

GLOBAL IMMIGRATION UPDATE

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ACQUISITION OF CITIZENSHIP THROUGH FAMILY RELATIONSHIP: AN OVERVIEW

This article provides an update on acquisition of citizenship through family relationship in several countries.

Canada

In Canada, citizenship may be conferred on an individual by birth—i.e., by being born in Canada (see [Section 3\(1\) of the Canadian Citizenship Act](#)). An individual may also be eligible for a grant of Canadian citizenship through naturalization following an adoption. In addition, an individual may have Canadian citizenship by descent; the *Citizenship Act* recognizes the possibility for certain individuals to pass Canadian citizenship to their children, if those individuals meet certain requirements set out in the *Citizenship Act* (see [Section 3\(1\) of the Canadian Citizenship Act](#)).

In 2009, following an amendment to the *Citizenship Act* (see [Bill C-37, An Act to Amend the Citizenship Act](#) for more information), it was made impossible for Canadian citizens born abroad, whose children were also born abroad, to pass on Canadian citizenship to their children born abroad under [Section 3\(3\)\(a\) of the Canadian Citizenship Act](#), also known as the "second-generation cut-off rule."

The constitutionality of the second-generation cut-off rule was challenged in a case presented at the Ontario Superior Court, and on December 19, 2023, the Ontario Superior Court decision was released (see [Bjorkquist et al. v. Attorney General of Canada, 2023 ONSC 7152](#)). In the decision, Justice Jasmine T. Akbarali found that Section 3(3)(a) of the *Citizenship Act* was unconstitutional as it contravened Section 15 "equality rights" and Section 6 "right to mobility" under the *Canadian Charter of Rights and Freedoms* (see [Sections 6 and 15 of the Canadian Charter of Rights and Freedoms](#)), and gave the government of Canada six months to amend the provisions in the *Citizenship Act* affecting born-abroad Canadian citizens and their children born abroad.

On January 22, 2024, the Honourable Marc Miller, Minister of Immigration, Refugees and Citizenship Canada, issued [a statement](#) declaring that the government of Canada would not appeal the decision rendered in the *Bjorkquist* case.

In May 2024, the Government of Canada announced [Bill C-71, An Act to amend the Citizenship Act \(2024\)](#) which, if passed, could lead to important changes in the laws regulating whether or not a Canadian parent born abroad would be able to pass on Canadian citizenship to their children or descendants born abroad and, if so, under what conditions. More information is to follow.

Italy

Italian citizenship is based on the principle of *jus sanguinis* [right by blood]. This means that a child who is born to an Italian father or mother is also an Italian citizen, no matter where the child was born. People with an Italian ancestor may be eligible for citizenship depending on a number of factors, such as the date and place of birth of their parents, grandparents, or even great-grandparents.

An individual can apply for Italian citizenship with no limit to the number of generations. However, since until 1861 there was no Italian State, it is not possible to talk of Italian citizenship before that year. Thus, with some exceptions, the oldest Italian ancestor from whom Italian citizenship can be derived must have been a person who acquired Italian citizenship in or after 1861.

Demonstrating that one is Italian via ancestry (i.e., having an Italian mother or father) is not necessarily sufficient to obtain citizenship. For example, until 1992 Italian law did not allow dual citizenship. Accordingly, citizenship was automatically lost if someone became a naturalized citizen of another country.

Also, under the 1912 Citizenship Law, only men were able to transfer their Italian lineage to children, while women could hold but not pass on citizenship to their descendants. In 2009, the Italian Supreme Court established, however, that it is unconstitutional to discriminate between women and men in citizenship matters. If someone has only female Italian lineage, depending on the circumstances, they may not be able to obtain citizenship at the Italian consulate and may need to file a court action in Italy.

Netherlands

The most common way of acquisition of Dutch nationality is by descent: any child born from at least one Dutch parent is a Dutch national by birth. For adults, there is no direct or immediate acquisition of Dutch nationality through family relationship, but there are some advantages.

Minors

For minors, the country where the birth takes place is not relevant for acquisition of Dutch citizenship; parenthood is decisive (i.e., the rule of *jus sanguinis* [right of blood] as opposed to *jus soli* [right of birthplace]). The parents do not need to be married, and a child of an unmarried Dutch mother and unknown father is also Dutch at birth. However, a child born out of wedlock from a Dutch father and a non-Dutch mother is not under all circumstances Dutch. An assessment would be needed to determine whether the child is Dutch and, if not, whether the child nevertheless could obtain Dutch citizenship in a facilitated manner.

If legal parenthood is established or effectuated at a later moment, e.g., by way of *acknowledgement* or *adoption*, the child will still be considered as having obtained Dutch citizenship by descent, i.e., by operation of law.

In case of acknowledgement, if this was done by the father after March 1, 2009, and the child had not yet turned 7, the child is automatically a Dutch citizen. Acknowledgement of a child aged 7 or above (but not yet 18) can also lead to acquisition by descent, on condition that the acknowledger prove biological parenthood by means of a DNA test and within 1 year after the acknowledgement. If the acknowledger is unable or unwilling to take a DNA test, the child can become a Dutch citizen through an option request, which is a facilitated way of acquisition, but the child is not Dutch by operation of law. In addition, the acknowledger must have cared for and brought up the child for at least three years without interruption.

In case of adoption, the adoption must meet the requirements of the rules of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention) or Book 10 of the Dutch Civil Code. This only works if the legal and other family ties with the original parents have been definitively broken.

Adults

For adults, a family relationship with a Dutch national brings only indirect benefits in terms of nationality. Whereas the general waiting term for naturalization is five years of legal stay in the Netherlands, spouses of Dutch nationals can naturalize after three years of being together with the spouse, and this even applies if they are living outside of the Netherlands (with the exception of the

country of the applicant's nationality). Furthermore, the spouse or registered partner of a Dutch national is exempt from the requirement to renounce their original nationality.

Türkiye

Turkish Citizenship Law through family relations is governed by the Turkish Citizenship Act No. 5901 (Law). It governs requirements for both spouses and children of Turkish citizens.

The spouse of a Turkish citizen has certain benefits when applying for Turkish citizenship. Under Article 16 of the Law, foreigners who have been married to a Turkish citizen for at least three years may apply to acquire Turkish citizenship if they:

- Live in marital union;
- Avoid acts not compatible with marriage unity; and
- Do not pose a threat to national security and public order.

The main benefit of applying as a spouse of a citizen compared to other categories of citizenship is that the applicant does not need to meet certain Turkish residency, physical presence, or continuity requirements.

A child (under 18) born abroad to a Turkish mother or father *may* acquire Turkish citizenship but must take certain steps to formalize this. The following individuals can acquire citizenship from a parent under articles 6 and 7 of the Law:

- A child born to a married Turkish father *or* mother, whether born in Türkiye or abroad (article 7 of the Law).
- A child born in Turkey or abroad to unmarried parents under these circumstances:
 - Unmarried Turkish mother and foreign father: child is a citizen at birth.
 - Unmarried Turkish father and foreign mother: child acquires citizenship after a procedure to determine descent.
- A child under 18, adopted by a Turkish citizen, from the date of adoption if he or she does not pose a threat to national security or the public order (article 17 of the Law).

An applicant who is 18 or over, and whose mother and/or father is a Turkish citizen but who was not registered with a civil registry office before he or she turned 18, may be registered as a Turkish citizen if it is decided by the Ministry upon application and examination.

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FRANCE

A new law to control immigration entered into force on January 26, 2024. France also announced procedures related to the Olympic Games in Paris and other cities this summer, and France is on notice for failure to transpose a European Union directive relating to the European Blue Card.

The new law's legislative journey and the media debate around it have been very intense over several months. Important measures like massive regularization of undocumented workers in short-staffed professions have finally been rejected by the Senate.

The legislative process has been lively: after the adoption by the Senate of a text presenting several setbacks for foreigners' rights, a motion for prior rejection was adopted by the National Assembly. Finally, Deputies from the majority, the right wing, and the far right wing agreed on the final text, including several measures already identified as unconstitutional.

The Constitutional Council, in its decision of January 25, censored 35 articles of the law. The Constitutional Council has deemed the following measures unconstitutional:

- *Migration quotas.* The law planned the establishment of "quotas" to cap for the next three years the number of foreigners admitted to the country. Because this measure was considered unconstitutional by the Constitutional Council, quotas will not be implemented.
- *Family reunification.* The conditions for family reunification will remain the same. The extension of the duration of residence in France for more than 24 months has been deemed unconstitutional as well as the other new measures regarding family reunification.

With regard to aspects relating more to private life, the following measures deemed unconstitutional have been excluded:

- Tightening of the conditions to be met by a foreigner married to a French national to be issued with a temporary residence permit bearing the title "private and family life" for a period of one year;
- Tightening of the conditions for issuing a residence permit for reasons of study; and
- Full right issuance of a long-stay visa to British nationals who own a secondary home in France.

Legislative Changes

Measures under this new law that directly impact professional immigration include:

Talent Passport Residence Permits

"Talent Passport" residence permits change their name to "Talent" residence permits, in a simplification effort.

The following three Talent Passport residence permits all merge to a single "Talent—Qualified employee" residence permit: (1) Talent—Passport Qualified employee, (2) Talent Passport employee of an innovative company, and (3) Talent Passport intra-company. This simplification does not modify the initial conditions required for each status, but the minimum salary thresholds could change since the

article refers to "a salary threshold set by decree in the Council of State," which has not yet been published.

The following three Talent Passport residence permits will all merge into a single "Talent—Project Bearer" residence permit: (1) Talent Passport—Business Creation, (2) Talent Passport innovative economic project, and (3) Talent Passport economic investment.

The new law also creates a "Talent—medical and pharmacy professions" residence permit for doctors, midwives, dental surgeons, and pharmacists.

Regularization of Undocumented Workers in Short-Staffed Professions

The law gives prefects discretion to regularize an undocumented worker who has lived in France for at least three years; worked at least 12 months, consecutive or not, over the last 24 months; and has a job in a short-staffed profession in a specific area. This will allow the issuance of a residence permit bearing the title "temporary worker" or "employee" for a period of one year. The worker can apply without the employer's approval.

Olympic Games 2024

The Olympic Games will take place in Paris and other cities (Marseille, Toulouse, Lille) from July 26 to August 11, 2024. The Paralympic Games will take place from August 28 to September 8, 2024.

Among measures for foreigners is the possibility for foreign students to participate in private security activities. The work time performed in these activities will not be considered in the calculation of the ancillary work time allowed for foreign students, which is 60 percent of the annual work time (i.e., around 964 hours per year).

Also, according to the French Ministry and consulates in the United States, a simplified process has been implemented for travelers for whom an accreditation request is submitted to the Olympic or Paralympic Committee, such as members of the Olympic and Paralympic Committees, athletes, accompanying persons, media, and official guests.

They can appear in any visa center to apply for a visa without an appointment; a time slot is dedicated to them every morning. They only need to provide their passport, proof of accreditation, and photos. Fingerprinting takes place as well. There are no visa fees to be paid and no visa form to be filled out before submission of the application.

Absence of Transposition of EU Blue Card Directive

On January 25, 2024, the European Commission announced adoption of a set of decisions concerning delays in the transposition of European Union (EU) Directives. France is on notice for failure to transpose the directive of October 20, 2021, relating to the European Blue Card.

States had until November 18, 2023, to adapt their internal laws to EU Directives. In France, the law of January 26, 2024 (which includes several articles related to the work of foreigners) did not include any modification of the Foreigners Code (CESEDA) for European Blue Card status.

French authorities had two months to respond and complete the transposition. Failing this, the Commission could issue a reasoned opinion and, in the absence of a response, bring the matter before the EU Court of Justice. As of May 26, 2024, there was no update regarding the transposition of the EU Blue Card Directive into French law, and the Commission had not yet issued its opinion.

The Foreigners Code (CESEDA) includes several provisions relating to the multi-year "talent, European blue card" residence card, but those are not in line with the Directive: the possibility for the foreigner to present an employment contract or a job offer of at least six months (currently 12 months); duration of the residence permit set at a minimum of 24 months (currently one year); and possible mobility to another Member State after 12 months of legal residence in the first Member State (instead of 18).

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SWITZERLAND

There have been developments toward easier access to the Swiss labor market for certain professions.

Efforts to provide easier access to the Swiss labor market for certain professions include the default for non-European Union (EU)/European Free Trade Association (EFTA) nationals: a Swiss labor market test requirement.

By giving priority to the domestic labor market, the aim is to increase local workers' chances of finding a job and to limit the entry of new foreign workers to meet the requirements of the labor market. With its two-tier structure, the system works in favor of domestic workers and workers from EU/EFTA states who can invoke the Agreement on the Free Movement of Persons between the EU/EFTA countries and Switzerland and are entitled to admission to the Swiss labor market.

In addition to Swiss nationals, domestic persons include those who are foreign nationals seeking employment who already live in Switzerland and are authorized to take up gainful employment. The admission of third-country nationals is therefore only possible if, in addition to the domestic and local labor force, there are no suitable workers from the EU/EFTA area for the Swiss labor market.

Occupations With a Pronounced Shortage of Skilled Labor

Within the last year, the following possible exemptions from the labor market test requirement have been added for consideration by labor market and migration authorities:

In occupations that are demonstrably affected by a pronounced structural shortage of skilled labor, it can be assumed that the domestic potential has been exhausted. If the demand for skilled labor in a particular occupation exceeds the supply under the given working conditions, a shortage of skilled labor can be assumed. However, skills shortages are not absolute, but they can vary in severity. The focus is on structural imbalances, which—in contrast to cyclical fluctuations between supply and demand for skilled labor—exist over a longer period of time.

These are often skilled workers who are not, or only insufficiently, available in the EU/EFTA area. For applications for residence for employment in occupations that are demonstrably affected by a pronounced shortage of skilled labor, the legally stipulated provision of proof of priority in enforcement can be facilitated.

In such cases, the authorities responsible for the preliminary labor market decision may refrain from demanding concrete search efforts. By plausibly demonstrating in an application that there is a shortage occupation in the specific case, the applicant company can fulfil the obligation to provide evidence. In this case, the competent cantonal authority can make the judgement that the domestic potential has been exhausted and that the priority principle is therefore fulfilled.

Taking into account the State Secretariat for Economic Affairs (SECO) indicators and empirical values from the State Secretariat for Migration (SEM), the following occupational fields may fall under the facilitation of enforcement with regard to the obligation to provide evidence:

- Executives (management positions) in research and development; health care; education; information and communication technology; management consultancy; finance and insurance; the mechanical, electrical, and metal industry; and the production of chemical and pharmaceutical products and food products;
- Business administration specialists in management and organizational analysis;
- Engineering professionals (process and production engineers; civil engineers; engineers in electrical engineering, electronics, and telecommunications), natural scientists, mathematicians and engineers and specialists in information and communication technology (IT engineers, system analysts, software developers, application programmers, database and network specialists);
- Certain healthcare professionals: Medical specialists, medical assistants, physiotherapists, qualified nurses (with specialization), other medical specialization, other medical-technical specialists (e.g., medical-technical radiology assistants); and
- University and college teachers.

If the facts of the case are critical, or if the competent cantonal authority sees a reason to do so, it can request suitable special evidence (e.g., advertisement of the vacant position on the public unemployment system site or in the EU/EFTA area or reference to the skilled labor situation in the EU/EFTA area). The reasons for this could include the cantonal labor market situation, regional economic priorities, or macroeconomic interests.

The above is not a blanket exemption from the labor market test requirement but gives authorities discretion to grant work permit approvals without labor market testing for these types of employment. Individual case evaluation thus remains as vital as ever.

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UNITED KINGDOM

There are changes to travel to the European Union for British citizens starting this October, and the Migration Advisory Committee has reported that the Graduate visa route should stay.

Changes to Travel to the EU for British Citizens Starting This October

The European Union's (EU) Entry/Exit System (EES) is a new digital border system that had been intended to start in 2022. Reports suggest that it will now start on October 6, 2024. The [EES official website](#) says the start date is "TBC," but the media reports that it will start on October 6 subject to member states confirming they are ready.

The EES will apply to British citizens and other non-EU citizens (such as U.S., Canadian, and Australian nationals) who do not require a prior visitor visa to travel to Europe as well as to holders of short-stay visas. It will apply when they travel to the EU (except from Cyprus and Ireland where manual passport border checks will continue), the European Economic Area (EEA) (Norway, Liechtenstein, and Iceland), and Switzerland. There will be two main implications when the EES starts in October for those affected:

- **Photo and fingerprints.** A digital photo and fingerprints must be provided at port when a traveler arrives in the EU/EEA/Switzerland for the first time. Travelers need not be alarmed by this but should expect a delay when passing through immigration control. Once the photo and fingerprints have been provided, on future trips the traveler should have a quicker and easier journey because automated "self-service systems" at border control areas will mean manual passport stamping is no longer required; and
- **Electronic monitoring.** The EES will electronically monitor whether the traveler stays more than 90 days in any 180-day period within the EU/EEA/Switzerland area. Once implemented, travelers in the European area will need to be more wary than ever about overstaying the 90 days. Where the maximum stay is exceeded, this can lead to entry bans for the whole of the EU/EEA/Switzerland. Equally, when making a journey, it is expected that border control officers will have information about the number of permitted days remaining for each traveler, who will only be allowed entry for the remaining days.

The European Travel Information and Authorisation System

The EES is separate from the upcoming [European Travel Information and Authorisation System \(ETIAS\)](#), which is expected to start in mid-2025 (the exact start date is unknown). It will apply to non-EU/EEA/Swiss nationals who are able to enter the EU visa-free—including British citizens. The ETIAS will mean that affected travelers will need to apply for pre-travel authorization, in much the same way as required by the U.S. Electronic System for Travel Authorization and the [UK's Electronic Travel Authorisation scheme](#).

Government's Independent Advisory Body Reports That Graduate Visa Route Should Stay

The Migration Advisory Committee (MAC) has for many years advised the government on UK immigration policy. On March 11, 2024, the government asked the MAC to review the Graduate visa route, including in terms of "[a]ny evidence of abuse of the route including the route not being fit for purpose."

The MAC has now released its [report](#) and said, "After reviewing the evidence, our conclusion is clear. The Graduate route has broadly achieved, and continues to achieve, the objectives set by this government. We therefore recommend that the route remains in place in its current form."

This is good news for students and employers. The Graduate route provides a two-year work visa for those who complete a bachelor's or master's degree at a United Kingdom university, or a three-year visa if they complete a PhD. It serves as a useful "bridge" for employers to recruit graduates and then consider whether they will sponsor them under the Skilled Worker route.

That said, it remains to be seen whether the government will follow the advice of the MAC or follow through on restricting the route by, for example, limiting the visa to six months and perhaps making it only for graduates in certain subjects, if not deleting it altogether.

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New Publications and Items of Interest

Alliance of Business Immigration Lawyers:

- ABIL is available on X (formerly Twitter): @ABILImmigration
- Recent ABIL member blogs are at <http://www.abilblog.com/>

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ABIL Member/Firm News

Several ABIL member firms were named in *Canadian Lawyer's* [top 10 immigration boutiques for 2024-25](#), including **Gomberg Dalfen S.E.N.C.** and **Corporate Immigration Law Firm (CILA)**. Canada's best immigration law firms were selected from a pool of 47 nominees, include boutiques of varying sizes. **Barbara Jo Caruso**, CILA co-president and founding partner, said, "In *Canadian Lawyer's* announcement of who's who and who is succeeding, there'll be a common thread that these people haven't gotten there on their own. Regardless of where you're practicing immigration law, to succeed, immigration lawyers need a community to bounce ideas off of to keep abreast of all the changes."

Klasko Immigration Law Partners, LLP, has published several new blog posts: [Considerations for Early-Career Scholars and EB-1B Outstanding Researcher/Professor Petitions](#), [Digital Nomad Visa Programs: An APAC Update](#), and [Visa Reconsideration and Fee Waiver for Applicants Impacted by Presidential Proclamation 9645](#).

Klasko Immigration Law Partners, LLP, has published [The Immigration Considerations to Attract and Retain Remote Staff Working Abroad](#). In the article, Klasko attorneys **Tim D'Arduini**, **Jordan Gonzalez**, and **Sarah Holler** outline the numerous considerations employers must consider when putting together a global remote work policy, from visas and work authorization to tax and labor law considerations.

Klasko Immigration Law Partners welcomed **Jessica DeNisi** as its newest partner. Ms. DeNisi rejoined Klasko Immigration to co-lead the EB-5 Regional Center and Developer Practice from the firm's Washington, DC, office, contributing significantly to the firm's continued growth in this area.

Klasko Immigration Law Partners welcomed **Brian Green** to its esteemed Immigration Litigation Practice Team. Brian joined the firm as Of Counsel and will play a key role in supporting clients through strategic litigation who are facing delays and improper denials. Brian brings over a decade of experience in successfully litigating more than 1,000 immigration cases. His extensive expertise includes navigating complex legal challenges and advocating for clients' rights in diverse immigration matters. He is admitted to practice before 30 district courts, all circuit courts of appeal, and the Supreme Court. He is currently Vice Chair of the American Immigration Lawyers Association's National Benefits Litigation Committee and regularly presents on addressing immigration problems through litigation at CLE conferences across the country.

Charles Kuck was [interviewed](#) on NewsNation about border issues. He corrected some facts and put the blame for a broken immigration system on Congress.

Mr. Kuck was quoted by the *Atlanta Journal-Constitution* in [In Atlanta, Long Lines of Migrants Reflect Surge at Border](#). Commenting on long lines at Atlanta's U.S. Immigration and Customs Enforcement office, Mr. Kuck said, "I haven't seen this in 25 years."

The **IMMpact Litigation** team (**Kuck Baxter**, **Joseph & Hall**, Bless Litigation, and **Siskind Susser**), along with Motley Rice, reported a major victory. On the eve of class certification, U.S. Citizenship and

Immigration Services agreed to refund 100 percent of the I-765 filing fees for 100,000+ Ukrainian parolees covered by IMMImpact's *Volkova* lawsuit. See the [press release](#) and [web link](#) for Ukrainian clients to request a refund check. For further information or updates on the lawsuit, email [Greg Siskind](mailto:gsiskind@visalaw.com) at gsiskind@visalaw.com.

[Cyrus Mehta](#) has authored a new blog post: [Who Are the Undocumented Immigrants That Would Become Targets of Trump's Deportation Army If He Got Reelected?](#)

[Mr. Mehta](#) and [Kaitlyn Box](#) have authored several new blog posts: [Ethical Obligations of the Public Official Lawyer Who Falsely Undermines the Criminal Justice System After Trump's Conviction](#), [Saving the Labor Certification for the Backlogged Beneficiary Even After the Job Has Changed](#), [The Much Neglected Schedule A, Group II Green Card Option Gets a Boost After USCIS Broadens the Sciences and Arts Definition](#), and [To What Extent Can Walmart's Successful Blocking of an Administrative Law Judge in the Executive Office for Immigration Review Extend to Immigration Judges?](#)

[David Isaacson](#), of [Cyrus D. Mehta & Associates, PLLC](#), has authored several new blog posts: [Harrow v. Department of Defense and What it Means for Immigration Cases: The 30-Day Time Limit for Filing a Petition for Review Is Still Very Important, But Probably Not Jurisdictional Anymore](#) and [Lock Up Falsely Arrested Adjustment Applicants and Teenage Shoplifters or Be Sued: the House's "Laken Riley Act."](#)

[Mr. Mehta](#) and [Stephen Yale-Loehr](#) were quoted by *Bloomberg News* in [SpaceX, Walmart Court Wins Imperil DOJ's Immigration Bias Probes](#). The article noted that Justice Department efforts to prevent businesses from discriminating against work-authorized immigrants are in jeopardy after two courts sided with Walmart Inc. and SpaceX in declaring a little-known adjudication process unconstitutional. "We're in a brave new world when it comes to anti-discrimination cases because of the Walmart and SpaceX decisions, and it's going to take a while for this issue to get sorted out," said Mr. Yale-Loehr. Mr. Mehta added, "I would advise my employer clients who would be facing scrutiny to definitely file a lawsuit on these lines, if they were so inclined. I think it does embolden employers."

[Greg Siskind](#) of [Siskind Susser PC](#) was quoted by *Forbes* in [Attorney: Biden Officials Should Protect Russian Fulbright Scholars](#). The article discusses the potential impact on approximately 150 Russian Fulbright scholars and recent alumni in the United States of the Russian government's declaration that the Institute of International Education, an implementing partner for the Fulbright Program, is an "undesirable organization." Mr. Siskind explained that if they return to Russia, "Fulbright participants are now subject to suspicion in a country that has a sorry track record for jailing people who disagree with the government." He discussed various options for Fulbright scholars in the United States.

[WR Immigration](#) published a new blog post: [My I-526E for an Investment in a Rural Project Has Been Approved in 3-4 Months—Now What?](#)

[Mr. Yale-Loehr](#) and another professor at Cornell Law School have secured a \$1.5 million grant from Bay Area humanitarian foundation Crankstart to fund Path2Papers, an innovative nonprofit that provides legal assistance to Deferred Action for Childhood Arrivals (DACA) recipients and DACA-eligible individuals. Based at Cornell Law, Path2Papers offers legal consultations and guidance to DACA-eligible San Francisco Bay-area residents and Cornell students, the *Cornell Daily Sun* [explained](#). "Path2Papers' ties to Cornell extend even further. The program's legal team is composed of five lawyers, three of whom are Cornell alumni. It will also be the focus of Cornell Law's [1L Immigration Law and Advocacy Clinic](#)." Mr. Yale-Loehr said that DACA's precarity highlights the importance of Path2Papers' work. "The DACA program could be terminated by the courts or [a] new administration, [and] many DACA recipients don't know if they'll have legal residency options." Path2Papers has already yielded results, the *Daily Sun* noted. "Since the program's launch in January, over 130 DACA or DACA-eligible individuals and

employers have registered for a consultation, 50 percent of whom—the Path2Papers' team has found—are potentially eligible for a work-related visa or green card."

Mr. Yale-Loehr authored an op-ed, [Commentary: A Match Made in New York: Job Openings and Immigrants](#), published by the Albany, NY *Times Union*. The article discusses New York's population outmigration and plethora of job openings and recommends ways to remove obstacles so immigrants can fill them.

Mr. Yale-Loehr was quoted by *Univision* in [Biden's New Asylum Rule Submitted for Public Comment: These are the Keys](#). The article (in Spanish, with English translation available) discusses a new proposed rule to allow asylum officers to consider the possible applicability of certain asylum prohibitions and legal withholding of removal during certain credible fear assessments. The measure will be "challenged in courts of law," Mr. Yale-Loehr said, noting that it is "much more limited than previous ideas that were proposed, such as an executive action that prevents certain people from even entering the United States." He said the prohibitions authorized during the initial credible fear evaluation stage "will be the subject of a judicial dispute."

Mr. Yale-Loehr was quoted by *Voice of America* in [Biden Proposal Would Target Some Migrants for Quicker Denial of Asylum](#). He said the Biden administration is between "a rock and a hard place" and that "the public is demanding immigration changes. The Biden administration seems damned if it tries to do anything to resolve the border crisis and damned if it doesn't."

Mr. Yale-Loehr was quoted by *Marketplace Morning Report* in [Biden Administration Rule Will Give DACA Recipients Access to Federal Health Insurance for the First Time](#). He noted that there are about 600,000 DACA recipients living in the United States now. "The new rule estimates that about 100,000 of them are currently uninsured and can qualify for this kind of health insurance through the Affordable Care Act because of the relatively low incomes they are earning."

Mr. Yale-Loehr was quoted by the *San Francisco Chronicle* in [Trump Wants Local Police to Enforce Immigration Law. California Forbids It](#) (available by subscription). The article discusses California law SB54, which restricts police officers' ability to enforce immigration laws. During his presidency, the article explains, Mr. Trump "sought to withhold federal law enforcement grants from cities including San Francisco that had passed so-called sanctuary laws prohibiting police from aiding immigration enforcement." San Francisco sued and won at the federal district and appellate court levels. The Biden administration ended the Trump administration's efforts to take the case to the Supreme Court. Mr. Yale-Loehr said that if Mr. Trump were to try the same thing during a second administration, it would likely end up in litigation again. "Courts would have to make a final decision as to whether he could deny funding to those jurisdictions," he said, noting that in general, it would be harder for Trump to deputize local police for immigration enforcement in places like California that have passed sanctuary laws.

Mr. Yale-Loehr and others have started a new Deferred Action for Childhood Arrivals (DACA) project at Cornell Law School. The nonprofit [Path2Papers](#) project, supported by a \$1.5 million grant, helps DACA recipients in the San Francisco Bay area pursue work visas and other pathways to legal permanent residence. According to a [press release](#), Path2Papers is one of the only programs in the United States "that combines experience in employer representation with expertise in evaluating employment-based immigration options for DACA recipients."

The following ABIL members and attorneys were listed in [Who's Who Legal Corporate Immigration for 2024](#):

AUSTRALIA

Arnold Conway

Phillip Yip

BELGIUM

Bernard Caris

CANADA

Barbara Jo Caruso

Seth Dalfen

Avi Gomberg

Geneviève Hénault

COLOMBIA

Rodrigo Tannus Serrano

FRANCE

Karl Waheed

GERMANY

Gunther Mävers

ITALY

Marco Mazzeschi

Marco Sarracino

NETHERLANDS

Sander Groen

Jelle Kroes

Pieter Krop

Inge te Pas

SPAIN

Ana Garicano

Iñigo Sagardoy

SWITZERLAND

Nina Perch-Nielsen

TURKEY

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