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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - OCTOBER 20, 2025

Posted on October 20, 2025 by Cyrus Mehta

Headlines:

U.S. Chamber of Commerce Files Lawsuit, Calls New $100K H-1B Fee 'Unlawful' – The U.S. Chamber of Commerce is challenging the legality of the new $100,000 H-1B fee.

Visa Bulletin for November Includes Diversity Visa 2026 Results – The Kentucky Consular Center has registered and notified the selectees who are eligible to participate in the DV-2026 Diversity Visa program.

USCIS Implements New Immigration Parole Fee – The fee is $1,000 for fiscal year 2025 and is subject to annual adjustments for inflation. Parolees must pay the fee when they are paroled into the United States unless they qualify for an exception.

District Court Rules Trump Administration Policy Targeting Foreign Faculty's and Students' Speech Violates First Amendment – A U.S. district judge ruled against the Trump administration in a First Amendment case involving the targeting of pro-Palestinian foreign faculty and students for visa revocation and deportation.

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U.S. Chamber of Commerce Files Lawsuit, Calls New $100K H-1B Fee 'Unlawful'

On October 16, 2025, the U.S. Chamber of Commerce (USCC) filed a lawsuit challenging the legality of the new $100,000 H-1B fee. USCC said that it believes the new fee "is unlawful because it overrides provisions of the Immigration and

Nationality Act that govern the H-1B program, including the requirement that fees be based on the costs incurred by the government in processing visas."

USCC said it has "heard from many Chamber members—from small to large and across industries—regarding the tremendous negative impact that will be caused" by the fee. The suit argues that "or more than 70 years, what is now known as the H-1B visa program has enabled the United States to harness this magnetic draw. Tens of thousands of highly skilled people in specialized fields boost the American economy each year after obtaining H-1B status. These workers allow businesses of all sizes, in industries across the economy, to innovate and grow. The resulting innovations lead to more American jobs, higher wages, and new products and services that improve the quality of life for all Americans." Arguing that the new fee "exceeds the President's lawful authority," USCC noted that before the presidential proclamation at issue, Restriction on Entry of Certain Nonimmigrant Workers (Sept. 2025), most H-1B petitions cost less than $3,600.

On the same day the lawsuit was filed, USCC published H-1B Visas: What You Need to Know. The brief report notes that "decades of research show that high-skill immigration raises output and local wages without reducing domestic employment. Persistent labor shortages in computer, math, and engineering occupations underscore the demand for specialized skills."

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Visa Bulletin for November Includes Diversity Visa 2026 Results

The Department of State's (DOS) Visa Bulletin for November 2025 notes that the Kentucky Consular Center in Williamsburg, Kentucky, has registered and notified the selectees who are eligible to participate in the DV-2026 Diversity Visa (DV) program.

The bulletin notes that approximately 129,516 prospective applicants (i.e., selectees and their spouses and children) have been registered, can confirm their selection, and may be eligible to apply for an immigrant visa. "Since selection is random and blind to the number of family members who might immigrate with the selectee, and it is likely that some of the selectees will not complete their cases or will be found ineligible for a visa, this larger figure should ensure that all DV-2026 numbers can be used during fiscal year 2026 (FY26: October 1, 2025, until September 30, 2026)," the bulletin states.

The bulletin includes details on next steps for selectees and a statistical breakdown by country. People can find updates on DOS's Electronic Diversity Visa Program webpage, including information on registering for DV-2027 when it becomes available.

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USCIS Implements New Immigration Parole Fee

On October 16, 2025, the Department of Homeland Security announced publication of a Federal Register notice, effective the same day, to implement a new immigration parole fee required by the reconciliation bill (H.R. 1). The fee is $1,000 for fiscal year 2025 and is subject to annual adjustments for inflation. Parolees must pay the fee when they are paroled into the United States unless they qualify for an exception.

The notice states that the fee applies each time a person "is granted parole under INA sec. 212(d)(5)(A), 8 U.S.C. 1182(d)(5)(A), including initial parole from outside the United States, Congressionally-authorized 'parole in place,' re-parole, or parole from DHS custody." The fee is not due "when an application is merely submitted or when a travel document is issued," but rather, DHS will collect the fee after it determines that the person "merits a grant of parole as a matter of discretion" and "either appears for inspection at a port of entry or is already physically present in the United States."

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District Court Rules Trump Administration Policy Targeting Foreign Faculty's and Students' Speech Violates First Amendment

On September 30, 2025, in *American Association of University Professors v. Rubio*, a U.S. district judge ruled against the Trump administration in a First Amendment case involving the targeting of pro-Palestinian foreign faculty and students for visa revocation and deportation. The judge said the question was whether noncitizens lawfully present in the United States have the same free speech rights as U.S. citizens, and the answer was that "unequivocally 'yes, they do.' "

The court found that Secretary of Homeland Security Kristi Noem and Secretary of State Marco Rubio, together with their subordinates, "deliberately and with purposeful aforethought" coordinated their actions to intentionally "chill the

rights to freedom of speech" and peaceful assembly of the noncitizen members of the plaintiff associations. The court ruled, among other things, that "the Plaintiffs have shown that Secretaries Noem and Rubio are engaged in a mode of enforcement leading to detaining, deporting, and revoking noncitizens' visas solely on the basis of political speech, and with the intent of chilling such speech and that of others similarly situated. Such conduct is not only unconstitutional, but a thing virtually unknown to our constitutional tradition."

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Cyrus Mehta was quoted extensively by *Law360* in Kirk-Related Visa Revocations May Rub Against Court Rulings. He said that while some court cases could support challenges to visa revocations for individuals within the United States, those outside the country have more limited options, with few exceptions: "I don't think there's much recourse. With regards to visa revocations, you can't get into court because of the doctrine of consular nonreviewability," which deprives federal courts of jurisdiction to review visa decisions.

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