



CUMMING & PARTNERS  
CROSS-BORDER LAW

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# CUMMING & PARTNERS U.S. & CANADIAN IMMIGRATION INSIGHTS

## U.S. IMMIGRATION

### USCIS UPDATES POLICY ON CSPA AGE CALCULATION

Generally, an unmarried child must be under 21 to obtain lawful permanent resident status in the U.S. This is based on their parent's approved petition. U.S. Citizenship and Immigration Services (USCIS) has updated its policy to clarify when a visa becomes available for purposes of the Child Status Protection Act age calculation. It's now based on the Final Action Dates chart of the Department of State Visa Bulletin.

This establishes a consistent CSPA age calculation. The new rule applies to requests filed on or after August 15<sup>th</sup>, 2025. The previous February 14<sup>th</sup>, 2023 policy will apply to prior cases pending with USCIS.

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### CITIZENSHIP TEST STRENGTHENS GOOD MORAL CHARACTER REVIEW

U.S. Citizenship and Immigration Services (USCIS) has issued new guidance for evaluating good moral character in naturalization cases. A policy memorandum dated August 15<sup>th</sup> explains that this evaluation involves more than a cursory review focused on the absence of wrongdoing. "It entails a holistic assessment of... behavior, adherence to societal norms, and positive contributions."

Rather than simply checking for disqualifying offenses, officers must now weigh factors such as sustained community involvement, family responsibility, education, stable and lawful employment and tax compliance. This policy provides for a more holistic assessment, states the government.

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### U.S. DEPARTMENT OF STATE ANNOUNCES ROLLBACK OF ITS INTERVIEW WAIVER POLICY

Effective September 2<sup>nd</sup>, 2025, the Department of State is narrowing eligibility for visa interview waivers. Most applicants, including those under 14 and over 79, will now require in-person interviews, with limited exceptions.

To be eligible for an interview waiver, applicants renewing a full validity B-1, B-2, B1/B2 visa must also:

- apply in their country of nationality or residence;
- have never been refused a visa (unless such refusal was overcome or waived); and
- have no apparent or potential ineligibility.

Consular officers may still require in-person interviews on a case-by-case basis. This supersedes the February 18<sup>th</sup>, 2025 interview waiver update.

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### USCIS TIGHTENS DISCRETION STANDARDS ON ANTI-AMERICAN ACTIVITIES

U.S. Citizenship and Immigration Services (USCIS) officers are able to exercise some discretion when considering certain benefit requests. Now, the USCIS has updated its policy manual to expand factors that officers must weigh.

The changes increase the emphasis on past parole requests, any involvement in anti-American or terrorist organizations, and evidence of antisemitic activity. USCIS has also expanded the types of benefit request that undergo social media vetting, adding reviews for anti-American activity. The guidance applies immediately to pending and new cases.

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## CANADIAN IMMIGRATION

### IRCC CONSIDERS NEW EXPRESS ENTRY CATEGORY

Canada's immigration system may be in for a shakeup, to enable more targeted skills matches. Immigration, Refugees and Citizenship Canada (IRCC) has launched a consultation on proposed Express Entry changes for 2026. That includes a new Leadership & Innovation category aimed at senior managers, scientists/researchers and other specialized workers.

The review will also explore whether to refine existing priorities such as healthcare, trades, STEM, agriculture and francophone immigration. Proposed changes could also tighten eligibility, by introducing longer work experience requirements and giving greater weight to Canadian experience.

The consultation goes until September 3<sup>rd</sup>, 2025.

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### CANADA'S IMMIGRATION TARGETS POISED FOR A RESET

Each year, Immigration, Refugees and Citizenship Canada (IRCC) seeks input from stakeholders to shape admissions targets. This year's plan covering 2026-2028 will be announced in the fall (the consultation ended August 17<sup>th</sup>).

Key government commitments include:

- reducing temporary residents to under 5% of the population by 2027;
- stabilizing permanent resident admissions at under 1% annually beyond 2027; and
- reaching a 12% target for Francophone immigration outside Quebec by 2029.

The immigration plan renews annually on a rolling three-year timeframe, setting firm targets and ranges for year one, with flexibility for the second and third years to adjust to any developments.

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### OFFICER DECISION NOTES ADD CLARITY FOR APPLICATION REFUSALS

As of July 29<sup>th</sup>, 2025, Immigration, Refugees and Citizenship Canada (IRCC) began to include officer decision notes with refusal letters for certain applications.

To start, the notes cover temporary resident visas (excluding electronic travel authorizations and temporary resident permits), visitor records, study permits and work permits. More application types will be added over time.

The change is designed to improve transparency and make it easier for clients to access information about their case.

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