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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - DECEMBER 08, 2025

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Headlines:

DOS Expands Social Media Vetting to H-1B and H-4 Visa Applicants – This newest expansion of the government's online presence screening practices for foreign nationals applies to both new visa applications and renewals.

USCIS Reduces Maximum Validity Period for Some Work Permits – U.S. Citizenship and Immigration Services has reduced the maximum validity period for Employment Authorization Documents (EADs) for certain categories. This update also incorporates changes to EAD validity periods made by recent legislation.

USCIS Announces New 'Vetting Center' – U.S. Citizenship and Immigration Services (USCIS) is establishing a new Vetting Center to be headquartered in Atlanta, Georgia. The center "will draw on the full spectrum of classified and nonclassified screening and vetting capabilities and provide a more thorough supplemental review of immigration applications and petitions," USCIS said.

USCIS Orders 'Hold and Review' of All Pending Asylum Applications, Review/Re-Review of Benefit Applications of Those From 'High-Risk Countries' – U.S. Citizenship and Immigration Services (USCIS) issued a memorandum ordering USCIS personnel to "hold and review" all pending asylum applications and all USCIS benefit applications filed by those from "high-risk countries." The memo also calls for re-review and re-interview of certain applicants.

DOS Prioritizes Attendees of Sports Events, Investors; Announces "FIFA PASS" Initiative – the Department of State has instructed all diplomatic and consular posts to prioritize visa applications for U.S. visitors coming for major sports events, including the FIFA World Cup and the Olympics, and businesspeople considering "significant investments."

Workforce Coalition Presses DHS and DOL on H-2B Supplemental Visas for FY 2026 – A group of organizations calling itself the "H-2B Workforce Coalition" urged the Secretaries of Homeland Security and Labor to "promptly make available 64,716 supplemental H-2B visas for fiscal year 2026" due to a "dire shortage of seasonal labor."

Details:

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DOS Expands Social Media Vetting to H-1B and H-4 Visa Applicants

Starting December 15, 2025, the Department of State (DOS) will extend its enhanced social media vetting to H-1B specialty-occupation workers and their H-4 dependent family members. This newest expansion of the government's online presence screening practices for foreign nationals applies to both new visa applications and renewals.

Highlights include:

- While DOS has not released detailed standards governing how consular officials will evaluate online content for H-1B and H-4 applicants, it is anticipated that it will be in line with DOS's June 2025 rollout of enhanced social media vetting for F, J, and M visa applicants. In its initial implementation, DOS instructed applicants to make their social media accounts publicly viewable and emphasized that consular officers may review online activity as part of the national security and eligibility assessment underlying every visa adjudication.
- The DS-160 already requires most nonimmigrant visa applicants to list all social media identifiers or usernames used during the past five years. DOS may treat a lack of accessible online presence or refusal to make accounts public as a warning sign. Also, a history of political activism, while not necessarily grounds for denial, may contribute to extended processing.
- In line with current vetting practices for F, J, and M visa applicants, consular officers will likely use the same online review tools to assess credibility, verify consistency with the offered employment, and evaluate compliance with past immigration status. Officers may also review online activity for indicators of potential security risks, including expressions of hostility toward U.S. institutions, affiliations that could implicate national-

> security concerns, or content that suggests involvement in or sympathy for unlawful conduct. Social media content that appears inconsistent with an applicant's job title, employer affiliation, work location, or prior status history, or that raises such security concerns may trigger follow-up questioning or administrative processing.

The Department of State also reportedly sent a cable to all diplomatic and consular posts to "be on the lookout" for H-1B visa applicants who are "responsible for or complicit in the censorship of Americans." The cable defines such activities as "adopting global content moderation policies inconsistent with freedom of expression, complying with global content moderation or censorship demands from a foreign entity and providing access to private data on American citizens in connection with content moderation." In addition to social media profiles and posts, DOS said, evidence could be obtained from resumes, work histories, and public statements.

Further, there have also been recent reports of H-1B visa refusals issued under § 214(b) of the immigration statute based on perceived credibility issues—even though H-1B status is a dual-intent category that should not be subject to traditional nonimmigrant-intent denials. While § 214(b) is normally used to refuse visas that require strong ties abroad, consular officers may invoke it for H-1B visa applicants when social-media review uncovers inconsistencies in employment information, questions about prior status compliance, or other credibility concerns, potentially increasing denial risks under the expanded vetting framework.

Employers and affected H applicants should anticipate longer processing times, lengthy background checks, and greater emphasis on consistency across their stated employment, resume, immigration history, online presence, and any potential security-related indicators.

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USCIS Reduces Maximum Validity Period for Some Work Permits

U.S. Citizenship and Immigration Services (USCIS) has reduced the maximum validity period for Employment Authorization Documents (EADs) for certain categories. This update also incorporates changes to EAD validity periods made by recent legislation, USCIS said. USCIS Director Joseph Edlow said the reductions will enable increased vetting and "ensure that those seeking to work

in the United States do not threaten public safety or promote harmful anti-American ideologies."

The maximum validity period for initial and renewal EADs has been changed from five years back to 18 months in several categories for applicants for work authorization that were pending or filed on or after December 5, 2025, including those:

- Admitted as refugees or granted asylum or withholding of removal;
- With pending applications for asylum or withholding of removal;
- With pending applications for adjustment of status under INA § 245; and
- With pending applications for suspension of deportation, cancellation of removal, or relief under the Nicaraguan Adjustment and Central American Relief Act.

As required by H.R. 1, the "One Big Beautiful Bill Act," the validity period for initial and renewal EADs will be one year or the end date of the authorized parole period or duration of Temporary Protected Status (TPS), whichever is shorter, for those whose work authorization applications were pending or filed on or after July 22, 2025, including those:

- Paroled as refugees or granted TPS or parole;
- With pending TPS applications; and
- Who are noncitizen spouses of persons with entrepreneur parole.

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USCIS Announces New 'Vetting Center'

On December 5, 2025, U.S. Citizenship and Immigration Services (USCIS) announced the establishment of a new USCIS Vetting Center to be headquartered in Atlanta, Georgia. The new center will be "a specialized unit to strengthen the ability of America's immigration system to screen out terrorists, criminal aliens, and other foreign nationals who pose potential threats to public safety or who have committed fraud or other crimes."

USCIS said that once the new vetting center "is fully operational, it will draw on the full spectrum of classified and nonclassified screening and vetting capabilities and provide a more thorough supplemental review of immigration applications and petitions. These reviews will leverage state-of-the-art technologies, including artificial intelligence." The center will use "Department

of Homeland Security and other law enforcement and intelligence community screening resources to conduct this critical work and will be tasked with conducting reviews of pending applications as well as a more holistic review of already-approved applications," USCIS said. Reviews conducted by the center "will prioritize applications from presidentially designated countries of concern."

The announcement did not say when the center would be fully operational.

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USCIS Orders 'Hold and Review' of All Pending Asylum Applications, Review/Re-Review of Benefit Applications of Those From 'High-Risk Countries'

On December 2, 2025, U.S. Citizenship and Immigration Services (USCIS) issued a memorandum ordering USCIS personnel to "hold and review" all pending asylum applications and all USCIS benefit applications filed by those from "high-risk countries." The memo also calls for re-review and re-interview of certain applicants.

USCIS said it has determined that a "comprehensive re-review, potential interview, and re-interview" of those from high-risk countries of concern who entered the United States on or after January 20, 2021, is necessary. USCIS said it "may, when appropriate, extend this review and re-interview process to aliens who entered the United States outside of this timeframe."

The high-risk countries are listed in Presidential Proclamation 10949, issued in June 2025. Secretary of Homeland Security Kristi Noem reportedly met with President Trump recently to discuss expanding the number of countries included in the Trump administration's travel ban to more than 30, and those plans are moving forward. A Department of State (DOS) cable sent out in June reportedly said that the agency "has identified 36 countries of concern that might be recommended for full or partial suspension of entry if they do not meet established benchmarks and requirements within 60 days."

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DOS Prioritizes Attendees of Sports Events, Investors; Announces "FIFA PASS" Initiative

According to reports, the Department of State (DOS) has sent cables to all diplomatic and consular posts instructing them to prioritize visa applications

for U.S. visitors coming for major sports events, including the FIFA World Cup and the Olympics, and businesspeople considering "significant investments."

As part of this effort, DOS announced a new "FIFA Priority Appointment Scheduling System (PASS)," an initiative to prioritize attendees of World Cup events in the United States in 2026. DOS said that further information regarding the FIFA PASS "will be shared with ticket holders in early 2026."

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Workforce Coalition Presses DHS and DOL on H-2B Supplemental Visas for FY 2026

On December 2, 2025, a group of organizations calling itself the "H-2B Workforce Coalition" urged Secretary of Homeland Security Kristi Noem and Secretary of Labor Lori Chavez-DeRemer to "promptly make available 64,716 supplemental H-2B visas for fiscal year 2026" due to a "dire shortage of seasonal labor." The coalition said the visas "will provide employers with the ability to better handle their labor challenges, as they will have additional certainty regarding their workforce planning decisions in the coming months."

The coalition also urged the agencies "to promptly publish a temporary rule implementing the release of these supplemental visas," and expressed support for the Trump administration's "efforts to increase access to H-2B visas for foreign nationals from the Northern Triangle countries and Haiti, Colombia, Ecuador, and Costa Rica."

The coalition represents "small and seasonal businesses" across the United States in industries such as "lodging, landscaping, seafood, restaurants, tourism, equine, forestry, mobile outdoor amusement, golf courses, and others." The letter says that the coalition's members "rely on the H-2B visa program to supplement their U.S. workforce during seasonal surge and peak business needs."

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