

SEPTEMBER 2025

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

## U.S. IMMIGRATION

### ENTRY FEE FOR H-1B VISAS

On September 19, 2025, President Trump signed a proclamation that significantly changes how the H-1B visa program works for foreign workers currently outside the U.S. New applicants under the H-1B program can now only enter the U.S. if their petition is accompanied by a one-time \$100,000 payment. The payment requirement covers those in the 2026 lottery, and any other H-1B petitions submitted after 12:01 EDT on Sunday, September 21, 2025.

- U.S. government officials have confirmed that existing H-1B visa holders and those with H-1B petitions filed before September 21, 2025, are not subject to the new H-1B specialty occupation restrictions and the \$100,000 fee that took effect at 12:01 EDT on Sunday, September 21, 2025.
- Significant questions remain regarding which H-1B petitions are subject to the \$100,000 fee, but U.S. Citizenship and Immigration Services has clarified that H-1B extensions of stay with the same employer are not liable for the new fee.
- Employers and foreign nationals should stay on top of legal developments. Litigation to challenge the proclamation is expected.

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### GOLD CARD PROGRAM TO LAUNCH

On September 19, 2025, President Trump signed an Executive Order to create the Gold Card visa program. The Gold Card is an expedited visa program overseen by the U.S. Department of Commerce in coordination with the Departments of State and Homeland Security. It allows foreign nationals to qualify for expedited immigrant visas by making an unrestricted financial gift to the Department of Commerce of \$1 million for individuals or \$2 million through a corporation (or similar entity) donating on their behalf. “Gold Card” permanent residence applications would be processed under the existing EB-1 extraordinary ability and EB-2 exceptional ability national interest waiver categories. The relevant Agencies must establish application processes, dates, fees and transfer rules within 90 days.

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### THE PLATINUM CARD PROGRAM

The Trump Administration also unveiled a new planned “Platinum Card” program that would allow foreign nationals who make a payment of \$5 million to spend up to 270 days per year in the United States without being subject to U.S. taxes on non-U.S. income. Further details on this program are expected in the near future.

### NEW RULES FOR VISA INTERVIEWS

As of September 6, 2025, applicants for U.S. non-immigrant visas must schedule their interviews at the U.S. embassy or consulate in their country of nationality or residence. People applying based on residency must demonstrate proof of residence.

Those applying outside their home country should expect longer wait times (which vary by location), and may face added difficulty qualifying for a visa. Generally, existing appointments will not be cancelled. Fees are non-refundable and non-transferable.

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## CANADIAN IMMIGRATION

### ONTARIO REMOVES MOBILITY BARRIERS FOR OUT-OF-PROVINCE CERTIFIED PROFESSIONALS

The Ontario government is breaking down interprovincial barriers for in-demand professions such as architects, engineers, geoscientists, land surveyors, electricians and more.

Starting January 1, 2026, Canadians in certified professions can begin working in Ontario within 10 days, once the profession’s regulator confirms credentials and requirements. That compares to a wait of anywhere from several months to half a year under the current process.

The new “As of Right” rules will apply across professions covered by more than 50 regulatory authorities and 300 certifications. This aims to help employers fill critical gaps faster, supporting workers and a stronger Canadian economy.

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## C&P RECOMMENDATIONS

**Authorities have increasingly been checking the lawful status of individuals in the U.S. This can happen within the territorial U.S., and not just at ports of entry. Status verification is also occurring on occasion when flying internally within the U.S.**

**As a precaution, we recommend that all non-U.S. citizens carry valid documentation proving their lawful immigration status while in the United States, in case they are asked to present it.**