



# 2025 H-1B Visa Processing Abroad Guide

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## About Us

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Our business is to understand yours - and your challenges. We are trusted for our successful representations, primarily in immigration, international arbitration, and contracts. Our clients consistently rate us highly, noting our strategic insights, attention to detail, and personal attentiveness.

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Our organization is MSDC-certified minority-owned, ISO-9001 Quality Management System certified, and our attorneys are licensed to practice in the states of NY, CA, and IL. We are also licensed in the U.S. District Court for the Northern District of Illinois, U.S. District Court for the Southern District of California, U.S. Court of International Trade, U.S. Tax Court, and multiple foreign jurisdictions.

Our team speaks 11 languages and employs high levels of cultural sensitivity, always focused on the experience of the individual.

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After several years of a more relaxed immigration landscape, U.S. policy is now shifting back to stricter scrutiny and increased enforcement actions. The 2025 H-1B visa program has been a major focus in the past and we can expect that it will again be under a microscope. While the current administration has been vocal about its support of the H-1B program in general, the immigration agencies (which include USCIS, ICE, and CBP) have been instructed to strictly enforce immigration law and combat fraud. The H-1B program will not be an exception.

On January 17, 2025, a new H-1B rule went into effect which formally codified many existing USCIS adjudicatory practices. The rule focuses on strengthening the definition of specialty occupation, providing greater power to USCIS to deny/revoke approvals for employers who do not cooperate during site visits, as well as streamlining approvals for extension petitions where deference to a past decision is warranted. The rule also eliminates any ability for employers to file H-1B petitions for speculative work, requiring employers to prove there is a bona fide specialty occupation available for the beneficiary as of the requested start date. In other words, for IT consulting companies, there must be a project in place at the time of filing. While the rule itself is not a major departure from existing practices, we can expect increased scrutiny for all H-1B petitions in light of the current administration's hardline stance on immigration.

This will mean that 2025 H-1B visa employers and employees alike should anticipate a higher likelihood of inquiries from USCIS (through requests for evidence, notices of intent to deny/revoke, etc.), increased compliance checks through FDNS site visits, greater challenges during visa stamping at the consulates, and increased scrutiny during initial entry or reentry at U.S. ports of entry.

This guide contains comprehensive recommendations for H-1B employers and employees, to help navigate this more challenging immigration landscape and ensure the best possible outcomes.

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## H-1B Visa Processing Abroad & Travel Considerations

Under the current administration, H-1B holders and H-1B hopefuls alike should anticipate increased scrutiny at both the consulate stage for visa stamping and during initial entry or reentry at U.S. ports of entry. For the past few years, we have experienced an increased incident of 221G notices during visa stamping and we can expect that this will continue. While USCIS largely stopped requiring client letters following the ITServe lawsuit, the consulates never really did – often, 221G notices have been issued because the consular officer sent a verification email to the end client and either did not receive a response or received a negative response, confirming that the services were not expected. We can expect continued end client verification during visa stamping for IT workers assigned to third-party client projects. To avoid delays, H-1B beneficiaries should carry an employment verification letter from the H-1B employer as well as the end client where applicable, confirming the services are expected. Contracts between all parties should also be presented where possible. Carrying strong documentation during visa stamping will be crucial to approval.

H-1B visa holders can also expect increased scrutiny during initial entry or reentry. H-1B holders should anticipate they will be asked for their documentation, endure often intense questioning, and that CBP may call their employer/end client from the airport to confirm they are expected. H-1B visa holders should be aware that CBP can go through their phones, laptops, messages, emails, etc. and if any information is discovered which contradicts their approved employment or purpose in coming to the U.S., they will be denied entry and returned to their home country. Where possible, it may be best to avoid or minimize travel.

**If you have questions about the 2025 H-1B Visa, please reach out to an ILBSG attorney today.**

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