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FEATURE ARTICLE

LABOR SHORTAGE PROFESSIONS: AN OVERVIEW – This article provides an update on immigration processing for labor shortage professions in several countries.

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ITALY – The 2025 draft budget bill recently presented by the government includes an article that introduces a significant change for anyone seeking recognition of Italian citizenship. A new decree includes new measures for the entry of foreign workers, anti-exploitation efforts, and migration management. There are new quotas for the agricultural sector.

SPAIN – New reforms have been introduced in the immigration regulations that are aimed at improving the integration of migrants in Spain.

TÜRKIYE – Türkiye has initiated a digital nomad visa program for remote workers to live and work in the country under certain conditions for a temporary period.

UNITED KINGDOM – The UK government has extended the deadline after which visa applicants will no longer be issued biometric residence permits. Also, the government has issued clarifications regarding skilled worker salary increases, and there are new efforts to link migration policy with skills and the wider labor market policy, along with more compliance enforcement for sponsors.

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LABOR SHORTAGE PROFESSIONS: AN OVERVIEW

This article provides an update on immigration processing for labor shortage professions in several countries.

Mexico

Labor shortages in Mexico occur across several professions and industries due to various factors like economic growth, demographic shifts, emigration, and skill mismatches.

The problems that companies have in filling their vacancies are linked not to a lack of people available in the market but rather to a lack of professionals with the competencies required by the companies.

Below are some key professions and sectors facing labor shortages in Mexico:

- Manufacturing and Industry: Skilled Technicians and Engineers.
- Construction: Construction Supervisors, Civil Engineers, and Architects.
- Technology and IT: Software Developers and IT Specialists. The technology sector is rapidly growing in Mexico, especially in cities like Guadalajara, dubbed the "Silicon Valley of Mexico." There is a significant need for experts in programming, cybersecurity, data science, and IT management.
- AI and Robotics Experts: With automation and advanced technologies entering industries, there is a shortage of skilled professionals in these niche fields.

Türkiye

Unlike several other countries, Türkiye does not have a list of labor shortage professions that allow more expedited/streamlined immigration processing. Not only does Türkiye not maintain a list of labor shortage professions but work permit applications for certain professions require the opinion/feedback of other government agencies, which may lead to denials or further evidence requests based on local employment trends.

So, for instance, a work permit application for a foreign engineer or architect in most cases will need the feedback of the Chambers of Engineers and Architects, who will be concerned with Turkish national engineer or architect member unemployment rates. So not only do engineering and most technology professions *not* have any preference in processing, in some cases (specifically engineers, architects, and urban planners) will have enhanced processing and perhaps even a request for a diploma education equivalency.

Again, although there is no labor shortage list of professions, in October 2024 the Ministry of Labor set forth a few preferential elements for processing those foreigners who engage specifically in the information technology (IT) sector. This is not pursuant to a shortage list or determination, but presumably due to Türkiye wanting to encourage more foreign direct investment in that sector. In the future, company sponsors who can show that they are in the IT sector and are applying for work permits for individuals within that field may be waived from a 5:1 ratio requirement of Turkish national workers to foreigners. They may also be exempt from certain sponsorship financial criteria.

Additionally in October, the Ministry of Labor specified similar waiver benefits of sponsorship criteria (5:1 ratio and financial sufficiency of sponsor) for companies that have been granted a Technopark worksite or a Research and Development (R&D) Center worksite. So technical foreign workers assigned to a certified Technopark or R&D Center worksite may be granted a sponsorship criteria waiver if supported by the Ministry of Industry and Technology.

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Country Updates

EUROPEAN UNION

The European Union has postponed introduction of the Entry/Exit System. Also, all Member States (except for Denmark and Ireland) must transpose a new Single Permit Directive into their national laws by May 2026.

The European Union (EU) has postponed the launch of its new biometric entry-check system designed for non-EU citizens, which was initially scheduled to take effect on November 10, 2024. This decision was in response to concerns raised by Germany, France, and the Netherlands, which indicated that their border systems were not adequately prepared for implementation.

In a press statement, EU Home Affairs Commissioner Ylva Johansson emphasized that "November 10 is no longer on the table," reflecting the seriousness of the situation. She acknowledged the complexities involved in rolling out such a significant system and noted that there is currently no revised timeline for its introduction. However, she mentioned that the possibility of a phased implementation is being explored, which could allow for a more gradual transition as each member state aligns its systems with the requirements of the new entry-check protocol.

What is the Entry/Exit System?

The Entry/Exit System (EES) is a new electronic system for the EU established by Regulation (EU) 2017/2226. The EES will register the entry and exit times and locations of travelers entering the territory of European countries participating in the system. Additionally, it will automatically calculate the duration of each traveler's authorized stay.

Implementation of the EES aims to enhance border management and security across the EU by providing more accurate tracking of third-country nationals' movements and durations of stay.

Single Permit Directive

In May 2024, the new Single Permit Directive entered into force and now, all EU Member States (except for Denmark and Ireland) must transpose this Directive into their national laws by May 2026. The Single Permit allows third-country nationals (TCNs) to legally reside and work in the territory of an EU Member State and to enjoy a set of rights similar to those of national workers in all areas related to employment (e.g., working conditions, education and vocational training, social security). Below are highlights:

- The new Single Permit Directive is part of the "skills and talent" package designed to address the shortcomings of the EU toward legal migration. Together with the EU Blue Card Directive, its primary goal is to attract the skills and talents that the EU requires. Not all work permits fall under the category of "Single Permit."
- Even though the new Single Permit has entered into force, EU Member States still have time

(until May 2026) to implement the directive. Meanwhile, the original Single Permit Directive (Directive 2011/98/EU) remains applicable.

- A Single Permit is not linked to one specific employer. This means that the TCN can change employers while continuing to reside legally in an EU Member State. However, in the event of an employer change, the directive allows EU Member States to (1) request prior notification, (2) request checks of the labor market situation, and/or (3) require a minimum period during which the single permit holder must continue to work for the first employer.
- A TCN can submit an application for a Single Permit while residing in a non-EU country or in the pertinent EU Member State (provided that the applicant holds a valid residence permit).
- Unemployment is not grounds for the withdrawal of a Single Permit, provided that: (a) the total duration of unemployment does not exceed three months during the validity period of the single permit, or six months if the TCN has held the single permit for more than two years; and (b) the start and, where applicable, the end of any unemployment period are communicated to the competent authorities of the relevant EU Member State in accordance with applicable national procedures.

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ITALY

The 2025 draft budget bill recently presented by the government includes an article that introduces a significant change for anyone seeking recognition of Italian citizenship. A new decree includes new measures for the entry of foreign workers, anti-exploitation efforts, and migration management. There are new quotas for the agricultural sector.

New Draft Article

Under Article 106, a new **€ 600 charge for each applicant** payable to the court will be introduced for legal cases for Italian citizenship recognition in court. This means that those filing a petition for citizenship recognition would have to pay this amount, even though the petition is submitted jointly with others at the same proceeding. This is a substantial increase with respect to the current charges that are cumulative and regardless of the number of claimants.

This provision could have a significant impact, particularly for those seeking recognition as Italian citizens from birth, as it would notably [raise the costs](#) of accessing justice in such cases.

Important note: Article 106 is still subject to final approval by the Parliament. If approved, it would come into force on January 1, 2025.

New Decree

On October 11, 2024, Decree Law No. 145/2024 came into effect following its publication in the Official Gazette. The decree introduces urgent provisions regarding the entry of foreign workers into Italy, protection and assistance for victims of labor exploitation, management of migratory flows, and international protection.

This decree, which is expected to be converted into law by December 10, is made of three key parts:

Section I focuses on streamlining and improving the efficiency of entry procedures for foreign workers, introducing important changes to the application procedure.

Section II addresses issues related to unauthorized work and labor exploitation, seeking to enhance protections for those who have been victims of exploitation, including measures to ensure they receive appropriate support and legal assistance.

Section III introduces changes to the rules surrounding sea rescues and the identification of migrants. It also covers the procedures for repatriation or rejection of individuals whose entry into the country does not comply with legal requirements.

This article focuses on Section I of the decree, which introduces important changes in the work-related immigration procedures.

Changes in Immigration for Work

Biometric data required for national visas: As of January 11, 2025, national work visa applicants must submit biometric data, including fingerprints, during the application process. This aligns with the existing biometric requirements for Schengen visa applications.

Simplified visa denial process: The prior obligation to issue a pre-denial notice under Article 10-bis of Law No. 241/1990 has been removed for visa refusals as well as for the refusal and revocation of residence permits determined by the revocation of the entry visa.

Permit conversions no longer subject to the quota system: The so-called *Cutro decree* (DL 20/2023, converted into Law 50/2023) had abolished the requirement that limited the conversion of residence permits issued for study and training purposes to the availability of a quota established by the flow decree. As a result, these permits can now be converted at any time of the year and without numerical limits. In line with these provisions, the new regulations eliminate the quota limits for the conversion of residence permits issued for seasonal work (Article 24 of Legislative Decree 286/1998 TUI), as well as for European Union (EU) residence permits for long-term residents issued by another EU Member State (Article 9-bis TUI).

Mandatory requirement for the employer to have a "digital domicile" and digitalization of the procedure related to signing and sending the contract of stay: Employers now must provide a certified electronic mail address (PEC) for all official communications regarding visa applications and permits.

Digital signature required for contract of stay and integration agreement: The contract of stay and the integration agreement must now be signed digitally directly between the parties rather than at the Immigration Office (*Sportello Unico per l'Immigrazione*). Following this, the employer must submit the signed documents to the Immigration Office.

Upon filing the work permit application, the employer must submit (among the other documents required) the "appropriate documentation regarding the accommodation arrangements for the foreign worker (signed with a qualified digital signature)" (it is unclear if only a housing suitability certificate—*certificato di idoneità alloggiativa*—will be accepted or if the employer can submit a digitally signed statement confirming that a suitable accommodation will be provided on arrival for the worker) and the labor consultants attestation (*asseverazione*) digitally signed, as well as the digital email address (PEC).

This change abolishes the obligation of the employer and the worker to go to the Immigration Office within eight days of the worker's entry into Italy for the signing of the contract of stay. Instead, within

the eight-day period, both the employer and the worker must sign the contract of stay digitally (through a qualified digital signature, although the worker can also sign the contract in handwritten form). The employer must then promptly send the signed contract to the Immigration Office. The work permit may be revoked if the digitally signed contract of stay is not submitted within eight days, unless the delay is due to *force majeure*.

The new procedure also applies to the procedures for issuing authorization for seasonal work, for entry for work in specific cases as outlined in Article 27 of the TUI, and for entry and residence for highly qualified workers as described in Article 27-quater of the TUI (intra-company, service agreement, Blue Card).

Employer confirmation before visa issuance required: Employers now must confirm their effective interest regarding the work permit before the visa is issued. Specifically, *employers must confirm the work permit application within seven days of being notified that the worker's visa application has been examined. If the employer fails to provide this confirmation, the authorization request is deemed rejected, and the work permit is revoked.*

The new procedure is effective in January. In practice, once the work permit is approved, the Visa Information System that receives the worker's visa application will send a notification to the Immigration Office before processing it. This, in turn, will transmit a request to the employer via certified email (PEC) for confirmation of their interest in the work permit. If confirmation is not received within seven days, the authorization is revoked.

Work permit applications submitted by an employer that, in the previous three years, has not signed a contract of stay following a previous, similar work permit application will be rejected.

Shortened waiting period for labor market tests: The response time for labor market availability checks has been reduced from 15 days to eight days. If the Employment Center does not respond within eight days regarding the labor market test conducted by the employer, it is possible to proceed with the work permit application, thereby accelerating hiring procedures and reducing waiting times.

Flexibility for seasonal workers: Seasonal workers now can secure new employment within 60 days after their previous contract ends without needing to leave Italy.

The new regulations introduce a time limit of 60 days from the end of the previous employment contract within which a new seasonal job offer can be made, along with the consequent extension and renewal of the work authorization and residence permit.

New set of rules regarding work permits under the quota system: In addition to the above, the decree introduces a set of rules regarding the issuance of work permits under the quota system, as provided for in the Decree of the President of the Council of Ministers dated September 27, 2023 (setting the procedures and quotas for the years 2023–2025). These rules include:

Possibility to pre-fill work permit applications well before the “click day.” Pre-filling of the forms was possible from November 1, 2024, to November 30, 2024 (and, limited to the tourism sector for the click day on October 1, from July 1 to July 31). During this phase, employers were given the opportunity to select the work permit request template and fill in the fields so that the application was ready for submission on the designated click day. Timely submission of applications was crucial, as they were primarily processed in chronological order of arrival.

Authorities are conducting checks on the prefilled applications, on compliance with the National Collective Labor Agreement (CCNL), and on the number of applications submitted, taking into account the attestation (*asseverazione*) attached to the application.

10,000 quotas for workers assisting the elderly and disabled. The decree provides for the entry of foreign workers, with a maximum limit of 10,000, to be employed in the sector of family and social-healthcare assistance, exclusively for individuals over 80 years of age or persons with disabilities. Applications for this category of workers can be submitted only through employment agencies (APL) or employer associations that have signed the current National Collective Labor Agreement for the domestic sector.

Workers authorized under this procedure will only be allowed to engage in the authorized work activity during the first 12 months, and any change of employer is subject to prior authorization from the relevant Territorial Labor Inspectorate. At the end of the 12 months, in case of an offer of another employment contract, a new work permit must be applied for, within quotas that are expected to be established by subsequent flow decrees.

Maximum number of applications per applicant. For the year 2025, individual employers may submit up to three work permit applications under the established quotas. This limit does not apply to requests made through employer associations or labor consultants.

“Click days” and new quotas for 2025. The entry quotas and click day dates for 2025 have already been established by the relevant Decree (DPCM September 27, 2023). In particular:

- Starting at 9 a.m. on February 5, 2025, applications can be submitted for non-seasonal subordinate workers from countries having cooperation agreements with Italy.
- Starting at 9 a.m. on February 7, 2025, applications can be submitted for other non-seasonal subordinate workers (including those in the family and social-healthcare assistance sector).
- Starting at 9 a.m. on February 12, 2025, applications can be submitted for seasonal workers.

An additional date added.

- Starting at 9 a.m. on October 1, 2025, reserved for the tourism and hospitality sector

The decree also increases the quotas reserved for seasonal workers in 2025, from 93,550 to 110,000.

Measures to prevent irregularities in work permit applications for citizens of high-risk states. Finally, the decree introduces stricter controls for work applications from citizens of countries deemed high-risk (specifically Bangladesh, Pakistan, and Sri Lanka), eliminating the tacit consent procedure and requiring formal checks before issuance of the work permit.

Decreto Flussi: New Quotas for Agricultural Sector

New quotas for the agricultural sector are intended to facilitate the recruitment of seasonal workers, thereby supporting the operational needs of the agricultural industry.

The Ministry of Labor announced the distribution of an additional 5,850 entry quotas as part of the 2024 *Decreto Flussi*. This aims to address seasonal labor demands in the agricultural sector, responding to requests submitted by employer organizations to the Immigration Office.

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SPAIN

New reforms have been introduced in the immigration regulations that are aimed at improving the integration of migrants in Spain.

Today, the Official State Gazette (BOE) has published Royal Decree 1155/2024, dated November 19, 2024, which approves the Regulation of Organic Act 4/2000, of January 11, on the rights and freedoms of foreigners in Spain and their social integration. This decree, effective May 20, 2025, introduces new reforms approved by the Council of Ministers aimed at improving the integration of migrants in Spain.

Key changes include:

- **Alignment with European legislation:** The new regulation is adapted to the current migratory situation and European Union (EU) directives addressing labor market demands and demographic challenges.
- **Simplification of procedures:** Administrative procedures and timelines have been streamlined, eliminating redundancies and strengthening the rights of migrant workers.
- **Validity of permits and visas:**
 - All initial permits will be valid for one year, with most renewals granted for a period of four years.
 - The job search visa is extended to one year, facilitating the search for employment aligned with professional profiles.
 - During the 90-day validity period of the re-entry permit, no restrictions will apply to entries and exits using a single document. Currently, this permit is issued only for a single entry.
- **Work authorizations for specific durations:** These are regulated as a specialty within initial residence and work permits for employees. Additionally, self-employment is allowed alongside principal employment.
- **Residence authorization for family members of Spanish nationals:** A new chapter is introduced to regulate temporary residence permits for relatives of Spanish citizens.
- **New regularization mechanisms:** Five new types of *arraigo* ("roots" regularization procedure) (e.g., social, labor) are introduced, including a new "second chance" mechanism for regularizing individuals whose permits were not renewed in the past two years.
- **Stay for studies:**
 - The regulation clarifies the types of studies or training activities eligible for permits and defines the institutions and centers where these activities can take place. A new **Registry of Institutions and Higher Education Centers** will be created.
 - Certain students will retain the right to work up to 30 hours per week.
 - The process for granting stay permits to students and their family members has been improved, allowing applications to be submitted while the applicants are already in Spanish territory.

- **Van Der Elst process:**

The procedure for residence authorization with an exception to the work authorization requirement will apply to foreign nationals holding a valid work permit in an EU Member State who are transferred to Spain within the framework of a transnational service provision, as defined by **Law 45/1999, of November 29**, on the posting of workers in the context of transnational service provision.

- **Long-term residence:** Minor procedural changes have been introduced to align with the **Council Directive 2003/109/EC** on the status of third-country nationals who are long-term residents. The regulation also partially transposes the **Directive (EU) 2021/1883** regarding the calculation of legal residence periods for holders of EU Blue Cards.
- **Changes to the status of foreigners in Spain:** Major updates have been made, primarily to partially transpose the **Directive (EU) 2024/1233** of the European Parliament and Council, dated April 24, 2024, into Spanish law.

According to the government, these new reforms focus on three key pillars: **employment, training, and family**, as fundamental components for migrant inclusion, with a strong emphasis on human rights. They represent a significant step forward in Spain's migration policy, offering new opportunities and guarantees for both migrants and businesses.

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TÜRKIYE

Türkiye has initiated a digital nomad visa program for remote workers to live and work in the country under certain conditions for a temporary period.

A new Digital Nomad Visa (DNV) category was promoted by the Turkish Ministry of Culture and Tourism as of April 2024. This article outlines the steps to obtain Digital Nomad Status in Türkiye and provides an overview of the eligibility criteria. |

Eligibility

Foreigners who wish to stay in Türkiye while continuing remote work must meet certain conditions. For the certificate, visa, and residence permit stage, applicants must evidence that they:

- Will work remotely in Türkiye for an employer abroad or as an independent contractor (performing no work on behalf of Turkish entities or persons);
- Are between the ages of 21 and 55;
- Are a national of Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Romania, Russia, Ukraine, United Kingdom, or the United States;
- Have a diploma evidencing that they are a university graduate;
- Can provide a document evidencing that they work, or will work, in a digital nomad capacity (employment contract with an employer outside Türkiye or a contract that evidences that they are self-employed); and

- Have a monthly income of at least \$3,000 or an annual income of at least \$36,000.

Steps to Obtain Digital Nomad Status

Applicants will need to log into the Digital Nomad site to apply for a certificate (see steps below). Upon issuance of the certificate, if they are outside Türkiye, they can apply for a DNV at the Turkish consular post where they reside. If they are already present in Türkiye, they can apply for the certificate and, if qualifying, may then file a residence permit application at the Migration Directorate where they reside.

Step 1: Digital Nomad Certificate Application

The applicant must [create an account](#) on the Ministry of Culture and Tourism's online system, upload the required documents, and submit the application. Upon approval of the application, the applicant can log in to the system and download the Barcoded Digital Nomad Certificate.

Step 2: Digital Nomad Visa Application

After obtaining the certificate, the applicant must log their visa application with the [Ministry of Foreign Affairs](#) or book an appointment with an intermediary visa agency if applicable. Through the online system, the applicant must book their consular appointment. The applicant will then visit the consulate or agency on the appointment date to file the DNV application. The consulate or agency will inform the applicant of the adjudication time for issuance of the visa.

Step 3: Residence Permit Application

Once the applicant has entered Türkiye with the DNV, depending on the length of planned stay, validity, and duration-of-stay dates issued for the visa, the applicant may need to apply for a residence permit (RP). This will be required in particular if their intended duration of stay is longer than three months.

The applicant must gather the required documents and request an online appointment with the Migration Directorate. The applicant must submit the residence permit application in person and await approval. Processing time may vary between two to five weeks from the filing date.

Step 4: Address Registration

After the residence permit is approved, the applicant must register their address with the relevant Migration Directorate within the legal timeline.

Warnings

- **DNV Validity:** The duration of stay and validity period are at the discretion of the consular officer. In any case, the duration of stay cannot be longer than three months.
- **Visa Processing Time:** Generally, applications are adjudicated within two to 20 business days. However, processing times for the DNV may vary as it is a newly introduced visa category.
- **Digital Nomad Residence Permit Validity:** Although it is not explicitly mentioned, the residence permit is issued with a maximum six months of validity in practice.
- **Additional Documents:** Additional documents may be required by the consulate or Migration Directorate as guidelines are updated.
- **Consulate Familiarity:** Given the recent introduction of this visa type, Turkish consulates in some countries are still in the process of implementing this program.

- **Migration Directorate Familiarity:** The Migration Directorate is still in the process of implementing this category and how it affects residence permit eligibility.

Türkiye now joins the many countries offering visas for digital nomad work.

UNITED KINGDOM

The UK government has extended the deadline after which visa applicants will no longer be issued biometric residence permits (BRPs). Also, the government has issued clarifications regarding skilled worker salary increases, and there are new efforts to link migration policy with skills and the wider labor market policy, along with more compliance enforcement for sponsors.

It has long been the United Kingdom's (UK) plan that as of January 1, 2025, all visa holders traveling to the UK would not be able to use a biometric residence permit (BRP). However, on December 4, 2024, the [Home Office announced](#) a change in approach. The last-minute change was made in the face of concerns about potential travel issues and delay as travelers would not be able to use BRPs and airlines and Border Force officers would have to rely on new checking procedures.

Given the previous plan, nearly all BRPs were given an expiration date of December 31, 2024, even if the visa/permission was actually valid longer. **The change means that anyone with a BRP short-dated to December 31, 2024, whose visa remains valid can continue to use their BRP to travel to the UK until March 31, 2025** (and that date is being kept under review).

As a result of the change in approach, practitioners advise telling employees these three things:

- **BRP holders should still create a UKVI account by the end of the year.** Anyone who has a BRP short-dated to expire on December 31, 2024, must create a UK Visas & Immigration (UKVI) account before the end of the year. This [short guide on how to create a UKVI account](#) explains the process. The UKVI account will contain the online record of the person's digital immigration status, known as an eVisa.
- **Create a share code before traveling back to the UK.** Even if the BRP holder has created a UKVI account (and so has an eVisa), the Home Office has [updated guidance](#) to say that people with an eVisa should get a view-and-prove share code before they travel because "Your carrier [airline] may ask to see it": The share code will be valid for 90 days. It should be the case that airlines and Border Force officers will be able to see details of the eVisa on their systems. But to avoid any issues and minimize delays, practitioners suggest that eVisa holders [create a share code](#) before they return to the UK, at least until March 31, 2025.
- **Carry a valid BRP when traveling.** Even where a BRP holder has created a UKVI account (and so has an eVisa) and has generated a share code, if they still have their BRP short-dated to December 31, 2024, and their visa is still valid, practitioners suggest they carry it when traveling back to the UK until at least March 31, 2025.

Skilled Worker Salary Increases

For any Skilled Worker application in the UK, it is necessary to pay the higher of the applicable general salary threshold (which can be as high as £38,700 for new applicants) and the going rate for the role.

The going rates were updated in the Immigration Rules as of April 4, 2024. There was confusion when some of the going rates in a July 2024 update to the [Home Office going rate guidance](#) showed some lower rates than were in the rules. On October 8, 2024, the Immigration Rules were updated again and in some instances the going rates went up (e.g., for occupation codes 3531 Brokers, 1258 Directors in

Consultancy Services, and 2494 Advertising Accounts Managers and Creative Directors).

Skilled-Worker and Sponsor Government Policy Updates

A recent [Home Office press release](#) indicated examination of some immigration policies with a view to reducing net migration. For example:

- **Researching the link between skills available in the UK and the need to recruit from overseas.** The Migration Advisory Committee has [been asked](#) to review the information technology and engineering sectors. Reviews of other sectors will follow. The government plans to "link migration policy with skills and wider labour market policy, so that international recruitment is no longer the default choice for employers filling skills shortages."
- **More compliance enforcement for sponsors.** The press release notes that work is underway to "clamp down on existing sponsor licence holders and to stop visa abuse, such as the ramping up of investigation visits by [UKVI], and suspending and revoking licenses where employers abuse the immigration system and exploit migrant workers."

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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

Adam Cohen, of **Siskind Susser PC**, and **Ira Kurzban**, of **Kurzban Kurzban Tetzeli & Pratt**, were quoted by the *Washington Post* in [Elon Musk, Enemy of 'Open Borders,' Launched His Career Working Illegally](#) [available by subscription]. Mr. Cohen said that Mr. Musk could have obtained work authorization as a student, but that would have required him to be engaged in a full course of study. Otherwise, "that would have been a violation," he said. If he didn't go to school, "he wasn't maintaining his status." Mr. Kurzban said the Musk brothers' subsequent applications for work visas and to become U.S. permanent residents and naturalized citizens would have asked whether they worked in the United States without authorization. "If you tell them you worked illegally in the U.S., it's highly unlikely you'd get approved," he said. Mr. Kurzban also commented on an incident where Mr. Musk's brother, Kimbal, entered the United States to attend a crucial work meeting under false pretenses. "That's fraud on entry. That would make him inadmissible and permanently barred from the United States" unless the penalties were waived, Mr. Kurzban noted.

Mr. Cohen was quoted by the *Washington Post* in [Elon Musk Claims Student Visa Permitted Him to Work in U.S.](#) [available by subscription]. He said, "There are work options during studies, while engaged in a full course of study, and also after the completion of studies. But dropping out of school does not allow for work authorization. So there is a quite a gap there."

Klasko Immigration Law Partners, LLP, has published several new client alerts: [Department of State Removes 35 Countries From J-1 Exchange Visitor Skills List](#) and [Election 2024: Immigration Implications for Employers, Employees, and Investors](#).

Charles Kuck was interviewed on "[Politically Georgia](#)" (scroll down to the playlist and select "The Future of the Anti-Trump Movement and Trump's Immigration Promises"). Mr. Kuck discussed President-elect Trump's border, immigration, and deportation plans.

Mr. Kuck and **Cyrus Mehta** were quoted by the *Times of India* in [U.S. Supreme Court Upholds Discretionary Revocation of Visa Plans](#). Mr. Kuck said, "The issue really is the ability of agencies to operate without court oversight. This is a very dangerous situation for immigrants and gives immense power to the executive branch to revoke legitimate applications for 'good and sufficient cause' without any review. Bad actors, like President Trump, can use this to disadvantage legal immigrants." Mr. Mehta said, "This [Supreme Court] decision affirmed that federal courts have no jurisdiction in reviewing the revocation of an immigrant visa petition. Section 205 of the Immigration and Nationality Act authorizes the Secretary of Homeland Security to revoke the approval of an immigrant visa petition for good and sufficient cause. Once the [Department of Homeland Security] revokes the petition, a court cannot review the revocation as it is a discretionary action. Under INA 242(a)(2)(B), federal courts have been stripped of jurisdiction to review discretionary relief or actions. Revocation of a visa petition is a discretionary decision, according to *Bouarfa v. Mayorkas*, which is thus unreviewable by a federal court."

Mr. Kuck and **Greg Siskind**, of **Siskind Susser PC**, were quoted by CNN in [Elon Musk Is Sharing Some Details About His Immigration Path. Experts Say They Still Have Questions](#). Mr. Kuck said that Musk stating that he had a J-1 visa made it clear that he worked illegally, given the restrictions that would have allowed work only in connection with his academic program. "So clearly, he's admitting now that in fact, he did work illegally and violate his status. The only question is at that point, what did he do to fix his status violation?" Working illegally isn't a crime, Mr. Kuck said, but having done so would require steps to be taken to return to legal immigration status. Key unanswered questions, he said, are what steps Musk took to get his H-1B visa and when that occurred. "Student visas are some of the most complicated visas out there, and work related to them is also extraordinarily complicated. And to dismiss it in a two-line tweet, 'Well I had a J-1 and it went to H-1B,' yeah, trust me, there's always a lot more to it than that," he said. Mr. Siskind said, "Musk would have needed to be engaged in a full course of study (at least 12 academic hours a semester) in order to qualify for work while being a J-1 student." He added, "For me, it's the hypocrisy. He's been fixated on illegal immigration in the last year. And you know, he should be empathetic to the people who are struggling with the immigration system."

Mr. Kuck was quoted by the *Atlanta Journal-Constitution* in [Democrats Turn to Former Presidents for Campaign Boost in Georgia](#) (available by subscription). The article discusses a proposed Georgia law to make it harder for undocumented people to buy guns using government-issued IDs. Immigrants without legal status cannot use such IDs to buy guns, Mr. Kuck said.

Cyrus Mehta and **Kaitlyn Box** co-authored several new blog posts: [Ethical Obligations of the Attorney to Safeguard Information About a Client's Whereabouts With a Removal Order Under Trump 2.0](#); [Biden's Last and Best Gift to Legal Immigrants: Advancing the Filing Dates in the 2025 January Visa Bulletin to Current](#); [Saving America by Defending Clients Against Trump's Immigration Policies](#); [State Department's Interpretation of *Matter of Arrabally and Yerrabally* at Odds with BIA's](#).

Mr. Mehta and **Jessica Paszko** have co-authored a new blog post: [As "Brain Gain" Replaces "Brain Drain" State Department Removes Many Countries Including China and India From the Two-Year Home Country Requirement](#).

Mr. Mehta authored a new blog post: [USCIS' Change in CSPA Policy Can Help Aged Out Children Who Missed Out During the October 2020 Visa Bulletin EB-3 Advance for India](#).

Mr. Mehta was quoted by *Bloomberg Law* in [Parole Program for U.S. Citizens' Spouses Found Unlawful](#). Even if an appeal of a federal judge's decision to strike down the Biden administration's "parole in place" program for undocumented spouses of U.S. citizens were filed, it would likely be quickly withdrawn by the new administration, he said: "It puts the final nail in the coffin with regards to parole-in-place."

Mr. Mehta and **Stephen Yale-Loehr** were quoted by the *Times of India* in [Indian IT Companies Brace for Tighter Visa Guidelines](#). Mr. Mehta said he could see the Trump administration tightening legal immigration even though their focus so far has been on people coming through the border. "Indian IT firms will be impacted, and we already got a taste of that during the last Trump administration," he said. Mr. Mehta noted that the Trump administration could issue regulations requiring higher wages for H-1B workers that may be well above market wages and could impose even higher filing fees. "The administration can also insist on specific contracts between the IT firm and the client when H-1B workers are placed at client sites, and if they approve the H-1B petition, can limit the validity period [until] the end date of the contract or work order with the third-party client." Mr. Yale-Loehr said that both legal and undocumented immigrants could be hurt by a second Trump administration. "During his first term in office, Donald Trump hurt H-1B workers by restricting who could qualify, slowing down processing times, and issuing more denials. He is likely to do that in his second administration." He also noted that a second Trump administration may try to make it harder for international students to work temporarily in the United States after they graduate. "Moreover, because there are more conservative judges now than before, litigation to stop such efforts may be less likely to succeed," he said.

Mr. Mehta and **Greg Siskind**, of **Siskind Susser PC**, were quoted by the *Times of India* in [Citizenship by Birth to be Curtailed by Incoming U.S. President Trump, Will Impact 1 Million Indians in Green Card Queue](#). Mr. Mehta said, "If a child whose parents are in H-1B status is not issued a U.S. birth certificate, they can seek review in federal court and should win. The Trump administration is capable of taking the case to the Supreme Court to test their theory, but even if the Supreme Court has Trump-appointed justices, it does not mean that they will abide by the policies of the Trump administration if they are in direct contradiction to the U.S. Constitution." Mr. Siskind said, "This will certainly be litigated as it violates the 14th Amendment. We will have to see if they go so far as to exclude children of people legally in the U.S."

Mr. Mehta, **Mr. Kuck**, and **Mr. Cohen** were quoted by the *Times of India* in [The Writing on the Wall is Clear: Tighter H-1B Norms on Anvil, Perhaps With Wage-Hikes and Stiffer Vetting of Applications](#). Mr. Cohen said, "If a wage hike is announced for H-1B workers and allotment is linked to the highest wages, it would badly impact international students. F-1 students typically transition to an H-1B and earn the lowest range of salary in the initial years of their career." Mr. Kuck said, "Prepare for major H-1B changes: a lottery based on wages, higher filing fees, and stricter enforcement against job shops. Expect higher denial rates, longer processing times, no immigration reform, no increase in green card allotments, no changes to the 7% per-country limit, and possibly reduced legal immigration." Mr. Mehta said that the Trump administration "could make it more difficult for employers to renew H-1B visas by requiring artificially high wages and making it harder to prove that the job qualifies as a specialty occupation for H-1B classification."

Mr. Mehta was chair of the American Immigration Lawyers Association's (AILA) National Ethics Committee when AILA released its first ethics compendium in 2012. The book was updated and re-released in book format in 2024 when Mr. Mehta was again chair of the National Ethics Committee. [AILA Ethics Compendium: Modern Legal Ethics for Immigration Lawyers](#) is designed to assist both experienced and novice immigration lawyers in navigating the complex ethical issues that arise in their practice. It is the result of a decade-long project brought to fruition by the dedicated efforts of the committee. It provides an in-depth analysis of the ABA Model Rules of Professional Conduct from the perspective of immigration lawyers. The compendium includes real-world hypotheticals, annotations, and commentary on each rule.

Mr. Mehta was quoted by *Bloomberg Law* in [Judge's Past Red-State Advocacy Shadows Big Immigration Case](#). Mr. Mehta noted that U.S. District Judge Campbell Barker's order raised questions about whether someone could be paroled "into" the United States if they were already present in the country and whether the Department of Homeland Security incorrectly focused on public benefits stemming from the larger parole program, rather than individual grants. That logic would undermine the legal basis of a separate program granting parole for military spouses, which has been used since 2013, Mr. Mehta said. "I don't think it's a foregone conclusion that this judge will rule in Texas' favor, but it's foreboding at this point in time," he said.

Cyrus D. Mehta & Partners PLLC [announced its acquisition](#) of Claudia Slovinsky and Associates, PLLC, significantly expanding and deepening its immigration law practice. Both law firms are renowned for providing exceptional legal representation in a wide range of immigration matters. They have developed mutual expertise in addressing the needs of both corporations and individuals. Both firms are deeply committed to delivering the highest quality legal services to immigrants, their families, and employers. As part of this transition, Cyrus D. Mehta & Partners is pleased to welcome **Dominic Kong**, a highly skilled and experienced immigration attorney with deep expertise in employment-based immigrant and nonimmigrant visa petitions. The firm also welcomes **Reynaldo Pabon**, who comes with law firm management experience and is joining as a management analyst to enhance workflow and technology. An article in *Law360*, [NY Immigration Boutique Buys Retiring Pro's Firm](#), available by registering, reported on the acquisition and quoted Ms. Slovinsky, the retiring lawyer who sold the practice to Cyrus D. Mehta & Partners PLLC.

Mr. Yale-Loehr was quoted by several news outlets, including the Associated Press, in [DACA Recipients Worry Their Protection From Deportation Won't Last Another Trump Term](#). He said the most likely scenario is that a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit will affirm that the Deferred Action for Childhood Arrivals (DACA) program is illegal and that the case will then go to the Supreme Court. He does not anticipate President-elect Trump immediately trying to end DACA when he takes office but did not rule out the possibility. "I don't know that they could actually terminate the program any faster than the current litigation is going. They could still do it, but they've got an awful lot of immigration policy matters on their plate." Mr. Yale-Loehr said that the Biden administration is limited in how it could help DACA recipients at this stage, but it could enable recipients to renew their permits early and process them as quickly as possible.

Mr. Yale-Loehr was quoted by Salon.com in [Experts Pour Cold Water on Trump's Plan to End Birthright Citizenship—But Issue a Stark Warning](#). He said that ending birthright citizenship could affect U.S.-born children's parents and other relatives, such as by potentially preventing officials from issuing passports and Social Security numbers or from providing welfare benefits to family members of those children. However, Mr. Yale-Loehr noted that Trump has no viable legal pathway to repealing birthright citizenship because an executive order cannot repeal an amendment to the U.S. Constitution and any executive action he takes attempting to do so would "trigger immediate litigation."

Mr. Yale-Loehr moderated a webinar, [Immigration Reform in 2025: What is Possible?](#), on November 20, 2024. Mr. Yale-Loehr and a panel of experts from the Cornell Law School immigration law and policy research program discussed what immigration laws and policies might change, both in the lame-duck session after the election and in 2025.

Mr. Yale-Loehr spoke on a recent webinar, "Preparing for Change: How the New Administration Could Impact DACA Recipients." The webinar focused on preparing Deferred Action for Childhood Arrivals (DACA) recipients for the potential impact of the new administration, with discussions on available immigration remedies, support and resources, and potential changes to employment-based options. The speakers also addressed the ongoing legal challenges to the DACA program, the importance of renewing DACA status, and the exploration of legal options for undocumented noncitizens. The conversation ended with a discussion on resources available for general educational purposes and the importance of self-care and community support. The [webinar recording](#) and [slides](#) are now available.

Mr. Yale-Loehr was quoted by the Canadian Broadcasting Corporation in [Trump Wants to Use a 226-Year-Old Law to Deport Millions of Undocumented Migrants. Can He Do It?](#) He said, "If Trump were to try to use the normal procedures, it would [be to] round up a lot of people and put them into immigration court proceedings. But it would be a long time before they could actually be deported." During those proceedings, an immigration judge would decide whether those individuals were deportable or entitled to some type of relief from deportation, such as asylum, he said. Due to backlogs, "[m]any cases are being scheduled for four or five years from now," Mr. Yale-Loehr noted, adding that if the future President Trump follows current deportation procedures, he would need money to hire more judges and immigration agents, and build more detention centers.

Mr. Yale-Loehr was quoted by the *South China Morning Post* in [Trump Names Architects of His Promised Mass Deportation Policy](#). Citing the due process clause of the U.S. Constitution, he said that "people have a right to a hearing before they can be deported. If they have applied for asylum, that means they're in immigration court and they cannot be summarily deported without finding out whether their asylum claim is valid." Mr. Yale-Loehr said that the Trump administration "will have to ask Congress for more money to hire more ICE agents, to create more detention camps, to pay for planes, etc., so you're not going to see a lot of mass deportations on Day One." He also noted that immigration courts are facing massive backlogs: "We already have 3.7 million cases in immigration court."

Mr. Yale-Loehr was quoted by *Newsweek* in [Democratic Governor Pledges Deportation Rebellion](#). He said that "so-called sanctuary policies" mean police "will not cooperate with federal immigration officials to turn over immigrants accused of crimes." "Such cities and states may use those policies to prevent mass arrests," he said. The first Trump administration "threatened to deprive so-called sanctuary jurisdictions of federal funding if they failed to cooperate with immigration agents. States and cities fought back, tying up the Trump administration's efforts in litigation. With more conservative judges now, it is unclear whether such lawsuits will succeed again."

Mr. Yale-Loehr was quoted by the *Chronicle of Higher Education* in [What Trump's Threats of Mass Deportation Could Mean for Higher Ed](#) (registration required). He said that although it is important to take Trump's stances seriously, "there's a big difference between rhetoric and due process." According to Mr. Yale-Loehr, there is a current backlog of 3.6 million deportation cases in the immigration courts. "Trump just can't round up students and put them on a plane." He said that college legal clinics could be a resource for concerned students. The article notes that a [project](#) run by Cornell University has counseled nearly 700 Deferred Action for Childhood Arrivals recipients, 60 percent of whom were identified as having a path to a skilled-work visa or other status.

Mr. Yale-Loehr was quoted by *Digital Journal* in [Trump Mass Deportation Pledge Faces Legal, Economic Barriers](#). He said, "Rhetoric is one thing. Actual implementation is something else. The Constitution provides due process for everyone in the country, not just U.S. citizens, so Trump cannot just round up people and send them out of the country the next day. There already is a backlog of over 3.6 million cases in our immigration courts."

Mr. Yale-Loehr was quoted by *The Appeal* in [Stopping Trump's Anti-Immigrant Agenda Will Be Harder This Time](#). "What scares me about another Trump term on immigration? Everything," he said. "We saw how much Trump hurt immigrants in his first administration: the Muslim travel ban, family separations, increased delays in processing routine cases. He will hurt immigrants even more if he's reelected, with devastating impacts on the U.S. economy, workers, and families."

Mr. Yale-Loehr and several others co-authored [Why U.S. Immigration Officials Should Allow 'Digital Nomad' Admissions](#), published by the Cato Institute.

Mr. Yale-Loehr co-authored [After Nearly a Decade, the Federal Program for Immigrant Entrepreneurs Is Finally Working](#), published by Technical.ly.

Mr. Yale-Loehr received an [award](#) from Cornell University for teaching and mentoring. He received the Provost Award for Teaching Excellence in Graduate and Professional Degree Programs for his work as a [professor of immigration law practice](#) and strategic director of the [Path2Papers](#) project in Cornell Law School. He has also created multiple law clinics to help people seeking asylum in the United States. Cornell noted that he "has taught immigration and asylum law to more than 500 students over more than 30 years."

Mr. Yale-Loehr was interviewed on the Sophie Alcorn Podcast, [198: Immigration Frontlines: Teaching, Testifying, and Transforming With Stephen Yale-Loehr](#).

Mr. Yale-Loehr was quoted by *Indian Express* in [The Long History of Immigration in the US—Part 2](#). He said that 1996 legislation has done little to address undocumented immigration. Due to the lack of temporary visas and the backlog in immigration courts, he said, "people are willing to take the chance of remaining in the U.S. illegally, rationalizing that if they do get caught, they would at least be able to send 5-6 years' worth of wages back home." Mr. Yale-Loehr said that the difficulty is between balancing humanitarian considerations with a mass justice system. Compounding the problem is that immigration law has not been amended in 34 years even though the needs of the United States have changed. He added that while the labor coalition of the Republican Party acknowledges the need for cheap workers,

they struggle to "square that reality against those who are opposed to foreign migration."

Mr. Yale-Loehr was quoted by the *Gothamist* in [White House Move Spells Doom for Migrant Program That's Aided Untold Numbers in NY](#). Commenting on the Biden administration's decision not to extend parole for certain people from Cuba, Haiti, Nicaragua, and Venezuela, Mr. Yale-Loehr noted that the program was established in part "to try to relieve some pressure on the U.S.-Mexico border." He explained, "So the people would be coming legally if they could have a financial sponsor in the United States, rather than illegally and tak[ing] their chances, risking that dangerous journey. But it is temporary and it has worked to reduce the number of illegal entries at the border." He noted that factors affecting the decision not to extend parole might include reports that the Venezuelan economy is improving.

Mr. Yale-Loehr co-authored a blog, [Think Immigration: How the New D3 Waiver Guidance Is Unlocking Opportunities for Dreamers in the Workforce](#).

Mr. Yale-Loehr was quoted by *PolitiFact* in [Immigration Experts Say JD Vance is Wrong. Haitians Under Temporary Programs Are in the U.S. Legally](#). Mr. Yale-Loehr noted that if temporary protected status were revoked, deportation would not be immediate. "They would all have a right to a removal hearing before an immigration judge to determine whether they have some right to remain here, such as asylum," he said.

Mr. Yale-Loehr was quoted by *Newsweek* in [Trump Team Eyes Using State And Local Police For Immigration Enforcement](#). He noted that a potentially applicable 1996 immigration law was not intended to allow local law enforcement to round up anyone suspected of living in the United States without authorization. "It's not geared for local cops to go into a factory and see if they can find some undocumented immigrants to pick up," he said.

Mr. Yale-Loehr was quoted by the *Boston Globe* in [College Campuses Scramble to Protect Foreign and Undocumented Students Under Trump](#) (subscription required). Most colleges are working "more behind the scenes than in 2017 because they fear that the new administration may put a target on their backs if they do so publicly," he said.

Mr. Yale-Loehr and **Mr. Siskind** were quoted by the *Washington Post* in [Under Trump Immigration Policies, Elon Musk Might Have Faced a 'Bad Situation'](#) [available by subscription]. The article says that Mr. Musk worked illegally in the United States for a time, obtaining a J-1 visa but launching a start-up instead of attending classes. According to the article, Mr. Yale-Loehr noted that in Musk's time, enforcement of rules against foreign students failing to enroll in classes or otherwise violating their terms of admission was spotty. Schools would have notified the government by mail or fax and information may have fallen through the cracks, he said. Mr. Yale-Loehr also noted that a 1996 law included penalties for those who had been in the United States unlawfully, including a requirement to leave the United States for three or 10 years before coming back, depending on how long they had been here. Mr. Siskind noted that the Trump administration tried to ratchet up those requirements even further, but was blocked by a federal court, and may try again to introduce further restrictions if they get the chance, adding, "They'll learn something from that time."

Mr. Yale-Loehr and **Mr. Siskind** were quoted by *Wired* in [Elon Musk Could Have U.S. Citizenship Revoked If He Lied on Immigration Forms](#). Mr. Yale-Loehr said that if Musk worked in the United States without authorization but attested that he hadn't done so, it's not clear whether that would be considered important enough to denaturalize him. However, he said, "on purely legal grounds, this would justify revoking citizenship, because if he had told the truth, he would not have been eligible for an H-1B [visa], a green card, or naturalization." The article also notes that applications for a green card include questions about whether the applicant has ever worked in the United States without authorization, violated the terms or conditions of their nonimmigrant status, or given the government

false, fraudulent, or misleading information. Having done so is grounds for deportability. "Those grounds of deportability have been around for decades, and the forms back then probably had similar or identical questions," Mr. Yale-Loehr said. Mr. Siskind didn't disagree that the law could expose someone who lied about working without authorization to loss of citizenship, but said that as a practical matter, it may not amount to a material fact. "If he had disclosed it, would that have prevented him from getting later immigration benefits? The answer to that is probably no." He said he nonetheless believes that there are serious questions here about the nature of the professional relationship between the Musk brothers, among other things.

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