

# **GLOBAL IMMIGRATION UPDATE**

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# **Feature Article**

**EMPLOYMENT OPTIONS FOR STUDENTS AFTER GRADUATION: AN OVERVIEW** – This article provides an overview of employment options for students after graduation in several countries.

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## **Feature Article**

#### EMPLOYMENT OPTIONS FOR STUDENTS AFTER GRADUATION: AN OVERVIEW

This article provides an overview of employment options for students after graduation in several countries.

#### Canada

The Post-Graduation Work Permit Program (PGWPP) allows students who have graduated from eligible Canadian designated learning institutions (DLIs) to obtain an open Canadian work permit to gain Canadian work experience.

Skilled Canadian work experience in National Occupational Classification (NOC) skill type 0 or skill level A or B that is gained through the PGWPP helps graduates possibly qualify for Canadian permanent residence in Canada through the Canadian Experience Class (CEC) within Canada's Express Entry program.

A post-graduation work permit may be issued based on the length of the study program for a minimum of eight months up to a maximum of three years. Applicants must apply for a post-graduation work permit (PGWP) within 180 days of obtaining written confirmation, such as an official letter or transcript, from the DLI where they studied indicating that they have met the requirements for completing their program of study. An applicant can receive only one post-graduation work permit in a lifetime (non-renewable).

Students are not eligible for a post-graduation work permit for completing:

- An English as a second language or French as a second language course or program of study
- General interest or self-improvement courses
- A course or program of study at a private career college

More information on the PGWPP is at <a href="https://bit.ly/2nYzpGm">https://bit.ly/2nYzpGm</a>

## Italy

Students who are holding a valid study residence permit (*permesso di soggiorno per studio*) can work in Italy up to 20 hours per week, up to 1040 hours per year. However, those who want to work in Italy full-time or remain in Italy after the expiration of their permit must convert the study permit into a permit for employment or self-employment.

## Who can apply for permit conversion?

- Holders of a valid study residence permit who get a full-time job offer can apply for conversion into a residence permit for subordinate work (permesso di soggiorno lavoro subordinato).
- Holders of a valid study residence permit meeting the requirements for self-employment in Italy can apply for conversion into a residence permit for self-employment (*permesso di soggiorno lavoro autonomo*).

# When should the student apply?

A student must apply for the conversion while the residence permit for study is still valid, and:

- The student should apply after the publication of the annual *Decreto flussi*, which determines the numbers of work permits reserved for a certain category of applicants ("quotas" are normally released every year between December and February. Quotas are allocated on a first-come, first-served basis); or
- Those who hold an accredited Italian degree or a postgraduate degree can apply at any time regardless of the quota limitation.

# What if the student needs more time for job-searching in Italy?

Those who hold an accredited undergraduate/graduate degree, PhD, university master's degree, first/second-level academic degree, or Higher Technical Institute diploma can register as unemployed and apply for a permit for the purpose of job searching or entrepreneurship (*Permesso di soggiorno per ricerca lavoro o imprenditorialita' degli studenti*). This kind of permit allows students to legally live in Italy after their graduation while searching for a job or to start a business for up to one year.

For further information, see <a href="https://www.mazzeschi.it/convert-residence-permit-from-study-to-work-purpose-fags/">https://www.mazzeschi.it/convert-residence-permit-from-study-to-work-purpose-fags/</a>

# **Turkey**

Turkey is not an inbound country for students from a large number of countries, and there are no special work authorization categories for graduating students. They must independently qualify for a work permit in a similar manner to any other foreigner who graduated from an educational institution abroad.

Article 43 of the Regulations on the Law on International Workforce further restricts under what circumstances a foreign student in a Turkish educational institution may apply for a work permit.

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## **Country Updates**

#### CANADA

Canada is transitioning to 100 percent online applications for most permanent residence programs by the end of October 2022. Also, according to unofficial reports, Canada may drop some COVID-19 vaccine-related restrictions for travelers by the end of October 2022.

## **Online Applications**

On September 1, 2022, the Government of Canada announced its decision to strive toward a digitalized immigration system, as committed to in January 2022, by transitioning to 100 percent mandatory online applications for most permanent residence programs by the end of October 2022.

The Honourable Sean Fraser, Minister of Immigration, Refugees and Citizenship, said this shift is intended to expedite processing times, reduce backlogs, and improve client experiences. The

Minister said, "By adding resources where they are needed and leveraging technology to make processing faster and applying easier for our clients, we can give newcomers and new citizens the welcoming experience they deserve."

In addition, starting this fall, Immigration, Refugees and Citizenship Canada (IRCC) plans to further improve the online processing times tool to provide applicants with more accurate estimates of timeframes for application processing.

Below are highlights of these developments.

## What has changed as of September 23, 2022?

<u>Permanent residence applications</u>. Since March 31, 2021, some applicants have been able to apply for permanent residence online via the new individual PR Portal. In September 2021, authorized representatives, such as lawyers, were able to submit PR applications online on behalf of clients via the new PR Representative Portal. However, as of September 23, 2022, most permanent residence program applicants must apply for permanent immigration programs through the PR Representative Portal/Permanent Residence Portal. The portal then sends an immediate confirmation to applicants when their applications have been successfully submitted. IRCC has confirmed that any permanent residence application that is not submitted online after the transition dates for particular categories will be returned to applicants.

<u>Affected permanent residence programs</u>. Those in the following permanent residence categories must submit their applications online via the portal:

- Provincial nominee program (non-Express Entry)
- Québec-selected skilled workers
- Sponsoring a spouse or partner, dependent child, or eligible relative
- · Sponsoring an orphaned sibling, niece or nephew, or grandchild
- Adopting a child through the immigration process
- Rural and Northern Immigration Pilot

Throughout October, beginning on October 7, 2022, the digitization of permanent residence applications will expand to other categories:

- Québec-selected investors
- Québec-selected entrepreneurs
- Self-employed people (Québec)
- Agri-food pilot
- Start-up visa
- Temporary resident permit holders applying for permanent residence
- Home Support Worker Pilot
- Home Child Care Provider Pilot
- Humanitarian and compassionate grounds
- Self-employed people (federal)
- Atlantic Immigration Program

## Who is exempt?

<u>Applicants already in Canada</u>. To reduce wait times for applications and increase processing capacity, permanent and temporary residence applicants who are already in Canada and meet certain criteria regarding the immigration medical exam requirement will be exempt from the

requirement to submit their application online, as well as those who meet specific criteria from the immigration medical examination requirement.

<u>Applicants who require accommodations</u>. The exemption also extends to applicants who require special accommodations, including for individuals with disabilities. Such applicants can contact IRCC to request an alternative format to submit their permanent residence applications.

#### Conclusion

By the end of October 2022, IRCC's transition to 100 percent digital applications for most permanent residence programs will be complete. This announcement represents the Government of Canada's commitment to a modernized and digitized immigration system, as well as its objective of improving client service.

Given that the online PR portals are still evolving, and technical problems with the portals continue to persist on a daily basis, there will be challenges ahead. However, ultimately digitization will hopefully contribute to improved processing times and facilitate the process for applicants, reducing the need to produce original documents and signatures.

#### Vaccine Restrictions at the Canada-U.S. Border

According to unofficial reports, by the end of September, Canada may drop its COVID-19 vaccine requirement for travelers entering Canada from the United States via the Detroit-Windsor border. That border crossing handles more than 40,000 travelers each day, including commuters, truck drivers, and tourists. Canada may also end COVID-19 vaccine requirements for airport arrivals and no longer require filling out the ArriveCan app. Currently, all travelers in Canada must be fully vaccinated to travel by most air, rail, or passenger vessels. In addition, some provinces or individual businesses may continue to limit discretionary activities, such as visits to restaurants, bars, gyms, and retail shops, to individuals who can provide proof of COVID-19 vaccination.

It is unclear whether the United States will also drop similar land-border vaccine requirements. At present, all nonimmigrant, non-U.S. citizen air travelers to the United States must be fully vaccinated and provide proof of vaccination status before boarding an airplane to the United States. Fully vaccinated foreign nationals may enter the United States at land ports of entry (POEs) and ferry terminals. Fully vaccinated travelers do not need to provide a pre-entry COVID-19 test result to enter the United States by air, land, or sea. Fully vaccinated foreign travelers can travel to the United States across the Northern and Southwest borders with Canada (and Mexico). U.S. citizens and lawful permanent residents do not need to provide proof of vaccination status at land POEs and ferry terminals.

A group of Canadian legislators and border-area mayors from both countries published a letter on September 20, 2022, to Prime Minister Justin Trudeau and President Joe Biden asking them to remove the border restrictions.

## Details:

 "Canada to Lift COVID Vaccine Requirement for Travelers At Border," Detroit News, Sept. 21, 2022, <a href="https://www.detroitnews.com/story/news/local/detroit-city/2022/09/21/canada-lift-covid-vaccine-requirement/8070492001/">https://www.detroitnews.com/story/news/local/detroit-city/2022/09/21/canada-lift-covid-vaccine-requirement/8070492001/</a>

- "Open Letter: President Joe Biden and Canadian Prime Minister Justin Trudeau," Sept. 20, 2022, <a href="https://twitter.com/jimdiodati/status/1572253493968408576/photo/1">https://twitter.com/jimdiodati/status/1572253493968408576/photo/1</a>
- Travel to Canada: Requirements for COVID-19 Vaccinated Travellers,
   <a href="https://travel.gc.ca/travel-covid/travel-restrictions/covid-vaccinated-travellers-entering-canada">https://travel.gc.ca/travel-covid/travel-restrictions/covid-vaccinated-travellers-entering-canada</a>
- COVID-19 Information Canada, U.S. Embassy & Consulates in Canada, Sept. 9, 2022, https://ca.usembassy.gov/covid-19-information-canada-3/
- COVID-19: Travel, Testing and Borders, <a href="https://travel.gc.ca/travel-covid">https://travel.gc.ca/travel-covid</a>

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## **PERU**

This article discusses the Artist visa for foreigners coming to perform artistic activities in Peru.

Concerts and artistic events are now being held again globally, after COVID-19 pandemicrelated restrictions. It is once again time to consider the Artist visa for foreigners coming to perform artistic activities in Peruvian territory.

Strictly speaking, according to the law, the appropriate migratory status to authorize foreigners to perform artistic activities in Peru is called "Temporary-Artistic." This status allows the foreigner to carry out paid or lucrative activities linked to artistic, cultural, or other similar pursuits, by virtue of a contract executed in accordance with current Peruvian legislation. This contract must be signed before the artist enters the country. It extends to the artist's entourage.

The process must begin in MIGRACIONES' offices in Lima before the artist and entourage enter. Once the file is approved, within 30 business days according to MIGRACIONES' regulations (it takes longer nowadays in reality), the applicant and team go to the Peruvian consulate abroad chosen by them, where the visas are stamped in their passports.

Qualifications for this migratory status include:

- Their entry must not represent a risk to national security, internal order, or public order.
- Applicants must remain abroad until they obtain their visas granted by MIGRACIONES at the Peruvian consulate chosen abroad and indicated in their file.
- There must be a signed definitive contract executed according to current regulations to support the visa of the artist and entourage.
- Competent authorities must verify that the foreign persons will only carry out what is established in their contract.

This visa is valid for a single entry with a maximum of 90 calendar days of stay, and is not renewable.

The administrative procedure for the Temporary-Artistic Visa Application with Consular Phase is the one through which the artistic migratory status/visa will be granted. The visa, approved by

MIGRACIONES, will be authorized at the corresponding Peruvian consulate at the discretion of the Peruvian state.

Required documents and requisites to be complied with to obtain this kind of visa are indicated in the MIGRACIONES' T.U.P.A. See <a href="https://www.gob.pe/institucion/migraciones/informes-publicaciones/2770424-texto-unico-de-procedimientos-administrativos-tupa">https://www.gob.pe/institucion/migraciones/informes-publicaciones/2770424-texto-unico-de-procedimientos-administrativos-tupa</a>

For the approval of the visa procedure, MIGRACIONES can verify compliance with the conditions established in the related regulations applicable to migratory status. Application requests must be made for each artist/person, not as a group. Any document in a foreign language (not Spanish) must be officially translated in Peru and be apostilled or contain the corresponding legalization chain, if applicable.

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#### **RUSSIA**

Citizens of Ukraine can remain indefinitely if they meet certain requirements.

By Presidential Order No. 585 of August 27, 2022, valid until further notice, citizens of Ukraine who temporarily reside in the territory of the Russian Federation can remain without limit, provided they complete fingerprinting, photographing, and medical examination within legally set deadlines.

Ukrainian citizens can perform work activities in the Russian Federation without work permits regardless of the stated purpose on migration cards. Employers must submit notifications about signing of labor agreements within three business days to the territorial division of the Ministry of Internal Affairs in the region where the foreign citizens will be employed.

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## **New Publications and Items of Interest**

## Alliance of Business Immigration Lawyers:

- The latest immigration news is at <a href="http://www.abil.com/news.cfm">http://www.abil.com/news.cfm</a>.
- 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:
     <a href="https://www.prweb.com/releases/new data show increase in h 1b denials and rf">https://www.prweb.com/releases/new data show increase in h 1b denials and rf</a> es/prweb15673632.htm
  - ABIL Urges Administration to Change "Buy American and Hire American" Executive Order: <a href="http://www.prweb.com/releases/2018/05/prweb15485457.htm">http://www.prweb.com/releases/2018/05/prweb15485457.htm</a>
  - 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/.

## **ABIL Member/Firm News**

# Klasko Immigration Law Partners announced:

- H. Ronald Klasko, William A. Stock (<a href="https://www.abil.com/abil-lawyers/william-stock/">https://www.abil.com/abil-lawyers/william-stock/</a>), and Elise A. Fialkowski are included in the 29th edition of *The Best Lawyers in America* in the area of immigration law.
- Natalia Gouz, Michele Madera, Maria Mihaylova, and Karuna Simbeck are recognized in the 2023 Edition of Best Lawyers: Ones to Watch for their outstanding professional excellence in immigration law.

Klasko Immigration Law Partners released a new podcast in the "Statutes of Liberty" series. In "Episode 30: EB-5 <u>Litigation</u> Victory," **Mr. Klasko** and **Dan Lundy** talk with **Anu Nair** about a major litigation victory on which they were co-counsel. Klasko ILP said the litigation "is significant because USCIS had put restrictions on the EB-5 regional center program that went beyond what Congress intended when it reinstated the program in March 2022, which would have killed the program for years." Ms. Nair asks Mr. Klasko and Dan Lundy to explain the importance and the details of the settlement and what it means for regional centers and investors moving forward. <a href="https://www.klaskolaw.com/news-events/statutes-liberty-immigration-podcast/">https://www.klaskolaw.com/news-events/statutes-liberty-immigration-podcast/</a>

Charles Kuck (bio: <a href="https://www.abil.com/abil-lawyers/charles-kuck/">https://www.abil.com/abil-lawyers/charles-kuck/</a>) authored "DACA Immigrants Could Hep Solve Georgia's Workforce Shortage," which was published by Global Atlanta as part of its annual advertising partnership with Kuck Baxter Immigration. <a href="https://www.globalatlanta.com/daca-immigrants-could-help-solve-georgias-workforce-shortage/">https://www.globalatlanta.com/daca-immigrants-could-help-solve-georgias-workforce-shortage/</a>

Robert Loughran (bio: <a href="https://www.abil.com/abil-lawyers/robert-f-loughran/">https://www.abil.com/abil-lawyers/robert-f-loughran/</a>) led and spoke on an American Immigration Lawyers Association panel webinar, "2022 H-1B RFE Trends and Strategies for Winning," on August 4, 2022. Mr. Loughran and his co-panelists described how despite rates of H-1B Requests for Evidence (RFEs) decreasing during the Biden administration, immigration practitioners continue to receive RFEs from USCIS on H-1B amendments, extensions, and change of employer petitions. The panel of experts discussed the RFEs they are seeing and imparted RFE-response strategies, tips, and tricks that have been successful. <a href="https://agora.aila.org/store/products/view/2022-h1b-rfe-trends-and-strategies-for-winning">https://agora.aila.org/store/products/view/2022-h1b-rfe-trends-and-strategies-for-winning</a>

Chairman Charles Foster and Partners Avalyn Langemeier, Corina Farias, Delisa Bressler, Dorothee Mitchell, Helene Dang, John Meyer, José Pérez, Nestor Rosin, and Mr. Loughran, of Foster LLP, have been recognized in the Lawdragon 500 Leading Corporate Employment Lawyers of America guide. <a href="https://bit.ly/3QG3e9u">https://bit.ly/3QG3e9u</a>

**Foster LLP** announced that **Elizabeth LaRocca** has joined Foster as a Partner in Foster's expanding Dallas office. **Dana Delott** also has joined the Dallas office as a Senior Attorney. Both concentrate their practices in business immigration law. <a href="https://www.fosterglobal.com/blog/foster-llp-welcomes-elizabeth-larocca-and-dana-delott/">https://www.fosterglobal.com/blog/foster-llp-welcomes-elizabeth-larocca-and-dana-delott/</a>

**Cyrus Mehta** (bio: <a href="https://www.abil.com/abil-lawyers/cyrus-d-mehta/">https://www.abil.com/abil-lawyers/cyrus-d-mehta/</a>) and **Kaitlyn Box** coauthored a new blog posting: "Asylum Seekers Are Legally in the U.S. Notwithstanding the Political Stunts of Governors Abbott and DeSantis." <a href="https://bit.ly/3DQLZiJ">https://bit.ly/3DQLZiJ</a>

**Mr. Mehta** and **Jessica Paszko** co-authored a new blog posting: "Solutions for the Family Member Who Did Not Get the Employment Based Green Card with the Principal Family Member on September 30, 2022." <a href="https://bit.ly/3CpRkwk">https://bit.ly/3CpRkwk</a>

**Mr. Mehta** has authored several new blog postings: "Will USCIS Waste Precious Employment Based Green Cards as it Announces Push to Use as Many as Possible by September 30?," <a href="https://bit.ly/3BvGSCX">https://bit.ly/3BvGSCX</a>; and "The Legal Basis for DACA As Expressed in the Final Rule," <a href="http://blog.cyrusmehta.com/2022/08/the-legal-basis-for-daca-as-expressed-in-the-final-rule.html">http://blog.cyrusmehta.com/2022/08/the-legal-basis-for-daca-as-expressed-in-the-final-rule.html</a>

**Bernard Wolfsdorf** (<a href="https://www.abil.com/abil-lawyers/bernard-wolfsdorf/">https://www.abil.com/abil-lawyers/bernard-wolfsdorf/</a>) was quoted by Bloomberg in "Controversial U.S. Visa Draws Rich From China to India After Reset." Mr. Wolfsdorf said his firm, **Wolfsdorf Rosenthal LLP**, has been working overtime and hiring new staff to adjust to demand from countries like India, which has eclipsed the number of petitions filed from China. Drawing such investors could help prevent a brain drain because many wealthy emigrants' children study at top U.S. schools, he said. <a href="https://bloom.bg/3Sxd0M8">https://bloom.bg/3Sxd0M8</a>

**Wolfsdorf Rosenthal LLP** has published a new blog posting: "Demystifying the Complicated October 2022 Visa Bulletin—What Does It Mean for EB-5 Investors?" <a href="https://wolfsdorf.com/demystifying-the-complicated-october-2022-visa-bulletin-what-does-it-mean-for-eb-5-investors/">https://wolfsdorf.com/demystifying-the-complicated-october-2022-visa-bulletin-what-does-it-mean-for-eb-5-investors/</a>

Stephen Yale-Loehr (bio: <a href="https://www.abil.com/abil-lawyers/stephen-yale-loehr/">https://www.abil.com/abil-lawyers/stephen-yale-loehr/</a>) was quoted by Univision in "Will DACA Survive? Keys to the Ruling That Keeps the 'Dreamers' in Legal Limbo." Mr. Yale-Loehr explained that the U.S. Court of Appeals for the Fifth Circuit "ruled that the challenge to the [Deferred Action for Childhood Arrivals (DACA)] program must come back for further review by a lower court" (the Southern District Court of Texas). He noted that the Fifth Circuit held "that the DACA program is illegal (upheld the 2021 Texas ruling), but remanded the case to the federal trial court (Texas) to determine if a new DACA rule issued this year by the Biden administration made any difference to the legality of the program." He said the decision "prevents immigration officials from deporting DACA recipients until a final decision in the case," and noted that the decision "protects existing DACA recipients" (about 700,000), who can "continue to renew their status. But the uncertainty about the fate of the program remains. Congress should enact a legislative solution."

https://www.univision.com/noticias/inmigracion/sobrevivira-daca-claves-tras-fallo-que-mantiene-vivo-parte-programa (in Spanish, with English translation available)

**Mr. Yale-Loehr** was featured by the "Rational Middle" podcast series in "Stephen Yale-Loehr and the Stories of Immigrants." He discussed his work in immigration law and research on refugees in the United States. <a href="https://rationalmiddle.com/podcast/episode-143-stephen-yale-loehr-and-the-stories-of-immigrants/">https://rationalmiddle.com/podcast/episode-143-stephen-yale-loehr-and-the-stories-of-immigrants/</a>

Mr. Yale-Loehr, faculty director of the immigration law and policy research program at Cornell Law School, announced that the Law School has hired two postdoctoral research associates, Janine Prantl and Jacob Hamburger, and two distinguished visiting scholars, Charles Kamasaki and Randel Johnson, to expand on its research capabilities in this area. In 2021, Cornell Law School received a grant of \$1.6 million from the Charles Koch Foundation for a two-year project to study ways to improve immigration law and policy. Mr. Yale-Loehr said, "Cornell Law School already had a strong immigration scholar base. Adding these four new people will make us even more preeminent in this important area."

https://www.lawschool.cornell.edu/news/cornell-law-school-welcomes-new-immigration-postdocs-and-scholars/

**Mr. Yale-Loehr** was quoted by the *Gothamist* in "For Asylum Seekers, Manhattan is Only Part of a Harrowing Journey." Regarding asylum seekers who have come from Venezuela to New York City, Mr. Yale-Loehr said, "It is too soon to tell what percentage of Venezuelans will qualify for asylum. Because of backlogs in the asylum process, it could be years before we will know." <a href="https://gothamist.com/news/for-asylum-seekers-manhattan-is-only-part-of-a-harrowing-journey">https://gothamist.com/news/for-asylum-seekers-manhattan-is-only-part-of-a-harrowing-journey</a>

**Mr. Yale-Loehr** was quoted by the *Daily Caller* in "Will DeSantis Be Convicted for Kidnapping Over Martha's Vineyard Flights? Experts Say It's Unlikely." Mr. Yale-Loehr said he thought claiming Republican governors were guilty of human trafficking for sending migrants out of state was "exaggeration," adding that "illegal transportation prosecutions and convictions are very rare. They are mainly aimed at smuggling operations. Thus, I think it is unlikely that Republican governors would be prosecuted under this law. The bottom line: It is a stretch to claim that Republican governors are violating human trafficking laws or laws that bar illegal transportation of migrants." <a href="https://dailycaller.com/2022/09/20/desantis-human-trafficking-migrants/">https://dailycaller.com/2022/09/20/desantis-human-trafficking-migrants/</a>

**Mr. Yale-Loehr** was interviewed by NBC LatinX about migrants being transported from the southern United States to Martha's Vineyard, Massachusetts. The six-minute video is at <a href="https://www.lx.com/social-justice/thousands-of-migrants-are-being-transported-north-to-democrat-led-cities/58045/">https://www.lx.com/social-justice/thousands-of-migrants-are-being-transported-north-to-democrat-led-cities/58045/</a>

**Mr. Yale-Loehr** was quoted by the *New York Daily News* in "NYC Asks Feds to Fast-Track Work Papers for Migrants and Busing Crisis." Mr. Yale-Loehr said that U.S. Citizenship and Immigration Services was "decimated" under former President Donald Trump's administration. "[The Biden administration is] making huge efforts to adjudicate work permit applications for asylum seekers more quickly. But it is going to take some time to improve the processing times because of the deep hole that the prior administration put them into," he said. https://bit.ly/3LmBqhG

**Mr. Yale-Loehr** was quoted by *Yahoo News* in "After 10 Years of DACA, Dreamers Still Live in Legal Limbo." The article discusses a new Biden administration rule designed to fortify the Deferred Action for Childhood Arrivals Program (DACA). The article quotes an op-ed Mr. Yale-Loehr co-authored about the program, published in *Slate*: "Because the Biden administration chiefly focused on its battle with the courts, the new rule fails to adopt any substantive measures to expand or strengthen the DACA program. Most conspicuously, the government declined to extend the date that a young immigrant must have arrived in the United States to apply for DACA. ... [It] effectively set an expiration date for DACA regardless of what the courts decide." <a href="https://news.yahoo.com/after-10-years-of-daca-dreamers-still-live-in-legal-limbo-224145492.html">https://news.yahoo.com/after-10-years-of-daca-dreamers-still-live-in-legal-limbo-224145492.html</a>

**Mr. Yale-Loehr** was quoted by *Boundless* in "With DACA Program Frozen in Time, Dreamers Await Court Ruling." The article quotes an op-ed Mr. Yale-Loehr co-authored about the program, published in *Slate*: "By keeping the original eligibility date, the administration effectively set an expiration date for DACA regardless of what the courts decide." <a href="https://www.boundless.com/blog/dreamers-await-court-ruling/">https://www.boundless.com/blog/dreamers-await-court-ruling/</a>

**Mr. Yale-Loehr** was quoted by *Newsweek* in "Did DeSantis and Abbott Break Law with Migrant 'Stunt'? Experts Weigh In." Mr. Yale-Loehr said the situation was unlikely to meet the grounds for a credible human trafficking case under either state or federal laws. "Each law varies, but many laws define human trafficking as recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. As such, I think it is an exaggeration to claim that governors in Republican states are engaging in human trafficking by sending migrants to other states. In most cases that I have heard about, migrants

have been happy to accept bus or plane tickets, even if they don't know where they are going." Mr. Yale-Loehr argued that while federal law prohibiting illegal transportation of migrants presented theoretically steadier grounds for criminal prosecutions, the chances of even that sticking were vanishingly thin. "That presents a closer case than the human trafficking argument. Still, illegal transportation prosecutions and convictions are very rare. They are mainly aimed at smuggling operations. Thus, I think it is unlikely that Republican governors would be prosecuted under this law. The bottom line is that it is an exaggeration to claim that Republican governors are violating human trafficking laws or violating laws that bar illegal transportation of migrants." <a href="https://www.newsweek.com/did-desantis-abbott-break-law-migrant-stunt-experts-weigh-1743910">https://www.newsweek.com/did-desantis-abbott-break-law-migrant-stunt-experts-weigh-1743910</a>

**Mr. Yale-Loehr** was interviewed on WRFI public radio about ways to fix the United States' immigration system. <a href="https://www.wrfi.org/wrfiprograms/the-scene/stephen-yale-loehr/">https://www.wrfi.org/wrfiprograms/the-scene/stephen-yale-loehr/</a>

**Mr. Yale-Loehr** co-authored an op-ed, published by Slate, "Joe Biden's New DACA Rule Does Not Go Nearly Far Enough." <a href="https://slate.com/news-and-politics/2022/08/joe-biden-new-daca-rule-not-enough.html">https://slate.com/news-and-politics/2022/08/joe-biden-new-daca-rule-not-enough.html</a>

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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.

The Alliance of Business Immigration Lawyers' website is at <a href="http://www.abil.com/">http://www.abil.com/</a>. ABIL is also on Twitter: @ABILImmigration.

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