

OCTOBER 2025

CUMMING & PARTNERS**U.S. & CANADIAN IMMIGRATION INSIGHTS****U.S. IMMIGRATION****USCIS CLARIFIES \$100,000 H-1B FEE**

On October 20, 2025, U.S. Citizenship and Immigration Services (USCIS) issued guidance clarifying the implementation of President Trump's September 19 executive order requiring a \$100,000 fee for certain H-1B petitions.

The fee applies to petitions filed on or after September 21, 2025:

- for beneficiaries outside the U.S. without valid H-1B visas;
- for new cases requesting consular or port-of-entry notification.

It may also apply if USCIS determines an applicant in the U.S. is ineligible for a requested change or extension. Rare national-interest exceptions may be requested before filing.

Any previously issued and currently valid H-1B visas aren't subject to the fee, nor are petitions approved for amendment, change of status or extension within the U.S.

Payment must be made before filing the petition with USCIS. When submitting the H-1B petition, petitioners must include proof of payment scheduled through pay.gov or evidence of a \$100,000 payment exception.

[LEARN MORE](#)**IMPACT OF THE GOVERNMENT SHUTDOWN**

On October 1, the federal government began a shutdown after Congress failed to pass 2026 appropriations legislation. Here are some impacts.

NOT AFFECTED

- U.S. Customs and Border Protection law enforcement and inspection functions are considered "essential" and remain operational.
- The EB-5 Immigrant Investor Regional Center Program was authorized through September 30, 2027.

MOSTLY NOT AFFECTED

- U.S. Citizenship and Immigration Services is largely funded by application fees, enabling it to mostly operate as normal.

AFFECTED

- E-Verify may face temporary or longer-term unavailability.
- The Foreign Labor Application Gateway is offline, preventing new applications, e.g. for the H-1B visa.
- Activities administered by the Office of Foreign Labor Certification (OFLC) are suspended.
- OFLC's SeasonalJobs.dol.gov system, for H-2A and H-2B temporary positions, is disabled.

[LEARN MORE](#)**NEW RULES FOR VISA INTERVIEW LOCATIONS**

The Department of State now requires immigrant and non-immigrant visa applicants to interview in the consular district designated for their place of residence. There are limited exceptions to interview in their country of nationality, for humanitarian or medical emergencies, or for foreign policy reasons.

Applicants in countries without active visa operations must apply at their designated processing post. This policy will also apply to Diversity Visa applicants in the DV-2026 program year.

Existing immigrant visa appointments generally won't be rescheduled or cancelled. Applicants who want to transfer their immigrant visa case to a new consular district should contact the National Visa Center.

[LEARN MORE](#)**CITIZENSHIP FACES STRICTER TEST**

U.S. Citizenship and Immigration Services (USCIS) has announced the implementation of the 2025 naturalization civics test, which evaluates applicants' understanding of U.S. history and government.

The new test is part of broader efforts to strengthen the naturalization process and ensure applicants meet all eligibility criteria. That includes English proficiency and good moral character, defined as positive contributions to American society instead of just an absence of bad behaviour. USCIS is also resuming neighborhood investigations to ensure that aliens meet statutory requirements and are worthy of U.S. citizenship.

Additional initiatives to enhance the integrity of the naturalization process will be announced in the coming months.

[LEARN MORE](#)**CANADIAN IMMIGRATION****PILOT PROGRAM SUPPORTS FRANCOPHONE INTERNATIONAL STUDENTS**

The Francophone Minority Communities Student Pilot (FMCSPP), administered by Immigration, Refugees and Citizenship Canada (IRCC), aims to:

- attract more French-speaking international students to select post-secondary institutions outside Quebec;
- reduce study permit barriers, especially from certain parts of Africa, the Middle East and the Americas; and
- create a pathway to permanent residence.

FMCSPP participants are eligible to access IRCC-funded settlement services during their studies.

A maximum of 2,970 study permit applications will be accepted for processing between August 26, 2025 and August 25, 2026. This public policy expires on August 25, 2026 or when the cap is reached, whichever comes first.

[LEARN MORE](#)**IMMIGRATION PATHWAYS FOR FRANCOPHONE STUDENTS POST-GRADUATION**

Building on the Francophone Minority Communities Student Pilot (see above), eligible graduates can now apply for permanent residence and open work permits, along with their accompanying family members. Programs of study have to be at least two years, full time, with more than 50% of the classes taught in French.

This policy ensures that French-speaking international students not only complete their studies but also have a route to long-term integration in Canada, contributing to the vitality of Francophone minority communities and the broader economy.

The FMCSPP supports a temporary-to-permanent residence pathway for French-speaking international students from regions that, historically, have faced high study permit refusal rates. This public policy expires on November 31, 2031.

[LEARN MORE](#)**INTERNATIONAL CAREGIVER WORKER STREAM CLOSURES BEFORE EVEN OPENING**

The Home Care Worker Immigration Pilots (HCWP) was set to have an intake for "applicants not working in Canada". However, that stream has closed, without ever being open, according to the website of Immigration, Refugees and Citizenship Canada (IRCC).

The move may be linked to IRCC's large application backlog for caregiver pilots – over 34,000 cases, with limited processing capacity for 2025. The HCWP closure also aligns with IRCC's broader shift toward granting permanent residence to temporary residents.

Caregivers abroad still have other pathways, including Express Entry for health care occupations and several Provincial Nominee Programs, including those in Manitoba, Ontario, New Brunswick, and Newfoundland and Labrador.

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