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FEATURE ARTICLE

COUNTRY UPDATES

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Feature Article

CITIZENSHIP BY DESCENT: AN OVERVIEW

This article provides an update on citizenship by descent in several countries.

Canada

In today's globalized world, many Canadians live and raise families abroad. Historically, children born abroad to Canadian citizens were considered Canadians under the principle of *jus sanguinis*. However, since 2009, the first-generation limit on citizenship by descent has prevented these Canadians from passing citizenship to their children.

This restriction was challenged in *Bjorkquist* v. *Canada* (2023 ONSC 7152), which found the first-generation limit unconstitutional. The Ontario Superior Court of Justice determined that it violated Sections 15 (equality rights) and 6 (mobility rights) of the *Canadian Charter of Rights and Freedoms*, and that these violations were not justified under Section 1.

According to *Bjorkquist* v. *Canada*, the Ontario Superior Court mandated that the federal government amend the legislation by November 20, 2025. As a result, the federal government introduced amendments to the *Citizenship Act* with Bill C-3 on June 5, 2025, that would restore citizenship to individuals affected by the first-generation limit.

Bill C-3 establishes a new framework for citizenship by descent, allowing Canadian citizens to pass on citizenship beyond the first generation if they meet a "substantial connection to Canada" test, defined as at least three years of physical presence in Canada before the child's birth or adoption. Bill C-3 will also restore citizenship to remaining "Lost Canadians," their descendants, and anyone who was born

abroad to a Canadian parent in the second or subsequent generations before the legislation comes into force.

On March 13, 2025, the government of Canada announced an expanded interim measure that provides a way for those affected by the first-generation limit to be considered for a discretionary grant of citizenship. Applications for Citizenship by Descent by individuals affected by the first-generation limit are currently being accepted, and there is a possibility for urgent processing when urgency criteria are met (e.g., employment, education, access to social benefits like health care).

The *Bjorkquist* v. *Canada* Ontario Superior Court of Justice decision and the introduction of Bill C-3 mark a pivotal shift in Canadian citizenship law, reaffirming the rights of Canadians abroad to transmit their nationality to their children.

Italy

Italian citizenship is based on the principle of *jus sanguinis,* meaning that a child born to an Italian father or mother is also an Italian citizen. However, the transmission of citizenship is not always automatic, specifically when a child is born abroad. This matter is outlined in the new Law No. 74/2025, which amends some of the regulations provided in Law No. 91/1992 on Italian citizenship.

Individuals born abroad with Italian ancestry do not automatically qualify for citizenship by descent unless they meet specific requirements. Among them:

- Having a parent or grandparent who exclusively held Italian citizenship at the time of the applicant's birth (or at the time of their death if it occurred before the applicant's birth).

- Having a parent or adoptive parent who has been resident in Italy for at least two continuous years after the acquisition of Italian citizenship and prior to the date of the applicant's birth or adoption.

More beneficial provisions apply to minor children even if they do not fall under the categories mentioned by the new law. They may acquire citizenship by declaration, which must be submitted by their parents to the competent authority. In this case, the procedure and requirements vary depending on the age of the minor.

If a person with Italian ancestry does not qualify for citizenship by descent, they may consider alternative routes, such as citizenship by residency or citizenship by marriage.

Netherlands

The Principle of Jus Sanguinis

Dutch nationality law follows the principle of *jus sanguinis*. This means that Dutch nationality is transmitted through descent from a Dutch parent. Being born on Dutch territory is only relevant for the acquisition of nationality under specific circumstances.

Under Article 3 of the Dutch Nationality Act (DNA), a child automatically acquires Dutch nationality if at the time of birth one or both of the parents is a Dutch national. This rule applies regardless of where the child is born—whether in the Netherlands or abroad. In other words, the determining factor is not the place of birth but the nationality of the parent(s) at the moment of the child's birth.

Until 1985 when the DNA entered into force, Dutch mothers could *not* transfer Dutch nationality to their children. The DNA repaired this and introduced measures to amend the existing effects of the old discriminatory rules. We first look at the current regime, introduced in 1985.

Acquisition Through a Dutch Parent (current regime)

A child acquires Dutch nationality automatically at birth if:

- On the day of birth, the mother has Dutch nationality, or
- On the day of birth, the father has Dutch nationality and is married to or is the registered partner of the mother.

Out-of-Wedlock Situations

If the father has Dutch nationality but is not married to the non-Dutch mother, the child becomes Dutch at the time of birth if it has been formally acknowledged by the father before the birth. Since March 1, 2009, acknowledgment *after* birth also creates Dutch nationality. If the father acknowledges the child after the child's 7th birthday but before it turns 18, the biological fatherhood must be established by way of a DNA test, which must be finalized within one year from the date of the acknowledgement.

In the period April 1, 2003, through March 1, 2009, a specific regime applied to children born out of wedlock from a Dutch father and acknowledged by the father or legitimized through marriage by the parents after the birth. Their avenue to Dutch nationality is the *option* procedure, a facilitated acquisition procedure comparable to naturalization but with important exemptions:

- No requirement of legal residence in the Netherlands
- No five-year waiting period
- No requirement to renounce one's original nationality

Adoption

Children adopted by Dutch nationals also acquire Dutch nationality at the time of the adoption. Main conditions:

- The adoption must be recognized under Dutch law or under the rules of the Hague Adoption Convention
- The family relationship with the original parents must be completely severed

Acquisition Through a Dutch Parent (regime before 1985)

A child acquired Dutch nationality automatically at birth if:

- On the day of birth, the father had Dutch nationality and was married to or was the registered partner of the mother
- On the day of birth, the mother had Dutch nationality and was not married

'Latent Dutch Citizens'

In the past, if the mother was married but to a non-Dutch national, the child did not become Dutch. This discriminatory provision was abolished in 1985. A three-year window was opened for "victims" of this provision to still request Dutch nationality at a Dutch consulate without additional requirements. In practice, many potential beneficiaries were not aware of the change in the law. To accommodate the unaware victims of the old rules, in 2010, after public advocacy, a permanent reparation was introduced: a dedicated option category for so-called "latent Dutch." This option procedure still serves

substantial numbers of applicants on a yearly basis, mostly living in traditional destination countries (Australia, the United States, Canada).

Birth in the Netherlands and *Jus Soli* Exceptions

Although the Netherlands does not generally grant nationality based solely on birth within Dutch territory, there a few exceptions, mostly by way of option:

- The adult alien who was born in the Netherlands and has had his or her principal residence there since birth, and has a residence permit at the time of the option request

- An alien born in the Netherlands as a stateless person who resides in the Netherlands legally for at least three years at the time of the option request

- An alien born in the Netherlands as a stateless person who has not reached the age of 21 and has at least five years of stable main residence (although not necessarily legal residence) and cannot reasonably obtain another nationality

There is one pure *jus soli* acquisition, the "third generation" provision: a child is Dutch by birth if the father or mother have their principal residence in the Netherlands at the time of birth of the child *and* the paternal or maternal grandmother or grandfather of the child had their principal residence in the Netherlands as well at the time of birth of the father or mother. The child must also have its main residence in the Netherlands at the time of birth. This mode of acquisition is by act of law and does not require an option request.

Dual Nationality

When we speak about Dutch nationality, we must also speak about dual nationality. The acquisition of Dutch nationality by birth can sometimes result in dual nationality, e.g., if the other parent has a different nationality or if the child is born in a *jus soli* country. For instance, a child born in the United States to a Dutch mother automatically acquires U.S. citizenship by birth (under U.S. *jus soli* rules) and Dutch nationality by descent.

The Dutch government traditionally discourages dual nationality, viewing it as potentially problematic for loyalty and legal clarity. Nonetheless, it is tolerated in situations where it arises automatically at birth and cannot reasonably be avoided. In such cases, the individual may retain both nationalities, although there are several mechanisms in the law that lead to loss of Dutch nationality by dual nationals such as voluntary acquisition of another nationality and living abroad for longer than 13 years without renewing one's Dutch passport, potentially also affecting one's children.

Proof and Documentation

Claiming Dutch nationality requires applicants to provide evidence (e.g., birth certificates, marriage certificates, naturalization certificates) of their parents' nationality and legal relationship at the time of birth. In particular, when the relevant facts took place abroad, legalizations are required, which can take long to obtain. It is therefore recommended to start well in advance of any move to the Netherlands or the European Union with applying for the passport.

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Country Updates

CANADA

This article discusses government inspections of workplaces and required documentation of foreign workers' pay and conditions, the updated proof-of-funds amounts for those applying for permanent residence under the Federal Skilled Worker Program and Federal Skilled Trades Program, and required language thresholds for certain LMIA-exempt work permit categories under the International Mobility Program.

Government Inspections of Workplaces and Required Documentation

Canada's immigration legislation allows the government to inspect workplaces and require the provision of documentation to ensure that a foreign worker is provided with the pay and conditions that the employer said would be provided. This is applicable to both the Temporary Foreign Worker Program (TFWP), which requires a Labour Market Impact Assessment (LMIA), and the International Mobility Program (IMP), which is LMIA-exempt. Employment and Social Development Canada (ESDC) conducts inspections under the TFWP, and Immigration, Refugees and Citizenship Canada (IRCC) conducts inspections under the IMP.

Employers of foreign workers under the TFWP and IMP must provide pay and conditions of work that are substantially the same but not less favorable than those stated in the application.

Inspections can occur at any time during the six years following the first day of the foreign worker's employment period pursuant to a work permit. Inspections can be triggered in three ways:

- By random selection—approximately one in four employers will be randomly selected for inspection.
- If there is a reason to suspect noncompliance, such as a complaint from an individual or a report in the media.
- If an employer has been noncompliant in the past.

Inspectors have very broad powers under the immigration legislation. For example, they can enter an employer's property without a warrant to assess compliance.

Typically, the government begins an inspection by notifying the employer that the company has been selected for inspection. The notification will list the documents that must be provided and may require specific actions to be taken by the employer. The legislative authority providing the inspector with their powers and outlining the responsibilities of the employer will also be cited. A deadline by which to respond and provide the documents will be provided, which is usually two weeks.

Inspections may only require the submission of documents, or they could involve onsite inspections. The latter may result in consensual interviews with employees and the foreign worker(s). The *Immigration and Refugee Protection Regulations* (IRPR) provide inspectors with the authority to perform audits without a warrant of locations where foreign workers are employed or provided housing accommodations. When the employment site is a dwelling-house, a warrant or employer consent is required. An employer may be noncompliant simply by not cooperating with inspectors and/or not providing requested documentation.

According to section 209.8(2) of IRPR, upon entry an officer may ask the employer and any person employed by the employer any relevant questions. However, inspectors routinely exercise the power to

ask questions of employees without a site visit and entry to premises. Inspectors also routinely do not disclose the questions they intend to ask or allow the employer or counsel to be present to determine if the questions asked are in fact relevant. In these circumstances, employers should consult an immigration attorney to understand their obligations and risks.

After an inspection, the employer is found to be either compliant or noncompliant. If an employer is determined to be noncompliant and in violation of the IRPR, the employer will receive a Notice of Preliminary Finding (NPF). The NPF must outline the violation and its surrounding circumstances, and the applicable enforcement measure, and must notify the employer that they have 30 days within which to provide written submissions.

The government states that the purpose of the employer compliance regime is to encourage compliance and not to punish employers. According to the IRPR, noncompliance may be justified when it results from a change in federal laws, provincial laws, or a collective agreement (e.g., changes in salary or minimum wage). When economic conditions affect all employees equally, noncompliance can also be justified. Good-faith misinterpretation by the employer regarding their obligations to their foreign workers may be justified when the employer did, or made efforts to, provide compensation to all of the foreign workers disadvantaged by the error. Unintentional administrative errors and accounting mistakes may justify noncompliance when the employer subsequently rectifies the inaccuracy. When noncompliance is the result of *force majeure* (e.g., destruction of the workplace through a natural or unintended disaster), it may be justified.

When no justification relieves an employer's noncompliance, the government sends a Notice of Final Determination (NFD). The NFD outlines the violation and its surrounding circumstances. These circumstances may have changed from the NPF. The NFD also outlines the relevant enforcement measure and, in the case of an administrative monetary penalty (AMP), how it is to be paid.

Proof of Funds

In July 2025, the proof-of-funds amounts for those applying for permanent residence under the Federal Skilled Worker Program and Federal Skilled Trades Program were updated. These amounts are based on 50 percent of the low income cut-off and are the minimum amounts of liquid, readily available, and unencumbered funds that one must show based on family size.

Language Testing Requirements Proposal for Certain LMIA-Exempt Work Permits

An amendment is being proposed to the *Immigration and Refugee Protection Regulations* that would allow the government to impose required language thresholds for certain Labour Market Impact Assessment-exempt work permit categories under the International Mobility Program. Applicants' language ability would be assessed by way of a language test. This requirement would make it more difficult for some applicants to apply for work permits under the selected work permit categories.

The government's rationale for this change is that it supports greater worker retention and increases the ability of workers to transition from temporary to permanent residence. The amendment has not been implemented yet, and the government is in consultations regarding this.

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New Publications and Items of Interest

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- 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

Janice Flynn was quoted by the *Washington Post*, the *Mumbai Mirror*, and *The Week*. She said that the new changes would "freeze the ability for people or for companies to bring in skilled labor into the United States." She said the changes will be felt hardest by small- and medium-size businesses. She noted that they could also cut off the pipeline of U.S.-trained talent and lead companies to consider whether they want to be based in the United States.

Charles Foster, chairman of Foster LLP, has authored an op-ed published by the *Houston Chronicle*, Trump's Immigration Policy Wages War on Houston's Economic Success.

Loan Huynh was quoted by *MPR News* in Trump's $100K H-1B Visa Fee Could Hit Major Minnesota Companies, Institutions. She said, "This fee will make it nearly impossible for many employers to sponsor foreign national workers that they desperately need." She noted that companies may try to seek waivers, but the rules are unclear.

Klasko Immigration Law Partners, LLP, announced the hire of Megan Kludt, a new Senior Associate, to their Individual Case Unit (ICU) team.

Klasko Immigration Law Partners, LLP, has released several client alerts: DOS Ends Third-Country Nonimmigrant Visa Appointments, Annual Cap Reached for EB-1 Immigrant Visas; Issuance Paused Until October 1; DHS Proposes Fixed Admission Periods for Students, Exchange Visitors, and Media Representatives; Project Firewall Launched Targeting H-1B Program Compliance; Trump Pushes Birthright Citizenship Case to SCOTUS; and Litigation Challenges $100K H-1B Fee Proclamation.

Charles Kuck was profiled by *Atlanta Magazine* in We Spent an Emotional Day With One of Atlanta's Top Immigration Attorneys. Here's Why He Says the System Doesn't Work. Among other things, he said, "There's nothing about our immigration system that works. It doesn't work for deporting the right people, and it doesn't work for getting the right people here. But this is all fixable. Congress can fix all of it tomorrow."

Mr. Kuck was quoted by the *Washington Post* in Indian Students Say New Social Media Scrutiny Cost Them U.S. Visas. Mr. Kuck said, "This is the kind of stuff that totalitarian regimes engage in." He also noted that getting approved for a visa after being rejected once is "highly unlikely. Not while Donald Trump is president."

Mr. Kuck was quoted in many media outlets regarding the U.S. Immigration and Customs Enforcement (ICE) raid on a Georgia Hyundai plant. A representative sample is below:

- After High-Profile ICE Raid, Trump Reportedly Wants Korean Workers to Stay in U.S. (*Time Magazine*). Mr. Kuck, who represents seven of the detained South Koreans, disputed ICE's claim that those arrested in the raids were "found to be working illegally." Mr. Kuck said his clients entered through either the U.S. Electronic System for Travel Authorization (ESTA) program or the B-1 temporary business visitor visa program. The article notes that earlier he had told the Associated Press that many of the workers "were either there as engineers or were involved in after-sales service and installation." He told Reuters that "[t]he vast majority of folks, including the ones I represent, should never have been detained."
- Anger Mounts in Korea as Release of Workers Detained in Georgia is Delayed (*New York Times*).

Mr. Kuck commented on where the South Korean detainees were being held at the ICE processing center in Folkston, Georgia. He said the private prison is unclean, poorly run, and unpleasant to be in. "It is jail," he said.

- Lawyer Says Many Immigrants Detained at Hyundai U.S. Facility Appeared to be Working Illegally (*Reuters*). Mr. Kuck said the workers he represents were legally allowed to engage in specific work that was outlined in letters attached to their applications, including installing and calibrating battery equipment. "It was more detailed than some of the letters that I've written for clients in similar situations," he said. "The vast majority of folks, including the ones I represent, should never have been detained." He said that in addition to South Korean workers, he was also representing two Mexicans with valid work permits through the Deferred Action for Childhood Arrivals program and a Colombian asylum seeker with a valid work permit. "They just arrested everyone who wasn't a citizen or a resident and figured they would sort it out later," he said.
- Metro Atlanta Korean-Americans Respond to Immigration Raid in Southeast Georgia (*Atlanta News First*). He said many of the workers were engineers and installers who would have been gone in a few months.
- South Korea Says a Charter Plane Carrying South Korean Workers Will Leave Atlanta at Thursday Noon (*11 Alive*). He said that no company in the United States makes the machines used in the Georgia battery plant, so the workers had to come from abroad to install or repair equipment on site—work that would take about three to five years to train someone in the United States to do.
- Flight Repatriating South Koreans Detained by U.S. Immigration Authorities Departs Atlanta (*YouTube/CNN*).
- South Korean Workers Detained in Immigration Raid Leave Atlanta and Head Home (*YouTube/WBNS 10TV*).
- South Korean Detainees Ready to Leave U.S., Despite Pres. Trump Seeking Ways to Let Them Stay (*YouTube/Arirang News*).
- After Georgia Hyundai ICE Raid, Asians Say Fear Exists in Community (*YouTube/11 Alive*).
- Immigration Attorney Representing Workers Detained in Hyundai Raid Speaks Out (*MSNBC*).
- Attorney Says Detained Korean Hyundai Workers Had Special Skills for Short-Term Jobs (*Politico*).

Mr. Kuck was quoted by the *New York Times* in South Koreans Are Swept Up in Immigration Raid at Hyundai Plant in Georgia. He said two of his clients who were in the United States under the Visa Waiver Program, enabling them to travel for tourism or business for stays of 90 days or less without obtaining a visa, were caught up in the raid. "My clients were doing exactly what they were allowed to do under the visa waiver—attend business meetings." He noted that one of them "had just arrived on Tuesday and was leaving next week." He said it appeared "that ICE was somewhat overzealous in arresting nonimmigrants who were clearly obeying the law."

Kuck Baxter Immigration LLC has hired **Lindsay Vick** as a new litigation partner. For the last 14 years, Ms. Vick has been working at the Department of Justice's Office of Immigration Litigation on the District Court team, leading the team for the last several years. She has done denaturalization work, among other things, but was the lead government counsel for Deferred Action for Childhood Arrivals cases.

Cyrus Mehta has authored a new blog post: Board of Immigration Appeals Allows Immigration Judges to Disregard Party Stipulations.

Mr. Mehta was quoted by *Newsweek* in Trump's H1-B Visa Move Sparks Alarm for Thousands of U.S. Businesses. He said, "The $100,000 supplemental fee [for new H-1B applications] will completely

eviscerate the H-1B program, and it would just impede and discourage employers from hiring H-1B workers." He noted that the combination of the fee and the Trump administration's proposal to weight selection by salary "would be a total disincentive for graduates to get hired in the U.S." He also pointed to the chaos immediately following the proclamation: "A lot of people tried to rush back to the U.S. … and that was completely unwarranted. We also heard about H-1B workers who were on a flight leaving the U.S. … they came out of the flight … after hearing the news in the cabin itself." Mr. Mehta also echoed frustrations about the lack of guidance. He said attorneys have been inundated with client questions but cannot provide definitive answers: "It was done so incompetently that there was no clarity at all. We are getting all kinds of tricky questions, and it's very hard to give advice with certainty." He added, "I just don't see how an employer would be willing to hire a grad and pay the $100,000 filing fee."

Regarding the Presidential Proclamation on H-1B entry restrictions and fee, **Mr. Mehta** was quoted in Forbes, Times of India (on relief to H-1B workers), and Times of India (on the prohibitive fee).

Mr. Mehta and **Kaitlyn Box** have co-authored several new blog posts: BIA Grasps for Loper Bright Like a Drowning Person Grasps for Straws, Trump Resorts to Heightened Good Moral Character Standard and Anti-Americanism to Deny Citizenship and Immigration Benefits, CSPA Disharmony is More Beautiful Than Monotony Notwithstanding a Discrepancy Between USCIS and DOS Policy in Protecting the Age of the Child, and Trump's Reshaping of the H-1B Visa in the Manner He Chooses is Further Demonstration of Authoritarianism.

Mr. Mehta has authored an article, Navigating Conflicts of Interest in H-1B Worker Terminations, published by Law360.

Mr. Mehta was quoted by the *Times of India* in Want a Visa, or a Green Card? It's Vital to Have Pro-American Ideologies, States USCIS. Mr. Mehta said, "How does the USCIS define 'anti-American'? Being critical of the Trump administration or for that matter any administration should not be deemed as anti-American. Indeed, it should be considered a virtuous activity to be critical of America or its administration as it is through criticism and dissent that we can reflect on all points of view, self-correct, grow and evolve."

Angelo Paparelli, of **Seyfarth Shaw LLP,** was quoted by *Newsweek* in Trump's H1-B Visa Move Sparks Alarm for Thousands of U.S. Businesses. He said, "This proclamation lacks the factual predicate … justifying the determination that the H-1B entry ban is in the national interest." He noted that the Trump administration's proposal "does not say how the $100,000 fee will be paid, where the $100,000 fee will be deposited and how it will be spent." Mr. Paparelli also highlighted practical concerns, such as how employers could make such large payments especially given that U.S. Citizenship and Immigration Services no longer accepts paper checks. "Most credit cards have limits that are far less than the $100,000 fee," he noted. Mr. Paparelli predicted that if the measure survives in court, it "would have major adverse impacts on the H-1B program, and force U.S. employers to consider recruiting fewer noncitizens here or seek more welcoming immigration options in other countries." He added, "The September 19, 2025, proclamation equates layoffs with abuse—a false conflation."

Stephen Yale-Loehr, of **Miller Mayer, LLP,** was quoted by *America's Voice* in Bad Bunny Hops Over U.S. on World Tour, Cites ICE Fears. In a quote from *The Hill* that was included in this article, he said, "Hosting global events is more than a point of pride—it's a test of openness, security and competence. A successful World Cup and Olympics would show the world that the U.S. remains dynamic, open and capable. But if fear and red tape define the visitor experience, we would send another message entirely: America isn't worth the trouble."

Mr. Yale-Loehr was quoted by *Newsday* in ICE Arrests: What's the Agency's Legal Burden for Making Them? He noted that by more widely applying a law dating to the Clinton era, the Trump administration can quickly deport an immigrant who has been in the United States for less than two years "rather than having to wait to go through the clogged immigration court system."

Mr. Yale-Loehr authored an op-ed published by *Slate*: Trump's Invisible Border Wall.

Mr. Yale-Loehr authored an op-ed published by *The Hill*, Ending Birthright Citizenship Would Create a Chaotic Nightmare.

Mr. Yale-Loehr was quoted by *Newsweek* in Florida Issues H-1B Visa Warning. He said, "Every government program has a few people who try to scam the system. But we shouldn't throw out the baby with the bath water and abolish the H-1B visa program. In my experience practicing business immigration law for over 40 years, the vast majority of H-1B employers play by the rules. Because of the expense, time, and uncertainty of the H-1B process, most employers would prefer to hire U.S. workers if they could."

Mr. Yale-Loehr was quoted by *The Intercept* in Accepted at Universities, Unable to Get Visas: Inside Trump's War on International Students. He said, "This administration has declared war on international students in a variety of ways, ranging from arresting people who've spoken out on behalf of Palestinians to cracking down on universities by claiming that they bring in too many international students. Slowing down the visa process or issuing more visa denials are administrative ways of accomplishing that goal."

Mr. Yale-Loehr was quoted by the *Gothamist* in Feds Raided an Edison, NJ Workplace. Advocates Warn It Could Signal an ICE Escalation. He said it remains to be seen whether recent workplace raids were directed from top officials in Washington, DC, or "just individual [U.S. Immigration and Customs Enforcement (ICE)] offices who set different priorities in terms of who they go after and how many people to try to round up." He noted comments from White House Deputy Chief of Staff Stephen Miller calling for the arrests of as many as 3,000 immigrants daily. That high target, Mr. Yale-Loehr said, would require federal agencies to expand their dragnet well beyond people with criminal records. "A raid on a manufacturing facility, or in this case a freight facility, can net you many more immigrants with the same amount of effort," he noted.

Mr. Yale-Loehr was quoted by CBS News in U.S. to Probe 'Anti-American' Views of Those Applying for Immigration Benefits Under Trump Directive. He expressed concerns about how U.S. Citizenship and Immigration Services (USCIS) would implement its latest guidance, calling the language in it "very subjective. This memo gives USCIS adjudicators even more reasons than before to deny a petition on discretionary grounds."

Mr. Yale-Loehr was quoted by *Newsday* in Fast-Tracking Deportations of Detained Immigrants Explained. He said, "Right now, ICE claims that anyone in expedited removal must be detained." However, he noted that a judge can issue a final order of deportation, and then ICE can pick up the person pending the actual deportation.

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