



News &amp; Types: Immigration Monthly Updates

# ビジネス移民法ニュース(2025年6月号)(英語版)が発行されました。

6/23/2025

By: ジュリー エメリック, アン ミラー

Practices: 移民法

Contributor: Anne Miller, Associate

U.S.	STATE	DEPARTMENT	IMPLEMENT	NEW	TRAVEL	BAN
------	-------	------------	-----------	-----	--------	-----

On June 7th, 2025, the U.S. State Department (DOS) announced the implementation of the Presidential Proclamation on “Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats,” which was reported in the [Masuda Funai June 5th Client Alert](#).

Determination of countries subject to the travel ban was based upon a report submitted to Congress by U.S. Customs & Border Protection (CBP) on the number of visa overstays during October 1, 2022 to September 30, 2023. From 19 countries on the travel ban list, a total of 54,680 visitors (B1/B2 visa holders) and 2,588 students/exchange visitors (F/M/J visa holders) overstayed during October 1, 2022 to September 30, 2023. By comparison, there are 45 countries having a 10% or higher overstay rate for visitor (B1/B2 visa holders) and students/exchange visitors (F/M/J visa holders) during the same period, with 41,668 visitor overstays and 9,417 students/exchange visitor overstays.

The announcement indicates that starting June 9th, DOS is fully suspending visa issuance to nationals of Afghanistan, Burma (Myanmar), Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen for *all nonimmigrant and immigrant visa categories* with limited exceptions for:

- Certain diplomatic and official visas
- Certain immediate relative immigrant visas (spouses, children, and parents of U.S. citizens)
- Adoptions by U.S. citizens
- Immigrant visas for ethnic and religious minorities facing persecution in Iran
- Dual nationals applying with a passport nationality not subject to a suspension
- Special Immigrant Visas (SIVs) for U.S. government employees
- Afghan SIVs
- Participants in certain major sporting events
- Lawful Permanent Residents (LPRs)

Also, effective June 9th, the DOS is partially suspending visa issuance of nonimmigrant B-1/B-2 visitor visas and F, M, and J student and exchange visitor visas, and all immigrant visas to nationals of Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela. There are limited exceptions for:

- Certain immediate relative immigrant visas (spouses, children, and parents of U.S. citizens)
- Adoptions by U.S. citizens
- Immigrant visas for ethnic and religious minorities facing persecution in Iran
- Dual nationals applying with a passport nationality not subject to a suspension
- Special Immigrant Visas (SIVs) for U.S. government employees
- Participants in certain major sporting events
- Lawful Permanent Residents (LPRs)
- Individuals whose travel is found by the Secretary of State to serve the U.S. National Interest. The announcement indicates that the Attorney General, in coordination with the Secretary of State and Secretary of Homeland Security may find the travel of an individual to advance a critical U.S. National interest involving the Department of Justice.

The announcement notes the suspensions only apply to foreign nationals who are outside the United States on the effective date AND do not hold a valid visa on June 9, 2025 (the effective date). "Foreign nationals, even those outside the United States, who hold valid visas as of the effective date are not subject to the Proclamation. No visas issued before June 9, 2025, have been or will be revoked pursuant to the Proclamation."

#### **ADDITIONAL VISA SCREENING FOR F. M. AND J VISA APPLICANTS**

DOS is expanding its efforts to vet applicants for student (F or M) and exchange visitor (J) visas. In a June 18, 2025 announcement, DOS will require all F, M and J visa applicants to "adjust the privacy settings on all of their social media profiles to "public" enabling the government to screen the visa applicant for national security concerns. When completing the on-line visa application, all visa applicants are required, under the penalty of perjury, to provide their username, handle, screen name or other identifiers of these social media platforms within the past five years: Ask.FM, Douban, Facebook, Flickr, Google+, Instagram, LinkedIn, Myspace, Pinterest, Qzone (QQ), Reddit, Sina Weibo, Tencent Weibo, Tumblr, Twitter (X), Twoo, Vine, Vkontakte (VK) YouKu, or YouTube. Additionally, the applicant has the option of providing information on other platform(s) used to share photos, videos, status updates and other information.

The focus of the enhanced visa screening and vetting processes is "to identify applicants who bear hostile attitudes towards our citizens, culture, government, institutions, or founding principles; who advocate for, aid, or support designated foreign terrorists and other threats to U.S. national security; or who perpetrate unlawful antisemitic harassment or violence." Authorization from the enhanced screening comes from the President's Executive Orders *Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats* (E.O. 14161) and *Additional Measures To Combat Anti-Semitism* (E.O. 14188).

Under the new policy, after their visa interview at the Consular Post all F, M. and J visa applicants will be advised their visa application is refused under INA 221(g) and their application is placed in administrative

processing for additional review. Administrative processing is not a new procedure and is used by DOS to conduct mandatory background checks and screening of visa applications – and this screening will now include review of the visa applicant's social media as well as the visa applicant's entire on-line presence using all search engine and resources available. If the consular officer is unable to review the visa applicant's social media presence since the account is "private," this can lead to a denial of the visa application. Likewise, inconsistencies provided by the individual in their visa application and the information discovered independently by the consular officer during the vetting process can lead to a denial of the application. Additionally, if the visa applicant has a history of political activism, their eligibility for the U.S. visa will be questioned, and the application may be denied.

The problem is that there is no timeline when the administrative processing will be completed – it could be a matter of days, months, or years. The consular officer conducting the screening is instructed to "take the time necessary to satisfy themselves that the visa applicants qualify for the visas they seek." The visa application stays pending until the administrative processing is completed and the visa issued, or the application denied.

Applicants for F, M. or J visas are required to provide contact information for two people, other than immediate family members or relatives, in their home country, who can confirm the visa applicant's information in the application.

Visa processing for students and exchange visitors was on hiatus for approximately 3 weeks while DOS evaluated its visa screening and vetting processes. On June 18th, DOS sent a cable to its Consular Posts indicating that they may begin to make appointments available again for F, M and J visa applicants but consider the effect of the new social media vetting requirements on its workload and "schedule accordingly."

The cable also provides guidance to Consular Posts about how they should review emergency appointment requests from F, M and J visa applicants. The cable indicates that Consular Posts should "prioritize" emergency appointment requests from the following groups:

1. J-1 Physicians; and
2. F-1 Students attending a U.S. university whose international student population is 15% or less of the total student population. For example, Harvard University's foreign student population is 27.2%. Universities with high foreign student enrollment, more than 10,000 international students, include for example: New York University, Northeastern University – Boston, Columbia University, Arizona State University, University of Southern California, University of Illinois – Urbana-Champaign, Boston University, University of California – Berkeley, Purdue University – West Lafayette, University of North Texas, University of Michigan – Ann Arbor, University of Washington, University of Texas – Dallas, University of California – San Diego, University of California – Los Angeles and Johns Hopkins University.

Additional information on challenges faced by visa applicants is available in the April 2025 and May 2025 issues of the *Masuda Funai Business Immigration Monthly*.

<b>CHANGES</b>	<b>TO</b>	<b>TN</b>	<b>POLICY</b>	<b>GUIDANCE</b>
----------------	-----------	-----------	---------------	-----------------

Effective immediately for TN petitions or applications filed after June 4, 2025 (comments open through July 7, 2025), the U.S. Citizenship and Immigration Services (USCIS) announced updated policy guidance for TN nonimmigrant classification to replace Chapter 30 of the Field Manual. The TN classification is available to citizens of Canada or Mexico who qualify for a work permit in the United States under the U.S. Mexico Canada Agreement (USMCA), formerly the North American Free Trade Agreement (NAFTA).

The main takeaway of the policy changes is that TN eligibility hinges on the actual job duties of a role, not just on the job title. TN classification is available for the occupations listed in 8 CFR 214.6(c) based on the employment and educational or licensure requirements contained in the same regulation. USCIS' new policy guidance clarifies generally accepted job duties for the occupations listed below and adds eligibility requirements to select occupations. An overview of the various TN occupations and requirements follows.

**Scientific Technician/Technologist**

Scientific Technicians/Technologist come to the U.S. to support Supervisory Professionals, who must independently qualify under the regulations. Supervisory Professionals who provide patient care do not qualify, and thus, Scientific Technicians/Technologists providing patient care do not qualify for this occupation. A Scientific Technicians/Technologist may work for a Supervisory Professional who is a Physician, but the Supervisory Professional must work in a scientific, rather than patient-facing role.

An applicant for the occupation of Scientific Technicians/Technologist must be able to prove that their work will be directly relevant to the duties of the Supervisory Professional and that their work will be managed, coordinated, and reviewed by the Supervisory Professional. Only occasional or incidental hands-on work by the Supervisory Professional means the Scientific offered role is not eligible for Scientific Technicians/Technologist classification.

USCIS adds additional educational and experience requirements for the occupation of Scientific Technicians/Technologists, requiring that the theoretical knowledge held by Scientific Technicians/Technologists have been acquired through the successful completion of at least 2 years of training in a relevant educational program. While a bachelor's degree or foreign equivalent is not required, officers will consider the lack of a degree within the totality of the circumstances. To prove the requisite training, an applicant may present a diploma, certificate, or extensive documentation of work experience.

Construction trades are excluded from this occupation, even where they are special to a particular industry, such as aviation.

**Management Consultants**

The job duties for this occupation include providing services that improve the managerial, operating, and economic performance of public and private entities; analyzing and resolving strategic and operating problems; and improving the entity's goals, objectives, policies, strategies, administration, organization, and operation.

USCIS recognizes that Management Consultants are typically independent contractors or employees of consulting firms. If a Management Consultant is a salaried employee for the U.S. entity for which they will

consult, they may only provide services on an irregular or non-routine basis. An exception to this is where the U.S. employer is a management-consulting firm, in which case the applicant may fill an otherwise permanent position.

### Engineers

An applicant's degree for the occupation of Engineer must be related to the field of engineering. USCIS advises officers to use the Outlook Occupational Handbook (OOH) published by the Department of Labor (DOL) when determining if a degree is related to the engineering field. Computer-related jobs will not generally be accepted under this occupation, except where the applicant has credentials as a computer or software engineer.

### Computer Systems Analysts

Computer Systems Analysts are considered information specialists, whose job duties include analyzing how data processing needs can be applied to specific users; designing and implementing computer-based processing systems; and studying an organization to identify its information needs and design computer systems to meet those needs. Programmers are not considered Computer Systems Analysts, though officers are advised that Computer Systems Analysts may perform a small amount of programming.

### Economists

The job duties for an Economist generally fall under microeconomics or macroeconomics. An Economist focusing on microeconomics analyzes the behavior of individual people and firms to understand the supply and demand relationship. An Economist focusing on macroeconomics analyzes multiple indicators to determine how economic sectors relate to each other. Generalized job duties for both segments of Economists include conducting economic analysis to fields like labor, international trade, development, econometrics, education, health, and industrial organization. These fields are not exhaustive.

This occupation does not include positions where the duties reflect those of a financial analyst, market research analyst, or marketing specialist. The policy guidance highly encourages the use of DOL guidance, including the OOH and the Standard Occupational Classification (SOC) system to confirm if a given role fits within the Economist profession.

### Medical Laboratory Technologists (Canada) and Medical Technologists (Mexico and U.S.)

The job duties for this occupation must relate to performing tests and analysis for the diagnosis, treatment, or prevention of diseases. Such testing and analysis are limited to laboratory chemical, biological, hematological, immunologic, microscopic, or bacteriological tests or analysis.

### Physicians (teaching or research only)

Foreign medical graduates within this occupation may not engage in direct patient care but can provide patient care if it is incidental to the physician's teaching or research. Factors officers will look to in determining if patient care is incidental to the Physician's teaching or research are: the amount of time spent on patient care as compared to teaching or research; whether there is compensation for providing patient care; whether the salary is high enough to indicate more than teaching or research is likely to occur; and whether the physician

will have a recurring or regular patient load. These factors are not exhaustive, and officers may cite other bases for denying TN classification under this occupation.

#### Registered Nurses

Once a Registered Nurse has presented the requisite documentation for eligibility, an officer should not limit a TN nurse's admission to the expiration date of the nurse's U.S. state nursing license.

#### Disaster Relief Insurance Claims Adjusters

To qualify for this occupation, the applicant must present evidence that there is a declared disaster event as declared by the President of the United States; a state statute or local ordinance; the Property Claims Service of the American Insurance Services Group through the assignment of a catastrophe serial number to the disaster event site; or an association of insurance companies representing 15% of the property casualty market in the United States when damage exceeds \$5 million USD and is related to numerous claims.

#### Animal and Plant Breeders

The main job duties for these occupations are to breed animals and plants to improve their economic and aesthetic characteristics.

#### Silviculturists and Foresters

The duties of this occupation are to plan, supervise, grow, protect, and harvest trees. Range managers are included under this occupation, and their duties include improving, protecting, and managing rangelands to maximize their use without damaging the environment.

<b>JULY</b>	<b>2025</b>	<b>VISA</b>	<b>BULLETIN</b>
-------------	-------------	-------------	-----------------

DOS recently issued the July 2025 Visa Bulletin. During July, 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 July, 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 July 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 15, 2022**, an advancement of 7 days.

- **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**, no change since June 2025.
- **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 15, 2020**, an advancement of 14 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 **April 1, 2023**, an advancement of 51 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 **December 1, 2020**, an advancement of 8 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 22, 2013**, an advancement of 7 days.

DOS, which manages the Visa Bulletin, notes its intention to keep visa issuance within quarterly limits following the provisions of the Immigration and Nationality Act.

#### DOJ RENEWS THE “PROTECTING U.S. WORKERS INITIATIVE” AND FINES EMPLOYERS FOR IMMIGRATION VIOLATIONS

The Department of Justice’s (DOJ) Civil Rights Division, Immigrant and Employee Rights (IER) Section and the DOL renewed their collaborative efforts and reactivated a 2017 “Protecting U.S. Workers Initiative” aimed at “targeting, investigating, and taking enforcement measures” against companies favoring foreign workers and discriminating against U.S. workers. The initiative was spawned by the first Trump Administration’s Executive

Order 13788 “Buy American and Hire American” which sought to combat fraud by employers who recruited, hired and employed foreign workers.

The Immigration Reform and Control Act of 1986 (IRCA) prohibits limiting positions to U.S. citizens. An employer, or its agents, may not state any specific citizenship, immigration, visa status, or any preference or requirement in any job posting it publishes or permits a third party to publish on its behalf, unless the position has a citizenship requirement meeting the legal requirements. Investigations may also begin if a job applicant is not considered for a position based upon their citizenship or immigration status.

On June 10, 2025, Epik Solutions, a global technology company with its headquarters in Pleasant, Hill, California, agreed to pay a civil penalty of \$71,916 stemming from a February 7, 2025 investigation into the company’s pro-foreign worker (H-1B) hiring practices. The IER investigation showed the employer stated in numerous employment opportunity ads that certain positions were available to only applicants having an H-1B visa.

On January 13, 2025, IER entered a settlement with a Minnesota-based restaurant group (Brick and Bourbon) after a two-year investigation into the Group’s hiring practices and completion of Form I-9, *Employment Eligibility Verification*. IER determined the employer engaged in a pattern of practice requiring employees who were Permanent Residents (a/k/a Green Card holders) to provide additional documentation of their legal work status when completing the Form I-9. As part of the Form I-9 employment eligibility verification process, an employer cannot require specific documents but rather may only show the Form I-9 List of Acceptable Documents to an employee and instruct them to provide either one document from List A (identity and employment documents) or one document from each List B (identity document) and List C (employment document). The employer agreed to pay a civil penalty of \$95,000.

<u>IRS</u>	<u>PERMITTED</u>	<u>TO</u>	<u>SHARE</u>	<u>TAXPAYER</u>	<u>DATA</u>	<u>WITH</u>	<u>ICE</u>
------------	------------------	-----------	--------------	-----------------	-------------	-------------	------------

On May 12, 2025, a U.S. District Judge denied a preliminary injunction filed on behalf of tax-paying, undocumented immigrants. The lawsuit sought privacy protections for undocumented immigrants in relation to the deal struck between the Internal Revenue Service (IRS) and Immigration and Customs Enforcement (ICE). The Memorandum of Understanding between the IRS and ICE would allow the IRS to release the identifying information of tax-paying, undocumented immigrants to ICE for the purposes of finding those individuals for immigration enforcement.

In the decision, the judge denied the injunction on the narrow issue that the Memorandum of Understanding between the IRS and ICE does not violate the Internal Revenue Code. The judge also explained that federal law allows the IRS to release certain taxpayer information to assist with criminal enforcement proceedings.

Pursuant to federal law, ICE will need to present the name and address of the individual whose information is being sought from the IRS to initiate the information-sharing process. The judge clarified that “the IRS can disclose information it obtains itself (such as through audits), but not information it obtains exclusively from the taxpayer (such as a tax return filed by the taxpayer).”

The judge’s denial of the preliminary injunction is being appealed.

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