



IMMIGRATION INSIDER

Vol. 13, No. 7 • July 1, 2017

Headlines:

Supreme Court Partially Lifts Trump Travel Ban Preliminary Injunctions – The Supreme Court plans to hear arguments in the related cases in October brought against the Trump administration in the U.S. Courts of Appeals for the Ninth and Fourth Circuits.

USCIS Resumes Premium Processing for H-1B Petitions Filed for Conrad 30 Medical Doctors, Interested Government Agencies – USCIS said it plans to resume premium processing of other H-1B petitions as workloads permit.

International Entrepreneur Final Rule Expected To Be Delayed, Scrapped – The Trump administration reportedly has decided to delay the rule's effective date until March 2018, and ultimately to rescind it.

USCIS Redesigns Green Card Application – The new Form I-485 and instructions "have been substantially updated to reduce complexity after collecting comments from the public and stakeholders," USCIS said.

Minor Lies Can't Be Used to Revoke Citizenship, Supreme Court Rules – The Supreme Court noted that the law demands "a causal or means-end connection between a legal violation and naturalization."

State Dept. Releases Diversity Visa Lottery 2018 Results, Notifies Winners – Those selected will need to act on their immigrant visa applications quickly, the bulletin warns.

New State Dept. Form Asks Certain Visa Applicants 'Supplemental Questions' Regarding Social Media Usage – A new Department of State form for visa applicants asks supplemental questions of "[i]mmigrant and nonimmigrant visa applicants who have been determined to warrant additional scrutiny in connection with terrorism or other national security-related visa ineligibilities."

Labor Dept. Announces Aggressive Anti-Visa Fraud Measures; White House Considers H-1B Overhaul – Secretary of Labor Alexander Acosta recently announced actions "to increase protections of American workers while more aggressively confronting entities committing visa program fraud and abuse."

Nonprofit Group Fights Cease-and-Desist Order from DOJ – The Northwest Immigrant Rights Project (NWIRP) recently received a "cease-and-desist" letter from the Department of Justice, ordering NWIRP to stop representing clients and close down its asylum advisory program. NWIRP subsequently filed a lawsuit and was granted a temporary restraining order in May.

Certain STEM OPT and English Language Students Affected by Loss of Accreditation – Certain students applying for 24-month STEM OPT extension programs and English language study programs are being affected by the U.S. Department of Education's decision no longer to recognize the Accrediting Council for Independent Colleges and Schools (ACICS) as an accrediting agency.

July Visa Bulletin Notes Oversubscription of Employment-Based Green Card Categories for China EB-3 and India EB-4 Categories – The date for these preferences will once again become Current for October, the first month of fiscal year 2018.

ABIL Global: Germany – Effective August 1, 2017, the German parliament is implementing an EU directive on intra-company transfers.

Pro Bono: Joseph Law Firm – Jeff Joseph, Senior Partner of Joseph Law Firm, P.C., recently had a victory in a pro bono case for his client, who was in sanctuary in a church in Denver, Colorado. This case has made national news.

Pro Bono: DACA Recipient Can Stay, Work in United States for Now – Kuck Immigration Partners announced that the U.S. District Court for the Northern District of Georgia in Atlanta recently preliminarily enjoined USCIS's decision to terminate DACA status and employment authorization for a Mexican person living and working in the United States.

Also in this issue:

[New Publications and Items of Interest](#)

[Member News](#)

[Government Agency Links](#)

[Back to Top](#)

Supreme Court Partially Lifts Trump Travel Ban Preliminary Injunctions

On June 26, 2017, the Supreme Court partially lifted preliminary injunctions that barred the Department of State from enforcing section 2 of Executive Order 13780, which suspended for 90 days the entry into the United States of, and the issuance of visas to, nationals of six designated countries—Iran, Libya, Somalia, Sudan, Syria, and Yemen—and from enforcing section 6, which suspends refugee admissions from all countries for 120 days. The Supreme Court plans to hear arguments in the related cases in October brought against the Trump administration in the U.S. Courts of Appeals for the Ninth and Fourth Circuits.

The Department stated in a briefing that the travel ban for refugees will start July 6. Refugees scheduled to arrive before then are exempt from the temporary ban. The Department sent a cable to all diplomatic and consular posts implementing Executive Order 13780, in light of the Supreme Court's ruling on President Trump's travel ban, as of 8 p.m. ET on June 29, 2017. The cable notes that the Supreme Court's ruling allows the travel ban to be enforced only against foreign nationals who lack a "bona fide relationship with a person or entity in the United States." The cable states that applicants who are nationals of the affected countries who are determined to be otherwise eligible for visas and to have a credible claim of a bona fide relationship with a person or entity in the United States are exempt from the suspension of entry in the United States under section 2(c) of the order. Applicants who are nationals of the affected countries and who are determined to be otherwise eligible for visas, but who are determined not to have a qualifying relationship, "must be eligible for an exemption or waiver as described in section 3 of the [order] in order to be issued a visa," the cable states.

The cable notes that any such relationship with a "person" must be a close familial relationship," as defined in the cable. Any relationship with an entity "must be formal, documented, and formed in the ordinary course, rather than for the purpose of evading the E.O." "Close family" is defined as a parent (including parent-in-law), spouse, child, adult son or daughter, son-in-law, daughter-in-law, sibling, whether whole or half. This includes step relationships. "Close family" does not include grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-in-law and sisters-in-law, and any other "extended" family members, the cable states.

The cable notes the following examples of who may and may not be included in the exemption from the travel ban:

[A]n eligible I visa applicant employed by foreign media that has a news office based in the United States would be covered by this exemption [from the travel ban]. Students

from designated countries who have been admitted to U.S. educational institutions have a required relationship with an entity in the United States. Similarly, a worker who accepted an offer of employment from a company in the United States or a lecturer invited to address an audience in the United States would be exempt. In contrast, the exemption would not apply to an applicant who enters into a relationship simply to avoid the E.O.: for example, a nonprofit group devoted to immigration issues may not contact foreign nationals from the designated countries, add them to client lists, and then secure their entry by claiming injury from their inclusion in the E.O. Also, a hotel reservation, whether or not paid, would not constitute a bona fide relationship with an entity in the United States.

The cable states that the travel ban does not apply to certain categories of individuals, such as those who were inside the United States as of June 29, 2017, who have a valid visa as of June 29, 2017, or who had a valid visa at 8 p.m. ET January 29, 2017, even after their visas expire or they leave the United States. The cable also notes:

No visas will be revoked based on the E.O. [Executive Order], even if issued during the period in which Section 2(c) was enjoined by court order or during the 72-hour implementation period. New applicants will be reviewed on a case-by-case basis, with consular officers taking into account the scope and exemption provisions in the E.O. and the applicant's qualification for a discretionary waiver. Direction and guidance to resume normal processing of visas following the 90-day suspension will be sent [via separate cable].

In a related statement issued publicly on June 29, 2017, the Department noted:

The Supreme Court's order specified that the suspension of entry in section 2(c) of Executive Order 13780 may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States. Applicants seeking B, C-1, C-3, D, or I visas will need to demonstrate that they have the required bona fide relationship in order to be exempt, or they may qualify for a waiver pursuant to the terms of the E.O. Qualified applicants in other nonimmigrant visa categories are considered exempt from the E.O., as a bona fide relationship to a person or entity in the United States is inherent in the requirements for the visa classification, unless the relationship was established for the purpose of evading the order.

The statement says that an individual who wishes to apply for an immigrant visa "should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is exempt from section 2(c) of the Executive Order." A consular officer "will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver," the statement says.

The statement also includes the following information with respect to students and short-term employees:

I'm a student or short-term employee that was temporarily outside of the United States when the Executive Order went into effect. Can I return to school/work?

If you have a valid, unexpired visa, the Executive Order does not apply to your return travel.

If you do not have a valid, unexpired visa, the Supreme Court's decision specified that section 2(c) of the Executive Order may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States. One example cited in the Supreme Court's decision was a student from a designated country who had been admitted to U.S. university, thereby demonstrating a credible claim of a bona fide relationship with an entity in the United States.

The Supreme Court's decision is at https://www.supremecourt.gov/opinions/16pdf/16-1436_l6hc.pdf. The Department of State's public statement is at <https://travel.state.gov/content/travel/en/news/important-announcement.html>. A related "background briefing" is at <https://www.state.gov/r/pa/prs/ps/2017/06/272281.htm>. The full text of the cable is at http://live.reuters.com/Event/Live_US_Politics/989297085. The Executive Order is at <https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states>. A Department of Homeland Security FAQ is at <https://www.dhs.gov/news/2017/06/29/frequently-asked-questions-protecting-nation-foreign-terrorist-entry-united-states>. An advisory by NAFSA: Association of International Educators is at <https://www.nafsa.org/Content.aspx?id=57494>.

[Back to Top](#)

USCIS Resumes Premium Processing for H-1B Petitions Filed for Conrad 30 Medical Doctors, Interested Government Agencies

U.S. Citizenship and Immigration Services (USCIS) has resumed premium processing for H-1B petitions filed for medical doctors under the Conrad 30 Waiver program, as well as interested government agency waivers. The Conrad 30 program allows certain medical doctors to stay in the United States on temporary visas after completing their medical training to work in rural and urban areas that have a shortage of physicians.

Eligible petitioners for medical doctors seeking H-1B status under the Conrad 30 program, or through an interested government agency waiver, can file Form I-907, Request for Premium Processing Service, for Form I-129, Petition for a Nonimmigrant Worker. Form I-907 can be filed together with an H-1B petition or separately for a pending H-1B petition, USCIS noted.

USCIS said it plans to resume premium processing of other H-1B petitions as workloads permit. "We will make additional announcements with specific details related to when we will begin accepting premium processing for those petitions," the agency said. Until then, premium processing remains temporarily suspended for all other H-1B petitions. USCIS said it will reject any Form I-907 filed for those petitions, and if the petitioner submitted one check combining the Form I-907 and Form I-129 fees, USCIS will reject both forms.

The USCIS notice is at <https://www.uscis.gov/news/news-releases/uscis-resume-h-1b-premium-processing-physicians-under-conrad-30-waiver-program>. Information on the Conrad 30 program is at <https://www.uscis.gov/working-united-states/students-and-exchange-visitors/conrad-30-waiver-program>. Information on interested government agency waivers is at <https://travel.state.gov/content/visas/en/study-exchange/student/residency-waiver/request-by-federal-government-agency.html>.

[Back to Top](#)

International Entrepreneur Final Rule Expected To Be Delayed, Scrapped

A final rule on international entrepreneurs, issued by the Obama administration on January 17, 2017, and scheduled to take effect July 17, 2017, was recently returned to the Office of Management and Budget for further review. According to new reports, the Trump administration has decided to delay the rule's effective date until March 2018, and ultimately to rescind it.

The final rule, intended to encourage entrepreneurs wishing to build companies in the United States, would have added new regulatory provisions guiding the use of parole on a case-by-case basis with respect to entrepreneurs of start-up entities who can demonstrate through evidence of "substantial and demonstrated potential for rapid business growth and job creation" that they would provide a "significant public benefit" to the United States. Such potential would be indicated by, among other things, "the receipt of significant capital investment from U.S. investors with established records of successful investments, or obtaining significant awards or

grants from certain Federal, State or local government entities." If granted, parole would provide a temporary initial stay of up to 30 months (which may be extended by up to an additional 30 months) "to facilitate the applicant's ability to oversee and grow his or her start-up entity in the United States."

A group of investors and startup founders in 25 states recently sent a letter to President Trump encouraging him to allow the rule to move forward. Noting that immigrant entrepreneurs are a "critical driver of increased economic activity" in the United States, the letter states that the international entrepreneur rule would be a "job creation tool" and is "desperately needed at a time when U.S. entrepreneurial leadership is being challenged by other countries." Among other efforts, French President Emmanuel Macron recently announced a new technology visa for start-up founders, employees, and investors. "I want France to attract new entrepreneurs, new researchers, and be the nation for innovation and start-ups," he said. And the United States' next-door neighbor, Canada, offers an entrepreneur start-up visa program that grants permanent residence to immigrant entrepreneurs.

Bobby Franklin, president and chief executive of the National Venture Capital Association (NVCA), noted the contributions of immigrant entrepreneurship to the U.S. economy. He said that NVCA's research has found that a third of U.S. venture-backed companies that went public between 2006 and 2012 had at least one immigrant founder. He noted a recent study showing that immigrants started more than half of U.S. "unicorns," or privately held companies valued at more than \$1 billion.

Mr. Franklin's remarks are at <https://techcrunch.com/2017/06/19/ensuring-foreign-born-founders-can-grow-their-startups-in-the-u-s/>, The letter from the group of investors and startup founders discussed above is at <http://nvca.org/wp-content/uploads/2017/06/Letter-to-President-Trump-on-IER-from-emerging-ecosystems.pdf>. The original final rule is at <https://www.gpo.gov/fdsys/pkg/FR-2017-01-17/pdf/2017-00481.pdf>. A related article about the latest developments is at <http://www.sfchronicle.com/business/article/Trump-administration-has-plan-to-scrap-startup-11236692.php>.

[Back to Top](#)

USCIS Redesigns Green Card Application

U.S. Citizenship and Immigration Services (USCIS) has revised the Application to Register Permanent Residence or Adjust Status (Form I-485). The new Form I-485 and instructions "have been substantially updated to reduce complexity after collecting comments from the public and stakeholders," USCIS said.

USCIS said that starting on June 26, 2017, there will be a 60-day "grace period" during which the agency will accept both the 01/17/17 and 06/26/17 editions of Form I-485 and Supplements A and J (which have also been revised). Beginning August 25, 2017, USCIS will only accept the revised form and supplements.

Changes to the form include:

- Adjustments to navigation and the organization of questions, along with new spacing, columns, flow, white space, and formatting intended to enhance readability.
- Inclusion of questions about biographic information (Form G-325A) so applicants will no longer need to file a separate form;
- A list of 27 immigrant categories, which allows applicants to identify the specific immigrant category under which they are applying; and

- A comprehensive, updated list of admissibility-related questions. Questions were added to ensure USCIS officers have the necessary information to better assess an applicant's admissibility and eligibility.

USCIS noted that although both the revised Form I-485 and its instructions may look different from earlier versions, the process for filing the form and supplements A and J remains the same. Applicants must still submit their paper applications to the location listed in the form instructions.

The announcement is at <https://www.uscis.gov/news/news-releases/uscis-introduces-redesigned-form-green-card-applicants>. The revised form is at <https://www.uscis.gov/i-485>.

[Back to Top](#)

Minor Lies Can't Be Used to Revoke Citizenship, Supreme Court Rules

On June 22, 2017, the U.S. Supreme Court ruled on the issue of when a lie during the naturalization process may lead to loss of U.S. citizenship. Divna Maslenjak, an ethnic Serb, lied during her naturalization process about her husband's service as an officer in the Bosnian Serb Army. When this was discovered, the government charged her with knowingly procuring her naturalization contrary to law because she knowingly made a false statement under oath in a naturalization proceeding. A district court said that to secure a conviction, the government need not prove that her false statements were material to, or influenced, the decision to approve her citizenship application.

The U.S. Court of Appeals for the Sixth Circuit had affirmed the conviction, but the Supreme Court noted that the law demands "a causal or means-end connection between a legal violation and naturalization." The Supreme Court said that to decide whether a defendant acquired citizenship by means of a lie, "a jury must evaluate how knowledge of the real facts would have affected a reasonable government official properly applying naturalization law." The Supreme Court therefore said that the jury instructions in this case were in error, vacated the judgment of the Court of Appeals, and remanded the case for further proceedings.

The Supreme Court's opinion is at https://www.supremecourt.gov/opinions/16pdf/16-309_h31i.pdf.

[Back to Top](#)

State Dept. Releases Diversity Visa Lottery 2018 Results, Notifies Winners

In the July 2017 Visa Bulletin, the Department of State released the diversity visa (DV) fiscal year 2018 results. The Kentucky Consular Center has registered and notified the winners of the DV-2018 diversity lottery. Those selected will need to act on their immigrant visa applications quickly, the bulletin warns.

The DV lottery makes available 50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 115,968 applicants have been registered and notified and may now make an application for an immigrant visa. The bulletin says that since it is likely that some of the first 50,000 persons registered will not pursue their cases to visa issuance, the larger figure is intended to ensure that all DV-2018 numbers will be used during FY 2018 (October 1, 2017, through September 30, 2018).

Applicants registered for the DV-2018 program were selected at random from 14,692,258 qualified entries (23,088,613 with derivatives) received during the 34-day application period that ran from Wednesday, October 4, 2016, until Monday, November 7, 2016. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country. During the visa interview, the bulletin notes, principal

applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years.

Registrants living legally in the United States who wish to apply for adjustment of their status must contact U.S. Citizenship and Immigration Services for information on the requirements and procedures. Once the visa numbers have been used, the program for FY 2018 will end. Selected applicants who do not receive visas by September 30, 2018 will derive no further benefit from their DV-2018 registration. Similarly, spouses and children accompanying or following to join DV-2018 principal applicants are only entitled to derivative diversity visa status until September 30, 2018.

The bulletin notes that dates for the DV-2019 program registration period will be publicized in the coming months.

The July Visa Bulletin, which includes a statistical country-by-country breakdown of those registered for the DV-2018 program, is at <https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2017/visa-bulletin-for-july-2017.html>.

[Back to Top](#)

New State Dept. Form Asks Certain Visa Applicants 'Supplemental Questions' Regarding Social Media Usage

A new Department of State form, DS-5535, for visa applicants asks supplemental questions of "[i]mmigrant and nonimmigrant visa applicants who have been determined to warrant additional scrutiny in connection with terrorism or other national security-related visa ineligibilities," according to a related Federal Register notice. A wide variety of organizations are expressing concerns about the new form and its use.

The form's questions include where the applicant has traveled outside his or her country of residence in the last 15 years, with "details for each trip, including locations visited, date visited, source of funds, and length of stay." The form also asks for information about any passports other than those listed in the visa application; full names and dates of birth of any siblings; children; current or previous spouse or civil/domestic partner; addresses where the applicant has lived during the last 15 years; phone numbers, including "primary, secondary, work, home, and mobile numbers," used over the last 5 years; email addresses used over the past 5 years, including "primary, secondary, work, personal, and educational"; usernames for any websites or social media applications used to create or share content, including photos, videos, and status updates, over the last 5 years (the form does not ask for passwords); and employers, job descriptions, and job titles over the last 15 years.

The Federal Register notice announcing the new form explains that most of this information is already collected on visa applications but for a shorter time period; for example, 5 years rather than 15 years. The notice states that requests for names and dates of birth of siblings and, for some applicants, children are new. The request for social media identifiers and associated platforms is also new for the Department of State, although the Department of Homeland Security (DHS) already collects such information on a "voluntary basis" from certain individuals. The notice explains that applicants may be asked to provide details of their international or domestic (within their country of nationality) travel, if it appears to the consular officer that the applicant has been in an area while the area was under the operational control of a terrorist organization. Applicants "may be asked to recount or explain the details of their travel, and when possible, provide supporting documentation."

Reaction. A number of organizations sent a letter to the Office of Management and Budget (OMB) and the Department of State expressing their concerns about the new form. Among

other things, the letter acknowledges the need to secure the United States, but cautions that there is also a need to remain open to those pursuing academic study and scientific research. The letter states that the notice is likely to have a "chilling effect" not only on those required to submit additional information but indirectly on all international travelers coming to the United States. According to the letter, the notice also provides insufficient information on the criteria for identifying those required to complete the supplemental form, the effect of unintentional incomplete disclosure, and remedies for correcting information initially provided. "These additional questions could lead to unacceptably long delays in processing, which are particularly harmful to applicants with strict activity timeframes or enrollment deadlines," the letter notes, adding that no information is provided about the longer-term use, retention, or privacy protections for the information provided. The letter asks that the State Department publish an additional notice with this and other information.

The letter notes that scientific exchanges, whether through long- or short-term visits or at professional society meetings, are vitally important to the United States. Many project collaboration meetings take place at conferences held in the United States, and not having the top international talent in attendance "would be a significant problem," the letter states. "Scientists must periodically meet in person, and if bureaucratic hurdles for entry into the United States are too high, they will hold their meetings elsewhere, hurting U.S. economic, technological, and scientific competitiveness." For example, the letter notes, the "American Geophysical Union and the American Physical Society both have strong international counterparts that hold regular conferences and meetings, and the collaborators could well turn to those venues instead."

Moreover, the letter notes, many U.S. professional societies have significant numbers of international members, and it is important for those individuals to be able to attend the U.S. societies' meetings. The letter cites a 2012 report by PricewaterhouseCoopers noting that nearly 1.8 million meetings (not all scientific) were held in the United States during 2009 involving "an estimated 205 million participants and generat[ing] more than \$263 billion in direct spending and \$907 billion in total industry output." The attendance of international scientists at U.S. meetings and conferences "is important in terms of the intellectual content they contribute, for the benefit to the United States from the formation and sustainment of partnerships with U.S. counterparts, and in terms of benefits to the U.S. economy," the letter notes.

The letter was signed by 55 U.S. professional associations and other entities, including the American Association of Collegiate Registrars and Admissions Officers, the American Society of Civil Engineers, the Association for Research in Vision and Ophthalmology, the Institute of Mathematical Statistics, NAFSA: Association of International Educators, and the Society of Engineering Science.

The OMB approved the new form on an emergency basis for six months. The form is at <https://tr.usembassy.gov/supplemental-questions-visa-applicants-ds-5535/>. The Federal Register notice explaining who will use the form and why is at <https://www.federalregister.gov/documents/2017/05/04/2017-08975/notice-of-information-collection-under-omb-emergency-review-supplemental-questions-for-visa>. The letter from U.S. professional associations and other entities expressing concerns about the form is at http://www.nafsa.org/_/file/_/amresource/DS5535Comment051817.pdf.

[Back to Top](#)

[Labor Dept. Announces Aggressive Anti-Visa Fraud Measures; White House Considers H-1B Overhaul](#)

Secretary of Labor Alexander Acosta recently announced actions "to increase protections of American workers while more aggressively confronting entities committing visa program fraud and abuse," according to a Department of Labor (DOL) press release. Secretary Acosta said these measures will include "heightened use of criminal referrals. The U.S. Department of Labor

will focus on preventing visa program abuse and take every available legal action against those who abuse these programs."

The announcement states that "it is now the policy of the department to enforce vigorously all laws within its jurisdiction governing the administration and enforcement of non-immigrant visa programs," including:

- Directing the DOL's Wage and Hour Division (WHD) to use all its tools in conducting civil investigations to enforce labor protections provided by the visa programs.
- Directing the DOL's Employment and Training Administration (ETA) to develop proposed changes to the Labor Condition Application, and directing the WHD to review its investigatory forms, to better identify systematic violations and potential fraud, and to provide greater transparency for agency personnel, U.S. workers, and the general public.
- Directing the WHD, ETA, and Office of the DOL Solicitor to coordinate the administration and enforcement activities of the visa programs and make referrals of criminal fraud to the Office of the Inspector General (OIG).
- Establishing a working group made up of senior leadership from ETA, WHD, and the Solicitor's office to supervise these efforts and coordinate enforcement. The working group will invite OIG to send representatives to participate in its efforts.

DOL will continue to work with the departments of Justice and Homeland Security to further investigate and detect visa program fraud and abuse, the announcement states.

In addition, DOL said it has begun "to prioritize and publicize the investigation and prosecution of entities in violation of visa programs." For example, the agency announced that it obtained a preliminary injunction under the H-2A visa program from the U.S. District Court for Arizona against G Farms for "illegal and life-threatening housing provided to agricultural workers." DOL said it "continues to investigate the violations at G Farms and has also been in contact with the OIG on this matter."

This announcement comes on the heels of President Trump's April 18, 2017, executive order ordering several agencies to suggest H-1B reforms. The Department of Homeland Security said it plans to issue new rules and guidance on the H-1B program. According to reports, the White House is also working with the Department of Justice to consider measures such as reducing the numerical limit on, and duration of, H-1B visas, among other actions.

The announcement is at <https://www.dol.gov/newsroom/releases/opa/opa20170606>.

[Back to Top](#)

Nonprofit Group Fights Cease-and-Desist Order from DOJ

The Northwest Immigrant Rights Project (NWIRP) recently received a "cease-and-desist" letter from the Department of Justice, ordering NWIRP to stop representing clients and close down its asylum advisory program at an immigration detention center in Washington state. NWIRP subsequently filed a lawsuit and was granted a temporary restraining order in May. NWIRP provides free and low-cost legal services to thousands of immigrants each year and, as part of the larger "airport lawyers" efforts nationwide, sent staff and volunteer lawyers to SeaTac airport in Seattle, Washington, to provide emergency legal assistance to travelers caught up in President Trump's travel ban.

The U.S. District Court for the Western District of Washington at Seattle noted that the NWIRP is the sole pro bono organization listed by the Executive Office for Immigration Review (EOIR) for the state of Washington. In 2008, EOIR published new professional conduct rules for attorneys appearing in immigration proceedings. EOIR's rules were intended to protect individuals in immigration proceedings by disciplining attorneys who engage in "criminal, unethical, or unprofessional conduct or frivolous behavior." One of the activities the rules targeted was "notario fraud," where a would-be immigrant pays for ongoing legal services that

are not provided. The court noted that NWIRP sometimes provides emergency legal services without the resources to commit to full future representation of each potential client. NWIRP said that it met with the local immigration court administrator to discuss the rule's impact and "agreed that it would notify the court when it assisted with any pro se motion or brief by including a subscript or other clear indication in the document that NWIRP had prepared or assisted in preparing the motion or application."

Nearly nine years after promulgating the rule, EOIR sent a "cease and desist" letter to NWIRP ordering the nonprofit to stop "representing aliens unless and until the appropriate Notice of Entry of Appearance form is filed with each client that NWIRP represents." NWIRP filed suit against EOIR, among others, seeking injunctive relief and a temporary restraining order so the organization can maintain the status quo until the parties can be heard on the motion for preliminary injunction.

In granting the temporary restraining order, the court said NWIRP had shown that "it is likely to succeed on the claims that entitle it to relief; NWIRP has already suffered and is likely to continue suffering irreparable harm in the absence of temporary injunctive relief; the balance of the equities tips in NWIRP's favor; and granting this [temporary restraining order] is in the public interest."

The court order is at <https://www.nwirp.org/wp-content/uploads/2017/05/Dkt-33-order-granting-tro.pdf>.

[Back to Top](#)

Certain STEM OPT and English Language Students Affected by Loss of Accreditation

Certain students applying for 24-month STEM OPT (optional practical training in science, technology, engineering, or math) extension programs and English language study programs are being affected by the U.S. Department of Education's decision in December no longer to recognize the Accrediting Council for Independent Colleges and Schools (ACICS) as an accrediting agency.

U.S. Citizenship and Immigration Services recently announced that this determination immediately affects two immigration-related programs:

- English language study programs, as the programs are required to be accredited under the Accreditation of English Language Training Programs Act
- F-1 students applying for a 24-month STEM OPT extension, as the regulations require them to use a degree from an accredited Student and Exchange Visitor Program (SEVP)-certified school as the basis of their STEM OPT extensions. The school must be accredited at the time of the application; this is the date of the Designated School Official's (DSO) recommendation on the Form I-20.

SEVP will provide guidance to affected students in notification letters if their school's certification is withdrawn. However, students enrolled at an ACICS-accredited school should contact their designated school officials (DSOs) immediately "to better understand if and how the loss of recognized accreditation will impact the F/M student's status and/or immigration benefits application(s)."

If an ACICS-accredited school voluntarily withdraws from SEVP certification or cannot provide evidence in lieu of accreditation for programs listed on their Form I-17, international students at these schools will have 18 months to:

- Transfer to a new SEVP-certified program;
- Continue their program of study until the current session end date listed on their Form I-20 (not to exceed 18 months); or
- Leave the United States.

After this 18-month grace period, SEVP will terminate the SEVIS records of any active F/M student at an ACICS-accredited school who has not transferred to a SEVP-certified school or departed the United States. USCIS said this guidance applies equally to all F/M students regardless of the program of study, and the 18-month period is valid for English as a Second Language (ESL) students as well.

ACICS-accredited schools will be unable to issue program extensions, and students will only be allowed to finish their current session if the ACICS-accredited school voluntarily withdraws its certification or if it is withdrawn by SEVP. If a student's ACICS-accredited school is able to provide evidence of an ED-recognized accrediting agency or evidence in lieu of accreditation within the allotted time frame, the student may remain at the school to complete his or her

Students whose Forms I-20 have a DSO recommendation date before December 12, 2016, are not affected.

The USCIS announcement is at <https://www.uscis.gov/news/alerts/certain-students-applying-english-language-study-and-24-month-stem-opt-extension-programs-affected-acics-loss-accreditation>. More information about the loss of accreditation is at <https://www.ice.gov/sevis/acics-loss-accreditation-recognition>.

[Back to Top](#)

July Visa Bulletin Notes Oversubscription of Employment-Based Green Card Categories for China EB-3 and India EB-4 Categories

The Department of State's Visa Bulletin for the month of July 2017 includes the following information:

CHINA Employment-based Third (E3) preference category: Readers were advised in item F of the June Visa Bulletin number 6, that it would be necessary to impose a date no later than August. The continued high level of demand for E3 numbers for USCIS adjustment of status applicants has required the establishment of a date for July. This has been done in an attempt to hold number use within the China E3 annual limit. The China E3 date will return to October 1, 2014 for October, the first month of fiscal year 2018.

INDIA Employment-based Fourth (E4) AND Certain Religious Workers (SR) preference categories: As readers were advised in the June Visa Bulletin number 6, there has been extremely high demand in the E4 and SR categories. Pursuant to the Immigration and Nationality Act, it has been necessary to impose E4 and SR Final Action Dates for India, which has reached its per-country limit. This action will allow the Department to hold worldwide number use within the maximum allowed under the FY-2017 annual limits.

The date for these preferences will once again become CURRENT for October, the first month of fiscal year 2018.

The July 2017 Visa Bulletin is at <https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2017/visa-bulletin-for-july-2017.html>.

[Back to Top](#)

ABIL Global: Germany

Effective August 1, 2017, the German parliament is implementing European Union (EU) Directive 2014/66/EC (Intra-Company Transfer (ICT)).

With the ICT Scheme, the EU Directive aims at providing a common framework for all participating member states (the United Kingdom, Ireland, and Denmark opted out) covering the GATS Mode 4 commitments on Intra-Group Transfers.

Overview: To be subject to this ICT scheme, third-country nationals must obtain a so-called ICT permit issued by the participating EU country where they will spend most of their time. The ICT permit is the first EU immigration permit that allows employment not just in the issuing member state but in a second member state for a period of up to 90 days (short-term mobility). To exercise the right to short-term mobility, the holder of an ICT permit issued by another member state must notify the Bundesamt für Migration und Flüchtlinge (BAMF) of the intended employment by providing information on the salary and work conditions. Unless the German administration actively refuses approval of the intended travel within 20 days, the third-country national is legally allowed to engage in short-term mobility under the conditions notified. Holders of an ICT permit issued by a fellow member state may also relocate for a period of more than 90 days to Germany by applying for a Mobile ICT card at the German immigration authorities before the transfer. If such an application is submitted 20 days before the start of the transfer and the ICT permit of the other EU member state is still valid, staying in Germany and working at the German entity is permitted for 90 days until the immigration authority's decision has been made.

Eligibility: The ICT Card can be issued to third-country nationals dispatched from their employer abroad to work as a CEO/CFO/comparable manager, specialist, or trainee at a group company in Germany. Its validity is limited to a maximum of three years for CEO/CFO/comparable manager or specialist, and one year for trainees. The group relationship requires a group of companies that functions as a single economic entity through a common source of control, either by direct or indirect 51 percent ownership or domination agreements creating a structure of parent and subsidiary/affiliated companies. Managers are defined as persons directing the host entity or one of its departments with the power to "hire and fire" and who have sole responsibility for a substantial budget and report directly to directors or shareholders. A specialist needs to prove essential and specific knowledge in the area of business and/or the group company or host entity procedures, and a high level of qualification and relevant experience. Before a transfer to Germany, the applicant in the CEO/CFO/manager/specialist category must be employed with an entity of the same company or group for at least six months. A trainee is qualified by a university degree to undergo a paid traineeship during which, as part of the professional development, training in business techniques and methods is received.

Application process: The third-country national aiming for a German ICT Card must file a visa application with the German mission abroad at the place of residence. Visa waiver schemes that exist for other immigration categories and apply to certain nationalities may not be used when applying for the ICT Card. The ICT Card is subject to an internal approval procedure, which includes the German labor authority's verifying that salary and employment conditions will be comparable to those of German employees.

Note that when dealing with the ICT scheme, the implementations of the framework differ within the different EU member states.

[Back to Top](#)

Pro Bono: Joseph Law Firm

Jeff Joseph, Senior Partner of Joseph Law Firm, P.C., recently had a victory in a pro bono case for his client, who was in sanctuary in a church in Denver, Colorado.

Ingrid Encalada is from Peru. She entered the United States at age 17 and is now 33. She has two U.S. citizen children, an 8-year-old and an 18-month-old. In 2010, she was arrested for using false documents. On the advice of her attorney, she pled guilty to criminal impersonation, which made her deportable and ineligible for cancellation of removal. She appealed the case, but the appeal was dismissed in 2016. She then hired another attorney to try and withdraw her guilty plea. That attorney failed to show up for the hearing and the judge denied her post-conviction motion to withdraw her guilty plea. She filed a stay with U.S. Immigration and Customs Enforcement (ICE) that was denied. Because she was subject to a final order and the stay was denied, she entered sanctuary in a Quaker church and remained there for 5 months.

Joseph Law Firm agreed to take her case pro bono. On May 3, 2017, Ingrid had her first hearing with the criminal court. The purpose of this hearing was to prove that her second attorney was ineffective when he failed to show in court. The judge granted this motion and found that the previous attorney was in contempt. Attending this hearing meant that Ingrid had to come out of sanctuary. It took a lot of courage knowing she could be arrested and sent back to Peru. But it was successful. There will be another hearing on whether her initial attorney was ineffective when he recommended the plea to criminal impersonation.

Because of her success on this initial post-conviction motion, ICE has granted Ingrid a temporary stay of removal until her next court hearing. This stay allows her to come out of sanctuary safely and without fear of being deported. This case has made national news.

[Back to Top](#)

Pro Bono: Kuck Immigration Partners

Kuck Immigration Partners announced that the U.S. District Court for the Northern District of Georgia in Atlanta recently preliminarily enjoined U.S. Citizenship and Immigration Services' (USCIS) decision to terminate Deferred Action for Childhood Arrivals (DACA) status and renewal, and employment authorization, for a Mexican person living and working in the United States, Jessica M. Colotl Coyotl. The court ordered USCIS to reconsider her DACA termination and readjudicate her renewal application "in a manner consistent with the Department of Homeland Security's Standard Operating Procedures and this Order." The court reinstated her work authorization pending readjudication of the renewal application and reconsideration of termination of DACA. The court said this order would remain effective until a further order from the same court, "which will issue only after Defendants have submitted sufficient proof that they have followed all relevant standard operating procedures regarding the adjudication of Plaintiff's renewal application and any termination of Plaintiff's DACA status."

Ms. Colotl is 28 and has lived continuously in the United States since she was 11. She works at Kuck Immigration Partners as a paralegal and aspires to attend law school and become an immigration lawyer. The Kuck firm represented Ms. Colotl pro bono. The decision is at https://www.dropbox.com/s/016oyab4nyrq26l/TRO%20Order_Colotl.pdf?dl=0. A related video is at <https://www.youtube.com/watch?v=84UIJon6Hul&app=desktop>.

[Back to Top](#)

New Publications and Items of Interest

Travel ban FAQ, by David Isaacson of Cyrus D. Mehta & Partners PLLC, updated June 27, 2017, at <http://cyrusmehta.com/blog/2017/06/28/entry-ban-faqs-updated-06272017/>.

USCIS Civics Test Study Tools, a new app, helps people prepare for the civics test during a naturalization interview. It includes a game to test civics knowledge, reminder notifications, and review of past tests. The app allows users to switch between English and Spanish. To get the official app, search for "USCIS" or "USCIS civics," then confirm that USCIS is the developer. The app is available on iTunes (<https://tinyurl.com/y8r78mym>) or Google Play (<https://tinyurl.com/ybgdzkju>).

How to safeguard your data from searches at the border is the topic of several recent articles and blogs. See, for example, <https://www.nytimes.com/2017/03/21/technology/personaltech/crossing-the-border-heres-how-to-safeguard-your-data-from-searches.html> and <https://www.aclu.org/blog/free-future/can-border-agents-search-your-electronic-devices-its-complicated>.

Airport Lawyer is a free Web app that is intended to help ensure that immigrants are treated fairly at airports. Arrivals information can be securely passed along to large groups of volunteer attorneys who have been organized to monitor arrivals. See <https://www.airportlawyer.org/>.

Listings and links to cases challenging executive orders, and related available pleadings, are available at <https://lawfareblog.com/litigation-documents-resources-related-trump-executive-order-immigration>.

The latest E-Verify webinar schedule from USCIS is available at <http://www.uscis.gov/e-verify/e-verify-webinars/take-free-webinar>.

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 30 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 for:

- 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.

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

[Back to Top](#)

ABIL Member/Firm News

The following ABIL members are included in Who's Who Legal: Corporate Immigration:

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

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

Steven Clark (bio: <http://www.abil.com/lawyers/lawyers-clark.cfm>)

Laura Danielson (bio: <http://www.abil.com/lawyers/lawyers-danielson.cfm?c=CN>)

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

Rami Fakhoury (bio: <http://www.abil.com/lawyers/lawyers-fakhoury.cfm?c=US>)

Charles Foster, of **Foster LLP**

Avi Friedman, of **Wolfsdorf Rosenthal**

Vic Goel (bio: <http://www.abil.com/lawyers/lawyers-goel.cfm?c=US>)

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

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

Mark Ivener (bio: <http://www.abil.com/lawyers/lawyers-ivener.cfm>)

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

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

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

Kirby Joseph (bio: <http://www.abil.com/lawyers/lawyers-joseph.cfm?c=US>)

Jeff Joseph, of **Joseph Law Firm**

Vincent Lau (bio: <http://www.abil.com/lawyers/lawyers-lau.cfm>)
Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>)
Dawn Lurie, of Seyfarth Shaw
Gabriele Mastmann, of Offer & Mastmann
Gunther Mävers (bio: <http://www.abil.com/lawyers/lawyers-mavers.cfm?c=DE>)
Marco Mazzeschi (bio: <http://www.abil.com/lawyers/lawyers-mazzeschi.cfm?c=IT>)
Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>)
Bettina Offer (bio: <http://www.abil.com/lawyers/lawyers-offer.cfm?c=DE>)
Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>)
Julie Pearl (bio: <http://www.abil.com/lawyers/lawyers-pearl.cfm>)
Sharon Cook Poorak, of Seyfarth Shaw
William Reich (bio: <http://www.abil.com/lawyers/lawyers-reich.cfm>)
Nicolas Rollason (bio: <http://www.abil.com/lawyers/lawyers-rollason.cfm?c=UK>)
Gregory Siskind, of Siskind Susser
William Stock, of Klasko Immigration Law Partners
Anastasia Tonello, of Laura Devine Attorneys
Karl Waheed (bio: <http://www.abil.com/lawyers/lawyers-waheed.cfm?c=FR>)
Andrew Wilson, Serotte Reich Wilson, LLP
Bernard Wolfsdorf (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>)
Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>)
Brian Zuccaro, Serotte Reich Wilson, LLP

The following ABIL Members and their partners and associates will serve on various committees of the American Immigration Lawyers Association for 2017-2018:

Business Immigration Task Force:

Stephen Yale-Loehr (chair)

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

Vic Goel (bio: <http://www.abil.com/lawyers/lawyers-goel.cfm?c=US>)

CBP OFO Liaison Committee:

Lynn Susser (bio: <http://www.abil.com/lawyers/lawyers-susser.cfm?c=US>)

Rich Yemm (Wolfsdorf Rosenthal LLP)

Distance Learning Committee:

Ms. Susser

DOL Liaison Committee:

Vincent Lau (vice chair of H-1B/PERM section)

(bio: <http://www.abil.com/lawyers/lawyers-lau.cfm>)

Loan Huynh (vice chair of the H-2 section)

Robert White

Jeffrey Joseph (H-2 section)

EB-5 Committee:

Carolyn Lee (chair)

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

Dawn Lurie (Seyfarth Shaw)

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

2017 EB-5 Conference Committee:

Mr. Klasko

Mr. Wolfsdorf

Mr. Yale-Loehr

Finance Committee:

Kirby Joseph (bio: <http://www.abil.com/lawyers/lawyers-joseph.cfm?c=US>)

Fundamentals Conference Planning Committee:

David Wilks (Miller Mayer)

ICE Liaison Committee:

Aaron Hall

Membership Committee:

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

PERM Conference Planning Committee:

Ms. Huynh
Mr. Joseph
Mr. Lau

Publications Committee:

Gregory Siskind

Vermont Service Center Liaison Committee:

Mr. Wilks

The following ABIL Members and their partners and associates will present at the AILA Annual Conference on June 21-24, 2017:

- Rami Fakhoury** (bio: <http://www.abil.com/lawyers/lawyers-fakhoury.cfm?c=US>): The Lawyer as Manager
- Elise Fialkowski**: Dabbling in a Global Practice: Important Ethical Issues to Consider
- Avi Friedman**: What to Do When the Post or the Border Says No
- Anna Gallagher**: Prosecutorial Discretion
- Hiba Ghalib**: Maintaining LPR Status: Life After Getting a Green Card
- Ms. Hodkinson**: They're Not All Saints: Common Inadmissibility Issues
- Ms. Huynh**: Maintaining LPR Status: Life After Getting a Green Card
- David Isaacson**: Honestly, the United States Is My Home
- Mr. Klasko**: Advanced Issues in EB-5 Cases
- Charles Kuck** (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>): E-1/E-2 Consular Applications: Learn from the Experts
- Ms. Lee**: Advanced Issues in EB-5 Cases
- Cyrus Mehta** (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>): Avoiding Family Feuds: Ethics in Family Practice
- Cora-Ann Pestaina**: Tricky LCA and PERM Issues for a Mobile Workforce
- Mr. Siskind**: The Life Cycle of the International Medical Graduate (discussion leader)
- William Stock**: Futures 101: Envisioning Your Future in Immigration Practice
- Ms. Susser**: Best Practices for Consular Processing: NVC Issues
- Mr. White**: F-1 Employment: Where Are We Now?
- Mr. Wolfsdorf**: "Direct" EB-5 Investments
- Mr. Yale-Loehr**: Avoiding Family Feuds: Ethics in Family Practice
- Richard Yemm**: Basics of Consular Practice: Applying for a Nonimmigrant Visa
- Enrique Arellano** (bio: <http://www.abil.com/lawyers.cfm?c=MX>): Unusual Problems with Birth Documents
- Maria Celebi** (bio: <http://www.abil.com/lawyers/lawyers-celebi.cfm?c=TR>): Dabbling in a Global Practice: Important Ethical Issues to Consider
- Laura Devine** (bio: <http://www.abil.com/lawyers/lawyers-devine.cfm?c=UK>): Attracting the Best and Brightest, and Letting the Bad Ones Go

The following ABIL Members and their partners and associates will present at the AILA Global Immigration Forum on June 21, 2017:

- Mr. Arellano**: The Ebbs and Flows of Starting and Running a Global Practice
- Bernard Caris** (bio: <http://www.abil.com/lawyers/lawyers-caris.cfm?c=BE>): Countdown to Departure—Getting There the Right Way Made Easy
- Ms. Celebi**: Hot Topics in Global Migration
- Ms. Devine**: How Will Brexit and the Revised EU Immigration Directives Affect Mobility and Migration of Third-Country Nationals in the Region?
- Ms. Fialkowski**: Countdown to Departure—Getting There the Right Way Made Easy
- Ana Garicano Sole** (bio: <http://www.abil.com/lawyers/lawyers-garicano.cfm?c=ES>): Global Mobility Options for LGBT Clients Seeking Safety and Security in a Diverse World
- Marco Mazzeschi** (bio: <http://www.abil.com/lawyers/lawyers-mazzeschi.cfm?c=IT>): How Will Brexit and the Revised EU Immigration Directives Affect Mobility and Migration of Third-Country Nationals in the Region?

Ariel Orrego-Villacorta (bio: <http://www.abil.com/lawyers/lawyers-orrego-villacorta.cfm?c=PE>): Countdown to Departure—Getting There the Right Way Made Easy

Maria Isa Soter (bio: <http://www.abil.com/lawyers/lawyers-soter.cfm?c=BR>): Compliance Over the Course of the Assignment—Common and Not-So-Common Employment, Tax, and "Company Change" Issues

Karl Waheed (bio: <http://www.abil.com/lawyers/lawyers-waheed.cfm?c=FR>): How Will Brexit and the Revised EU Immigration Directives Affect Mobility and Migration of Third-Country Nationals in the Region?

H. Ronald Klasko (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>) and **William A. Stock, Julie Pearl** (bio: <http://www.abil.com/lawyers/lawyers-pearl.cfm>), and **Bernard Wolfsdorf** (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>) have been selected for inclusion in *2017 Guide to Most Powerful Employment Lawyers*. They were named among the 20 top practitioners in the area of Immigration Law. The 10th annual list—selected by Lawdragon and produced in partnership with *Human Resource Executive*—was recently published on Lawdragon.com and in HRE's print magazine. Selections were based on Lawdragon's editorial research as well as by submissions from firms and other visitors to Lawdragon.com and HREonline.com.

Mr. Klasko and **Mr. Stock** have been selected for inclusion in *The Most Powerful Employment Attorneys Guide* for 2017. The 10th annual list, selected by Lawdragon and produced in partnership with *Human Resource Executive*, was recently published on Lawdragon.com and in HRE's print magazine. Mr. Klasko and Mr. Stock were named as two of the 20 top practitioners in the area of Immigration Law. Selections were based on Lawdragon's editorial research and submissions from firms and other visitors to Lawdragon.com and HREonline.com.

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) has published a new blog entry. "Supreme Court May Have Bolstered Rights of Foreign Nationals with Ties to the United States" is at <http://blog.cyrusmehta.com/2017/06/supreme-court-may-have-bolstered-rights-of-foreign-nationals-with-ties-to-the-united-states.html>.

David Isaacson, of **Cyrus D. Mehta & Partners, PLLC**, has published several new blog entries. "Travel Ban FAQs" is at <http://cyrusmehta.com/blog/2017/06/28/entry-ban-faqs-updated-06272017/>. "Sessions v. Morales-Santana: The Problems of Leveling Down," is at <http://blog.cyrusmehta.com/2017/06/sessions-v-morales-santana-the-problems-of-leveling-down.html>. "The 'Politically Correct Version': What Donald Trump's Recent Tweet and Previous Use of the Term 'Politically Correct' Tell Us About His Revised Executive Order" is at <https://tinyurl.com/yb3jpn4a>.

Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) recently presented at the Beacon Events Global Mobility & Tax Strategies Conference in London, England, on a panel, "Examining the Economic and Political Climate for Investment Migration." Mr. Loughran provided his insight on the immigration impact of the Trump administration.

Mr. Loughran published an article in the Geneva Group International (GGI)'s Insider Magazine entitled "Immigration and President Donald Trump—The First 100 Days" on developments in U.S. immigration policy and enforcement arising in the first 100 days of the Trump administration. The article is available via membership at <https://www.ggi.com/member-login/>.

Angelo Paparelli's (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>) firm, **Seyfarth Shaw LLP**, and several of its attorneys were listed in *Legal500.com* under multiple categories. Seyfarth Shaw was ranked Tier 1 in Immigration. The publication noted, "Full service firm Seyfarth Shaw LLP has diversified considerably since its establishment as a specialist employment and labor practice in 1945, but its traditional strength remains a cornerstone of the practice and it shines in corporate immigration matters. Its broad service model gives it an edge in M&A-related work, alongside strategic planning, case preparation, visa applications and

compliance issues. Los Angeles-based Angelo Paparelli is 'one of the most knowledgeable, connected and thorough immigration attorneys in the US' and is highly sought after for complex matters; he has been involved in several high-stakes cases for clients in the hospitality industry over the past year." Seyfarth Shaw's listings are at <http://www.legal500.com/firms/50888/50535>.

Wolfsdorf Rosenthal LLP has published several new blog entries. "3 Things We Like, and 3 Things We Don't Like, About USCIS' New EB-5 Guidance" is at <https://tinyurl.com/yaw6ldev>. "H-2A Temporary Agricultural Worker Visas—A 'Big Beautiful Door' in President Trump's Wall?" is at <https://tinyurl.com/ya8jmee8>. "USCIS Issues Critical New Guidelines on EB-5 Sustainment, Job Creation, and Effect of Regional Center Terminations" is at <https://tinyurl.com/y8ydl3b6>. "It Is Time To Ensure Strict Immigration Compliance With H-1B Labor Condition Attestation and PERM" is at <https://tinyurl.com/y6woghww>. "New Standard for EB-5 Regional Center Terminations" is at <https://tinyurl.com/y8atmhtc>. "New Standard for EB-5 Regional Center Terminations: Part 2" is at <https://tinyurl.com/yaog86vw>. "Renewing F-1 Student Visa While Waiting for EB-5 Visa: Understanding Present Intent v. Future Intent" is at <https://tinyurl.com/yasxe7oc>. "Five Things We Learned on EB-5 from USCIS Field Operations Meeting with AILA" is at <https://tinyurl.com/y8x8bam4>.

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) co-authored an op-ed for World Refugee Day, "Make America Great Again: Admit More Refugees to the U.S.," published at <http://www.lawschool.cornell.edu/spotlights/Make-America-Great-Again-Admit-More-Refugees-to-the-US.cfm>.

Mr. Yale-Loehr and **Ms. Lurie** participated in a panel discussion at CanAm Enterprises' 4th Annual EB-5 Panel Discussion & Luncheon on June 22, 2017. For more information, see <https://www.eventbrite.com/e/canams-4th-annual-eb-5-panel-discussion-luncheon-tickets-34578449072>.

Mr. Yale-Loehr was quoted in *USA Today* regarding new visa vetting procedures. He said some countries willing to cooperate with those new procedures may not have the technological capabilities the United States demands. He believes the United States should be "realistic in assessing what kind of information and the quality of information they are receiving from other countries." The article is at <https://www.usatoday.com/story/news/world/2017/06/22/trump-vetting-review-backdoor-travel-ban/419213001/>.

Mr. Yale-Loehr was quoted by the *Cornell Chronicle* in "Faculty Panelists Discuss Immigration Reform in America," an article about an immigration policy panel he spoke on as part of the Cornell reunion. He discussed the drivers of migration, showing maps and figures and pointing out that worldwide migration spiked in 2015, led by massive movements from Syria, Afghanistan, and Somalia to other countries. "We have the largest crisis of refugees since World War II. Why are people fleeing? They're fleeing war, they're fleeing famine, they're fleeing persecution, they're fleeing climate change, they're fleeing natural disasters," he noted. Most refugees currently admitted to the United States are from the Democratic Republic of the Congo, Burma, and Syria, he added. "We cannot send them back to a country where there's a well-founded fear of persecution," he said. The article is at <http://news.cornell.edu/stories/2017/06/faculty-panelists-discuss-immigration-reform-america>.

Mr. Yale-Loehr was quoted by the Times of India in "Indian IT Companies Sharply Cut H-1B Dependence." Mr. Yale-Loehr said he agreed with the conclusion that technological change is prompting many India-based companies to file fewer H-1B petitions, rather than the words or actions of the U.S. President or Congress. "The rise of artificial intelligence and cloud computing mean fewer people are needed to perform certain IT jobs." He also said that President Trump's executive order calling for limits on H-1B visas "looks backward, not forward. The current unemployment rate for computer-related jobs is 2.5%—lower than the overall national unemployment rate of 4.4%. We should encourage bright foreign students to stay and work in the United States after they graduate, not send them overseas to compete against us." The

article is at <http://timesofindia.indiatimes.com/business/indian-it-companies-sharply-cut-h-1b-dependence/articleshow/59026749.cms>.

Mr. Yale-Loehr was quoted recently in the following publications regarding developments related to the Supreme Court's order with respect to President Trump's travel ban:

- NBCnews.com: <http://www.nbcnews.com/politics/donald-trump/u-s-defines-who-can-enter-under-travel-ban-n778031>
- Law360: <https://www.law360.com/immigration/articles/938511/focus-shifts-to-ties-with-us-in-latest-travel-ban-twist>
- NPR, All Things Considered: <http://www.npr.org/templates/transcript/transcript.php?storyId=534760203>
- El Telegrafo: <http://www.eltelegrafo.com.ec/noticias/mundo/9/el-veto-migratorio-de-trump-entro-en-vigor>
- CNN: <http://www.cnn.com/2017/06/29/politics/revised-travel-ban-thursday/index.html>
- American Prospect: <http://prospect.org/article/trump's-travel-ban-back>
- London Evening Standard: <http://www.standard.co.uk/news/world/donald-trump-travel-ban-comes-into-force-amid-fears-of-chaos-at-airports-a3575286.html>
- CNN: <http://www.cnn.com/2017/06/30/politics/clarence-thomas-travel-ban/index.html> and <http://www.cnn.com/2017/06/26/politics/supreme-court-order-may-cause-travel-chaos/index.html>
- Guardian: <https://www.theguardian.com/us-news/2017/jun/30/iran-trump-travel-ban-reaction-refugees>
- Washington Post: https://www.washingtonpost.com/world/national-security/travel-ban-to-take-effect-as-state-department-defines-close-family/2017/06/29/03eb8a8e-eba6-4749-9fa2-79117be89884_story.html?utm_term=.b01bcdb436f9
- Reuters: <http://www.reuters.com/article/us-usa-immigration-travelban-idUSKBN19K25Z>
- WAER (public radio in Syracuse): <http://waer.org/post/cornell-immigration-professor-reacts-supreme-courts-order-lift-us-governments-travel-ban>
- New York Post: <http://nypost.com/2017/06/29/team-trump-dodges-questions-on-travel-ban-blocking-family-visits/>
- Financial Times: <https://www.ft.com/content/374054e6-5ce4-11e7-9bc8-8055f264aa8b> and <https://www.ft.com/content/2f518fa2-5a87-11e7-9bc8-8055f264aa8b>
- Deutsche Welle: <http://www.dw.com/en/why-donald-trumps-travel-ban-could-meet-an-unexpected-end/a-39432679>
- NPR All Things Considered: <http://wshu.org/post/supreme-court-revives-parts-trumps-travel-ban-it-agrees-hear-case#stream/0>
- National Post (Canada): <http://nationalpost.com/news/world/newsalert-supreme-court-will-review-trump-travel-ban-allows-it-to-take-effect-in-most-instances/wcm/cb21e755-4bdb-4a47-9327-88b425e394b8>
- Yahoo Finance: <https://finance.yahoo.com/news/supreme-court-travel-ban-ruling-184052416.html>
- New York Times: <https://www.nytimes.com/2017/06/27/us/trump-travel-ban-refugees-supreme-court.html>
- Bloomberg: <https://www.bloomberg.com/news/articles/2017-06-26/supreme-court-partially-revives-travel-ban-will-hear-appeal>
- Bloomberg Politics: <https://www.bloomberg.com/news/articles/2017-06-26/supreme-court-travel-ban-ruling-may-prompt-fresh-legal-challenge>
- The Guardian: <https://www.theguardian.com/us-news/2017/jun/26/trump-travel-ban-supreme-court-block-partially-lifted>
- Quartz: <https://www.bloomberg.com/news/articles/2017-06-26/supreme-court-travel-ban-ruling-may-prompt-fresh-legal-challenge>
- Time.com: <http://time.com/money/4833749/travel-ban-supreme-court-travelers/>

- Vanity Fair: <http://www.vanityfair.com/news/2017/06/supreme-court-donald-trump-travel-ban>
- Chronicle of Higher Education: <http://www.chronicle.com/article/International-Students-Dodge/240442/>
- Inside Higher Ed: <https://www.insidehighered.com/news/2017/06/27/supreme-court-partially-reinstates-trump>
- McClatchy newspapers: <http://www.mcclatchydc.com/news/politics-government/white-house/article158346979.html>
- Law360: <https://www.lexisnexis.com/legalnewsroom/immigration/b/outsidenews/archive/2017/06/27/expert-sc-travel-ban-ruling-likely-to-trigger-confusion-more-litigation-law360.aspx>
- Financial Times China: <http://www.ftchinese.com/story/001073166>
- Storm.mg (China): <http://www.storm.mg/article/289724>
- Finance.sina.com (China): <http://finance.sina.com.cn/roll/2017-06-27/doc-ifyhmtrw4152876.shtml>
- Vietnam Express: <http://vnexpress.net/tin-tuc/the-gioi/phan-tich/thang-loi-lon-cua-trump-khi-sac-lenh-nhap-canh-duoc-khoi-phuc-3605169.html>

Mr. Yale-Loehr was quoted recently in the following publications regarding the Supreme Court's order setting rearmament in the *Jennings v. Rodriguez* immigration detention case:

- KQED: <https://ww2.kqed.org/news/2017/06/26/supreme-court-will-hear-california-immigrant-detention-case-again/>
- Mother Jones: <http://www.motherjones.com/politics/2017/06/supreme-court-delivers-a-bad-omen-for-immigrants-in-detention/>

Mr. Yale-Loehr was quoted recently by the *New York Times*, *Los Angeles Times*, and *Fortune*:

- Los Angeles Times: <http://www.latimes.com/local/lanow/la-na-9thcircuit-travel-ban-20170530-story.html>. Mr. Yale-Loehr said the Supreme Court might find it easier to reject President Trump's travel ban based on a violation of existing law rather than constitutional grounds. "It is always hard to win an immigration case on constitutional grounds in the Supreme Court because immigration touches on foreign relations and national sovereignty issues," he said. People outside the United States also generally don't have U.S. constitutional rights, he noted, adding that the combination of the two rulings "provides a one-two punch against the executive order that will make it harder for the administration to win at the Supreme Court."
- Fortune: <http://fortune.com/2017/06/12/trump-tweets-travel-ban/>. "I think he shot himself in the legal foot," Mr. Yale-Loehr said of President Trump's comments about his preference for the original version of the ban.
- New York Times: <https://www.nytimes.com/2017/06/13/us/asylum-torture-venezuela.html>. In "Torture Victim, Expecting a U.S. Handshake, Was Given Handcuffs Instead," Mr. Yale-Loehr observed that "[i]t's very unusual—almost unprecedented—that ICE would arrest an asylum applicant who is at a USCIS office waiting for their asylum interview."

Mr. Yale-Loehr was recently quoted by *USA Today* in an article about the new supplemental information form for certain visa applicants. He noted that "U.S. government agencies already are reviewing people's social media accounts. This new form isn't going to add much to that existing effort." However, he said he believes the new form will be used as a way to further delay and deny visas. "In essence, this new form is the 'lite' version of the administration's travel ban, and much harder to fight," he said. The article is at <https://www.usatoday.com/story/tech/news/2017/06/01/us-now-can-ask-travelers-facebook-twitter-handles/102393236/>.

Mr. Yale-Loehr was quoted by *The Guardian* in an article about President Donald Trump's "extreme vetting" efforts, including the new supplemental information form for certain visa applicants. " This form simply puts into writing questions that consular officials could have and may have asked visa applicants before to determine whether they should be admitted to the United States," he noted. At the very least, Mr. Yale-Loehr said he expects the new form will be used to delay and possibly deny visa applications while President Trump's travel ban languishes in court. " We'll have to see over time whether, as applied, it seems that certain groups of people are being denied visas because of this form." The article is at <https://www.theguardian.com/us-news/2017/jun/06/trump-travel-ban-extreme-vetting-supreme-court>.

Mr. Yale-Loehr was quoted by *Time.com* in "How President Trump's Tweets Hurt His Travel Ban." He said, "I think [President Trump] shot himself in the legal foot." The article is at <http://time.com/4805973/travel-ban-supreme-court-donald-trump-tweets/>.

Mr. Yale-Loehr was quoted by *CNN* in "Undocumented Grandmother Finds Sanctuary in North Carolina Church." With reference to a statement by U.S. Immigration and Customs Enforcement that it generally avoids arrests at "sensitive locations" such as houses of worship, Mr. Yale-Loehr noted that officials with a warrant can arrest undocumented immigrants regardless of whether they're at a church, synagogue, or mosque. The article is at <http://www.cnn.com/2017/05/31/us/undocumented-woman-ice-north-carolina-church/>.

Mr. Yale-Loehr and **Mr. Goel** were quoted by *Bloomberg BNA* in "Skilled Foreign Worker Taking Your Job? It's Legal." Mr. Yale-Loehr noted that USCIS will continue increased site visits to review compliance with H-1B rules. The agency also can focus on "H-1B-dependent" employers, or those with a certain percentage of their workforce on the visas. Meanwhile, the Department of Labor can conduct investigations into whether H-1B workers are being paid properly, Mr. Yale-Loehr said. With respect to things the executive branch can do to curb H-1B-related outsourcing, Mr. Goel said the administration "has not been shy" about taking executive action. "If this was something that could have been done administratively, they probably would have addressed it already," he noted. The publication is available by subscription at <https://www.bna.com/>. The article is available without a subscription at <https://www.bna.com/skilled-foreign-worker-n73014451794/>.

[Back to Top](#)

Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of Labor, or the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS Service Center processing times online:
<https://egov.uscis.gov/cris/processTimesDisplay.do>

Department of Labor processing times and information on backlogs:
<http://www.foreignlaborcert.doleta.gov/times.cfm>

Department of State Visa Bulletin: http://travel.state.gov/visa/bulletin/bulletin_1360.html

Visa application wait times for any post: http://travel.state.gov/visa/temp/wait/wait_4638.html

[Back to Top](#)

About ABIL

The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 400 member lawyers and their 1,000 staff. Corporate counsel,

human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL's work also includes advocating for enlightened immigration reform, 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/>. ABIL is also on Twitter: @ABILImmigration.

Disclaimer/Reminder

This email 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.

Copyright © 2017 Alliance of Business Immigration Lawyers. All rights reserved.

[Back to Top](#)