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Feature Article

ATTRACTING HIGHLY SKILLED TALENT: AN OVERVIEW – This article provides an overview of programs to attract highly skilled talent in Italy and Turkey.

Country Updates

ITALY – Applications for startup visas can be filed January 27 to March 17, 2022. Also, Italy announced the number of foreign workers allowed in Italy for 2022.

RUSSIA – Russia has released new details about medical examinations, fingerprinting, and photographing procedures.

SPAIN – A new immigration regulation relating to audiovisual sector activities was published.

UNITED KINGDOM – This article provides updates on several developments, including a new digital process for Skilled Workers; no original document BRP right to work checks as of April 6, 2022; the expansion of Health and Care Worker visas; the addition of India and Iceland to the Youth Mobility Scheme; and the latest UK COVID-19 pandemic travel rules; and the fast approach of the United Kingdom's (UK) new Global Business Mobility (GBM) route launch.

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ATTRACTING HIGHLY SKILLED TALENT: AN OVERVIEW

This article provides an overview of programs to attract highly skilled talent in Italy and Turkey.

Italy

The main programs to attract Highly Skilled Talent in Italy are:

EU Blue Card

The EU Blue card is a work permit for non-European Union (EU) highly skilled workers to be employed in Italy. It can be applied for at any time of the year because it is not subject to the limits imposed each year by the immigration quotas. The main eligibility requirements are (a) to possess an academic degree awarded on completion of a university course of at least three years' duration and, if required, of the necessary professional qualifications (if the position offered is for a regulated profession); (b) to have a valid work contract to work in Italy or a binding job offer from an employer based in Italy, for at least one year, and a salary of at least approximately 25,000 euros per year; and (c) to be offered a high-level position in Italy.

Details:

- "Blue Card Permit: How It Works," Medium, <https://mm-63015.medium.com/blue-card-permit-how-it-works-508def53f055>
- "EU Blue Card Work Permit," Mazzeschi SRL, <https://www.mazzeschi.it/italian-immigration/corporate/eu-blue-card-work-permit/>

Italy Startup Visa

The Italia startup visa program is aimed at entrepreneurs intending to relocate to Italy to set up an innovative start-up business (business with high technological value) or to join an already established innovative startup company. More about this below.

In addition, Italy has two programs for highly skilled workers moving to Italy in the framework of an intra company transfer.

Details:

- "Italy's Startup Visa," Agile Insider, <https://medium.com/agileinsider/italys-start-up-visa-6a442a9fdbd1>
- "Italy Startup Visa," Mazzeschi SRL, <https://www.mazzeschi.it/italian-immigration/hnwi-investors-entrepreneurs/italy-startup-visa/>
- "Italy's Intra-Company Visas," Medium, <https://mm-63015.medium.com/italys-intra-company-visas-bfa4b7e99b32>

Turkey

Turkey's most concerted effort toward focusing an immigration regime on highly skilled talent has been passing a law and regulations related to what is to be called the "Turquoise Card." Unfortunately, although regulations were promulgated in 2017, this regime has yet to be implemented.

On March 14, 2017, regulations regarding the new Turquoise Card were published in the Official Gazette. In the *Law on International Workforce* (August 2016), this category of permanent residence was created for qualifying foreigners. Pursuant to Article 11 of the new law, a *Turkuaz* (Turquoise) Card would be given to foreign nationals after evaluation of their educational level, professional experience, contribution to science and technology, and/or the impact of their investments in Turkey. The Ministry of Labor's (MoL) plan has been that a panel of experts within the Work Permit Directorate would adjudicate Turquoise Card cases. The regulations include the following points:

1. Categories for the Turquoise Card include highly qualified employees, certain investors, strategic/high-impact scientists or researchers, internationally successful artists or athletes, and specialists who will promote Turkey.
2. Any Turkish government agency may issue a "Certificate of Conformity" evidencing support for the particular foreigner's application. Details regarding this certificate will be determined at a later date.
3. The general criteria (scoring system) for each category include the following considerations:
 - a. **Highly qualified employees:** Level of education, prestige of educational institution, salary level, foreign language abilities, and relevant professional experience.
 - b. **Investors:** Amount of investment, level of exports, number of employees, strategic need of sector of investment, strategic need of region where investment will occur, nature of intellectual or industrial property rights of investment.
 - c. **Scientists/Researchers:** Level of education and prestige of educational institution, patents, trademarks or licenses granted to the applicant, level of innovation of their activities or field of knowledge, academic or professional titles, strategic importance to Turkey of their sector of expertise, anything that shows the importance of their professional experience or qualifications.
 - d. **Athletes or Artists:** Nationally or internationally recognized awards or degrees, etc. For artists, recognition of their work.
 - e. **Specialists to Promote Turkey or Turkish Culture:** Duration, sustainability, influence, etc., of their promotional activities for Turkey. Activities carried out internationally as volunteers, etc.

In late 2021, the MoL announced on its official website that applications would soon be accepted; however, as of late January 2022, an application form has not been publicly released.

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ITALY

Applications for startup visas can be filed January 27 to March 17, 2022. Also, Italy announced the number of foreign workers allowed in Italy for 2022.

Startup Visa Program Application Period Opens

The Italia startup visa program is aimed at entrepreneurs intending to relocate to Italy to set up an innovative startup business. Companies must meet the conditions set forth by Law 221/2012 or join an already established startup company.

Startup visas are subject to the availability of immigration quotas issued yearly by the government. The available quotas for 2022 were announced recently. The application can be filed from January 27, 2022, until March 17, 2022.

The program guarantees a streamlined application procedure, with an online clearance application and the issuance of a visa and residence permit under the fast-track procedure.

Italy Announces Number of Foreign Workers Allowed in Italy for 2022

The Italian government has announced a cap of 69,700 on the number of workers from outside the European Economic Area (EEA) allowed in Italy for 2022. The decree, dated December 21, 2021, was published in the Official Gazette in January 2022.

More than half of the quotas are reserved to entries for seasonal work (42,000); there are 20,000 quotas for subordinate work, but only for specific sectors of activity (road haulage, building, and the hospitality/tourism industry) and for certain nationalities; most of the remaining quotas are reserved to permit conversion (7,000) for foreign citizens already in possession of a residence permit in Italy or EU (study, seasonal work, permanent) intending to change status, i.e., to convert the existing permit into a permit for employment/self-employment.

The rest—a few quotas—are for self-employment work (500) and special categories (200) of foreigners (such as Venezuela residents with Italian ancestors or individuals who have completed specific training in their country of residence).

The deadline to submit applications is March 17, 2022.

Details:

- Italy Startup Visa, Mazzeschi SRL, <https://www.mazzeschi.it/italian-immigration/hnwi-investors-entrepreneurs/italy-startup-visa/>
- The Italian Policy for Innovative Entrepreneurship, Italian Ministry of Economic Development, <https://bit.ly/3FWkT74>
- Italian Immigration & Citizenship, Mazzeschi SRL, https://www.mazzeschi.it/mazzeschi-asiadesk/wp-content/uploads/2021/12/Magazine-Jan-2022_compressed.pdf

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RUSSIA

Russia has released new details about medical examinations, fingerprinting, and photographing procedures.

Medical Examination

Medical examination of foreign citizens who have entered Russia for the purpose of carrying out work activities in Moscow occurs at the branches of the State Budgetary Healthcare Institution of the city of Moscow, "Moscow Scientific and Practical Center of Dermatovenerology and Cosmetology of the Department of Health of the City of Moscow." Special conditions for medical examination of highly qualified specialists have been introduced.

Also, at the GBU Migration Center in Moscow, foreign citizens can submit copies of the results of a medical examination as well as undergo fingerprinting and photographing procedures in Moscow.

In the Branch of the Labor Migration Center (Sakharovo), a foreign citizen must issue a notarized power of attorney for the person who accompanies him or her during the medical examination.

In the Labor Migration Center (Sakharovo) only, foreign citizens can undergo all medical examination procedures in one place. In other branches, there is no such possibility; several visits may be needed for the medical examination to be complete.

Foreign citizens who have entered the Russian Federation for the purpose of carrying out work activities and who are staying in the Russian Federation for less than 30 calendar days should not undergo medical examination, fingerprinting, or photographing procedures, according to representatives of the Ministry of Internal Affairs of the Russian Federation, who confirmed this with the Association of European Business and the U.S. Chamber of Commerce. The period of 30 calendar days is calculated anew after the next entry into the Russian Federation of a foreign citizen for the purpose carrying out work activities. If the stay of such foreign citizen is to exceed 30 calendar days, however, he or she must undergo these procedures before the expiration of the 30-day period.

Fingerprinting/Photographing and Medical Exam Submission

Fingerprinting and photographing procedures, as well as submission of the results of a medical examination, are carried out in:

1. Migration offices of the territorial departments of the Ministry of Internal Affairs of the Russian Federation
2. Authorized organization of the federal city of Moscow—Migration Center "Sakharovo"
3. Enterprise—Federal State Unitary Enterprise "Passport and Visa Service"

Details:

- Medical Examination: Details, Vista Immigration, <https://vista-immigration.ru/medical-examination-details/>

- Information about the Passport and Visa Service's working hours, branches, addresses, and contact details are posted on the website of FSUE "Passport and Visa service," <https://pysmvd.ru/>. According to the information on the website, branches of this organization are currently not present in all regions of the Russian Federation.

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SPAIN

A new immigration regulation relating to audiovisual sector activities was published.

On November 13, 2021, a new immigration regulation, Order PCM/1238/2021, was published in the Spanish Official Gazette (BOE), regarding the procedure for the entry and stay in Spain of third-country nationals who carry out activities before the public in the audiovisual or artistic fields or in recording to be broadcast by mass media.

Highlights of the new regulation include:

Activities for a period of less than 90 days in any 180-day period do not require work authorization. Entry will be under the Schengen regulations. In the event of foreign nationals subject to a visa requirement, a uniform visa will be issued.

If the 90-day period must be extended due to unexpected reasons, it is possible to submit a stay permit up to 180 days. The application must be submitted at least 30 days before the expiration of the initial allowed 90-day stay period in the Schengen area.

Activities for a period between 90 and 180 days may be carried out under a visa for stay for the audiovisual sector. Such an application is submitted at the Spanish consulate having jurisdiction over the applicant's place of residence. The application can be submitted by either the applicant or their legal representative, or by the representative of the company hiring or posting the applicant who is authorized to act on their behalf. The visa processing time is 10 working days, and a police clearance certificate is not required.

Activities for a period of more than 180 days may be carried out under a residence authorization for the audiovisual sector. The application is submitted online by the hiring or posting company (or its representative) through the platform of the Ministry of Inclusion, Social Security and Migration. The processing time to resolve the application is 20 working days. Otherwise, "positive silence" applies. If the foreigner is not in Spain, a visa will be required. A criminal clearance certificate from the country (or countries) where the foreigner has resided during the last five years before submitting the application is required.

Family members accompanying the applicant may obtain visas and authorizations allowing their accompaniment.

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UNITED KINGDOM

This article provides updates on several developments, including a new digital process for Skilled Workers; no original document BRP right to work checks as of April 6, 2022; the expansion of Health and Care Worker visas; the addition of India and Iceland to the Youth Mobility Scheme; and the latest UK COVID-19 pandemic travel rules; and the fast approach of the United Kingdom's (UK) new Global Business Mobility (GBM) route launch.

New Digital Process for Skilled Workers

Most sponsors of Skilled Workers are familiar with European Union (EU) citizens being able to apply using the United Kingdom (UK) Immigration ID check app, but now:

- Non-EU citizens with an existing biometric residence permit (BRP) can also apply in the UK using the app.
- This means the applicant does not need to attend an in-person appointment. Instead, applicants can use the app to scan their BRP and face.
- Most applicants will not receive a new BRP and will instead be issued an eVisa (digital immigration status). Visa nationals will receive a new BRP and an eVisa. The BRP can be used when boarding a plane to the UK to avoid issues for visa nationals using eVisas.
- It is expected that Skilled Workers applying outside the UK will soon be able to apply using this digital process, as will those in other immigration categories.

No Original Document BRP Right to Work Checks as of April 6, 2022

- As of April 6, 2022, employers must conduct an online right to work check for anyone who has a BRP. It will no longer be possible to check the BRP itself as part of an original document check (also known as a manual check).
- There will be no need to re-check existing staff members, only new recruits and people who are extending their visas.
- Separately, the Home Office updated its employer guidance on right to work checks, confirming that new legislation will take effect as of April 6, 2022, providing for a scheme allowing employers to use a digital verification process for right to work checks on British and Irish employees. Currently it is only possible to do original document (manual) checks. Employers will have the option to rely on certified Identification Document Validation Technology service providers to carry out the digital identity checks on their behalf. If the employee does not have a valid British or Irish passport, an original document check must be made. The scheme is still in development. In the meantime, employers can continue to carry out original document checks on British and Irish employees.

Expansion of Health and Care Worker Visas

- A temporary 12-month expansion of the Health and Care Visa scheme is planned starting in February 2022.

- The change means that those in Care Assistant, Care Worker, Carer, Home Care Assistant, Home Carer, or Support Worker (Nursing Home) roles should qualify.
- Those eligible for a Health and Care Worker visa benefit from lower UK Visas and Immigration (UKVI) application fees, do not pay the Immigration Health Surcharge and, in theory at least, have the advantage of fast-track processing.

India and Iceland Join Youth Mobility Scheme

- On January 1, 2022, Indian and Icelandic nationals were added to the Youth Mobility Scheme.
- 18- to 30-year-olds from eligible countries can apply for a two-year visa to live and work in the UK.
- While this is a positive development, there are only 3,000 places for Indian nationals under the Indian Young Professionals Scheme, and they must meet extra criteria by showing that they have a degree qualification or three years of skilled work experience.
- The ballot system process for Indian nationals has not yet been released, so applications are not possible now.

Latest UK COVID-19 Pandemic Travel Rules

As of January 2022, the COVID-19 pandemic is causing problems for people with UK visas and their employers. For example, some UK visa application centers are still closed, and there are new restrictions on international travelers arriving in the UK. The COVID-19 travel rules change frequently, so travelers should check for the latest updates.

New Global Business Mobility (GBM) Visa

The intended launch of the GBM route is fast approaching. The Home Office promised a "cohesive system" for overseas businesses to assign employees to the UK for a range of business purposes by spring 2022. The new visa route will consolidate and expand on an array of existing immigration routes and introduce new opportunities for businesses both with and without a UK presence.

The GBM route will consist of five categories:

- **Senior or specialist worker**—for individuals whose skills are required in the UK for a specific business purpose;
- **Graduate trainee**—for individuals who are on a UK placement as part of a structured training program;
- **UK expansion worker**—for individuals who are on an assignment as part of a UK expansion of the business;
- **Secondment worker**—for business-specific secondments; and
- **Service supplier**—for individuals travelling to the UK to deliver a service in line with a UK trade commitment.

The requirements for the GBM visa will be based predominantly on those of the Intra-Company Transfer (ICT) route. This means that the UK business receiving the workers will require a sponsor license. The workers will need to satisfy salary and skill thresholds and should have completed a minimum period of employment overseas before applying. There will be no English language requirement. Although assignments on the GBM route will be temporary, there will be flexibility to switch to other permanent routes, such as the Skilled Worker route.

The Home Office said that the exact requirements for the route will be subject to the Migration Advisory Committee's (MAC) review and may depend on the GBM subcategory in question. In its review of the ICT route in October 2021, the MAC made a series of recommendations, including increasing the minimum salary threshold and allowing time spent on the ICT route to count toward settlement. It will be interesting to see if these recommendations are incorporated within the GBM provisions under the Immigration Rules.

While some of the subcategories of the GBM visa mirror existing routes (the Graduate trainee, for example, is similar to the Intra-Company Graduate Trainee), others provide a new route for overseas businesses to send employees to the UK. The UK expansion worker, for example, is set to supplement the Representative of an Overseas Business route, allowing overseas businesses to send more than one worker and access the Sponsor Management System to manage assigned employees. However, unlike the Representative of an Overseas Business route, the UK expansion worker, and all the subcategories of the GBM visa, will be a sponsored route. This raises additional challenges—in terms of both logistics and costs—for employers and the Home Office, with the latter having to monitor the compliance of sponsor license holders located outside the UK.

In the coming weeks, further clarification is expected from the Home Office on how individuals and companies can apply under the GBM route and the permitted activities for a GBM migrant in the UK. It is hoped that the Home Office will also clarify the potential sponsor license system for overseas businesses and how it plans to carry out future compliance checks.

Details:

- "Skilled Worker Visas and Sponsor Licences: A Guide for Employers," Kingsley Napley, <https://www.kingsleynapley.co.uk/services/department/immigration/skilled-worker-visas-and-sponsor-licences-a-guide-for-employers>
- "Right to Work Checks: What Employers Need to Know," Kingsley Napley, <https://www.kingsleynapley.co.uk/services/department/immigration/slp/right-to-work-checks>
- "Employer Right to Work Checks Supporting Guidance, UK Home Office, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1047370/2022_01_17_Employer_s_Guide_.pdf
- "Biggest Visa Boost for Social Care as Health and Care Visa Scheme Expanded," Gov.UK, https://www.gov.uk/government/news/biggest-visa-boost-for-social-care-as-health-and-care-visa-scheme-expanded?mc_cid=676b7e4d88&mc_eid=a6a62db06f
- Coronavirus UK immigration FAQs, Kingsley Napley, <https://www.kingsleynapley.co.uk/services/department/immigration/coronavirus-covid-19-uk-immigration-faqs>

- Coronavirus: Immigration and Borders, Gov.UK, <https://www.gov.uk/government/collections/coronavirus-covid-19-immigration-and-borders>
- "Intra-Company Transfer Report: October 2021," Gov.uk, <https://bit.ly/3uuXE2c>

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New Publications and Items of Interest

Alliance of Business Immigration Lawyers:

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

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ABIL Member/Firm News

Several ABIL Global members and attorneys from ABIL firms were listed in the 2022 Canadian Legal Lexpert Directory (<https://www.lexpert.ca/rankings>). The directory, published since 1997, is based on an extensive peer survey process. It includes profiles of leading practitioners across Canada in more than 60 practice areas and leading law firms in more than 40 practice areas. It also features articles highlighting current legal issues and recent developments of importance. The ABIL members and affiliated attorneys listed include:

Gomberg Dalfen S.E.N.C.:

Seth Dalfen

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

Genevieve Hénault

Caruso Guberman Appleby Corporate Immigration Law Firm:

Barbara Jo (BJ) Caruso (bio: <http://www.abil.com/lawyers/lawyers-caruso.cfm?c=CA>)

Sarah Fagan

Joel Guberman

Foster LLP presented a webinar, "Immigration: Are You Ready for 2022?," on January 26, 2022. Presenters discussed what employers should keep in mind when planning their

organization's immigration needs for 2022 and the importance of immigration policy. Topics included a brief recap of 2021; business needs and developing corporate immigration policy; immigration timelines and compliance, including H-1B, L-1, TN, global sponsorship, permanent residence sponsorship, and I-9 compliance; and hot topics. Speakers included **Avalyn Langemeier**, **Philip Eichorn**, and **Vi Palacios**. <https://bit.ly/3fsn6g4>

Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>) was quoted by the *Atlanta Journal-Constitution* in " 'A Huge Burden': Bail Bonds for Detained Immigrants Higher in Georgia." Mr. Kuck said, "It disappoints me that Georgia immigration courts seem to be setting higher bonds than other parts of the United States. [But] is there a correlation between a higher bond and an appearance [in court]? I don't think there is. Anecdotally, from my own experience having represented thousands of people in immigration court, there is no correlation at all." <https://www.ajc.com/news/a-huge-burden-bail-bonds-for-detained-immigrants-higher-in-georgia/QAM6MJ4GQBESVIQEHGQZG3PPME/>

Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) provided the following seminar notices:

- **Avalyn Langemeier** spoke on a panel, "What the H?!", at the Texas Bar's 20th Annual Course in Advanced Immigration Law on February 3-4, 2022. The panel discussed the failure to advise an employer/employee correctly on immigration matters, ethics, and situations that might arise. <https://www.texasbarcle.com/materials/Programs/4303/Brochure.pdf>
- **Oxana Bowman**, **Cathy Liu**, and **Andrés Zamberk** will discuss in their webinar, "To (H-1)B or Not to (H-1)B—Preparing for the H-1B Cap Season," the definition and elements of eligibility for the H-1B visa, lottery selection, and relevant timelines for the fiscal year 2023 H-1B cap registration process, and helpful tips when working with H-1B candidates and the H-1B process. The webinar, hosted by **Foster LLP**, will be held February 9, 2022. <https://attendee.gotowebinar.com/register/8082799567985137419>
- **Avalyn Langemeier**, **Philip Eichorn**, and **Vi Palacios** discussed in their webinar, "Immigration: Are You Ready for 2022?," what employers should keep in mind when planning their organization's immigration needs for 2022 and the importance of an immigration policy. This webinar was held January 26, 2022. <https://attendee.gotowebinar.com/register/244362480959499536>
- **Avalyn Langemeier** discussed in her presentation, "Is Immigration to the U.S. Good for America?," the contributions of immigrants and why immigrants are needed in the United States, in the Legalkwik seminar on January 27, 2022, hosted by HR Houston. <https://www.hrhouston.org/events/EventDetails.aspx?id=1544444&group=>
- **Oxana Bowman** and **Sandra Dorsthorst** discussed in their webinar, "To (H-1)B or Not to (H-1)B - Cap Season," strategies for contingency planning for employers whose sponsored employees are not selected in the H-1B cap lottery. This webinar, hosted by HR Houston, was held January 13, 2022. <https://www.hrhouston.org/events/EventDetails.aspx?id=1578132&group=>

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) and **Jessica Paszko** co-authored a new blog post: "Amin v. Mayorkas: Fifth Circuit Denies EB-1 Extraordinary Ability Petition Even Though Petitioner Met Three Out of Ten Regulatory Criteria." <https://bit.ly/3HvzZID>

Mr. Mehta and **Kaitlyn Box** co-authored several blog posts: "Expansion of STEM Practical Training and Broadening of O-1A Standards Allows Foreign Talented Students to Contribute to the U.S. Even If Rejected in the H-1B Lottery," <https://bit.ly/34ftlvM>; and "Frequently Asked Questions on Transferring the Underlying Basis of an I-485 Application From an I-140 Petition Under India EB-3 to an I-140 Under India EB-2," <https://bit.ly/3fOmG3D>

Mr. Mehta authored a blog posting: "2021 In Perspective From the Insightful Immigration Blog." <http://blog.cyrusmehta.com/2021/12/2021-in-perspective-from-the-insightful-immigration-blog.html>

Greg Siskind, of **Siskind Susser PC**, was quoted by *Time* in "Tens of Thousands of Afghans Who Fled the Taliban Are Now Marooned in America's Broken Immigration Bureaucracy." The article notes that Afghans left behind after the U.S. evacuation were caught in a Catch-22: to be approved for humanitarian parole, they were told they must go to a U.S. embassy for vetting and biometrics screenings, but the U.S. embassy in Afghanistan suspended operations. Mr. Siskind said that when Afghans fled to nearby countries and reported to a U.S. Embassy there, USCIS's response was, "if you're out of the country, you're not in danger anymore, and therefore you're not eligible for humanitarian parole. His law firm has taken on pro bono cases for Afghans abroad applying for humanitarian parole. Mr. Siskind received his first denial notice from USCIS recently for an Afghan woman who fled to Pakistan with her three teenage children. The woman is a single mother who fears being a target of the Taliban because she worked with the World Bank, he said. USCIS didn't explain why the woman was rejected; a line from the USCIS notice said simply that the agency "determined that parole is not warranted. Therefore we have denied your request for parole," Mr. Siskind said. <https://time.com/6141516/afghans-humanitarian-parole/>

William Stock (bio: <http://www.abil.com/lawyers/lawyers-stock.cfm?c=US>), **Michele Madera**, and **Nigel James** of **Klasko Immigration Law Partners, LLP**, presented on January 19, 2022, lessons learned from the 2021 H-1B cap season to help companies plan for the upcoming 2022 H-1B lottery. They also provided updates on regulations and litigation outcomes. https://us06web.zoom.us/webinar/register/7216413311518/WN_vwfA4iA2QTO95p2dttvdlg

Wolfsdorf Rosenthal LLP has published several new blog posts: "State Dept. Announces F/M/J Nonimmigrant Visa Processing Posts Outside of Moscow for Applicants Resident in Russia"; "Biden Administration Implements New Actions to Increase Opportunities for STEM Students, Professionals, Others"; "Immigration Update"; "February 2022 Visa Bulletin Update"; and "I-9 Form Update: COVID-19 Pandemic-Related Temporary Policies, Employer Tips." <https://wolfsdorf.com/news/> <https://wolfsdorf.com/news/>

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted by *Law360* in "Breyer Leaves Legacy of Extending Constitution to Migrants." The article noted that U.S. Supreme Court Justice Stephen Breyer, who announced his retirement after nearly three decades on the bench, leaves behind a legacy of influential legal opinions and dissents that sought to extend constitutional rights and protections to noncitizens. Mr. Yale-Loehr stated that Justice Breyer "did not always prevail in extending constitutional or statutory rights to noncitizens." But "whether he won or lost, Justice Breyer showed a commitment to apply the Constitution to noncitizens." <https://www.law360.com/immigration/articles/1459013/breyer-leaves-legacy-of-extending-constitution-to-migrants> (registration required)

Mr. Yale-Loehr was quoted by *Baptist News Global* in "America's Economy Urgently Needs More Immigrant Labor, Experts Explain." Noting that the fields of science, technology, engineering, and mathematics (STEM) are areas where the United States could use a boost of immigrants, Mr. Yale-Loehr commented that the Biden administration's shift in federal policy to

allow more STEM scholars and experts into the country and make it easier for them to stay are "good first steps, but we must do more to address existing backlogs. So many workers have to be laid off because their [work] permits have expired." <https://baptistnews.com/article/americas-economy-urgently-needs-more-immigrant-labor-experts-explain/#.YfXCRprMK71>

Mr. Yale-Loehr was quoted by Vox in "Biden Is Defending Key Trump Immigration Policies in Court." For the Biden administration, he said, defending some of the Trump administration's most controversial immigration policies could be an attempt to preserve tools to manage the border, or they could mark an internal disagreement on righting the wrongs of the Trump era. "Every administration wants to have as much flexibility and discretion as it can on immigration because you never know what conditions will arise in the future," he said. <https://www.vox.com/22893065/biden-family-separations-title-42-border-court>

Mr. Yale-Loehr was quoted by Law360 in "Breyer Leaves Legacy of Extending Constitution to Migrants." The article noted that U.S. Supreme Court Justice Stephen Breyer, who announced his retirement after nearly three decades on the bench, leaves behind a legacy of influential legal opinions and dissents that sought to extend constitutional rights and protections to noncitizens. Mr. Yale-Loehr stated that Justice Breyer "did not always prevail in extending constitutional or statutory rights to noncitizens." But "whether he won or lost, Justice Breyer showed a commitment to apply the Constitution to noncitizens." <https://www.law360.com/immigration/articles/1459013/breyer-leaves-legacy-of-extending-constitution-to-migrants> (registration required)

Mr. Yale-Loehr spoke at a free webinar, "Assessing Biden's Immigration Changes," on January 31, 2022. Also speaking was Stuart Anderson, Executive Director, National Foundation for American Policy. The webinar was co-sponsored by the Cornell Law School Federalist Society, the Cornell Migrations Initiative, the New York State Office of New Americans, and Catholic Charities of Tompkins Tioga. <https://cornell.zoom.us/j/95921538483?pwd=SDA4akNPVkJFoVjN2ZUVsU212b3RVdz09>

Mr. Yale-Loehr was quoted by several media outlets regarding recent U.S. policy changes making it easier for STEM international students to work in the United States:

- "Biden Admin. Expands Definition Of STEM For Int'l Students," Law360. Mr. Yale-Loehr said, "Together, these administrative changes provide a small but significant step to help keep U.S. companies competitive in a global economy and to address workforce shortages. Larger actions, such as increasing the number of employment-based green cards, will require Congressional action." <https://www.law360.com/immigration/articles/1457587/biden-admin-expands-definition-of-stem-for-int-l-students> (registration required)
- "Foreign Students Will Now Have More Job Opportunities After Visa Modification," Univision. Mr. Yale-Loehr said, "These changes will help keep American businesses competitive. The policy changes will make it easier for international students and professionals in so-called STEM fields to stay and work in the United States for an extended period of time after they complete their studies and graduate. Among other things, the changes add 22 new STEM fields, including bioenergy, cloud computing, and data science, that international students can study to qualify for work in the United States for up to three years after graduation." <https://www.univision.com/noticias/inmigracion/estudiantes-visas-f-1-tendran-mas-oportunidades-para-trabajar-eeuu> (in Spanish, with English translation available)

Mr. Yale-Loehr was quoted by the *Utica NY Observer-Dispatch* in " 'Not to be there...is killing me': Professor Aches for Comatose Wife Stuck in Ethiopia." Mr. Yale-Loehr noted that both the pandemic and the United States' "broken" immigration system have led to many family separations. "Family separation is a large and continuing problem in all of immigration," he said. <https://bit.ly/3255Eeo> (subscription required)

Mr. Yale-Loehr was quoted by *Univision* in "Supreme Court Hears Arguments on the Release of Undocumented Persons Detained for More Than 6 Months." He said, "Two lower courts held that, in certain cases, immigrants have that right [to a bail hearing]. But the conservative majority of the Supreme Court may disagree with those rulings," he warns. The arguments, presented by immigration defense attorneys and the Justice Department, concern whether foreigners who have been detained for more than six months "have the right to a bail hearing to be released," he said. In one of the cases, the immigrant Antonio Arteaga-Martínez argues that to avoid a violation of due process, "he and some other immigrants should have the right to a bond hearing after six months in detention. However, last year, the Supreme Court ruled 6-3 that immigrants who return illegally to the United States after being deported must be held without bond while they await a second deportation hearing," he noted. Mr. Yale-Loehr said that "the cases are important, in part due to the large backlog of cases in immigration court. More than 1.5 million immigrants have cases pending with the [Executive Office for Immigration Review]. It can take years to get a decision. If immigrants have to be detained all that time, the monetary and social costs will be immense." <https://www.univision.com/noticias/inmigracion/corte-suprema-indocumentados-liberacion-detenedos-seis-meses> (in Spanish, with English translation available)

Mr. Yale-Loehr was quoted by several Brazilian newspapers about U.S. President Biden's immigration reform plans. As an example, Mr. Yale-Loehr was quoted by *Diário do Grande ABC Internacional* in "Biden Faces Pressure From Companies to Reform Immigration System." Mr. Yale-Loehr said, "Companies cannot remain competitive in a global economy or meet consumer demand if they cannot hire and retain the workers they need. This is especially true given the current labor shortages and pandemic delays in visa applications and renewals." <https://www.dgabc.com.br/Noticia/3823241/biden-enfrenta-pressao-de-empresas-para-reformar-sistema-imigratorio> (in Portuguese, with English translation available)

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