

INTRODUCTION

The past several years posed unprecedented challenges for U.S. immigrants and immigration attorneys. The tumult of the first Trump administration and COVID-19 caused a dire need for flexibility and modernization from a system that is inflexible and mired in outdated rules and technology. A second Trump administration has brought an all-out assault on U.S. immigration. They have sowed more chaos, announced mean-spirited policy changes, and threatened the notion of the United States as a melting pot of nations.

On the first day of the Trump administration, the president signed multiple executive orders that signaled a desire to restrict immigration to the United States on all levels. By the end of 2025, the administration released an onslaught of restrictionist policy changes that affect legal immigration and had released masked, lawless Immigration and Customs Enforcement (ICE) officers nationwide to arrest and detain anyone they think could be undocumented. These actions have made life in the United States more challenging for all immigrants, including international physicians and, by extension, for their employers and patients.

For many years, immigration attorneys and other advocates have pleaded with Congress to reform a broken immigration system. It seems the dream of a system that works for all stakeholders is over for now. In the fourth quarter of 2025, alone, the President Trump, the State Department, the Department of Labor, and the Department of Homeland Security all have implemented programs and policy changes that merit mention here. Some of these items are covered in more depth in specific chapters of this edition. Others are of more general application and are mentioned here for the sake of completeness.

- The State Department announced that it would start vetting the online presence (including social media) of all F, M and J visa applicants. Later, the agency added all H-1B and H-4 visa applicants to the policy.

- The president signed a proclamation that imposes an additional fee of \$100,000 on certain H-1B petitions. This action has had a chilling effect on employers' willingness to sponsor employees for H-1B status.
- The State Department paused all visa applications for Afghan nationals.
- The president issued two sweeping travel bans—one in June 2025, and a renewed and expanded ban in December 2025. USCIS has paused all applications and petitions filed by or on behalf of individuals who were born in or hold citizenship in any of the banned countries.
- USCIS ordered a re-review of all grants of refugee or asylum status between January 21, 2021, and February 20, 2025.
- USCIS determined that being from a country on the travel ban list will be a per se negative factor in all situations where the agency can exercise discretion in considering an application or petition. While the negative inference can be overcome with a showing of positive factors, this type of policy that discriminates based on country of origin/citizenship is ripe for abuse.
- USCIS shortened the validity of EADs issued pursuant to green card applications from five years to 18 months and eliminated all automatic extensions of EADs based on the filing of a timely extension.
- The State Department began revoking visas, initially for students but later for H-1Bs, based on old interactions with law enforcement, even if no charges were brought, or the charges were dropped, or the person was acquitted. The visa revocations sometimes happen while the person is abroad and can prevent or delay their planned return to the United States.
- The Department of Labor's PERM processing times have reached approximately 17 months, making the employer-sponsored green card process exceptionally long.
- The Department of Labor announced Project Firewall to investigate employers who use the H-1B program.
- The State Department stopped allowing individuals to apply for visas anywhere in the world and now requires individuals to apply either in their country of citizenship or residence.
- The State Department officially abandoned the stateside visa renewal pilot program.
- The administration announced a plan to ramp up efforts to denaturalize thousands of people.
- The administration announced the availability of the so-called "Gold Card," which purports to provide legal status in return for a \$1 million per person "gift" to the U.S. government. The legality of the program is suspect. In addition, because the program says it will pull green cards from

the EB-1 and EB-2 categories, if the program becomes popular, it could exacerbate existing green card backlogs.

Now more than ever, employers and individuals must rely on knowledgeable immigration counsel not only to navigate the system but also to stay updated on the frequent and consequential changes.

Looking ahead to 2026, it is likely that the most common immigration processes undertaken for physicians will continue to be available—J-1 waivers, H-1B, and O-1 visas, and all kinds of green cards. Unfortunately, we also can expect the onslaught of restrictions and attacks on legal immigration to continue. These next few years promise to be challenging on multiple fronts as immigration holds center stage.