



# GLOBAL IMMIGRATION UPDATE

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## Country Updates

### BRAZIL

*The new Hague Apostille Convention has entered into force in Brazil.*

On August 14, 2016, the Apostille Convention (Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents) entered into force in Brazil.

As a result, international circulation of public documents between Brazil and other signatory countries has been greatly simplified. The lengthy and burdensome consular authentication process is being replaced by the issuance of an "apostille."

Before, a Brazil-issued document was recognized as valid in the signatory countries only if its original had been verified by local authorities and then legalized by the consular authority in Brazil. As of August 14, the consular legalization step is no longer necessary. Authorities in charge of handling the process are the "Cartórios"—notary offices in the capitals of the Federated States listed at

<http://translate.google.com.br/translate?u=http://www.cnj.jus.br/poder-judiciario/relacoes-internacionais/convencao-da-apostila-da-haia&sl=pt&tl=en&hl=&ie=UTF-8>. By means of the apostille instrument, authorized Cartórios will attest to the validity of public documents to be presented in any of the Hague Convention signatory countries.

The Apostille will also be applied to the translations of the same public documents provided that they are performed by sworn public translators included in the lists prepared by relevant authorities of the Federated States.

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### CHILE

*The new Hague Apostille Convention has entered into force in Chile.*

Effective August 30, 2016, the Apostille Convention was implemented in Chile. As a result, documents issued in Chile and certified with an apostille will be recognized in any other Apostille Convention member country. Likewise, apostilled documents from any other signatory country will be accepted in Chile without additional certifications.

The Foreign Ministry of Chile has launched a website dedicated to the Apostille process, <http://apostilla.gob.cl/>.

Until now, the validity of any document issued by Chile was recognized in some countries only if its original had been verified by local authorities and then legalized by the consular authority in Chile. The implementation of the Hague Convention has streamlined this process, making the lengthy and expensive steps of the consular legalization process no longer necessary and facilitating the procurement and international circulation of public documents between Chile and other signatory countries.

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## EUROPEAN UNION

*The European Union Parliament proposes a Europe-wide electronic entry-exit program for non-EEA nationals.*

The European Union (EU) Parliament is proposing to introduce an EU Entry/Exit System (EES), similar to the Electronic System for Travel Authorization (ESTA) program in place for visitors to the United States. The EES will cover border crossings by all non-EEA nationals visiting the European Schengen area for short stays of up to 90 days. However, unlike ESTA, it will apply to both visa and non-visa nationals. At the present time, only visa nationals need to apply for a visa to visit countries within the Schengen area. As with the ESTA scheme, there will be collection of biometric data via fingerprinting and facial scans.

The new EES scheme has been piloted and agreement must now be secured from all EU member countries to implement it.

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## ITALY

*Several recent developments have been announced.*

### **Milan Immigration Office Tightens Requirements for Documents Proving Adequate Accommodation**

Pursuant to the publication of circular no. 35/0002777 dated July 14, 2016, the Milan Immigration Office has updated the list of documentation for highly skilled work permit applications filed pursuant to Articles 27 and 27-quater of Legislative Decree No. 286/98 (Italian Immigration Law).

In addition to rewriting the new lists on the basis of the ministerial guidelines, more burdensome documentary requirements have been set to provide evidence of adequate accommodation for applicants entering Italy with work visas and signing contracts of stay within 8 days in Milan.

The documents required, depending on the type of accommodation (owned/rental property or tourist accommodation) include:

Rental/Owned Property (i.e., under a registered written rental/purchase agreement):

1. Original and valid attestation of adequate accommodation (Housing Feasibility Certificate);
2. Original declaration signed by the tenant confirming the number of people living in the household (with copy of valid ID document attached);
3. Copy of *Cessione di fabbricato* (notification of property transfer to a foreign citizen) and relevant submission receipt (as specified in art. 7, law. 25/7/1998 n° 286);
4. Copy of valid ID document of the landlord/house owner who has signed #3 above; AND
5. Copy of lease agreement (or proof of ownership) along with receipt of registration with Revenue Office.

Tourist Accommodation Facility (e.g., hotel, B&B, self-catering, residence, serviced apartment)

1. Original reservation letter printed on accommodation facility letterhead, signed by a hotel representative. Reservation must be for at least 1 month from the day of appointment; and
2. Copy of valid ID document of hotel representative signing the letter.

Until now, the receipt of application of the housing feasibility certificate was considered enough to allow applicants to sign the contract of stay and therefore comply with the registration formalities. From now on, the attestation of adequate accommodation (Housing Feasibility Certificate) must be procured before the applicant arrives in Italy. Obtaining the certificate can take up to several months and the application is subject to the availability of the rental property documents (registered lease agreement included).

It is the employer's responsibility to guarantee a suitable accommodation. Finalizing accommodation arrangements at least 1 or 2 months before the prospective foreigner's entry date is recommended.

These are mandatory requirements. Unavailability of the required documentation will result in delays of the compulsory within-8-days registration procedure, non-compliance, and the inability to start work in Italy.

### **Clarification of New Provisions for Work Permit Applications Outside the Quota System—Intra-Company Assignments for Highly Skilled Workers**

Italy's Ministries of Interior and Labour recently issued a joint circular (no. 35/0002777, July 14, 2016) on the requirements for highly skilled work permit applications filed pursuant to Articles 27 and 27-querter of Legislative Decree No. 286/98 (Italian Immigration Law).

The Ministries' action falls within the framework of the European Agenda on Migration in an effort to promote Europe as an attractive destination for highly skilled migrants, students, and researchers and appears to be an effort to limit the discretionary power of local immigration offices and to streamline the application process by harmonizing requirements.

However, despite the efforts to harmonize the list of requirements throughout Italy, the ministerial circular did not have the desired effect. The circular is unclear and leaves room for interpretation with respect to what kinds of documents are required and how they need to be provided, and whether legalization is necessary in any case. Local authorities are interpreting some of the requirements inconsistently. With Italian local authorities being slow in implementing new regulations, many immigration offices throughout Italy are still working on their lists of required documents and have yet to disclose them.

The main new provisions on intra-company work permits for highly specialized personnel or managers/directors and highly qualified workers on assignment to Italy—the most common permits used by multinational groups—include:

1. Letter of assignment or support letter, with the content and format specified in the circular. This now must be countersigned by the worker for acceptance and must contain detailed information on the sending company and its affiliation with the Italian host entity; reasons for the assignment and details (e.g., duration, salary); information on the assignee (e.g., hiring date, job role, qualification and sector of activity, educational qualifications); information on the Italian host company and indication of the operative office where the assignee will be based for the majority of working hours; and—most important—information about the salary amount and social security payments (if a bilateral convention is in place on social security and the assignee

remains on the social security system of the sending country or if he or she will be covered by the Italian social security system).

2. A copy of the social security certificate/certificate of coverage issued by the social security institution under which the applicant is registered in his or her home country, if the assignee remains covered under a bilateral agreement by his or her home social security system.

3. Thorough verification of the financial position and income of both the Italian host entity and the sending company. The sending company's latest financial statement (reporting assets, liabilities, profit and loss account) must now be provided.

The circular confirms that any documents originating from outside Italy must be apostilled or legalized as appropriate and accompanied by an attested translation into Italian.

The circular also clarifies several aspects that were in practice, well-known, and established but not clearly specified, leading to possible differing interpretations from authorities, such as:

- Intra-company assignments can be up to four or five years in total (depending on the type) and work permit extensions should be released accordingly.
- Where allowed, local hiring at the host company for holders of highly skilled intra-company work permits is possible only (a) at the end of the first assignment period (as shown in the work permit and contract of stay, or (b) after the first assignment period has passed, within the maximum assignment length of five years.
- For work permit extensions, the circular provides the relevant application forms to be used when applying for work permit extensions.
- The circular confirms other general information and requirements regarding work permit applications exempted from the quota system, although it does not introduce significant new provisions.

### **Residence Permit Application Fees May Be Reintroduced in Italy**

Under Presidential Decree No. 03903/2016 of September 14, 2016, the Council of State has suspended a court order of the TAR, Lazio's Regional Administrative Court, which in May 2016 had abolished residence permit application fees. The immediate consequence is that the fees are temporarily reintroduced, at least until a final decision is made. A Chambers hearing is scheduled for October 13, 2016, to discuss the issue and reach a final decision.

Delays are expected in residence permit processing times and issuances. Applications already filed may be kept on hold until the required fee is paid.

As background, in October 2011, a joint Ministerial decree had introduced high residence permit application/renewal fees (from 80 to 200 euros, depending on the type and duration of the permit, in addition to the fixed expenses already in place—about 60 euros—30.36 EUR for the electronic card and 30 EUR for post office services). In 2015, the European Court of Justice had judged the tax to be a violation of EU regulations; subsequently, the Regional Administrative Court in Lazio had declared illegal the part of the decree that established a residence permit tax and abolished the fee on applications.

## **New Labor Law Provisions Implemented in Compliance With Posted Workers EU Directive**

Italy has implemented Directive 2014/67 (concerning the posting of workers in the framework of the provision of services) with Decree. No. 136/2016 (in force as of July 22, 2016). The decree introduces new obligations for companies posting foreign workers to Italy. Specific guidelines have not yet been issued.

The Decree applies to:

- EU companies posting workers to a company in Italy (also a company of the same group)
- EU placement agencies posting workers in Italy
- Non-EU companies posting workers in Italy

The decree introduces a regime of joint liability between the host and sending entities up to two years after the termination of the posting, such as in relation to social security contributions.

The decree introduces some obligations for the sending companies posting workers to Italy, namely:

- Sending a notice to the Ministry of Labour before the posting is initiated and of any changes occurring during the relationship
- Keeping all documents referring to the posting (e.g., employment contract, payslips, notifications)
- Appointing a local representative domiciled in Italy

## **Italy Green-Lights Foreign National Same-Sex Spouses**

The Ministry of Internal Affairs has finally provided clarity on the impact of a recent law recognizing same-sex unions on immigration provisions.

Background. Italy has recognized same-sex civil unions since June 5, 2016 (Law no. 76/2016), granting to same-sex couples most of the rights of marriage except parenting (stepchild or joint adoption). Further to this, an implementing decree (no. 144, July 23, 2016) provides guidance on civil union registration procedures in the marital archives, giving the green light to celebration of the first gay unions.

Impact on immigration policy. Clause 20 of the new law establishes that whenever in legislation, administrative acts, or collective agreements there is any reference to marriage or the words *coniuge* (spouse), *coniugi* (spouses), or equivalent terms, the provisions are to be applied to same-sex civil unions as well.

As a consequence, whenever there is reference to *coniuge* (spouse), *moglie* (wife), *marito* (husband), and *sposo* (husband) in immigration law, the provisions are extended to same-sex couples who have entered into a legally registered civil union.

A ministerial circular has officially confirmed that under the new regulations, the right to family reunion is extended to same-sex foreign nationals who have entered into a legally registered civil union. The foreign same-sex spouse of a foreign national regularly residing in Italy is now eligible to obtain a residence permit for family reasons under the same conditions and following the same procedures as different-sex spouses.

Documentary evidence of the civil union, in Italy or abroad, will be required to confirm that the civil union is effectively and legally registered.

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## MOROCCO

*The new Hague Apostille Convention has entered into force in Morocco.*

On August 14, 2016, the Apostille Convention (Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents) entered into force in Morocco, making it the 110<sup>th</sup> Contracting State to the Convention.

As a result, international circulation of public documents between Morocco and other signatory countries has been greatly simplified. The lengthy and burdensome consular authentication process is being replaced by the issuance of an "apostille."

A list of Apostille countries is at <https://www.hcch.net/en/states/hcch-members>.

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## TURKEY

*A new work permit law is expected to make significant changes to related procedures and criteria.*

On August 13, 2016, Turkey published the "Law on International Workforce" (Law No. 6735) in the official gazette. This new work permit law will eventually make significant changes to work permit procedures and criteria, just as the 2014 Residence Permit Law did with regard to residence permit procedures and criteria. The new law in some ways has fewer details on procedure than its predecessor, so regulations will be needed to provide that detail. Below are significant highlights of the law:

- The new law will enter into effect immediately, and the previous law, "Law on The Work Permit for Foreigners No. 4817," in effect since 2003, will no longer be in effect.
- As with the Residence Permit Law in 2014, a new government agency will be established. The International Workforce Policy Board will determine the policies/criteria related to employment of foreign nationals on a national level (Article 4).
- The Ministry of Labour (MOL) will establish a Foreign Application, Assessment and Monitoring System—a three-step points-based system—to evaluate work permit applications in line with the policies established by the International Workforce Policy Board (Article 7).
- In addition to the new points-based system, a new category called Turquoise Cards will be issued by the MOL with the intent of creating a new "permanent work card." The cards will be given to foreign nationals after evaluations of their educational levels, professional experience, contributions to science and technology, and the impact of their investments in Turkey. Turquoise Cards will be issued with an indefinite term following a three-year conditional period. Those foreigners granted a Turquoise Card will have the same rights as accorded to Turkish citizens. Their dependents also are granted residence permits (Article 11).
- Independent work permits: The law appears to create a new basis for an independent work permit based on criteria such as the foreigner's profession, his or her education, and

experience, based on recommendations from the new International Workforce Policy Board (Article 10).

- Health and Academic Sectors: Foreign employees who will be employed within medical or academic sectors requiring professional competence will first require "interim permission" from related authorities before the MOL adjudicates their work permits (Article 8).
- Engineers/Architects: Foreign nationals holding engineering and architecture diplomas issued from engineering or architecture faculties of Turkish universities, or from foreign universities recognized by the Higher Education Council (YÖK) in Turkey, will be able to apply and obtain work permits to work as engineers or architects under projects or short-term assignments. (Article 21).
- Free Trade Zone (FTZ): Work permits for those foreign nationals to be employed under designated free trade zones will be filed with Ministry of Economy. If the Ministry of Economy's feedback is positive, work permits will be issued by the MOL (Article 19).
- Work Permit Exemptions: Under specified conditions, a foreigner may apply to the MOL or the consular posts to be exempted from a work permit. Foreign non-resident board members of joint-stock companies founded pursuant to Law No. 6102, non-executive partners of other companies, and cross-border service providers whose in-country activities do not exceed 90 out of 180 days will be considered under the work permit exemption (therefore those positions will not require a work permit but applicants still need to apply for an exemption). (Note: the section related to cross-border service providers, if applied liberally to seconded and/or foreigners assigned by their home countries to their Turkish subsidiaries, would be a liberalization of current work permit policy.) Additionally, foreigners who wish to do volunteer work for nongovernmental organizations (NGOs) may be considered for an exemption (Article 13).
- Exceptional Work Permits: Although it was never clear what an exceptional work permit means, it was part of the previous law that allowed certain criteria under which normal evaluation criteria and limits on validity were not applied. The categories for which exceptional work permits can be granted include, for example, EU nationals, foreigners married to Turks, those working on temporary projects, those with certain investments or contributions to Turkey, those of Turkic origin, and cross-border service providers (see above section on exemptions). (Article 17).
- Temporary Protection Status (TPS): The law specifies under which conditions foreigners with TPS may be granted work permits (Article 18).
- Foreign Students: The law specifies under which conditions foreign students enrolled in Turkish universities may be granted work permits (Article 20).
- Appeal Rights, Inspection, Social Security Obligations, and penalties are also covered in the new law.

The law also provides for various amendments to the 2014 Law on International Protection (aka Residence Permit (RP) Law). Below are several of the changes made to the Residence Permit Law via the new Work Permit Law:

- Short-term RPs may now be issued valid for up to 2 years, instead of 1 year (except for those for investment or Northern Cyprus nationals, as noted below).
- Dependent RPs may now be issued valid for up to 3 years, instead of 2 years (but no longer than the validity of the principal's status in Turkey).
- Remaining abroad for more than 120 cumulative days in the last year no longer cancels a short-term RP. (Rules regarding cancellation of short-term RPs with regard to stays abroad will be defined by regulation).

- Remaining abroad for more than 180 cumulative days in the last year no longer cancels a dependent RP. (Rules regarding cancellation of a family RP with regard to stays abroad will be defined by regulation).
- The section regarding the 24 working-hours limit for undergraduate students has been removed. (New working-hours criteria will be defined by regulation.)
- Short-term RPs may be issued for up to 5 years for Northern Cyprus nationals and unemployed foreign nationals and their family members living in Turkey and who are investing in Turkey (according to the criteria, scope, and amount set by the Council of Ministers).

New criteria for work permit rules for NGOs and for certain engineers/architects to register with the Chambers after 30 days were not published into law on August 13, 2016. Those sections were in various drafts of the Work Permit Law but removed at the time of publishing.

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## UNITED KINGDOM

*An online application process has been rolled out for EEA nationals, among other developments; a new digital visa application service for visitor visas has been expanded; a new premium service has been introduced for sponsor management system requests; and discussion continues on the effects of Brexit.*

### Online Application Process Rolled Out for EEA Nationals, Other Developments

Following the conclusion of the pilot to trial online applications for European Economic Area (EEA) nationals wishing to apply to register their status or apply for Permanent Residence, the online application process has now been rolled out nationally as of October 1, 2016.

Below is further information about the online application process for EEA nationals as well as updates on a new passport return service; an EU parliament proposal for a Europe-wide ESTA scheme for non-EEA nationals; and an update on police registration requirements for some migrants.

Rollout of online application process for EEA nationals. The online process for EEA nationals is available for single applicants only at this stage, with the rollout for family members planned for the next phase of the digital program. Also, students and those EEA nationals who are self-sufficient cannot use the online form if they are either:

- Reliant on a family member to provide their income; or
- Financially responsible for other family members.

Passport return service. Simultaneously, the Home Office has also linked up with a number of local authorities who will provide a passport return service for these online applicants. This will benefit those applicants who are not able to submit valid national ID cards instead of their passports, to enable them to continue to travel while their applications are being processed. If an applicant does not have a valid national ID card and needs to retain his or her passport during the application process, he or she can apply to a participating local authority to submit the passport for checking and immediate return to the applicant.

This service is available by appointment only and the applicant must attend within five days of submitting the online application. A list of participating local authorities in the greater London area is at <https://www.gov.uk/government/publications/european-passport-return-service-greater-london/greater-london-nationality-checking-services>.

Update on police registration requirements. The Home Office has recently published an update on the police registration requirement which is mandatory for some migrants. As a result of changes made earlier this year, the police registration condition no longer appears on the Biometric Residence Permits (BRP) issued to migrants coming to the UK. Instead they will have noticed that the police registration condition appears as an endorsement on the 30 day entry clearance vignette issued to enable travel to the UK. This needs to be shown to the police when registering, within seven days of arrival in the UK, together with the letter confirming that their application for leave was successful.

Those applying for leave to remain and who are already in the UK will be personally notified if they are required to register with the police by way of the Home Office letter confirming that their application for leave has been successful. They must show this letter when registering.

Information on registering with the police, including the documents required, is available [here](#).

If, after they have arrived in the UK it appears that the migrant's entry clearance (visa) vignette has been issued with an incorrect endorsement, they can request to have it amended by visiting [www.gov.uk](http://www.gov.uk) for information on what to do.

### **New Digital Visa Application Service Expanded for Visitor Visas**

The Home Office introduced a new digital application service for applicants in China to apply for visitor visas online, known as Access UK, in 2014. Following its successful launch, Access UK is now available for applicants applying to visit the United Kingdom (UK) in more than 180 countries and 10 languages. It was launched in the United States in June 2016. The main benefits are:

- The application form is shorter, with questions logically ordered
- The form is dynamic and asks relevant questions based on the applicant's previous answers
- The service is available in a number of languages, although applicants must supply their answers in English
- Checklists and steps list the documents required to make an application
- Applicants can apply flexibly using any mobile device

In the short term, the [visa4uk](#) website will continue to be available to applicants who wish to apply to visit the UK. However, over time, all of those applying for visitor visas to the UK will be redirected to Access UK, but visa4uk will still continue to exist as an application service for other types of visas, including Tier 2.

### **New Premium Service Introduced for Sponsor Management System Requests**

Many sponsors have experienced severe delays when making requests to the Home Office via their Sponsor Management System (SMS). For example, most sponsors need to request additional Certificates of Sponsorship (CoS) from the Home Office from time to time, but these requests have not been given priority.

This has particularly affected those sponsors who received an automatic CoS allocation during the annual CoS allocation round in April 2016, based on previous usage only. Some sponsors were refused an allocation in April 2016, or given an auto-allocation of zero. Additional requests are now being made, but when a request to expedite an application is submitted, the usual response from the Home Office is that the processing time is 18 weeks.

This is clearly an unsatisfactory service and does not cater to the need of a business to be in a position to issue a CoS when it urgently needs to recruit a skilled migrant. Feedback on this has been provided to the Home Office during business user forum sessions hosted by the Home Office.

In an effort to deal with these delays, the Home Office has just announced a new optional premium service for sponsors to have their SMS requests dealt with on a priority basis. CoS allocation requests are the most frequent requests made, but others include having a new Level 1 user appointed.

The fee for the new premium service will be £200, to cover the cost of expediting the processing of a request in connection with a sponsor's SMS. The legislation for the new premium service fee is expected to come into force in October. The date when the service will be introduced has not yet been announced by the Home Office.

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### **Opinion: Why Brexit Could Usher In a New World of Immigration Red Tape**

Following the Brexit vote on the UK's EU Referendum in June 2016, it is now clear that free movement of labor will no longer be part of the UK's future relationship with the EU. Indeed, Chris Grayling, Leader of the House of Commons, raised the prospect of restricting the free movement of EU citizens to the UK to "prevent a massive influx of people" in a final rush before the borders are closed.

Despite protests during the run-up to the referendum about cultural changes and pressure on public services in the UK caused by immigration, real or imagined, the UK has benefited from EU migration. About 50 percent of growth since 2005 has been fueled by the availability of EU labor. The UK's largest export, the operations of knowledge-based services, rather than car parts or widgets, relies on being able to move people to clients and has benefited from the free movement rules.

Recent travelers around the UK may have been surprised to see huge "Vote Leave" billboards in farmers' fields before the Brexit vote took place. The agricultural sector, as well as the hospitality, hotel and catering, and construction and manufacturing industries, have all benefited from a ready supply of EU labor to fill low- or semi-skilled roles. These are all sectors that operate on low margins. The ability to hire EU employees in the same way as British employees, with no work permits required and no visa costs, is certainly attractive. It is very unlikely that successful employers, like Pret a Manger, would have been able to grow so rapidly and generate wider economic benefits for the UK economy without EU free movement. So why would farmers, who maintain that they are squeezed by supermarkets and on their knees, along with many other pro-Brexit small and medium-sized enterprises (SMEs), want to shoot themselves in the foot?

The post-Brexit reality for these industries is worrying. If there is no free movement of labor, it is likely that Tier 3 of the points-based immigration system would finally need to be activated. To date, it has been dormant because there have been plentiful supplies of EU migrants. But to be able to sponsor future EU migrants when the UK no longer benefits from free movement, employers will first need to register as sponsors and sign up with an intrusive compliance regime that often requires new human resource systems, processes, and dedicated staff to oversee it. The Home Office has recently purged its list of sponsors, removing over 2,000 non-compliant businesses from its register, so becoming and remaining a sponsor is no easy task.

Then there are the costs of sponsorship. In the future, hiring EU migrants might mean paying a huge array of government visa and sponsorship costs. Currently, a three-year visa would cost

an employer around £1,200 and, with an additional skills charge due to take effect in 2017, this would increase the overall hiring figure per sponsored employee to between £3,000 and £4,000. The government has often claimed that these costs should act as an incentive to hire local workers, but while these costs would be easily absorbed by multinational employers, lower-margin SMEs simply will not be able to pay such high sums to employ lower-paid workers, and experience and extensive research has shown that Brits simply do not want to do these jobs, even with the new national living wage.

Reclaiming sovereignty over the UK's green and pleasant land may seem an attractive prospect for some, but Brexit is where employers (and potentially customers and consumers) will have to start paying for that privilege.

## New Publications and Items of Interest

For more on the new Hague Apostille Convention, see The ABCs of Apostilles—How to Ensure That Your Public Documents Will Be Recognised Abroad (<https://assets.hcch.net/docs/6dd54368-bebd-4b10-a078-0a92e5bca40a.pdf>) and The Apostille Handbook (<https://assets.hcch.net/docs/ff5ad106-3573-495b-be94-7d66b7da7721.pdf>). For more information, see <https://www.hcch.net/en/instruments/specialised-sections/apostille>.

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

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

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

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

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

This comprehensive guide is designed to be used by:

- Human resources professionals and in-house attorneys who need to instruct, understand, and liaise with immigration lawyers licensed in other countries;
- Business immigration attorneys who regularly work with multinational corporations and their employees and HR professionals; and

- Attorneys interested in expanding their practice to include global business immigration services.

This publication provides:

- An overview of the immigration law requirements and procedures for over 20 countries;
- Practical information and tips for obtaining visas, work permits, resident status, naturalization, and other nonimmigrant and immigrant pathways to conducting business, investing, and working in those countries;
- A general overview of the appropriate options for a particular employee; and
- Information on how an employee can obtain and maintain authorization to work in a target country.

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

An excerpt of the book is on the ABIL website at [http://www.abil.com/global\\_practice\\_guide.cfm](http://www.abil.com/global_practice_guide.cfm).

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

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

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## Member News

Several lawyers from the firm **Gomberg Dalfen** were listed in the 2017 edition of Best Lawyers in Canada, including **Seth Dalfen**, **Avi Gomberg** (bio: <http://www.abil.com/lawyers/lawyers-gomberg.cfm?c=CA>), and **Genevieve Henault**. See [https://www.bestlawyers.com/Info/LawyerList.aspx?firm\\_id=38242&country=CA](https://www.bestlawyers.com/Info/LawyerList.aspx?firm_id=38242&country=CA).

**Klasko Immigration Law Partners, LLP**, was named one of the 2016 Best Places to Work by the *Philadelphia Business Journal*. The contest was based on employee surveys. Klasko Immigration Law Partners has offices in Philadelphia, New York, and Chicago and provides top-tier legal services to individuals, multinational corporations, small companies, universities, and hospitals.

**Charles Kuck** (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>) and **Robert Loughran** (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) recently presented a webcast, "EB-5 Regional Center Pilot Program's Likely Renewal: What Your Firm Should Be Aware Of," organized by The Knowledge Group. The webcast was presented on September 27, 2016.

**Robert Loughran** (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) was interviewed on September 21, 2016, by ABC affiliate KVUE regarding the new parole immigration status for entrepreneurs. The interview video is at <http://www.kvue.com/news/local/alternative-startup-visa-and-the-economy/323088122>.

**Mr. Loughran**, Foster LLP partner, presented "Foster's Point of View on the Consequences of the 2016 Election" at Foster LLP's Fall Immigration Update Seminar in Austin, Texas, held on September 22, 2016.

**Mr. Loughran** spoke about the EB-5 program, the current state of U.S. immigration, and the need for comprehensive immigration reform to the University of Texas's Lamp organization on October 6, 2016.

**Cyrus Mehta** (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) has authored several new blog entries. "Immigration Inadmissibility, Legal Ethics and Marijuana" is at <http://blog.cyrusmehta.com/2016/10/immigration-inadmissibility-legal-ethics-and-marijuana.html>. "Will the Disruption of the H-1B Lottery Force Change for the Better?" is at <http://blog.cyrusmehta.com/2016/09/will-the-disruption-of-the-h-1b-lottery-force-change-for-the-better.html>. Also, **David Isaacson**, of Mr. Mehta's office, has authored "Expansion of the Provisional Waiver: Good News But Could Be Better" at <http://blog.cyrusmehta.com/2016/09/expansion-of-the-provisional-waiver-good-news-but-could-be-better.html>.

**Angelo Paparelli** (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>) has published a new blog entry. "Beware the Justice Department's Stealthy Grab for Enhanced Power to Enforce Immigration Discrimination Rules" is at <http://www.nationofimmigrants.com/immigration-discrimination/beware-the-justice-departments-stealthy-grab-for-enhanced-power-to-enforce-immigration-discrimination-rules/>.

**Stephen Yale-Loehr** (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted in Spanish by *Univision* on October 3, 2016, about the Supreme Court's decision refusing to rehear its 4-4 tie in the DAPA immigration executive action case. The article is at <http://www.univision.com/noticias/accion-ejecutiva/la-corte-suprema-rechaza-recurso-de-obama-para-revisar-el-fallo-sobre-dapa-y-daca>.

**Mr. Yale-Loehr** was quoted in the *Cornell Daily Sun* on September 30, 2016, in "Law Professor Addresses Flaws, Evolution of U.S. Immigration Policy," an article discussing a talk he gave on the presidential candidates' views on immigration. Among other things, he assured the audience that whether Donald Trump or Hillary Clinton wins the presidency, "it takes time to make changes in our immigration system. You don't have to worry that these things are going to happen overnight. So don't worry, nothing is really going to happen in 2017." The article is at <http://cornellsun.com/2016/09/30/law-professor-addresses-flaws-evolution-of-u-s-immigration-policy/>.

**Mr. Yale-Loehr** was quoted in "EB-5 Temporary Extension Expected," published by *China Daily USA* on September 26, 2016. "The EB-5 program will survive a few more weeks thanks to its inclusion in the continuing resolution. The continuing resolution will give congressional lawmakers time to try to negotiate an EB-5 reform package," he noted. "Stay tuned for an epic battle between urban legislators like Senator Chuck Schumer (D-NY), who wants to maintain the status quo, and rural legislators like Senators Chuck Grassley (R-Iowa) and Patrick Leahy (D-Vt.), who are adamant about getting more EB-5 visas for rural projects." The article is at [http://usa.chinadaily.com.cn/epaper/2016-09/26/content\\_26896796.htm](http://usa.chinadaily.com.cn/epaper/2016-09/26/content_26896796.htm).

**Mr. Yale-Loehr** was quoted by the Associated Press in a follow-up article about labor rights that are lacking for about 700 foreign workers in Hawaii. Various news outlets picked up the story, including *ABC News*. "Fishermen Who Fled Slavery in San Francisco Sue Boat Owner," published on September 22, 2016, notes that the Hawaii Longline Association, representing fishing boat owners, has created a universal crew contract that will be required on any boat wanting to sell fish in California's seafood auction starting October 1. The contracts let owners continue to set their own minimum salaries, allow workers to spend the entire year at sea (15

trips, 10 to 40 days each), and reiterate that they must remain on board with passports held by owners. Mr. Yale-Loehr said the new contract "reinforces the current deplorable situation by emphasizing that the crew members have no real rights. Congress should repeal the loophole that exempts U.S. fishing captains from having to provide basic labor protections to their crew." The article is at <http://abcnews.go.com/International/wireStory/fishermen-fled-slavery-san-francisco-sue-boat-owner-42285941>.

**Mr. Yale-Loehr** was quoted in "Examining Goodlatte's EB-5 Bill, As Deadline Looms," published by *Law360* on September 19, 2016. He said, "I think that there is serious concern about the EB-5 program, and people want to make reforms. But I think that people realize that it's too much to expect that Congress can make those reforms by September 30." The article is available by registering at <https://www.law360.com/articles/840663/examining-goodlatte-s-eb-5-bill-as-deadline-looms>.

**Mr. Yale-Loehr** was quoted in "Congress Eyes EB-5 Changes," published by *China Daily USA* on September 15, 2016. He noted that the retroactivity provision of an EB-5 bill being considered in Congress would likely raise legal concerns. "The US Supreme Court has held that Congress should not normally change the rules in the middle of the game. Fundamental notions of fairness counsel against applying new rules to conduct that predates the legislation, since individuals should have an opportunity to know what the law is and to conform their conduct accordingly. The retroactivity provision would surely be challenged in court," said Mr. Yale-Loehr. He said that he believes most current investors who have already filed EB-5 petitions would attempt to comply with whatever new rules Congress enacts. But if the changes ever became law, they "would certainly dampen enthusiasm for the EB-5 program. That would be unfortunate since the program creates thousands of jobs each year for U.S. workers at no expense to American taxpayers." The article is at [http://usa.chinadaily.com.cn/epaper/2016-09/15/content\\_26803100.htm](http://usa.chinadaily.com.cn/epaper/2016-09/15/content_26803100.htm).

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## About ABIL

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

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