

GLOBAL IMMIGRATION UPDATE

Vol. 12, No. 4 • August 2022

Feature Article

VISA OPTIONS FOR TELECOMMUTERS/REMOTE WORKERS: AN OVERVIEW – This article provides an overview of visa options for telecommuters and remote workers in several countries.

Country Updates

COLOMBIA – There is a new regime for visa procedures and processing.

ITALY – A faster immigration procedure for limited categories of work permits has been introduced. The Italian minister of internal affairs has announced that a new Decreto Flussi will be published soon, with a planned number of 75,000 quotas for work. Also, Italy has introduced a new visa for seafarers (yacht crew).

MEXICO – There is a new visa requirement for Brazilian nationals.

RUSSIA – There are a variety of new developments: COVID-19 restrictions have been lifted. Ukrainian citizens can receive Russian citizenship through a simplified procedure. The labor code has been amended regarding medical insurance for foreign workers. There are additional developments in medical examination requirements and residence permits. Address registration requirements for citizens of Uzbekistan have been relaxed.

SCHENGEN AREA – What's next in the Schengen Area? This article provides highlights on the new automated Entry/Exit System and the European Travel Information and Authorization System.

Also In This Issue

New Publications and Items of Interest

Member/Firm News

[Back to Top](#)

VISA OPTIONS FOR TELECOMMUTERS/REMOTE WORKERS: AN OVERVIEW

This article provides an overview of visa options for telecommuters and remote workers in several countries.

INTRODUCTION

What began during the pandemic as a way for countries seeking to mitigate economic losses due a sharp decline in tourism by introducing digital nomad visas has developed into a broader trend aimed at providing viable options to reflect the economic reality of remote work. This has led to the introduction of new digital nomad visas, the revision of policies connected to existing visa programs, and the rediscovery of existing visa categories conducive to remote work. Below is a brief survey of the new and old remote work visa options in several countries.

Barbados

Barbados was among the early adopters of digital nomad visa programs. The Barbados program remains attractive for its easy application process and low cost. Its 12-month Welcome Stamp digital nomad visa requires only that the foreign national demonstrate evidence of a salary of at least US \$50,000 per year for a position with a company based outside Barbados. If this requirement is met, the application can be submitted via a streamlined online process under which application fees are only due once the application is approved. To make the program even more appealing, foreign nationals present in Barbados under the program are not subject to income tax.

Colombia

Resolution 5477, effective October 20, 2022, creates a Visitor Visa for Digital Nomads, among other things. This new category will allow foreigners to work remotely from Colombia, through digital media and the Internet, for foreign companies or create digital content or information technology startups of interest for Colombia, by means of a permit or visa, depending on the particular circumstances.

Italy

Italy is introducing the categories of Digital Nomads and Remote Workers, defined as "citizens of a third country who carry out highly qualified work activities through the use of technological tools that allow work remotely, autonomously, or for a company based outside Italy."

The Digital Nomad Visa will be under the category of permits of stay that Italy grants to third-country nationals to allow them to carry out their work remotely. The proposal submitted to the Houses of Parliament has been approved and converted into law (L. 55 del 28 Marzo 2022, art. 6-quinquies). The implementing provisions, such as the application requirements and the procedure for granting and issuing the permit, will be transposed into the Italian Consolidated Immigration Law—*Testo unico sull'immigrazione* (Legislative Decree no. 286 of 1998).

For these categories of workers, it will not be necessary to apply for a work permit before applying for the visa. A visa will be issued on the basis of the availability of comprehensive health insurance, covering all risks in Italy and provided that tax and social security obligations are met.

This permit is expected to apply both to:

- Nationals of a third country who are self-employed or employed for a non-resident company in the territory of the Italian State; and
- Nationals of a third country who carry out their activities in Italy.

To enable this type of visa, the Italian government will issue a decree implementing this decision. Unfortunately, such decree has not been issued yet.

Mexico

Mexico has long had what is essentially a digital nomad visa without the trendy “digital nomad” name. For those foreigners seeking to come to Mexico and continue working remotely for a foreign company, Mexico offers the Non-Lucrative Temporary Resident Card (TRC), which will allow them to reside in Mexico, initially for one year, and up to four consecutive years if the corresponding renewals are requested while they continue on the payroll of a foreign company. Applicants can prove sufficient funds to qualify for the visa by presenting evidence either of a regular monthly salary or of significant liquid funds (e.g., funds in a checking or savings account).

The TRC allows employees to carry out their work remotely. The card gives the employee the right to open bank accounts, lease a house or apartment, and rent a car.

Application for a TRC must be made directly at a Mexican consulate abroad. The applicant must provide evidence to the consular officer who interviews him of the reason why the applicant is coming to Mexico. If the interview is successful, the consular officer will grant a consular visa. Upon arrival in Mexico, the applicant will have his FMM (immigration form received during the flight into Mexico) validated and, immediately afterwards, must exchange the consular visa and FMM for a TRC by visiting the local office of the National Immigration Institute (INM) at the port of entry.

The TRC has historically been a popular option with foreign nationals who need to leave the United States due to immigration issues (e.g., not being selected in the H-1B lottery or maxing out of H-1B time) but wish to remain nearby and be able to perform their U.S.-based work remotely. Although from an immigration perspective this type of visa allows the foreigner to work remotely, employment and tax issues must be considered. A case-by-case assessment is recommended.

Portugal

Portugal has long had the D7 visa for those who wish to spend an extended period of time there, often in retirement. It has historically been granted to those who can demonstrate proof of ongoing stable passive income, such as from a pension, real estate, or investment dividends, together with a clean criminal record and sufficient health insurance, among other requirements. Although Portugal has not introduced a new digital nomad visa, the country has informally relaxed its policies so that it is now possible for foreigners who will have income from remote work (as opposed to passive income from a pension or other non-work source) to obtain the D7 visa. Evidence of monthly income of at least EUR 705 is required to qualify, together with the usual evidence of a clean criminal record and adequate health insurance coverage, as noted above. The low monthly income requirement and affordable cost of living in Portugal make it a particularly attractive option for digital nomads.

Spain

As with Portugal, Spain has long had a residence visa option for retirees/passive income recipients, known as the Non-Lucrative Visa. This option requires proof of income equivalent to 400 percent of the Spanish Public Indicator of Income of Multiple Effects (IPREM), which amounts to a monthly income of approximately EUR 2317. There has been debate over the years as to whether it is possible to work remotely in Spain on a Non-Lucrative Visa, with various Spanish consulates disagreeing on their approach and requirements. It appears that the Spanish government is taking a harder line recently against allowing foreign nationals to qualify for a Non-Lucrative Visa on the basis of remote work. This may be because Spain has now taken action toward introducing a new digital nomad visa type specifically for remote work. This new visa type will allow those who work for a company outside Spain to reside in Spain. It also includes special tax provisions addressing how digital nomads will be taxed, which is helpful as this is unclear in some countries with similar programs. It is not yet possible to apply for the digital nomad visa, so it remains to be seen exactly what Spanish consulates will require for applications, although it is generally expected that requirements will include an employment contract with a company outside Spain evidencing sufficient income to live in Spain, plus the usual evidence of a clean criminal record and adequate health insurance.

[Back to Top](#)

Country Updates

COLOMBIA

There is a new regime for visa procedures and processing.

On July 22, 2022, the Ministry of Foreign Affairs issued Resolution 5477 regarding the procedural, administrative, and processing aspects of visas in Colombia. The resolution is effective October 20, 2022.

Among other things, the resolution provides for a digital nomad visitor visa (see feature article above). Also created by the resolution is an Internationalization Promotion Visa, for foreigners with a master's, doctorate, or postdoctorate degree in basic or applied sciences, engineering, mathematics, or related fields, whose profiles meet Colombia's priorities or contribute to the adoption and/or adaptation of technologies that strengthen Colombia's competitiveness. Although the Technical Assistance Visitor Visa will be valid for up to two years, the stay is limited to 180 continuous or discontinuous days in 365 days counted from issuance of the visa. The Resident Investor Visa will disappear, and a foreigner will need to apply for a Migrant Visa and be able to apply for a Resident Visa on the basis of accumulated time. Also, a Seasonal Agricultural Worker Visitor Visa is created, and student visas are regrouped into a single category, the Visitor Visa for Students.

Details:

- "15 Things You Should Know About the New Regime Applicable to Visas in Colombia," Tannus & Asociados, <https://tannus.co/en/15-things-you-should-know-about-the-new-regime-applicable-to-visas-in-colombia/>

[Back to Top](#)

ITALY

A faster immigration procedure for limited categories of work permits has been introduced. The Italian minister of internal affairs has announced that a new Decreto Flussi will be published soon, with a planned number of 75,000 quotas for work. Also, Italy has introduced a new visa for seafarers (yacht crew).

Faster Immigration Procedure for Limited Categories of Work

The procedure for obtaining work permit (*Nulla Osta*) clearance for non-European Union (EU) citizens in relation to the application for subordinate work under the 2021 and 2022 *Decreto Flussi* (to be announced soon) has been officially simplified.

This measure has been introduced by the government as Italy is facing a shortage of manpower in many production sectors (e.g., manufacturing, agriculture, catering).

However, the simplification measure does not apply to all types of work permits. Specifically, this procedure will apply to work permit applications for subordinate work submitted under the *Decreto Flussi of 2021 and 2022*. It does not apply to intra-company permits, Blue Card permits, and other permits for special categories of workers set forth under article 27 of the Immigration Law (e.g., journalists, nurses, translators, researchers).

Details of the simplification procedure:

- Timing:
 - 1) The work permit will be issued within 30 days, instead of 60 days.
 - 2) The visa will be issued within 20 days from the day of its request.
- Requirements to start working in Italy:

The work permit issued under the conditions specified above will be considered as authorization to carry out the work activity on the national territory even without prior signing of the contract of stay and request for a residence permit for work reasons.

This does not mean that the signing of the contract of stay and the request for a residence permit are not required. The simplification procedure allows the foreigner to start working before carrying out these formalities, but they must be completed in the manner requested by the Italian authorities. Furthermore, if the Italian authorities later find out that the foreigner does not comply with all the requirements, the work permit and visa can be revoked.

Decree With Additional Immigration Quotas To Be Approved Soon

The Italian minister of internal affairs has announced that a new *Decreto Flussi* will be published soon, with a planned number of 75,000 quotas for work. There is a lack of staff in specific sectors of activities, the minister said.

The decree is expected not only to increase the quotas in the unskilled work sector (highly skilled workers are exempt from obtaining quotas so will not be affected by the decree) but also to make available new quotas for conversion from study to work and self-employment, including startup visas.

Visa for Seafarers (Yacht Crew)

Italian Immigration rules for work permits and/or visas are not simple, and the situation for some sectors can be troublesome because legislation does not always provide specific types of work permits. The approval of a new rule is expected to help the immigration process for seafarers. Italy has introduced a new visa for seafarers (yacht crew), which does not require them to apply for a work permit.

Key points include:

- Seafarers will be able to apply for this visa directly at the Italian consulate.
- The visa is for seafarers/crew members who need to board EU or non-EU flagged vessels based in Italian harbors.

Details:

- Articles, Mazzeschi, <https://www.mazzeschi.it/insights/articles/>

[Back to Top](#)

MEXICO

There is a new visa requirement for Brazilian nationals.

On August 3, 2022, an agreement was published in the Official Gazette requiring Brazilian nationals to obtain a consular Visitor Visa before entering Mexico. As of August 18, 2022, all Brazilians, including those traveling by air, who wish to enter the Mexican national territory as visitors without remunerated activities (e.g., Tourists or Business Visitors) must apply for a consular visa at the Mexican consulate closest to their residence, which will allow them to enter Mexico for up to 180 days. If a Brazilian national possesses any of the documents or visas listed below, a Mexican consular visa is not needed:

- A valid and in-force visa granted by the government of Canada, the United States, Japan, the United Kingdom, or Northern Ireland, or by any country that is part of the Schengen area;
- Documented permanent residence in the United States, Canada, Japan, United Kingdom, or Northern Ireland, or in any country that is part of the Schengen area or permanent residence in Colombia, Chile, or Peru (countries that are part of the Pacific Alliance); or
- An Asia-Pacific Economic Cooperation (APEC) Business Travel Card.

Details:

- "Mexico's Ministry of the Interior Issues New Visa Requirement for Brazilian Nationals Traveling to Mexico," National Law Review, Aug. 7, 2022, <https://www.natlawreview.com/article/mexico-s-ministry-interior-issues-new-visa-requirement-brazilian-nationals-traveling>

RUSSIA

There are a variety of new developments: COVID-19 restrictions have been lifted. Ukrainian citizens can receive Russian citizenship through a simplified procedure. The labor code has been amended regarding medical insurance for foreign workers. There are additional developments in medical examination requirements and residence permits. Address registration requirements for citizens of Uzbekistan have been relaxed.

COVID-19 Restrictions Lifted

On July 15, 2022, a Government Order came into force that lifted all previously implemented restrictions for entry and exit to and from Russia by Russian citizens and foreign citizens irrespective of their citizenship, as well as purpose, grounds, points of entry, and other conditions implemented in connection with the COVID-19 pandemic.

All foreign citizens are no longer required to be entered into the Ministry of Internal Affairs and the Federal Security Service lists in order to enter Russia. For entry, foreign citizens need all the usual documents (passport, visa if necessary), and additionally it is still necessary to present a negative PCR-test done not earlier than 48 hours before crossing the border. The PCR test requirement does not apply to citizens of the Republic of Belarus or citizens of the EA/EU traveling across land borders into the Russian Federation.

Restrictions for issuance of e-visas for short visits also have been lifted.

Presidential Order: Ukrainian Citizens Can Receive Russian Citizenship Through a Simplified Procedure

On July 11, 2022, a Presidential Order came into force that amended previously issued orders introducing simplified procedures for obtaining Russian citizenship for several categories of foreign nationals. According to the order, Ukrainian citizens and their spouses, parents, and children (including adopted) can apply for Russian citizenship under a simplified procedure. Among other things, it is not necessary to have a source of income in Russia or prove residence in Russia. Submitted applications are reviewed within three months from the date of filing.

Medical Insurance for Foreign Workers: Amendments to the Labor Code

On July 14, 2022, a Federal Law came into force that amended the Labor Code, in part connected with a requirement that foreign nationals who perform labor activities in Russia must be insured.

At the moment, all foreign nationals who perform labor activities in Russia must have voluntary medical insurance. Employers must indicate the voluntary medical insurance certificate (or agreement for provision of voluntary medical insurance) data in the labor agreement signed with the employee.

Starting January 1, 2023, this requirement will be abolished for all foreign workers except for highly qualified specialists who temporarily reside in the territory of the Russian Federation.

It appears, that highly qualified specialists who acquired residence permits on the basis of their HQS work permits will also be exempt from the voluntary medical insurance requirement.

Medical Exams, Residence Permit Simplified Procedure, Temporary Residence Permit for Foreign Students

On July 14, 2022, a Federal Law came into force that amended several laws on the status of foreign citizens in the Russian Federation.

Medical examination of foreign citizens:

- Highly Qualified Specialists now must undergo medical examination not annually but when they apply for a work permit extension.
- Foreign citizens who entered the Russian Federation before December 29, 2021, for purposes not related to their labor activities, for a period exceeding 90 calendar days, or for the purpose of carrying out labor activities, must undergo medical exams, fingerprinting, and photographing procedures within 180 days starting July 14, 2022.
- Foreign citizens who have the right to perform work activities in the Russian Federation without a work permit or patent (citizens of the EA/EU) must undergo medical exams, fingerprinting, and photographing procedures within 30 calendar days from the date of the labor agreement signing (in case they change the purpose of visit), but in any case not later than 90 calendar days from the date of entry to Russia.

Residence permit—simplified procedure:

- Citizens of Ukraine, Kazakhstan, and Moldova can apply for a permanent residence permit, skipping the stage of the temporary residence permit. Additionally, citizens of Ukraine are exempt from the requirement of passing Russian language, history, and basics of legal knowledge tests when applying for temporary or permanent residence.
- Foreign investors can also apply for a permanent residence permit without the temporary residence permit stage. To benefit from this program, they must meet criteria to be established by the government (the criteria have not yet been defined). This will come into force on January 10, 2023.

Change of entry purpose/temporary stay of foreign nationals in Russia:

- The temporary stay of a foreign national in the Russian Federation can be extended if the foreign citizen has filed documents for a temporary residence permit, permanent residence permit, or an application for Russian citizenship based on the fact that he or she is a native speaker of the Russian language, or an employer of the foreign citizen has filed an application for a highly qualified specialist work permit or for extension of the highly qualified specialist work permit.
- Foreign citizens who can enter the Russian Federation without a visa can change their purpose of visit within Russia without having to leave and re-enter the country again and file documents. Documentation for a change of the purpose of visit must be filed at the local migration office of the Ministry of Internal Affairs. Also required are fingerprinting and photographing procedures, as well as a medical examination. The time for application review can be shortened if a foreign citizen has their Tax Identification Number and this number is indicated on the application—in such cases, the application will be reviewed within five business days. If the Tax ID number is not indicated on the application, it will be reviewed within 10 business days.

Foreign students:

A new type of temporary residence permit has been introduced for foreign students who study in Russia under the following conditions:

- The study is full-time
- The study program is for a bachelor's degree, specialty, master's degree, residency program, or assistant internship
- The study program has state accreditation or this is a scientific or science teacher program in a graduate school (adjunct)
- The study is in a state educational or scientific organization
- The educational organization is in the territory of the Russian Federation

On this basis, the temporary residence permit is issued for the entire period of study plus 180 days after graduation. The application is reviewed within two months.

Foreign citizens who have received temporary residence permits using this program are exempt from the requirement to file yearly notifications confirming their stay in the Russian Federation.

Within three years after graduation, a foreign student who has a temporary residence permit acquired under this program can apply for a permanent residence permit.

The amendments related to the temporary residence permit for students are effective January 1, 2023.

Agreement With Uzbekistan: Relaxation of Address Registration Requirements

On June 4, 2022, an Agreement between the Government of the Russian Federation and the Government of the Republic of Uzbekistan came into force. According to the agreement, citizens of Uzbekistan have 15 calendar days to file for address registration after entry into the Russian Federation. Previously, address registration had to be obtained within 7 business days of arrival. The 15-calendar-day period is counted from the date of entry as indicated on the migration card.

The same right is enjoyed by Russian citizens entering Uzbekistan.

[Back to Top](#)

SCHENGEN AREA

What's next in the Schengen Area? This article provides highlights on the new automated Entry/Exit System and the European Travel Information and Authorization System.

New automated Entry/Exit System (EES)

The Entry/Exit System (EES) is an automated IT system for registering travelers from third countries, both short-stay visa holders and visa-exempt travelers, each time they cross an EU external border. The EES will replace the current system of manual stamping of passports,

which does not allow for the systematic detection of overstayers (travelers who have exceeded the maximum duration of their authorized stay).

It is expected to be operational in 2022 (starting date to be confirmed). The system will register the person's name, type of travel document, biometric data (fingerprints and captured facial images), and date and place of entry and exit.

The EES is intended to contribute to preventing irregular migration and to identifying overstayers more efficiently (and automatically) as well as cases of document and identity fraud.

European Travel Information and Authorization System

Starting in May 2023, non-European Union (EU) nationals who do not need a visa to travel to the Schengen Area will need to apply for travel authorization through the European Travel Information and Authorization System (ETIAS) before their trip. The system aims to carry out pre-travel screening for security and migration risks of visa-exempt visitors and will be a mandatory pre-condition for entry to the Schengen States.

Applicants will file an online application form, and the system will issue travel authorization in most cases within minutes or, where further checks on the traveler are needed, within 30 days. Applicants will need to submit information to answer questions about the Member State of their first intended stay, the purpose of their trip, background relating to previous criminal records, presence in conflict zones, and orders to leave the territory of a Member State or third countries. The applicant must report any criminal offense listed over the previous 10 years and, in the case of terrorist offenses, over the previous 20 years, including when and in which country.

Details:

- How to Count Your Schengen 90 Days, Marco Mazzeschi, <https://medium.com/studiomazzeschi/how-to-count-your-schengen-90-days-ee96f5d25326>
- "Can You Enter the Schengen Area If You Have Past Criminal Convictions?," Marco Mazzeschi, <https://mm-63015.medium.com/can-you-enter-the-schengen-area-if-you-have-past-criminal-convictions-e2280bcc2ccb>

[Back to Top](#)

New Publications and Items of Interest

[Understanding the UK visa categories](#). Kingsley Napley has released [PowerPoint slides](#) from its first webinar, "Immigration Rules Update – Understanding the UK Visa Categories."

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/>.

[Back to Top](#)

ABIL Member/Firm News

Klasko Immigration Law Partners, LLP, has released several new episodes in the Statutes of Liberty podcast series. In "Episode 29: EB-5 Regional Centers," Klasko EB-5 attorneys discuss the latest updates to the EB-5 regional center program and what that means for investors, developers, and brokers. They also address what role they played in recent litigation and give advice on next steps for EB-5 clients. Attorneys Ron Klasko, Dan Lundy, and Allison Li address questions on what a federal district court judge's preliminary injunction means and more, including:

- Is the regional center program fully operational now?
- Can regional centers file project approval applications now?
- When can investors file I-526s?
- Are there any risks for investors who file I-526 petitions?
- What if an existing regional center wants to change or extend its geographic territory?

In "Episode 28: Introduction to the EB-1 Visa," Klasko's EB-1 attorney team discusses the fundamentals of EB-1, gives an overview on how to prepare for a successful EB-1 petition, and covers ways to increase your chances of approval. Anu Nair, Allie Dempsey, and Nigel James answer these need-to-know questions before starting your EB-1 application:

- Do you need a sponsor?
- What are the benefits?
- What criteria are needed?
- What are some alternative options?

The podcast episodes are available at <https://bit.ly/3IGFQ9k>.

Kristin Peresta, of **Klasko Immigration Law Partners, LLP** (KILP), was recently awarded the Lisa Felix Award. Lisa Felix was an attorney at KILP who died in 2020 after a long illness. Ms. Peresta, KILP's Director of Client Communications & Workload, was awarded the inaugural Lisa Felix Award "for her innate ability to spread unconditional, unwavering, and selfless kindness among the KILP community." <https://bit.ly/3AIUCjk>

Alison Li has joined **Klasko Immigration Law Partners, LLP**, as an associate attorney. She has nearly a decade of immigration law experience and works with regional centers, developers, and investors who seek to use foreign investment capital under the EB-5 program to fund job-

creating projects. In addition to her work in EB-5, Ms. Li has assisted numerous clients in obtaining E, H, and L visas, among others. She has experience in consular processing through U.S. embassies and consulates worldwide. <https://chambers.com/articles/klasko-immigration-law-partners-welcomes-associate-alison-li>

Charles Kuck (bio: <https://www.abil.com/abil-lawyers/charles-kuck/>) was on a panel discussing Georgia's six-week ban on abortions that is pending in courts. Mr. Kuck was quoted as saying that federal courts have never taken away a right that people already had, which leaves the right up to the states to guarantee. GPB News, June 27, 2022, <https://www.gpb.org/news/2022/06/27/political-rewind-georgias-six-week-ban-on-abortions-pending-in-courts-candidates>

Robert Loughran (bio: <https://www.abil.com/abil-lawyers/robert-f-loughran/>) released several **Foster LLP** announcements:

- Chairman **Charles Foster** discussed U.S. immigration policy and border protection on a recent episode of KPRC Newsmakers with Khambrel Marshall. Click here to watch the interview: <https://bit.ly/3uLQ3eH>
- **Avalyn Langemeier** presented "Next Level Immigration Knowledge—Latest Updates and Impacts" at HR Houston's Gulf Coast Symposium on July 27, 2022. She discussed the latest updates to immigration policy and the impact they will have on the immigration process. https://www.hrhouston.org/mpage/GCS22_Home
- **Oxana Bowman** and **Brenda Hicks** presented "Riding the Pandemic Roller Coaster with H-1B Workers—A Review of H-1B Requirements When Employment Terms Change" at HR Houston's Gulf Coast Symposium on Thursday, July 28. She provided HR professionals with a basic understanding of the special requirements related to changes in the employment of H-1B workers. https://www.hrhouston.org/mpage/GCS22_Home

Cyrus Mehta (bio: <https://www.abil.com/abil-lawyers/cyrus-d-mehta/>) has been named Editor-in-Chief of the *American Immigration Lawyers Association Law Journal*. Mr. Mehta is Managing Partner of Cyrus D. Mehta & Partners PLLC in New York City and is a graduate of Cambridge University and Columbia Law School. He has served in varied national roles with AILA, currently continuing his long-time service with AILA's Ethics Committee as Vice Chair. Mr. Mehta is a board member of the New York Immigration Coalition and is a board member of Volunteers of Legal Services. He is also special counsel on immigration matters to the Departmental Disciplinary Committee, Appellate Division, First Department, New York. <https://www.aila.org/advo-media/press-releases/2022/aila-law-journal-welcomes-new-editor>

Cyrus Mehta (bio: <https://www.abil.com/abil-lawyers/cyrus-d-mehta/>) authored several new blog posts: "The Long, Windy, Bumpy, and Outrageous Road to Labor Certification," <http://blog.cyrusmehta.com/2022/08/the-long-windy-bumpy-and-outrageous-road-to-labor-certification-feat-two-sunday-ads.html>; and "Considerations When Terminating a Foreign Worker," <http://blog.cyrusmehta.com/2022/07/considerations-when-terminating-a-foreign-worker.html>

Mr. Mehta and **Kaitlyn Box** co-authored several new blog posts: "Justice Barrett and the Fate of the Mayorkas Prosecutorial Discretion Memo," <http://blog.cyrusmehta.com/2022/08/justice-barrett-and-the-fate-of-the-mayorkas-prosecutorial-discretion-memo.html>; and "A Practical Guide to Spending the 3 and 10 Year Bars in the United States,"

<http://blog.cyrusmehta.com/2022/07/a-practical-guide-to-spending-the-3-and-10-year-bars-in-the-us.html>

Angelo Paparelli (bio: <https://www.abil.com/abil-lawyers/angelo-paparelli/>) has authored a new blog post, "A Snitch in Time Saves How Many?—Incentivizing Noncitizens to Report Employment Law Violations." <https://www.nationofimmigrators.com/biden-administration-immigration-policies/a-snitch-in-time-saves-how-many-incentivizing-noncitizens-to-report-employment-law-violations/>

Wolfsdorf Rosenthal Immigration and Baniyas Law filed a complaint in the U.S. District Court for the District of Columbia on August 5, 2022, on behalf of hundreds of Chinese foreign national plaintiffs. The complaint asks the court to compel the Department of State to authorize FY 2022 EB-5 immigrant visa numbers to be allocated to all plaintiffs and their families by September 30, 2022, and to process their immigrant visa applications promptly. <https://wolfsdorf.com/press-release-wr-immigration-files-lawsuit-to-stop-wastage-of-eb-5-investor-visas/>

Wolfsdorf Rosenthal LLP has posted several new blog entries: "Italy: Faster Immigration Procedure for Limited Categories of Work," <https://wolfsdorf.com/italy-faster-immigration-procedure-for-limited-categories-of-work/>; "USCIS Confirms Validity of Previously Designated EB-5 Regional Centers," <https://wolfsdorf.com/uscis-confirms-validity-of-previously-designated-eb-5-regional-centers/>; and "Judge Orders USCIS To Begin Accepting New EB-5 Regional Center Investment Applications—FAQ for Investors," <https://wolfsdorf.com/judge-orders-uscis-to-begin-accepting-new-eb-5-regional-center-investment-applications/>

Charina Garcia and **Melissa Harms**, of **Wolfsdorf Rosenthal LLP**, will moderate two programs at the Worldwide ERC's Global Workforce Symposium in October 2022. Ms. Garcia will moderate "Relationship Building Through Tech – How Immigration Tech Can Focus on a Workforce's Well-Being," a discussion on immigration management technologies and the relationship between mobility technologies, well-being, and human connection. Ms. Harms will moderate "DEIA Global Mobility Playbook: Issues Facing the LGBTQ+, Transgender and Gender Diverse Employee," a discussion on the emergence of LGBTQ+ inclusive global mobility programs, issues related to relocating internationally to locations that criminalize transgender or sexual preference diversity; the process and impact of changing name or gender markers on national identity documents; and traveling and screening procedures for transgender and gender-diverse/fluid people. <https://wolfsdorf.com/wr-immigration-honored-to-lead-two-groundbreaking-discussions-at-werco-global-workforce-symposium/>

Stephen Yale-Loehr (bio: <https://www.abil.com/abil-lawyers/stephen-yale-loehr/>) was quoted by the Associated Press in "Immigrants Are Not Getting Social Security Numbers at the U.S. Border." In response to anti-immigrant activists' claims that Border Patrol agents are handing out social security cards to undocumented immigrants at the border, Mr. Yale-Loehr explained that Border Patrol agents can't issue social security cards: "Even if they were to do it, it would be illegal for them to do it and they could be prosecuted for doing it. I believe it is a false statement." <https://apnews.com/article/fact-check-social-security-number-border-552180846074>

Mr. Yale-Loehr was quoted by CBS News in "Republican States' Lawsuits Derail Biden's Major Immigration Policy Changes." Mr. Yale-Loehr said federal policymaking on immigration is now primarily dictated by federal courts, not Congress or the executive branch. "I think every major policy initiative by Biden that they plan to roll out in the next year is going to be certainly challenged in the courts, and the conservative states have done a good job of judge-shopping to find judges that are likely to agree with these conservative states," he said, noting that he expects lawsuits will continue to shape federal immigration policy unless Congress inhibits the

power of judges to block nationwide initiatives or passes a broad reform of the U.S. immigration system, a prospect that has remained elusive for decades amid intense partisanship. However, he said, "that's not the way our government is supposed to run," and the role of the federal court system should be limited to determining whether the actions of the president and Congress are lawful and constitutional. "From the American public's perspective, when people disagree with a policy, theoretically they can vote that person out of office, whether it's a member of Congress or the president. But when the judges are making a policy decision that the public disagrees with, they cannot vote that judge out of office," he noted.

<https://www.cbsnews.com/news/immigration-biden-republican-states-lawsuits/?intcid=CNM-00-10abd1h>

Mr. Yale-Loehr was quoted by the Voice of America about the Department of State's 2022 Trafficking in Persons Report. The video interview is in Russian at <https://www.youtube.com/watch?v=AHlWV9BEAJE>. Click on CC and select English to see Mr. Yale-Loehr's comments subtitled in English. Mr. Yale-Loehr said that human trafficking is a huge and growing problem worldwide, affecting about 25 million people per year. Report: <https://www.state.gov/reports/2022-trafficking-in-persons-report/>

Mr. Yale-Loehr co-authored the second edition of *Immigration and Nationality Law: Problems and Strategies*, published by Carolina Academic Press. The book introduces the reader to the legal concepts and experience of practicing immigration law by presenting the material through a series of hypotheticals. It is designed for both law students and attorneys as it covers not only statutory provisions and key immigration law cases but also provides an understanding of the many government agencies involved in the immigration process and how to navigate the wide variety of adjudications that are central to the U.S. immigration system. The book goes beyond doctrine to implications for strategies and policy. For more information, including a video with the authors, or to order, see <https://bit.ly/3IHUuWS>

Mr. Yale-Loehr was quoted by Scripps Media in "Companies Add Immigration Reimbursement to List of Benefits." Commenting on new immigrant assistance benefits some companies are offering, Mr. Yale-Loehr said, "This is a new trend because of the tight labor market and employers need to figure out how to both attract and retain workers. And with foreign workers being a growing part of the employment base, [offering] benefits to foreign-born workers is increasingly one way that they can entice people to come work for them or to stay with them." As examples, he noted that Amazon "has just started a reimbursement program to cover fees for a work permit renewal, which can cost between \$410 and \$495 every two years. [Tyson Foods], which is the biggest U.S. food processor, is expanding its immigration benefits by offering a program to its workers to give them free legal services ranging from work authorization renewals to green card and citizenship applications." <https://www.ksby.com/news/national/companies-add-immigration-reimbursement-to-list-of-benefits>

Mr. Yale-Loehr was quoted by Univision in " 'Remain in Mexico' Is Still in Force and It Is Not Known When and How It Will Be Dismantled." The article notes that although the Supreme Court determined at the end of June 2022 that the government can "cancel" the Trump administration's "remain in Mexico" policy, a series of legal requirements must be met to dismantle it and create a replacement protocol. "The Supreme Court ruling is significant for a number of reasons," Mr. Yale-Loehr said. First, the Court "preserved its right to decide the merits of an immigration dispute, even if immigration law prohibits lower courts from issuing an injunction. Second, the Court held that the immigration statute gives immigration officials discretion over whom to admit into the United States while they await an immigration hearing. And third, the majority noted that by interpreting federal law to require the return of asylum seekers to Mexico, the lower court in the case limited the ability of the executive branch to

conduct foreign relations with Mexico." In short, he said, the Court "upheld the Biden administration's efforts to end a Trump-era immigration policy," although the process will take time. <https://www.univision.com/noticias/inmigracion/fallo-corte-suprema-interrogantes-programa-mpp-quedate-en-mexico-desmantelamiento> (in Spanish, with English translation available)

Mr. Yale-Loehr was quoted by several media outlets relating to the Supreme Court's decision on the "Remain in Mexico" policy:

- "Explaining the Supreme Court Immigration Ruling on 'Remain in Mexico,'" PolitiFact. He explained that historically, when people believe an immigration policy violates immigration law, they can sue the government, which initiates a court case. However, these cases often take a long time, so the person or group suing can ask the courts to either stop or restart the policy if it is causing immediate harm, which is called an injunction, he noted. <https://www.politifact.com/article/2022/jul/07/explaining-supreme-court-immigration-ruling-remain/>
- "Biden Administration Can Drop 'Remain in Mexico' Policy, But What Will it Use Instead?," Marketplace. He said, "The court today recognized that this is really part of a bigger political problem of not enough funding for our broken immigration system." <https://www.marketplace.org/2022/07/05/biden-administration-can-drop-remain-in-mexico-policy-but-what-will-it-use-instead/>

[Back to Top](#)

About ABIL

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

The Alliance of Business Immigration Lawyers' website is at <http://www.abil.com/>. ABIL is also on Twitter: [@ABILImmigration](#).

Disclaimer/Reminder

This email does not constitute direct legal advice and is for informational purposes only. The information provided should never replace informed counsel when specific immigration-related guidance is needed.

Copyright © 2022 Alliance of Business Immigration Lawyers. All rights reserved.

[Back to Top](#)