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Feature Article

INTRA-COMPANY TRANSFEREES – This article provides an overview of visa and work permit categories for intra-company transferees in several countries.

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INTRA-COMPANY TRANSFEREES

This article provides an overview of requirements for intra-company transferees in several countries. Broadly, this category enables employers to transfer executives or managers from offices in one country to another.

Canada

Intra-company transferee categories constitute one of the main exemptions from Canada's Labour Market Impact Assessment process to obtain Canadian work permits. The exemption code T24 is given to intra-company transferees who are citizens of countries that have signed Free Trade Agreements with Canada. The exemption code C12 applies to intra-company transferees who are citizens of any country and bringing economic benefits to Canada.

The T24 and C12 exemption categories for intra-company transferees share many of the same eligibility criteria in terms of being available to executives, senior managers, and specialized knowledge workers. The foreign national must have been employed by a related enterprise outside of Canada for at least one year within the previous three years in a similar position to the one he or she will assume in Canada. There must be a qualifying intra-company relationship in that the foreign national must be entering Canada to work in a parent, subsidiary, branch, or affiliate in Canada of the foreign company for which he or she works abroad. Both the Canadian company and foreign affiliate must be actively conducting business. Typically, senior managers must supervise other professional employees or managers and/or assume an essential function within the organization. Specialized knowledge workers must have a high degree of proprietary knowledge related to the corporation's products or services and advanced expertise within their field. Specialized knowledge workers who are only eligible for the C12 exemption category must be offered a salary to work in Canada that meets the median prevailing wage rate for the region of Canada where they will be working. In contrast, specialized knowledge workers who are eligible for the T24 category, U.S. citizens by virtue of the North American Free Trade Agreement, do not need to be offered a salary that meets the median prevailing wage rate, although the salary offered should still be high enough to justify that they possess specialized knowledge.

India

There is no specific intra-company transferee visa for India. Such transferees may use the employment visa, intended for foreign nationals who are highly skilled or professionals. Intra-company transferees on the employment visa receive limited preferential treatment with respect to the duration of their employment visas and for their dependents.

Employment visas are not granted for positions for which qualified Indians are available or for routine, ordinary, or secretarial/clerical jobs. The foreign national must seek to visit India to either work in an Indian-registered company or organization or as an employee of a foreign company engaged in the execution of a project in India. The foreign national seeking an employment visa must normally receive a salary above US \$25,000 per year.

Other categories of foreign nationals can also qualify for an employment visa if they are consultants on a contract for whom an Indian company pays a fixed remuneration. Foreign nationals deputed for providing technical support or services, or transfer of know-how or

services, for which the Indian company pays fees or royalties, can also use the employment visa.

A chief executive officer or other senior executive who is a U.S. national of a U.S. company may be issued an employment visa for three years, or for the duration of their employment contract, whichever is shorter. The normal duration of an employment visa is otherwise two years or the term of the assignment, whichever is less. Extensions may be obtained within India from the Foreigner Regional Office (FRO) or the Foreigner Regional Registration Offices (FRROs) for a total period of five years from the date of issuance of the employment visa on a year-to-year basis subject to good conduct, production of necessary documents in support of continued employment, filing of tax returns, and no adverse security information.

No change of employer is permitted during the validity of an employment visa, except where the change of employment is between a holding company and its subsidiary or vice versa or between subsidiaries of a holding company. Such a change is only permissible once during the five-year period of an employment visa at a senior level, such as at a managerial or senior executive position and/or at a skilled position (e.g., a technical expert).

Although spouses and children on dependent X visas cannot be employed, the spouse of an employee on an intra-company transfer can convert within India to an employment visa if he or she meets all the conditions of the employment visa.

The updated Ministry of Home Affairs employment visa guidelines are available at <http://mha1.nic.in/pdfs/EmploymentVisa-300514.pdf>.

Italy

The ability to obtain a work permit in Italy is generally subject to the availability of quotas issued by the Italian government. An exception to this rule is for workers on assignment who will remain employed by the sending company. Italian immigration law provides for different kinds of assignment procedures, depending on the relationship between the foreign and Italian company and the job to be carried out. These procedures are summarized below:

Intra-company transfer. According to this procedure, the foreign worker can be transferred from the foreign parent company to an Italian affiliate. This type of assignment procedure applies to highly specialized personnel or managers who have been working in the same sector (some offices require that the worker has worked for the sending company) for at least six months. The work permit can be valid up to five years.

Service agreement assignment. This procedure requires that a service agreement be executed between the worker's foreign company and the Italian company. The latter does not need to be affiliated or part of the same group as the foreign company. The work permit can be valid up to four years.

Highly qualified workers. This procedure requires that the sending and host company be part of the same group, but can be used when workers are to be assigned to a special project. Unlike the intra-company transfer work permit, the worker does not need to have a diploma. The work permit can be valid up to four years.

Milan. The Milan Immigration Office has confirmed that university degrees will no longer be accepted as evidence of high specialization or knowledge within a specific field.

To prove that a worker has the required highly specialized skill set, authorities now require either a detailed *curriculum vitae* (CV) listing education and job experience or a declaration

from the sending employer describing and confirming the candidate's highly specialized professional profile. A legalization/apostille and attested translation into Italian of the worker's CV or employer declaration is compulsory. Workers still must have at least 6 months of experience in the same working sector and/or with the same sending employer.

Mexico

Mexican immigration law does not contemplate a specific procedure for foreign nationals assigned for work purposes in the country under an intra-company transfer (ICT) scheme. The *source of remuneration* for the employee and the *length of the assignment* are the two elements that determine the appropriate status for foreigners traveling to Mexico under the common premises associated with an ICT.

Every foreign national intending to work in Mexico, and receiving his or her income from within the country, regardless of the length of stay, must obtain advance authorization from the National Immigration Institute (INM) before entering Mexico. The host company in Mexico must be registered before the INM to sponsor the work permit for the foreign national. After a job offer is granted, the INM issues an authorization known as an *Internment Permit*, and the assignee must attend a consular interview at a Mexican consulate abroad to get an entry visa stamp endorsed in the passport. After this stage of the process, the following steps are based on the duration of the assignment, as follows:

- Assignments for more than 180 days require a *temporary residence permit*. Upon entering Mexico, foreign nationals must register at the local INM office within 30 calendar days of their entry into Mexico to obtain a temporary resident card with permission to conduct lucrative activities. The card is valid for one year.
- To perform business activities for 180 days or fewer, the assignee must request a *visitor visa* with permission to perform remunerated activities. The Multiple Immigration Format (FMM) is delivered at a Mexican port of entry. It is the official immigration document for the total length of the assignment. Under this status, no local registration is required.

Both processes assume that remuneration in Mexico is applicable even if only a part of the salary is paid by the Mexican entity, which is a common practice for companies to comply with local labor and tax regulations.

For assignments under the assumption that a foreign company is responsible for executing the conditions of the contract of the assignee, and the payroll remains paid in full in the country of origin, the process is determined by the duration of the assignment:

- To perform business activities for more than 180 days, with an invitation from a company of recognized probity legally established in Mexico, the process may be initiated at the Mexican consulate with jurisdiction over the applicant's residence. Upon entering Mexico, foreign nationals must undergo the local registration process as noted above to obtain a temporary resident card for non-lucrative activities.
- To perform business activities for 180 days or fewer with a source of economic remuneration in a third country, foreign nationals are eligible for a visitor visa without permission to perform remunerated activities. The FMM delivered at a Mexican port of entry is the official immigration document in such cases, and no local registration is required.

Peru

For intra-company transferees in Peru, the visa types used are worker (temporary or resident) or appointed worker (with temporary visa only).

In Peru, a foreign national can perform work activities under four categories:

(1) Worker (with temporary [less than one year] or resident [one year, renewable] visa, depending on the term of the employment contract signed with the local employer). This category is for foreign workers who provide personal services for a local company based on an established labor relationship between the parties. They are registered on the local company's payroll and receive their remuneration from the local company. This can happen, for example, when transnational corporations send employees to perform work activities in a local company in Peru that is a member of the group (intra-company). Such employees may include high-ranking executives, managers, professionals, or specialized technicians.

(2) Appointed worker (with temporary visa only). This category is for consultants or highly specialized advisors who maintain employment relationships with their employers abroad and do not sign employment contracts with local companies. Their services are defined and develop within the framework of a service agreement signed between a foreign company (the direct employer) or its affiliates, subsidiaries, branches, or subcontractors—all of them foreign entities—and the local company, which could be an entity member of the same transnational corporation (intra-company), or even a local client of the foreign company or of the local entity.

(3) Independent Professional (with temporary or resident visa). This category is for those acting as freelancers when providing their services; and

(4) Immigrant (with indefinite residence permit).

Subordination

Under Peruvian labor law, the term "subordination" includes a duty of obedience that applies to all employees who provide personal services as dependent workers with respect to their employers (local companies). The employers' correlative rights include having each employee at their disposition.

Under subordination, the employer has three inherent and implied powers:

Power of Direction (through which the employer gives orders, directives, and guidelines to the workers on how to perform adequate and appropriate provision of personal services and specifies the place, time, and manner for developing and executing the services). The employer determines the way the services will be delivered and establishes working hours (daily and weekly) and working days, and can modify them within the law, and may also change the mode and manner of service delivery within reasonable criteria and taking into account the needs of each workplace.

Power of Supervision (under which any employer has the power to monitor the performance of an employee's work under the orders the employer has given the employee for the execution of the services). The employer thus establishes and monitors attendance and punctuality of staff in addition to performance of the work.

Power of Sanctioning (under which the employer has the right to penalize any unreasonable failure of an employee or worker under criteria of proportionality, and according to the law).

Subordination takes into account the type, qualifications, position held, and level of responsibility of the employee or worker. It is the essential element of the employment contract of subordinated staff in a company.

The difference between subordination and the relationship governing the service of a freelancer, who also serves personally and receives just compensation from the hiring company, is the autonomy with which the work is performed. A freelancer performs the service without the employer being in constant control.

Appointed workers act as consultants or advisors in the local company. Their role is similar to that of a freelancer when providing services on a temporary visa in Peru under the framework of a service agreement or similar. As with freelancers, appointed workers are not closely supervised with respect to the performance of the services they are rendering, and are not subject to subordination to the local company. They are not the local company's staff.

Thus, the local company should not determine or substantially monitor the work of specialized consultants or advisors (appointed workers), only staff (dependent personnel). Appointed workers are not managers or supervisors but rather specialized consultants or advisors who can receive general instructions or guidelines from the coordinator or project leader on how to develop the services within the framework of the covenant executed between the company and its client.

It is possible that a local company can determine basic, general guidelines and directions for the foreign company who provides services through its appointed workers but without their performing such services under subordination to the local company in Peru, provided that in reality a dependent labor relationship does not exist.

United Kingdom

Tier 2 of the Points-Based System (PBS) enables skilled workers from outside the European Economic Area and Switzerland (hereinafter referred to collectively as "EEA") to apply for permission to enter the United Kingdom (UK) for a specific, sponsored position with a licensed employer that cannot be filled by settled or EEA workers.

Tier 2 (Intra-Company Transfer), one of four categories within Tier 2, is intended for existing employees of multi-national companies who seek to transfer to the UK branches of their employers. There are four subcategories within this category, each with its own requirements and periods of leave to remain in the UK. These include:

- Short-Term Staff (established employees, up to 12 months);
- Long-Term Staff (established employees, up to five years, or nine years for higher earners);
- Graduate Trainees (recent graduate recruits being transferred to the UK for training purposes, up to 12 months); and
- Skills Transfers (employees being transferred to the UK to learn or teach specialist skills, up to six months).

To qualify for one of these subcategories, applicants must score the requisite number of points for attributes (e.g., sponsorship, salary level, employment history) and maintenance. There is no English language requirement for Tier 2 (Intra-Company Transfer) applications.

ITALY

Permanent resident status cannot be revoked for insufficient income.

The Administrative Court (TAR) of Milan has ruled that a permanent residence permit cannot be revoked whenever the holder is not able to provide proof of income, as often happens due to the high unemployment rate in Italy.

Failing to meet the minimum income requirements and subsequently becoming incapable of contributing to the fiscal system are deemed not to negate the right to legally reside in Italy for those already holding permanent resident status. Italian immigration law provides that foreigners must comply with income and taxation requirements to be granted permanent residence, but they are not subject to further checks once this status has been awarded.

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TURKEY

The Residence Permit Process has changed.

The Interior Ministry recently announced major procedural changes to the Residence Permit (RP) process. The press release states that as May 18, 2015, the civil officers of the Migration Directorate have finally taken over processing of residence permits. This means that the police officers, who have handled RP applications for many years, are no longer involved. Their civilian counterparts in the Migration Directorate have been trained to handle these applications.

A few details of the changes and remaining issues include:

1. **Local police stations are no longer involved:** It is still not clear if previously scheduled appointments with the local police offices will be honored by the Migration Directorate. Currently, applicants with appointments scheduled under the old system are instructed to make a new appointment in the new system.
2. **Online scheduler:** The online system of appointments has moved to the Migration Directorate's website. Backlogs for appointments may increase given that applicants no longer have access to the local police stations.
3. **Initial RP filings** must be booked by logging in an application form, which is then brought to the appointment together with supporting documents.
4. **Renewal RP filings** do not require appointments. The renewal application is logged in within 60 days of expiration, printed out for signature of the applicant, and then sent to the Migration Directorate within 30 days (similar to a work permit filing). This must be done before expiration, of course. The card is then mailed to the applicant without an appointment.
5. **Appointment booking** for an initial filing is now significantly more difficult because it requires more information from the applicant. For now, once an appointment is booked, it cannot be canceled for a re-booking. It appears that a rebooking can't be done until the appointment date passes. It is hoped that a procedure will be established to remedy this, as it is very difficult for applicants to anticipate their schedule months in advance.
6. **Assignees' presence is required at dependents' cases.**

7. **Supporting documents:** With the civil officers' training, some new internal policies on acceptability of certain documents, format preference, are to be expected. Flexibility when dealing with officers is recommended. Previous formats (for example, private medical insurance abstract) may change as a result of the new authorities.

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UNITED KINGDOM

Several developments have been announced.

New Immigration Measures Announced

In his first speech on immigration since the election in May, Prime Minister David Cameron has announced sweeping new measures to reduce the number of foreign workers and tackle the issue of undocumented workers.

Proposed immigration changes include:

- A new visa levy on businesses that use foreign labor
- Limiting sponsorship of non-European Union nationals to those in occupations where there are genuine skill shortages or a need for highly specialized experts
- Imposing a time limit on occupations on the Shortage Occupation List
- The creation of a new offense of illegal working, which means that people who are in the United Kingdom (UK) without authorization cannot benefit from working and police will be able to seize wages as proceeds of crime
- Making it an offense for businesses and recruitment agencies to recruit abroad without first advertising in the UK
- The creation of a new labor market enforcement agency to crack down on the worst cases of labor market exploitation

Home Office Reports Delays in Issuing Biometric Residence Permits

The UK Home Office has reported delays in issuing Biometric Residence Permits (BRPs) for Tier 2 (General), Sportsperson, and Ministry of Religion applicants following changes introduced in late April 2015 in the recording of National Insurance (NI) numbers on the BRP. In-country applicants in these Tier 2 categories require NI numbers when making their leave to remain applications in the UK. Before issuing the BRP, the Home Office checks the NI position with the Department of Work and Pensions (DWP), and this additional check is causing delays of up to 10 days.

With these new changes, any affected applicant must apply for an NI number. If one is not obtained before submitting a leave to remain application, the DWP automatically allocates a number. This number is then recorded on the BRP.

The requirement to register with the police is no longer recorded on the BRP. Instead, applicants who must register with the police are informed by a separate letter.

Effective July 2015, an online application facility will be introduced for Tier 2 and 5 applicants using the Premium Service Centre fast-track procedure. The online submission will prompt the NI check ahead of the biometric appointment to prevent delays in the issuance of the BRP.

Biometric Residence Permits for Migrants Applying for Visas Overseas

As each country switches over to the new process for BRPs for non-European Economic Area nationals traveling to the UK for more than six months, migrants will initially be issued 30-day travel visas and will then need to collect their BRPs from their nearest post offices once they arrive in the UK. This change in processing of visa applications will necessitate a change in the way employers carry out their first-day checks, explained in more detail below.

Can someone work in the UK before he or she collects the BRP? Once a migrant arrives in the UK, he or she is strongly encouraged to obtain the BRP before starting work. In any event, the migrant must collect it within 10 days of arrival. If he or she must start work before obtaining the BRP, the migrant will be able to evidence authorization to work by producing the 30-day travel visa in the passport used to travel to the UK. However, as this will expire 30 days from issuance, the check must be repeated using the BRP to establish the statutory right to continue working.

What are the implications if the migrant does not collect the BRP within 10 days of arrival in the UK? The employer is not required to immediately terminate employment if it believes the employee continues to have the right to work. However, once the 30-day travel visa has expired, the employer cannot establish a statutory rationale for continuing work if the employee is working without authorization. Also, without the BRP, the employer will not know when the employee's permission to work expires.

Without the BRP, once the 30-day travel visa has expired, an individual will have no evidence of his or her right to be in the UK and to work there. He or she also will not be able to travel in or out of the UK.

Also, by not collecting the BRP, the employee is breaching regulations requiring him or her to collect it. A number of sanctions against such an individual could be taken by the Home Office, including a civil penalty and varying or ending the permission to be in the UK.

Registered Travellers Scheme Updated

The Registered Travellers Scheme has been opened to a greater number of applicants. Although it is still limited to nationals from Australia, Canada, Japan, New Zealand, and the United States, the categories have been expanded to include all visa holders with the exception of Tier 5 (Sporting & Creative Concessions), EEA family permit holders, and those with discretionary leave and leave outside the immigration rules. In addition, the scheme is still available to visitors who have visited the UK at least four times in the previous 52 weeks.

The number of ports offering the scheme has also expanded and includes:

- Gatwick
- Heathrow
- Brussels, Lille, and Paris (rail terminals)
- Manchester
- Edinburgh
- Glasgow
- London City
- Stansted

Application process. An Invitation Code is no longer required. Applicants simply need to apply online at <https://www.gov.uk/registered-traveller>. The fee is £70 for a 12-month membership, which is evidenced with a membership card.

The Home Office conducts a number of checks on applicants, after which it reaches a decision within 10 days. The Home Office then e-mails the applicant. If successful, the applicant should print the notice and present it to the immigration officer when next entering the UK through one of the following ports and lanes:

- **Gatwick**—join the lanes for Registered Travellers
- **Heathrow**—join the "Other Passports" lane, or go to the "Fast Track" desk if you have a Fast Track ticket
- **Manchester, Edinburgh, Glasgow, London City, and Stansted**—join the "Other Passports" lane
- Those who applied in a visitor or diplomatic category can also join the "Other Passports" lane at Brussels, Paris, or Lille

Acceptance into the scheme is recorded in the Home Office system to facilitate easier transit through immigration control on subsequent entries to the UK.

Changes to Visitor Visas

Effective April 24, 2015, the visitor visa categories have changed. The changes apply to all applications for visitor visas to the United Kingdom made on or after April 24. The visitor visa rules are now considerably clearer. The new changes mean that visitors can carry out a number of different activities on the visitor visa instead of applying for different visas for each type of activity.

The new visitor visa provisions are in Appendix V of the Immigration Rules. The visitor visa rules are now self-contained within their own "booklet." The full list of permitted activities can be found toward the end of Appendix V in "Visitors Appendix 3."

The introduction to Appendix V states that:

A visitor is a person who is coming to the UK, usually for up to six months, for a temporary purpose, for example as a tourist, to visit friends or family or to carry out a business activity.

Visitors cannot study or work in the UK unless specifically permitted to do so by the Immigration Rules.

There are now four visitor visa categories (streamlined from 15):

1. Visitor (standard)
2. Visitor for marriage or civil partnership
3. Visitor for permitted paid engagements
4. Transit visitor

Under the visitor (standard) category, it is now possible for all visitors to carry out permitted activities that were not originally declared on their visit visa applications. The list of permitted activities has been expanded to include:

- Employees of an overseas training company delivering global training to employees of a multinational company based in the UK
- Allowing training in specialist UK work practices and techniques to be delivered by non-corporate organizations

- Expanding the current provision for overseas lawyers to advise UK clients on litigation and international transactions to include lawyers who remain employed by an overseas multinational company

Employers can now be asked to provide written undertakings agreeing to accommodate and maintain their visitors for the duration of stay.

Tier 2 Restricted Certificates of Sponsorship Allocations Are Close to the Limit

The government has retained the annual cap for Tier 2 Restricted Certificates of Sponsorship at 20,700 for the current year, April 6, 2015 –April 5, 2016. The cap was reached in March 2015. If it were not for the fact that the monthly quota for April was increased to 2,550, the cap would have been reached in April. For the month of May, a total of 2,277 Restricted Certificates of Sponsorship were allocated, leaving only 8 remaining to be rolled over to the already reduced allowance for June; only 1,658 will be available for June. It is very likely that the cap will be reached for June, which will mean that some sponsors will not be granted their Restricted Certificates.

For the first time, the points-based allocation system is likely to be used such that those scoring a higher number of points are more likely to be successful. The points range from a minimum of 32 to a maximum of 105.

If sponsors miss out on an allocation where the cap has been reached, they will need to submit a new application the following month. The Confederation of British Industry (CBI) is lobbying the government on this issue, and it is important for sponsors to make their voices heard if their businesses are being damaged by an inability to recruit skilled migrants from overseas. The UK government has asked the Migration Advisory Committee to advise on significantly reducing the level of economic migration from outside the EU. This will be an opportunity for sponsors to make their views known.

| Route | Points | Salary | Points |
|------------------------------------|---------------|----------------------|---------------|
| Shortage occupation list | 75 | £20,800 to £20,999 | 2 |
| PhD level posting and RLMT | 50 | £21,000 to £21,999 | 3 |
| Resident Labour Market Test (RLMT) | 30 | £22,000 to £22,999 | 4 |
| | | £23,000 to £23,999 | 5 |
| | | £24,000 to £24,999 | 6 |
| | | £25,000 to £25,999 | 7 |
| | | £26,000 to £26,999 | 8 |
| | | £27,000 to £27,999 | 9 |
| | | £28,000 to £31,999 | 10 |
| | | £32,000 to £45,999 | 15 |
| | | £46,000 to £74,999 | 20 |
| | | £75,000 to £99,999 | 25 |
| | | £100,000 to £149,999 | 30 |

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New Publications and Items of Interest

The 2015 edition of the *Global Business Immigration Practice Guide* has just 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 Ghana and Peru. Other chapters cover Australia, Belgium, Brazil, Canada, China, Costa Rica, the European Union, France, Germany, Hong Kong, India, Ireland, Israel, Italy, Japan, Mexico, the Netherlands, Nigeria, 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.

The list price is \$359, but discounts are available. 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 News

Several members of the **Alliance of Business Immigration Lawyers (ABIL)** will speak at the **American Immigration Lawyers Association's annual conference** June 17-20, 2015, in Washington, DC. Among them are:

- **Maria Celebi** (bio: <http://www.abil.com/lawyers/lawyers-celebi.cfm?c=TR>), "Filing a Family IV Petition Abroad—Navigating the Direct Consular Filing"
- **Laura Danielson** (bio: <http://www.abil.com/lawyers/lawyers-danielson.cfm?c=CN>), "If I Had a Million Dollars—Fundamentals of EB-5 Investor Visas," and from Ms. Danielson's office, **Robert Aronson**, "OMG, I Have an IMG! Working With International Medical Graduates" and **Debra Schneider**, "Non-PERM Employment-Based Options"
- **Bryan Funai** (bio: <http://www.abil.com/lawyers/lawyers-funai.cfm?c=JP>), "The Consular Posts Strike Back—Advanced Consular Processing Issues for Business Visas"
- **Kehrela Hodkinson** (bio: <http://www.abil.com/lawyers/lawyers-hodkinson.cfm>), "Non-Immigrant and Immigrant Waivers of Inadmissibility Fundamentals"
- **Mark Ivener** (bio: <http://www.abil.com/lawyers/lawyers-ivener.cfm>), "[Contingency Planning for Attorneys—The Ethics of Extended Leave, Disability, and Death](#)"
- **H. Ronald Klasko** (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>), "Advanced EB-5 Panel," and from Mr. Klasko's office, **Dan Lundy**, "Intermediate EB-5 Panel," and **William Stock**, "Hot Topics with the AILA National Officers" and "Put the Smart Phone Down: Networking and the Art of the Schmooze"
- **Vincent Lau** (bio: <http://www.abil.com/lawyers/lawyers-lau.cfm>), "PERM Fundamentals—Part I"
- **Robert Loughran** (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>), "Renunciation, Relinquishment and Loss of Citizenship," and from Mr. Loughran's office, **Charles C. Foster**, "The 50th Anniversary of the Immigration Reform Act of 1965"; **Sandra I. Dorsthorst**, "Getting' Cozy With Blanket L-1 Visas"; and **Helene N. Dang**, "Building the Narrative—Drafting a Successful Petition and Getting It Right the First Time."
- **Sharon Mehlman** (bio: <http://www.abil.com/lawyers/lawyers-mehlman.cfm>), "Immigration and Healthcare – Everything You Need To Know About How The ACA Impacts Your Clients" and "Hot Topics Panel With the AILA National Officers"
- **Cyrus Mehta** (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>), "Immigration and Healthcare—Everything You Need To Know About How The ACA Impacts Your Clients," "AILA Ethics Compendium Session," and "Beyond Deferred Action: Is Permanent Residence An Option"
- **Angelo A. Paparelli** (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>), "When Size Matters—Entrepreneurs/Start-Ups/Small Business Panel"
- **William Reich** (bio: <http://www.abil.com/lawyers/lawyers-reich.cfm>), "From STDs to TB to Ebola—Medical Grounds of Inadmissibility"
- **Lynn Susser** (bio: <http://www.abil.com/lawyers/lawyers-susser.cfm?c=US>), "The 'Business' of Dealing with CBP," and from Ms. Susser's office, **Greg Siskind**, "Ethics and Practice Management in the Digital Age" and "Beware of Marrying a J-1!!! J-1 Family Members and Waiver of § 212(e) Based on Hardship"

- **Bernard Wolfsdorf** (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>), "The Consular Posts Strike Back—Advanced Consular Processing Issues for Business Visas"
- **Stephen Yale-Loehr** (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>), moderator, "Behind Closed Doors—An Insider's Perspective on the Immigration Legislative Process," and from Mr. Yale-Loehr's office, **Carolyn Lee**, "If I Had a Million Dollars—Fundamentals of EB-5 Investor Visas"

The conference program is available at <http://www.aila.org/conferences/in-person/annual/program>.

Several members of the **Alliance of Business Immigration Lawyers (ABIL)** will serve on **American Immigration Lawyers Association committees** next year. Among them are:

- **Ms. Hodkinson**, by-laws and fall conference committees
- **Mr. Lau**, DOL liaison committee and PERM conference planning committee
- **Ms. Mehlman**, verification and worksite committee and annual conference committee
- **Mr. Mehta**, chair of the ethics committee and member of the Access to Justice Task Force
- **Mr. Paparelli**, vice-chair of the Access to Justice Task Force
- **Ms. Susser**, CBP liaison committee and Memphis USCIS Field Office committee
- **Mr. Wolfsdorf**, chair of EB-5 conference committee, and serving on EB-5 committee and on the global migration steering committee
- **Mr. Yale-Loehr**, EB-5 conference committee, business immigration committee, and asylum/refugee committee

Several members of **ABIL** are included in the latest annual **Who's Who Legal** rankings of corporate immigration attorneys. ABIL members constitute 5 of the top 10 U.S. immigration attorneys. ABIL members make up two-thirds of the world's top immigration lawyers worldwide, since 20 ABIL attorneys are among the top 30 in the world.

Mr. Mehta is ranked as the number 1 immigration lawyer this year. **Mr. Wolfsdorf** is ranked as the Global Immigration Lawyer of the Year for 2015. The listings also include:

- **Enrique Arellano** (bio: <http://www.abil.com/lawyers.cfm?c=MX>)
- **Maria Celebi** (bio: <http://www.abil.com/lawyers/lawyers-celebi.cfm?c=TR>), first in Africa and the Middle East
- **Eugene Chow** (bio: <http://www.abil.com/lawyers/lawyers-chow.cfm?c=HK>)
- **Arnold Conyer** (bio: <http://www.abil.com/lawyers/lawyers-conyer.cfm?c=AU>)
- **Laura Devine** (bio: <http://www.abil.com/lawyers/lawyers-devine.cfm?c=UK>) and partners
- **Avi Gomberg** (bio: <http://www.abil.com/lawyers/lawyers-gomberg.cfm?c=CA>) and **Seth Dalfen** from Mr. Gomberg's office
- **Ms. Hodkinson**
- **Mr. Klasko**
- **Charles Kuck** (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>)
- **Mr. Loughran** and seven other members of **Foster LLP**
- **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>)
- **Ms. Mehlman**
- **Ariel Orrego-Villacorta** (bio: <http://www.abil.com/lawyers/lawyers-orrego-villacorta.cfm?c=PE>)
- **Mr. Paparelli**
- **Nicolas Rollason** (bio: <http://www.abil.com/lawyers/lawyers-rollason.cfm?c=UK>)
- **Maria Isa Soter** (bio: <http://www.abil.com/lawyers/lawyers-soter.cfm?c=BR>)
- **Ms. Susser**

- **Karl Waheed** (bio: <http://www.abil.com/lawyers/lawyers-waheed.cfm?c=FR>)
- **Chris Watters** (bio: <http://www.abil.com/lawyers/lawyers-watters.cfm?c=ZA>), Africa and the Middle East
- **Mr. Yale-Loehr**

Ms. Devine spoke at the Greater Houston "No Limits" Conference for Women on April 30, 2015.

Laura Devine Solicitors won Citywealth's Immigration Law Firm of the Year 2015. The firm has been shortlisted for "Boutique Firm of the Year—City" in The Lawyer Awards 2015. Winners will be announced on June 23, 2015.

Mr. Ivener spoke on "Three EB-5 Investor Green Cards / E-2 Visas Seminars" at the University of Illinois at Urbana-Champaign on April 8-11, 2015.

Jelle Kroes (bio: <http://www.abil.com/lawyers/lawyers-kroes.cfm?c=NL>) was invited to a ceremony on March 4, 2015, for the presentation of the first-ever start-up visa to be granted in the Netherlands. At the offices of The Expatcenter Amsterdam, the State Secretary of Justice Fred Teeven handed out the residence document in presence of the head of the Dutch immigration authority (IND), Rob van Lint, and deputy mayor of Amsterdam, Kajsa Ollongren. The proud recipient was the owner of start-up Med Canvas, Finn Hansen, a client of Kroes Advocaten.

Mr. Kroes presented "Labor Immigration Update" at the Eggens Institute for Postacademic Education, University of Amsterdam, on April 15, 2015, with T. de Lange, professor of migration law and administrative law there.

Mr. Kroes will present "Immigration Options for Entrepreneurs and Investors" at the Foundation for Immigration Law in Amsterdam on June 26, 2015, with M. van Riel, immigration attorney at Alkmaar.

Mr. Kuck has published a new blog entry. "DAPA and the 5th Circuit—Three Reasons Why Obama Failed To Win Approval of the Policy Change" is available at <http://musingsonimmigration.blogspot.com/2015/05/dapa-and-5th-circuit-three-reasons-why.html>.

Mr. Loughran, as a member of the Committee on Laws Relating to Immigration & Nationality of the State Bar of Texas, met on May 21, 2015, with the consular officers of the U.S. Consulate in Ciudad Juarez, the largest immigrant visa processing post in the world. He was updated on the latest adjudication priorities and inspected the nonimmigrant, immigrant, and fraud detection units as well as the facilities of the adjacent panel physicians.

Marco Mazzeschi (bio: <http://www.abil.com/lawyers/lawyers-mazzeschi.cfm>) will speak on June 17, 2015, at the American Immigration Lawyers Association's Global Immigration Forum in Washington, DC, on "Blue Card Permits, the EU's Answer to the Green Card." For more information, see <http://agora.aila.org/conference/detail/1048>.

Mr. Mazzeschi was quoted extensively in "Managing Business Immigration Risk," in the April 2015 edition of Talkingpoint. The article is available at <http://www.financierworldwide.com/managing-business-immigration-risk#.VVdoO-IFC71>.

Mr. Mehta recently authored several blog entries. "Equating Immigrants to Greenhouse Gases: Is This a Valid Basis for Standing To Sue the Federal Government?" is available at <http://blog.cyrusmehta.com/2015/05/equating-immigrants-to-greenhouse-gases.html>. "Fifth Circuit Precedent on Preemption Can Provide Obama With Path to Victory in *Texas v. United States*" is available at <http://blog.cyrusmehta.com/2015/05/fifth-circuit-precedent-on->

[preemption.html](http://blog.cyrusmehta.com/2015/05/equating-immigrants-to-greenhouse-gases.html). "Equating Immigrants to Greenhouse Gases: Is This a Valid Basis for Standing To Sue the Federal Government?" is available at <http://blog.cyrusmehta.com/2015/05/equating-immigrants-to-greenhouse-gases.html>.

David Isaacson of **Mr. Mehta's** office has authored a new blog entry. "Zombie Precedents, The Sequel: How Recent Decisions of the Second Circuit and the BIA Point to a Better Way of Dealing With Precedent Decisions That Have Been Vacated by a Court" is available at http://blog.cyrusmehta.com/2015/05/zombie-precedents-sequel-how-recent_18.html.

Mr. Paparelli recently published a new blog entry. "Immigration Howling, Hope, Hype and Hodgepodge: USCIS's New L-1B Memo" is available at <http://www.nationofimmigrators.com/>.

Mr. Paparelli and **Mr. Yale-Loehr** were quoted in *Law360* on May 11, 2015, in "EB-5 Program May Prove Fertile Ground for Lawsuits," available by registration at <http://www.law360.com/articles/654222/eb-5-program-may-prove-fertile-ground-for-lawsuits>

Mr. Wolfsdorf has published a new blog entry. "Bernie's Top EB-5 Hot Topics" are available at <http://connect.wolfsdorf.com/?p=1947>.

Joseph Shepherd, of **Wolfsdorf Rosenthal LLP**, was recently appointed to serve as a member of the 2015-2016 American Immigration Lawyers Association's National ACES Committee (Athletics, Culture, Entertainment, and Science) (see <https://americanimmigrationlawyersa.app.box.com/aces>). He will present an F-1 student webinar on June 2, 2015, on "Life after OPT (and the H-1B Lottery)." Mr. Shepherd authored an article on the new F-2/M-2 rule, available at <http://connect.wolfsdorf.com/?p=1923>.

Mr. Yale-Loehr was quoted in *The Guardian* on May 7, 2015, in an article on U.S. presidential candidate Hillary Clinton's remarks on immigration. He noted that if she is elected President, what she does on immigration "really depends on how ambitious she wants to be and how many people she wants to benefit from her actions." The article is available at <http://www.theguardian.com/us-news/2015/may/07/hillary-clinton-immigration-pledge-republican-quandary-sharp-relief>.

Mr. Yale-Loehr was interviewed about the EB-5 immigrant investor program on Shortwave, a podcast affiliated with PBS NewsHour. The podcast is available at <http://www.pbs.org/newshour/updates/chinese-millionaires-buy-u-s-citizenship/>.

Mr. Yale-Loehr was quoted in *USA Today* on May 26, 2015, in "Federal Court Blocks Obama's Immigration Plan." Mr. Yale-Loehr noted, "The court of appeals merely held that the district court did not err when it held that Texas had standing to sue. The true test will be on the merits of the case. That could be a few years down the road, after a trial." The article is available at <http://www.usatoday.com/story/news/nation/2015/05/26/obama-immigration-blocked-federal-appeals-court/27969883/>.

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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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