

JULY 2025

CUMMING & PARTNERS U.S. & CANADIAN IMMIGRATION INSIGHTS

U.S. IMMIGRATION

H-1B CAP REACHED, BUT EXEMPT PETITIONS STILL ACCEPTED

American businesses use the H-1B program to employ foreign workers in specialty occupations. On July 18, U.S. Citizenship and Immigration Services (USCIS) announced that it had received enough petitions to reach both the 65,000 regular H-1B cap and the 20,000 master’s cap (advanced degree exemption) for fiscal year 2026.

Petitions filed for current H-1B workers who have been counted previously against the cap, and still retain their cap number, are exempt from the 2026 cap. USCIS will accept and process petitions for current H-1B workers to extend their stay, change employment terms or switch employers, or work in additional H-1B positions. Petitioners can subscribe to receive updates by visiting the H-1B Cap Season page.

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FEDERAL JUDGE HALTS BIRTHRIGHT CITIZENSHIP BAN

On July 10, a federal court in New Hampshire blocked the enforcement of President Trump’s executive order restricting birthright citizenship. The ruling resulted from a class-action lawsuit filed after the U.S. Supreme Court signaled a possible partial enforcement of the order, which could have gone into effect July 27.

The court’s preliminary injunction ensures that the constitutional guarantee of citizenship for children born on U.S. soil remains in place for now. The Supreme Court hasn’t yet ruled on whether the executive order is unconstitutional.

CANADIAN IMMIGRATION

ONTARIO IMMIGRANT NOMINEE PROGRAM LAUNCHES EMPLOYER PORTAL AND NEW RULES

To improve responsiveness to labour market priorities, the Ontario Immigrant Nominee Program (OINP) introduced regulatory changes effective July 1, 2025.

OINP is the province’s economic immigration program, offering permanent residence pathways for those with the skills and experience to fill shortages in key sectors. Updates include:

- A new Employer Portal, with job offer streams now shifted to an employer-led application process.
- In-person interviews (for employers and foreign nationals) may be required to verify certain applications.
- OINP has authority to return applications before a nomination is issued (with a full refund), to focus on high-quality, priority-aligned submissions.
- Eased education requirements for early childhood educators applying under the Human Capital Priorities or French-Speaking Skilled Worker streams.

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FIELDS OF STUDY ADDED FOR POST-GRADUATION WORK PERMITS

For international students, Immigration, Refugees and Citizenship Canada (IRCC) has updated the fields of study eligible for a post-graduation work permit (PGWP). The new list added 119 fields, in sectors like health care, social services, education and trades.

On June 25, IRCC had removed 178 fields that were no longer linked to occupations in long-term labour shortages. However, those were reinstated on July 4, and will remain eligible until the list is updated again in early 2026.

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