

GLOBAL IMMIGRATION UPDATE

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Country Updates

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CANADA

This article updates border measures for travelers entering Canada.

On July 19, 2021, the government of Canada announced the details of the next phase of its approach to easing border measures for travelers entering Canada. As a result of increased vaccination rates, declining COVID-19 cases, and reduced pressure on health care capacity in Canada, the government plans to bring a number of changes into effect.

Beginning August 9, 2021, fully vaccinated U.S. citizens and permanent residents, currently residing in the United States, are permitted to enter Canada for discretionary (non-essential) travel. On September 7, 2021, provided that the domestic epidemiologic situation remains favorable, the government will open Canada's borders to all fully vaccinated travelers.

As of July 5, 2021, fully vaccinated travelers who are permitted to enter Canada are not subject to the federal requirement to quarantine or to take a Covid-19 test on Day 8. In addition, fully vaccinated travelers arriving by air will not be required to stay at a government-authorized hotel. Pre-and on-arrival Covid-19 testing requirements for travelers arriving by air or land to Canada continue to apply.

Below are questions and answers on selected highlights of these developments:

What changed as of August 9, 2021?

Entry to Canada

As noted above, fully vaccinated U.S. citizens and permanent residents, currently residing in the United States, can travel to Canada for discretionary (non-essential) purposes. Additionally, unvaccinated children under 12 years of age, or unvaccinated dependent children (due to a mental or physical condition), who are U.S. citizens or permanent residents currently residing in the United States may also enter Canada. To be allowed entry, such children must be accompanying a fully vaccinated parent, step-parent, guardian, or tutor who is permitted to enter Canada.

To be considered fully vaccinated, travelers must have received two doses or a combination of the Pfizer, Moderna, or AstraZeneca/COVISHIELD vaccines or a single dose of the Janssen (Johnson & Johnson) vaccine, at least 14 days prior to their entry to Canada.

Also, Transport Canada expanded the scope of the Notice to Airmen that directed scheduled international commercial passenger flights into the four major Canadian airports. Effective August 9, 2021, international flights carrying passengers are permitted to land at the following five additional Canadian airports: Halifax Stanfield International Airport; Québec City Jean Lesage International Airport; Ottawa Macdonald-Cartier International Airport; Winnipeg James Armstrong Richardson International Airport; and Edmonton International Airport.

Testing and Temperature Screening Requirements

The government of Canada began a new border testing surveillance program at airports and land border crossings. Beginning August 9, 2021, fully vaccinated travelers do not need a post-arrival test unless they have been randomly selected to complete a Day 1 COVID-19 molecular test. Transport Canada will also remove the requirement for the Canadian Air Transport Security

Authority to perform pre-board temperature screening of passengers and airport workers on all domestic flights and international departures.

In a positive development for Canadians, Canadian citizens and permanent residents traveling to the United States for less than 72 hours are now permitted to do their pre-entry test in Canada. Therefore, such individuals are no longer required to receive a second COVID-19 molecular test result in the United States prior to returning to Canada.

Quarantine Requirements

As of August 9, 2021, the three-night government-authorized hotel stay requirement for all travelers arriving by air is eliminated. Additionally, unvaccinated children under 12 years of age and dependent children (due to a mental or physical condition) of fully vaccinated travelers no longer need to complete a 14-day quarantine but must follow strict public health measures. This means they can move around with their parents, but must avoid group settings—such as camps, daycares, or schools—during the first 14 days after their arrival. Unvaccinated children will remain subject to the Day 1 and Day 8 testing requirements.

Provinces and territories may have more stringent rules regarding people who have recently returned from travel.

What will change on September 7, 2021?

The government of Canada plans to open Canada's borders to all fully vaccinated travelers as of September 7, 2021. This plan is contingent on the domestic epidemiologic situation remaining favorable in Canada. The preliminary step of permitting U.S. travelers' entry into Canada for discretionary (non-essential) purposes will allow the government to fully operationalize the adjusted border measures ahead of September 7, 2021.

What requirements are still in place?

For travelers who are not fully vaccinated, there are no changes to Canada's current mandatory testing requirements, and such travelers will still be required to complete a mandatory 14-day quarantine requirement, subject to limited exceptions. However, as mentioned above, the three-night government-authorized hotel stay requirement for all travelers arriving by air will be eliminated.

Fully vaccinated travelers must also be asymptomatic, have a paper or digital copy of their vaccination documentation in English or French (or certified translation, along with the original), and provide COVID-19-related information electronically through the ArriveCAN app prior to arrival in Canada. They must still present a suitable quarantine plan and be prepared to quarantine if it is determined at the border that they do not meet all of the conditions required to be exempt from quarantine. As with all other exempt travelers, they will be required to follow public health measures in place, such as wearing a mask when in public and keeping a copy of their vaccine and test results available, as well as a list of close contacts for 14 days after entry to Canada.

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ITALY

Travelers from Canada, Japan, the United States, and list D countries no longer need a specific reason for entering Italy, but they must still meet requirements related to COVID-19 status.

Since May 2021, travelers from Canada, Japan, and the United States are no longer required to have a specific reason for entering Italy. This also applies to travelers from other list D countries (Australia, New Zealand, Rwanda, Republic of Korea, Singapore, Thailand). These travelers must fill in a digital Passenger Locator Form, inform the Prevention Department of the local health authority when they enter Italy, present a negative molecular or antigen swab test taken within the last 72 hours before entering Italy, and quarantine for 10 days. After the period of self-isolation, another molecular or antigenic test must be taken. Travelers can avoid the obligation of presenting the swab test and self-isolating if they have a Covid Certificate (also known as Green Pass or Covid-19 Green Certificate) issued by the local health authorities in Canada, Japan, or the United States.

For more information, the full set of rules, and exemptions, see <https://bit.ly/3zA6PNM>.

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RUSSIA

This article reports on developments in air travel to Russia, Covid-19 pandemic-related protocols, and new fingerprinting requirements.

Air Travel Resumes Between Russia and Some Countries

As of July 28, 2021, according to information on the official government portal, air travel resumed with Albania, France, and the Czech Republic. Air travel resumed on July 19, 2021, with Tanzania.

Air travel is also open between Russia and following countries (subject to change):

- | | | |
|-----------------------------|--------------|-------------------|
| • UK | • Ethiopia | • Portugal |
| • Turkey | • Finland | • Saudi Arabia |
| • Switzerland | • Vietnam | • Austria |
| • Egypt | • India | • Hungary |
| • Maldives | • Qatar | • Lebanon |
| • United Arab Emirates | • Greece | • Luxembourg |
| • Republic of South Ossetia | • Singapore | • Mauritius |
| • Belarus | • Azerbaijan | • Morocco |
| • Kazakhstan | • Armenia | • Croatia |
| • Kyrgyzstan | • Germany | • Belgium |
| • Republic Of Korea | • Venezuela | • Bulgaria |
| • Abkhazia | • Syria | • Jordan |
| • Cuba | • Tajikistan | • Ireland |
| • Serbia | • Uzbekistan | • Italy |
| • Japan | • Sri Lanka | • Cyprus |
| • Seychelles | • Iceland | • China |
| | • Malta | • Liechtenstein |
| | • Mexico | • North Macedonia |

- USA

PCR Testing

As of July 25, 2021, foreign citizens and stateless persons, as well as citizens of the Republic of Belarus entering the Russian Federation from the territories of the member states of the Eurasian Economic Union, must submit negative PCR tests only using the application "Traveling without COVID-19."

Member states of the Eurasian Economic Union include:

- Republic of Armenia
- Republic of Belarus
- Republic of Kazakhstan
- Kyrgyz Republic
- Russian Federation

Starting September 1, 2021, foreign citizens and stateless persons, citizens of the Republic of Belarus entering the Russian Federation from the territories of the member states of the Eurasian Economic Union, and Azerbaijan, Moldova, Tajikistan, Turkmenistan and Uzbekistan, will have to submit negative PCR tests only using the "Traveling without COVID-19" application.

Exception: Persons entering the Russian Federation in transit through the territories of the above-mentioned countries. However, such persons also must obtain a certificate with the results of a negative PCR test not earlier than 3 calendar days before arrival in the territory of the Russian Federation, and present tickets and/or boarding passes.

Examples: A U.S. citizen who follows the route Almaty to Moscow must present a PCR test in the application. A U.S. citizen who follows the route New York to Almaty to Moscow must present a paper result of the PCR test and boarding passes.

Travelers must fill out a questionnaire on the website of state and municipal services, <https://www.gosuslugi.ru/394604/1>. Those who are unable to fill out the questionnaire digitally may submit the paper version.

New Fingerprinting Requirements

There are new fingerprinting requirements for highly qualified specialists, with exceptions for citizens of Belarus, children under 6 years of age, and foreign officials of international organizations and their family members.

Foreign citizens who enter the Russian Federation for the purpose of performing labor activities are now subject to mandatory state fingerprint registration and photographing within 30 calendar days from the date of entry or when applying for a patent or collecting a work permit. Also, within 30 calendar days from the date of entry, such foreign citizens must undergo medical examination.

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UNITED KINGDOM

This article discusses coronavirus restrictions for travelers to England, and right-to-work checks.

Coronavirus Restrictions

Travelers to England from amber and red list countries must self-isolate on arrival for 10 days.

Where the criteria are met, senior executives (board directors or equivalent) arriving in England from an amber list country can be temporarily **exempt** from the self-isolation requirements where they are carrying out activities of significant economic benefit to the UK. They must still self-isolate when they are not carrying out those duties. If the activities can be done remotely or by someone else, the exemption cannot be used.

A new process has started in which before traveling to England, senior executives complete a form and email it for consideration. A response should be received within five working days on whether the exemption criteria have been met. The written approval should be shown to Border Force officers on arrival in the United Kingdom (UK).

The exemption (more detail on the criteria and definitions is in the relevant [regulations](#)) covers two types of senior executives:

- **Multinational executives**—executives based outside the UK who are part of multinational businesses and are visiting their UK-based subsidiary or branch. The executive should have a reasonable belief that the intended activities will lead to the creation or continuation of employment for 500 employees or more in the UK branch or subsidiary; and
- **International executives**—executives of companies based outside the UK who will bring significant economic benefit to the UK because the work will more likely than not lead to either:
 - An investment in a UK-based undertaking creating or continuing the employment of 500 employees or more in that UK-based undertaking, or
 - The establishment of a new business in the UK that will, within 24 months, create employment for 500 employees or more in that new business.

The guidance on the new process includes examples of what is exempt activity. For example, attending a routine board meeting would not qualify unless the meeting will involve making a decision on whether to invest in the UK.

For more information, see Kingsley Napley's coronavirus FAQs for UK visa holders and businesses at <https://www.kingsleynapley.co.uk/services/department/immigration/coronavirus-covid-19-uk-immigration-faqs>

Right-to-Work Checks

The key changes for right-to-work checks on European Union (EU) citizens as of July 1, 2021, include:

- **Pre-employment and follow-up checks.** A new code of practice applies to all right-to-work checks on or after July 1, 2021. This includes pre-employment checks and follow-up checks.
- **Documents to be checked.** Where employers are checking the right to work of EU citizens, in the vast majority of cases they will be checking online the employee's digital

immigration status under the EU Settlement Scheme or new immigration system. However, the following changes have also been made to the list of compliant documents that can sometimes be used for right-to-work checks on EU citizens:

- **List A (where there is no expiration date on the employee's permission).** As expected given the changes, EU passports no longer feature on this list. The exception is where the employee has an Irish passport, because Irish nationals do not require prior permission to work in the UK.
- **List B Group 1 (where there is an expiration date on the employee's permission).** A frontier worker permit is acceptable. For more information on frontier worker permits, see <https://bit.ly/3irjAmS>.
- **List B Group 2 (where there is an expiration date on the employee's permission and the statutory excuse only lasts for 6 months).** Where an employee has an application pending with the Home Office and a right-to-work check is required, sometimes the employer checking service must be used. There is an update to List B Group 2; where an employee has a pending EU Settlement Scheme application submitted on or before June 30, 2021, the employer can rely on its certificate of application together with a Positive Verification Notice from the employer checking service.

For more information on pre-employment and follow-up online, physical document (manual), and employer checking service right-to-work checks, please see [FAQs on right to work checks: what employers need to know](#).

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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

Below is a list of ABIL members and affiliated attorneys on American Immigration Lawyers Association (AILA) National Committees for the 2021-2022 term:

USCIS Liaison Committee: Marketa Lindt

DOL Liaison Committee: Vincent Lau (chair), Bob White (vice chair), Loan Huynh, Meredith Jolie, Christian Park, Lynn Susser

DOS Committee: Magaly Cheng

ICE/EOIR Liaison Committee: Aaron Hall (vice chair)

Business Section Steering Committee: Vic Goel

Ethics Committee: Miki Matrician, Cyrus Mehta

EB-5 Committee: Joe Barnett, John Pratt, Bernard Wolfsdorf

H-1B Task Force: Dagmar Butte, Vic Goel

High Impact Litigation Committee: Ronald Klasko (chair), Charles Kuck, Marketa Lindt, Stephen Yale-Loehr

National Amicus Committee: David Isaacson

Verification Committee: Dawn Lurie

Technology and Innovation Committee: William Stock (chair), Hannah Little, Julie Pearl

Distance Learning Committee: Vic Goel, Vince Lau

Client Resources Committee: Elissa Taub

Lawyer Well-Being Committee: Jennifer Howard

Media Advocacy Committee: Adam Cohen

Executive Committee: Jeff Joseph (treasurer)

Membership Committee: Ari Sauer

Investments Committee: William Stock (chair)

2022 Annual Conference Committee, Special Sessions and Events Track

Member: Michele Madera

Mid-Year Conference Committee: Dagmar Butte

Several **Alliance of Business Immigration Lawyers members** and lawyers in their firms presented at the American Immigration Lawyers Association's Annual Conference in June 2021:

"You're FOIAed!": The Immigration Attorney's Secret Weapon

Dagmar Butte

Litigating Your First Federal Court Case: You Can Do It!

Ira Kurzban

Removal & Litigation: Who Wants to Be a Millionaire Immigration Attorney?

Ira Kurzban

Employment-Based Adjustment of Status Today

Cyrus Mehta

Bernard Wolfsdorf

Up Your Game: New Marketing Techniques for 2021

Gregory Siskind

Compendium Live: Understanding the Ethics Rule on Lawyer Trust Accounts

Miki Matrician

Asylum 101: Protecting Refugees in the United States

Stephen Yale-Loehr

Asylum: The Current State of Particular Social Groups

Lily Axelrod

Labor Certification 101

Matthew Morse

Litigation: More Critical Now Than Ever Before for Business Immigration Practitioners

Ronald Klasko

Charles Kuck

PERM Labor Certification: Still Alive and Doing Reasonably Well!

Marketa Lindt

U.S. Immigration and Customs Enforcement (ICE) Open Forum

Aaron Hall

U.S. Department of Labor (DOL) Open Forum

Vincent Lau

Lengthy Absences and the Struggle of Maintaining Residence

Avi Friedman

INA § 237(a)(1)(H) Works Like Magic: Fraud Waivers

David Isaacson

Oh, Where Are the Good Old Times? Trying to Be an L-1 Intracompany Transferee

Elise Fialkowski

H-2 Practice: What Are We So Afraid Of?

Loan Huynh

Show Me the Money: Financial Best Practices

Kirby Joseph

Several **Alliance of Business Immigration Lawyers Global members** presented at the 2021 AILA/Global Migration Section Annual Global Immigration Virtual Forum:

COVID-19: It Ain't Over 'til it's Over

Nicolas Rollason

The Post-Brexit Era: Where Are We Now?

Gunther Mävers

Legal Ethics in a COVID/Post-COVID World

Maria Celebi

Adapting to the New World: Top Tips for Practice Management & Technology

Gregory Siskind

What is the Future of Global Immigration in the Post-COVID-19 World?

Ariel Orrego-Villacorta

Philip Yip

Oxana Bowman was named partner at **Foster LLP**. Ms. Bowman is an experienced employment-based immigration attorney. She is a graduate of the University of Houston Law Center (UHLC) and has a master's degree from North Caucasus Federal University in Russia. She worked as a research assistant for the UHLC and mentors university students at the UHLC Upper Management Mentoring and Part-Time Partners Program.

<https://www.fosterglobal.com/blog/oxana-bowman-named-partner-at-foster-llp/>

Dagmar Butte (bio: <http://www.abil.com/lawyers/lawyers-butte.cfm?c=US>) was quoted by *Forbes* in "Lawsuit Aims to Overturn Costly H-1B Visa Policy." Commenting on the impact of a USCIS policy that requires employers to file amended H-1B petitions when employees work in a new geographic area, Ms. Butte said, "The impact was substantial both in terms of costs and the ability to carry on business, especially if you wanted to be scrupulous about complying. When one of my clients loses a contract, or a project ends, they have to scramble to find a place for their workers, but they have to do it fast and pay filing and legal fees. Due to inconsistent adjudications and fear of accruing unlawful presence, that usually includes paying premium processing fees. Since the jobs themselves are typically the same—a physical therapist will not suddenly work as a nurse—there is little utility in the USCIS requirement other than to allow

FDNS [Fraud Detection and National Security Directorate] to be able to locate the worker for a site visit. That could be accomplished much more easily by just adapting the AR-11 [Alien Change of Address form] for this purpose. Absent *Simeio*, there is still a posting requirement, and all other U.S. worker protections mandated by the Department of Labor remain in place, including the need for a new LCA [Labor Condition Application] if the new placement is outside the prior MSA [Metropolitan Statistical Area].

Klasko Immigration Law Partners, LLP, has released a new podcast episode, "EB-1 Visa in Pop Culture: Beth Harmon from the Queen's Gambit." In the podcast, part of Klasko's series "Statutes of Liberty," the Klasko EB-1 team discusses the criteria that might qualify the fictional main character from Netflix's hit miniseries, *The Queen's Gambit*, for an extraordinary ability green card. <https://bit.ly/2SaUVdi>

Klasko Immigration Law Partners, LLP, has published a new blog entry: "Moving the Goalposts: Name, Image, and Likeness Compensation for Foreign Student Athletes." <https://www.klaskolaw.com/news-politics/foreign-student-athletes-name-image-and-likeness-compensation/>

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) was quoted by the *Economic Times of India* in "Policy Change to Benefit Children of H-1B Visa Holders in the U.S." The article quoted Mr. Mehta's tweet, "USCIS does away with burdensome 'gap' status applications when one changes to F-1. This will provide some relief to children of backlogged skilled immigrants who age out, although the optimum solution is to get rid of per country limits and add more visas." <https://economictimes.indiatimes.com/nri/migrate/policy-change-to-benefit-children-of-h-1b-visa-holders-in-the-us/articleshow/84607555.cms?from=mdr> (article); <https://twitter.com/cyrusmehta/status/1417628691241349121> (Twitter)

Mr. Mehta was quoted by the *Economic Times of India* in "Policy Change to Benefit Children of H-1B Visa Holders in the U.S." The article quoted Mr. Mehta's tweet, "USCIS does away with burdensome 'gap' status applications when one changes to F-1. This will provide some relief to children of backlogged skilled immigrants who age out, although the optimum solution is to get rid of per country limits and add more visas." <https://economictimes.indiatimes.com/nri/migrate/policy-change-to-benefit-children-of-h-1b-visa-holders-in-the-us/articleshow/84607555.cms?from=mdr> (article); <https://twitter.com/cyrusmehta/status/1417628691241349121> (Twitter)

Mr. Mehta co-authored a blog post with **Isabel Rajabzadeh**: "No Longer in Use: How Changes in SOC Systems Affect Employment-Based Immigration." <http://blog.cyrusmehta.com/2021/07/no-longer-in-use-how-changes-in-soc-systems-affect-employment-based-immigration.html>

Mr. Mehta was quoted by the Times of India in "U.S. Court Quashes Plea to Exclude Family Members From EB-5 Annual Visa Quota." He said that a provision in the Immigration and Nationality Act "could be interpreted to not count family members. Although the case involved plaintiffs who limited their argument to the EB-5 cap for investor green cards, this case will cast a pall on additional lawsuits by plaintiffs making the same argument under other employment or family visa categories." <https://bit.ly/3kvAi7C>

Mr. Mehta and **Kaitlyn Box** co-authored several blog posts: "Wang v. Blinken Nixes Any Hope for Excluding the Counting of Family Members in the Green Card Caps." <https://bit.ly/2VIIMxB>; "Requesting Premium Processing on a Downgraded I-140 Petition," <http://blog.cyrusmehta.com/2021/07/requesting-premium-processing-on-a-downgraded-i-140-petition.html>; and "Sanchez v. Mayorkas: Although TPS Is Not An Admission, Justice Kagan's Opinion Leaves Open Avenues For TPS Recipients To Adjust Status As Nonimmigrants," <https://bit.ly/3iVqG4X>

Mr. Mehta and **William Stock** (bio: <http://www.abil.com/lawyers/lawyers-stock.cfm?c=US>) were quoted by *Forbes* in "Trump's H-1B Visa Wage Rule Is Dead: What's Next?" Highlights include:

- **Mr. Mehta** said, "If the Biden administration wants to develop a fair way to determine prevailing wages, the prevailing wage ought not to be based on surveys factoring wages paid by *all* employers in the industry. For instance, nonprofits find it very difficult to hire foreign national lawyers on H-1B visas or sponsor them for green cards as they have to rely on wage surveys that include what the largest law firms also pay entry-level lawyers, which can cross \$200,000. The government should also not assume that all lawyers wish to only work for firms that pay the highest wages. Some lawyers desire to work for nonprofits or smaller firms as lifestyle choices or because they find the work truly challenging or are altruistic. Similarly, startups are also affected by formalistic prevailing wage surveys."
- **Mr. Stock** said, "The Standard Occupational Classification's 'Classification Principles and Coding Guidelines' states that first-level supervisors of professionals such as engineers, physicians and accountants are classified within those occupations, and not within the managerial occupations (such as Computer and Information Systems Managers). [The Department of Labor] should incorporate this classification principle into its wage methodology to avoid setting artificially high wages for first-level supervisors of workers in those professional occupations."

The article is at <https://www.forbes.com/sites/stuartanderson/2021/07/01/trumps-h-1b-visa-wage-rule-is-dead-whats-next/?sh=f9382384a218>

Mr. Mehta authored a new blog post: "Reflections on Giuliani's Suspension of His New York Bar License." <http://blog.cyrusmehta.com/2021/06/reflections-on-giulianis-suspension-of-his-new-york-bar-license.html>

Mr. Mehta posted a new video blog, "Reflections on the Life and Impact of the Late Judge Robert Katzmman." In the video, Mr. Mehta explains how Judge Katzmman was the impetus for projects to help immigrants receive legal representation that affected so many families and individuals, and shares a little about why this work needs to continue in memory and honor of the late jurist, <https://thinkimmigration.org/blog/2021/06/16/reflections-on-the-life-and-impact-of-the-late-judge-robert-katzmann/>. **Mr. Mehta** also co-wrote "In Memoriam: Judge Robert A. Katzmman's Lasting Legacy for Immigrants in Need of Representation." <https://bit.ly/3gDoaiu>.

Sophia Genovese, formerly of **Cyrus D. Mehta and Partners, PLLC**, has authored a new blog post: "The Fight for Immigration Justice Is Not Over: SCOTUS Rules Mandatory Detention of Certain Immigrants Seeking Safety in the United States." <https://bit.ly/2V8GcRG>

Cyrus D. Mehta and Partners, PLLC, has published a new blog post by guest author **Stacy Caplow**: "The Sinking Immigration Court: Change Course, Save the Ship." http://blog.cyrusmehta.com/2021/08/the-sinking-immigration-court-change-course-save-the-ship.html#_edn2

David Isaacson, of **Cyrus D. Mehta and Partners, PLLC**, authored a new blog post: "The Process By Which Removability Will Be Determined": How the Recent District Court Decision Ordering the Reinstatement of MPP Contradicts Itself." <http://blog.cyrusmehta.com/2021/08/the-process-by-which-removability-will-be-determined-how-the-recent-district-court-decision-ordering-the-reinstatement-of-mpp-contradicts-itself.html>

Ari Sauer and **Greg Siskind**, of **Siskind Susser PC**, authored the American Immigration Lawyers Association's *Immigration Law Practice & Procedure Manual: A "Cookbook" of Essential Practice Materials*, published as a two-volume set. The book provides how-to guidance on preparing and filing common immigration applications and petitions. Each chapter contains the resources attorneys need to prepare a specific type of immigration case. <https://agora.aila.org/Product/Detail/4814?sel=description>

Wolfsdorf Rosenthal LLP has published several new blog posts: : "The Life Sciences Talent Squeeze and Foreign-Born Workers," <https://wolfsdorf.com/the-life-sciences-talent-squeeze-and-foreign-born-workers/>; "President Biden Grants Deferred Enforced Departure for Certain Hong Kong Residents," <https://wolfsdorf.com/president-biden-grants-deferred-enforced-departure-for-certain-hong-kong-residents/>; "A 'Giant Sucking Sound': Why Are We Losing Top Talent?," <https://wolfsdorf.com/a-giant-sucking-sound-why-are-we-losing-top-talent/>

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted by Voice of America in "Complex U.S. Refugee Policies Likely to Limit Number of Afghan Admissions." He said the Biden administration could use humanitarian parole, an existing refugee process, to allow Afghan refugees into the United States. "Humanitarian parole is used to bring someone who is not otherwise eligible to enter the country, or who does not have a visa, into the United States temporarily because of an emergency or urgent humanitarian reason," he said. <https://www.voanews.com/us-afghanistan-troop-withdrawal/complex-us-refugee-policies-likely-limit-number-afghan-admissions>

Mr. Yale-Loehr was quoted by the *Ritz Herald* in "Afghan Refugees at Risk: Steps the White House Can Take to Help." He suggested a variety of actions the Biden administration could take to help Afghan refugees. "The situation in Afghanistan requires a coordinated effort. We have done that before. For example, we evacuated more than 100,000 Vietnamese to Guam before and after the fall of Saigon in 1975. After an uprising in Hungary in 1956, we admitted approximately 38,000 refugees from that country. It is our moral duty to do it again for Afghans at risk," he said. <https://ritzherald.com/afghan-refugees-at-risk-steps-the-white-house-can-take-to-help/>

Mr. Yale-Loehr co-authored an op-ed published in *The Hill*, "Vaccine Xenophobia Against Immigrants and Refugees Must End." The op-ed suggests, among other things, that "[b]uilding immigrant-citizen collaborations in high-income countries to advocate for the rights of those who have no voice or are fearful of repercussions is one way to improve vaccine equity, especially among forcibly displaced populations. This can be in the form of working with nongovernmental organizations, voicing concerns to Congress about sharing superfluous vaccines with other countries, eliminating unnecessary visa exclusions, investing in humanitarian border operations, and engaging in community outreach programs to empower displaced individuals by compiling reliable and accessible resources about their eligibility for healthcare benefits, including vaccines." <https://thehill.com/opinion/immigration/564663-vaccine-xenophobia-against-immigrants-and-refugees-must-end>

Mr. Yale-Loehr was quoted in several media outlets regarding the United States offering temporary safe haven to Hong Kong residents. An article in the *South China Morning Post* notes that in 1989, President George Bush granted Chinese students temporary safe haven after Beijing's bloody crackdown on pro-democracy demonstrators, and Congress followed up by passing a law in 1992 to allow Chinese students in the United States at the time of the Tiananmen Square violence to apply for permanent residence. "If the human rights situation in Hong Kong worsens, Congress may need to do that here as well," Mr. Yale-Loehr said:

- "U.S. Offers Temporary 'Safe Haven' for Hongkongers in Response to Crackdown on Opposition," *South China Morning Post*,

<https://www.scmp.com/news/china/article/3144003/us-offer-safe-haven-hongkongers-following-crackdown-opposition-and>;

- "Biden grants deportation amnesty to Hong Kong residents to protect them from Chinese crackdown," *Washington Times*,
<https://www.washingtontimes.com/news/2021/aug/5/joe-biden-grants-deportation-amnesty-hong-kong-res/>

Mr. Yale-Loehr was quoted by *Univision* in "Judge Blocks Order That Allowed Cops to Stop Vehicles Transporting Immigrants in Texas." The federal government will surely challenge Governor Abbott's immigration plans as illegal. Arizona tried something similar about 10 years ago, but the Supreme Court struck down key parts of SB 1070 as violating federal immigration law," he said. <https://www.univision.com/noticias/inmigracion/juez-bloquea-orden-que-permitio-detener-vehiculos-que-transporten-indocumentados-texas> (Spanish, with English translation offered)

Mr. Yale-Loehr was quoted by *Law360* in "DHS Defense of Trump Rules May Invite Further Litigation." He said, "We saw an explosion of efforts by the prior administration to change immigration law through regulatory proposals, and this administration has withdrawn some of them and brought back more normal regulatory proposals." Mr. Yale-Loehr also noted, however, that the Biden administration "seems intent on continuing the Trump administration's effort to revise the H-1B program in terms of how they select individuals, going away from a lottery system to a salary-based system. That's going to be controversial and will probably generate litigation if that kind of rule is finalized." <https://www.law360.com/articles/1407896/dhs-defense-of-trump-rules-may-invite-further-litigation> (registration required)

Mr. Yale-Loehr was quoted by the *Ritz Herald* in "CDC Immigration Order Lifted for Children, Should Expand for Adults." He said the Centers for Disease Control and Prevention (CDC) order is a good first step, but more needs to be done. "The Title 42 order has been heavily criticized, and properly so. Immigrant advocates claim that the public health order has put migrants in harm's way by forcing them to remain in Mexico. For example, on June 30, over 100 groups urged the Biden administration to fully rescind Title 42 expulsions. Unaccompanied noncitizen children had been temporarily exempted from the Title 42 order. Today's announcement makes that exemption official, based on the CDC's assessment that it can properly assess the risk of COVID-19 transmission among children and provide vaccinations to children ages 12 and over. The CDC should go further by rescinding its Title 42 order for everyone. There is no valid public health rationale for expelling people fleeing persecution, when millions of other people enter the United States on visas every year." <https://ritzherald.com/cdc-immigration-order-lifted-for-children-should-expand-for-adults/>

Mr. Yale-Loehr was quoted by the Associated Press in "Key Part of U.S. Residency Program for Investors Set to Expire," which appeared in many outlets. He said that the EB-5 regional center program provides valuable benefits to the United States: "Given our efforts to jumpstart the economy after the pandemic, it is particularly unfortunate that the Senate failed to extend the program." <https://apnews.com/article/lindsey-graham-real-estate-bills-lifestyle-travel-c7ba67f7b5fdd1f541ee472d396296c2>

Mr. Yale-Loehr was quoted by the *Real Deal* in "Trouble in EB-5 Land: Congress at Impasse on Extension." He said, "Any lapse adversely affects the program because investors get skittish about what is going on here and they don't understand how it works." <https://therealdeal.com/2021/06/28/trouble-in-eb-5-land-congress-at-impasse-on-extension/>

Mr. Yale-Loehr was quoted by *Bloomberg Law* in "Backlog of Investor Visa Applications in Limbo as Program Dies." Asked whether the expiration of the EB-5 regional center program on June 30, 2021, will put pressure on lawmakers to act, Mr. Yale-Loehr noted that with Congress tied

up in negotiations over infrastructure spending, "it's a competition of priorities."

<https://news.bloomberglaw.com/daily-labor-report/backlog-of-investor-visa-applications-in-limbo-as-program-dies-1>

Mr. Yale-Loehr was quoted by Univision in "Can the Governor of Texas Arrest Illegal Immigrants and Build a Wall on the Border?" Mr. Yale-Loehr said, "The federal government will surely challenge Governor Abbott's immigration plans as illegal. Arizona tried something similar about 10 years ago, but the Supreme Court struck down key parts of SB 1070 because it interfered with federal immigration law." <https://www.univision.com/noticias/inmigracion/gobernador-greg-abbott-detenciones-en-la-frontera-muro-texas> (Spanish, with English translation offered)

Mr. Yale-Loehr was quoted in an Associated Press article that ran in several news outlets, including *U.S. News & World Report*: "Governor: Texas Building New Border Barrier; No Details Yet." He said the federal government likely would challenge whether Texas has authority to construct barriers along the border: "While states can do certain things under state law regarding immigration, erecting barriers along the border or arresting migrants is beyond the pale in my view." <https://www.usnews.com/news/us/articles/2021-06-11/governor-texas-building-new-border-barrier-no-details-yet>

Mr. Yale-Loehr was quoted by CNBC in "Facing Shortage of High-Skilled Workers, Employers Are Seeking More Immigrant Talent, Study Finds." "We have not revamped our legal immigration categories, including business immigration, since 1990. Some of those categories are out of alignment with our needs in the United States today. The pandemic has exacerbated those inconsistencies because people who are desperately needed to restart various businesses have been unable to enter the United States," he said.

<https://www.cnn.com/2021/06/10/study-employers-need-immigrants-amid-shortage-of-high-skilled-workers.html>

Mr. Yale-Loehr was quoted by Voice of America in "TPS Holders Seek More Stable Immigration Status." He said the next move on temporary protected status could be up to Congress following a recent Supreme Court decision. "The Court noted that Congress could fix the problem through legislation. Indeed, such a bill is pending in Congress. The decision highlights the need for Congress to enact immigration legislation to fix our broken immigration system." Mr. Yale-Loehr noted that some TPS holders have been living in the United States for more than 20 years. <https://www.voanews.com/usa/immigration/tps-holders-need-more-stable-immigration-status>

Mr. Yale-Loehr was quoted by Univision in "What Happens Now With the Beneficiaries of TPS After the Ruling of the Supreme Court?" "The decision of the Supreme Court this Monday revolved around a technical distinction between 'inspection' and 'admission' according to U.S. immigration law. The Court indicated that Congress could solve the problem through legislation. In fact, that bill is pending in the Senate. The decision highlights the need for Congress to enact immigration legislation to fix our broken immigration system," he said.

<https://www.univision.com/noticias/inmigracion/que-pasa-ahora-con-beneficiarios-tps-tras-fallo-corte-suprema> (Spanish, with English translation option)

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