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Feature Article

OPTIONS FOR UKRAINIANS: AN OVERVIEW – This article provides an overview of options for Ukrainians in several European Union countries following the invasion of Ukraine by Russia and massive migrant outflows.

Country Updates

ITALY – There is good news from the Italian government for people who seek to convert their permit of stay to a work permit.

RUSSIA – The Russian government has issued guidance for employers of foreign citizens with highly qualified specialist work permits who leave the Russian Federation for an indefinite period. Russia has lifted restrictions on the entry of persons from several countries. Also, there is a new list of professions that employers can use to hire foreign nationals from visa countries without having to apply for a quota for foreign labor first. In another development, citizens of the EAEU are no longer required to submit a negative PCR test result to enter the Russian Federation through land borders.

TURKEY – Turkey released information on vaccination requirements for entry.

UNITED KINGDOM – The adjusted right-to-work check process has been extended until September 30, 2022.

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OPTIONS FOR UKRAINIANS: AN OVERVIEW

This article provides an overview of options for Ukrainians in several European Union countries following the invasion of Ukraine by Russia and massive migrant outflows.

European Union

European Union (EU) Member States have decided to apply Council Directive 2001/55/EC of 20 July 2001 (on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof), thus introducing temporary protection for Ukrainian and Ukrainian residents fleeing from war.

Temporary protection quickly allows displaced persons to enjoy harmonized rights across the EU, including a residence permit; the possibility to engage in employed or self-employed activities; access to accommodation, social welfare assistance, and medical or other assistance; and means of subsistence. Temporary protection also benefits affected Member States because it limits the need for these displaced persons to immediately seek international protection and overwhelm the asylum systems of the Member States by reducing formalities to a minimum because of the urgency of the situation. The measures included in the Temporary Protection Directive and implementing national measures therefore allow the Member States to manage the influx of displaced persons in a controlled and effective way with full respect for fundamental rights and international obligations.

Also, according to the decision, Ukrainian nationals will have the right to obtain a residence permit immediately, valid for one year and extendable up to three years. Non-Ukrainian nationals residing in Ukraine on short term permits will be helped to leave the country but will then be repatriated. Those living in Ukraine for long-term periods with a permanent permit will be treated differently according to the Member State of relocation.

From a practical point of view, there could be some difficulties. For example, because this is an EU Directive, all Member States are required to implement it within their national law systems, which means that each Member State has discretion regarding how to implement it. Also, this Directive has never been applied before, which means that it is difficult to know, at least immediately, whether the Member States are correctly incorporating and implementing it.

Belgium

Relevant information for Belgians in Ukraine and Russia, and Ukrainians in Belgium, is at <https://info-ukraine.be/en>.

The Belgian federal immigration office confirmed that they "will examine the residence applications...with great care. Therefore, Ukrainians in Belgium should not worry if their residence permit expires in the next few weeks." (<https://dofi.ibz.be/en/themes/ukraine>).

The most recent guidelines/regulations are briefly summarized below.

Temporary Protection Status

The European Directive discussed above has been transposed into Belgian law to provide for minimum standards for granting temporary protection in the event of a mass influx of displaced persons into EU territory.

Ukrainian nationals residing in Ukraine and their family members, as well as third-country nationals or stateless persons enjoying temporary protection in Ukraine and their family members, are eligible for temporary protection in Belgium, provided they resided in Ukraine on or before February 24, 2022.

Ukrainian nationals can present themselves every day (Saturdays and Sundays included) between 8.30 am and 5.30 pm at a registration center in Brussels (current address as of March 14, 2022, is Brussels Expo Hall, Palais/Hall 8 – Heysel, Verregat) with their Ukrainian identity documents to apply for temporary protection. Due to the increasing number of registrations, the authorities ask those who already have a place to stay to wait to register in order to allow prioritization for those in need of housing. Those who registered between March 7 and 13, 2022, at the first-used registration center do not have to come back to the current registration center in Palais 8 (Heysel).

After the registration is completed, a temporary protection certificate will be issued if the conditions for granting temporary protection are met.

The municipal administration of the place of residence can afterwards issue a residence permit type A valid until March 4, 2023 (potentially renewable). Before issuance of the residence permit type A, a temporary residence document "annex 15" can be issued while awaiting the residence permit type A.

Under Belgian law, third-country nationals with temporary protection status have unlimited access to the labor market as employees as soon as they hold the document "annex 15" and later the residence permit type A. This applies to Ukrainian nationals: they can work without the need to obtain a specific permit (work or single permit).

Temporary protection status does not allow self-employed work in Belgium: a specific permit (professional card) is required to legally work in Belgium as a self-employed person.

Short Stay in Belgium (< 90 days)

Ukrainian biometric passport holders are exempt from visa requirements for short stays (maximum 90 days) in Belgium. If the situation in Ukraine does not allow for safe return at the end of the 90 days, this period can be extended up to a maximum of 180 days. This extension is also possible for those who do not hold a biometric passport but who have received a visa to enter Belgium.

The federal immigration office reassures "Ukrainian citizens who are, or have arrived, legally in Belgium and who, due to the situation in their country, stay longer than the authorized stay," but they "are advised to go immediately to the municipal administration of their place of residence to declare their arrival and/or to request the authorization to extend their stay in Belgium."

Short-stay status does not allow work in Belgium.

Long Stay in Belgium (> 90 days)

The guidelines for long stay, e.g., for work or for family reunification, include:

- For Ukrainian citizens who are still in Ukraine, in principle those who wish to come to Belgium should normally obtain a visa D (national long-stay visa) before traveling. It is now possible to apply for this visa at the Belgian Consulate General in Warsaw, Poland, since the Belgian Embassy's offices in Kiev are currently closed.
- For Ukrainian citizens who have left Ukraine and are already in the Schengen area, it is possible for them to apply for a residence permit directly at the municipal administration of their residence in Belgium. The conditions for granting this residence permit (study, work, family reunification) are maintained, but if the applicant cannot present the usual official documents, the immigration office will look for alternatives.
- Ukrainian citizens who have left Ukraine and are in a country that is not part of the Schengen area can contact the Belgian embassy or consulate responsible for that country.
- Ukrainian citizens who are legally residing in Belgium for a limited period of time and no longer meet the requirements for renewal of their residence card type A can obtain an extension of their authorized stay (end date of stay + 90 days). It is possible to extend this period up to a maximum of 180 days.

Flanders: Ukrainian Seasonal Workers

Specifically for Flanders, Ukrainian seasonal workers who are currently living and working in Belgium with a work permit valid for a maximum of 90 days can extend this work permit up to a maximum of five months overall, even when they will stay in Flanders for longer than 90 days in total.

Canada

Canada has committed to opening two new streams of immigration for Ukrainians.

First, a Canada-Ukraine Authorization for Emergency Travel (CUAET) allows Ukrainian nationals to apply for a visa without most of the usual requirements (free of charge, exempt from completing an immigration medical exam overseas, option to apply for a free open work permit, exempt from Canada's Covid-19 vaccination requirements) excepting biometrics and ArriveCAN. No limit on the number of applications will be imposed, and pending a background check and security screening, the stay in Canada can be for up to three years. Canada intends to process a standard CUAET application within two weeks of receipt of the application. The steps to apply for this stream are at <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/ukraine-measures/cuaet.html>

Second, Canada will implement a Special Family Reunification Sponsorship pathway for immediate and extended family members of Canadian citizens and permanent residents who are in Ukraine. For this pathway, details should follow in the coming weeks.

Ukrainians who will be coming to Canada through these two streams will be eligible to apply for an open work permit. Canada has also committed to issue open work permits to Ukrainian visitors, workers, and students who are currently in Canada and cannot go back due to the

unsafe conditions. The Canadian government continues to encourage Ukrainians to apply through all available programs, as their applications will be prioritized.

Canadian immigration measures for people affected by the situation in Ukraine are at <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/ukraine-measures.html>

Italy

Below is a summary of possible options applicable to Ukrainian citizens migrating to Italy now. This information was prepared based on the measures available at the moment; no official specifications had been issued yet.

Option 1: Special temporal permit of stay for "calamity"

This solution applies when the country of origin of a foreigner (applicant) is in a proven situation of a "situation of serious calamity," which makes that person unable to return to their country due to safety concerns. This type of permit has a duration of 6 months and is valid only within the Italian territory. It allows foreigners to work in Italy and can be converted into a work permit.

However, it should be noted that this type of permit is for cases of "natural calamity," but the applicable law does not specify cases regarding wars and similar conflicts.

Option 2: Asylum

Ukrainian citizens can apply for asylum in Italy. According to Italian law, there is no formal timeframe for making an asylum application. However, asylum seekers should file their applications as soon as possible. Immigration legislation prescribes, as a general rule, a deadline of 8 days from arrival in Italy for migrants to present themselves to the authorities.

An asylum application can be submitted either at the border police office or within the territory at the provincial Immigration Office (*Ufficio immigrazione*) of the Police (*Questura*), where fingerprinting and photographing (*fotosegnalamento*) are carried out. If the asylum application is submitted at the border, the Border Police invites asylum seekers to present themselves at the *Questura* for formal registration.

After the filing (*verbalizzazione*) of the application, the *Questura* sends the formal registration form and the documentation to the Territorial Commissions or sub-Commissions for International Protection located throughout the national territory, the only authorities competent to conduct the substantive asylum interview. The *Questura* then notifies the asylum seeker of the interview date to appear before the Territorial Commission.

Applicants can check for their local *Questura* office at <https://questure.poliziadistato.it/localcity>. A receipt, including a photo and the tax code of the applicant, is issued for the applicant to access health services.

Details:

For more information, see <https://www.mazzeschi.it/temporary-protection-for-ukrainian-citizens-in-italy/>

Ukrainian citizens who need to request temporary protection in Italy can also check the following links:

- Italia ([inca.it](https://www.inca.it))
- <https://www.patronato.acli.it/soluzioni-per-te/straniero-in-italia/>
- <https://patronatoinas.si/?lang=it>
- <https://www.patronatoenac.it/servizi/immigrazione/>

For further information, see <https://www.interno.gov.it/it/info-utili-lingresso-dei-profughi-ucraini-italia>

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Country Updates

ITALY

There is good news from the Italian government for people who seek to convert their permit of stay to a work permit.

The deadline for sending applications to convert residence permits issued for other reasons into work permits has been extended from March 17 to September 30, 2022.

RUSSIA

The Russian government has issued guidance for employers of foreign citizens with highly qualified specialist work permits who leave the Russian Federation for an indefinite period. Russia has lifted restrictions on the entry of persons from several countries. Also, there is a new list of professions that employers can use to hire foreign nationals from visa countries without having to apply for a quota for foreign labor first. In another development, citizens of the EAEU are no longer required to submit a negative PCR test result to enter the Russian Federation through land borders.

Update on Highly Qualified Specialist Work Permits

Due to the current situation, many foreign citizens engaged in labor activity in the territory of the Russian Federation on the basis of work permits for highly qualified specialists may decide to leave the territory of the Russian Federation for an indefinite period.

Employers of such foreign citizens are reminded:

1. To maintain the employee's status of highly qualified specialist, the employer must pay the minimum wage per month: 167,000 rubles gross. If it is impossible to pay wages (for example, if the employee took leave at his own expense), the minimum amount of wages *within one quarter* should be paid in the amount of 501,000 rubles before taxes.
2. The period of stay of a foreign citizen abroad should not exceed six months. If this period is exceeded, the work permit of the highly qualified specialist will be canceled. A similar rule applies to highly qualified specialists who have residence permits in the Russian Federation issued based on HQS work permits.
3. If a decision is made to terminate an employment contract with a foreign citizen, the employer should consult a lawyer as early as possible to receive advice on the specific case.

Restrictions on Entry Lifted for Several Countries

Starting March 30, 2022, restrictions have been lifted on the entry of citizens of Kazakhstan to the Russian Federation and on the exit of Russian citizens to Kazakhstan through the land section of the Russian-Kazakh border, as well as foreign citizens and stateless persons to Russia and Russian citizens to Mongolia through the land section of the Russian-Mongolian border. Previously it was only possible to travel to Russia from these countries by air.

Starting March 17, 2022, citizens of the Republic of Belarus can enter the Russian Federation, crossing the Russian-Belarus state border without any previously set restrictions, by car (previously entry was possible only by train and plane), and without the need to undergo sanitary-quarantine control.

Also, starting March 10, 2022, restrictions on entry into the Russian Federation of Russian citizens and foreign citizens from the following countries have been lifted:

- Hong Kong Special Administrative Region
- Botswana
- Eswatini
- Kenya
- Lesotho
- Madagascar
- Mozambique
- Namibia
- Tanzania
- South Africa
- Zimbabwe

For the entry of foreign citizens from these countries (with the exception of certain cases as specified in paragraph 2 of the Order of the Government of the Russian Federation from 16.03.2020 No 635-r, "On temporary restriction of entry into the Russian Federation of foreign citizens and stateless persons and temporary suspension of issuance of visas and invitations," for example, the residence permit owners or those who have relatives who are citizens of the Russian Federation), they must be included in the entry list compiled by the Federal Security Service of the Russian Federation and the Ministry of Internal Affairs of the Russian Federation. The Ministry of Internal Affairs has begun accepting documents for work permits and invitations for citizens of these countries, but submission is possible only after they are included in the lists of the Federal Security Service and the Ministry of Internal Affairs for entry.

New List of Professions for Employers Hiring Foreign Nationals

Also, starting March 29, 2022, a new order from the Ministry of Labour and Social Development introduces a renewed list of professions that employers can use to hire foreign nationals from visa countries without having to apply for a quota for foreign labor first.

Citizens of EAEU No Longer Required to Submit PCR Test Results to Enter Russia

EAEU citizens (Republics of Armenia, Belarus, and Kazakhstan, and the Kyrgyz Republic) entering the Russian Federation through land borders no longer need to submit a negative PCR test result.

Details:

- Entry to Russia: Restrictions on Entry from Kazakhstan and Mongolia Lifted, Vista Immigration, <https://vista-immigration.ru/entry-to-russia-restrictions-on-entry-from-kazakhstan-and-mongolia-lifted/>
- Entry to Russia: News (Belarus), Vista Immigration, <https://vista-immigration.ru/entry-to-russia-news/>
- Entry to Russia: African Countries and Hong Kong, Vista Immigration, <https://vista-immigration.ru/entry-to-russia-african-countries-and-hong-kong/>
- Quota-Free Standard Work Permit: New List of Professions, Vista Immigration, <https://vista-immigration.ru/quota-free-standard-work-permit-new-list-of-professions/>
- Entry to Russia: The EAEU Citizens Are No Longer Required to Submit PCR, <https://vista-immigration.ru/entry-to-russia-the-eaeu-citizens-are-no-longer-required-to-submit-pcr-to-enter-russia/>

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TURKEY

Turkey released information on vaccination requirements for entry.

Turkey has access to both the Pfizer/BioNTech and Sinovac vaccines. Citizens or lawful residents are eligible for free vaccination (three total), which is then immediately recorded in the Ministry of Health's online system. The Ministry has a public mobile phone app (called *E-nabuz*) that verifies the date/type of vaccine the individual was given and produces an online certificate with a QR code to evidence vaccination status. The Ministry of Health can also produce a European Union (EU)-compliant vaccination certificate through the *E-nabuz* system for mobility within the EU.

Full vaccination at least two weeks prior to entry is required with a Ministry of Turkey-approved (or WHO-approved) vaccine OR a negative PCR test or proof of recovery from COVID-19.

Details:

- For further information, see "Türkiye Travel Rules," Turkish Airlines, <https://www.turkishairlines.com/en-tr/announcements/coronavirus-outbreak/turkey-travel-rules/>

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UNITED KINGDOM

The adjusted right-to-work check process has been extended until September 30, 2022.

The COVID-19 pandemic-related video call temporary adjusted right-to-work check process was scheduled to end on April 5, 2022. However, in a welcome development, it has been extended until September 30, 2022. This means that employers can continue to use the adjusted process to check copies of right-to-work documents over a video call.

The extension is mainly to give employers more time to become comfortable with the new digital Identification Document Validation Technology (IDVT) checking process for British and Irish citizens due to launch on April 6, 2022. This means that employers who do not wish to start using the new IDVT process now will benefit longer from the adjusted process for checking British and Irish citizen employees. Beginning October 1, 2022, if they wish, employers will still be able to check original documents from British and Irish citizens without using the IDVT.

Beginning April 6, 2022, employers must perform an online check if the person has a biometric residence permit. It will not be possible to carry out an original document (manual) check or an adjusted check (over video) if the person has a biometric residence permit.

Details:

- Right-to-Work Checks: What Employers Need to Know, Kingsley-Napley, <https://www.kingsleynapley.co.uk/services/department/immigration/slp/right-to-work-checks>
- Right-to-Work Checks: An Employer's Guide, UK Home Office, <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

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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

Dagmar Butte (bio: <http://www.abil.com/lawyers/lawyers-butte.cfm?c=US>) was quoted by *Forbes* in "Immigration Policies at USCIS Lead to Denials of L-1B Petitions." She said, "Some at USCIS have never understood the L-1 standard even though they have good guidance in the Adjudicator's Field Manual. To properly apply it, each case must be evaluated individually—you cannot template an adjudication." She also said she believes that a number of adjudicators "do

not understand what preponderance of the evidence means" and are not comfortable approving cases where something is "more likely than not," even though that is the legal standard.

<https://www.forbes.com/sites/stuartanderson/2022/02/16/immigration-policies-at-uscis-lead-to-denials-of-l-1b-petitions/?sh=60419abe1301>

Ms. Butte was quoted by *Forbes* in "USCIS Issues Immigration Rule to Expand Premium Processing." She said, "While the stakeholder community is grateful for the relatively quick expansion of premium processing to additional I-140 categories, the delayed implementation for Forms I-539 and I-765 is disappointing. Since, generally speaking, I-140 filers already have status and work permission while they wait for their applications to be adjudicated, the individuals most impacted by the continued delays are those who cannot work until the I-539 (application to change/extend status) and I-765 (application for employment authorization) are adjudicated." <https://www.forbes.com/sites/stuartanderson/2022/03/30/uscis-issues-immigration-rule-to-expand-premium-processing/>

Vic Goel (bio: <http://www.abil.com/lawyers/lawyers-goel.cfm?c=US>) was quoted by *Forbes* in "Immigration Policies at USCIS Lead to Denials of L-1B Petitions." He said, "Given that most clients and attorneys understand the requirements and aren't interested in wasting significant time or money in filing speculative cases that aren't approvable, it's odd that denial rates for L-1B cases are substantially higher than for other business immigration cases. USCIS policy sets a very high bar for approval of cases involving specialized knowledge workers, requiring firms to document how a given worker's knowledge of a company's product, processes, research, or other interests is special or advanced relative to other employees. While the standard is not insurmountable, USCIS applies it in a way that favors documentary evidence while discounting the company's own assessments of the worker's importance and knowledge, notwithstanding that company officials are typically in the best position to determine whether an employee's knowledge is truly special."

<https://www.forbes.com/sites/stuartanderson/2022/02/16/immigration-policies-at-uscis-lead-to-denials-of-l-1b-petitions/?sh=60419abe1301>

Charles Foster, of **Foster LLP**, addressed the state of immigration during his presentation, "The Need for U.S. Immigration Reform," in a meeting for the Kiwanis Club of Houston, Texas, on February 17, 2022.

Mr. Foster was interviewed by KPRC in "Galveston County Law Enforcement Continues Sending Resources to the Border." He said, "Congress has to solve this." Regarding the impact on immigration courts of increased incidents along the border, Mr. Foster said, "We have taken a bad situation and it's getting worse daily. We need more immigration judges, trial attorneys and asylum officers." <https://bit.ly/3JCn7LI>

Mr. Foster was a featured speaker at the 2022 kickoff meeting for ITServe Alliance Houston, the Houston, Texas, branch of a large network of Indian American IT and related companies.

Mr. Foster spoke at the grand opening of the Blossom Hotel on February 8, 2022, along with Bob Harvey, Chairman of the Greater Houston Partnership, and Houston Mayor Sylvester Turner. The Blossom Hotel is near the Texas Medical Center's planned "TMC3" project, the "world's largest life sciences campus," which will bring together a large number of tech companies involving health-related technologies from across the United States.

<https://www.tmc.edu/news/2021/08/texas-medical-center-launches-worlds-largest-life-science-campus/>

Mr. Foster was a keynote speaker at a sculpture dedication honoring Lyndon Baines Johnson. The event was held at the Holocaust Museum of Houston, Texas, on February 21, 2022.

Klasko Immigration Law Partners, LLP, published a new blog post: "FAQs for Temporary Protected Status (TPS) for Ukraine." <https://bit.ly/36tjTLM>

Karuna Chandani Simbeck was promoted to partner at **Klasko Immigration Law Partners, LLP**. As part of the EB-5 team, Ms. Simbeck has assisted hundreds of immigrant investors. With years of experience in EB-5, she has prepared hundreds of I-526 petitions for clients from countries such as India, South Africa, the Philippines, Singapore, Vietnam, Turkey, the United Kingdom, and China. Ms. Simbeck is often called on to review petitions, Requests for Evidence (RFEs), and Notices of Intent to Deny (NOIDs) for other law firms, among her other activities. <https://www.klaskolaw.com/wp-content/uploads/2022.01-Press-Release-Karuna-Chandani-Simbeck-Promoted-to-Partner.pdf>

Andrew Zeltner was promoted to partner at **Klasko Immigration Law Partners, LLP**. He is an experienced employment-based immigration attorney and has been assisting clients for 20 years. He handles a wide array of corporate immigration matters and also assists individual clients. He has particular experience with hospitals and organizations in the medical field, artists and performers, universities, and innovative startups. He has significant experience providing employment-based U.S. immigration services. He has provided extensive advice to human resources professionals and corporate counsel regarding immigration compliance matters including I-9 and LCA compliance issues. <https://www.klaskolaw.com/news/press-release-andrew-j-zeltner-elected-to-partnership-at-klasko-immigration-law-partners/>

Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>) wrote a letter published by the *Atlanta Journal-Constitution*, "These Pro-Immigration Bills Would Help Dreamers and All Georgians." Among other things, he said, "While Dreamers, and all Georgia immigrants, contribute upwards of \$10 billion in taxes annually, they are limited in their contributions to society because of senseless policies." <https://www.ajc.com/opinion/readers-write/3DGVQRNRBJFP3G44S2EIRDC6RY/>

Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) announced:

- **Foster** partners **Avalyn Langemeier**, **Layla Panjwani**, and **Sandra Dorsthorst**, and guest speaker **Cindy Ellis**, program specialist at the Texas Primary Care Office, presented for a Foster webinar, "Immigration Options for J-1s, Physicians & Researchers," on March 23, 2022. The webinar covered how J-1 exchange visitors and foreign national residents, physicians, and researchers can navigate the various immigration options available to them. <https://attendeegotowebinar.com/register/8568147091005058827>
- **Charles Foster** spoke on a panel, "Locally and Nationally: Where We Have Been, Where Are We Today?," at the Moving Forward: Challenging Racism Conference at the Holocaust Museum Houston on February 26, 2022.
- **Mr. Foster** gave opening remarks as Honorary Chair of the 2022 Born Global Summit at the University of Houston-Downtown Auditorium and online at the Tech Rodeo platform on March 4, 2022.
- **Mr. Foster** spoke on immigration policy at a luncheon for the Bay Area Rotary Club on March 7, 2022.

- **Foster** partner **Oxana Bowman** and attorney **Diana Dominguez** discussed immigration strategies and planning for online businesses in a webinar, "Immigration Planning and Strategies with Foster," hosted by the Texas French American Chamber of Commerce on March 9, 2022.

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>), **Kaitlyn Box**, and **Jessica Paszko** authored a new blog post: "USCIS Contact Center is More a Source of Frustration Than Assistance." <http://blog.cyrusmehta.com/2022/03/uscis-contact-center-is-more-a-source-of-frustration-than-assistance.html>

Mr. Mehta authored several new blog posts: "Immigration Relief for Ukrainian Refugees: What the United States Is Currently Offering," "Using U.S. Immigration Law to Undermine Putin," "Some Highlights of the EB-5 Reauthorization: CSPA Protection and How 245(k) and Concurrent Filing Combine to Create a New Option for Some Applicants Who Have Recently Dropped Out of Status," "USCIS Contact Center is More a Source of Frustration Than Assistance," "In Addition to Granting TPS to Ukrainians, the U.S. Must Do More to Help Ukrainians and Others Outside the U.S. Who Are in Trouble," "Huh? Why Should Requesting a Transfer of Underlying Basis with an I-485 Supplement J Restart the 180-Day Portability Clock?," "Maintenance of H-1B Status After Travelling Back on Advance Parole: Executive Legerdemain under the Cronin Memo." <http://blog.cyrusmehta.com/>

Mr. Mehta was an invited speaker at the American Immigration Lawyers Association's New England Chapter meeting on February 24, 2022, where he spoke on strategies in the face of visa retrogression in employment-based categories, including multiple filings for the same employee in different categories. **Magaly R. Cheng** was the other invited speaker. She is a partner in **Clark Lau LLC**.

Mr. Mehta was Program Chair of the Practising Law Institute's "Basic Immigration Law 2022: Business, Family, Naturalization and Related Areas" on February 3, 2022. The webcast of this program is at <https://www.pli.edu/programs/B/basic-immigration-law>

Mr. Mehta was Program Chair of the Practising Law Institute's "Asylum, Special Immigrant Juvenile Status, Crime Victim and Other Immigration Relief 2022" on February 4, 2022. The webcast of this program is at <https://www.pli.edu/programs/asylum-special-immigrant-juvenile-status-crime-victim-and-other-immigration-relief>

Mr. Mehta was a speaker at the American Immigration Lawyers Association's Washington Chapter Ethics CLE on February 10, 2022.

Mr. Mehta 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>

David Isaacson, of **Cyrus D. Mehta & Partners PLLC**, authored a new blog post: "Some Highlights of the EB-5 Reauthorization: CSPA Protection and How 245(k) and Concurrent Filing Combine to Create a New Option for Some Applicants Who Have Recently Dropped Out of Status." <https://bit.ly/3IJ8lw7>

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/>

Siskind Susser, Kuck Baxter, and Joseph & Hall have partnered to file a lawsuit challenging U.S. Citizenship and Immigration Services' and the U.S. Department of State's refusal to process EB-5 regional center cases. They are working with the Galati Law Firm on this case. The deadline for plaintiffs to join the case is March 5, 2022. <https://www.immpactlitigation.com/eb-5-regional-center-litigation-2022/>

Wolfsdorf Rosenthal LLP has published several new blog posts: "My Immigration Story With Partner Vivian Zhu: Courageous Moves," "WR Immigration Expands Its Global and Southern California Practices, Announces WRapid Global," "April 2022 Visa Bulletin Update," "Afghanistan: Tips and Resources for HR Professionals, Employees and Others," "Ukraine: Ways You Can Help," "Ukraine: News Updates," "Ukrainian Resource Page," "Short Video Series: H-1B Process Videos," "DHS Announces National Interest Exception for 'Noncitizen Nonimmigrants' Traveling From Ukraine With a U.S. Citizen or Lawful Permanent Resident," "March 2022 Visa Bulletin Update," "2022 Immigration Outlook: Countries Compete for Talent—Will the U.S. Be Left Behind?," "EB-5 Regional Center Program Update – Another Short-Term Extension Without Regional Center Reauthorization Possible," "H-1B Cap Webinar: Critical Registration Process Updates and H-1B Cap FAQs From HR Professionals," "A Video Guide to Navigating H-1B Cap Season," "State Dept. Announces F/M/J Nonimmigrant Visa Processing Posts Outside of Moscow for Applicants Resident in Russia," and "Biden Administration Implements New Actions to Increase Opportunities for STEM Students, Professionals, Others." <https://wolfsdorf.com/news/>

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted by the *Wall Street Journal* in "Muslim U.S. Citizens Questioned About Faith at Border, ACLU Lawsuit Alleges." The question of whether a person is still fully protected by the First Amendment at the U.S. border has rarely been addressed by courts, he noted: "U.S. citizens have constitutional rights when they enter the United States. But the government also has an interest in protecting the country from terrorists. Courts need to weigh these competing interests." https://www.wsj.com/articles/muslim-u-s-citizens-questioned-about-faith-at-border-aclu-lawsuit-alleges-11648130400?mod=business_minor_pos4

Mr. Yale-Loehr was quoted by *Univision* in "Government Issues a New Asylum Rule for Foreigners Subject to Accelerated Deportation." He said, "The new rule is likely to be challenged in court. The Department of Homeland Security is about to publish a final rule that revises the nation's asylum procedures. In general, it would allow USCIS asylum officers to initially hear asylum claims instead of people appearing before an immigration judge. The goal is to have a more streamlined asylum system so that people get a decision in months instead of years in our backlogged immigration courts." However, he noted, "conservative states, like Texas, are likely to challenge the new rule in court for encouraging more asylum claims. So the new rule may not come into effect for some time. But if implemented, it would help alleviate immigration court backlogs and could provide a fairer and faster system for asylum seekers."

<https://www.univision.com/noticias/inmigracion/nueva-regla-asilo-deportacion-acelerada>
[Spanish, with English translation available]

Mr. Yale-Loehr was quoted by the *Los Angeles Times* in "Hollywood Hotels Scrutinized for Financing Under Visa Program: 'Not Fair,' Say Critics." He noted that the program has sparked controversy because some developers have fraudulently taken the foreign investments and failed to develop the projects and the jobs that were promised. It is also a complicated program that "is somewhat opaque to the average person because they don't see any direct jobs created," he added. <https://www.latimes.com/business/story/2022-03-14/eb5-hollywood-hotels-unite-here-local-relevant-group-financing-dispute>

Mr. Yale-Loehr was quoted by *Forbes* in "Investor Immigrants Greet Imminent Revival of the EB-5 Program." The article discusses the March 15, 2022, revival of the EB-5 regional center program under the omnibus bill passed by Congress. The article includes a summary of the bill co-authored by Mr. Yale-Loehr, **Kristal Ozmun**, and **Nick Hinrichsen (Miller Mayer, LLP)**. <https://www.forbes.com/sites/andyjsemotiuk/2022/03/09/investor-immigrants-greet-imminent-revival-of-the-eb-5-program/?sh=7223bbff7436>
(see also <https://millermayer.com/2022/breaking-congress-reauthorizes-eb-5-regional-center-program-through-2027/>)

Mr. Yale-Loehr moderated a free public webinar on March 9, 2022, "After the Fall: The Future of Afghan Allies Fleeing the Taliban." Speakers included Joel Kelsey, chief of staff to U.S. Senator Richard Blumenthal; Chis Purdy, director of Veterans for American Ideals and Outreach at Human Rights First; Nell Cady-Kruse from the Evacuate Our Allies Coalition; Camille Mackler, executive director of Immigrant ARC; and Katie Rahmlow, a Cornell law student who has worked on several Afghan cases. <https://ecornell.cornell.edu/keynotes/overview/K030922a/>

Mr. Yale-Loehr was quoted by the *Cornell Chronicle* in "Experts: Ukraine War Puts World in 'Uncharted Territory.'" Mr. Yale-Loehr served on a panel on March 4, 2022, to discuss the humanitarian crisis just beginning after the Russian invasion of Ukraine. Mr. Yale-Loehr noted that, as high as the numbers are of Ukrainians fleeing their country, we shouldn't forget other hot spots like Syria and Afghanistan that have contributed to the highest levels of displacement on record, with an estimated 84 million people displaced worldwide by persecution, conflict, violence, and human rights violations. "Our international refugee system is reeling from all these crises and wars. The war in Ukraine is simply the most recent." Mr. Yale-Loehr advised those wondering how to help to donate to organizations such as the International Rescue Committee or International Refugee Assistance Project and ask members of Congress to spend more on refugee assistance and increase the number of refugees admitted by the United States. "This shows how interconnected we all are," he said. <https://news.cornell.edu/stories/2022/03/experts-ukraine-war-puts-world-uncharted-territory> (recording of livestream: <https://ecornell.cornell.edu/keynotes/view/K030422/>)

Mr. Yale-Loehr was interviewed by *Al Jazeera* as part of a show about Afghans at risk. Mr. Yale-Loehr's segment starts at about 19:00 in the show. https://www.youtube.com/watch?v=pvkfo_xjFiQ

Mr. Yale-Loehr was quoted by the *New York Times* in "Afghans Who Bet on Fast Path to the U.S. Are Facing a Closed Door." He said, "The refugee resettlement program is overwhelmed and lacks resources because of all the cuts the prior administration made." <https://www.nytimes.com/2022/02/16/us/afghan-refugees-humanitarian-parole.html> (available by subscription)

Mr. Yale-Loehr was quoted by *Law360* in "83,000 Afghans Made It to the U.S. Now They Need Lawyers." Mr. Yale-Loehr, who runs an immigration clinic at Cornell University Law School, noted that law school clinics can only take a handful of cases each year. "It's better than nothing. Clinics can only do so much."

<https://www.law360.com/immigration/articles/1462197/83-000-afghans-made-it-to-the-us-now-they-need-lawyers>

Mr. Yale-Loehr was quoted by *Law360* in "Pandemic Order Speeding Migrant Removals to End in May." The article notes that opposition to the Biden administration's ending of the two-year-old "Title 42" policy allowing the quick expulsion of migrants at U.S. land borders for pandemic-related reasons could lead to lawsuits. "If the lawsuits are successful, Title 42 may continue for some time," Mr. Yale-Loehr said. <https://www.law360.com/health/articles/1480088/pandemic-order-speeding-migrant-removals-to-end-in-may> (registration required)

Mr. Yale-Loehr moderated a continuing legal education webinar, "Navigating Trauma: Tips for Attorneys and Their Clients," on Mar. 30, 2022. The presenters, two Cornell medical school professors (JoAnn Difede and Michelle Pelcovitz) discussed how to deal with trauma in sensitive cases like asylum, domestic violence, and those involving violent crimes. They also discussed how to deal with traumatized clients and attorneys' own vicarious trauma. The webinar was sponsored by the New York State Bar Association.

<https://nysba.org/events/navigating-trauma-tips-for-attorneys-and-their-clients/>

Mr. Yale-Loehr was quoted by the *New York Times* in "Facing Demand for Labor, U.S. to Provide 35,000 More Seasonal Worker Visas." He said, "Even with these additional visas, there's not nearly enough visas for all of the types of workers that employers want to hire on the H-2B program. But in the short term, at least, this is something the administration can do to help immediately." <https://www.nytimes.com/2022/03/31/us/politics/us-seasonal-worker-visas.html>

Mr. Yale-Loehr was quoted by *Bloomberg Law* in "Narrow Immigration Fixes Sought by Employers, Religious Groups." He cautioned that passing any immigration bill will likely be a long fight, even with commitments to work across the aisle: "Congress will enact immigration reform only through bipartisan efforts. In that regard, the Alliance for a New Immigration Consensus is a good first step. However, I fear that nothing will happen in Congress this year, both because of the midterm elections and the general controversy about immigration in America." <https://news.bloomberglaw.com/daily-labor-report/narrow-immigration-fixes-sought-by-employers-religious-groups>

Mr. Yale-Loehr was quoted by the *Cornell Chronicle* in "Migrations Project Helps Refugees Claim Health Care Rights." Commenting on refugees in the United States, he said, "Many of them believe—wrongly—that if they take any public benefits they will become deportable or not be able to get a green card. They lack clear and accurate information about what public benefits they are entitled to in the United States." <https://news.cornell.edu/stories/2022/03/migrations-project-helps-refugees-claim-health-care-rights>

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