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CUMMING & PARTNERS

U.S. & CANADIAN IMMIGRATION INSIGHTS

U.S. IMMIGRATION

DHS HALTS AUTOMATIC EMPLOYMENT AUTHORIZATION DOCUMENT (EAD) EXTENSIONS, CITING SECURITY PRIORITIES

The Department of Homeland Security has issued an interim final rule ending automatic extensions of employment authorization documents (EADs) for most renewal applicants. The change, as of Oct. 30, 2025, prioritizes stronger vetting and national security by requiring more frequent background reviews before extending work authorization.

Limited exceptions remain, such as extensions tied to statute or Temporary Protected Status. U.S. Citizenship and Immigration Services (USCIS) urges applicants to file renewals up to 180 days in advance to avoid gaps in authorization. Existing automatic extensions remain valid.

[LEARN MORE](#)**TIGHTER RULES ON PUBLIC CHARGE SCREENING**

Public charge refers to someone who's likely to become primarily dependent on the U.S. government for financial support. The Department of State (DOS) reportedly issued a recent cable that significantly expands how consular officers apply the INA 212(a)(4) public charge ground, across nearly all immigrant and non-immigrant visas.

DOS guidance directs officers to scrutinize applicants' finances, skills, English ability, past benefit use (including abroad) and chronic health conditions that could lead to medical costs. Officers may rely more heavily on 214(b) for refusals involving a failure to demonstrate self-sufficiency. The guidance also urges close reviews of affidavits of support. The result is a broader and more subjective assessment of applicants' long-term financial independence.

[LEARN MORE](#)**DHS PLANS EXPANDED BIOMETRIC COLLECTION**

The U.S. Department of Homeland Security (DHS) has proposed a rule expanding biometric collection and use for immigration and identity verification. It would require submission of biometrics – including facial imagery, fingerprints, handwritten signatures, ocular imagery (i.e. iris and retina scans), voice data and DNA – from all applicants, petitioners, beneficiaries and individuals associated with immigration benefit requests.

The proposal would also clarify biometrics collection purposes, codify reuse requirements, and codify and expand DNA testing, use and storage. Public comments are due Jan. 2, 2026.

[LEARN MORE](#)**IMPLEMENTATION OF GOLD CARD PROGRAM**

The new Gold Card program, announced in an executive order on Sept. 19, 2025, aims to be operational by Dec. 18. U.S. Citizenship and Immigration Services (USCIS) has sent the plan to the Office of Management and Budget for review.

The program allows foreign nationals to qualify for expedited immigrant visas by making an unrestricted financial gift to the Department of Commerce – \$1 million individually or \$2 million through a corporation (or similar entity).

The process would involve paying a non-refundable \$15,000 fee, and filing the Form I-140G petition with USCIS. Applications aren't being accepted yet. More details are expected in the next weeks.

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CANADIAN IMMIGRATION

BILL C-3 RECEIVES ROYAL ASSENT

Bill C-3, which extends Canadian citizenship to children born or adopted abroad beyond the first generation, has received royal assent and now awaits implementation.

The bill grants citizenship retroactively and establishes a framework for future generations. It will allow a Canadian parent who was born or adopted overseas to grant citizenship to their child who was also born or adopted overseas. That's provided there is a significant connection to Canada, defined as 1,095 days of cumulative presence before the child's birth or adoption.

The bill will come into force on a date to be set by order in council. Until then, the interim measure remains in place for the first-generation limit.

[LEARN MORE](#)**MORE SLOTS FOR PNP, LESS FOR TFWP AND STUDENTS**

Under its Immigration Levels Plan, Canada is set to welcome 370,000-380,000 new immigrants annually over 2026-2028. Those numbers reflect major changes in the number of spots available in various categories. For 2026, Canada plans to admit:

- 60,000 workers under the Temporary Foreign Worker Program, down from the previous target of 82,000.
- 170,000 individuals through the International Mobility Program, up from 128,700.
- 155,000 international students, down from of 305,900.

The federal government is also increasing the number of permanent resident spots under the Provincial Nominee Program to 91,500, up from 55,000.

[LEARN MORE](#)**ONTARIO SUSPENDS EXPRESS IMMIGRATION FOR SKILLED TRADES**

Ontario has suspended its Express Entry Skilled Trades Stream under the Ontario Immigrant Nominee Program (OINP), and cancelled pending applications. On Nov. 14, an update on OINP's website said an internal review had identified systemic misrepresentation and/or fraud, prompting the Labour Ministry to halt the initiative.

The program allowed Ontario to recruit and retain foreign workers with in-demand skills by granting them permanent residency. In 2024, Ontario nominated about 4,100 candidates through this stream. Now, about 2,600 applicants awaiting decisions had their files terminated and fees refunded. They may submit a new Expression of Interest to other OINP streams provided they meet the eligibility criteria.

The suspension affects only those with pending applications. Approved nominees retain their status.

HEALTHCARE WORKERS GET 3,500 ITAS FOR RESIDENCY

For healthcare and social services occupations, Immigration, Refugees and Citizenship Canada (IRCC) has issued 3,500 invitations to apply (ITA) through the Express Entry system. Candidates must have a minimum Comprehensive Ranking System (CRS) score of 462, the lowest of the year for this category in 2025 (out of six draws).

To date in 2025, candidates in the this category have received the third-most ITAs in the Express Entry system – 13,292, including this draw.

This year's Express Entry ITAs have focused on the Provincial Nominee Program, followed by Canadian Experience Class candidates, candidates with French-language proficiency, and those in priority occupations (healthcare and social services, education, trades).

[LEARN MORE](#)**NEW PLANS RESHAPE INTERNATIONAL STUDENT IMMIGRATION PATHWAYS**

Canada's Immigration Levels Plan for 2026–2028 introduces a major shift: international student admissions will be cut by about 50%, with targets dropping to 155,000 in 2026 and 150,000 in 2027–28.

The plan prioritizes in-Canada applicants. While fewer new students will enter Canada, those already in the country may benefit from reduced competition for jobs, as well as for permanent residency via the Canadian Experience Class (CEC) or Provincial Nominee Programs (PNP).

Starting Jan. 1, 2026, international students applying for Master's and PhD programs at public universities won't need a Provincial Attestation Letter (PAL) or a Territorial Attestation Letter (TAL), simplifying and accelerating the study permit process.

[LEARN MORE](#)**CANADA EXEMPTS MASTER'S AND PHD STUDENTS FROM STUDY PERMIT CAP**

Beginning Jan. 1, 2026, Immigration, Refugees and Citizenship Canada (IRCC) will exempt Master's and PhD students at public Designated Learning Institutions from the national study permit cap and the requirement for provincial/territorial attestation letters.

This decision comes as Canada reduces annual study permits by half, to 155,000 in 2026 and 150,000 in 2027–28. Students in private colleges remain subject to caps. IRCC is also expediting doctoral study permit applications submitted from abroad, with 14-day processing for eligible applicants and their families.

The policy reflects Canada's move toward attracting high-value graduate talent, while tightening undergraduate and private-sector enrolment.

NEW OFF-CAMPUS WORK HOURS FOR INTERNATIONAL STUDENTS

International students in Canada can now work up to 24 hours per week off campus, up from 20 (even if their permit lists the old cap). Students may only begin working once their study program has started and if their study permit states they're allowed. They can hold multiple jobs as long as you stay within the limit.

To work off campus, international students must:

- be full time at a designated learning institution in an eligible program;
- have begun studying; and
- hold a valid social insurance number.

No separate work permit is required. But if a study permit lacks work conditions, students can request to add them for free.

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