



GLOBAL IMMIGRATION UPDATE

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Country Updates

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BELGIUM

This article discusses the types of permits used for corporate immigration in Belgium, the probable implementation of a single permit in 2018, and salary thresholds.

With the exception of the Blue Card, Belgium currently has a dual permit system with separate documents for each type of permit. Employment authorizations and work permits, which allow a foreigner to work in Belgium, are processed by the Belgian Regions (Flanders, Brussels, and Wallonia). Visa and residence permits, which relate to the right to enter and reside in Belgium, are issued by the Belgian federal authorities.

All this may change soon, when the single permit will probably be implemented. An important step toward the implementation of the single permit is a cooperation agreement between the Belgian Regions signed on February 2, 2018. The agreement aims, among other things, to define criteria for the territorial competence (jurisdiction) for applications; to confirm the principle, within some limits, of mutual recognition of permits issued by another Region; and to determine the competence for audits. A draft bill to approve this cooperation agreement was filed with the Belgian federal Chamber of Representatives on February 8, 2018, and adopted by the Committee for Interior and Public Affairs within the Chamber on March 9, 2018. A plenary discussion and vote will be the next step. A preliminary draft bill to implement the single permit was approved by the federal Council of Ministers on February 9, 2018.

One of the requirements for some Belgian fast-track work permits B, as well as for the Blue Card, is a salary threshold: the annual gross remuneration must meet the threshold amount, which is adjusted/indexated on a yearly basis.

The new salary thresholds effective January 1, 2018, are:

- For highly skilled work permits: € 40,972 (€ 40,124 for 2017);
- For executive-level work permits: € 68,356 (€ 66,942 for 2017);
- For Blue Cards: € 52,978 (€ 51,882 for 2017).

The Ministries will only issue a fast track work permit B or Blue Card if it is clear that the employee's salary will meet the threshold amount. The Ministries will only take into account amounts that will definitely be paid. Discretionary bonuses, COLA (Cost of Living Allowances), and most other allowances cannot be taken into account when processing the work permit application.

The correct salary payment, as well as correct use of a work permit, will be crucial for a renewal after one year: partial/limited use of a work permit (e.g., a work permit valid for one year that has only been used for six months) may result in a refusal to renew.

CANADA

This article argues that the Global Skills Strategy is a "mini" step in the right direction for Canada.

On June 12, 2017, Immigration, Refugees and Citizenship Canada (IRCC) announced details of the Global Skills Strategy (GSS). The GSS is intended to help promote global investment in Canada and support the Government of Canada's Innovation and Skills Plan, opening Canada's doors a little wider for the business community. There are several new options and avenues for bringing workers into Canada under the GSS. This article focuses on the work permit exemptions for highly skilled, short-term workers and researchers—a much heralded "quick and easy" route for those who qualify.

The GSS has provided exemptions from the need to obtain work permits under two new categories. An exemption was established for highly skilled (all NOC 0 and NOC A) workers. Those eligible will now be allowed one 15-day work permit-exempt stay in Canada every 6 months, or one 30-day work permit-exempt stay every 12 months. The exemption also applies to researchers coming to Canada; they are now allowed one 120-day stay every 12 months without requiring a work permit when they are working on a research project at a publicly funded degree-granting institution or affiliated research institution.

While these exemptions (particularly the short-term entry for highly skilled workers) have been welcomed by the Canadian business community and allow businesses to bring in consultants and other advisory and technical personnel much more easily, they are by no means free passes. First, the limits on how much time the workers can spend here are short, and there is no way to extend or break up the time differently. The exemption is limited to one 15-day maximum visit every 6 months, or one 30-day visit per 12 months. Secondly, it's not clear that a Canadian business wishing to employ the worker would know if the exemption was applicable. A Canadian business may wish to bring in a worker under the exemption, but if the foreign worker has already used the exemption for another Canadian business, or doesn't know under which category he or she entered Canada on a previous visit, then the Canadian business could be out of luck or worse. The worker could be refused entry because the exemption has already been used. In addition, many of the workers Canadian businesses seek to bring in are classified under NOC B and do not qualify for the exemption. Some examples are all "technical" roles in science, engineering, and technology; athletes and coaches; and sales personnel in insurance, real estate, and financial markets. Bottom line: there are lots of valuable workers to whom the exemption does not apply.

One other limitation is that although workers can exit and re-enter within the prescribed time frame (15 or 30 consecutive days) of work under the exemption, the authorized work period begins on the date the exemption is granted and is counted consecutively regardless of whether the person is actually working in Canada.

So, while corporate Canada applauds the Canadian government for its efforts to get out of the way of businesses trying to bring in very temporary workers, many are still complaining that the exemption is not broad enough or that it is unwieldy for Canadian businesses to track prior usage of the exemption. Authorized stays are short and Canadian businesses do not have access to information about whether a proposed temporary worker has already "used up" the exemption, with the result that Canadian businesses may find that it's better to be safe than sorry and continue to apply for a work permit for any visiting worker.

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TURKEY

Turkey is requiring companies to have online governmental communications accounts to file work permits.

Several years ago, Turkey created an online registration system for receiving official government communications and notices electronically. The Information, Communication and Technologies Authority of Turkey (under the Ministry of Transportation, Maritime Affairs and Communication) created the online communication system for private companies and individuals to receive official notices from various government agencies, called the KEP system (*kayıtlı elektronik posta*).

The Ministry of Labor (MOL) recently announced that companies and individuals who sponsor work permits must register and use the KEP system. MOL will use the system to electronically handle filings, approvals, cancellations, or Requests for Further Evidence.

KEP Registration Generally

All companies in Turkey (with certain exceptions regarding Liaison Offices) must be registered for the KEP system. A KEP account can be purchased by each company through one of the eight entities designated by the Information, Communication and Technologies Authority (link below). The company then designates a specific individual to act as contact, who is the company's relevant Social Security (SS) e-notification authority ("designee"). The designee must then obtain an electronic activation tool in the form of a memory stick from the agency to load onto company's system.

For further information, see <https://www.btk.gov.tr/tr-TR/Sayfalar/KEP-Kayitli-Elektronik-Posta-Hizmet-Saglayicilar>.

KEP Registration for MOL/Turkish Work Permits

To initiate the KEP system for work permits, the designee must complete the Company's MOL registration through the online system at <https://ecalismaizni.csgeb.gov.tr/#/eizin>. This requires the uploading of several company documents to confirm signature authority and shareholder structure. After that is completed, the designee may then delegate authority to a law firm or other agency to represent the company for work permits.

Problems With the KEP System

The use of the KEP account has not been universally welcomed. One point of contention involves the lack of flexibility with regard to whom the company selects as the designee and e-signature memory-stick holder. This is because the KEP system for MOL requires that an e-signature be given to the person designated by a company to be the SS contact. Since many larger companies have third parties designated to be the SS contact (a payroll service provider, for example), reluctance to give that same third party an e-signature for the company is not surprising. Hopefully, the MOL and KEP managers may be able to increase flexibility or change the system to address this business concern.

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UNITED KINGDOM

The United Kingdom (UK) and the European Union (EU) are negotiating the terms of a Brexit implementation period to commence after the UK's withdrawal from the EU. This article discusses the UK's latest proposed policy statement, rejected by the European Parliament, which makes significant changes to previous statements.

The UK government published a proposed policy statement on February 28, 2018, on the status of EU citizens arriving in the UK after March 29, 2019, during the Brexit implementation period, or "transition" period as it has sometimes been called. This new policy statement is a significant change to previously published statements on the status of EU nationals arriving after March 29, 2019.

This statement, which represents the latest counter-offer from the UK during the ongoing negotiations regarding the withdrawal agreement between the UK and the 27 members of the EU, was immediately rejected by the European Parliament on March 1, 2018.

The key provisions of the new proposed policy are:

- EU nationals and their family members arriving in the UK after March 29, 2019, but before the end of the transition period (proposed by the EU to be December 31, 2020) must apply for a residence document if they intend to remain after three months' residence in the UK.
- They can apply for a residence document for up to five years and thereafter apply for indefinite leave to remain (ILR). This is not the same as the "settled status" for which EU nationals already living in the UK on March 29, 2019, will be eligible after five years' residence.
- Long-term family reunion rules for this cohort of EU nationals will not be so generous as the rules applicable for EU nationals arriving prior to March 29, 2019. Once the transition period ends, non-European Economic Area (EEA) family members will need to apply for entry to the UK, and later for ILR, under the more restrictive UK immigration rules applicable to British nationals being joined by third-country family members.
- EU citizens frontier-working in the UK during the transition period will have the opportunity to obtain permission to continue this after the period ends. (A frontier worker lives in one EU Member State and works in another, returning home daily or weekly.)
- These rights will be enforceable in the UK legal system.
- The application process for a residence document will be streamlined and user-friendly. It will be possible to apply at any point up to three months beyond the end of the transition period.

Although this policy statement provides more certainty for EU nationals than was previously the case, there are still a number of unknowns; for example, whether EU nationals arriving during the transition period will need to do more than simply accrue five years' residence to qualify for ILR. The UK government has said that it will waive the requirement for non-working EU nationals living in the UK on or before March 29, 2019, to have comprehensive sickness insurance in order to qualify for settled status. It may not be so generous toward EU nationals arriving after March 29, 2019.

As noted above, the European Parliament immediately rejected this new policy statement on March 1, 2018. We will have to wait and see whether the UK government can be persuaded to

provide equal treatment to EU citizens arriving both before and during the transition period, as is being demanded by the EU27.

The UK's new proposed policy statement is at <http://bit.ly/2GZhCpF>.

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New Publications and Items of Interest

The latest edition of the *Global Business Immigration Practice Guide* has been released by LexisNexis. Dozens of members of the Alliance of Business Immigration Lawyers (ABIL) co-authored and edited the guide, which is a one-stop resource for dealing with questions related to business immigration issues in immigration hotspots around the world.

The latest edition adds chapters on Malta and Romania. Other chapters cover Australia, Belgium, Brazil, Canada, China, Costa Rica, the European Union, France, Germany, Ghana, Hong Kong, India, Ireland, Israel, Italy, Japan, Mexico, the Netherlands, Nigeria, Peru, Russia, Singapore, South Africa, Spain, Switzerland, Turkey, the United Kingdom, and the United States.

Latchi Delchev, a global mobility and immigration specialist for Boeing, called the guide "first-rate" and said the key strong point of the book is its "outstanding usability." She said she highly recommends the book and notes that it "is helpful even to seasoned professionals, as it provides a level of detail which is not easily gained from daily case management."

Mireya Serra-Janer, head of European immigration for a multinational IT company, says she particularly likes "the fact that the [guide] focuses not just on each country's immigration law itself but also addresses related matters such as tax and social security issues." She noted that the India chapter "is particularly good. The immigration regulations in India have always been hard to understand. Having a clear explanation of the rules there helps us sort out many mobility challenges."

Charles Gould, Director-General of the International Co-operative Alliance, said the guide is "an invaluable resource for both legal practitioners and business professionals. The country-specific chapters are comprehensive and answer the vast majority of questions that arise in immigration practice. Its clear and easy-to-follow structure and format make it the one volume to keep close at hand."

This comprehensive guide is designed to be used by:

- Human resources professionals and in-house attorneys who need to instruct, understand, and liaise with immigration lawyers licensed in other countries;
- Business immigration attorneys who regularly work with multinational corporations and their employees and HR professionals; and
- Attorneys interested in expanding their practice to include global business immigration services.

This publication provides:

- An overview of the immigration law requirements and procedures for over 20 countries;
- Practical information and tips for obtaining visas, work permits, resident status, naturalization, and other nonimmigrant and immigrant pathways to conducting business, investing, and working in those countries;

- A general overview of the appropriate options for a particular employee; and
- Information on how an employee can obtain and maintain authorization to work in a target country.

Each chapter follows a similar format, making it easy to compare practices and procedures from country to country. Useful links to additional resources and forms are included. Collected in this Practice Guide, the expertise of ABIL's attorney members across the globe will serve as an ideal starting point in your research into global business immigration issues.

An excerpt of the book is on the ABIL website at http://www.abil.com/global_practice_guide.cfm.

The list price is \$431, but a 15% discount is available by visiting <http://www.lexisnexis.com/abil> and entering discount code "ABIL16". Contact your Lexis/Nexis sales representative; call 1-800-833-9844 (United States), 1-518-487-3385 (international); fax 1-518-487-3584.

ABIL on Twitter. The Alliance of Business Immigration Lawyers is available on Twitter: @ABILImmigration. Recent ABIL member blogs are available at <http://www.abilblog.com/>.

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Member/Firm News

Who's Who Legal has announced Thought Leaders and Other Leading Individuals in Corporate Immigration (<http://whoswholegal.com/practiceareas/152/edition/5318/Thought%20Leaders/#lawyers>), including the following members and partners of the **Alliance of Business Immigration Lawyers (ABIL)** and their firms:

ABIL Members or Partners:

Enrique Arellano (bio: <http://www.abil.com/lawyers.cfm?c=MX>)

Sophie Barrett-Brown

Maria Celebi (bio: <http://www.abil.com/lawyers/lawyers-celebi.cfm?c=TR>)

Eugene Chow (bio: <http://www.abil.com/lawyers/lawyers-chow.cfm?c=HK>)

Laura Devine (bio: <http://www.abil.com/lawyers/lawyers-devine.cfm?c=UK>)

Kehrela Hodkinson (bio: <http://www.abil.com/lawyers/lawyers-hodkinson.cfm>)

H. Ronald Klasko (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>)

Jelle Kroes (bio: <http://www.abil.com/lawyers/lawyers-kroes.cfm?c=NL>)

Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>)

Gunther Mävers (bio: <http://www.abil.com/lawyers/lawyers-mavers.cfm?c=DE>)

Marco Mazzeschi (bio: <http://www.abil.com/lawyers/lawyers-mazzeschi.cfm?c=IT>)

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>)

Bettina Offer (bio: <http://www.abil.com/lawyers/lawyers-offer.cfm?c=DE>)

Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>)

Nicolas Rollason (bio: <http://www.abil.com/lawyers/lawyers-rollason.cfm?c=UK>)

Gregory Siskind

William Stock

Karl Waheed (bio: <http://www.abil.com/lawyers/lawyers-waheed.cfm?c=FR>)

Bernard Wolfsdorf (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>)

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>)

Firms:

Clark Lau

Cyrus D. Mehta & Partners PLLC

Enrique Arellano Rincón Abogados SC

Foster
Fredrikson & Byron
Joseph Law Firm
Karl Waheed Avocats
Kingsley Napley LLP
Klasko Immigration Law Partners, LLP
Kroes Advocaten Immigration Lawyers
Kuck Immigration Partners LLC
Laura Devine Solicitors
Mazzeschi—Corporate Immigration and Citizenship Law
Miller Mayer LLP
Offer Mastmann
Seyfarth Shaw LLP
Siskind Susser
Wolfsdorf Rosenthal LLP

The following ABIL members and firms were listed in Chambers Global:

Firms (U.S./Global):

Bener Law Office
Cyrus D. Mehta & Associates PLLC
Foster LLP
Fredrikson & Byron, P.A.
Klasko Immigration Law Partners, LLP
Kuck Baxter Immigration Partners LLC
Laura Devine Solicitors
Miller Mayer LLP
Pearl Law Group
Seyfarth Shaw LLP
Siskind Susser, PC
Wolfsdorf Rosenthal LLP

ABIL U.S. members:

H. Ronald Klasko (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>)
Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>)
Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>)
Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>)
Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>)
Julie Pearl (bio: <http://www.abil.com/lawyers/lawyers-pearl.cfm>)
Bernard Wolfsdorf (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>)
Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>)

ABIL Global members:

Maria Celebi (bio: <http://www.abil.com/lawyers/lawyers-celebi.cfm?c=TR>)
Laura Devine (bio: <http://www.abil.com/lawyers/lawyers-devine.cfm?c=UK>)

Dagmar Butte (<http://www.abil.com/lawyers/lawyers-butte.cfm?c=US>) and **Vic Goel** (bio: <http://www.abil.com/lawyers/lawyers-goel.cfm?c=US>) were interviewed by Stuart Anderson for Forbes.com in "Trump Team Wraps Immigrants and Their Employers in Red Tape." The article is at <http://bit.ly/2Hhml0H>.

Ms. Butte will present an "Immigration Law Update" on May 8, 2018, in Portland, Oregon, for The Seminar Group. For more information, see <https://www.theseminargroup.net/seminardetl.aspx?id=5890>.

Jeff Joseph, of the **Joseph Law Firm, P.C.**, is lead counsel for a lawsuit filed in late 2016 by the Guam Contractors Association and 11 other plaintiffs against U.S. Citizenship and Immigration Services over USCIS's blanket denial of H-2B visas for skilled foreign workers. The District Court of Guam recently granted class action status to the lawsuit. For more on the case, see <https://bit.ly/2qhrSmf>.

Feige Grundman and **Alexander Magalli**, of **Klasko Immigration Law Partners, LLP**, co-authored several new blog entries. "EB-1 for Entrepreneurs, Financiers, and Executives: A Wealth of Options" is at <https://bit.ly/2qCcYY3>. It is the final installment of Klasko's "EB-1: Not Just for Einsteins" blog series, <https://bit.ly/2HFTdak>. "EB-1 for Artists: A Creative's Approach" is at <https://bit.ly/2GIwHAf>.

Mr. Kuck recently served as an expert witness in a case resulting in a nearly \$2 million verdict against Ogletree Deakins Nash Smoak & Stewart PC over a junior associate's forgery of visa document signatures. He noted, "In employee-based immigration, there is always the dual nature of the representation, so you have to be especially on top of associates, and when a conflict does arise, you have to withdraw immediately. Every immigration lawyer with any experience knows about the conflict issues, and I'd say you'd have to be almost willfully ignorant to miss it." For more on this case, see Law360, <https://bit.ly/2GHJRgV>.

Mr. Kuck was quoted in the following publications:

- San Francisco Chronicle, <https://www.sfchronicle.com/news/article/Illegal-immigration-a-focus-of-Georgia-GOP-12797183.php>
- 13WMAZ, <http://www.13wmaz.com/article/news/police-woman-posed-as-immigration-attorney-scammed-hundreds/85-533397463>
- Fox 5 Atlanta, <http://www.fox5atlanta.com/news/norcross-pastor-accused-of-defrauding-possible-immigrants>
- Ledger-Enquirer, <http://www.ledger-enquirer.com/news/nation-world/national/article207485884.html>

Vincent Lau (bio: <http://www.abil.com/lawyers/lawyers-lau.cfm>) will speak on various topics at the following conferences:

- Inside the Beltway with the DOL Liaison Committee, American Immigration Lawyers Association 2018 Spring CLE Conference, April 2018, Washington, DC
- PERM BALCA and FAQ Review, American Immigration Lawyers Association Annual Conference on Immigration Law, June 2018, San Francisco, California
- U.S. Department of Labor Open Forum, American Immigration Lawyers Association Annual Conference on Immigration Law, June 2018, San Francisco, California

Mr. Loughran presented on "Immigration Restrictions Without Legislation" and "Preparing for H-1B and L-1 Site Visits" on March 1, 2018, at the Foster Immigration Update seminar in Austin, Texas.

Mr. Loughran accompanied a State of Texas Trade delegation as an immigration advisor to meet with Japanese government officials and business leaders in Osaka, Kyoto, Nagoya, and Tokyo, Japan, on March 23-30, 2018.

Mr. Loughran and **James Larsen** recently co-authored "ICE Is Coming—5 Ways Employers Can Prepare," published in BLR's *Recruiting Daily Advisor* at <http://bit.ly/2DCvzrm>.

Mr. Mazzeschi recently co-authored "Not Just Business as Usual in the EU: A Comprehensive Analysis of Immigration and Tax Issues Related to Business Trips in 17 Schengen Countries,"

published by the *International Journal of Business Administration*. This article undertakes a comparative analysis of doing business in the European Union's Schengen Bloc vis-à-vis working in the Schengen Bloc. Through a critical review of what may constitute business activities versus work in all 17 Schengen member states, the article establishes how international companies can minimize unintentional exposure to immigration noncompliance as well as possible tax liabilities. The article is at <http://bit.ly/2FDkaxC>.

Mr. Mehta has authored or co-authored several new blog entries. "Analyzing the Definition of a Specialty Occupation Under INA 214(i) to Challenge H-1B Visa Denials" is at <https://bit.ly/2vkbmbb>. "California's New Laws Protecting the Rights of Immigrants Are Civil Rights and Should Never Be Found To Be Unconstitutional" is at <http://bit.ly/2lqxCIW>. "The Draconian Documentation Regime for Third-Party Arrangements in H-1B Visa Petitions" is at <http://bit.ly/2lfTYqv>. "The Evolving Rights of Deportable Immigrants As Seen in the Case of Ravi Ragbir" is at <http://bit.ly/2EMaFLg>. "The AAO Finds That Entry-Level Wages Do Not Automatically Preclude H-1B Visa Classification" is at <http://bit.ly/2CcBK4T>.

Mr. Mehta and Mr. Yale-Loehr were quoted in "Indian H-1B Filings Set to Drop by 50% This Year," published by *Times of India* at <https://bit.ly/2H6hylw>.

Mr. Mehta's blog was quoted extensively by *Gadgets Now* in "U.S. Immigration Expert Says New H-1B Rules Anti-India." Regarding a new USCIS policy memorandum on H-1B visas issued on February 22, 2018, Mr. Mehta speculated about possible anti-India bias, noting, "While most would not want to openly admit it, one wonders whether this business model would be so maligned and attacked if it was developed in a Scandinavian country rather than India. Indian H-1B workers have been unfairly disparaged even in the media for displacing American workers as we saw in the Disney episode without any regard to the benefits these H-1B workers ultimately bring to the American economy." The article is at <http://bit.ly/2GrJiEr>. The USCIS memo is at <http://bit.ly/2BMRVt3>.

Mr. Mehta was quoted by the *Times of India* in "U.S. Tightens H-1B Visa Rules, Indians To Be Hit." "The new policy suggests...that additional evidence may also be needed, such as more details in the work orders or in letters from the end client regarding the beneficiaries' work assignment. While all these issues in the new USCIS policy are already asked for in challenges to the H-1B petition known as Requests for Evidence, it provides more incentive for USCIS to ask for more evidence regarding the specific nature of the H-1B worker's work." The article is at <http://bit.ly/2HI9DDq>.

Julie Pearl (bio: <http://www.abil.com/lawyers/lawyers-pearl.cfm>) has been ranked as one of the top two Eminent Practitioners in the country by Chambers and Partners. She was recognized as "technically very advanced" and "very well respected."

Cora-Ann Pestaina, of **Cyrus Mehta's** office, has authored a new blog entry. "BALCA Holds That Foreign Language Requirement Did Not Need To Be Listed In The Advertisements" is at <http://bit.ly/2HLhVWo>.

Mr. Paparelli was interviewed on CBS News about ICE's crackdown on employers hiring undocumented workers. The video was at <https://www.cbsnews.com/video/ice-cracking-down-on-employers-hiring-undocumented-workers/>.

Mr. Paparelli was quoted by *SFGate* in "Immigration Agents Raid 77 Northern California Workplaces; No Arrests Reported," published on February 2, 2018. "Serving 77 notices of inspection on different employers in the last three days within a single area of responsibility, in this case, San Francisco, appears unprecedented," he said. The article is at <http://bit.ly/2ES9tH4>.

Wolfsdorf Rosenthal LLP has published several recent blog entries. "An Era of Exclusion: Ongoing U.S. Immigration Policy Changes Under the Trump Administration" is at <https://bit.ly/2GMA1qd>. "10 Things to Know About the New EB-5 Reform Act" is at <http://bit.ly/2pb0KF8>. "5 Practical Tips for Form I-9" is at <http://bit.ly/2tMmA7r>. "USCIS' Independent Investigation on Source of Funds of EB-5 Investors" is at <http://bit.ly/2G7Qup7>. "Get Your I-9s in Order – ICE [Serves] Notices to 122 Southern California Companies—Are California Employers Being Targeted?" is at <http://bit.ly/2BTFJ9M>. "Korean Demand for EB-5 Surges—Will Korea Be the Next Country To Face Retrogression and Have a Waiting Line?" is at <http://bit.ly/2HLJT4d>. "New U.S. Immigration Public Charge Provisions—The Dawn of a New Era—Do Not Give Me Your Tired, Your Poor...." is at <http://bit.ly/2CIShxF>. "Important U.S. Immigration Compliance Update for California Employers" is at <http://bit.ly/2GLVPBP>. "10 Things Every Departing Alien Needs to Know About IRS 'Sailing' Permits" is at <http://bit.ly/2BmTRlw>.

Robert Blanco of Wolfsdorf Rosenthal LLP was quoted by the *Los Angeles Times* in "The Surest Path to a Green Card May Be an Investor Visa – At Least for Anybody With \$500,000 to Spare." He said, "We're seeing a lot more Indian applicants because there are a lot of Indians here on H-1Bs who are looking at a 10-year wait to get a green card through employee sponsorship. EB-5 is a faster way compared to that." The article is at <http://www.latimes.com/nation/la-na-eb5-visa-explainer-20180410-story.html>.

Mr. Yale-Loehr co-authored an op-ed, "Trump is Repelling International College Students From America. Big Mistake," published by the *New York Daily News* at <http://www.nydailynews.com/opinion/trump-international-college-students-article-1.3918505>.

Mr. Yale-Loehr was quoted by *LegalTech News* in "Cornell Law students and the Immigration Advocates Network Have Developed a Contingency Planning Tool for Immigrants Who Fear They May Be Deported." He explained how Cornell Law students helped develop an immigration app following conversations with the Immigration Advocates Network about what kinds of technology would best help support their client base. "It makes it easy for immigrants to know how to prepare if they are concerned about possible deportation. Like any emergency plan, you hope you don't have to actually use it, but you do want to be prepared," he said. He added that the app, called "Make A Plan," is not just a hypothetical software application; "it's something that immigrants are using every day." The article is at <https://bit.ly/2JL5niR>.

Mr. Yale-Loehr was quoted by the *Dallas Morning News* about new case quotas that Attorney General Jeff Sessions is imposing on immigration judges. Mr. Yale-Loehr called the move an attack on judicial independence that may violate due process rights of noncitizens. "You can imagine if we had a backlog in our criminal courts and the Texas Attorney General said every judge had to settle a certain number of cases per week. There would be a huge uproar," he said. The article is at <https://bit.ly/2IMuiBc>.

Mr. Yale-Loehr was interviewed by WAER, the Syracuse, New York, public radio station, about a draft rule that would restrict public benefits for immigrants. A summary of the interview, along with a link to the full interview, is at <https://bit.ly/2Jlygfw>.

Mr. Yale-Loehr was quoted in "Thousands of Indian Women Find Their Immigration Dreams in Jeopardy," published by the *New York Times*. Mr. Yale-Loehr said, "No one should be stuck waiting more than 10 years for a green card. It hurts employers and employees and their families. Indians are being held hostage by our broken immigration system." The article is at <https://nyti.ms/2HfKWcS>.

Mr. Yale-Loehr was quoted in "H-1B Visas: The Evolving Landscape for HR Professionals," published by *Bloomberg BNA*. He said the H-1B visa is "the work horse" category for people wishing to work temporarily in the United States. He also noted that for the past several years,

more employers have filed petitions than the number of slots available. Mr. Yale-Loehr said that employers are experiencing increased scrutiny from USCIS on H-1B petitions accepted in the most recent lottery. He cited data that USCIS issued 85,000 requests for additional evidence in H-1B petitions, a 45 percent increase from the prior year. USCIS is "much more aggressive" these days about questioning whether a position really requires a bachelor's degree and whether an individual is being paid an appropriate wage, he said. Mr. Yale-Loehr recommended that employers hire experienced immigration counsel and summarized alternative visa categories in the event that the H-1B petition is unsuccessful.

Mr. Yale-Loehr was quoted in the publication below about the Department of State's new proposed requirement for visa applicants to disclose their social media usage for the last five years:

- Quartz, in "The U.S. Just Found a New Way to Delay Visa Applications": <https://qz.com/1241916/the-us-just-found-a-new-way-to-delay-visa-applications>
- Tuoi Tre (Vietnamese), <https://tuoitre.vn/vao-my-phai-khai-tai-khoan-mang-xa-hoi-tranh-cai-kich-liet-2018040210451972.htm>

Mr. Yale-Loehr was quoted by Law360.com in "Dreamers Shouldn't Put All Their Hopes In The High Court." In no case would the Supreme Court bar the administration from eventually rescinding the Deferred Action for Childhood Arrivals (DACA) program or rule that new applicants must be accepted into it, he said. "Courts give broad deference to the executive branch on immigration and are loath to second-guess its decisions in that regard," he added. The article is available by registering at <https://www.law360.com/immigration/articles/1014094/dreamers-shouldn-t-put-all-their-hopes-in-the-high-court>.

Mr. Yale-Loehr was quoted by *PolitiFact* in "Donald Trump's Misleading Impression About Immigration Law." He noted, among other things, that 8 USC § 1226(c) "requires the government to detain people who have committed certain crimes while going through deportation proceedings. That is called mandatory detention." If President Trump is referring instead to MS-13 members caught at the border while trying to enter the United States when he talks about criminal gang members simply being let go, this statement isn't much more accurate, Mr. Yale-Loehr said. "Under current law, immigrants who are detained within 100 miles of the border and who have been in the country less than 14 days can be deported immediately, without being processed through the immigration courts." The article is at <http://www.politifact.com/truth-o-meter/article/2018/feb/26/donald-trumps-misleading-impression-about-immigrat/>.

Mr. Yale-Loehr was quoted in the following publications about the U.S. Supreme Court's recent decisions and other issues:

- The Atlantic, in "How the Supreme Court is Expanding the Immigrant Detention System" (summarizing *Jennings v. Rodriguez*): <https://www.theatlantic.com/politics/archive/2018/03/jennings-v-rodriguez/555224/>
- CNN: <https://www.cnn.com/2018/02/27/politics/supreme-court-immigration-ruling-bond-hearing/index.html>
- Univision: <https://www.univision.com/noticias/corte-suprema/la-corte-suprema-falla-que-los-inmigrantes-acusados-de-delitos-mayores-no-tienen-derecho-a-fianza-y-deben-seguir-presos>
- Associated Press: <https://apnews.com/dbdd693f9e0948cdb8be4fab2ee447b9>

- Los Angeles Times: <http://www.latimes.com/politics/la-na-pol-court-deportations-20180227-story.html>
- Voice of America: <https://www.voanews.com/a/us-supreme-court-ruling-detained-immigrants-bond-hearing/4273226.html>
- Salon.com: <https://www.salon.com/2018/02/27/supreme-court-rules-non-citizens-can-be-detained-indefinitely/>
- Law360.com: <https://www.law360.com/immigration/articles/1016738/immigrant-bond-hearings-war-shifts-to-constitutional-args>
- Arizona Republic, re DACA: <https://www.azcentral.com/story/news/politics/immigration/2018/02/27/dreamer-daca-permits-start-expiring-soon-despite-court-rulings-trump/365517002/>
- Time.com: <http://time.com/5175496/supreme-court-daca-dreamers-deadline/>
- Yahoo News: <https://www.yahoo.com/news/does-daca-expire-supreme-court-173405190.html>
- Associated Press (many papers, including this article in the Washington Post): <http://wapo.st/2CMFv18>
- San Francisco Chronicle: <https://www.sfgate.com/nation/article/Supreme-Court-rejects-Trump-bid-for-speedy-review-12708919.php>
- Ithaca.com: <http://bit.ly/2FxCIMw>
- Law360.com, re DACA case at Supreme Court (available by registration): <https://www.law360.com/immigration/articles/1014094/dreamers-shouldn-t-put-all-their-hopes-in-the-high-court>
- ABC News, re Melania Trump's parents' immigration status: <http://abcnews.go.com/Politics/legal-status-melania-trumps-parents-raises-questions-chain/story?id=53254571>

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