



IMMIGRATION UPDATE - NOVEMBER 11, 2025

Posted on November 11, 2025 by Cyrus Mehta

Headlines:

[OFLC Resumes Application Processing: Delays Expected](#) – The Office of Foreign Labor Certification has resumed processing of employer requests for prevailing wages and labor certification determinations for temporary and permanent employment in the United States.

[OFLC Announces Extensions and Emergency Procedures in Light of Shutdown](#) – Due to the federal government shutdown, the Office of Foreign Labor Certification is implementing temporary changes to its standard procedures related to applications and documents affected by the cessation of application processing activities from October 1, 2025, through November 2, 2025.

[Court Sets Expedited Briefing Schedule for \\$100K H-1B Fee Challenge](#) – The judge hearing a legal challenge to a \$100,000 fee on employers seeking to sponsor an employee for an H-1B visa has ordered that all legal briefings in the case be completed by December 8, 2025.

[USCIS Receives 'Overwhelming' Number of Applications for New 'Homeland Defender' Positions](#) – The announcement did not specify what vetting procedures or training Homeland Defenders will undergo to enable them to perform the specified duties of the position.

[Annual Asylum Fees Paused in Response to Court Order](#) – U.S. Citizenship and Immigration Services has paused the issuance of Annual Asylum Fee (AAF) notices in accordance with a court order.

[DHS Terminates South Sudan TPS Designation](#) – The Department of Homeland is terminating South Sudan's designation for Temporary Protected Status, effective January 5, 2026.

[DOS Signals Upcoming Changes to DV Program, Postpones Launch of DV-2027](#) – The Department of State is implementing "certain changes" to the Diversity Visa (DV) entry process and has postponed the start date for the launch of DV-2027.

[Firm in the News](#)

Details:

[Back to Top](#)

OFLC Resumes Application Processing; Delays Expected

The Department of Labor (DOL) [announced](#) that the Office of Foreign Labor Certification (OFLC) has resumed processing of employer requests for prevailing wages and labor certification determinations for temporary and permanent employment in the United States. OFLC's [Foreign Labor Application Gateway \(FLAG\)](#) system is now accessible, DOL said, as is OFLC's [SeasonalJobs.dol.gov](#) system, an online job registry of H-2A and H-2B temporary job opportunities.

OFLC said it is "taking all steps necessary to resume application processing." OFLC anticipates "increased requests for stakeholder assistance, and this means some stakeholders may experience longer than normal processing and response times."

[Back to Top](#)

OFLC Announces Extensions and Emergency Procedures in Light of Shutdown

Due to the federal government shutdown, the Department of Labor's Office of Foreign Labor Certification (OFLC) [announced](#) on November 5, 2025, that it is implementing several temporary changes to its standard procedures related to applications and documents affected by the cessation of application processing activities from October 1, 2025, through November 2, 2025.

In light of these unique circumstances for employers seeking prevailing wage and labor certification determinations, OFLC is implementing several temporary changes to its standard procedures related to applications and documents affected by the cessation of application processing activities from October 1, 2025, through November 2, 2025:

- **For submissions mailed to OFLC and postmarked between October 1 and November 2 or sent by commercial delivery services**, OFLC will manually enter applications and other correspondence received from October 1, 2025, through November 2, 2025, into the Foreign Labor Application Gateway (FLAG) system. Once the information and related correspondence associated with an application are entered into the FLAG system, a case number will be assigned and the employer will receive a notification that the application has been received for processing. As soon as practicable, OFLC will also respond to correspondence submitted by email or by mail or commercial delivery services once the submitted information has been entered into the FLAG system.
- Any application or other correspondence submitted by mail or commercial delivery service will be considered to have been **filed on the date it was postmarked**. Any correspondence sent by email will be deemed to have been received the day it was sent.
- Responses or other requests for information associated with correspondence issued by OFLC related to applications pending on October 1, 2025, that contained a due date for response by the employer during the period of October 1, 2025, through November 2, 2025, will have their **due dates automatically extended by 33 calendar days**. Employers do not need to submit a request to extend any submission deadline that fell during the period of October 1, 2025, through November 2, 2025.
- **Regarding the PERM program**, if an employer's recruitment efforts or prevailing wage determination expired between October 1 and November 2, 2025, the employer may submit applications electronically using the expired recruitment efforts or prevailing wage determination during the same 33-calendar-day period during which an automatic deadline extension has been provided.
- **For H-2A, H-2B, and CW-1 applications that could not be filed between October 1, 2025, and October 31, 2025**, OFLC encourages employers to submit emergency requests by following the regulatory provisions for doing so for each visa program. OFLC notes that the H-2A ([20 CFR 655.134](#)) and H-2B ([20 CFR 655.17](#)) regulations include provisions permitting employers to request a waiver of the regulatory time period for filing an application, and that the CW-1 regulations contain a provision under [20 CFR 655.422](#) permitting employers to request permission to

submit an application without first having obtained a prevailing wage determination.

OFLC noted that this guidance only applies to deadlines imposed by OFLC; it does not apply to deadlines for submission of appeals to or deadlines set by the Board of Alien Labor Certification Appeals.

[Back to Top](#)

Court Sets Expedited Briefing Schedule for \$100K H-1B Fee Challenge

The judge hearing a legal challenge to a \$100,000 fee on employers seeking to sponsor an employee for an H-1B visa has ordered that all legal briefings in the case be completed by December 8, 2025.

Judge Beryl Howell's order specifies that the government must file its opposition to summary judgment by November 28, 2025. The Chamber and AAU are allowed to file a reply to the government's arguments, due December 8, 2025. Following completion of briefing, the court will decide whether to hold oral argument, although Judge Howell recognized that the plaintiffs, the U.S. Chamber of Commerce and the Association of American Universities (AAU), have established that they are entitled to prompt judicial review. As such, according to [observers](#), the judge may be prepared to issue a decision before the end of December.

If the Chamber and AAU prevail, the court could invalidate or enjoin enforcement of the Proclamation nationwide. Regardless of the initial decision, the losing party will have the right of appeal to the District of Columbia Circuit Court. The DC Circuit may allow the [Presidential Proclamation](#) establishing the fee to stay in effect or may allow it to stay blocked while the litigation proceeds in the DC Circuit. A final decision would then be more than a year away, but Judge Howell's initial decision—and whether the DC Circuit allows that decision to go into effect while it considers the appeal—is expected to clarify, for employers and H-1B visa holders, how long they will need to be concerned about the Proclamation and its \$100,000 fee.

[Back to Top](#)

USCIS Receives 'Overwhelming' Number of Applications for New 'Homeland Defender' Positions

U.S. Citizenship and Immigration Services (USCIS) [announced](#) on November 6,

2025, that since starting its hiring campaign for "Homeland Defenders" on September 30, the agency "has received an overwhelming 35,000-plus applications—the most for any position in agency history" and has made "hundreds of job offers," with more to come.

USCIS said it is seeking "fiercely dedicated, America-first patriots to serve on the frontlines and hold the line against terrorists, criminal aliens, and bad actors intent on infiltrating our nation. This includes interviewing aliens, reviewing applications, and identifying criminal or ineligible aliens." Among those receiving offers, USCIS said, are "former law enforcement personnel and veterans who have experience serving and protecting their communities and our homeland." The announcement did not specify what vetting procedures or training Homeland Defenders will undergo to enable them to perform the specified duties of the position. USCIS said it "has cut red tape and can make on-the-spot job offers at upcoming job fairs."

USCIS Director Joseph Edlow said that USCIS is "not wasting time" and is hiring "at a rapid pace," and that he looks forward to "onboarding many more Homeland Defenders in the coming weeks."

[Back to Top](#)

U.S. Citizenship and Immigration Services (USCIS) [announced](#) on November 7, 2025, that in accordance with an October 30, 2025, court order, it has paused the issuance of [Annual Asylum Fee \(AAF\) notices](#).

"Any applicant who has received a notice from USCIS instructing him or her to pay the AAF may disregard that notice while the temporary stay is in place. USCIS will not refund previously paid annual asylum fees, and applicants who paid the fee should retain their receipts. USCIS will issue updated instructions on payment of the AAF pending further litigation developments," the agency said.

[Back to Top](#)

DHS Terminates South Sudan TPS Designation

On November 5, 2025, the Department of Homeland Security (DHS) [announced](#) that it has published a [Federal Register notice](#) terminating South Sudan's designation for Temporary Protected Status (TPS), effective January 5, 2026.

The Systematic Alien Verification for Entitlements (SAVE) program [noted](#) that:

- Employment Authorization Documents (EADs) with a category of A12 or C19 and a Card Expires date of November 3, 2025; May 3, 2025; or November 3, 2023, issued under a prior TPS designation of South Sudan are now valid through January 5, 2026. TPS South Sudan applicants or beneficiaries presenting an EAD from a previous TPS South Sudan designation are not required to show any other document, such as a Form I-797 or Form I-797C, Notice of Action, approval or receipt notice, to establish the new EAD validity period.
- SAVE will verify if a person has TPS or a pending TPS application (and any updated employment authorization validity period) using information from any documents noted above. In some instances, the benefit-granting agency may need to institute additional verification.
- If a person's TPS has expired and they have no other lawful status, SAVE will provide a "No Status" response.
- Benefit applicants whose TPS has been terminated may have another lawful basis to remain in the U.S. and may also be employment-authorized based on another immigration status or a pending application.

DHS said that South Sudanese nationals leaving the United States "should use the U.S. Customs and Border Protection [CBP Home Mobile App](#) to report their departure from the United States and take advantage of a safe, secure way to self-deport that includes a complimentary plane ticket, a \$1,000 exit bonus, and potential future opportunities for legal immigration."

[Back to Top](#)

DOS Signals Upcoming Changes to DV Program, Postpones Launch of DV-2027

The Department of State (DOS) [announced](#) on November 5, 2025, that it is implementing "certain changes" to the Diversity Visa (DV) entry process and has postponed the start date for the launch of DV-2027.

"We will announce the start date for the DV-2027 registration period as soon as practicable, as well as the date that DV-2027 selection results may become available through the Entry Status Check (ESC)," DOS said, adding that the changes "will not affect the visa application period for individuals selected for DV-2027, which will remain October 1, 2026, to September 30, 2027."

DOS did not indicate a reason for the delay. Some analysts [reportedly](#) believe that it may be related to eligibility and registration requirements under review, in addition to the federal government shutdown.

[Back to Top](#)

[Back to Top](#)

Firm in the News

Cyrus Mehta was quoted by the *Times of India*:

- [International Students – OPT – 180 Days Auto Extension Continues](#). Mr. Mehta said, "The 180-day automatic extension will still be available to F-1 students seeking the additional STEM-OPT."
- [Donald Trump Admin Ends Automatic Work Permit Extensions, Placing Nearly One Lakh Indian Spouses at Risk of Job Disruptions](#). Mr. Mehta said, "Even if is advising that people start the renewal process up to 180 days before, it is likely to take longer than six months. This will cause disruption and delays as employees may no longer be able to work if the EAD has [Back to Top](#)