

GLOBAL IMMIGRATION UPDATE

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Country Updates

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CANADA

New rules are coming for the Labour Market Opinion process, along with other reforms to the Temporary Worker Program.

Significant Changes to the Canadian Temporary Foreign Worker Program Announced

On April 29, 2013, the Canadian government announced reforms to the Temporary Foreign Worker Program (TFWP) as a result of recent TFWP abuses reported by the media over the past two months. Although it is evident that Canada requires foreign talent and is experiencing a shortage of skilled talent in various economic sectors, the Canadian government has strengthened the policy to ensure that its own TFWP officers meet the legislative objectives of the program, which aim to place the interests of Canadian workers first.

The "Canadians first" legislative framework has been in operation for over 25 years, but was compromised in 2012 by the creation of a new Accelerated Labour Market Opinion (A-LMO) process. The A-LMO was intended to be an accelerated process for employers with a positive track record of compliance who hire high-skilled temporary foreign workers. This involved a simplified application process, pregnant with legal significance, which has been abused by employers largely because they misunderstood the legal significance of the material. The use of the accelerated process, together with a lack of training on this new program for Service Canada officers, precipitated an unprecedented failure to meet the legislative goals of the TFWP.

As a consequence, the government has introduced the following measures to ensure that employers are able to attract foreign talent not available in Canada, while protecting the domestic Canadian labor force:

1. Effective immediately, require employers to pay temporary foreign workers at the prevailing wage by removing the existing wage flexibility;
2. Effective immediately, temporarily suspend the A-LMO process;
3. Increase the government's authority to suspend and revoke work permits and Labour Market Opinions (LMOs) if the program is being misused;
4. Add questions to employer LMO applications to ensure that the TFWP is not used to facilitate the outsourcing of Canadian jobs;
5. Make sure that employers who rely on temporary foreign workers have a firm plan in place to transition to a Canadian workforce over time through the LMO process;
6. Introduce fees for employers for the processing of LMOs and increase the fees for work permits so that the taxpayers are no longer subsidizing the costs; and
7. Identify English and French as the only languages that can be used as a job requirement.

Some of these TFWP changes constitute reversals of new government policies that were implemented over the past few years, such as #1, #2, #5, and #7 (the latter to a lesser extent, although the policy became much more flexible recently). The changes announced at #3 and #6 are new initiatives that have not yet been drafted. Regarding the additional questions on the application forms at #4, the forms have not yet been released.

Outsourcing is a global economic reality and a widely accepted and understood practice by employers. Hiring foreign workers to work for a Canadian employer for the purpose of outsourcing the same position is clearly an abuse of the TFWP. With correct legal guidance, an employer can use ethical and legally acceptable strategies to enable outsourcing without blatantly disregarding the law and creating an inexcusable political and public relations risk.

New Rules for the Canadian Labour Market Opinion Process

The Canadian TFWP came under scrutiny recently following media coverage of the large-scale hiring by a major Canadian bank of temporary foreign workers, a practice that has been labeled as outsourcing Canadian jobs and displacing Canadian workers. The changes announced on April 29, 2013, by Jason Kenney, Minister of Citizenship and Immigration, affect the process for obtaining an LMO from Human Resources and Skills Development Canada, a process that allows employers to hire temporary foreign workers by demonstrating that there is a need for the temporary foreign worker and no Canadian worker available to fulfill the requirements of the position.

Details of all of the changes to the TFWP have yet to be released, but some of the major changes have been made public. In the past, employers could pay temporary foreign workers up to 15% below the prevailing wage rate for high-skilled occupations and up to 5% below the prevailing wage rate for low-skilled occupations. After the changes, employers must pay the prevailing wage rate for all professions. As noted above, the A-LMO has been suspended.

The efforts that employers must undertake to recruit Canadians as part of obtaining an LMO are expected to become more extensive in terms of the length and scope of advertising positions. Employers who hire many temporary foreign workers due to a shortage of qualified Canadians must demonstrate that they have a plan in place to transition to a fully Canadian workforce in the future. Employers will no longer be able to list fluency in non-official languages as required

for positions. Furthermore, employers can expect new questions on the LMO forms regarding outsourcing or offshoring. They may be required to complete additional forms that ask the employer to provide information on contractual arrangements related to outsourcing or offshoring and how Canadians within the company have been affected by temporary foreign workers working for the company.

As part of the proposed changes, the government will have increased authority to suspend and revoke work permits and LMOs. Finally, user fees will be introduced for employers to apply for an LMO. The fee for the Canadian work permit, now set at \$150, is expected to increase as well.

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CHINA

China continues to tighten its immigration enforcement.

As we step further into 2013, China continues to reveal more measures addressing the illegal employment of foreign nationals. According to an interpretation of labor laws issued by the Supreme People's Court of China, as of February 1, 2013, Chinese courts no longer recognize a "labor relationship" between an employer and a foreign national without a work permit. This is true even if the foreign national is under an employment contract.

A work permit is a legal work authorization document issued to a foreign national by his or her local labor bureau. The Supreme People's Court's reasoning is that a foreign national who does not have a valid work permit is not a "qualified laborer" and therefore cannot establish a "labor relationship" with an employer. For foreign nationals who are working in China without a proper work permit, this interpretation means that they can no longer seek protection from the courts regarding their "legal relationship," which encompasses labor rights such as social insurance, health care, double pay for overtime, and compensation for work injuries under Chinese law. Such foreign nationals may, however, win a labor dispute over unpaid wages for services already rendered under a labor contract. Foreign experts who have obtained valid Foreign Expert Permits are not subject to this restriction.

In addition, the Beijing Labor Bureau recently implemented a new requirement on Alien Employment License applications. In general, an Employment License application is the first of a series of applications required to obtain work and residence authorization for foreign nationals who seek to work and live in China. Issuance of employment licenses and work permits is within the authority of local labor bureaus. Regulations and policies on work and residence authorization differ from locality to locality. Effective February 1, 2013, Beijing began to require that an employee of a Beijing sponsoring company who acts as the company representative must physically appear at the Beijing Labor Bureau to submit the Employment License application. Beijing companies can no longer send only a filing agent or a third party to the Bureau to submit this application. At the bureau, the company representative is required to present a valid government ID, a work ID (such as a business card, door card, or company badge), and a letter from the company addressed to the reviewing Labor Bureau officer confirming the company representative's name, position, and ability to file the application on behalf of the company. The company representative may be asked to answer any questions the authorities may have regarding the foreign national's recruitment, such as details about the nominated position or the prospective foreign employee's relevant work experience. This new requirement is intended to prevent illegal applications and strengthen the administration of employment of foreign nationals in Beijing.

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FRANCE

The deployment of biometrics has led to modifications in procedures for applying for a residence permit.

The progressive deployment of biometrics in all French departments (*département*, or administrative area) has led to modifications in procedures for applying for a residence permit and requires an additional appearance at the Prefecture for fingerprinting. This change also will affect the beneficiaries of one-stop Office Français de l'Immigration et de l'Intégration (OFII) processing (e.g., Intra-Company Transferees, EU Blue Cards, Skills and Talents) by the end of the year.

Gradual Deployment of Biometrics and Modifications in Residence Permit Application Process

A regulation of the Council of the European Union (EC), No. 380/2008 of April 18, 2008, mandates a new format for biometric residence permits comprising an electronic component into which are inserted a photograph and two fingerprint images. Under this regulation, the Ministry of Interior issued two circulars in April 2011 and June 2012, describing the details on implementing the new residence permit requirement and the progressive deployment of biometrics, which is now effective in several departments.

After a first stage completed in 2011 with the release of the new uniform format for residence permits, the second step will be to collect and insert fingerprints of foreign nationals collected by the Prefecture into the integrated residence electronic component of the permit.

The fingerprinting will require modifications of the procedures for applying for a residence permit, as any person requesting a residence permit (first application or renewal) will be required to go in person to the Prefecture for fingerprinting, as noted above. A deposit at City Hall will no longer be possible and procedures by mail will be affected.

Fingerprints will be valid for five years.

Impact on Categories of Foreigners Benefiting From the One-Stop OFII Process

To date, the three categories of foreigners benefiting from the one-stop OFII process (Intra-Company Transferees, EU Blue Cards, Skills and Talents), as well as family members of holders of these permits, have been exempted temporarily from biometric compliance in the departments using the one-stop OFII process. This exemption is valid until completion of the deployment of biometrics. France had aimed at full deployment by the end of the first half of 2013, but only a few departments have implemented biometrics to date: Loire-Atlantique, Alpes-Maritimes, Hauts-de-Seine, Saône-et-Loire, Essonne, Seine-et-Marne, and Puy-de-Dôme. However, the deployment will affect all French departments in the near future, certainly by the end of the year.

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TURKEY

The Law on Foreigners and International Protection takes effect in one year.

On April 11, 2013, the Law on Foreigners and International Protection (Law No. 6458) was published in the official gazette of Turkey and is set to go into effect in one year. This new law will make vast changes to residence permit eligibility and procedure, and create a new governmental office. Initial information has been released, but official interpretation and/or guidance may change before implementation.

Among the anticipated changes are application of the 90-out-of-180-day rule to be extended to business visitors. Also, sticker visas obtained at the border are anticipated to only be valid for 15 days. The rule to apply for a residence permit within 30 days of entry is anticipated to be extended to 90 days for some categories. The renewal of residence permits will be accepted for filing at a much earlier period of 60 days before expiration. Also, there is a provision to allow for the filing of residence permits at consular posts. Significantly, new categories of resident permit eligibilities will be created, including for those who will open a business or buy real estate in Turkey.

The law also creates new harsher procedures and penalties for deportation and a ban on re-entry of foreigners who are out of status or not abiding by the terms of their stay.

The law requires the creation of a new Immigration Administration General Directorate under the Ministry of Interior. The law includes new procedures for admitting and processing refugees, victims of human trafficking, and stateless people, among other issues.

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UNITED KINGDOM

Various new developments have been announced.

Applying to Naturalize as a British Citizen – Are You of Good Character?

Those applying to naturalize as British citizens need to be aware that criminal convictions and non-custodial offences can be taken into account when their applications are assessed. On December 13, 2012, the Home Office announced changes to the way it assesses criminal convictions, affecting how it will assess the "good character" requirement for naturalization applications. Criminal convictions will no longer be considered "spent" but instead will be evaluated according to a "sentence-based threshold."

Where an individual has been convicted of an offense, the length of time he or she must wait before applying to naturalize as a British citizen is now dictated under the "sentence-based threshold" approach, as follows:

- A sentence of 4 years or more of imprisonment: the application will be refused, regardless of when the conviction occurred
- A sentence between 12 months and 4 years of imprisonment: the application will be refused unless 15 years have passed since the end of the sentence
- A sentence of up to 12 months of imprisonment in the last 7 years: the application will be refused unless 7 years have passed since the end of the sentence
- A non-custodial offense: the application will be refused if the conviction occurred in the last 3 years

The majority of people affected by this change likely will fall under the non-custodial offense category.

Most commonly, unpaid fines and notices that have been referred to a court due to non-payment, where the court orders the fine to be paid, can be treated as a non-custodial offense. Similarly, where an individual has been issued a police caution (warning), this too can be assessed against the non-custodial sentencing threshold.

These changes make it mandatory for individuals to declare any offenses or convictions ever received either in the United Kingdom or abroad. Where an offense occurred abroad, it will be considered in line with the equivalent UK offense and the relevant sentencing threshold applied.

If you are concerned about a future application to naturalize as a British citizen, speak to your ABIL Global legal representative.

UK Border Agency's Transition to Home Office

On May 3, 2013, the UK government clarified its position on the organizational changes affecting the UK Border Agency (UKBA). On April 1, 2013, the UKBA was split into two separate units within the Home Office: a visa and immigration service and an immigration law enforcement division. Over time, the content from the UKBA's website will move to the government's digital service at <http://www.gov.uk>. In the meantime, new and updated content added to the website will reflect the new Home Office structure and brand. These organizational changes will not affect the validity of any reference to the agency in any document or form on the website. Furthermore, the UK's Immigration Rules will also remain in force.

Online Payment Option for UK Visa Applications in India

As of May 1, 2013, all UK visa applicants in India now have the option of paying their visa fees online via credit or debit cards when submitting visa applications and booking their biometric appointments. Before, all applicants were required to pay the visa fees in person when submitting their application. Other methods of payment, including payment at the visa application center, will continue to be accepted. Applicants will continue to pay for their visa in rupees, but a planned new system will include the choice of payment in other major currencies, including pounds sterling.

Additional online methods of payment are expected to become available over time, including other payment cards and eWallets.

Tier 4 Student Visa Interviews

As of May 7, 2013, those applying for a Tier 4 student visa may have to sit for a short interview when attending the visa application center to submit the application and biometric information. The interview will focus on the applicant's reasons for coming to the UK; this is known as a credibility interview. A report of the interview will be sent to the visa officer, who will consider it along with the visa application and supporting documents. A further interview may be necessary if the visa officer needs more information.

It is expected that this will delay the processing of these applications, so it will be important to ensure that visa applications are submitted well before the start date of the study program in the UK.

Current visa processing times are available at <http://www.ukba.homeoffice.gov.uk/visas-immigration/general-info/processing-times/>.

Change to Family Visitor Appeals

The Home Office is removing the full right of appeal for applicants refused leave (permission) to enter the UK as a family visitor. On April 25, 2013, Royal Assent was given to a clause in the Crime and Courts Bill, published on May 10, 2012, which will allow the change to be pushed through. The change is expected to take effect on or soon after June 25, 2013. The new appeal arrangements will apply to anybody who applies to enter the UK to visit a family member on or after the implementation date. Applicants who are refused can re-apply and address the reasons for refusal instead of appealing. This will be quicker and will cost less than an appeal.

Booking a Premium Service Appointment

Following the introduction on April 6, 2013, of a £100 appointment booking fee for all premium service appointments at the Public Enquiry Office (PEO), the Home Office has just announced the new booking process. After booking the premium appointment online, applicants must call the PEO (phone: 0870-606-7766) by 3 p.m. on the next working day to pay the appointment fee of £100 per applicant. If the payment is not made within this time frame, the appointment will be canceled.

The £100 fee is part of the newly revised £375 fee for premium service appointments that was announced on February 25, 2013. The remaining balance is paid at the PEO on the day of the appointment. The process will apply across the board for both personal and representative bookings. The appointment can be canceled or rescheduled in the usual way via the online account, but in the event of cancellation with five or fewer working days' notice, or a no-show, the £100 fee will not be refunded. A fully automated pre-payment system that will collect all fees upfront will be introduced eventually.

New Statement of Intent Covering Requirements for Settlement and Naturalization

On April 8, 2013, the Home Office published a Statement of Intent outlining planned changes to requirements for those applying to settle in the UK, or become naturalized as British citizens. Starting on October 28, 2013, applicants in both categories must pass the Life in the UK Test and hold a B1 (intermediate)-level English language speaking and listening qualification. This will replace the current system, which requires applicants to take either the life in the UK test or show language progression from one English for Speakers of Other Languages (ESOL) level to the next, but not both. A range of English language qualifications will be accepted as evidence that an applicant has met the B1-level speaking and listening requirements.

Those who applied or will apply for settlement under the pre-October 2013 rules can settle in the UK under those rules, but if they naturalize after October 2013, they will have to qualify under the new rules at that stage (they will not need to retake the life in the UK test but will have to take new language tests).

The Statement of Intent and further information is available at <http://feedback.kingsleynapley.co.uk/files/uploads/documents/immigration%20e-updates/statement-of-intent-koll.pdf>.

Capita to Run Reminder Pilot on Behalf of the Home Office

Starting on April 9, 2013, the Home Office is launching a pilot, in partnership with Capita, to remind individuals whose permission to stay in the UK is due to expire that they must either apply for further leave or depart from the UK. As part of the pilot, Capita will contact a randomly selected sample group of migrants whose leave to remain in the UK will expire in June 2013. These migrants will receive a letter, email, or SMS text message reminding them to either apply for further leave to remain in the UK or make plans to depart before their permission to stay expires. They will receive further reminders at 1 month and at 7 days before their leave expires. There is no requirement to respond, but a telephone number and email address are provided to contact Capita if desired. If the records held by the Home Office are out of date, this process will provide an opportunity for migrants to update their information.

UK Border Control Introduces New Airport Border Service—Frequent Registered Traveller Scheme

The UK Border Control will shortly be introducing a new airport border service. The Frequent Registered Traveller Scheme is expected to be rolled out by the end of June or beginning of July. It will allow business visitors to enter the UK using a priority "fast lane" when going through border control.

The Scheme will be piloted initially and only available to business visitors who are nationals of the United States of America, Australia, Canada, and Japan. It will not be available for migrants entering the UK under any other immigration category. The new Scheme will be available only at the international ports, Gatwick and Heathrow.

UK Border Control will release more information on registration procedures, but at present, it appears that a business visitor will need to show that he or she has previously visited the UK as a business visitor four times within 12 months. The business visitor must register on a dedicated website and provide proof of his or her previous travel within 12 months of the date of registration. Once the applicant is accepted, he or she will receive an e-mail notification containing details of their acceptance in the Scheme. Although not yet finalized, it appears that those accepted can then travel to the UK, and at the border-checking stage, they would show the border officers their e-mail notification of their acceptance, and officers will then direct them to use the appropriate fast lane.

Changes to the Sponsorship Management System for Tiers 2, 4, and 5 Sponsors

The Home Office has announced plans to introduce a wide range of improvements to its information technology (IT) systems, including the sponsorship management system (SMS). These enhancements will be effective July 1, 2013. The new features being introduced to the SMS include:

For all sponsors:

- Key dates related to sponsor licenses to be displayed in the "Licence summary" screen (changing from "Sponsor summary") in SMS; specifically, the start, expiration, and renewal dates for:
 - The sponsor license;
 - Tier 2/5 Premium customer service (if applicable);
 - Highly Trusted Sponsor (HTS) status (Tier 4 sponsors only).
- A new message screen, presented to all Level 1 users immediately after logging in. This new feature will be used to provide important information, forthcoming key dates and events, and answers to frequently asked questions; for example, common SMS user issues;
- An application and license renewal tracking function. Starting on July 1, this will allow users to track the status and outcomes of applications submitted for license renewal, Premium customer service and renewal (if applicable), and HTS status and renewal (Tier 4 only);
- Revisions to the SMS menu structure and content. The changes include new menu options for the functions being added, removal of the "Outstanding payments" item (as payment by check will no longer be accepted for any sponsorship services beginning July 1) and renaming of existing menu options for greater ease of navigation.

For Tier 2/5 sponsors:

- Addition of an online renewal function for Tier 2/5 Premium customer service;
- Display of Premium customer service license manager and senior account manager contact details (if applicable);

- Advanced search function for certificates of sponsorship (CoS). This will allow SMS users for Tier 2/5 sponsors to more easily identify CoS that they have created using a wider range of search parameters;
- Ability to delete CoS records, where the CoS have not been assigned;
- Reduced and simplified options for reporting migrant activity;
- Additional information about action plans issued to sponsors, including status updates and key dates;
- Revisions to the online sponsor application system, including a much reduced, quicker, and simpler process for existing sponsors to add tiers or categories to their licenses.

In advance of these changes, the Home Office has published, revised, and reformatted SMS user guides, which are available on the Home Office website at <http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/sms/>.

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Member News

The following ABIL members were listed in Chambers USA 2013:

Mark Ivener (bio: <http://www.abil.com/lawyers/lawyers-ivener.cfm>)
H. Ronald Klasko (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>)
Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>)
Sharon Mehlman (bio: <http://www.abil.com/lawyers/lawyers-mehlman.cfm>)
Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm?c=US>)
Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm?c=US>)
Julie Pearl (bio: <http://www.abil.com/lawyers/lawyers-pearl.cfm?c=US>)
Linda Rahal (bio: <http://www.abil.com/lawyers/lawyers-rahah.cfm?c=US>)
William Reich (bio: <http://www.abil.com/lawyers/lawyers-reich.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>)

Several ABIL members will speak at the upcoming American Immigration Lawyers Association conference to be held June 26-29, 2013, in San Francisco, California:

- **Steve Clark** (bio: <http://www.abil.com/lawyers/lawyers-clark.cfm>) will speak on "Fundamentals: Labor Certification 103: The Basics of Audits, Supervised Recruitment & Denials"
- **Bryan Funai** (bio: <http://www.abil.com/lawyers/lawyers-funai.cfm>) will speak on "Masters: Advanced E-1/E-2 Visa Issues"
- **Kehrela Hodkinson** (bio: <http://www.abil.com/lawyers/lawyers-hodkinson.cfm>) will speak on "Basics of Consular Processing in Family Cases"
- **Mr. Klasko** will speak on "Masters Business: Hot Topics With EB-5 Regional Centers"
- **Jelle Kroes** (bio: <http://www.abil.com/lawyers/lawyers-kroes.cfm>) will speak at the American Immigration Lawyers Association's Global Migration Section 2013 Global Immigration Forum, on the panel, "A World View on 'Minor' Criminality," on Wednesday, June 26.
- **Mr. Kuck** will speak on "How to Handle DOL and USCIS Investigations"

- **Ms. Mehlman** will speak on "Things I Hate About PERM"
- **Mr. Mehta** will speak on "Masters: EB-1 in the Age of *Kazarian*"
- **Mr. Paparelli** will speak on "Globalization, Technology, and Telecommuting: Does Where You Are Mean Anything Anymore?"
- **Ms. Pearl** will speak at the AILA "Global Forum on the Role of Technology in Global Immigration"
- **Mr. Wolfsdorf** will speak on "Essentials of EB-5 and Other Investor Visa Options at the Urban Tavern for New Members Division"
- **Mr. Wolfsdorf** and **Mr. Yale-Loehr** will speak on "EB-5: The Essentials of Investment"

The AILA conference program is available at

<http://www.ailadownloads.org/agora/inpersonconfprog/2013/AILA-AC2013-Program.pdf>.

In *Who's Who Legal for Corporate Immigration Law 2013*, 11 of the top 15 listings for immigration law are ABIL members. Over 70% of the top immigration lawyers worldwide are members of ABIL, which is the official research partner of the International Bar Association and the strategic research partner of the International Law Section of the American Bar Association.

The following are the ABIL members listed in *Who's Who Legal for Corporate Immigration Law 2013*:

MOST HIGHLY REGARDED INDIVIDUALS:

Kehrela Hodkinson (bio: <http://www.abil.com/lawyers/lawyers-hodkinson.cfm>)
H. Ronald Klasko (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>)
Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>)
Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm?c=US>)
Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm?c=US>)
Bernard Wolfsdorf (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>)

Global:

Enrique Arellano (bio: <http://www.abil.com/lawyers/lawyers-arellano.cfm>)
Laura Devine (bio: <http://www.abil.com/lawyers/lawyers-devine.cfm>)
Gunther Mävers (bio: <http://www.abil.com/lawyers/lawyers-mavers.cfm>)
Marco Mazzeschi (bio: <http://www.abil.com/lawyers/lawyers-mazzeschi.cfm>)

ALSO LISTED (all other members):

Francis Chin (bio: <http://www.abil.com/lawyers/lawyers-chin.cfm>)
Steve Clark (bio: <http://www.abil.com/lawyers/lawyers-clark.cfm>)
Laura Danielson (bio: <http://www.abil.com/lawyers/lawyers-danielson.cfm>)
Rami Fakhoury (bio: <http://www.abil.com/lawyers/lawyers-fakhoury.cfm>)
Bryan Funai (bio: <http://www.abil.com/lawyers/lawyers-funai.cfm>)
Steve Garfinkel (bio: <http://www.abil.com/lawyers/lawyers-garfinkel.cfm>)
Mark Ivener (bio: <http://www.abil.com/lawyers/lawyers-ivener.cfm>)
Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>)
Sharon Mehlman (bio: <http://www.abil.com/lawyers/lawyers-mehlman.cfm>)
John Nahajzer (bio: <http://www.abil.com/lawyers/lawyers-nahajzer.cfm>)
Julie Pearl (bio: <http://www.abil.com/lawyers/lawyers-pearl.cfm?c=US>)
Linda Rahal (bio: <http://www.abil.com/lawyers/lawyers-rahah.cfm?c=US>)
Bill Reich (bio: <http://www.abil.com/lawyers/lawyers-reich.cfm>)
Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>)

Global:

Jacqueline Bart (bio: <http://www.abil.com/lawyers/lawyers-bart.cfm>)

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

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

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

Arnold Conyer (bio: <http://www.abil.com/lawyers/lawyers-conyer.cfm>)

Avi Gomberg (bio: <http://www.abil.com/lawyers/lawyers-gomberg.cfm>)

Kenneth Ing (bio: <http://www.abil.com/lawyers/lawyers-ing.cfm>)

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

Ariel Orrego-Villacorta (bio: <http://www.abil.com/lawyers/lawyers-orrego-villacorta.cfm>)

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

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

Chris Watters (bio coming soon: <http://www.abil.com/lawyers/lawyers-watters.cfm?c=ZA>)

For more information on *Who's Who Legal*, see

<http://www.whoswholegal.com/news/analysis/article/30395/most-highly-regarded-firms-corporate-immigration-2013/>.

Kingsley Napley will hold an immigration compliance master class on "How To Get and Maintain Your Tier 2 Sponsor License 'A' Rating" at Kingsley Napley LLP, Eagle Court, 6-7 St. John's Lane, London EC1M 4AJ, on Wednesday, July 3, 2013, at 4 p.m. Included will be scenarios and tips on record-keeping and reporting in the UK; complying with the law and cooperating with the Home Office; preventing unauthorized work; tracking and monitoring migrants; and risks and penalties. The event is intended for HR personnel. For more information, email events@kingsleynapley.co.uk. To register, go to <http://feedback.kingsleynapley.co.uk/immigration-compliance-masterclass/>.

Ms. Bart's recent activities include:

- Writer, Global Migration Section Digest: "Update on Economic Immigration Programs, Sponsored Spouses Conditions," Vol. 1, Issue 6, American Immigration Lawyers Association, 2013
- Jacqueline Bart, Immigration Commission President Interview, *Juriste International Magazine*: "How to Enhance Involvement into a Commission?", *Union Internationale des Avocats*, April 2012
- Recent book: Canadian Chapter of *Global Mobility: An Overview for Human Resource Professionals* (ILW Publishing) (2013)

Recent and upcoming speaking engagements:

- Program President and Speaker, UIA 57th Annual Congress, "Global Citizenship and Nationality Trends," November 2013, Macau, PRC
- Speaker, Immigration Committee, International Bar Association Annual Conference, October 9, 2013, Boston, Massachusetts
- Discussion Leader, American Immigration Lawyers Association, Global Migration Section, "Navigating a Global Practice Through Dynamic World Markets," June 26, 2013, San Francisco, California
- Presenter on Immigration and Nationality Commission, Governing Board of UIA, June 1, 2013, in Montréal, Canada
- Speaker, Immigration Education Alliance (IMEDA), "Federal Skilled Worker Program (Ministerial Instructions 2013 and Start-Up Visa)," May 23, 2013, in Markham, Ontario

- Speaker, American Bar Association, Section of International Law, Spring Conference, "Canadian and International Mobility: A Challenge for Business and Government in an Interconnected World," April 23-27, 2013, in Washington, DC

Mr. Loughran was selected for the 2013 Texas Super Lawyers list.

Mr. Kroes gave a course, "Labor Immigration Update," at the University of Amsterdam (UA) on May 30, 2013, together with UA lecturer T. de Lange, PhD.

Mr. Kroes will attend the IBA-GEI Open Meeting in London on June 20-21, 2013, as a member of the working group on the Global Relocation Treaty project.

Mr. Loughran was selected for the 2013 Texas Super Lawyers list.

Mr. Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) authored "Checklist for Global Immigration Policy Formation," published on May 13, 2013, in the *HR Houston Newsletter*.

Mr. Loughran will speak on the strengths and weaknesses of utilizing EB-5 regional centers as funding mechanisms at the Texas Economic Development Conference (TEDC)'s 2013 Mid-Year Conference on Wednesday, June 5, 2013.

Mr. Loughran was recently appointed to the Texas State Bar Standing Committee on Laws Relating to Immigration and Nationality, and AILA's National Committee on Business Immigration.

Mr. Loughran spoke on a panel on May 22, 2013, at the Governor's Small Business Forum on International Trade at the Hotel Austin in Austin, Texas. The topic was the legal and immigration implications involved in international trade.

Ms. Mehlman and **Mr. Paparelli** will speak on June 5, 2013, at the American Council for International Personnel's Annual Symposium in Pentagon City, Virginia. The topic of their presentation is "Extraordinarily Confusing: EB-1 and EB-2 Options for Your Superheroes."

Ms. Mehlman and **Mr. Paparelli** spoke at the Federal Bar Association's Immigration Seminar held on May 17-18, 2013, in Memphis, Tennessee, on "Worksite Enforcement: Criminal and Civil Litigation." Ms. Mehlman also spoke on "Worksite Enforcement: Representing the Employer in an ICE Audit." Mr. Paparelli also spoke on "Worksite Enforcement: Counseling Corporate Compliance."

Ms. Mehlman also spoke at the following:

- May 22, 2013, San Diego Employers Association, Employment Law Update, "Immigration Law Update for the Hospitality Industry"
- May 15, 2013 Society for Human Resources Management (San Diego), "Employment Eligibility Verification, New Form I-9 – Are you Prepared?"
- May 9, 2013, Park Avenue Presentations webinar, "The New Form I-9. Everything You Need to Know About This Difficult Two-Page Form"
- May 7, 2013, LawLogix Webinar, "The Mandatory New Form I-9: Q&A With Experts"

Mr. Mehta spoke at the Federal Bar Association's Immigration Seminar held on May 17-18, 2013, in Memphis, Tennessee, on "CSPA & Child Citizenship Act of 2000."

Mr. Mehta has authored or co-authored several new blog entries. "Meet Our New Friend: Who Is An 'H-1B Skilled Dependent Employer' in Senate Immigration Bill, S. 744?" is available at <http://blog.cyrusmehta.com/2013/06/meet-our-new-friend-who-is-h-1b-skilled.html>. "Do We Still

Need PERM Labor Certification? An Analysis Of The Merits-Based Points System In BSEOIMA" is available at <http://blog.cyrusmehta.com/2013/05/do-we-still-need-perm-labor.html>. "Workable or Unworkable? The H-1B and L-1 Visa Provisions in BSEOIMA, S. 744" is available at <http://blog.cyrusmehta.com/2013/05/workable-for-unworkable-h-1b-and-l-1.html>. "An Immigration Attorney's Response to Statement of USCIS Union President Opposing Senate Immigration Bill, S. 744" is available at <http://www.cyrusmehta.com/news.aspx?SubIdx=ocyrus20135288569>.

Mr. Paparelli has published several new blog entries. "Immigration Progress: A Good EB-5 Policy Memo Could Still Be Better" is available at <http://www.nationofimmigrators.com/eb-5/immigration-progress-a-good-eb-5-policy-memo-could-still-be-better-1/>. "The Immigration Scandal at DHS – Just As Bad As At IRS" is available at <http://blogs.ilw.com/angelopaparelli/>. "Immigration's Minnesota Nice, Sen. Al Franken Helps Small Businesses and Regular Folks With the I-9 Process" is available at <http://www.nationofimmigrators.com/immigration-reform/immigrations-minnesota-nice-sen-al-franken-helps-small-businesses-and-regular-folks-with-the-i-9-pro/index.html>. "No Time for Rich-Whining, CIR Advocates Must Stay Focused on the Senate" is available at <http://www.nationofimmigrators.com/immigration-reform/no-time-for-rich-whining-cir-advocates-must-stay-focused-on-the-senate/>. "Memo to GCs: If Ever There Is a Time for Immigration Portfolio Management, It's Now" is available at <http://www.nationofimmigrators.com/immigration-portfolio-management/memo-to-gcs-if-ever-there-is-a-time-for-immigration-portfolio-management-its-now-1/>.

Ms. Pearl will moderate a panel session on "Behind the DHS Curtain: The Life of a File" on June 5, 2013, at the American Council for International Personnel's Annual Symposium in Pentagon City, Virginia.

Ms. Pearl spoke at LawTech Day on May 23, 2013, in San Francisco, California, contributing to a discussion about the latest trends in technology innovation at law firms.

Ms. Pearl has received Super Lawyers' Pro Bono Award for 2012. An article about her appears on page 11 of *Pro Bono Awards 2012*. See <http://digital.superlawyers.com/superlawyers/probonoawards2012#pg10>.

Mr. Wolfsdorf, Wolfsdorf Immigration Law Group, received *Who's Who Legal's* 2013 Lawyer of the Year award for Corporate Immigration, for the fourth consecutive year.

Mr. Wolfsdorf moderated a panel on the I-526 petition process and latest request for evidence trends at the Third Annual EB-5 Investment Summit: Dealmakers Conference on May 30, 2013.

Mr. Yale-Loehr gave a media briefing for journalists on May 17, 2013, at the Hall of States in Washington, DC. He analyzed the changes being made to the immigration bill in the Senate Judiciary Committee markup and predicted that the Senate would pass significant immigration reform but that the House probably would not pass a bill this year. He noted that crafting a comprehensive immigration bill is "like playing Rubik's Cube with five different people...who all have the same Rubik's Cube and are twisting it in different directions. To get it all to come together at the end so that you have one solid color is going to be very difficult." Mr. Yale-Loehr was quoted in an article about the briefing in the *Cornell Chronicle*, <http://www.news.cornell.edu/stories/2013/05/yale-loehr-says-2013-immigration-reform-unlikely>. He was also quoted about the briefing in Bloomberg's Bureau of National Affairs *Workplace Immigration Report* on May 17.

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together at the end so that you have one solid color is going to be very difficult." Mr. Yale-Loehr was quoted in an article about the briefing in the *Cornell Chronicle*, <http://www.news.cornell.edu/stories/2013/05/yale-loehr-says-2013-immigration-reform-unlikely>. He was also quoted about the briefing in Bloomberg's Bureau of National Affairs *Workplace Immigration Report* on May 17.

Mr. Yale-Loehr was quoted in the May 9, 2013, edition of the *Arizona Republic*, in an article on the immigration reform bill being marked up in the Senate. He noted: "Nobody likes the entire bill. There are liberals who hate certain provisions just as much as conservatives hate others. It will be a true test of Congress to see if they can thread the needle and get something passed." The article is available at http://www.azcentral.com/news/politics/articles/20130508immigration-reform-bill-faces-st-major-test.html?nclick_check=1.

Mr. Yale-Loehr was quoted in *Politifact* on May 7, 2013. Commenting on the U.S. government's lawsuit filed in 2010 against Arizona's law granting police authority to check the immigration status of people they stop, Mr. Yale-Loehr noted, "They went after Arizona on a constitutional principle that the federal government is in charge of immigration and it's the federal government that should be making immigration laws, not Arizona." The article is available at <http://www.politifact.com/truth-o-meter/statements/2013/may/07/marco-rubio/marco-rubio-says-obama-shows-reluctance-enforc/>.

Mr. Yale-Loehr was quoted in the *Wall Street Journal* on May 3, 2013. Commenting on the renewed scrutiny of those entering the United States on student visas in the wake of the Boston bombing, Mr. Yale-Loehr said, "It's not unusual for students re-entering the United States to have some ambiguity that needs to be cleared up. But it's difficult to make any formal determination right at the port of entry." The article is available at <http://online.wsj.com/article/SB10001424127887324582004578461342315947794.htm>.

Mr. Yale-Loehr was quoted in *USA Today* on June 3, 2013. In an article on the new immigration bill, he said, "It's a balancing act. The Gang of Eight has done a great job so far of walking that tightrope. Now we'll see whether they can continue." The article is available at <http://www.usatoday.com/story/news/politics/2013/06/03/immigration-reform-bill/2376243/>.

Mr. Yale-Loehr was quoted in *La Opinion*, the largest Spanish-language newspaper in the United States. In an article on activists and immigration reform legislation now being considered in the Senate, he noted, "Creo que es una buena señal y que el grupo de los ocho ha manejado bien el proyecto de ley hasta ahora. Está claro que el senado se está tomando con seriedad el tema de la reforma, pero ahora hay que ver cómo manejarán el tema de las enmiendas que van a comenzar a llegar." The article is available at <http://www.laopinion.com/inmigracion/activistas-optimismo-debate-reforma-migratoria>.

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Several ABIL members co-authored and edited the *Global Business Immigration Practice Guide*, released by LexisNexis. The *Practice Guide* is a one-stop resource for dealing with questions related to business immigration issues in immigration hotspots around the world.

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.

Order at:

<http://www.lexisnexis.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&core=&parent=&catId=31&prodId=70836>. International customers who do not want to order through the bookstore can order through Nicole Hahn at (518) 487-3004 or Nicole.hahn@lexisnexis.com.

Green Card Stories. The immigration debate is boiling over. Americans are losing the ability to understand and talk to one another about immigration. We must find a way to connect on a human level. *Green Card Stories* does just that. The book depicts 50 recent immigrants with permanent residence or citizenship in dramatic narratives, accompanied by artistic photos. If the book's profilees share a common trait, it's a mixture of talent and steely determination. Each of them overcame great challenges to come and stay in America. *Green Card Stories* reminds Americans of who we are: a nation of immigrants, from all walks of life and all corners of the earth, who have fueled America's success. It tells the true story of our nation: *E pluribus unum*—out of many, one.

Green Card Stories has won five national awards. It was named a Nautilus book award silver medal winner, and won a silver medal in the Independent Book Publishers Association's Benjamin Franklin Award in the multicultural category. The book also won a Bronze Medal in the Independent Publisher's "IPPY" Awards and an honorable mention for the 2012 Eric Hoffer Book Award. Ariana Lindquist, the photographer, won a first-place award in the National Press Photographers Association's Best of Photojournalism 2012. The writer, Saundra Amrhein, was nominated as a finalist on the short list for the 2011 Santa Fe Writers Project Literary Awards. *Green Card Stories* is also featured on National Public Radio's photo blog at <http://www.npr.org/blogs/pictureshow/2012/07/05/156303716/told-in-pictures-how-50-immigrants-got-green-cards>. For more information or to order, visit <http://www.greencardstories.com/>.

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About ABIL

The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 400 member lawyers and their 1,000 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL's work also includes providing speakers and media sources, presenting conferences, publishing books and articles

on cutting-edge immigration topics, and sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.

The Alliance of Business Immigration Lawyers' Web site is at <http://www.abil.com/>.

Disclaimer/Reminder

This e-mail does not constitute direct legal advice and is for informational purposes only. The information provided should never replace informed counsel when specific immigration-related guidance is needed.

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