

# GLOBAL IMMIGRATION UPDATE

Vol. 12, No. 3 • June 2022

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### COVID-19 VACCINE REQUIREMENTS FOR TRAVELERS: AN OVERVIEW

*This article provides an overview of COVID-19 vaccine documentation and requirements for travelers in several countries.*

#### Canada

As with many other countries, Canada relaxed its entry requirement in the spring of 2022. Since April 1, 2022, Canada allows travelers to enter without a pre-arrival test if they are fully vaccinated.

Foreign nationals can enter Canada if they have been vaccinated with two doses of a recognized vaccine\* (both doses of the same vaccine or a mix of two different shots) or one dose of the Janssen/Johnson & Johnson vaccine. The last shot must be received at least 14 days before arrival in Canada. The foreign proof of vaccination to be shown at the Canadian border must be an official certificate, pass, card, receipt, or confirmation, in English or French, that shows any first and second doses of COVID-19 vaccine received. It cannot be only a QR code. The name of the traveler, the authority who administered the vaccine, and the dates and brand(s) of the shots must be in writing.

Unvaccinated foreign nationals who come to Canada to spend time at a seasonal home or cottage; visit an immediate or extended family member, if age 18 or over; attend a Canadian educational institution as an international student if age 18 or over; provide child care for relatives; visit for personal or casual reasons; perform work for an air or rail crew, a medical occupation, transportation, or sports; or enter for tourism, fishing, entertainment, or leisure cannot enter Canada, even if they have tested negative for COVID-19. Few exceptions exist for unvaccinated foreign nationals; see <https://travel.gc.ca/travel-covid/travel-restrictions/exemptions>

As of May 19, 2022, a third booster dose is not mandatory, and there is no limit of time between the last dose received and the travel date. The government of Canada prohibits anyone from entering Canada by any means of transportation if the person presents any symptoms of COVID-19.

All travelers must fill out the ArriveCan app within 72 hours of a direct flight to Canada with their proof of vaccination and travel plans.

\* Vaccines recognized by Canada as of May 2022 include AstraZeneca/COVISHIELD (ChAdOx1-S, Vaxzevria, AZD1222), Bharat Biotech (Covaxin, BBV152 A, B, C), Medicargo Covifenz, Moderna (Spikevax, mRNA-1273) including for children aged 6 to 11 years, Novavax (NVX-COV2373, Nuvaxovid, Covovax), Pfizer-BioNTech (Comirnaty/tozinameran, BNT162b2) including for children aged 5 to 11 years, Sinopharm BIBP (BBIBP-CorV), and Sinovac (CoronaVac, PiCoVacc).

## **Italy**

Travelers must present to the carrier and to whoever is in charge of checking:

- The COVID-19 green certificate or other equivalent certificate, which must state one of the following conditions:
  - Completion of the primary vaccination series or booster dose according to the vaccination plans of the countries of release with vaccines authorized by the European Medical Agency (primary series validity 9 months and booster dose without predefined limit)
  - Recovery from SARS-CoV-2 infection (valid for 180 days from positive swab test)
  - Recovery after the administration of the first dose of vaccine or at the end of the primary vaccination series or following the administration of the relevant booster dose
  - Rapid antigen or molecular swab test within 48 or 72 hours, respectively, before entry into Italy.

COVID-19 green certificates of successful vaccination are accepted in Italian, English, French, Spanish, or German. If submitted in another language, they must be accompanied by a sworn translation into Italian. Foreign certifications of recovery must be accompanied by a sworn translation into Italian.

It should also be noted that the certification regarding the completion of the vaccination series must refer to one of the vaccines approved by the European Medicines Agency:

- Pfizer-BioNtech Comirnaty
- Moderna
- Vaxzevria
- Janssen (Johnson & Johnson)
- Nuvaxovid (Novavax)
- A vaccine considered equivalent by the Italian legislation (e.g., Covishield, Fiocruz, R-Covi).

## **Mexico**

There are no restrictions related to COVID-19 to enter Mexican National Territory. Specifically, there is:

- No vaccination card requirement
- No entry or exit ban
- No quarantine requirement
- No mandatory proof of vaccination or COVID-19 testing

Mexico grants an online proof of vaccination to travel abroad.

## Turkey

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 before 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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## Country Updates

### CANADA

*Canada has launched a new stream of immigration for Ukrainians.*

The Canada-Ukraine Authorization for Emergency Travel (CUAET) allows Ukrainian nationals to apply for a Canadian visa without most of the usual requirements (free of charge, exempt from completing an immigration medical exam overseas, the option to apply for an open work permit, exempt from Canada's COVID-19 vaccination requirements) excepting biometrics in certain cases and ArriveCAN. Announced on March 17, 2022, the CUAET is particularly interesting for Ukrainians as compared to other visas available because it allows them to obtain an open work permit and/or study permit free of charge, and they can be authorized to stay in Canada up to three years instead of the standard six months. For non-complex cases, the aim is to approve such visa applications within 14 days of receipt. No sponsor in Canada is required, no ties to home country are to be considered, and there are no financial requirements.

To apply for CUAET, Ukrainians need to apply for a Temporary Resident Visa and an Open Work Permit by mentioning in their application that it is made through CUAET to highlight the urgency of the demand to the visa officers. Once the application is submitted, Ukrainians need to take biometrics only if they are aged 18 to 60. Then they normally would need to submit their passport for placement of Canadian Visa (although Canadian authorities now emit counterfoil-less visas if the applicant is in one of six departure countries: Poland, Germany, Slovakia, Hungary, Austria, or Romania).

On April 28, 2022, Canada received 163,747 applications and approved 56,633, and 19,628 Ukrainians arrived in Canada. As there is no limit on the number of CUAET applications of CUAET, it is a popular and successful program, according to reports.

## Details:

- Canada-Ukraine Authorization for Emergency Travel (updated Apr. 22, 2022), Government of Canada, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/ukraine-measures/cuaet.html>
- Ukraine Immigration Measures: Key Figures (updated Apr. 29, 2022), Government of Canada, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/ukraine-measures/key-figures.html>

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## FRANCE

*This article provides updates in French immigration law and international mobility in France.*

**Update of salary thresholds for certain immigration categories following the legal minimum wage increase on May 1, 2022.** Following the increase of the minimum wage on May 1, 2022, the minimum base salary threshold to access the Talent Passport-qualified employee status is now 39,494 euros per year; that of the Talent Passport-employee on assignment increased to 35,545 euros.

**European Commission proposes digitization of procedures and visas.** On April 27, 2022, the European Commission presented a draft regulation aimed at fully digitizing the visa issuance procedure. The objective would be to allow the online filing of visa applications and issue digital visas. The Commission plans to develop the online tool starting in 2024 for entry into service in 2026, with a view to its use by all Schengen Member States by 2031 at the latest.

**State services and immigration: regaining meaning and efficiency.** In a report published on May 10, 2022, a fact-finding mission set up by the Senate's law commission reported that "foreign nationals' rights have become illegible and incomprehensible under the effect of the layers of successive reforms, ineffective procedures and a lack of means of the State services to implement them." Among other things, the new tools allowing the filing of an increasing number of applications online, and the making of appointments online, are called into question. By the end of 2022, the "Digital Administration of foreign nationals in France" platform, ANEF, aims at digitalization of 100% of residence permit applications in France, when currently 52% of the requests are already processed online. To overcome current difficulties that sometimes prevent the filing of applications, or that result in long virtual waiting lines, the report recommends implementation of "robust technical support allowing the rapid resolution of difficulties on the atypical files" and "preserving other methods of access to the public service for foreign nationals when an administrative procedure initiated via ANEF has not been successful." It is also proposed to set by regulation a maximum period for the administration to grant an appointment at the prefecture.

**Ukraine: beneficiaries of temporary protection can exercise a self-employed profession.** Formalizing the possibility for beneficiaries of temporary protection displaced from Ukraine to exercise an independent profession, a decree of April 27, 2022, from the Minister of the Economy modifies the decree of December 29, 2021, and the commercial code to include the temporary residence permit (APS) issued to beneficiaries of temporary protection to the list of supporting documents to be produced in support of requests for registration and de-registration in the trades directory and in the Trade and Companies Register.

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## ITALY

*A new portal for Italian work permit applications is finally online, but there are issues. Also, the procedure for filing work permit applications has changed. Finally, a new decree will be approved and published soon, with a planned quantity of 75,000 quotas for work.*

### **Portal for Italian Work Permit Applications Opens, With Issues**

The immigration system portal was closed from April 22, 2022, until May 15, 2022. It has come back online, but it is not yet fully functional and there are still many technical issues, delays, difficulties, and problems that need to be resolved.

The Ministry is working on these issues, although most of the immigration offices, including in many major cities such as Milan, Rome, Torino, and Florence, have canceled all appointments until further notice due to system problems. There is no estimate regarding when the system will be fully operational.

### **Procedure for Filing Work Permit Applications Changes**

Also, the procedure for filing work permit applications has changed. The online system asks work permit applicants to upload their main mandatory documents before filing, but users await further clarification from the government on the new procedures.

Based on these issues, delays are expected for any new work permit applications and when completing the necessary immigration steps for those workers who have already entered Italy or plan to enter Italy.

### **New Decree To Be Approved Soon**

The Italian minister of internal affairs announced that a new *decreto flussi* will be approved and published soon, with a planned quantity of 75,000 quotas for work. There is a lack of staff in specific activity sectors, the Ministry said. The decree is expected not only to increase the quotas in the unskilled work sector (highly skilled workers are exempt from obtaining quotas) but also to make available new quotas for conversion from study to work and self-employment, including start-up visas.

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## MEXICO

*Colombian citizens entering Mexico must register.*

As of April 1, 2022, all Colombian citizens entering Mexico must complete a pre-registration form online: <https://www.inm.gob.mx/spublic/portal/inmex.html>

The information requested includes details such as personal data, length of stay, activities to be carried out, source of payment, contact information in the country of origin and information about a contact person in the country of destination (name and telephone number), hotel or Airbnb reservation, and roundtrip itinerary.

You may find more information at the following website <https://www.gob.mx/inm/articulos/eres-de-nacionalidad-colombiana-y-vas-a-viajar-a-mexico?idiom=es>

## Details:

- Additional information for Colombians wishing to enter Mexico is at <https://www.gob.mx/inm/articulos/eres-de-nacionalidad-colombiana-y-vas-a-viajar-a-mexico?idiom=es> (Spanish)

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## **SCHENGEN AREA**

*This article discusses how to calculate the 90/180-days allowance for non-European Union nationals traveling to Schengen countries, and the new Electronic Entry System.*

### **How to Count Your 90 Days**

Non-European Union (EU) visitors can stay in the Schengen countries for a maximum of 90 days in any 180-day period, but the calculation is not easy.

The Schengen area includes 26 EU countries: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland.

The scannable QR code below leads to EU Migration and Home Affairs, which includes visa policy information and lists of countries whose citizens must have a visa or are exempt from visa requirements when crossing Schengen external borders.



Third-country nationals (e.g., those who are not citizens of the EU and Iceland, Norway, Liechtenstein, or Switzerland), irrespective of being visa-required or exempt, who intend to travel to the Schengen area for a short trip for business or tourism can stay for a maximum of 90 days in any 180-day period. A few terms and rules apply:

**Date of entry:** The first day of stay on the territory of the Schengen Member State

**Date of exit:** The last day of stay in the Schengen Area

This applies only to short-term visitors. Periods of stay authorized under a residence permit or a long-stay visa are not taken into account in the calculation of the duration of stay on the territory of the Member States.

Reference to "any 180-day period" implies the application of a **"moving" 180-day reference period**, looking backwards at each day of the stay (be it at the entry or at the day of an actual

check), into the last 180-day period, to verify if the 90-days/180-day-period requirement continues to be fulfilled.

As noted above, calculation is often not easy. The EU has created an [online calculator](#).

## New Entry/Exit System

The new Entry/Exit System (EES), to be operational in 2022, will automatically identify those who overstay their periods of admission. It will collect identity information and the date and place of entry and exit. The EES will apply to non-EU nationals, visa-required and visa-exempt travelers in the Schengen area. It will replace manual stamping of passports.

### Details:

- "How to Count Your Schengen 90 Days," Medium, <https://medium.com/studiomazzeschi/how-to-count-your-schengen-90-days-ee96f5d25326>
- Entry/Exit System (EES), Migration and Home Affairs, European Commission, [https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/smart-borders/entry-exit-system\\_en](https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/smart-borders/entry-exit-system_en)

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## UNITED KINGDOM

*Visa processing delays outside the United Kingdom have worsened in recent weeks. This article also provides tips on what to do if UK Visas and Immigration calls or emails about a sponsor license.*

### Visa Processing Delays

Visa processing delays outside the United Kingdom (UK) have worsened. Any applications for people to start working in the UK within the next three to four months should be initiated now.

In response to the crisis in Ukraine, UK Visas and Immigration (UKVI) reallocated resources to those fleeing Ukraine who need to apply for a UK visa. As a result, priority (for a five-day turnaround) and super priority (for same day service) have been suspended, except for visit visa applications.

The expected standard processing time was three weeks, but applications are taking longer. Businesses should therefore plan accordingly for urgent applications and apply as soon as possible.

For visa applications submitted outside the UK, the current situation is:

- **Work visas.** Priority services for work visa applications are suspended. The standard service processing time of three weeks is being missed in many cases.
- **Visit visas.** Priority services for visit visa applications have now been suspended in some locations, including Asia Pacific countries due to the COVID-19-related lockdown in China.



- **Family visas.** Priority services for family visa applications (including those applying as the partner of a British citizen) are still suspended. The standard service processing time has just doubled from 12 weeks to 24 weeks.

### Emails and Calls From UKVI about Sponsor Licenses

Some have been contacted out of the blue by UKVI about their sponsor licenses. The caller or the email may say they have noticed you have not accessed your online sponsor license—the Sponsor Management System (SMS)—in the last 12 months.

Many sponsors do not use their licence regularly. They may only be sponsoring a low volume of workers and so will not have accessed their SMS. The sponsor license records need to be kept up to date, but that should not necessarily mean the SMS must be accessed every 12 months. Some sponsors may have more than one Level 1 or 2 User (who has access to the SMS), and so understandably not all users may have accessed the SMS. UKVI recommends that the SMS be accessed every month, but this is not required.

As a precaution, the following is recommended as part of ongoing compliance activities:

- *Check that the key personnel on your sponsor license are still in place.* This includes the Authorising Officer (person in overall charge of the sponsor license), the Key Contact (who receives communications from UKVI), and the Level 1 and 2 Users. It is possible that UKVI will notice bounce-back emails signaling that key personnel have left the business and whether the business is still operational.
- *Consider whether there are any other changes to your sponsor license.* Changes to be recorded include when the business has changed its name, address, or ownership.

Any updates should be made within 10 working days of the change and as soon as possible.

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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](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](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

The following **Alliance of Business Immigration Lawyers members and associates** will speak at the American Immigration Lawyers Association's Annual Conference on Immigration Law or the AILA/GMS Annual Global Migration Forum (<https://info.aila.org/ac22>):

### AILA ANNUAL CONFERENCE ON IMMIGRATION LAW

#### **Remote Management Is the Future: Ethically and Effectively Managing Freelance and**

**Remote Employees:** Michele G. Madera (DL), Miki Kawashima Matrician (Klasko Immigration Law Partners)

#### **Naturalization Basics panel:** Dagmar Butte

**Ready to Be an Immigration Lawyer? If Only I Had Known Then What I Know Now!:** Ari Sauer

#### **Introducing Essential Terms and Concepts:** William Stock

**Lessons Learned from the Great Downgrade Rush of 2020:** Cyrus Mehta

**EEEEK! Filing Post-Pandemic E-1 And E-2 Applications:** Bernard Wolfsdorf

**EB-5 and International Entrepreneur Parole: Current State of the Programs:** H. Ronald Klasko

**“You’re FOIA’d!” The Immigration Attorney’s Secret Weapon:** Charles Kuck

**Hot Topics Strategy Session with the AILA National Officers:** Farshad Owji

**Asylum I: Protecting Those Seeking Refuge in the United States:** Stephen Yale-Loehr

**It’s Tough to Become an Intracompany Transferee: Crafting Winning L-1A and L-1B Arguments:** Fausta Albi

**H-1B: Specialty Occupations Outside the Box:** Bob White, Vic Goel

**The New Normal: Dealing with a Remote Workforce:** Kehrela Hodkinson

**Hot Topics in Removal: Case Law Updates, New Arguments, and More!:** Aaron Hall

**ILCA Panel: The Policy and Political Landscape for the 2022 Midterm Elections:** Ira Kurzban

**Opportunities for H-2B Visas for Seasonal/Short-Term Positions: Beyond Hospitality and Leisure Occupations:** Loan Huynh

**The EB-1A, NIW, and Schedule A in Nontraditional Fields:** Jason Susser

**Motion Practice in Immigration Court: Winning Your Case Before the Individual Hearing:** Lily Axelrod (discussion leader)

**Exchanging Workers: Issues Unique to the J Visa Exchange Program:** Elissa Taub (discussion leader)

**Employer Compliance Issues: Beyond the Form I-9:** Angelo Paparelli

**Non-Hardship Waivers: Applications:** David Isaacson

**Who Wants to Be a Millionaire Immigration Attorney?:** Ira Kurzban

**Why Aren’t You Delegating:** Bryan Funai

**The Overture and the Final Act: Hiring and Firing:** Kirby Joseph (discussion leader), Elise Fialkowski

**Well-Being Practices for Your Entire Office:** Jennifer Howard

**60 Tech Tips in 60 Minutes:** Gregory Siskind

**Buried in Piles of Paper? Let’s Get Digital!:** Hannah Little (discussion leader), Hilary Fraser, Robert Loughran

### AILA/GMS ANNUAL GLOBAL MIGRATION FORUM

**Practice Management: Welcome Address and Greetings:** Maria Celebi

**Attorney Compliance and Ethics: Tools to Navigate the Global Migration:** Rodrigo Tannus Serrano

**Immigration Lawyers as Global Citizens:** Ariel Orrego-Villacorta  
**Current Impact of COVID-19 on Global Migration:** Bernard Caris  
**Competing Globally for Talent and Essential Workers:** William Hummel (discussion leader),  
Nina Perch-Nielsen  
**The Road Ahead: What Do We Envision for the Future of Global Mobility?:** Audrey  
Lustgarten (discussion leader), Farshad Owji, Philip Yip

**Gomberg Dalfen S.E.N.C** (Avi Gomberg's [bio: <http://www.abil.com/lawyers/lawyers-gomberg.cfm?c=CA>] firm) and **Corporate Immigration Law Firm** (BJ Caruso's [bio: <http://www.abil.com/lawyers/lawyers-caruso.cfm?c=CA>] firm) were named by Canadian Lawyer as Top Immigration Law Boutiques for 2022-23.  
<https://www.canadianlawyermag.com/rankings/top-immigration-law-boutiques-2022-23/365708>

**H. Ronald Klasko**, of **Klasko Immigration Law Partners, LLP**, spoke on the EB-5 panel at the Investment Migration Forum, sponsored by the Investment Migration Council. Global leaders in investment migration from more than 40 countries spoke and attended the forum held June 6-9, 2022, in Brussels, Belgium. <https://investmentmigration.org/forum/>

**Robert Loughran** (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) announced that **Foster LLP** Partner Todd Fowler and Senior Attorney Florence Luk will present a webinar, "Summer Travel During Covid-19: What You Need to Know," on Wednesday, May 11, 2022. The webinar will provide HR professionals with an overview of the latest regarding travel restrictions and which countries are affected. The presenters will also discuss strategies for filing work visa extension petitions with U.S. Citizenship and Immigration Services in lieu of visa applications presented at U.S. Embassies abroad. For more information or to register, see <https://bit.ly/3EFUtYk>

**Mr. Loughran** announced:

- Partner **José Pérez** and Attorney **Melissa Cantu** will present in a **Foster** webinar, "Basics of Family-Based Immigration," on Wednesday, June 15, 2022. The webinar will provide HR professionals with a basic understanding of family-based immigration. HR professionals can expect to learn about family-based visas, and issues facing U.S. citizens and lawful permanent residents who wish to reunite with their families. <https://attendee.gotowebinar.com/register/4939537719342625549>
- **Mr. Pérez** will speak on a panel, "Foreign/Mexican Investments in the Texas Business Markets," at the U.S.-Mexico Real Estate Investment Summit on Thursday, June 9, 2022. REBS Dallas will bring together executives representing real estate funds, institutional investors, developers, real estate brokers, consultants, attorneys, and academics, as well as government officials and other representatives of the business and financial communities of Texas and Mexico. <https://rebs.mx/>

**Cyrus Mehta** (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) and **Kaitlyn Box** co-authored several new blog posts: "Ethical Dimensions of Patel v. Garland," <http://blog.cyrusmehta.com/2022/05/ethical-dimensions-of-patel-v-garland.html>; "Ethical Considerations When ICE Moves to Dismiss Removal Proceedings Under the Doyle Prosecutorial Discretion Memo," <http://blog.cyrusmehta.com/2022/05/ethical-considerations-when-ice-moves-to-dismiss-removal-proceedings-under-the-doyle-prosecutorial-discretion-memo.html>; "Helping Afghans and Ukrainians Progress from Parole to Temporary Protected Status to Permanent Residence," <http://blog.cyrusmehta.com/2022/05/helping-afghans-and-ukrainians-can-progress-from-parole-to-temporary-protected-status-to-permanent-residence.html>

**Mr. Mehta** and **Jessica Paszco** co-authored a new blog post, "H-1B Extension Beyond Six Years Will Not Be Granted If Priority Date Is Current and Green Card is Not Applied for Within One Year." <http://blog.cyrusmehta.com/2022/05/h-1b-extension-beyond-six-years-will-not-be-granted-if-priority-date-is-current-and-green-card-is-not-applied-for-within-one-year.html>

**Mr. Mehta** has accepted the position of Editor-in-Chief (EIC) of the American Immigration Lawyers Association's *Law Journal*, following the previous EIC's departure on June 30, 2022. Mr. Mehta's blog is at <http://blog.cyrusmehta.com/>.

**Greg Siskind**, of **Siskind Susser**, authored "Siskind Summary—Uniting for Ukraine Program." <https://www.visalaw.com/siskind-summary-uniting-for-ukraine-program/?locale=en>

**Wolfsdorf Rosenthal LLP** has published a blog post and several webinars on the newly reauthorized EB-5 regional center program. <https://wolfsdorf.com/news-and-resources/>

**WR Immigration** announced two nominations for Chambers and Partners' North American Diversity & Inclusion Awards. **Bernard Wolfsdorf** was nominated for Pro Bono Lawyer of the Year and WR Immigration was nominated for Pro Bono Outstanding Firm. <https://wolfsdorf.com/chambers-diversity-inclusion-awards-north-america-2022/>

**Stephen Yale-Loehr** (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted by the Associated Press in "Video Spreads False Claims About Immigrants." Regarding claims that immigrants living in the United States without authorization commit a high number of crimes, he said, "Almost every reputable report that I have seen has found that immigrants commit crimes at a lower rate than native born U.S. citizens." Mr. Yale-Loehr cited a 2020 study published in *Proceedings of the National Academy of Sciences*, a peer-reviewed journal. Using data from the Texas Department of Public Safety, the study found that immigrants living in the U.S. without authorization have "substantially lower crime rates than native-born citizens and legal immigrants across a range of felony offenses." Regarding an estimate of the number of immigrants who could be living in the United States without authorization, Mr. Yale-Loehr said, "Their numbers of 21 million are just wildly off base. They are double what reputable research organizations have found." He pointed to the Pew Research Center, which estimated that 10.5 million immigrants were living in the U.S. without authorization as of 2017. Regarding claims by conservative activist Candace Owens, citing a 2011 Center for Immigration Studies (CIS) report, that immigrants living in the United States use public benefits at a high rate and that 80% never go off welfare, Mr. Yale-Loehr noted that a 2002 Brookings Institution report states that use of welfare by legal permanent residents has declined by a faster rate than use of such benefits by citizens. "The CIS report doesn't distinguish between legal and illegal immigrants," he noted. "Neither report states that 80% of undocumented immigrants never go off welfare. The bottom line: These two reports fail to support Candace Owens' claim." <https://apnews.com/article/fact-check-charlie-kirk-candace-owens-immigration-688231079873>

**Mr. Yale-Loehr** was quoted by *Time* in "Why Judges Are Basically in Charge of U.S. Immigration Policy Now." He said, "This is a manifestation of our broken immigration system. Today, almost every executive action on immigration is being challenged in the courts." He also noted that judges having so much power to determine immigration policy also puts the U.S. judicial system in a delicate spot, since federal judges are often wary of being drawn into issues of national sovereignty or of impinging on the executive branch's authority to conduct foreign policy. But these days, they often have no choice. "Courts are loath to weigh in," he said. Another reason for the recent explosion of court challenges was the pace at which the Trump administration moved on immigration issues, the article notes. That "unprecedented pace" led to an unprecedented wave of new lawsuits. "That really accelerated the legal challenges," Mr. Yale-Loehr said. And now, he said, "Conservative states are suing every chance they get to

challenge everything that the Biden administration is doing on immigration."

<https://time.com/6172684/judges-us-immigration-policy/>

**Mr. Yale-Loehr** was quoted by the New York State Bar Association in "NYSBA Members Fight for Immigrant Representation." Mr. Yale-Loehr, who is co-chair with Shayna Kessler of NYSBA's Immigration Representation Committee, said, "We try to encourage more members to work pro bono for immigrants, and Shayna has been particularly active in trying to work on funding issues and legislative issues to make it easier to get representation for immigrants in New York State. Immigrants are not guaranteed an attorney. Over half of all immigrants don't have a lawyer, and immigration law is one of the most complex areas of law in the country. For asylum seekers, it can be a life and death decision." <https://nysba.org/nysba-members-fight-for-immigrant-representation/>

**Mr. Yale-Loehr** co-authored "How a Supreme Court Abortion Ruling May Harm Refugee Women," *New York Daily News*, Apr. 20, 2022. <https://www.nydailynews.com/opinion/ny-oped-supreme-court-refugee-abortion-20220420-iyjrkcorjndk5gpxads5qzi4z4-story.html>

**Mr. Yale-Loehr** was quoted by *Spectrum News* in "Several Democrats Side With Republicans to Keep Border Restrictions." He noted that the Trump administration said "that for public health reasons they were going to turn back most people who tried to enter from Mexico into the United States, if they did not already have a valid visa like a tourist visa. Title 42 is sort of like a garden hose that has been bottled up. All the people that would normally come in at regular flows over the years have been sort of stymied and held up at the border. And of course, if they lift title 42, that surge now is going to be coming across the border and temporarily could pose problems for the Border Patrol. I think that people should be aware that there will be a surge at the border at the termination of Title 42 but part of that is because of the normal seasonal surge that always happens this time of year."

<https://spectrumnews1.com/ma/worcester/politics/2022/04/12/these-democrats-side-with-republicans-to-keep-border-restrictions-->

**Mr. Yale-Loehr** was quoted by *Univision* in "Supreme Court Ruling Leaves Immigrants With Errors in Their Paperwork on the Brink of Deportation." Mr. Yale-Loehr said that the Supreme Court's decision "means that thousands of immigrants each year will no longer be able to go to federal court to correct factual errors by immigration judges. Given how much is at stake in deportation proceedings, Congress should provide funding for attorneys to represent immigrants in all deportation proceedings in the same way that attorneys are automatically provided to everyone charged with a crime." <https://www.univision.com/noticias/inmigracion/fallo-corte-suprema-deja-inmigrantes-al-borde-de-deportacion-las-claves> (Spanish, with English translation available)

**Mr. Yale-Loehr** was quoted by *Law360* in "High Court Raises Stakes of Immigration Court Decisions." He said that noncitizens without legal representation are more likely to be affected by the Supreme Court's ruling because they don't have the help of legal professionals trained to watch out for potential errors by immigration adjudicators. He said legal aid programs can help address the disadvantages facing noncitizens who lack access to counsel, and encouraged immigration advocates to push for federal, state, and local governments to fund such programs. "We need to make sure that every immigrant has good representation in immigration court. Given the many errors the immigration bureaucracy makes, many people will be denied their day in court because of this decision," he said.

<https://www.law360.com/immigration/articles/1493704/high-court-raises-stakes-of-immigration-court-decisions> (registration required)

**Mr. Yale-Loehr** was quoted by *law.com* in "Immigration Lawyers Welcome Clarity and Lessening of Bias Wrought by Court Notification Statute on Hochul's Desk." A measure, passed by the New York legislature and awaiting Gov. Hochul's signature, is structured so that courts would give standard required language about the risk of immigration consequences resulting from a guilty plea to everyone—the court wouldn't first find out whether a defendant is a noncitizen. "So there's no discrimination in that sense," Mr. Yale-Loehr said. He noted that immigration law and criminal law are complicated, and that advising people about the intersection of them makes it even more complicated. "Many times people erroneously think that it's only if they plead guilty to a felony crime that they might be deportable, but in many cases under federal immigration law, pleading guilty to a misdemeanor can also make you deportable," he said. <https://bit.ly/3NZ5g3v>

**Mr. Yale-Loehr** was quoted by *Spectrum News* in "Lawmakers Call for Investigation Into Office Handling Asylum Cases for New England States." He explained that some outside factors may have played a part in the Boston U.S. Citizenship and Immigration Service office's low approval rate. "There are a lot of reasons, [including] high turnover of officers [and] pressure to decide cases quickly ... if [officers] see the same kind of case over and over again, you sort of feel like you know that type of case without really probing into the individual facts of the case. ... There's a lot of disparity in all of the USCIS asylum offices and it got worse during the Trump administration. There was pressure from headquarters to make it harder to win approval. So approval rates across the country went down. They just seem to have gone down more in Boston than in some of the other USCIS asylum offices." <https://spectrumnews1.com/ma/worcester/politics/2022/06/01/lawmakers-call-for-investigation-into-office-handling-asylum-cases-for-new-england-states>

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## About ABIL

*The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 425 member lawyers and their more than 1,400 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.*

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