



IMMIGRATION UPDATE - OCTOBER 13, 2025

Posted on October 13, 2025 by Cyrus Mehta

Headlines:

[E-Verify Resumes Operations; Employers Hiring When E-Verify Was Unavailable Must Create a Case by October 14](#) – E-Verify has resumed operations during the federal government shutdown. The announcement includes instructions for employers who hired foreign employees while E-Verify was temporarily not available. Employers who participate in E-Verify must create an E-Verify case by Tuesday, October 14, 2025, for each employee hired while E-Verify was not available.

[DOS Announces New Policy for Interviewing Immigrant Visa Applicants](#) – Effective November 1, 2025, immigrant visa applicants must be interviewed in the consular district designated for their place of residence, or in their country of nationality if requested, with limited exceptions.

[University Warns H-1B Faculty and Staff: Don't Travel Now](#) – The University of Southern California has urged faculty and staff in H-1B status to avoid international travel.

[DACA News: USCIS Issues Memo Calling for Termination for Attempts to Purchase a Firearm; Immigration Attorney Launches National Green Card Initiative](#) – In several developments affecting Deferred Action for Childhood Arrivals (DACA) recipients, U.S. Citizenship and Immigration Services has issued guidance on terminating DACA status when a DACA recipient attempts to purchase a firearm, and an immigration attorney has launched a national green card initiative for DACA recipients.

[EOIR Announces New Director: Daren K. Margolin](#) – On October 7, 2025, the Department of Justice's Executive Office for Immigration Review announced the appointment of a new director.

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E-Verify Resumes Operations; Employers Hiring When E-Verify Was Unavailable Must Create a Case by October 14

On October 9, 2025, E-Verify [announced](#) that it has resumed operations during the federal government shutdown. The announcement includes instructions for employers who hired foreign employees while E-Verify was temporarily not available, tips on how to handle tentative nonconfirmations (mismatches), and federal contractor deadlines and how to count days when E-Verify was unavailable. It also includes instructions for employees with traditional E-Verify cases or E-Verify+ cases.

The announcement notes that employers who participate in E-Verify must create an E-Verify case by Tuesday, October 14, 2025, for each employee hired while E-Verify was not available. E-Verify went down on October 1, 2025, in conjunction with the shutdown, and was [back online without notice](#) late on October 7, 2025.

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DOS Announces New Policy for Interviewing Immigrant Visa Applicants

Effective November 1, 2025, immigrant visa applicants must be interviewed in the consular district designated for their place of residence, or in their country of nationality if requested, with limited exceptions, the Department of State (DOS) [announced](#).

Residents of countries where routine visa operations are suspended or paused should apply at their designated immigrant visa processing post, DOS said, unless the applicant is a national of another country with ongoing operations. The DOS notice provides a list of immigrant visa designated processing posts for such countries.

Highlights of DOS's [instructions](#) include:

- **Existing Appointments:** Existing immigrant visa appointments will generally not be rescheduled or cancelled.
- **Post-to-Post Transfers:** Beginning immediately, if an applicant would like to transfer an immigrant visa case to a new consular district after the

National Visa Center (NVC) has scheduled the appointment, the applicant should contact NVC using its [Public Inquiry Form](#) and should not contact the consular section directly.

- **Residence Requirement:** If an applicant requests to interview in a location other than the applicant's assigned consular district or country of nationality, NVC may request additional information to confirm that the location is an applicant's place of residence, or to confirm whether an exception may be appropriate.
- **Exceptions:** Rare exceptions may be made for humanitarian or medical emergencies or foreign policy reasons.
- **Diversity Visas:** These changes will be applied to Diversity Visa applicants in the DV-2026 program year.

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University Warns H-1B Faculty and Staff: Don't Travel Now

The University of Southern California (USC) has urged faculty and staff in H-1B status to avoid international travel. "Out of an abundance of caution, all faculty and staff in H-1B status currently in the U.S. should put international travel plans on hold until they receive further guidance," the [statement](#) says.

Aisling Kelliher, associate professor of cinematic arts at USC, said she was concerned about widespread confusion and anxiety resulting from new H-1B policies under the Trump administration, including a \$100,000 fee for new H-1B applications. "If you're going to invest the time in uprooting yourself and moving to another country, perhaps it is going to be more attractive to to ... other countries that're going to make it a little bit more attractive for people to consider that, long-term, they may be able to put down roots," she noted.

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DACA News: USCIS Issues Memo Calling for Termination for Attempts to Purchase a Firearm; Immigration Attorney Launches National Green Card Initiative

In several developments affecting Deferred Action for Childhood Arrivals (DACA) recipients, U.S. Citizenship and Immigration Services (USCIS) has issued guidance on terminating DACA status when a DACA recipient attempts to purchase a firearm, and an immigration attorney has launched a national green

card initiative for DACA recipients.

USCIS Releases Guidance on DACA Termination for Attempted Firearm Purchase

U.S. Citizenship and Immigration Services (USCIS) is instructing USCIS officers "to initiate certain post-adjudicative actions to ensure that is properly terminated when DACA recipients engage in certain unlawful acts." In a new memorandum, USCIS calls attempts to purchase a firearm by DACA recipients "unlawful" where they have, "without regard to intent, attempted to purchase a firearm and not meet one of the exceptions provided in 18 U.S.C. 922(y)(2)." Those exceptions include a person who is:

- (A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;
- (B) an official representative of a foreign government who is—
 - (i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
 - (ii) en route to or from another country to which that alien is accredited;
- (C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or
- (D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

The memo states that in most cases, a Notice of Intent to Terminate (NOIT) DACA should be issued when a DACA recipient attempts to purchase a firearm and that issuance of the NOIT must comply with the law and regulations requiring notice and an opportunity to respond before the DACA grant is terminated. If the DACA recipient has had an opportunity to respond and has failed to provide "sufficient and persuasive evidence to overcome the grounds for termination outlined in the NOIT, USCIS may issue a Notice of Termination." The only exception to the NOIT requirement is that "USCIS may terminate a grant of DACA without a NOIT and an opportunity to respond if the DACA recipient is convicted" of certain national security-related offenses or egregious public safety offenses.

National Green Card Initiative for DACA Recipients Launched

Hillary Walsh, an immigration attorney, has launched a [national green card initiative](#) targeting high-skilled DACA recipients and their employers. Specifically, the program educates employers about their options, and encourages eligible DACA recipients to explore whether they may qualify for employer sponsorship or national interest waivers (NIWs) if they are in certain fields (e.g., registered nurses, physicians, physical therapists, those in science or technology fields like robotics engineering, innovative entrepreneurs). In some cases, they may be able to self-petition for an NIW, or their employers may wish to file a permanent labor certification application.

"I graduated law school the same year DACA became a program, and for over a decade I have watched these professionals build careers while remaining locked out of permanent residency," Ms. Walsh [said](#). "It's time to highlight employment-based and self-petition paths that match the contributions they are already making."

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EOIR Announces New Director: Daren K. Margolin

On October 7, 2025, the Department of Justice's Executive Office for Immigration Review [announced](#) the appointment of a new director, Daren K. Margolin.

Mr. Margolin earned his Juris Doctor degree in 1990 from New York Law School, and a Master of Political Science/National Security Studies degree in 2010 from the Israeli National Defense College and Haifa University. His experience includes serving as an Assistant Chief Immigration Judge at multiple immigration courts in California; Assistant Chief Counsel, Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement, Department of Homeland Security, in Adelanto, California; a military judge, prosecutor, appellate prosecutor, and defense counsel for the U.S. Marines; and staff judge advocate (general counsel) for various Marine commands.

Mr. Margolin is a member of the State Bars of California, Hawaii, New Jersey, and New York.

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