



News & Types: Immigration Monthly Updates

# ビジネス移民法ニュース(2025年5月号)(英語版)が発行されました。

5/28/2025

By: ジュリー エメリック

Practices: 移民法

## FY2026 H-1B QUOTA MET: FIRST SELECTION PROCESS COMPLETED – WILL THERE BE A SECOND SELECTION PROCESS?

U.S. Citizenship and Immigration Services (USCIS) announced it has received enough electronic registrations for unique beneficiaries during the initial registration period to reach the Fiscal Year 2026 (FY2026) H-1B numerical allocations (H-1B cap), including the advanced degree exemption (master's cap). They have randomly selected enough unique beneficiaries with properly submitted registrations projected as needed to reach the H-1B cap and have notified all prospective petitioners with selected unique beneficiaries that they are eligible to file an H-1B cap-subject petition for those unique beneficiaries.

USCIS published this chart which shows registration and selection numbers for Fiscal Years 2021-2026:

| Cap Fiscal Year | Total Registrations | Eligible Registrations* | Eligible Registrations for Beneficiaries with No Other Eligible Registrations | Eligible Registrations for Beneficiaries with Multiple Eligible Registrations | Selected Registrations |
|-----------------|---------------------|-------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------|
| 2021            | 274,237             | 269,424                 | 241,299                                                                       | 28,125                                                                        | 124,415                |
| 2022            | 308,613             | 301,447                 | 211,304                                                                       | 90,143                                                                        | 131,924                |
| 2023            | 483,927             | 474,421                 | 309,241                                                                       | 165,180                                                                       | 127,600                |
| 2024            | 780,884             | 758,994                 | 350,103                                                                       | 408,891                                                                       | 188,400                |
| 2025            | 479,953             | 470,342                 | 423,028                                                                       | 47,314                                                                        | 135,137                |
| 2026            | 358,737             | 343,981                 | 336,153                                                                       | 7,828                                                                         | 120,141                |

The chart shows a decrease in the overall total number of registrations this year, from 479,953 in FY2025 to 358,737 in FY2026. In addition, it shows a reduction in eligible registrations for FY2026.

Selected FY2026 H-1B quota petitions must be properly filed with USCIS before June 30th. If USCIS does not receive (or approve) enough H-1B quota petitions to meet the statutory quota numbers of 65,000 for the

regular H-1B quota with an additional 20,000 for individuals who have earned a U.S. master's or higher degree, a second selection process may occur. Last year, the second selection process occurred in late July.

Additional information about whether USCIS will have to complete a second selection process will be contained in future Masuda Funai Business Immigration Newsletters when it becomes available.

## **DV-2026      GREEN      CARD      LOTTERY      SELECTIONS      AVAILABLE**

Each year, the U.S. Department of State (DOS) conducts the Diversity Visa "Green Card" (DV) Lottery. The government makes available 55,000 permanent resident status ("green cards") through the lottery. Normally, more than 15 million individuals submit DV Lottery registrations each year.

The entry period for the DV-2026 lottery was between October 2, 2024 and November 7, 2024. The DOS has now conducted the lottery and has determined which registrations have been selected in the lottery. The DOS does not notify individuals that their registrations have been selected. Instead, individuals must check to see if their registrations were selected at: <https://dvprogram.state.gov/ESC/>. To check on-line, individuals will need the Entrant Confirmation Number, Last/Family Name, and Year of Birth.

If the system indicates that an individual's registration was selected, this is merely a "ticket" which may permit the individual to apply for a green card. The processing is generally completed by applying for an Immigrant Visa at a U.S. Consular Post overseas. If the individual is legally present in the United States, the individual may be eligible to apply for adjustment of status (AOS) in the United States. To secure the DV-2026 Green Card, the individual must be approved for the green card before September 30, 2026.

## **NEW 48 HOUR RULE FOR COMPLETION OF DS-160 NONIMMIGRANT VISA APPLICATION**

It has been reported that various U.S. Consulates, including the U.S. Embassy London's E visa correspondence unit are now requiring that visa applicants attending appointments submit their Form DS-160 at least 48 working hours prior to the date of the interview. Applicants who submitted their Forms DS-160 less than 48 working hours prior to the interview have been turned away and are instructed to schedule a new appointment.

The Form DS-160 Nonimmigrant Visa Application is an electronic form used by the DOS to collect personal, travel, social media and employment information from applicants seeking a U.S. nonimmigrant visa (NIV). Submission of this form is the first step in applying for a U.S. nonimmigrant visa. After submission, applicants receive a confirmation page and can move on to the next steps in the visa application process including scheduling the interview.

Previously, this "48 working hours" submission requirement was only being applied to employee E visa applicants (at the US Embassy London). New reports indicate this requirement now applies to all other visa categories of NIV applicants worldwide.

To avoid being refused an interview, it is recommended that visa applicants review and submit their Forms DS-160s more than two business days in advance of their scheduled interview.

**UPDATE ON VARIOUS F-1 STUDENT ISSUES, INCLUDING VISA REVOCATIONS, SEVIS TERMINATIONS AND WITHDRAWAL OF SCHOOL FROM SEVIS SYSTEM**

As reported in the Masuda Funai [April 2025 Business Immigration Monthly](#), more than 4,736 F-1 students were impacted by SEVIS terminations and visa revocations. More than 100 lawsuits were filed challenging the SEVIS terminations and federal courts across the country issued both temporary injunctions (TROs) and permanent injunctions (PIs) against the administration. As a result of the TROs and PIs, the administration agreed to restore the SEVIS records of the 4,726 F-1 students. In various court pleadings, the administration has indicated that the restorations are retroactive to the date of termination so that the students did not violate status or accrue any periods of Optional Practical Training (OPT) unemployment (if applicable). However, the administration has not indicated that revoked visas have been reinstated. Therefore, prior to traveling internationally, F-1 students should check the [DOS CEAC system](#) to confirm whether their visas are still active or have been prudentially revoked. If revoked, the students will have to apply for and receive a new visa prior to being able to reenter the United States. Students should note that there is no guarantee that a consulate will issue a new nonimmigrant visa and there have been reports of students whose F-1 visas have been previously prudentially revoked being denied new nonimmigrant visas.

During the week of May 20th, the administration announced that it would be withdrawing the SEVIS access for Harvard University. The administration indicated that the University did not comply with its requests for information about its students. After the administration made this announcement, the University filed a lawsuit against the administration for, among other things, failure to comply with the process outlined in the F-1 regulations regarding withdrawing schools from the SEVIS system. Within one day of filing the lawsuit, a federal judge issued a TRO to prevent the administration from withdrawing the University's SEVIS access while the lawsuit is pending.

Additional information about the visa revocations, SEVIS terminations and withdrawal of University SEVIS access will be contained in future Masuda Funai Business Immigration Newsletters when it becomes available.

**TRUMP ADMINISTRATION CANCELLATION OF NEW TPS FOR VENEZUELA CONFIRMED BY SCOTUS**

As reported in the Masuda Funai [February 2025 Business Immigration Monthly](#), on February 1, 2025, the Department of Homeland Security (DHS) announced it was terminating the October 3, 2023 Temporary Protected Status (TPS) designation for nationals of Venezuela, partly believing that country condition in Venezuela had improved to eliminate the need for TPS, and to comply with President Trump's inauguration day Executive Order [Protecting the American People Against Invasion](#). Under this designation, the Biden Administration allowed nationals of Venezuela (and individuals having no nationality who last habitually resided in Venezuela) who were in the United States since July 31, 2023 to renew their TPS authorization to October 2, 2026. Litigation challenging the Trump Administration's authority to terminate the October 3, 2023 TPS designation for Venezuelans ensued. On May 19, 2025, the U.S. Supreme Court effectively agree that the Trump Administration could terminate this destination, pending the outcome of a pending appeal in the U.S. Court of Appeal for the Ninth Circuit. At this time Venezuelans who benefitted from the October 3, 2023 TPS designation face the premature end of their work authorization and ability to remain in the United States.

Venezuelans previously approved for TPS under the March 9, 2021 designation and subsequent redesignations continue to be authorized until September 10, 2025. An extension beyond September 10, 2025 is not likely and more information should be available before July 12, 2025.

## TRUMP ADMINISTRATION CANCELLATION OF TPS FOR NATIONALS OF AFGHANISTAN

On May 20 2022, the Biden Administration authorized TPS for nationals of Afghanistan. The Trump Administration opted not to renew this TPS designation which expired on May 20, 2025. Nationals of Afghanistan (and individuals having no nationality who last habitually resided in Afghanistan) who have been granted TPS have until July 14, 2025 to depart the United States, if not obtaining other immigration status to remain. It is estimated that 11,700 Afghan nationals are impacted by the TPS termination.

## JUNE 2025 VISA BULLETIN UPDATE

The DOS recently issued the June 2025 Visa Bulletin. During June, noncitizens in the employment-based (green card) 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 AOS. During June, 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 June 2025. USCIS advised that is using the “Final Action” date chart to determine eligibility for filing applications for adjustment of status in June.

### 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**, no change since April 2025.

### 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 **October 15, 2023**, an advancement of 115 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 **December 1, 2020**, an advancement of 61 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**, no change since April 2025.

### 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 **February 8, 2023**, an advancement of 39 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 22, 2020**, an advancement of 21 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 15, 2013**, no change since April 2025.

The 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

### **Bob White Re-Appointed as Chair of the AILA DOL Committee**

Mr. Bob White, Co-Chair of the Masuda Funai Immigration Group, has been re-appointed as Chair of the American Immigration Lawyers Association's (AILA) Department of Labor (DOL) Committee. This will be Mr. White's second year as Chair of the Committee. Previously, Mr. White was Vice Chair and a member of the Committee for more than 10 years.

As Chair of the Committee, Mr. White will lead the AILA DOL Update panel at the AILA Annual Conference (AC) being held in Denver, Colorado from June 18 to June 21, 2025. As in previous years, it is assumed that leadership from the DOL's Office of Foreign Labor Certification (OFLC) will attend the panel to provide updates about PERM/H-2 processing times and to discuss issues that have been raised by many of AILA's more than 17,000 members regarding the PERM program, the prevailing wage program and the H-2 temporary worker programs.

*Masuda Funai is a full-service law firm with offices in Chicago, Detroit, Los Angeles, and Schaumburg.*