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Feature Article

CLAWBACK CLAUSES: AN OVERVIEW

This article provides an update on clawback clauses in several countries.

Australia

Employer-nominated permanent residence (PR) cases

If the employer organization decides to fund any part of the PR process, the employee can be asked to repay an amount, for example, by way of [authorized](#) salary deduction or by way of a "costs claw-back clause" in the employment agreement should the employee leave the organization with, for example, two years (on a pro-rated basis).

Employer-sponsored work permits (subclass 482 Temporary Skill Shortage or Skills In Demand) cases

However, under the 482 work permit regime, sponsors cannot request visa holders/applicants to cover costs associated with a sponsorship or nomination, including associated immigration lawyer costs, the Skilling Australians Fund levy, or costs relating to the recruitment of the person. Also, these costs cannot be clawed back upon termination of the employment agreement.

Italy

Clawback clauses are permitted in Italy, but they are typically included in the employment contract rather than the job offer. These clauses may require the employee to reimburse the company for the costs of a training course if the employee leaves before an agreed-upon date. Once the employment relationship is established, the company can deduct the amount from any payments owed to the employee.

Regarding the possibility of including a clause in which a job offer recipient agrees to reimburse the company for the costs of obtaining a work permit and visa, while theoretically possible, several factors need to be considered: (1) In Italy, government fees for obtaining a work permit and visa are generally only a few hundred euros; (2) enforcing the reimbursement of external legal or consultancy fees would be difficult in practice, as the company cannot deduct these amounts from any payments due until the employment contract is in force, and the company would have no legal means to enforce the refund unless the individual voluntarily agrees to do so; and (3) the clause should clearly outline the conditions under which the individual would be liable, ensuring it is not punitive or unduly burdensome.

United Kingdom

UK Visas and Immigration (UKVI) made some changes to its Skilled Worker sponsor guidance on December 31, 2025. The changes appear to be focused primarily on new sponsor license applications. The more notable changes for existing sponsors related to clawback provisions are:

- Sponsors can no longer claw back from sponsored workers any sponsor license fees or Certificate of Sponsorship (CoS) fees for CoS assigned on or after December 31, 2024.
- It has always been prohibited to claw back the Immigration Skills Charge from a worker, but for those assigned a CoS on or after December 31, 2025, any clawback agreements with the worker should also not include the CoS fee (which is usually £239).

See *United Kingdom*, below, for additional details.

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Country Updates

EUROPEAN UNION

This article [takes a look](#) at the European Union's (EU) stance on citizenship by investment, and temporary protection permits for Ukrainian nationals.

Citizenship by Investment: Debate in the EU

Obtaining citizenship by investment (CBI) is far from a modern idea. The practice of selling citizenship dates back to antiquity. For example, the Romans used it as a method to generate revenue, and a well-known biblical account highlights this tradition. In Acts 22:22-23:11, a Roman centurion who detained Saint Paul the Apostle stated, "I had to pay a lot of money for my citizenship."

CBI schemes, or "golden passports," have sparked debate in the EU due to concerns over security, money laundering, and tax evasion, among other things. While EU institutions largely oppose these programs, citing, for example, risks to the single market, proponents highlight financial benefits, including €25 billion in foreign direct investment.

The European Commission's Position

The European Commission has consistently opposed CBI schemes, citing risks related to security, money laundering, tax evasion, and corruption. In January 2019, the Commission published a report highlighting these concerns and called for increased transparency and oversight of such programs. In September 2022, the Commission referred Malta to the European Court of Justice (ECJ) over its CBI scheme, arguing that granting EU citizenship in return for predetermined payments or investments "without a genuine link" to the Member State is incompatible with EU principles. The ECJ's final ruling is pending and may have significant implications for the future of CBI programs within the EU. (More about this below.)

The European Parliament's Position

In March 2022, the European Parliament issued a resolution proposing that Member States phase out CBI schemes and implement stringent checks on investor residence programs, emphasizing that CBI schemes are objectionable from an ethical, legal, and economic point of view and pose several serious security risks for EU citizens, such as those stemming from money-laundering and corruption.

The EU Council's Position

The Council does not have a favorable position regarding CBI schemes either. For example, in March 2024, the Council agreed to start negotiating on a draft regulation to update the mechanism for suspending visa-free access for third countries under specific circumstances. One such circumstance includes the operation of investor citizenship schemes, where citizenship is granted in exchange for predetermined payments or investments without any genuine link to the country in question.

The ECJ's Position

The ECJ has been involved in assessing the legality of CBI programs within the EU. In October 2024, Advocate General Anthony Michael Collins issued an opinion advising the ECJ to dismiss the European Commission's case against Malta's CBI program. He argued that EU law does not define or require the existence of a "genuine link" for acquiring or retaining nationality, thereby supporting Malta's discretion in determining its citizenship criteria. While the Advocate General's opinion is influential, it is not binding; the ECJ's final ruling is expected in early 2025.

Is the practice of CBI really so bad?

Some authors defend the sale of citizenship, arguing that it is less arbitrary and more transparent than other methods of acquiring citizenship, such as those based on the principles of *jus soli* (right of soil, or birthright citizenship), *jus sanguinis* (right of blood), or discretionary naturalization.

Traditional criteria for granting citizenship are, in fact, arbitrary: *Jus soli* relies on an accident of birth within particular geographical borders, while *jus sanguinis* depends on the sheer luck of descent. Why should those who have citizen parents or who were born within a State's territory have a stronger moral claim to citizenship than foreigners who are willing to pay or invest? Furthermore, monetary investment could be seen as a way to contribute to the common good of a political community.

As noted above, the sale of citizenship dates back to ancient times. Similar practices continued during feudal times, where the link between money and membership in the polity often served a dual purpose: to exclude certain groups while granting additional rights and privileges to the wealthy.

CBI schemes have raised concerns about certain inherent risks, particularly regarding security, money laundering, tax evasion, and corruption. Many scholars have equated CBI/RBI schemes with a form of commodification of citizenship. Some say that placing a price tag on citizenship, regardless of the

amount, has a corrosive effect on non-market relationships, eroding the bonds that connect us and reshaping our understanding of what it means to belong to a political community.

At minimum, each EU Member State and its competent authorities should exercise due diligence in carrying out robust background checks and ensuring compliance with the highest standards.

Temporary Protection Permits for Ukrainian Nationals

Decree-Law No. 202 of December 27, 2024, extends residence permits for temporary protection granted to Ukrainian refugees under Implementing Decision (EU) 2024/1836 until March 4, 2026. Holders of residence permits issued under the temporary protection regulation may apply for renewal by submitting a request to the competent authorities. However, such permits may be revoked before their expiration if temporary protection is terminated, as stipulated by the EU.

The decree also confirms the possibility of converting these permits into work residence permits, based on the activities carried out.

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ITALY

This article discusses what constitutes a "business" for visa purposes and what activities are permitted on a business visa. Also, an expiration date has been added to postal receipts for residence permit applications.

Which activities can you do if you enter Italy with a business visa?

Business (*affari*) is defined by Decree 850/2011 as:

- Making contacts;
- Conducting economic or commercial negotiations;
- Learning about or verifying the functioning of machinery purchased or sold under commercial or industrial cooperation agreements with an Italian company or for relevant professional refresher training;
- Visiting an Italian company's facilities; or
- Participating in exhibitions and trade fairs in Italy.

A definition of what can be considered "business" is in the EU Directive 2021/1883 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment. "Business activity" means a temporary activity directly related to the business interests of the employer, including attending internal or external business meetings, attending conferences or seminars, negotiating business deals, undertaking sales or marketing activities, exploring business opportunities, or attending and receiving training.

Expiration Date Added to Postal Receipts for Residence Permit Applications

The immigration authorities have introduced updates to the residence permit application process, effective November 11, 2024. These updates apply to applications submitted through *Poste Italiane* counters and aim to reduce errors and improve document management by postal staff.

One key change is the addition of an expiration date (*data di scadenza*) on the postal receipt for the residence permit application (Form 22AO). The expiration date is calculated automatically and set to a maximum of nine months from the date the application is accepted. As a result, postal receipts now

have a validity of nine months. The new postal receipt model is being introduced gradually, however. Not all post offices throughout Italy currently issue receipts with an expiration date.

This is expected to encourage Immigration Police Offices to adhere to the legal timeline of 60 days for issuing residence permits—although this timeline is rarely met, with appointments for fingerprints issued in some cases after one year or more from the time of application. If the deadline is not respected, an applicant may face challenges when traveling or proving legal status in the country while the application is still pending.

There is no clear guidance on what actions applicants should take if the receipt expires before the residence permit is issued. According to the circular letter announcing the change, applicants with receipts close to expiration may need to request a new appointment at the Immigration Police Office. Unfortunately, securing appointments can be difficult, as authorities are often unresponsive.

Another possible solution could involve submitting a new application at the post office to obtain a fresh postal receipt. However, this could create confusion and an unnecessary administrative burden, as a new application would generate a different case number for the same user and the same request, potentially complicating the processing of the residence permit.

UNITED KINGDOM

The Home Office has announced application fee increases and automatic grants of settled status. Also, Skilled Worker sponsor guidance has been updated.

Application Fee Increases

On January 16, 2025, the Home Office [announced](#) that certain application fees will increase. It is not yet clear when the fee increases will occur. Practitioners recommend submitting applications as soon as possible to avoid the increases.

The main fee increases will include:

- **Certificate of Sponsorship (CoS) fees.** CoS fees must be paid when sponsoring a Skilled Worker or a Senior/Specialist Worker (ICT). The CoS fee is increasing from **£239 to £525**.
- **Naturalization as a British citizen.** Generally, once someone has held indefinite leave to remain for 12 months, they may be eligible to naturalize as a British citizen. The naturalization fee is increasing from **£1,500 to £1,605**.
- **Electronic Travel Authorisation (ETA).** The [ETA](#) is the United Kingdom's (UK's) equivalent of the US ESTA scheme. It means that people visiting the UK visa-free need to apply for authorization before traveling. The ETA fee is increasing from **£10 to £16**.

Automatic Grants of Settled Status

The Home Office also made an unrelated [announcement](#) in relation to the European Union (EU) Settlement Scheme.

EU/European Economic Area/Swiss nationals in the UK before the end of 2020 could apply for the EU Settlement Scheme to be granted permission to stay post-Brexit. If they have been in the UK for less than five years, pre-settled status is granted, and if they have been in the UK for five years or more, settled status is granted. Pre-settled status holders approaching the end of their permission who have not applied for settled status have been granted automatic extensions for five years (previously two years).

The announcement confirms that some eligible people with pre-settled status will now automatically be granted settled status without needing to apply for it. The [updated Home Office guidance](#) confirms that settled status will be granted automatically in cases where the person has a UK national insurance number and HM Revenue and Customs, and Department for Work and Pensions, records show the person has been in the UK for at least five years.

Changes to Skilled Worker Sponsor Guidance

As noted above in the feature article on clawback provisions, UK Visas and Immigration (UKVI) made some changes to its Skilled Worker sponsor guidance on December 31, 2025. The changes appear to be focused primarily on new sponsor license applications. The more notable changes for existing sponsors are:

- Sponsors can no longer claw back from sponsored workers any sponsor license fees or Certificate of Sponsorship (CoS) fees for CoS assigned on or after December 31, 2024.
- It has always been prohibited to claw back the Immigration Skills Charge from a worker, but for those assigned a CoS on or after December 31, 2025, any clawback agreements with the worker should also not include the CoS fee (which is usually £239).
- Sponsors cannot sponsor workers to work for someone in a personal capacity, for example, when a company might sponsor the nanny of a worker—UKVI's guidance states that this is not allowed.

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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

Angela Devine-Ginion has been promoted to Executive Director of **Klasko Immigration Law Partners, LLP**. In 2014, Ms. Devine-Ginion joined the firm as its first Human Resources Manager and was promoted to Manager of Human Resources and Administration in 2021. In her new role, she will oversee the administration and operations of the firm, which has grown to more than 110 employees in nearly 20 states. She will continue to lead the firm's Social Committee, a pivotal group of staff members dedicated to fostering a culture of collaboration and maintaining the high morale for which the firm is renowned. Alongside the partners and management teams, Ms. Devine-Ginion will be responsible for the operations of the finance, marketing, and technology departments while continuing to oversee the administrative and human resource teams.

Janice Flynn was quoted extensively by *Irish News* in [Trump's Citizenship Restrictions to Impact Children of Undocumented Irish, Warns U.S. Immigration Lawyer](#). Ms. Flynn, who offers U.S. immigration legal services in London and Dublin, said that birthright citizenship has been the "bedrock of our immigration law since the 14th amendment" to the U.S. Constitution. Ms. Flynn said that the amendment, which grants automatic citizenship to anyone born in the United States who is "subject to the jurisdiction thereof," has been a "benefit" to the country: "It's straightforward. If you're in the United States, you give birth, you're contributing to society, you need to have that confidence that your children are going

to have status and they're not going to be treated like second-class citizens." For the estimated 10,000 to 50,000 Irish citizens living in the United States without legal status, revoking the amendment could limit their children's involvement in society and "access to education, employment and healthcare." She also talked about the fear factor: "I know there's a lot of people who were from Ireland who work in the construction industry, so it sort of opens the lid on all of that. If they don't have status, I'm wondering if they'll think, 'Oh well, I'm just giving up, I'm going to go back to Ireland'. It just feeds the fear. Unfortunately, it's going to affect people of color more than anything. So maybe not so much the Irish, but I think a knock-on effect if they're going after these industries, they get caught up in it."

Charles Foster, Chairman of **Foster LLP**, was featured by WBUR and National Public Radio in a discussion of the latest actions and plans of the Trump administration regarding immigration. "President Trump and his advisers will clearly, as evidenced by the fact that he plans to sign a bunch of executive orders, will do that (deport criminal aliens) and a lot of things to give the impression that they're doing more than what they can actually accomplish." The full discussion on WBUR is available at [Immigration attorney on Trump's plans to tackle immigration this term | Here & Now](#).

José Perez, of **Foster LLP**, was interviewed by *Houston Public Media*, a service of the University of Houston, in [Houston Attorney Says President Donald Trump Unlikely to Succeed in Removing Birthright Citizenship](#). He said that President Trump's executive order abolishing birthright citizenship will "be challenged as soon as President Trump signs it. It will have no effect whatsoever, because again, it's a constitutional protection. It's a civil rights issue, really." Regarding various actions President Trump has taken in his first week in office, Mr. Perez said, "If you're undocumented, the first thing you need to do is not to sign anything if you're detained by ICE, get yourself a lawyer, and then ask for a hearing before an immigration judge. You're entitled to that. That's due process."

Loan Huynh was quoted by the *Minnesota Post* in [Minnesota's Farmers Are Increasingly Dependent on Foreign-Born Workers Who May Be Victims of Trump's Immigrant Crackdown](#). She said that her firm provides farmers with hundreds of H-2A migrant workers every year, mostly from Mexico. "As our population grows, we need more workers and our farmers and agricultural workers are finding it harder to find these workers. U.S. workers don't want to do this work." She noted, "We are really concerned about an administration that has made it clear that immigration is something they want to decrease rather than increase."

Klasko Immigration Law Partners, LLP, has published several new client alerts: [Navigating a Government Shutdown: Immigration Impacts and Preparation](#); [Department of State Removes 35 Countries From J-1 Exchange Visitor Skills List](#); [CBP Clarifies That Holders of Valid I-512 Advance Parole May Be Admitted to the United States](#); [Uniting for Ukraine Parole Program Paused—Options Parolees May Have to Remain in the United States](#); and [President Trump's Day One Immigration Executive Orders Summary](#).

Klasko Immigration Law Partners, LLP, announced that three of its EB-5 attorneys have received recognition in the [2024 Top 25 issue of EB5 Investors Magazine](#): **H. Ronald Klasko**, **Anu Nair**, and **Jessica DeNisi**.

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 was quoted by *State Affairs* in [Legislation Seeks Stiffer Penalties Against Cities Harboring Undocumented Immigrants](#). The article discusses Georgia's [Senate Bill 21](#), which would "waive sovereign and governmental immunities for local governments and their officials and employees for a violation of the prohibition on immigration sanctuary policies" and "require sheriffs, jailers, and deputies to honor immigration detainer requests issued by the Department of Homeland Security." Mr. Kuck said the bill is

"irrelevant": "There are no sanctuary cities in Georgia. They've been illegal for years. This type of legislation is designed to be purely about politics. 'Hey, look at me. I'm tough on immigration,' because right now, they think people hate immigrants. That boat will turn around very quickly here when we start deporting people's best friends and best workers."

Mr. Kuck was quoted by *Filter* in [DEA Cleared to Make Immigration Arrests as Mass Deportations Begin](#). He said that agencies other than the Department of Homeland Security "do not have authority to...start the removal proceedings, nor to physically deport [undocumented persons] from the United States. That happens in the venue of the immigration courts." He warned, "What we're gonna see is [U.S. Immigration and Customs Enforcement] and these collaborating federal agencies now being forced to go after mom and dad, grandma and grandpa. Folks who've been here for 20, 30 or 40 years." He noted that "ICE already has a database of 1.5 million people with active deportation orders. Even if they focused only on them, they would be busy for the next four years."

Mr. Kuck was quoted by *Atlanta News First* in [Atlanta Immigration Attorney Explains What to Do if ICE Knocks on Your Door](#) (article and video). He said, "We've been actively calming people's fears since the day after the election, because anyone who really understood Trump knew all of this was coming." Mr. Kuck noted, "ICE issues these things called 'administrative warrants' that do not have the power of law and do not allow entry into a property. They don't satisfy the requirements of the fourth amendment. If they want to come in your house, they need a judicially signed warrant from a federal court judge. You simply say, 'I'm not letting you into my house. I'm not speaking to you any longer and I'm calling my lawyer. Thank you.' "

Mr. Kuck was quoted by *Axios* in [ICE Arrests Spark 'Fear' in Metro Atlanta Latino Communities](#). He said, "What I'm hearing is fear at a level that I have never seen, except perhaps after 9/11 in the Muslim communities. Fear, fear of losing the life they have, fear of sending their kids to school, fear of the future. And clearly, that's Trump's intention." The report notes that Mr. Kuck "predicted Trump's deportation plan isn't realistic considering the time and resources spent planning, processing and adjudicating the arrests of undocumented immigrants, plus limited available space in metro Atlanta's jails."

Mr. Kuck was interviewed by WABE's "Closer Look" in [Georgia-Based Immigration Attorney Responds to ICE's 'Targeted Operations' Across the Nation](#) (article and audio). He talked about the unfolding situation and how his law firm is responding. He also said he believes it's important for detainees to understand their rights and how they can protect themselves under the Constitution.

Mr. Kuck was featured in the *Atlanta Journal-Constitution's* "Politically Georgia" podcast, available on [Spotify](#) and [Apple](#). He discussed the implications of President Trump's decisions and what might come next.

Mr. Kuck was quoted by the *Atlanta Journal-Constitution* in [In Georgia, Enforcement of Laken Riley Act Presents Complications](#). "This is not a bill that would have helped poor Laken Riley," he said.

Mr. Kuck was quoted by the *Union-Bulletin* in [Georgia Schools, Colleges Brace for Immigration Changes Under Trump](#). He said that although U.S. Immigration and Customs Enforcement (ICE) agents are allowed on public properties like schools and colleges, he does not think they will make arrests in such places: "I think the American public would react quite negatively to that, in that context and in the reality that we live in. I think Americans still have a soul and that we believe that everybody does deserve a second chance. So, I don't see them doing it." Mr. Kuck said he's advising clients to know their rights. "If an ICE agent talks to you, you have no legal obligation to respond to them. You have no legal obligation to produce paper. You have no legal obligation to allow them into your house without a warrant signed by a judge. Even if you're undocumented, every right in the Constitution is given to you...in your personal life," he said.

Mr. Kuck was quoted by *Deseret News* in [Faith Leaders Weigh In as Trump Puts Pause on Refugee Resettlement](#). He noted that President Trump's order to abolish birthright citizenship would overrule the Supreme Court's past ruling on the 14th Amendment, which the President does not have the power to do. It would be difficult for President Trump to prevail in court, Mr. Kuck predicted: "There's no district court judge in the country who will overturn Supreme Court precedent, which exists on this issue. Actually, I don't think there are four Supreme Court justices who will agree to hear this case."

Mr. Kuck was quoted by *U.S. News & World Report* in [What Is Birthright Citizenship, and Can Trump Take It Away?](#) He said that for the Supreme Court to take up a case challenging President Trump's birthright citizenship executive order, four justices would need to accept it. But, he said, "I have no doubt that every district court judge in the United States will say that this executive order is unconstitutional. There's no doubt. Even Trump-appointed ones, I believe, will say that." Mr. Kuck noted that the term "subject to the jurisdiction thereof" in the 14th Amendment to the U.S. Constitution "was a widely used legal term in 1868. And everybody knew exactly what it meant, and it means diplomats. To say that it means anything else is completely contrary to history and to the facts."

Mr. Kuck was quoted by *WRBL News 3* in Columbus Police Chief on Deportation Rumors: ['I've Got No Evidence That ICE is in Community Doing Anything.'](#) He said, "There are right now 1.5 million people in America that have deportation orders. They've had their due process. Even them, does [U.S. Immigration and Customs Enforcement] pick them up and put them on a plane and send them home? No, they take them to a detention center. Why? Because of our international treaty obligations. We're required to tell the receiving country who is coming and when they're coming. And now, of course, we can't fly them on C-130s. So we're going to have to have, you know, Venezuela Airlines will fly up to Stewart and pick up a boatload of people. They're going to be in jail [for two or] six weeks. That's the reality. Nobody is getting picked up in the morning and deported in the afternoon if they're not literally in El Paso." Mr. Kuck also said, "The Constitution gives the word persons...human being[s]. It doesn't say citizens, [it] says persons unless you want to say they're not human beings, which would truly be extraordinary.... The reality is they're persons, just like they're persons for counting, for the Census, just like they're persons that you can arrest. They are persons to whom the Constitution applies, really simple. You might not like that. Too bad, because the Constitution also protects you."

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. Mehta authored a new blog post: [While the H-1B Modernization Rule Insulates the H-1B Program From Trump, It Gives More Power to Investigate Alleged Fraud Which Trump Will Readily Use to Harass Employers and Workers](#).

Mr. Mehta and **Kaitlyn Box** co-authored several new blog posts: [Biden's USCIS Welcomes Entrepreneurs Through the H-1B and O Visas. Will Trump Do the Same?](#); [Should Trump's Lawyers Implementing Policies that Hurt Immigrants Be Concerned About Violating Their Ethical Obligations?](#); [Trump's Executive Order Restricting Birthright Citizenship Is So Unconstitutional That Even the Supreme Court May Reject It](#); and

[Biden's USCIS Welcomes Entrepreneurs Through the H-1B and O Visas. Will Trump Do the Same?](#)

Mr. Mehta and **Jessica Paszko** authored several new blog posts: [2024 in Perspective From the Insightful Immigration Blog](#) and [As "Brain Gain" Replaces "Brain Drain" State Department Removes Many Countries Including China and India From the Two-Year Home Country Requirement](#).

Kaitlyn Box was [promoted](#) to Partner at **Cyrus D. Mehta & Partners PLLC**. She joins the leadership alongside Founder and Managing Partner **Cyrus Mehta** and Partner **David Isaacson**. Beyond her casework, Ms. Box has played a crucial role in the management of the firm. She has been instrumental in shaping recruitment decisions and advancing the firm's technological capabilities, and was a key figure during the acquisition of Claudia Slovinsky and Associates on October 1, 2024. Additionally, **Jessica Paszko** was promoted to Senior Associate.

Mr. Mehta was Chair of [Practising Law Institute's](#) Basic Immigration Law program on January 30, 2025, in New York City and webcast. He worked with distinguished panelists through the day who also contributed to the conference [handbook](#).

Greg Siskind, of **Siskind Susser PC**, was quoted by the *Times of India* in [End of Birthright Citizenship? What Donald Trump's Order Means for Indian Americans](#). He called President Trump's executive order "stunningly unconstitutional," noting that the term "subject to the jurisdiction thereof" was meant to apply to diplomats.

Stephen Yale-Loehr, of **Miller Mayer, LLP**, was quoted by *Times Higher Education* in ["Dire Consequences": Colleges in Crossfire of Trump Visa Debate](#). He said that discussions over H-1B work visas are tied into a wider debate around immigration. "H-1B work visas are a common way for international students to work in the United States after they graduate. If the Trump administration restricts H-1B visas, international students may be less likely to attend U.S. universities," he said.

Mr. Yale-Loehr was quoted by *Vox* in [What's Actually in Congress' Harsh New Immigration Bill?](#) The article discusses the "Laken Riley Act," named after a young woman killed by an undocumented person in February 2025. Mr. Yale-Loehr said, "The federal government will never have enough money or manpower to deport every undocumented noncitizen. Courts are not equipped to delve into the details of who to prioritize for deportation." If the bill becomes law and survives legal scrutiny, he said, the "result is that courts would become the final arbiters of immigration policy."

Mr. Yale-Loehr authored an article for the *Cornell Law Forum*: [How Cornell Law is Helping to Fix America's Broken Immigration System](#).

Mr. Yale-Loehr was quoted by the *New York Times* in [Biden Issues Sweeping Deportation Protections Before Trump Takes Office](#). He said, "Because President Biden has extended protection for the nationals of all these countries [Sudan, Ukraine, Venezuela], President Trump will be unable to deport these individuals any time soon. Trump can't ignore what Congress wrote into law in 1990."

Mr. Yale-Loehr was quoted by *PolitiFact* in [Are H-1B Holders Hired as Dog Trainers, Massage Therapists? Here's What Bernie Sanders Misses](#). "It is too early to tell which side will prevail in this battle" over nonimmigrant work visas, he said. "People like Elon Musk want to preserve H-1B visas. Other Trump administration officials like Stephen Miller want to restrict all immigration, including H-1Bs."

Mr. Yale-Loehr was quoted by *BBC News (Delhi)* in [H-1B: Visa Row Under Trump Fuels Anxiety for Indian Dreamers](#). He said, "The first Trump administration tightened H-1B visas by increasing denial rates and slowing processing times, making it harder for people to get visas in time. It is unclear whether that will happen again in the second Trump administration. Some people like Elon Musk want to preserve the H-1B visas, while other officials in the new administration want to restrict all immigration, including H-1Bs."

It is too early to tell which side will prevail." With respect to what students aspiring for jobs in the United States should do, Mr. Yale-Loehr advised, "Any immigration changes in the U.S. will take time to implement. Students should pick the best college for them, wherever that may be. With good immigration counsel, they will be able to figure out what to do."

Mr. Yale-Loehr was quoted by the *Los Angeles Times* in [California's Tech Titans Say H-1B Visas Are Vital. Will Trump Defy MAGA and Support Them?](#) He said that despite the deficiencies in the H-1B program, he believes that "most employers try to follow the rules. At the macro level H-1B workers are helping our economy and creating more jobs for U.S. workers." Mr. Yale-Loehr also noted that recent changes have given U.S. immigration officials greater authority to tighten up the H-1B program, including imposing penalties and inspections, and that these changes could strengthen enforcement and cut down on abuses. While President-elect Donald Trump recently seemed to endorse the H-1B program, Mr. Yale-Loehr said that it's "too early to see. You've got some people in the administration like Elon Musk who want to preserve the H-1B category and other people like Stephen Miller who want to restrict all immigration, including H-1B. We'll see which side wins over the four years of the Trump administration."

Mr. Yale-Loehr was quoted by *Newsday* in [NYC Migrant Crisis: For a Migrant Father and His Sons, a Year of Struggle, Fear and Hope in New York](#) (available by subscription). Many asylum applicants have no written evidence that could qualify them for asylum, he said. "It's very hard to get the documents from your home country proving that either you have been persecuted, or you have a well-founded fear of persecution. How many people can get a note from their torturer saying, 'This is why I tortured you?'" Despite President Trump's vows to deport millions of people, the father and his sons who are the subject of this article are "safer than other people" and cannot be deported until after a judge hears their cases, he said.

Mr. Yale-Loehr was quoted by the *South China Morning Post* in [What Fate Awaits Undocumented Chinese Migrants in the U.S. Under Donald Trump?](#) For those with removal orders, he said, "it's a matter of [U.S.] Immigration and Customs Enforcement (ICE) finding out where they are, picking them up and putting them on planes." But to carry out his full plan, President-elect Trump would need to ask Congress for more money to hire more ICE agents, create more detention camps for migrants awaiting deportation, and pay for flights, he noted.

Mr. Yale-Loehr co-authored [Tips for Advising Campuses in a Time of Immigration Uncertainty](#).

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 was quoted by Vox in [How Trump is Laying the Groundwork for Another Travel Ban](#). He said, "I think that [the Trump administration has] learned from their mistakes in the first administration, setting things up so that if they want to do a travel ban, it's fairly likely to be upheld in court. He said he thinks that immigrants' rights advocates "will try to find a friendly court to challenge whatever new travel ban comes out, and they may get an injunction. If the new travel ban is like the provision set forth in [President Trump's] executive order, and like the travel ban that was upheld by the Supreme Court back in 2018, then I would predict that the Supreme Court would also uphold this travel ban."

Mr. Yale-Loehr was quoted by *Newsweek* in [Donald Trump Has Promised a 'Golden Age' for the U.S. Can He Deliver?](#) He said, "With better-crafted [executive orders], courts may be less likely to issue

injunctions. From a legal perspective [the executive orders] may more easily pass judicial scrutiny." He noted that "[e]ven if Congress appropriates more money, it certainly is never going to be enough to deport millions of people" in a single term.

Mr. Yale-Loehr was quoted by the *Miami Herald* in [Can Schools Turn Away ICE Officials? Agents Need Specific Warrant to Enter, Experts Say](#). Mr. Yale-Loehr said that for U.S. Immigration and Customs Enforcement (ICE) agents to enter schools and other sensitive locations, including hospitals and courthouses, agents need a judicial warrant: "That means a warrant issued by a judge, not an administrative warrant signed by an ICE official." He explained, for example, that a judge might sign such a warrant for ICE agents to enter a school if a migrant student, staff member, or teacher is suspected of a crime. When asked whether school officials can turn away ICE agents, he said, "School officials can inform ICE agents that all agency inquiries must first be reviewed by the school district's lawyers to make sure they comply with applicable privacy and other laws." He noted that "[a]s a practical matter, ICE agents are unlikely to go to a school, for several reasons. First, obtaining a judicial warrant takes time. Second, ICE could get public blowback from arresting someone at a school." (A recent [highly publicized](#) instance turned out to be Secret Service agents rather than ICE agents visiting an elementary school. A spokesperson said they were investigating threats against a government official.)

Mr. Yale-Loehr was quoted by the *Financial Times* in [What It Would Take for America to Deport 11 \[Million\] Immigrants](#) (subscription required). Individuals with outstanding deportation orders may be removed from the United States immediately, he noted, "[b]ut that is a relatively small number. Most people picked up will be put into deportation proceedings in immigration courts."

Mr. Yale-Loehr was quoted by *Vox* in [Mass Deportations Aren't Here—Yet](#). He said, "We're not going to see a significant increase in actual deportations this year, even with the Trump administration's best efforts, simply for logistical and financial reasons. There will be some increase in actual deportations this year, but it's not going to be millions of people." He also noted that "practical challenges will make it difficult for Trump to quickly implement his campaign vision for mass deportations. But the reality of it may not matter so much as how the public perceives his agenda. What he's trying to do is have a public relations campaign that sows fear and chaos among immigrant communities and assures his base that he is doing everything that he can to have increased immigration enforcement."

Mr. Yale-Loehr was quoted by *Law360* in [Immigrant Rights Attorneys Set for Battle as Trump Returns](#). Commenting on immigrant advocacy groups' pushing for legislation at the federal level to provide additional funding for deportation defense programs and provide a right to counsel in immigration courts, Mr. Yale-Loehr said such bills are a long shot: "Those bills are not going to be enacted any time soon ... and even if they were, it would not solve the problem."

Mr. Yale-Loehr was quoted by *Newsday* in [Trump Signing Executive Orders on Immigration That Will Trigger Fear, Legal Challenges, Immigrant Advocates Say](#). Although the Supreme Court has not explicitly decided whether children of persons living in the United States without authorization are entitled to birthright citizenship, similar cases have ruled that those children are automatically U.S. citizens, he said. "Of all of the expected immigration orders, that one is the most likely to be struck down by the courts." He said that even if President Trump is unsuccessful in court, the orders "will cause chaos and fear among immigrants. And that may be the main point if he hopes that people will self-deport back to their home countries." Mr. Yale-Loehr noted that for asylum-seekers already in the country, the immediate impact of the orders may be limited because they have hearings pending in immigration court. "But if they have relatives overseas, those relatives may not be able to come to the United States, either through the refugee resettlement program or by trying to cross the border legally or illegally," he said.

Mr. Yale-Loehr was quoted by *Times Higher Education* in ["Dire Consequences": Colleges in Crossfire of Trump Visa Debate](#). He said that discussions over H-1B work visas are tied into a wider debate around immigration. "H-1B work visas are a common way for international students to work in the United States

after they graduate. If the Trump administration restricts H-1B visas, international students may be less likely to attend U.S. universities," he said.

Mr. Yale-Loehr was quoted by *Vox* in [What's Actually in Congress' Harsh New Immigration Bill?](#) The article discusses the "Laken Riley Act," named after a young woman killed by an undocumented person in February 2025. Mr. Yale-Loehr said, "The federal government will never have enough money or manpower to deport every undocumented noncitizen. Courts are not equipped to delve into the details of who to prioritize for deportation." If the bill becomes law and survives legal scrutiny, he said, the "result is that courts would become the final arbiters of immigration policy."

Mr. Yale-Loehr was quoted by the *Miami Herald* in [Can U.S. Citizens Be Deported? El Salvador Offers to Take American Criminals, Rubio Says](#). He said, "Natural-born U.S. citizens maintain their citizenship through the Fourteenth Amendment. Just as President Trump can't eliminate birthright citizenship by himself, so too the U.S. government cannot deport U.S. citizens, even if they have committed crimes. Otherwise, hundreds of thousands of U.S. citizens could be deported."

Mr. Yale-Loehr was quoted by *Syracuse.com* in [Immigration Crackdown in Upstate NY: A Knock at the Door and Fear: 'Everything is Different.'](#) He said, "ICE is definitely arresting more people right now, and making a big show of it." Commenting on reports that ICE is starting with people who have committed crimes but is giving arrest quotas to ICE offices, Mr. Yale-Loehr said deportations are likely to increase, noting that "[i]t is hard to meet quotas by just arresting noncitizens who have criminal convictions. For that reason, I suspect that ICE offices are going to places where they suspect there are a lot of immigrants, whether or not they have criminal convictions."

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