies.

Applicants must submit the new fees with benefit requests postmarked on or after July 22, 2025. USCIS said it will reject any form postmarked on or after August 21, 2025, without the proper fees.

The new fees include, among others:

- A new fee of \$100 for individuals who file Form I-589, Application for Asylum and for Withholding of Removal.
- An annual asylum fee of \$100 (which must be paid online) for all individuals with a pending Form I-589 for each calendar year their application remains pending.
- A new fee for individuals who file Form I-765, Application for Employment Authorization, for asylum, parolee, and Temporary Protected Status (TPS) categories. The categories are (a)(4), (a)(12), (c)(8), (c)(11), (c)(19), and (c)(34). The fees are:

- For initial Employment Authorization Document (EAD) applications, \$550; and
- For renewal or extension EAD applications, \$275.

There is one exception to these fees. If an individual requests an EAD after USCIS approves a new period of parole (re-parole) by filing Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records, the fee will be \$275.

- A new Special Immigrant Juvenile fee of \$250 for any individual who files a [Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#), as a special immigrant juvenile.
- Increasing the maximum cost to register for TPS using [Form I-821, Application for Temporary Protected Status](#), from \$50 to \$500.

Any person who filed or files a Form I-589 after October 1, 2024, that remains pending with USCIS for 365 days must pay the annual asylum fee as of the one-year anniversary of their filing date and each year thereafter that the application remains pending.

USCIS also noted that for parolees, initial work authorization is valid for a period of no more than one year or for the duration of the person's parole, whichever is shorter. For those with TPS, initial and renewal work authorizations are valid for no more than one year or for the duration of the person's TPS status, whichever is shorter.

USCIS said that the Department of Homeland Security will announce implementation of fees not covered in this notice in a future action. Several forms have associated fee changes that are not included in this notice, including Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records, and Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document.

The Executive Office for Immigration Review also issued a [memorandum](#) with a list of updated fees, including a \$2,940 fee for Form I-485, Adjustment of Status.

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August Visa Bulletin Includes Updates, Retrogressions, Predictions

The Department of State's (DOS) Visa Bulletin for August 2025 includes the

following updates:

Retrogression in EB-2 category for Rest of World, possible unavailability soon. The EB-2 final action date for Rest of World countries has been retrogressed. The bulletin notes that the annual limit likely will be reached in August, if not sooner. If the limit is reached, the preference category will become unavailable.

Visa availability in EB-3 and Other Workers categories. Visa issuance totals for the EB-3 and EW (Other Workers) categories are approaching the annual limits for FY-2025 in those categories. The bulletin states that either retrogression of the final action dates or making the categories "Unavailable" in September, if not sooner, is likely.

Visa availability in EB-5 Unreserved category for China. The August bulletin notes that in the April 2025 bulletin, the EB-5 Unreserved final action date for China was retrogressed. In the months that followed, EB-5 number use has not materialized to the degree that was expected. Consequently, the EB-5 Unreserved final action dates for China have advanced to allow continued EB-5 Unreserved number use. The bulletin notes that if the annual limit is reached, the preference category will become unavailable.

Visa availability in EB-5 Unreserved category for India. Similar to the Unreserved category for China, the August bulletin notes that in the April 2025 bulletin, the EB-5 Unreserved final action date for India was retrogressed. DOS expects that India will have unused family sponsored preference numbers that "can fall down for use in the employment-based categories, including EB-5 Unreserved." As a result, the final action date for EB-5 Unreserved has been advanced to use these available numbers. The bulletin notes that if the annual limit is reached, the preference category will become unavailable.

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H-1B Cap Reached for FY 2026; New H-1B Proposed Rule Will Prioritize Higher Salaries

H-1B cap reached. On July 18, 2025, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it has received enough petitions to reach the congressionally mandated 65,000 H-1B visa regular cap and the 20,000 H-1B visa U.S. advanced degree exemption, known as the master's cap, for fiscal year

2026.

USCIS said it will continue to accept and process petitions that are otherwise exempt from the cap. Petitions filed for current H-1B workers who have been counted previously against the cap, and who still retain their cap numbers, are exempt from the FY 2026 H-1B cap. USCIS will continue to accept and process petitions filed to:

- Extend the amount of time a current H-1B worker may remain in the United States;
- Change the terms of employment for current H-1B workers;
- Allow current H-1B workers to change employers; and
- Allow current H-1B workers to work concurrently in additional H-1B positions.

New H-1B proposed rule. USCIS plans to propose a new rule for [review](#) by the Office of Management and Budget's Office of Information and Regulatory Affairs. The rule would resurrect the first Trump administration's efforts to prioritize higher salaries in the selection process for H-1B positions.

Details of the new proposed rule have not yet been released, but during the first Trump administration, [objections](#) to a similar rule ranged from statutory concerns to the observation that newly minted graduates at lower salaries might be more highly skilled than those with higher salaries due to tenure or seniority, and that prioritizing the latter based on salary alone would prevent employers from hiring highly qualified recent graduates and prevent start-ups from being able to afford to hire top talent.

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USCIS Implements Supreme Court Order on 2023 Venezuela TPS Designation

On July 14, 2025, U.S. Citizenship and Immigration Services (USCIS) released [instructions](#) implementing a Supreme Court emergency stay in *National TPS Alliance v. Noem* for Venezuelan Temporary Protected Status (TPS) beneficiaries who received certain TPS-related documentation on or before February 5, 2025. Pending further litigation, they will maintain TPS and their documentation will remain valid.

Pending resolution of the litigation, this means that for the Form I-766, Employment Authorization Document (EAD) category A12 or C19 issued under

the TPS Venezuela 2023 redesignation:

- TPS Venezuela beneficiaries who received TPS-related EADs that show a "Valid From" date that is on or before February 5, 2025, and a "Card Expires" date of October 2, 2026, will maintain that status and their documentation will remain valid.
- TPS Venezuela beneficiaries who received TPS-related EADs with a "Card Expires" date of April 2, 2025, and who received Forms I-797, Notices of Action, indicating receipt of a timely filed Form I-765 renewal application that were issued on or before February 5, 2025, automatically extending their employment authorization for up to 540 days, will maintain TPS, and employment authorization and their EADs will remain valid for up to 540 days (i.e., until September 24, 2026).

USCIS issued related guidance for employers when employees present the above-listed EADs to complete or update Form I-9, Employment Eligibility Verification:

- If your employee presents an EAD with category A12 or C19 that shows a "Valid From" date that is on or before February 5, 2025, and a "Card Expires" date of October 2, 2026, enter October 2, 2026, on Form I-9 as the expiration date of the EAD.
- If your employee presents an EAD with category A12 or C19 and a "Card Expires" date of April 2, 2025, and a renewal application receipt on Form I-797, Notice of Action, that was issued on or before February 5, 2025, and you determine from the date on Form I-797 that the renewal application was timely filed during the TPS registration period, the employee's A12 or C19 EAD has been automatically extended for up to 540 days and, therefore, you should enter September 24, 2026, as the expiration date of the EAD.

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E-Verify Allows Employees to Opt Out of E-Verify+

E-Verify recently [announced](#) a new feature allowing employees to opt out of the E-Verify+ process and complete a traditional Form I-9 and E-Verify case instead.

E-Verify said that once the employee selects "Opt Out" in E-Verify+ and successfully completes the opt-out process, the employee's E-Verify+ case

status will change to "Case Closed Opt Out" and the case will automatically close. The employee will be directed to contact their employer to complete Section 1 in Form I-9 and provide acceptable documentation showing their identity and work authorization.

E-Verify noted that if an employee opts out of E-Verify+, "they still must complete Section 1 and provide documentation no later than their first day of employment, and the employer must create an E-Verify case within three business days." The updated case status will appear on the employer's E-Verify dashboard under "Recently Auto-Closed Cases."

[E-Verify+](#) is a service of E-Verify that streamlines verification by combining the Form I-9 and E-Verify processes into one digital process.

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E-Verify Updates Status Change Report

On July 15, 2025, E-Verify [announced](#) that the new Status Change Report now includes an additional "Revoked Document Number" field to help employers determine whether an employee's Employment Authorization Document (EAD) presented in the Form I-9 verification process and used to create their E-Verify case is the revoked EAD in the report. "If this EAD has been revoked, you must reverify the employee," E-Verify said.

The announcement includes detailed instructions on reverification and what employers need to do.

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USCIS Will Require New Edition of Nonimmigrant Worker Petition Starting July 30

As of July 30, 2025, U.S. Citizenship and Immigration Services (USCIS) will require the new January 20, 2025, edition of the [Form I-129, Petition for a Nonimmigrant Worker](#). Until that date, the January 17, 2025, edition is also acceptable.

The edition date is at the bottom of the page on the form and instructions. USCIS said that an employer who completes and prints this form to mail it should "make sure that the form edition date and page numbers are visible at the bottom of all pages and that all pages are from the same form edition. If

any of the form's pages are missing or are from a different form edition, we may reject your form."

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Joseph Edlow Confirmed as USCIS Director

On July 15, 2025, the U.S. Senate [confirmed Joseph Edlow](#) as director of U.S. Citizenship and Immigration Services (USCIS).

Mr. Edlow previously served as deputy director for policy and chief counsel at USCIS, deputy assistant attorney general at the Department of Justice, and counsel for Rep. Raúl R. Labrador (R-ID) and the House of Representatives' Committee on the Judiciary. He also served as a visiting fellow at the Center for Renewing America and the Heritage Foundation and founded the Edlow Group LLC and the Law Office of Joseph Edlow LLC.

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