



IMMIGRATION UPDATE - AUGUST 04, 2025

Posted on August 4, 2025 by Cyrus Mehta

Headlines:

[DOS Updates Policy to Require In-Person Interviews for Most](#)

[Nonimmigrant Visas](#) – Effective September 2, 2025, the categories of applicants who may be eligible for a waiver of the nonimmigrant visa interview will be updated. All nonimmigrant visa applicants generally will require an in-person interview with a consular officer, with a few exceptions.

[Judge Postpones TPS Termination for Honduras, Nepal, and Nicaragua](#) –

The termination of Temporary Protected Status for Honduras, Nepal, and Nicaragua is postponed until at least November 18, 2025, when a hearing on the merits will be held.

[ICE Says Small Businesses and Others Are Free to Question ICE Policies](#)

[Without Fear of Retaliation](#) – U.S. Immigration and Customs Enforcement recently released an undated Non-Retaliation Policy Statement.

[E-Verify Updates Guidance for Employers Following District Court Order](#)

[on Haiti TPS](#) – The update includes instructions for employers on requirements for the I-9 process and reverification of work authorization for affected employees.

[SAVE Releases Updated Guide to Understanding SAVE Verification](#)

[Responses](#) – The guide introduces seven new responses when a Systematic Alien Verification for Entitlements (SAVE) case is created using a Social Security Number as the applicant's enumerator, along with enhanced narratives to explain existing SAVE verification responses more clearly.

[Birthright Citizenship Update: Trump Restrictions Blocked,](#)

[Implementation Plan Developed](#) – In the ongoing battle over birthright citizenship, there have been several new developments, including a ruling in

the Ninth Circuit and development of an implementation plan by U.S. Citizenship and Immigration Services.

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DOS Updates Policy to Require In-Person Interviews for Most Nonimmigrant Visas

On July 25, 2025, the Department of State (DOS) [announced](#) that effective September 2, 2025, the categories of applicants who may be eligible for a waiver of the nonimmigrant visa interview will be updated. According to the new policy, all nonimmigrant visa applicants, including applicants under the age of 14 and over the age of 79, generally will require an in-person interview with a consular officer except:

- Applicants classifiable under the visa symbols A-1, A-2, C-3 (except attendants, servants, or personal employees of accredited officials), G-1, G-2, G-3, G-4, NATO-1 through NATO-6, or TECRO E-1;
- Applicants for diplomatic or official-type visas; and
- Applicants renewing a full validity B-1, B-2, B1/B2 visa or a Border Crossing Card/Foil (for Mexican nationals) within 12 months of the prior visa's expiration, and who were at least 18 years old at the time of the prior visa's issuance.

To be eligible for an interview waiver based on the third bullet point above (applicants renewing a full validity B-1, B-2, B1/B2 visa or a Border Crossing Card/Foil for Mexican nationals), DOS said, applicants must also meet certain criteria, including that they:

- Apply in their country of nationality or residence;
- Have never been refused a visa (unless such refusal was overcome or waived); and
- Have no apparent or potential ineligibility.

Consular officers may still require in-person interviews on a case-by-case basis for any reason, DOS noted. Applicants should check embassy and consulate websites for more detailed information.

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Judge Postpones TPS Termination for Honduras, Nepal, and Nicaragua

On July 31, 2025, U.S. district court judge Trina Thompson, of the Northern District of California, [postponed](#) the termination of Temporary Protected Status (TPS) for Honduras, Nepal, and Nicaragua until at least November 18, 2025, when a hearing on the merits will be held.

Among other things, the judge said that plaintiffs were likely to succeed on their Fifth Amendment claim. The judge determined that there was sufficient evidence demonstrating "racial and discriminatory animus" in support of plaintiffs' Fifth Amendment claim, adding that "olor is neither a poison nor a crime." The judge also noted the economic effects of termination of TPS on the United States, among other public interest considerations: "Termination of TPS for Nepal, Honduras, and Nicaragua will result in a \$1.4 billion loss to the United States economy." Citing statistics that approximately 87% of TPS holders in the United States participate in the labor force, a substantially higher rate than the U.S. labor force participation rate overall (about 62%), the judge said that the TPS terminations would result in reductions in tax revenue as well as Social Security and Medicare payments.

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ICE Says Small Businesses and Others Are Free to Question ICE Policies Without Fear of Retaliation

U.S. Immigration and Customs Enforcement (ICE) recently released an undated [Non-Retaliation Policy Statement](#). The statement says that ICE "is committed to upholding standards of fair regulatory enforcement practices, where small businesses and others are free to question, raise concerns, or otherwise comment on ICE actions or policies without fear of retaliation," and that ICE "will thoroughly investigate any allegations of retaliation and take appropriate corrective action."

The statement notes that "filing a complaint with the Office of the National Ombudsman will not stop or delay investigations and legal or administrative proceedings as part of the Agency's ongoing responsibility to enforce Federal laws under its jurisdiction."

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E-Verify Updates Guidance for Employers Following District Court Order on Haiti TPS

E-Verify has released an [update](#) related to compliance with a district court order on the designation of Haiti for Temporary Protected Status (TPS). The update includes instructions for employers on requirements for the I-9 process and reverification of work authorization for affected employees.

The announcement notes that on July 1, 2025, DHS [terminated the designation of Haiti](#) for TPS. Haiti's TPS designation and related benefits were set to terminate on September 2, 2025, but on July 15, 2025, the U.S. District Court for the Eastern District of New York issued a final judgment in *Haitian Evangelical Clergy Ass'n v. Trump* that sets the effective date of any termination no earlier than February 3, 2026.

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SAVE Releases Updated Guide to Understanding SAVE Verification Responses

The Systematic Alien Verification for Entitlements (SAVE) program has released an updated *Guide to Understanding SAVE Verification Responses*. The guide introduces seven new responses when a SAVE case is created using a Social Security number (SSN) as the applicant's enumerator, along with enhanced narratives to explain existing SAVE verification responses more clearly.

When a SAVE case is created using the benefit applicant's name, date of birth, and Social Security Number, the initial verification will now provide one of the following responses:

- United States Citizen (per Social Security Administration Record);
- United States National;
- Immigration Enumerator Required – Resubmit with Additional Information;
- No Record Found with SSA – Resubmit with Additional Information;
- Unable to Return Record from SSA – Resubmit with Additional Information;
- Full Social Security Number Required– Resubmit with Additional Information; or
- Deceased (per SSA Record).

According to SAVE, the updated guide is available within SAVE at SAVE> Help>

Resources.

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Birthright Citizenship Update: Trump Restrictions Blocked, Implementation Plan Developed

In the ongoing battle over birthright citizenship, there have been several new developments, including a ruling in the Ninth Circuit and development of an implementation plan by U.S. Citizenship and Immigration Services (USCIS).

Below are highlights:

Ninth Circuit blocks restrictions. Even after the Supreme Court's June 2025 ruling, the U.S. Court of Appeals for the Ninth Circuit recently [ruled](#) that the Trump administration's [Executive Order](#) restricting birthright citizenship is unconstitutional "because it contradicts the plain language of the Fourteenth Amendment's grant of citizenship to 'all persons born in the United States and subject to the jurisdiction thereof.' "

Trump administration develops implementation plan to limit birthright citizenship. USCIS has developed an [implementation plan](#), in case federal courts allow the Executive Order to go into effect. That plan would base the status of babies born to certain immigrants and nonimmigrants in the United States on the temporary immigration status, or lack of immigration status, of their mothers.

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Firm in the News

[Cyrus Mehta](#) was extensively quoted by the *Times of India* in [USCIS Draws Up an Implementation Plan to Narrow Birthright Citizenship](#). He said, "The USCIS has a sinister plan to implement Trump's 'currently unconstitutional' birthright citizenship order, in case the which is currently blocked, is allowed to go into effect. Under it, the newborn child will not automatically be a U.S. citizen but would take on the lawful but temporary status of the mother." He noted that "f the mother is unlawfully present, the child will also be considered unlawfully present as soon as it is born. The immigration authorities can technically remove the child who is unlawfully present."

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