



News & Types: Immigration Monthly Updates

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### **FY2026 H-1B QUOTA REGISTRATION LOTTERY ENDS ON MONDAY, MARCH 24TH**

The FY2026 H-1B quota registration process began on March 7, 2025 and will remain available to Noon (Eastern) on **March 24, 2025**. As reported in last month's Business Immigration Monthly, employers must use a USCIS online account to register each beneficiary and pay the associated registration fee of \$215 per registration. Like past years, the FY2026 H-1B quota is limited to 65,000 with an additional 20,000 for beneficiaries who have earned a U.S. master's or higher degree.

USCIS anticipates notifying employers of the registration selections by March 31st. Employers of selected registrants may file the H-1B quota petition between April 1st and June 30th. Once the H-1B is approved, the employment commences on or after October 1, 2025 (which is the first day of the government's FY2026).

Following the "beneficiary-centric" selection process the random-selection will be of an individual and all employers who filed a FY2026 H-1B quota registration for the individual will be notified of the selection. USCIS permits a beneficiary to be registered by multiple employers; however, this does not increase the chance of selection. USCIS identifies the registered individual by name, date of birth and passport/travel document information creating an opportunity for a beneficiary for whom multiple registrations were filed, to have more than one employer file the H-1B petition for them during the applicable filing period. If each of the H-1B quota petitions is then approved, the beneficiary will then be able to select which employment opportunity to pursue.

Last year, USCIS received 479,953 registrations and selected a total of 127,624 beneficiaries during the first and second round selections.

### **UPDATE - NEW REGISTRATION REQUIREMENT FOR NONCITIZENS IN THE UNITED STATES**

On March 12, 2025, U.S. Citizenship & Immigration Services (USCIS) and the Department of Homeland Security (DHS) published an interim final rule implementing this registration requirement starting **April 11, 2025**. This rule also states the possible penalties for noncompliance. Additional information about the Registration Requirement was also posted in a Masuda Funai [Client Alert](#).

Most individuals over age 14 who arrive in the United States legally (using a visa or the ESTA/Visa Waiver Program) and have documentation of their immigration status (Form I-94, Form I-94W or Green Card) have been automatically registered. These individuals are only required to (i) update USCIS with an address change within 10 days of any move and (ii) to have documentation of their immigration status with them at all times to present to a federal agent upon request. **This requirement applies to permanent residents (aka green card holders) in addition to nonimmigrants, such as visitors, temporary workers, etc.**

Under the *existing* immigration law (the Alien Registration Act of 1940), all noncitizens age 14 and older who have not been registered are required to do so within 30 days of arriving in the United States. The parents or legal guardians of noncitizens under age 14 must register their children. Over the years as immigration processing evolved, the registration requirement lapsed as the government ceased to have a process in place for individuals to comply with this requirement. Via this new regulation, the current Administration has created a process for compliance with this law.

The following persons in the United States are required to comply with this registration requirement:

- All non-citizen children aged 14 and over who did not have their biometrics taken as part of their visa processing and who anticipate remaining in the United States for more than 30 days on or after April 11, 2025, must apply for registration before the 30th day. This applies to children who hold visas (including B-2, CW2, E-2/E-2Y, F-2, H-4, J-2, L-2/L-2Y, M-2, O-3, P-4, R-2, TD) and those who enter the United States under the ESTA/Visa Waiver Program.
- All non-citizen children under age 14 must apply for registration or re-registration within 30 days of reaching their 14th birthday. This applies to children who hold Green Cards (Permanent Residents) or visas (including B-2, CW2, E-2/E-2Y, F-2, H-4, J-2, L-2/L-2Y, M-2, O-3, P-4, R-2, TD) or who arrived in the United States under the ESTA/Visa Waiver Program.
- Any person who entered the United States illegally, without inspection by an Immigration Officer.
- Any person who entered the United States illegally, without inspection by an Immigration Officer, and when apprehended requested asylum or Temporary Protected Status (TPS) and have not had their biometrics taken.
- Any Canadian who arrives at a U.S. land border and is not issued a Form I-94.

Registration may only be completed on-line through a USCIS online account and the completion of Form G-325R, *Biographic Information (Registration)*. Completion of Form G-325R initiates the scheduling of a Biometrics Services Appointment where the individual will be instructed to make an appointment to appear at an Application Support Center to have their fingerprints and photograph (biometrics) taken. The biometrics appointment notice will appear in the individual's USCIS online account. DHS may opt to waive the scheduling of a Biometrics Services Appointment for a child under age 14; however, completing the Form G-325R is still

required. At this time, a fee will not be collected for the biometrics processing but may be imposed in the future.

Once registered, “Proof of Alien Registration” will be issued in the individual’s USCIS online account. This document, a printable PDF, is required to be carried with the individual at all times. Failure to have the official registration document with them is a misdemeanor offense punishable by a fine of up to \$5,000 or imprisonment for up to 30 days or both.

Thereafter, all registered persons must notify USCIS of their address change within 10 days by updating their USCIS online account or filing a Form AR-11, Alien’s Change of Address Card. Failure to update an address change within 10 days is a misdemeanor offense punishable by a fine of up to \$5,000 or imprisonment for up to 30 days or both and subjects the individual to deportation.

Penalties for failure to comply with the registration requirements include a fine of up to \$5,000 or imprisonment for up to 6 months or both. Parents or legal guardians are subject to the penalties for not registering their children.

Registering is not a legal status in the United States or a protection from deportation/removal.

For those individuals legally present in the United States who are required to register, documenting compliance with this obligation may be requested by USCIS when requesting an immigration benefit – such as applying for an extension or change of immigration status, applying for a Green Card, or applying for U.S. citizenship.

Individuals who are not legally present in the United States risk penalties for not complying with the registration requirement or deportation/removal for not having legal status in the United States.

### **IMPLEMENTATION OF NEW IMMIGRATION REGULATIONS MAY NOW BE EXPEDITED**

On Friday, March 14th, Secretary of State Marco Rubio issued a Notice declaring that regulations governing visa policies and other immigration matters qualify for the “foreign affairs” exception to the Administrative Procedure Act (APA).

Among other things, the public notice and comment provisions of the APA allow interested parties to submit feedback on regulations, which is then reviewed and considered by the government agency prior to finalizing a regulation. For example, the USCIS received more than 1,315 comments when it proposed to modernize the H-1B program. It took the USCIS more than one year to review the comments before releasing and implementing a final regulation.

By announcing that visa and other immigration matters are now exempt from the APA, the Administration may be able to bypass the public notice and comment process and more quickly implement changes to immigration regulations by all government agencies, including DOS, DHS, USCIS and DOL. However, it is assumed that regulations released which bypasses the APA requirements will be challenged in court to determine if the “foreign affairs” exception is being appropriately applied.

Additional information about regulations which are implemented bypassing APA requirements will be contained in future MFEM Monthly Updates when they occur.

## **VIOLATED YOUR IMMIGRATION STATUS? A NOTICE TO APPEAR TO DEPORT YOU MAY SOON BE ISSUED.**

Pursuant to President Trump's Executive Orders on immigration including Protecting the U.S. from Foreign Terrorists and Other National Security and Public Safety Threats and Protecting the American People Against Invasion, the USCIS recently updated its Policy Manual to articulate the circumstances when it would issue a Notice to Appear (NTA) to start the deportation/removal process of noncitizens illegally present in the United States.

The legal authority for USCIS to issue an NTA has not changed; rather USCIS may now take a more proactive position in issuing the NTA when an application for an immigration benefit is denied, and the noncitizen lacks valid immigration status. Some examples include:

- Individuals in the United States under a work visa (E-1, E-2, E-3, H-1B, H-1B1, L-1, O-1, or TN) who lose their job. If a change of employer petition filed by a new employer during the 60-day grace period is denied or a change of status request, such as to visitor, is denied, USCIS could issue an NTA to commence deportation/removal proceedings.
- Similarly, any noncitizen who applies for an extension of immigration status (EOS) or a change of immigration status to another visa classification (COS) or who applies to adjust status to Permanent Resident (AOS) and that request is denied; if their underlying immigration status has expired, USCIS could issue an NTA to commence deportation/removal proceedings.
- If a nonimmigrant failed to review the Form I-94 when he/she last entered the United States and realized after the fact that it has expired, USCIS may not be willing to approve a request to extend the Form I-94 nunc pro tunc and rather issue an NTA to commence deportation/removal proceedings since the nonimmigrant failed to maintain immigration status.
- If the spouse of a U.S. citizen has a conditional Green Card (valid for 2 years rather than 10 years) and he/she do not timely file a request to remove those conditions or if that request is denied, USCIS could issue an NTA to commence deportation/removal proceedings.
- If at any time, if USCIS determines fraud or a willful misrepresentation exists – perhaps because the noncitizen procured his/her visa or entry to the United States by fraud or a willful misrepresentation, USCIS could issue an NTA to commence deportation/removal proceedings.

## **APRIL 2025 VISA BULLETIN UPDATE**

The Department of State ("DOS") recently issued the April 2025 Visa Bulletin. During April, noncitizens in the employment-based classifications as noted below become eligible to concurrently file for an *employment-*

*based immigrant classification* or, if approved for an *employment-based* immigrant classification can apply for permanent resident status through adjustment of status (“AOS”).

During April, noncitizens in the employment-based classifications as noted below who have their AOS application pending or who will complete the Immigrant Visa processing at a U.S. Consular Post become eligible to have their AOS application approved or their interview scheduled in April 2025. USCIS advised that is using the “Final Action” date chart to determine eligibility for filing applications for adjustment of status in April.

#### First Preference

- Persons eligible for the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers recognized for their Extraordinary Ability) who were born in any country other than India or China.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers recognized for their Extraordinary Ability) whose priority date is before **November 8, 2022**, no change since October 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or Workers recognized for their Extraordinary Ability) whose priority date is before **February 15, 2022**, an advancement of 14 days.

#### Second Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **June 22, 2023**. This is an advancement of 38 days.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **October 1, 2020**. This is an advancement of 114 days.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **January 1, 2013**, an advancement of 31 days.

#### Third Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **January 1, 2013**, an advancement of 31 days.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **November 1, 2020**. This is an advancement of advancement of 92 days.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **April 1, 2013**. This is an advancement of 59 days.

DOS, which manages the Visa Bulletin, notes its intention to keep visa issuance within quarterly limits in accordance with the provisions of the Immigration and Nationality Act (INA).

## **MFEM NEWS**

### **MFEM TO HOST IMMIGRATION WEBINAR ON I-9 AUDITS AND RECENT CHANGES TO I-9 PROCESSES**

Ms. Kathleen Gaber, partner in the Masuda Funai Immigration Group, and Ms. Riebana Sachs, associate in the Masuda Funai Corporate and Employment Groups, will be conducting a webinar on Wednesday, March 19th at 11amCST on the current state of I-9 audits and changes to the I-9 process, including the changes that Immigration and Customs Enforcement (ICE) introduced less than two weeks ago.

Additional information about the webinar (including how to register) is available at [Immigration Webinar: Preparing for ICE Audits - Best Practices for Correcting Form I-9 and Related Issues | Masuda Funai](#)

### **Bob White to Spend 2 Days on Capitol Hill in DC Lobbying for Immigration Reform**

Mr. Bob White, partner in the Masuda Funai Immigration Group, will be participating in two different Advocacy Days on Capitol Hill in Washington, DC.

On Wednesday, April 2nd, Mr. White will be participating in an Advocacy Day with NAFSA: Association of International Educators during which he will be meeting with the offices of multiple U.S. Senators and Congressional Representatives to discuss the benefits of international education and how the current and upcoming changes to our immigration procedures will adversely impact our U.S. colleges and universities.

On Thursday, April 3rd, Mr. White will be participating in a National Day of Action with the American Immigration Lawyers Association (AILA) during which he will be meeting with additional Congressional offices to discuss the impact of current and upcoming changes to our immigration procedures on legal immigration and how these changes will adversely impact US businesses and the US economy.

*Masuda Funai is a full-service law firm with offices in [Chicago](#), [Detroit](#), [Los Angeles](#), and [Schaumburg](#)*