

GLOBAL IMMIGRATION UPDATE

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Feature Article

ARTIFICIAL INTELLIGENCE IN IMMIGRATION DECISION-MAKING: AN OVERVIEW – This article provides an overview of artificial intelligence considerations in immigration decision-making in the European Union.

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HONG KONG – New schemes have been announced for capital investment entrants and top talent.

ITALY – Work can start before a foreigner signs the contract of stay. Work can start before a foreigner signs the contract of stay. Also, there is a new directive on third-country nationals carrying out highly skilled work, and there is a general shortage of Permit of Stay application kits across Italy.

RUSSIA – Amendments have been made regarding the legal status of foreign citizens in the Russian Federation

UNITED KINGDOM – Immigration fees are expected to be raised soon. Also, the European Court of Justice has ruled against UK citizens requesting an annulment of Brexit-related EU decisions.

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ARTIFICIAL INTELLIGENCE IN IMMIGRATION DECISION-MAKING: AN OVERVIEW

This article provides an overview of artificial intelligence (AI) considerations in immigration decision-making in the European Union.

European Union

AI in the EU: General Background

As part of its digital strategy, the European Commission and the European Parliament have been working on how to introduce and regulate AI at various aspects and levels of the European Union (EU). The use of AI in the EU is expected to be regulated by the "AI Act."

The AI Act has not been adopted yet, but an agreement is expected by the end of this year. On June 14, 2023, the European Parliament adopted the "Parliament negotiating position on the AI Act," which will be discussed by the EU Member States at the Council to define the final form of the law.

The AI Act will follow a risk-based approach and aims to promote the uptake of human-centric and trustworthy artificial intelligence and to ensure a high level of protection of health, safety, fundamental rights, democracy and rule of law and the environment from harmful effects of artificial intelligence systems in the Union while supporting innovation and improving the functioning of the internal market.

AI and the EU Immigration Scheme

Based on the proposed AI Act and the previous in-depth analysis carried out by the European Parliament, it is clear that the EU foresees introducing AI to the EU immigration scheme.

In addition, the EU has been developing AI software to predict migration flows to better manage them by mitigating risks of tension between migrants and EU citizens. The project is called "ITFLOWS." While many are optimistic about the introduction of this new learning algorithm, some expressed concerns about human rights risks. So far, not much information has been disclosed regarding this project, however.

Details:

- EU AI Act: First Regulation on Artificial Intelligence. European Parliament. [EU AI Act: first regulation on artificial intelligence](#)
- Artificial Intelligence at EU Borders: Overview of Applications and Key Issues. European Parliament. [Artificial intelligence at EU borders](#)
- ITFLOWS: IT Tools and Methods for Managing Migration Flows. <https://www.itflows.eu/>

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CANADA

Applications are now open for the new H-1B Specialty Occupation visa holder work permit. Also, restrictions on foreigners' authorized studies have been temporarily removed.

New H-1B Specialty Occupation Visa Holder Work Permit

The government of Canada announced that applications are now open for the [H-1B visa holder work permit](#) that was [announced](#) on June 27, 2023, by the Honourable Sean Fraser, Minister of Immigration, Refugees and Citizenship as part of initiatives related to the Government of Canada's [Tech Talent Strategy](#).

Under this temporary measure, H-1B holders can apply for an [open work permit](#) of a duration of up to three years. If their passport expires in less than three years, their work permit will expire at the same time as their passport. There are no extensions under this initiative.

This policy will remain in effect for one year **or** until Immigration, Refugees and Citizenship Canada (IRCC) receives 10,000 applications. The 10,000 application cap was reached on July 17, 2023.

Who can apply for an H-1B visa holder work permit?

To be eligible under this policy, individuals must:

- Have a valid H-1B specialty occupation visa; and
- Currently live in the United States.

Accompanying family members currently living in the United States may include a spouse, a common-law partner, and/or dependent children. They will be eligible to apply for a work permit or study permit, as needed. If a family member does not qualify under this policy, they may be eligible as a [family member of a highly skilled worker](#).

How do you apply for an H-1B visa holder work permit?

To apply for the H-1B visa holder work permit, the applicant must present a copy of their current H-1B visa, Form I-797/I-797B, Notice of Action, and proof that they currently live in the United States, such as Form I-94, Arrival/Departure Record, a recent utility bill, or an income tax report.

Applications must be submitted through the [IRCC Portal](#) (eApp). The principal applicant must complete an application for each family member they wish to include in their application and can submit them all at once. If the principal applicant has already submitted their application, accompanying family members can apply using their account once the principal applicant has received their port of entry [letter of introduction](#), which is an approval letter stating that the applicant is allowed to work in Canada.

Processing times for these applications are approximately 2 months. [Biometrics](#) will also be required after the application is submitted.

Restrictions on Foreign Workers' Authorized Studies Temporarily Removed

Mr. Fraser [announced](#) that as of June 27, 2023, the government of Canada is implementing a new temporary measure allowing temporary foreign workers to study full-time or part-time without a study permit, without any restrictions or limits on the length of the study program. Before implementation of this new temporary measure, temporary foreign workers were not permitted to enroll in a study program of six months or longer unless they obtained a valid study permit.

Temporary foreign workers who hold a valid work permit and temporary foreign workers who have submitted an application to renew their work permit on or before June 7, 2023, may benefit from this new temporary measure. The new temporary measure will remain in effect for a temporary period of three years.

Under this new measure, temporary foreign workers may enroll in any study program on a full-time or part-time basis, regardless of the length of the study program, while their work permit remains valid or until this new temporary policy expires. Temporary foreign workers who wish to study beyond the validity of their work permit must apply for a study permit.

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HONG KONG

New schemes have been announced for capital investment entrants and top talent.

Capital Investment Entrant Scheme

The Capital Investment Entrant Scheme (CIES), which had permitted investors to acquire Hong Kong residency by making a passive investment, was suspended by the Hong Kong Special Administrative Region (HKSAR) government in 2015. Before the suspension, the latest version of the CIES in 2010 had removed investing in real estate as a qualifying investment but permitted an applicant who invested HKD 10 million (about USD 1.25M) in authorized financial products in Hong Kong to qualify for residency. This version of the CIES was then suspended on January 15, 2015, but the Immigration Department continued to process applications received on or before the suspension date. As of December 31, 2021, formal approval had been granted to 35,000 applicants to reside in Hong Kong, bringing a total investment amounting to HKD 316.9 billion.

On April 19, 2023, the HKSAR government announced in its 2023/2024 Budget Report that a new CIES will be introduced. The new scheme is expected to generate high demand for financial and related professional services, and to create more employment opportunities in wealth and asset management to facilitate Hong Kong's position as an international wealth and asset management hub. In the new scheme, it is anticipated that new asset categories benefiting the long-term development of Hong Kong in innovation and technology sectors will be included, apart from the traditional financial asset types.

The government is formulating details of the new scheme, which will generally adopt the framework and application criteria of the original CIES, with possible adjustments to the investible areas in Hong Kong, and the new CIES investment threshold will be increased to a multiple of the previous requirement. Apart from financial assets, an applicant will be able to invest in new asset categories benefitting the long-term development of Hong Kong (including the innovation and technology sector), with a view to attracting new capital and talent to Hong

Kong, bringing new impetus to the economy and fostering the development of industries in Hong Kong at the same time.

Top Talent Pass Scheme

The Top Talent Pass Scheme (TTPS) was launched on December 28, 2022, to attract highly skilled global talent to enter Hong Kong without employment conditions. Successful applicants can enter Hong Kong for two years without a sponsoring employer and will be permitted to work, change employers, or establish a business in Hong Kong. To extend their stay after the initial two years, the applicant must present documentary evidence that they have secured a professional job and remuneration package at the prevailing market level or joined a business.

To qualify for entry under TTPS, the applicant must meet one of three categories:

Category A: Persons with an annual income of HKD 2.5 million or more or its equivalent in foreign currency in the year preceding the date of application.

Category B: Persons who have obtained a bachelor's degree from one of the world's top 100 universities and who have at least three years of work experience over the past five years immediately preceding the date of application.

Category C: Persons who have obtained a bachelor's degree from one of the world's top 100 universities within the past five years immediately preceding the date of application but have less than three years of work experience, subject to an annual quota of 10,000 to be allotted on a first-come, first-served basis.

This program was launched to attract talent to Hong Kong and is a key priority for Hong Kong to remain competitive as an international financial center because of the wave of emigration on the heels of the Hong Kong government's COVID-19-related restrictions, which have now been lifted, as well as enactment of the National Security Law.

According to Chief Executive John Lee, more than 100,000 applications have been received so far, with 61,000 approved and 10,000 arrivals, with the latest official figure for the first half of the year to be released soon. The scheme was intended to counteract a "brain drain," which saw a net outflow of 60,000 residents in 2022.

In response to a lawmaker's query, Director of Immigration Au Ka-wang said that nearly 95 percent of applicants for the Top Talent Pass Scheme were from mainland China, with only three percent coming from Canada, Australia, the United States, and Singapore.

Whether the persons with approvals will actually come to Hong Kong and whether these arrivals will be able to meet the needs of companies in Hong Kong to attract global talent who have left or are planning to leave remains to be seen.

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ITALY

Work can start before a foreigner signs the contract of stay. Also, there is a new directive on third-country nationals carrying out highly skilled work, and there is a general shortage of Permit of Stay application kits across Italy.

Work and Contracts of Stay

Under the new regulations introduced in the [Immigration law](#) (Article 6-bis), it is now possible for a foreigner to start working even before signing a contract of stay at the immigration office. Therefore, once a work permit (*nulla osta*) is issued and the foreign employee/assignee has obtained a visa and entered Italy, work can start.

Per the government [website](#), this applies to all cases of entry for subordinate work, including seasonal work. It also applies to all cases under Article 27 (entries outside the immigration quotas) such as Blue Card holders, intra-corporate transfers, and others.

Before this amendment in the law (introduced with the so-called [decreto Cutro](#) (DL 20 March n. 23 converted into law 5 May 2023 n. 50), it was only possible to start working in Italy after (1) the work permit (*nulla osta*) had been issued, (2) the worker had obtained the entry visa and entered the country, and (3) the worker had signed the contract of stay (*contratto di soggiorno*).

New Directive on Third-Country Nationals Carrying Out Highly Skilled Work

The Council of Ministers has approved, in a preliminary examination, a legislative decree to implement [Directive \(EU\) 2021/1883](#) on the conditions of entry and residence of third-country nationals intending to carry out highly skilled work (European Union [EU] Blue Card).

The scope of the directive is to create a more attractive system for third-country-national highly skilled workers by broadening the range of situations or categories to which the directive applies and introducing faster procedures and more flexible and inclusive admission criteria to facilitate easier mobility within the EU.

Key Changes Introduced by the Directive

- The possibility of issuing the EU Blue Card to seasonal workers who meet the requirements for highly skilled work, allowing them to be considered outside the maximum quotas for foreigners admitted for subordinate work in the country.
- Facilitating the entry of managers and specialists in information and communication technology services.
- Promoting innovative entrepreneurship, enabling foreign citizens with the EU Blue Card to engage in self-employment activities alongside their subordinate work.
- More favorable conditions for family reunification and access to the labor market for the family members of the EU Blue Card applicant.

Shortages/Delays of Permit of Stay Application Kits

There is a general shortage of Permit of Stay application kits across Italy and some delays during the various phases of immigration processing. The main issues include:

- In some cities, application receipts (*Ricevute Postali*) are getting more and more difficult to source.
- In many cases, police offices (*Questura*) are having difficulties in scheduling the fingerprint appointments. Many applicants must wait for an invitation to be sent via regular mail to their home address.
- In many cases, fingerprint appointments are being scheduled several months (even 6 to 8 months) after the date of the Permit of Stay application.

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RUSSIA

Amendments have been made regarding the legal status of foreign citizens in the Russian Federation.

The amendments were made to Federal Law No. 115-FL of July 25, 2002, "On the Legal Status of Foreign Citizens in the Russian Federation." For example:

An amendment, effective January 6, 2024, provides for issuance of an indefinite residence permit to a highly qualified specialist (HQS) and family members, upon receipt of which a foreign specialist may continue working in the Russian Federation without having to apply for renewal of the work permit. The condition for obtaining an indefinite residence permit for this category will be residence in the territory of the Russian Federation for at least two years with a residence permit issued on the basis of the status of the HQS. At the same time, during the specified period of employment, the personal income tax must have been accrued and paid.

For members of the HQS family to qualify for an indefinite residence permit, they also must live in the Russian Federation for two years on the basis of a residence permit issued on the basis of the HQS status.

An amendment, effective March 1, 2024, provides for an increase of the minimum salary for HQS status from 167,000 rubles per month (before taxes) to 250,000 rubles per month (before taxes). At the moment, there are no clarifications regarding the HQS with whom contracts are concluded before March 1, 2024—how the increase in the minimum wage will affect their status.

It is always possible to apply for a standard work permit for a foreign employee. A standard work permit is issued for one year on the basis of the corporate work permit, and the minimum salary is equal to the minimum salary for all working individuals in certain regions of the Russian Federation.

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UNITED KINGDOM

Immigration fees are expected to be raised soon. Also, the European Court of Justice has ruled against UK citizens requesting an annulment of Brexit-related EU decisions.

Fees to be Raised Soon

On July 13, 2023, the Prime Minister indicated the government's intention to partly fund public sector pay increases by raising immigration fees. Full details of the increases have not yet been announced, but in a Treasury statement in the House of Commons, the government said the increases could apply to two types of visa fees:

- **UK Visas and Immigration visa application fees.** Fees for work (presumably including Skilled Worker) and visitor visas are set to rise by 15%. Fees for certificates of sponsorship (including for Skilled Worker applications, currently costing £199) are due to rise by 20%, as are other non-work category visa fees including applications submitted inside and outside the UK, applications for settlement (indefinite leave to remain), British citizenship and priority visas; and
- **The Immigration Health Surcharge.** This is a payment toward the National Health Service, and the headline fee for adults is currently £624 per year of the visa. The headline rate is due to increase to £1,035 per year of the visa. The discounted rate (for students, Youth Mobility Scheme applicants and those under 18) is due to increase from £470 to £776 per year of the visa.

As a result, **to avoid the fee increases, you may wish to consider fast-tracking any visa applications you have in the pipeline.** It is not yet known when the higher fees will start.

ECJ Rules Against UK Citizens Requesting Annulment of Brexit-Related EU Decisions

The European Court of Justice (ECJ) has dismissed three cases brought by UK citizens that challenged the loss of their rights as European Union (EU) citizens as a result of Brexit.

In March and April 2022, some UK citizens brought three separate actions for total or partial annulment of the decisions regarding the UK withdrawal from the EU, as it "deprives them of their status as EU citizens and their rights arising therefrom."

The ECJ dismissed the appeal, explaining that "the loss of the status of citizen of the European Union, and consequently the loss of the rights attached to that status, is an automatic consequence of the sole sovereign decision taken by the United Kingdom to withdraw from the European Union, and not of the withdrawal agreement or the Council's decision approving that agreement."

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New Publications and Items of Interest

Alliance of Business Immigration Lawyers: <https://www.abil.com/>
ABIL is also available on Twitter: <https://twitter.com/abilimmigration>

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ABIL Member/Firm News

Business Today's Top 10 Most Influential Business Lawyers in the USA 2023 includes the following members of ABIL law firms:

Marketa Lindt (bio: <https://www.abil.com/abil-lawyers/marketa-lindt/>)

William Stock (bio: <https://www.abil.com/abil-lawyers/william-stock/>)

Dagmar Butte (bio: <https://www.abil.com/abil-lawyers/dagmar-butte/>)

Charles Kuck (bio: <https://www.abil.com/abil-lawyers/charles-kuck/>)

H. Ronald Klasko (Klasko Immigration Law Partners, LLP)

For more information, see <https://businesstoday.news/top-10-most-influential-immigration-business-lawyers-in-the-usa-2023/>

Charles Foster (of Foster, LLP), **Robert Loughran** (bio: <https://www.abil.com/abil-lawyers/robert-f-loughran/>), **Angelo Paparelli** (bio: <https://www.abil.com/abil-lawyers/angelo-paparelli/>), and **Bernard Wolfsdorf** (bio: <https://www.abil.com/abil-lawyers/bernard-wolfsdorf/>) were listed by Business Today in "Top 10 Most Influential Immigration Lawyers Revolutionizing USA's Nationwide Policies." <https://businesstoday.news/top-10-most-influential-immigration-lawyers-revolutionizing-usas-nationwide-policies/>

Charles Kuck (bio: <https://www.abil.com/abil-lawyers/charles-kuck/>) released a new podcast on H-1B issues, including the results of his H-1B Freedom of Information Act request for FY 2022 (for which he received FY 2023 data), the percentages of approval and submission, and what that means for the FY 2024 lottery. The podcast also includes discussion about the H-1B Canada program and a new bill in the U.S. Congress to double the H-1B numbers. <https://soundcloud.com/user-474250731/the-immigration-hour-podcast-for-july-26-2023-1>

Charles Kuck has authored a new blog post: "The Coming Apocalypse for Employment-Based Immigrants: What the Current Backlog in PERM Labor Certifications, DOL Prevailing Wage Requests, and Pending and Approved I-140s Means for Future Visa Bulletin Movement in the EB-2 and EB-3 Categories." <https://www.immigration.net/2023/06/15/the-coming-apocalypse-for-employment-based-immigrants/>

Mr. Kuck, Mr. Paparelli, and Stephen Yale-Loehr (bio: <https://www.abil.com/abil-lawyers/stephen-yale-loehr/>) were quoted by *Bloomberg Law* in "SCOTUS Ruling and DACA." Mr. Kuck said, "States don't get to dictate federal enforcement policy. DACA is enforcement policy. It's exactly the same thing the Supreme Court just ruled on." Mr. Kuck said the federal government also clearly had authority to issue work permits after promulgating DACA regulations. Mr. Paparelli said, "I don't know if DACA will survive in light of *US v. Texas*. I think it should because DACA is an example of deferred action. This is exactly what prosecutorial discretion means." Mr. Yale-Loehr said the **work permits offered through DACA** could be the issue that conservative judges use to ignore the earlier Supreme Court ruling finding that benefits extended to immigrants could lead to further analysis of standing in a case. "The Supreme Court hinted in the Texas prosecutorial discretion case that they might come out the opposite way in DACA litigation because it concerns more than simply enforcement discretion; it also includes work authorization and Medicare eligibility," Mr. Yale-Loehr said. <https://www.bloomberglaw.com/login?target=https%3A%2F%2Fwww.bloomberglaw.com%2Fcitation%2FBNA%252000000183a948d0f5ab93effc90d30001> [subscription required]

Cyrus Mehta (bio: <https://www.abil.com/abil-lawyers/cyrus-d-mehta/>) was quoted by *Bloomberg Law* in "Lawmakers Push Biden to Allow Earlier Green Card Applications." He said that it's unclear whether all employment-based immigrants have been deemed eligible for green cards

at the start of the fiscal year but noted that the Department of Homeland Security (DHS) "has adopted a flexible interpretation of visa availability before." Filing a green card application would protect visa holders' dependent children from aging out of legal status when they turn 21, Mr. Mehta said. The article notes that in February, the Biden administration "said it would 'freeze' a dependent child's age based on the date a parent applied for permanent residency; previously DHS used the date a visa was deemed officially available." Mr. Mehta said, "This relief can be provided by a stroke of a pen advancing the filing dates and allowing many more people to apply for adjustment of status." <https://news.bloomberglaw.com/daily-labor-report/lawmakers-push-biden-to-let-immigrants-seek-green-cards-earlier>

Mr. Mehta has authored several new blog posts: "Eliminate H-1B and Green Card Caps!," <http://blog.cyrusmehta.com/2023/07/eliminate-the-h-1b-and-green-card-caps.html>; "Advancing the Dates for Filing in the State Department Visa Bulletin Will Restore Balance and Sanity to the Legal Immigration System," <http://blog.cyrusmehta.com/2023/07/advancing-the-dates-for-filing-in-the-state-department-visa-bulletin-will-restore-balance-and-sanity-to-the-legal-immigration-system.html>; "While Supreme Court Holds That States Have No Standing to Challenge Federal Immigration Enforcement Priorities in *United States v. Texas*, How Does This Bode for DACA and Other Immigration Policies?," <https://rb.gy/2us90>

Mr. Mehta and **Kaitlyn Box** co-authored several blog posts: "DHS's Family Reunification Parole Initiative Can Serve as Template for Other Bold Executive Actions to Reform the Immigration System Without Fear of Being Sued by a State," <https://tinyurl.com/2p833exs>; "USCIS Broadens Compelling Circumstances Parameters for Skilled Immigrants in the Green Card Backlogs So That They Can Continue to Work in the U.S. Even After Job Loss," <http://blog.cyrusmehta.com/2023/06/uscis-broadens-compelling-circumstances-parameters-for-skilled-immigrants-in-the-green-card-backlogs-so-that-they-can-continue-to-work-in-the-us-even-after-job-loss.html>

Mr. Mehta was quoted by the *Times of India* in "U.S. Appeals Court Upholds Filing of Amended H-1B Applications on Change in Work Location." Mr. Mehta shared his views on why filing H-1B amendments each time a worker moves outside the area of employment—even to a new home worksite—can be painful and burdensome for employers and H-1B workers. <https://timesofindia.indiatimes.com/nri/us-canada-news/us-appeals-court-upholds-filing-of-amended-h-1b-applications-on-change-in-work-location/articleshow/101542599.cms?from=mdr>

Mr. Mehta and **Kaitlyn Box** were quoted by Forbes in "Immigration Agency Releases Guidance for H-1B Visa Holders." They said, "Recipients of [a work permit] based on compelling circumstances will likely need to look for other solutions if they wish to remain and work in the U.S. on a long-term basis until they obtain permanent resident status." They said that a new employer must file a new labor certification and I-140 petition, and "could recapture" the old priority date. Consular processing might be possible when the priority date is available, the article notes. "A new employer could also file a new H-1B visa petition for the foreign worker alongside the new labor certification and I-140 petition," according to Mr. Mehta and Ms. Box. <https://www.forbes.com/sites/stuartanderson/2023/06/20/immigration-agency-releases-guidance-for-h-1b-visa-holders/?sh=3adcb12651d8>

Mr. Mehta and **Ms. Box** co-authored "Wage Transparency Laws Add Extra Layer of Complexity to Labor Certification Recruitment," published by *PLI Chronicle*. [https://plus.pli.edu/Details/Details?fq=id:\(378500-ATL5\)](https://plus.pli.edu/Details/Details?fq=id:(378500-ATL5))

Mr. Mehta was quoted extensively in the *Times of India* on the USCIS policy broadening the compelling circumstances parameters for Employment Authorization Documents. He said, for example, that the new compelling circumstances measure "is of a very limited scope and can only

be used as a stopgap measure when a loss of a job would derail the foreign worker's life in the U.S. It will allow the concerned individual to remain in the U.S. lawfully and not face the re-entry bars owing to overstay. However, it is not a nonimmigrant visa like the H-1B that allows for an extension of status and the ability to adjust this status to a permanent residence (aka green card)." Mr. Mehta also noted that USCIS relaxed the standard on June 14, 2023, "by allowing persons who have lived in the U.S. with family for a significant amount of time to demonstrate that due to job loss they would be forced to sell their home, pull their children out of school, lose their health insurance and [be] forced to relocate to their home country." He noted other technical issues and compelling circumstances, such as "instances where the individual has maxed out of the six-year H-1B visa limit and cannot extend it, or the company's ownership structure has changed and the individual cannot remain in L-1 status." In such cases, he said, the employer "would need to show that the resultant job loss would negatively impact projects and result in significant monetary loss or other disruption to the employer." <https://timesofindia.indiatimes.com/nri/us-canada-news/laid-off-workers-in-us-could-benefit-from-broadening-of-compelling-circumstances-norms/articleshow/101068686.cms?from=mdr>

David Isaacson, of **Cyrus D. Mehta & Partners PLLC**, has authored a new blog post: "Canada Announces New Program for Holders of H-1B Visas—But Do They Mean Visas, or H-1B Nonimmigrant Status?" <http://blog.cyrusmehta.com/2023/06/canada-announces-new-program-for-holders-of-u-s-h-1b-visas-but-do-they-mean-visas-or-h-1b-nonimmigrant-status.html>

Mr. Paparelli has authored two new blog posts: " 'Imagine' the Improbable: John Lennon, the Supreme Court, and the Resurrection of Prosecutorial Discretion in Immigration Cases," <https://www.nationofimmigrants.com/2023/06/imagine-the-improbable-john-lennon-the-supreme-court-and-the-resurrection-of-prosecutorial-discretion-in-immigration-cases/>; and "America is Losing on Business Immigration," <https://www.nationofimmigrants.com/2023/06/america-is-losing-on-business-immigration/>

WR Immigration will present a webinar on Thursday, August 10, 2023, at 11 a.m.: "Confused About the I-9 Changes? Your COVID-19 Flexibilities and Other I-9 Questions Answered." The host will be Kimberley Best Robidoux, Partner. <https://wolfsdorf.com/i-9-alternative-procedure/>

WR Immigration announced that many of its clients from offices in Boston, New York, Santa Monica, San Diego, and Oakland were selected in the second round of the H-1B lottery. "It would be sad to send some of the best and brightest graduates in STEM, healthcare, and other critical fields back to their countries of origin after graduation," said managing partner Bernard Wolfsdorf. "These are some of the top graduates from our universities. We need these bright young people to help to grow our economy and keep the US strong." He cautioned that green card waiting lines are getting longer and said employers are advised to file their PERM applications as soon as possible. "The H-1B work visa is a dual intent visa, so there is no reason not to get started by filing the PERM green card application," he said. <https://wolfsdorf.com/wr-immigration-celebrates-clients-selected-in-second-round-of-h-1b-lottery/>

WR Immigration has posted a new Q&A: "USCIS Announces Second H-1B Lottery for FY 2024." <https://wolfsdorf.com/h1b-lottery/>

WR Immigration has published its *Immigration Update*, with the latest news on filing windows for H-2B applications, new H-2A hourly wage rates, the CIS Ombudsman's annual report, and more. <https://wolfsdorf.com/immigration-update-20230703/>

Farshad Owji, WR Immigration partner and president of the American Immigration Lawyers Association (AILA), was quoted on the announcement of new family reunification parole processes for Colombians, Salvadorans, Guatemalans, and Hondurans: "AILA applauds the administration's wise expansion of the Family Reunification Parole programs to nationals from Colombia, El Salvador, Guatemala, and Honduras. The program permits qualified individuals residing in their home country to more quickly reunite with their U.S. citizen and legal resident family members in the United States. By applying its legal authority to reunite families, the administration is building on its strategy of providing legal pathways for migration and recognizing a primary driver of migration: the basic desire to live with family. Today, the administration has strengthened all American communities by reinforcing family reunification as the cornerstone of U.S. immigration policy." <https://www.aila.org/advo-media/press-releases/2023/aila-president-welcomes-implementation-of-new>

Mr. Owji was elected AILA President for 2023. Based in San Francisco, California, Mr. Farshad is a member of the Florida, Minnesota, and District of Columbia bars, as well as the Istanbul Bar Association in Turkey. Born in Tehran, Iran, Mr. Owji received a law degree from Ankara University in 1994 and worked at the United Nations High Commissioner for Refugees (UNHCR) Branch Office in Ankara, Turkey. He obtained his J.D. and LL.M. from the University of Florida's Fredric G. Levin College of Law in 2000. Mr. Owji was a Senior International Associate at Deloitte, LLP, and in 2002, opened his immigration practice in San Francisco's Jackson Square. <https://wolfsdorf.com/farshad-owji-elected-aila-president-2023/> (WR Immigration release); <https://www.aila.org/advo-media/press-releases/2022/aila-elects-new-officers-for-2022-23-term> (AILA release)

Miki Kawashima Matrician, a Co-Managing Partner of **WR Immigration's** Boston office, has been elected to the position of Chair-Elect of the New England Chapter of the American Immigration Lawyers Association (AILA New England). Among her other honors, she was selected for inclusion in Best Lawyers in America® in 2023, as well as Best Lawyers' Ones to Watch for 2021 and 2022. She was also recognized as a Super Lawyers Rising Star from 2013 to 2021. She is an immigrant and a native of Nara, Japan. <https://wolfsdorf.com/wr-immigration-partner-miki-matrician-elected-chair-elect-of-american-immigration-lawyers-association-new-england-chapter/>

David Isaacson, of **Cyrus D. Mehta & Partners PLLC**, authored a new blog post: "Canada Begins New Program for Holders of U.S. H-1B Visas, And They Really Do Mean H-1B Visas, Not H-1B Status, Although Family Members Need Not Have Any Kind of H-4." <http://blog.cyrusmehta.com/2023/07/canada-begins-new-program-for-holders-of-u-s-h-1b-visas-and-they-really-do-mean-h-1b-visas-not-h-1b-status-although-family-members-need-not-have-any-kind-of-h-4.html>

Greg Siskind, partner at **Siskind Susser PC**, was quoted by *Bloomberg Law's Daily Labor Report* in "AI Makes Its Way to Immigration With New Tool to Aid Attorneys." He said, "We think [Visalaw.Ai] will be a tremendous time saver for lawyers conducting research on a regular basis." Mr. Siskind is a co-founder of Visalaw.Ai. The article notes that reliance on open-source artificial intelligence (AI) software can lead to bogus results and potentially expose confidential client information. Mr. Siskind said the Visalaw.Ai platform will include a private feature allowing members to draw on information from the platform without sending client information back. Partnering with the American Immigration Lawyers Association (AILA) will also address quality issues by feeding the tool specific information related to immigration law that is drawn from a huge legal library of regulations and secondary sources, he said. Access will be subscription-based. The tool incorporates a vast immigration law library, including major primary law materials as well as *AILA's Practice and Procedures Manual* ("Cookbook"), co-written by Mr.

Siskind. "We can stand on the sidelines and let somebody else shape the future for us. Or we can get engaged and determine how this should affect the immigration bar and the practice of immigration law. In this environment, nobody can afford to stand on the sidelines." He noted that Visalaw.Ai is "set to be conservative in how it answers." <https://www.visalaw.ai/> (Visalaw.Ai); <https://news.bloomberglaw.com/daily-labor-report/ai-makes-its-way-to-immigration-with-new-tool-to-aid-attorneys> (article); <https://www.aila.org/advo-media/press-releases/2023/visalawai-and-aila-unveil-gen-a-groundbreaking-a> (AILA press release)

William Stock (bio: <https://www.abil.com/abil-lawyers/william-stock/>) has authored a blog post: "Worksite Ambiguity in the Rise of Work From Home." <https://thinkimmigration.org/blog/2023/06/14/worksite-ambiguity-in-the-rise-of-work-from-home/>

Stephen Yale-Loehr (bio: <https://www.abil.com/abil-lawyers/stephen-yale-loehr/>) co-authored a report, "At the Breaking Point: Rethinking the U.S. Immigration Court System," published by the Migration Policy Institute. The report traces the factors that have driven the immigration court system to crisis. It assesses steps taken to improve the courts' functioning and offers recommendations that the executive branch could implement to address massive backlogs and improve the pace and quality of decision-making. <https://www.migrationpolicy.org/research/us-immigration-courts>

Mr. Yale-Loehr was quoted by PolitiFact in "A New Program to Obtain a 'Green Card' Has Not Been Approved." He said, "There is no new program that makes the process of obtaining a green card easier and only USCIS and the Department of State can issue the cards." <https://www.politifact.com/factchecks/2023/jul/12/facebook-posts/no-se-ha-aprobado-un-programa-nuevo-para-obtener-u/> (Spanish, with English translation available)

Mr. Yale-Loehr was interviewed on the podcast "This Week in Immigration" about recent immigration cases. He discussed the Supreme Court's latest decision to uphold the Biden administration's deportation priorities in *U.S. v. Texas*, and upcoming cases related to the future of the Deferred Action for Childhood Arrivals program and the administration's new asylum restrictions. <https://bipartisanpolicy.org/podcast-episode/episode-148-this-week-in-immigration/>

Mr. Yale-Loehr was quoted by *USA Today* in "Biden Promised to End Family Separations. So Why is DOJ Fighting Relief Claims in Court?" He said, "It's ironic that while candidate Biden said that family separation was abhorrent, as a president he's allowing his Justice Department attorneys to fight these cases." But, he said, "every administration wants to preserve its flexibility and discretion on immigration, because immigration affects our sovereignty and foreign affairs." <https://www.usatoday.com/story/news/investigations/2023/06/26/separated-families-biden-trump-zero-tolerance/70350466007/>

Mr. Yale-Loehr was quoted by National Public Radio in "The Supreme Court Sides With the Biden Administration in a Fight Over Immigration." He said, "The court's decision was pretty narrow. From a larger legal perspective, it doesn't really resolve the issue of when states can and cannot sue to challenge federal policies, whether they're immigration or otherwise. And so the battle will continue on those fronts." <https://www.npr.org/2023/06/23/1182015382/supreme-court-ruling-immigration>

Mr. Yale-Loehr was quoted by *Newsday* in "Most Asylum-Seeking Migrants Arriving in New York City Unlikely To Be Able To Stay in U.S. Legally." He said, "I'd say [U.S. Immigration and Customs Enforcement] simply doesn't have enough enforcement resources to be able to find everyone who is here illegally and pick them up, so some percentage of people will be able to live out their lives in the United States, even though they don't have legal status." Regarding

credible fear screenings, Mr. Yale-Loehr said, "If somebody says, 'I was fleeing gang violence in El Salvador,' then maybe that person has a potential claim," but "if someone says, 'I'm here because I want to make money for my family in El Salvador because they're poor,' that's simply not an asylum claim and therefore that person would not pass the credible-fear interview and would be expeditiously removed." If they're denied asylum, he said, "I'd say the vast majority would not be able to stay, because they've exhausted their bases for trying to stay legally." <https://www.newsday.com/news/nation/migrants-asylum-petitions-approval-pi1dubg1>

Below is a list of **ABIL Members and lawyers** who are serving on American Immigration Lawyers Association (AILA) National Committees as of June 2023:

DOL Liaison Committee: Vincent Lau (chair), Loan Huynh, William Stock
USCIS Headquarters Committee: Dagmar Butte
DOS Liaison Committee: Magaly Cheng, Elissa Taub
CBP Liaison Committee: Janice Flynn
ICE Liaison Committee: Aaron Hall (chair)
USCIS Field Ops Liaison Committee: Jason Susser
USCIS Case Assistance Committee: Adam Cohen, Johnna Main-Bailey
Asylum Liaison Committee: Stephen Yale-Loehr
Investment Committee: William Stock (chair)
EB-5 National Committee: Kristal Ozmun, John Pratt
H-1B Task Force: Dagmar Butte
EB-4 Backlog Task Force: William Stock
Global Migration Section: William Hummel (chair)
National Amicus Committee: David Isaacson
Benefits Litigation Committee: Marketa Lindt (co-chair), Charles Kuck, Ira Kurzban, Cyrus Mehta, Zachary New
USCIS Benefits Policy Committee: Dagmar Butte, Angelo Paparelli
Ethics Committee: Cyrus Mehta (chair)
Inclusion and Diversity Committee: Loan Huynh
Innovation and Technology Committee: Vic Goel, Hannah Little, Julie Pearl
Media Advocacy Committee: Jennifer Howard
Distance Learning Committee: James Hollis
National Law Student Engagement Committee: Nam Douglass
Lawyer Well-Being Committee: Jennifer Howard
Business Section Steering Committee: Vic Goel
AILA Law Journal Editorial Board: Cyrus Mehta (Editor-in-Chief), Dagmar Butte, William Stock
2023–2024 Member Engagement Committee: Vi Nguyen
Technology Innovation Summit Planning Committee: Hannah Little, Julie Pearl
AILA 2024 Annual Conference Committee: Elise Fialkowski (Chair, Fundamentals), Helena Tetzeli
AILA Fall Conference Committee: Elissa Taub
AILA Spring Conference Planning Committee: Aaron Hall

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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 445 member lawyers and their more than 1,100 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.

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