

DECEMBER 2025

# CUMMING & PARTNERS

## U.S. & CANADIAN IMMIGRATION INSIGHTS

### U.S. IMMIGRATION

#### GOLD CARD PROGRAM OPENS TO APPLICANTS

USCIS has released application details for the new Gold Card. The program, announced in an executive order on Sept. 19, 2025, 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 involves filing a Form I-140G petition. Applicants may file after registering their information on [trumpcard.gov](https://trumpcard.gov) and receiving confirmation their submission was accepted. USCIS will contact applicants when it's time to create or log into their online account to file Form I-140G. The filing fee is a non-refundable \$15,000 per person.

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#### BIRTHRIGHT CITIZENSHIP ORDER TO BE HEARD BY SUPREME COURT

On Dec. 5, 2025, the Supreme Court agreed to take up the case of whether President Trump's directive to restrict birthright citizenship is constitutional. In Jan. 2025, the President signed an executive order telling U.S. agencies to disregard the citizenship of children born in the U.S. if neither parent is an American citizen or permanent resident.

The 14th amendment of the Constitution has been understood to grant U.S. citizenship to everyone born on U.S. soil. Lower-court rulings have struck down the Trump administration's restrictions, which have yet to take effect. The Supreme Court is expected to hear arguments in 2026, and issue a ruling by the end of June.

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#### SECURITY CONCERN CITED AROUND NEW IMMIGRATION AND ENTRY RESTRICTIONS

- **Additional country-specific vetting.** In the wake of the shooting of two National Guards by an Afghan national, USCIS issued new guidance on Nov. 27, 2025. They will now consider country-specific factors as significant negative factors when reviewing immigration requests from 19 "high-risk" countries. The guidance allows USCIS officers to more meaningfully assess whether an alien is a threat to public safety and national security. Total restrictions on entry: Afghanistan, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Myanmar, Somalia, Sudan and Yemen. Partial suspension: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan and Venezuela.

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- **Suspension of immigration benefits for nationals of "high-risk" countries.** On Dec. 16, 2025, President Trump signed a proclamation ordered an immediate halt to asylum cases and suspended key immigration benefits for nationals of 19 countries (same list as above). All asylum cases are on hold pending a security review, and immigration applications are frozen for individuals who entered the U.S. during the previous administration.

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#### STATE DEPARTMENT EXPANDS ONLINE PRESENCE REVIEW FOR VISA APPLICANTS

As of Dec. 15, 2025, H-1B and dependent H-4 visa applicants will undergo a review of their online presence during visa application processing at U.S. consulates. This expands on the review that has existed for F, M and J visa applicants since June 2025.

H-1B and H-4 applicants must set their social media accounts to "public". The State Department hasn't detailed the review standard. But scrutiny of social media content and activity will help identify applicants who are inadmissible to the U.S. That includes those deemed to pose a threat to U.S. national security or public safety.

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#### DHS ENDS FAMILY REUNIFICATION PAROLE PROCESSES

The Department of Homeland Security has ended the Family Reunification Parole processes for aliens from Colombia, Cuba, Ecuador, El Salvador, Guatemala, Haiti and Honduras, as well as their immediate family members. Some key dates:

- The temporary parole period under FRP, for aliens whose initial period of parole hasn't expired by Jan. 14, 2026, will terminate on that date.
- An alien's parole won't terminate if they filed a Form I-485, Application to Register Permanent Residence or Adjust Status, postmarked, electronically filed or pending adjudication as of Dec. 15, 2025.

The DHS Secretary will make other case-by-case determinations. Aliens without a lawful basis to remain in the U.S. after parole ends must depart before their termination date.

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#### USCIS ESTABLISHES NEW VETTING UNIT

USCIS will establish a specialized Vetting Centre to screen out individuals identified as posing potential threats to public safety, or who've committed fraud or other crimes. The Dec. 5, 2025, announcement said that the new unit, to be headquartered in Atlanta, will draw on the full spectrum of classified and non-classified screening and vetting capabilities, and leverage Department of Homeland Security and other law enforcement and intelligence community screening resources.

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#### NEW GUIDANCE ON PHOTO REQUIREMENTS

Effective Dec. 12, 2025, U.S. Citizenship and Immigration Services (USCIS) has new guidance on the use of photos for identity documents.

1. Photos must have been taken within three years of the date a person files a USCIS form.
2. Self-submitted photos will no longer be accepted, only those taken by USCIS or other authorized entities.
3. Certain forms will require a new photo, regardless of when an applicant's or petitioner's last photograph was taken. These include:

- **Form I-90, Application to Replace Permanent Resident Card;**
- **Form I-485, Application to Register Permanent Residence or Adjust Status;**
- **Form N-400, Application for Naturalization;** and
- **Form N-600, Application for Certificate of Citizenship.**

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### CANADIAN IMMIGRATION

#### BILL C-3 TO EXTEND CANADIAN CITIZENSHIP NOW IN EFFECT

Bill C-3, An Act to amend the Citizenship Act (2025) is now in effect. People born before December 15, 2025, who would have been citizens – if not for the first-generation limit or other outdated rules – will now be Canadian and can apply for proof of citizenship.

The new law also creates a modern and consistent path going forward. A Canadian parent born or adopted abroad can now pass on citizenship to their child born or adopted outside Canada. That's provided they can demonstrate, at the time of application, that they spent three years in Canada prior to their child's birth or adoption.

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#### NEW EXPRESS ENTRY FOR INTERNATIONAL DOCTORS

International doctors will soon have a smoother path to permanent residency through a new Express Entry category from Immigration, Refugees and Citizenship Canada. It applies to physicians with at least one year of Canadian work experience within the last three years in these eligible occupations:

- General Practitioners and Family Physicians;
- Specialists in Surgery; and
- Specialists in Clinical and Laboratory Medicine.

Canada will reserve 5,000 federal admission spaces for provinces and territories to nominate licensed doctors with jobs to apply under the new category will be issued in early 2026.

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#### ONTARIO IMMIGRANT NOMINEE PROGRAM TO REVAMP JOB OFFER STREAMS

The Ontario government has proposed a new approach for selecting nominees for permanent residence.

In phase one, the Ontario Immigrant Nominee Program (OINP) would consolidate its three Employer Job Offer streams into a single stream for skilled nominees. It would include two separate pathways: TEER 0-3 pathway and streams 4-5 pathway.

In phase two, the OINP would eliminate all other existing streams and introduce three new streams: a priority Health care stream, Entrepreneur stream and Exceptional talent stream.

On Dec. 2, 2025, Ontario launched a public consultation on structure and process updates to the OINP. Comments are due Jan. 1, 2026.

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#### CANADA LAUNCHES MAJOR INITIATIVE TO ATTRACT GLOBAL RESEARCH TALENT

A federal plan announced Dec. 9 aims to recruit over 1,000 international researchers, early career academics and doctoral/postdoctoral trainees to Canada. The plan focuses on fields critical to economic, health, technological and climate priorities.

The four programs under the Canada Global Impact+ Research Talent Initiative will see up to \$1.7 billion invested over 12 years. This represents one of the largest recruitment programs of its kind. Programs will fund research recruitment, training and facility development, to help keep Canada at the forefront of scientific innovation.

Nominated researchers must apply through existing immigration pathways. Additional reforms are expected, including an accelerated pathway for U.S. H-1B visa holders and new investments in foreign credential recognition.

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#### CHANGES MAY BE COMING FOR CANADIAN PERMANENT RESIDENCY FOR U.S. H-1B HOLDERS

A new accelerated pathway to permanent residence, aimed at U.S. H-1B visa holders, may be on the horizon.

There is no official guidance as yet from Immigration, Refugees and Citizenship Canada. However, the latest federal budget has fueled speculation with its reference to a strategy for international talent attraction. Prime Minister Justin Trudeau has also spoken about possible measures to draw skilled workers affected by the new U.S. H-1B fee.

A previous initiative in 2023 offered three-year open work permits to H-1B visa holders. That pilot program reached its 10,000-application cap within 48 hours.

#### ONTARIO REMOVES CANADIAN EXPERIENCE BARRIERS FOR JOB-SEEKING NEWCOMERS

As of Jan. 1, 2026, employers in Ontario will no longer be able to state that they require Canadian work experience in job postings or associated application forms. That's among the new requirements for publicly advertised job offers to take effect under changes to Ontario's Employment Standards Act.

The new rules will apply to employers with 25 or more employees on the day of the job posting. Employers will now need to consider these changes when applying for the Labour Market Impact Assessment. Other changes relate to disclosures around compensation and existing job vacancies, the use of AI in screening and post-interview updates to applicants.

#### CANADA IS TESTING DIGITAL VISAS

For a limited time, the Government of Canada is testing digital visas as part of its efforts to modernize immigration services. In addition, a small group of visitors who've been approved to receive a digital version in addition to the physical counterpart in their passport.

Feedback from the pilot will enable the Canadian government to design secure, accessible and user-friendly digital visas in the future and to test their compatibility with third parties like airlines.

Digital visas aim to reduce the need to mail or submit a passport for a visa counterfoil, improve verification and security, and allow individuals to share only the information that's needed.

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From all of us at Cumming & Partners,

wishing everyone a happy and healthy New Year!

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