

GLOBAL IMMIGRATION UPDATE

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Feature Article

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PASSPORTS: AN OVERVIEW

This article provides an overview of passport policies and practices in several countries.

Canada

General guidance. There is no requirement for travel to Canada that a passport must be valid for at least 6 months. Instead, the general rule is that anyone seeking to enter Canada as a temporary resident (to visit, work, or study), regardless of age (including newborns) or nationality, must travel with a passport valid for the duration of their proposed stay. Immigration officers will not issue visitor records, work permits, or study permits valid past the expiration date of the passport. There is an exception to this rule for U.S. citizens, under section 52(1) of the Immigration and Refugee Protection Regulations. Not all immigration officers are familiar with this rule and U.S. citizens applying for a temporary resident document may need to remind officers of this provision. Otherwise, they may receive a document valid only until the expiration date of the passport.

Entering Canada by air. It is important to remember that while Canadian immigration authorities may allow certain individuals to enter Canada without a passport, airlines set their own rules regarding what documentation is required to board a plane. It is therefore highly recommended that all travelers carry a valid passport when flying to Canada.

All Canadian citizens, including dual citizens, must present a valid Canadian passport to fly to Canada. This is because Canadian citizens and permanent residents cannot be issued an Electronic Travel Authorization (eTA) or a temporary resident visa. Airlines may refuse to board any passenger who does not have a valid eTA, temporary resident visa, Canadian permanent resident card, or Canadian passport. Dual Canadian-U.S. citizens with a valid U.S. passport are exempt from this requirement and may enter Canada with the valid U.S. passport, but a best practice for dual American/Canadian citizens is to use their U.S. passport for entry to the United States and their Canadian passport for entry to Canada.

Entering Canada by land. U.S. citizens may enter Canada with proof of citizenship and identity, such as by presenting a valid U.S. passport card, NEXUS card, or Enhanced Driver's License. It is nonetheless recommended that U.S. citizens enter Canada at a land border with a valid U.S. passport because U.S. border officials on re-entry to the United States will counsel U.S. citizens on the need to have a passport. Commercial carriers (buses and trains) may have their own rules and refuse to transport passengers without a valid passport.

Citizens of other countries must present a valid passport (and a visa, if required).

Applying for permanent residence. Those applying for permanent residence are asked at the final stage of processing to provide a passport that is valid for at least 6 months.

Canadian passport validity period. Canadian passports for children (under 16 years old at the time of application) are valid for up to 5 years, and adult passports are valid for up to 10 years.

Colombia

The Colombian Ministry of Foreign Affairs states that the Ordinary Electronic Colombian Passport holds 32 pages and has a validity of 10 years. Colombian nationals can obtain the passport by completing a form from the Ministry and presenting the original *Cedula de*

Ciudadania, which is the local identification. For minors, one of their parents must be present for such a request and bring the minor's birth certificate.

The Colombian passport can be requested in a variety of scenarios, such as a voluntary change, for rectification of data in the identity document, for expiration, for damage that prevents its use, for theft or loss, when the current passport does not have enough pages, or for reaching the age of majority (18 years old). A Colombian national cannot hold two passports at the same time.

Italy

The Italian passport is both a travel and an identification document. It is issued by the Police (*Questura*) in Italy (for Italian nationals residing in Italy) or by the embassies/consulates abroad (for Italian nationals residing outside Italy).

The standard passport is called an "Ordinary Passport" and its validity depends on the age of the holder.

There are no specific timelines for requesting a new passport; the application can be filed well before the current passport expiration date. Under some circumstances, it is possible to apply for a second passport.

Details: <https://www.mazzeschi.it/2019/04/29/italian-passport/>

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Country Updates

FRANCE

The French government has issued a decree to implement Ordinance No. 2019-76 of 6 February 2019, which specifies the conditions for issuing residence permits to British nationals to continue their stay in France after the Brexit date, in the event of no exit agreement being reached between the United Kingdom (UK) and the European Union.

Decree no. 2019-264 of 2 April 2019 was published in the *Journal Officiel* on 3 April 2019. The following are the principal conditions of issuance of the residence permits to British nationals and their family members.

Transition period of 12 months. UK nationals and family members continuing their stay and professional activities beyond the Brexit date may do so for a maximum period of 12 months after the Brexit date. During this transition period, they do not need to possess a residence permit.

Residence permit application to be requested within 6 months following the Brexit. UK nationals who wish to remain in France beyond this transition period will have 6 months after the Brexit date to apply for one of the appropriate residence permits.

How to apply for a residence permit. The decree details the documents that UK nationals and their family members will provide in support of their application according to the appropriate residence permit for which they are eligible.

Tax amount. The amount of the tax due for the issuance of a residence permit is reduced to 100 euros for British nationals and their family members instead of 269 euros applicable to third-country nationals.

Details: Client alert, <https://www.karlwaheed.fr/wp-content/uploads/2019/02/Ordonnance-BREXIT-n°-2019-76-of-6-February-2019-Client-Alert-13-02-2019.pdf>

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ITALY

The Italian government has announced the numbers of foreign workers to be allowed into Italy in 2019. Also, there has been a new Italian citizenship scam, with more than 1,500 cases involved.

Numbers of foreign workers announced. The Italian government has announced a cap of 30,850 on the number of workers from outside the European Economic Area to be allowed into Italy for 2019. The decree, dated March 12, 2019, was published in the *Official Gazette* of April 9, 2019.

The figure and the categories of workers allowed this year are not very different from those announced in recent years. Once again, no quotas for standard sponsored employment have been issued (apart from a few exceptions).

More than half of the total is reserved to entries for seasonal work (18,000); the majority of the remainder is reserved to permit conversion (9,850) for foreign citizens already in possession of a residence permit in Italy or the European Union (study, seasonal work, permanent) intending to change status, i.e., to convert the existing permit into a permit for employment/self-employment.

The remaining few are for self-employment work (2,400) and special categories of foreigners (600) (such as South American citizens with Italian ancestors or individuals who have completed a specific training in their country of residence).

Citizenship scam. The Public Prosecutor's Office in Rome and the Rome Police recently shut down an organized crime group run by an official in the Ministry of the Interior, which granted Italian citizenship to people who were not entitled to it by exploiting access to the SICITT computer system used by the Department of Civil Liberties and Immigration in the Ministry of the Interior to process Italian citizenship applications.

The President of the Italian Republic has already revoked the status of some of these new Italian citizens by stripping them of their Italian citizenship because they did not meet the legal requirements. Those desiring Italian citizenship are warned to be wary of any agencies or advisors offering to help obtain Italian citizenship easily or in a very short period of time, and regardless of the applicant's residency in Italy for the necessary minimum time required, criminal history, or insufficient income.

Details: Numbers of foreign workers, <https://www.mazzeschi.it/news/italy-decreto-flussi-2019-announced/>; citizenship scam (in Italian), http://www.ansa.it/sito/notizie/cronaca/2019/05/20/pratiche-di-cittadinanza-sospette-6-arresti-19-indagati_3d4af0cc-6bb3-40aa-a705-323feccd8eeb.html

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RUSSIA

There has been a variety of developments: Companies inviting foreign nationals will soon have more responsibilities. President Putin has simplified the citizenship process for certain categories. Deported foreign citizens will have to compensate Russia for expenses related to their deportation. There are also updates on admission for the International Tchaikovsky

Competition in Moscow and St. Petersburg, visa-free travel between Russia and Cape Verde, and UEFA Euro 2020 (soccer competition) migration issues. Also, there are new state fee payment certificate requirements for invitation letters. HIV Certificate requirements were recently approved by the Ministry of Health. Visa formalities between Iranians and Russians have been simplified for entrepreneurs. Visa-free travel for Russian citizens is now allowed to Suriname. The Federal Penalty Execution Service will be added to the list of agencies that can decide on the desirability of stay of foreign citizens in Russia, and the Ministry of Justice will be removed, starting January 1, 2020. The application process for residence permits has been simplified for certain categories of foreign nationals. The Economic Development Ministry has proposed lowering the minimum salary level for Highly Qualified Specialists. A new accreditation card will allow participants in certain international cultural mass events to enter Russia visa-free for the defined period of such events.

Companies Inviting Foreign Nationals Will Soon Have More Responsibilities

New procedures to be followed by companies inviting foreign nationals has been submitted for governmental review and final approval. In particular, the new regulations require that companies sponsoring visas for foreign nationals must take several measures to ensure that the invited foreign national complies with restrictions on the purpose of stay established by the visa, as well as the authorized period of stay, and exits Russia in a timely manner.

Among other things, companies will need to notify an invited foreigner staying longer than 10 days about these requirements, and issue reminders of visa expiration and the need to leave Russia. If an invited foreigner does not comply, the company must notify the Ministry of Internal Affairs.

These requirements will not be applied to embassies and consulates of foreign countries or representative offices of international organizations.

Putin Simplifies Citizenship Process for Certain Categories

President Vladimir Putin issued Order #187 on April 29, 2019, which introduced new categories of foreign citizens and stateless persons who can apply for Russian citizenship following a simplified procedure. Also, on April 24, 2019, President simplified the procedure for obtaining Russian citizenship for residents of Donetsk and Lugansk.

The simplified procedure for obtaining Russian citizenship means that an application for Russian citizenship can be filed regardless of the time during which the foreigner lived in Russia and/or had a Residency Permit.

Apart from residents of Donetsk and Lugansk Republics, the following categories of foreign nationals received the right to apply for Russian citizenship following the simplified procedure:

Ukrainian nationals, stateless persons and their children (including adopted), spouses and parents:

1. who don't have citizenships of other countries, and
2. who were born and permanently reside in the territories of Crimea and Sevastopol, and
3. who exited these territories until March 18, 2014;

Ukrainian nationals, stateless persons as well as their children (including adopted), spouses and parents who have a:

1. TRP (Temporary Residence Permit);
2. PRP (Permanent Residence Permit);

3. Refugee Certificate;
4. Certificate confirming the grant of temporary refuge; or
5. Certificate of the participant in the state program for the returning of compatriots, residing abroad, to Russia

AND

6. Who permanently resided in the territories of Donetsk and Lugansk Republics before the April 7, 2014, and April 27, 2014, respectively;

Foreign citizens and stateless persons as well as their relatives, if they were unlawfully deported from Crimea;

Citizens of the Islamic Republic of Afghanistan, Republic of Iraq, Yemen Republic, and Syrian Arab Republic and their children (including adopted), spouses and parents:

1. who were born on the territory of the former RSFSR; and
2. had USSR citizenship.

The Presidential Order also introduces the application form that must be filed by the foreign citizens listed above. Applications must be filed at the local offices of the Ministry of Internal Affairs depending on the applicant's resident address.

The application must be supported by the following documentation:

- ✓ Confirmation of the person's ID and citizenship or statelessness;
- ✓ Medical test results confirming that the person is not addicted or infected and does not have HIV (there are exceptions to this requirement);
- ✓ Confirmations of family relationships (e.g., birth certificate, marriage certificate);
- ✓ Confirmation of authorization for the foreigner's stay in Russia (e.g., visa, migration card, TRP, PRP);
- ✓ Confirmation of residency in certain territories (e.g., extract from the tenant's book, copy of the utilities bill if there is no residency confirmation in the ID document).

An application for Russian citizenship can be denied if the foreign citizen or stateless person:

- Calls for violent change of the constitutional order;
- Participated in armed conflicts;
- Participated in extremist activities and poses a danger to the security of the Russian Federation and its citizens;
- Is banned from entering Russia;
- Used falsified documentation or supplied false information;
- Was a member of the armed forces of a foreign country or served in foreign security agencies;
- Has a criminal record that has not been expunged or has not expired yet;
- Is criminally prosecuted;
- Serves jail time;
- Participates in activities of an organization, including the list of organizations and persons who are considered to be involved in extremist activities and terrorism;
- Is the subject of a decision by an inter-department coordination council, which functions to prevent financing of terrorism, to block this person's accounts or properties; or
- Is the subject of a court decision blocking this person's bank account transactions and other operations with funds and property.

Applications must be reviewed within three months.

More on simplified procedures for Russian citizenship and residence permits. On May 7, 2019, the Russian government approved a number of bills that introduce simplified procedures for obtaining Russian citizenship as well as TRPs (Temporary Residence Permits) and PRPs (Permanent Residence Permits).

Qualified foreign specialists who have worked in Russia for 1 year will have the right to apply for Russian citizenship following a simplified procedure. Currently, such foreign citizens must work in Russia for 3 years before their citizenship applications can be considered. A list of professions of qualified foreign citizens and stateless persons is issued by the Ministry of Labor. For example, this list contains professions in high demand in the Russian labor market, such as doctors of various medical specialties, other medical professionals, engineers, locksmiths, technical professionals, electricians, and others.

The following categories of foreign citizens will be able to apply for Temporary Residence Permits without a quota:

- Residents of Ukraine; and
- Stateless persons who permanently reside in Ukraine and who received refugee status or obtained refuge in Russia.

Also it is suggested that the following categories of foreign nationals will receive the right to apply for PRPs without having to apply first for TRPs:

- Foreign nationals who were born in the RSFSR and who had USSR citizenship;
- Foreign nationals who were deported from Crimea as well as their relatives;
- Foreign nationals who were born in Russia and were adopted by foreign nationals (including highly qualified specialists) and others.

Finally, the bills introduce PRPs that will be issued for an unlimited period of time, with the exception of PRPs issued to HQS (Highly Qualified Specialist) work permit holders as well as qualified specialists and their family members. They will be issued 3-year PRPs.

A foreign citizen who receives an unlimited PRP will need to notify the local office of the Ministry of Internal Affairs regarding their residence in Russia annually. Once every 5 years, such notification must be filed in person. If the foreign citizen fails to file this notification 2 years in a row, the PRP will be annulled.

It is not yet clear when these bills will come into force.

Deported Foreign Citizens to Compensate Russia for Related Expenses

Currently, if a foreign citizen is deported or administratively removed from Russia, he or she must cover the costs of the procedure. If the foreign citizen lacks the funds, the "inviting party" must cover the costs, for example, a company or organization that issued the invitation letter. If the appropriate inviting party is not found, the federal budget covers the expenses. New proposed legislation under review says that in cases where federal funds are used, the foreign citizen must compensate the Russian government after their deportation/removal is complete. Such expenses may include flight/train/bus tickets for the foreign citizen and official accompanying him or her; the foreign citizen's stay in a facility until the deportation/removal is executed; and paperwork and other expenses related to the procedure.

International Tchaikovsky Competition

The 16th International Tchaikovsky Competition, which occurs every four years, will be held June 17 through 29, 2019, in Moscow and St. Petersburg. To simplify migration formalities for

participants, the government has introduced a bill to the State Duma that amends FL-115, "On the legal status of foreign citizens in Russia."

During the competition, the administration of the competition will not be required to apply for permission to employ foreign citizens to serve as jury members. Jury members will also not be required to obtain a work permit or patent to work in Russia.

Visa-Free Travel Between Russia and Cape Verde

On April 26, 2019, the Russian government issued an order to the International Affairs Ministry to sign, after the necessary negotiations take place, an agreement with the Cape Verde Republic that will allow visa-free travel between the countries.

According to the draft of the agreement, citizens of the two countries will be able to travel visa-free to the territory of the other country. The period of stay will not exceed 60 calendar days. The total period of stay within the specified timeframe will be set according to the legislation of each country. Russia uses the common rule of 90/180, which means that Cape Verde citizens would be able to stay in Russia for 90 days out of each 180 days.

Article 8 of the agreement draft provides that countries can deny entry or shorten the period of stay for the citizen of the other country if the presence of the foreign national would be considered undesirable.

Also, if citizens of one country decide they wish to perform work activities, study, or reside in the other country, they will be required to apply for the appropriate visa.

UEFA Euro 2020 Migration Issues

Legislation was amended in May 2019 to provide for the preparation and management of an upcoming soccer event, the European Cup UEFA (Union of European Football Associations) 2020. Migration formalities will be simplified for the participants, volunteers, and spectators of UEFA Euro 2020.

The "UEFA Euro 2020 preparation period" is from June 1, 2019, until the date defined as 1 month before the date of the first match of UEFA Euro 2020. The "UEFA Euro 2020 period" is calculated from the date when the preparation period is over until December 31, 2020.

Foreign citizens participating in UEFA Euro 2020 (organizers) will receive multiple-entry ordinary business/work visas at Russian consulates abroad for a period of up to 1 year with the possibility to extend work visas in Russia. Applications must be filed on the basis of invitation letters, which in turn will be issued on the basis of applications from the Russian Football Association or its local organization, provided that applicants are included on official FIFA/UEFA lists. Visa applications will be processed within three business days, and payment of consular fees or other processing fees will not be required. Extension of work visas will be based on the application from the Russian Football Association or its local organization.

Such foreign citizens will be able to work in Russia without the need to obtain work permits or patents.

Sportsmen (competition participants) will receive multiple-entry ordinary humanitarian visas at Russian consulates abroad. Applications must be filed on the basis of invitation letters, which will in turn be issued on the basis of applications from the Russian Football Association or its local organization, provided that applicants are included on official FIFA/UEFA lists. Applications will be processed within three business days, and payment of consular fees or other processing fees will not be required.

Such foreign citizens will not need to obtain work permits or patents.

Foreign citizens will be able to use public transport in St. Petersburg and Leningradskaya Region for free during the competition period.

Volunteers will receive either 1-entry or 2-entry ordinary humanitarian visas at Russian consulates abroad for a period of up to three months or multiple-entry ordinary humanitarian visas for a term of up to one year with the possibility of a continuous stay of not more than 180 days. Visas will be issued on the basis of invitation letters that will be based on applications from the Russian Football Association or its local organizations.

Volunteers will be able to perform work activities in Russia without a work permit. Organizations that will use their labor will not be required to apply for permission to engage foreign labor. Such organizations will not need to file any notifications to authorities connected with employment of volunteers.

Spectators will be able to enter Russia without a visa during the period starting 14 days before the first match in St. Petersburg until the day of the last match in St. Petersburg plus 10 calendar days after that date.

To enter Russia as a spectator without a visa, the person must bring a passport and a personal spectator card (Fan ID).

UEFA Euro 2020 spectators will be able to use public transport for free in St. Petersburg and the Leningradskaya region during the competition period.

For UEFA Euro 2020 suppliers, media specialists, and other employees of such organizations, companies that will supply products or services for UEFA Euro 2020 as well as media organizations will be able to apply for the permission to engage foreign labor using a simplified procedure. Processing of such applications will be accelerated. Also, foreign employees of such organizations will be able to apply for work permits and patents using simplified and accelerated procedures. Government fees for processing applications for such permits as well as invitation letters will not be charged.

Workers of accredited media organizations will be able to use public transport in St. Petersburg and the Leningradskaya region free of charge during the competition period.

Address registration during UEFA Euro 2020

For the period of UEFA Euro 2020, the following categories of foreign nationals will not have to be registered:

- Foreign citizens and stateless persons participating in UEFA Euro 2020 events;
- Sportsmen; and
- FIFA representatives.

Currently, registration rules for other foreign citizens during UEFA Euro 2020 are not changed. During FIFA Cups 2017 and 2018, for security reasons, the rules were changed by presidential order. For example, during FIFA Cup 2018, all foreign citizens regardless of visa type were required to register address within three calendar days of arrival (including highly qualified specialists and their family members). Also, registrations through the Post Office were banned.

No amendments to this presidential order have been issued, although it is highly likely that in 2020 similar security measures will be introduced.

New State Fee Payment Certificate Requirements for Invitation Letters

According to the Internal Affairs Ministry Moscow office, as of May 27, 2019, documents for invitation letters are being accepted only with the state fee payment certificate showing that the fee has been paid directly from the inviting company's bank account.

It is not mandatory (but preferred) to provide the original payment certificate verified by the bank that made the transfer. It is allowed to provide the state fee payment certificate with the original inviting company's stamp. The full name of the invited person on the payment certificate is also required, but it is possible to enter the name by hand.

Also, the payment certificate can be filed not only with the application for the invitation letter but also when collecting the approved invitation letter, *except when the application is filed for the so-called electronic invitation letter* (when the immigration authority sends an approved electronic invitation letter directly to the consulate through official channels of the Ministry of Foreign Affairs). In such cases, the payment certificate should be filed exclusively with the application forms.

HIV Certificate Requirements

HIV Certificate requirements were recently approved by the Ministry of Health. The Ministry of Health Order was registered by the Ministry of Justice on May 6, 2019. The document introduces the unified HIV Certificate template, which must be used from now on. Information in the Certificate will be presented both in Russian and in English. The validity remains the same, three months.

Iran—Simplification of Visa Formalities for Entrepreneurs

As of May 8, 2019, visa formalities for entrepreneurs have been simplified between the Islamic Republic of Iran and the Russian Federation. Previously, to confirm the purpose of the visit of an Iranian national to Russia, entrepreneurs and representatives of organizations of entrepreneurs had to obtain a letter from the inviting national association of manufacturers and entrepreneurs, such as the Trade and Industry Chamber or Russia Union of manufacturers and entrepreneurs. Now to confirm the purpose of such a visit, it is enough to get a letter from the inviting party (legal entity, its branch, government, or local authority).

Suriname—Visa-Free Travel

As of May 13, 2019, Russian citizens can travel to Suriname without a visa and stay in that country for up to 90 calendar days. Suriname citizens can also travel to Russia visa-free and stay for up to 90 calendar days out of every 180 days. Citizens of one country who would like to stay or reside in the territory of the other country for more than 90 calendar days, or perform work or commercial activities, must apply for a visa.

Russia to Add Agency to List of Those Deciding on Desirability of Stay of Foreign Citizens

The Russian government will add the Federal Penalty Execution Service (FPES) to the list of governmental agencies that can issue decisions on the desirability of stay of foreign citizens in Russia (except for cases when such a decision is issued due to a threat to public health). The Ministry of Justice was charged with the task of issuing decisions on the desirability of stay of foreign citizens in Russia who committed serious crimes while staying in the country or who were in prison in Russia for committing such crimes. Now these rights will be transferred to the FPES as of January 1, 2020.

Residence Permit Process to be Simplified for Certain Foreign Nationals

A bill that introduces a simplified procedure for TRP (temporary residence permit) and PRP (permanent residence permit) applications for several categories of foreign nationals has been submitted to the State Duma for review. The State Duma representative confirmed that it intends to review the bill as a high priority.

Apart from amendments suggested earlier by the government in this area, such as Ukrainians receiving TRPs without the need to apply for the TRP quota place first, as well as shortening the application review period to four months, the bill makes clear one of the most popular bases for TRP application rejection: when a foreign national is confirmed to have spent more than six months outside of Russia. Thus, the bill provides that a TRP application will be rejected and an issued TRP will be annulled if a foreign national has spent more than six months in total outside of Russia during one calendar year (with an exception for cases when the foreign national could not leave the territory of the foreign country due to emergency medical treatment or serious illness, or death of a close relative, as well as for cases when a foreign national spent more time outside of Russia due to work).

Additionally, the bill provides for a foreign national to apply for the annulment of a TRP. At present, this procedure is not clarified by law, which leads to complexities in cases when, for example, a TRP holder has to work in another Russia region than the one where he or she was issued the TRP and apply for the work permit there. Ordinarily, a TRP holder can only perform work activities in the Russian region where he or she was issued the TRP.

The bill also introduces a list of categories of foreign citizens who have the right to apply for the PRP without the need to first file for the TRP and live for one year on its basis in Russia.

Economic Development Ministry Proposes Lowering Minimum Salary Level for Highly Qualified Specialists

To attract more qualified foreign labor, the Economic Development Ministry has proposed that a minimum salary level for HQS (Highly Qualified Specialists) should be lowered. At the moment, the minimum salary level, with exception of those working in special economic zones and scientific institutions, is 167,000 RUB gross per month.

The Ministry also proposed that one should be able to receive HQS status via the Internet on the basis of work experience information. Additionally, the Ministry would prefer that HQS be offered Russian citizenship without the need to renounce their current citizenship.

Finally, the Ministry has proposed that foreign nationals who graduated from Russian universities should be able to apply for Russian citizenship following a simplified procedure, again without the need to renounce their current citizenship.

Accreditation Card to Allow Visa-Free Entry for International Cultural Mass Events

A Ministry of Culture Order has introduced the accreditation card, which will allow participants in international cultural mass events to enter Russia visa-free for the defined period of such events. The list of the events during which visa-free travel is allowed is confirmed by the government, including:

- International Tchaikovsky Competition
- Saint-Petersburg International Cultural Forum
- Moscow International Education Salon
- International Championship «Worldskills»

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TURKEY

There have been several developments: The General Migration Directorate (MD) is eliminating postal filing of residence permit renewal applications. Turkey has increased efforts to attract foreign investment. Foreigners must now obtain "E-devlet" online accounts to obtain certain documents and information.

Elimination of Postal Filings of Residence Permit Renewals

Further to this end, the MD has closed its office in Bakirkoy, Istanbul, which had been the only office designated to handle postal renewal applications of residence permits in Istanbul. According to officers there, renewal applications already received will be transferred to the Vatan (Istanbul) main office.

Practitioners say this is a surprising development, as it appears to be a step to significantly alter the way renewal applications are handled. They recommend not pursuing postal renewal applications and instead filing new initial applications via interview to extend residence permits.

Details (Turkish): Istanbul government site, <http://istanbul.goc.gov.tr/tr/news/ikamet-izni-uzatma-basvurularinda-yeni-donem>

Increased Efforts to Attract Foreign Investment

Turkey wishes to increase foreign investment, so has "jumped on the bandwagon" to utilize immigration laws to do so. Regarding residency through investment, Turkey has a category of residence permit based on real estate investment, but this category is rarely used because the benefit over other residence permit categories is minimal. Most foreigners can qualify for a short-term residence permit without an investment in real estate or a business.

Turkey's citizenship regulations allow those wishing to pursue Turkish citizenship to do so under several categories, such as capital investments, government debt instruments, investing in a business that employs 50 Turkish nationals, and venture capital investments. The threshold amounts required for investment were lowered in 2019, and real estate investments as low as US \$250,000 now qualify. Clearly, investment in real estate has captured interest internationally because the threshold amount in Turkey is lower than for most other investment citizenship programs.

Citizenship by investment is a five-step process: (1) obtaining a Valuation Report, (2) issuance of a Certificate of Compliance, (3) filing a Residence Permit application, (4) filing address registration, and (5) filing a citizenship application. For those applicants who have already purchased a qualifying real property or made another qualifying investment, the process from valuation report to citizenship grant can be as little as 6 months.

New Requirement for E-devlet Accounts for Foreigners

The Populations Registry has stated that foreigners must obtain an "E-devlet" account to obtain certain documents and information, such as renewed address registrations. The Populations Registry will no longer issue renewed address registration confirmations in person. Foreigners must now obtain a renewed address registration online via E-devlet as Turkish nationals do.

E-devlet is an online system maintained by the Interior Ministry that allows individuals in Turkey to have access to much of their personal information generated by various Turkish government agencies. The E-devlet system includes the account-holder's Turkey-related information such as

address registration, police and court background, Social Security records, retirement information, tax records, property ownership, and educational degree information. In general, information related to non-Turkey institutions or agencies is not included.

A foreigner with a Turkish ID number may obtain an E-devlet account by visiting a local PTT (Turkish post office) with his or her work permit card and requesting issuance of a password. Upon issuance of a password, the assignee uses it to log into the E-devlet system and create an account. Unfortunately, the E-devlet website is only in the Turkish language, and the PTT officers rarely speak any language other than Turkish. Therefore, most foreign assignees will need assistance.

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UNITED KINGDOM

Eligible nationals of the United States and six other countries can now use electronic passport control gates when they enter the United Kingdom (UK).

The new electronic passport control system is intended to speed entry to the UK for people traveling on business or for tourism. In addition to nationals of the United States, e-gates are now open to passport holders of Australia, Canada, Japan, New Zealand, Singapore, and South Korea.

Business travelers and their employers are advised to bear in mind that the same restrictions apply to people entering as visitors regardless of whether they are stamped in by an Immigration Officer or use an e-gate. Visitors are not allowed to work or study in the UK except in very limited circumstances. They also cannot live in the UK for extended periods.

The Home Office already collects entry and exit data from airlines and other carriers taking people to and from the UK. Anyone using e-gates can also expect to have their movements tracked. If a visitor appears to be spending most of their time in the UK, they will run into trouble, whether or not they use e-gates.

Details: <https://www.kingsleynapley.co.uk/insights/news/immigration-update-e-gates-open-to-us-citizens-and-others-from-20-may-2019>

New Publications and Items of Interest

Alliance of Business Immigration Lawyers:

- The latest immigration news is at <http://www.abil.com/news.cfm>.
- The latest published media releases include:
 - ABIL Says Proposed Change to Public Charge Rule Would Exclude Immigrants from Government Programs:
https://www.prweb.com/releases/abil_says_proposed_change_to_public_charge_rule_would_exclude_immigrants_from_government_programs/prweb15737932.htm
 - New Data Show Increase in H-1B Denials and RFEs:
https://www.prweb.com/releases/new_data_show_increase_in_h_1b_denials_and_rfes/prweb15673632.htm
 - ABIL Urges Administration to Change "Buy American and Hire American" Executive Order: <http://www.prweb.com/releases/2018/05/prweb15485457.htm>
 - ABIL Member Kuck Baxter Immigration Commercial Nominated for an Emmy: <http://www.prweb.com/releases/2018/05/prweb15485460.htm>
 - ABIL Members Note Immigration Threats for Employers in 2018: <http://www.prweb.com/releases/2018/03/prweb15261255.htm>

- ABIL is available on Twitter: @ABILImmigration.
- Recent ABIL member blogs are at <http://www.abilblog.com/>.

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ABIL Member/Firm News

In *Chambers USA 2019*, a guide to leading lawyers in the United States:

- **25 ABIL lawyers** were ranked in the top bands
- **ABIL lawyers represent half of the top-ranked** ("Band 1") attorneys in immigration

This means that an **Alliance of Business Immigration Lawyers (ABIL)** lawyer is over 15 times more likely to be ranked in the top band than the average immigration attorney.

More information: <https://chambers.com/guide/usa?publicationTypeId=5>

Several members of ABIL have authored articles for the inaugural *AILA Law Journal*, a publication of the American Immigration Lawyers Association:

- **Kehrela Hodkinson** (bio: <http://www.abil.com/lawyers/lawyers-hodkinson.cfm>), "Renunciation of U.S. Citizenship: Why Would a Client 'Give It All Up?'"
- **Cyrus Mehta** (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>), "The Curse of *Kazarian v. USCIS* in Extraordinary Ability Adjudications Under the Employment-Based First Preference"
- **Angelo Paparelli** (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>), "USCIS's Fraud Detection and National Security Directorate: Less Legitimate Than Inspector Clouseau, But Without the *Savoir Faire*"

All three of the ABIL members listed above are also on the publication's Board of Editors, along with **William Stock**, of **Klasko Immigration Law Partners, LLP**. The publication is at <https://drive.google.com/file/d/1nKGNp54xJSgWWFtyAfd5jHqtGOXIf-s/view>.

Dagmar Butte (bio: <http://www.abil.com/lawyers/lawyers-butte.cfm?c=US>) was quoted by Wired in "Visa Rejections for Tech Workers Spike Under Trump." Ms. Butte said she began noticing a spike in denials shortly after President Trump took office. In 2017, she said, she filed numerous applications on behalf of one IT client, only to have them all rejected, a first in her nearly three-decade career. "I thought: Did I suddenly get stupid?", she said. In her experience, the article notes, the H-1B visa holders who have been hardest hit are systems analysts and quality assurance analysts employed through outsourcing firms. These applicants are increasingly being told that their jobs are not considered specialized, although those determinations appear to be applied unevenly, she noted. In one instance, she filed 16 applications for systems analysts; all had the same expertise and educational attainment but two were denied. Ms. Butte noted that it would have been dangerous to challenge the denials on the basis that other similarly skilled applicants were approved. "If I were to point that out, they would not approve the two denied cases; they would just reopen and deny the 14 approved cases," she noted, adding that this has happened to some of her firm's clients. "When the denials come, it's devastating. They leave everything behind." The article is at <https://www.wired.com/story/h-1b-visa-rejections-spike-under-trump/>.

Ms. Butte was quoted by *Recode* in "New Immigration Rules Could Prevent Our Next Elon Musk." The article notes that although Silicon Valley is focused more on experience and entrepreneurship than on advanced degrees, USCIS is actively increasing the percentage of master's degree candidates selected for the H-1B program. Ms. Butte noted that "[t]ech companies spend a lot of time looking at skill sets which may or may not be tied to a degree. Usually they are experiential as opposed to being part of an advanced degree." The article is at <https://www.recode.net/2019/4/15/18306724/trump-immigration-rules-h1b-elon-musk-masters->

degree.

Laura Devine Solicitors won several awards recently:

- Immigration Law Firm of the Year award by Citywealth Magic Circle Awards. Details: <https://www.citywealthmag.com/awards/magic-circle-awards/results-new>
- Corporate Immigration Lawyer of the Year (Laura Devine, bio: <http://www.abil.com/lawyers/lawyers-devine.cfm?c=UK>) by Who's Who Legal. Details: <https://whoswholegal.com/profiles/20550/0/devine/laura-devine/>
- Commendation for immigration by The Times Best Law Firms. Details: <https://bit.ly/2M6XtoV>

H. Ronald Klasko, of **Klasko Immigration Law Partners, LLP**, has authored a new blog entry on the immigration law ramifications of unlawful presence litigation. A positive development in unlawful presence litigation occurred this week when Judge Loretta C. Biggs rejected the government's Motion to Dismiss. Her decision also enjoins the implementation of USCIS's unlawful presence policy issued on August 9, 2018, nationwide because of the "likelihood of success" of the plaintiffs' challenges. Mr. Klasko, co-counsel and an immigration subject matter expert on this litigation, provides background on the issue, the ramifications of this decision, and what it means for affected institutions and foreign nationals. Additionally, he examines the nationwide impact of this decision and what that means for a litigation strategy on other issues of significant importance. The blog is at <https://bit.ly/2LLsr6a>.

Klasko Immigration Law Partners, LLP, announced that the final installment in its blog series, "Strategies for Success Series: Analyzing AAO Decisions," is available now at <https://bit.ly/2lb9bdc>, "To Extraordinary and Beyond." The second blog in the series was "Sink OR Swim: Strategies for Outstanding Researcher Success" (<https://bit.ly/2K6Yk6K>). The first blog in the series was "Learning Opportunities: Strategies for O-1 Success" (<https://bit.ly/2HrTWxn>).

Mr. Mehta has authored several new blog entries. "Making the Case for Expanding a Foreign National's Interest in an I-140 Petition" is at <http://blog.cyrusmehta.com/2019/06/making-the-case-for-expanding-a-foreign-nationals-interest-in-an-i-140-petition.html>. "Judge Issues Nationwide Preliminary Injunction in Unlawful Presence Case: What Does the Injunction Mean for Current F, J, and M Nonimmigrants?" is at <https://bit.ly/2VoBCZO>. "Positive Changes to 90-Day Misrepresentation Guidance in the Foreign Affairs Manual—Especially for Foreign Students" is at <https://bit.ly/2ZIZ72M>. "Are the Canadian and U.S. Refugee/Asylum Processes Really 'Similar Enough'? How the New Refugee Bar in Bill C-97 Is Based on a Misunderstanding of U.S. Asylum Law" is at <https://bit.ly/2XhHOUA>. "Is the USCIS Improving or Undermining the Immigration System Through Its Top Ten Ways?" is at <http://blog.cyrusmehta.com/2019/04/is-the-uscis-improving-or-undermining-the-immigration-system-through-its-top-ten-ways.html>.

Sophia Genovese, of **Cyrus D. Mehta & Partners PLLC**, has authored a new blog entry. "G Barr Cannot Ignore the Constitution: The AG's Latest Attack on Asylum Seekers in Matter of M-S-" is at <https://bit.ly/2XHWrRg>.

David Isaacson, of **Cyrus D. Mehta & Partners PLLC**, has authored a new blog entry. "Challenges to Expedited Removal Orders Against Returning Nonimmigrants: How Recent Case Law Supports Habeas Petitions Even After Removal" is at <https://bit.ly/2YmmZlc>.

Mr. Mehta and **Rebekah Kim** co-authored a new blog entry. "Questions Arising From Foreign Entity Changes After an L-1 Petition is Approved" is at <http://blog.cyrusmehta.com/2019/05/questions-arising-from-foreign-entity-changes-after-an-l-1-petition-is-approved.html>.

Mr. Paparelli has authored a new blog entry. "Immigration Haunting: Social Security Administration Resumes Issuing No-Match Notices" is at <https://bit.ly/2Q9ufUV>.

Rodrigo Tannus (bio: <http://www.abil.com/lawyers/lawyers-tannus.cfm?c=CO>) has authored several new articles in *Diario la Republica*:

- "Beneficios migratorios de acuerdos comerciales," <https://www.asuntoslegales.com.co/analisis/rodrigo-tannus-serrano-510256/beneficios-migratorios-de-acuerdos-comerciales-2841498>
- "Reforma migratoria en Colombia," <https://www.asuntoslegales.com.co/analisis/rodrigo-tannus-serrano-510256/reforma-migratoria-en-colombia-2844618>

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted in various publications regarding President Trump's legal immigration reform plan:

- Time.com: "It would be a big departure from our current system. Right now two-thirds of all immigrants who are admitted are based on some kind of family characteristic." <http://time.com/5590730/trump-immigration-plan-congress/>
- Daily Mail (UK): <https://www.dailymail.co.uk/wires/afp/article-7037547/Trump-unveil-radical-immigration-overhaul.html>
- Agence France Presse (AFP): many publications, including <https://news.yahoo.com/trump-unveil-radical-immigration-overhaul-153256196.html>
- Hindustan Times: <https://www.hindustantimes.com/india-news/jobs-not-family-ties-key-to-us-immigration/story-uQcIMiErVbuvzRUBn59DBN.html>
- Business Recorder: <https://www.brecorder.com/2019/05/16/497515/trump-to-unveil-radical-immigration-overhaul/>
- Business Insider: <https://www.insider.com/trump-immigration-bill-2020-election-strategy-2019-5>

Mr. Yale-Loehr was quoted by the *Associated Press* in "Border Patrol Expands Fingerprinting of Migrant Children," which was published in many outlets. "DHS may claim that they can get around this bar [against taking biometric data from children] by getting parental permission, but that interpretation is subject to court challenge. To do this legally, DHS needs to go through the rulemaking process to change the regulation." The article is at <https://bit.ly/2XJBdSY>.

Mr. Yale-Loehr was quoted by *Mercury News* in "South Bay Pair Gamed EB-5 Visa Program for Millions in Profit from Wealthy Investors." Mr. Yale-Loehr noted that the United States issues 10,000 EB-5 green cards each year. Most go to investors' family members, he said, but that still leaves thousands of investors who each pour at least \$500,000 into U.S. companies. "You can do the math — that's a lot of money that helps, or at least can help, stimulate the U.S. economy and create jobs for U.S. workers. But it is complex and it has to be done well." Congress reauthorized the EB-5 program through September 2019. Mr. Yale-Loehr noted that as the expiration date approaches each year, "Congress talks about revamping the EB-5 program," but then "the political gridlock sets up and they can't get an agreement on substantive changes, so they kick the can down the road." The article is at <https://www.mercurynews.com/2019/04/07/pair-gamed-eb-5-visa-program-for-millions-in-profit-from-wealthy-investors-feds-say/>.

Mr. Yale-Loehr was quoted by the *Guardian* in "Trump Administration Moves Spark Fears of New Immigration Crackdown." He noted that without action by Congress, which has declined to join Trump in most of his immigration initiatives, the administration's legal options for altering policy are limited. The fastest way to accelerate the deportation of asylum seekers could be by expanding expedited removal, which could allow removals of migrants within 100 miles of the border up to 14 days after crossing. "But they would have to do that through a rule – they couldn't just announce it. And so it would take some time to go through the rulemaking process." He added, " This administration doesn't seem to have a coherent policy. It seems that the president simply wants to score political points by seeming to be tough on immigration without really thinking through the best way to get to the root cause of why people are fleeing violence

in Central American countries to come to the United States. The rules are already stacked against immigrants trying to stay in the United States, and this administration is trying to make it even harder but without thinking through the consequences." The article is at <https://www.theguardian.com/us-news/2019/apr/09/trump-immigration-policy-family-separations>.

Mr. Yale-Loehr was quoted by Syracuse.com in "Path for International Basketball Players at Syracuse Requires Patience, Hope." The article notes that embassy officials want to ascertain whether students will return to their home countries once they complete their educations. "That can be either easy or hard to prove depending on what country you're coming from. We usually give the benefit of the doubt to Canadians and say, 'I think you will go back.' If it's an African country, it may be very hard to get a student visa because the consular office does not think the person really plans on going back." The article is at <https://www.syracuse.com/orangebasketball/2019/04/path-for-international-basketball-players-at-syracuse-requires-patience-hope.html>.

Mr. Yale-Loehr was quoted in several publications regarding President Trump's threat to close the U.S. border with Mexico:

- CNN: Mr. Yale-Loehr noted that the President would run into problems if he closed the entire border to green card holders and U.S. citizens: "They could argue that doing so violates their First Amendment rights to freedom of association and travel." <https://www.cnn.com/2019/04/01/politics/fact-check-can-trump-close-the-border/index.html>
- Univision (Spanish): "Las amenazas de Trump en la frontera y el corte de la ayuda a los países centroamericanos (como castigo por no detener las oleadas de inmigrantes en busca de asilo) pueden ser ilegales y, desde luego, una tontería." <https://www.univision.com/noticias/inmigracion/veto-migratorio-parte-dos-cerrar-la-frontera-sur-solo-agravara-los-problemas>
- Sinclair Broadcast Group, many newspapers: "Any effort to close the U.S.-Mexico border or cut off aid is doomed to failure. It is like stopping funding for cancer research on the theory that fewer cancers will occur. We need more foreign aid, not less, to attack the root conditions of poverty and violence in Central America so fewer people in those countries will flee to the United States." <https://abcnews4.com/news/nation-world/trump-looks-to-cut-aid-and-close-border-but-dems-experts-call-moves-counterproductive>
- Law360: Mr. Yale-Loehr noted that the first version of President Trump's travel ban raised similar concerns. If the President issued a narrower proclamation closing the border only for asylum-seekers, they could argue that this violates INA 208(a)(1), which provides that any migrant physically present in the United States or who arrives in the United States, whether or not at a designated port of arrival, can apply for asylum. Available by registering or subscribing at <https://www.law360.com/articles/1145316/trump-proposal-to-close-border-could-create-legal-quagmire>
- USA Today: "We'd be shooting ourselves in the foot by closing the border. It's like stopping funding for cancer research on the theory that we'll get fewer cancers." <https://www.usatoday.com/story/news/politics/2019/04/03/donald-trump-faces-logistical-nightmare-closing-u-s-mexico-border/3337332002/>
- Business Insider: "The legal challenges to a border declaration will depend on what President Trump does. If President Trump closed the border to green card holders and U.S. citizens, they could argue that doing so violates their First Amendment rights to freedom of association and travel." <https://www.businessinsider.com/us-mexico-border-closed-what-could-happen-2019-4>

Mr. Yale-Loehr was quoted by *WENY* regarding a failed EB-5 project in upstate New York. <https://www.weny.com/story/40231467/lawsuit-horseheads-hotel-project-is-illusion-for-foreign-investors-looking-for-green-cards>

Mr. Yale-Loehr was quoted by *Bloomberg Law* regarding a 10 percent immigration surcharge proposal in the Trump administration's budget request to Congress. It "seems minimal," he noted, but "would have a real detrimental impact on many people who can ill afford these increased filing fees." He said the surcharge is likely "dead on arrival," noting that even the Trump administration thinks "that such a change will only occur with congressional approval" and "the Democrats would never agree to this." Further, he noted, "Some employers already are balking at the high filing fees for needed employees. Adding a 10 percent surcharge will make it even more financially onerous. We may see fewer H-1B petitions being filed as a result." Available by registering or subscribing at <https://news.bloomberglaw.com/daily-labor-report/big-immigration-impact-could-come-from-modest-deficit-proposal>.

Mr. Yale-Loehr was quoted by *Voice of San Diego* in an article about a California county's asylum policy lawsuit. Mr. Yale-Loehr agreed that the federal government's failure to follow rulemaking procedures was the county lawsuit's most potent argument. "I think it's a good lawsuit and they raise serious allegations. We'll just have to wait to see which judge they get." <https://www.voiceofsandiego.org/topics/government/heres-what-legal-experts-think-is-the-strongest-argument-in-the-countys-asylum-policy-lawsuit/>

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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 370 member lawyers and their 800 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' website 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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