

GLOBAL IMMIGRATION UPDATE

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ATTRACTING TALENT: AN OVERVIEW - This article provides an update on attracting talent in several countries.

COUNTRY UPDATES

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<u>CANADA</u> – This article discusses the Canadian government's Immigration Levels Plan for 2026–2028, and Québec's Immigration Plan for 2026–2029. Also, restrictive rules on citizenship by descent have been eased.

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Feature Article

ATTRACTING TALENT: AN OVERVIEW

This article provides an update on attracting talent in several countries.

Canada

The Canadian government has proposed a number of investments and pathways to improve integration and attract international talent. These include a <u>one-time initiative to transition eligible Protected</u>

Persons in Canada as permanent residents over the course of the next two years. Further, as part of the <u>International Talent Action Strategy and Action Plan</u>, the government has proposed a one-time initiative and funding of up to \$1.7 billion to recruit more than a thousand exceptionally qualified international researchers to Canada.

To address labor shortages and attract top talent in health care, research, advanced industries, and other key sectors, the government also plans to launch an accelerated pathway for H-1B visa holders.

Italy

Italy offers several immigration channels designed to attract highly qualified professionals, entrepreneurs, and remote workers:

- The <u>EU Blue Card</u> is available to highly qualified non-European Union nationals with a job offer.
- The Italian Startup Visa targets innovative entrepreneurs seeking to launch ventures in Italy.
- Highly qualified digital nomads and remote workers can benefit from a dedicated visa.
- Streamlined procedures are also available to researchers, university professors, lecturers, translators, and interpreters, as well as <u>workers in the entertainment sector</u>.

Türkiye

Turkish immigration regulations have not been used consistently to attract foreigners engaging in specific types of "talent." In fact, immigration regulations have more consistently focused on which professions *cannot* be performed by foreign nationals or involve heightened restrictions (for example, lawyers, doctors, veterinarians, certain engineers and urban planners), although in 2024, Turkish immigration rules gave preference to company sponsors in the IT and healthcare sectors, and to companies with research and development (R&D) centers or in Technoparks. As an example, work permits for those in the information technology sector in many cases are not required to meet the 5:1 ratio of Turkish to foreign workers. This includes both IT companies seeking work permits and foreign IT professionals working in companies that are not necessarily in the IT sector. The same is also the case for companies with a registered R&D center or situated in an official Technopark.

These changes show a desire to enhance the immigration of foreigners engaged in technology fields such as IT, those engaged in R&D work, and those involved in Technopark projects and in health care.

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Country Updates

AUSTRIA

This article discusses Austrian citizenship for descendants of Holocaust victims.

The citizenship authorities with jurisdiction over Vienna have opined, before the Vienna Administrative Court, that well-founded fear of Nazi persecution for members of the Jewish community in Austria can be established long before the Nazis seized power in Germany in January 1933 and can even be traced back to November 1918. This change in administrative practice could significantly increase the number of direct descendants of Holocaust victims, and other members of the Jewish community who fled Nazi persecution, eligible for privileged naturalization in Austria.

Since September 2020, Holocaust survivors and descendants of Holocaust victims and survivors have been able to acquire Austrian citizenship in privileged proceedings. Under one of the routes to citizenship, applicants need to show that they (or their ancestors) (i) were Austrian, citizens of a former territory of the Austro-Hungarian Empire, or stateless; (ii) had their main domicile in Austria; and (ii) fled abroad before May 15, 1955, because they feared persecution by Nazi agents.

While these provisions contained a "stop date" (May 15, 1955), they left open the question of the earliest date after which flight from post-World War I (WWI) Austria must have occurred.

In September 2020, the citizenship authorities with jurisdiction over Vienna, in their administrative practice, adopted January 30, 1933 (the date Hitler was appointed Chancellor of Germany) as the start date for persecution. In other words, all members of Austrian Jewish communities (and other persecuted groups) who fled Austria after January 30, 1933, were considered to have done so because of a well-founded fear of Nazi persecution.

In a recent case based on a Jewish ancestor who fled from Vienna in 1929, the citizenship authorities submitted a historical report that was accepted by the Viennese Administrative Court and confirmed that well-founded fear of Nazi persecution for members of the Jewish community in Austria can certainly be traced back to 1925 and most likely even to November 1918, when WWI ended and the First Austrian Republic took shape.

This is because there was widespread antisemitism within the Austrian state apparatus (including in the judiciary and the police), which meant that the Austrian state was unable and unwilling to offer protection against ever-increasing attacks by Nazi supporters on members of the Jewish community.

Consequently, members of the Jewish community who fled Austria as early as 1925, and possibly as early as 1918, can be considered to have done so due to a fear of persecution, and may therefore be entitled, if the other eligibility requirements are fulfilled, to Austrian citizenship in privileged proceedings.

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CANADA

This article discusses the Canadian government's Immigration Levels Plan for 2026–2028, and Québec's Immigration Plan for 2026–2029. Also, restrictive rules on citizenship by descent have been eased.

Immigration Levels Plan for 2026–2028

As part of its budget, the Canadian federal government has announced the Immigration Levels Plan for 2026 to 2028. Major takeaways are that the number of temporary residents (workers and students) is to be further reduced, while the number of permanent residents is to remain at a reduced level from its height during the pandemic in 2021–2023. Since 2024, the government has reduced the numbers of temporary and permanent residents from the peak during the pandemic, and this policy is to continue. The government has already implemented measures to greatly reduce international student numbers, and the number of foreign workers in some categories, so while there will be a further reduction in numbers, this is not a marked departure from the government's current policy. The government expects that many who came during the pandemic and no longer have valid immigration status in Canada will leave voluntarily. However, it is also possible that many people who no longer have immigration status will remain in Canada, possibly leading to an increase in under-documented workers, which will create a host of new issues and further diminish tolerance for immigrants and Canada's immigration programs.

The government is aiming to reduce the number of temporary residents to less than 5% of Canada's population by the end of 2027. Immigration, Refugees and Citizenship Canada (IRCC) already has implemented measures to drastically reduce the number of international students, such as capping allocations to post-secondary institutions by province and territory, implementing Provincial Attestation Letters, and requiring proof of paying tuition and housing fees and having sufficient funds and financial support to meet the financial requirement (currently \$22,895 per person).

IRCC has also implemented measures to reduce the number of foreign workers particularly under the Temporary Foreign Worker Program, which deals with Labour Market Impact Assessments (LMIAs). These measures include refusing to process low-wage LMIA applications in areas with over 6%

unemployment and, in terms of the wage threshold differentiating low-wage from high-wage LMIAs, increasing this wage threshold by adding 20% to the median wage in each province or territory. New eligibility criteria for spouses of foreign students and foreign workers in high-skilled and low-skilled occupations outside of the free trade agreement categories were implemented in January 2025, which also contributed to lowering the overall number of temporary residents in Canada this past year. These policies are likely to continue in order to meet the government's target of temporary residents making up less than 5% of Canada's population by the end of 2027. The projections of numbers of temporary residents over the next three years are approximately 230,000 workers and 155,000 students in 2026; approximately 220,000 workers and 150,000 students in 2027; and approximately 220,000 workers and 150,000 students in 2028.

The overall number of new permanent residents is targeted at approximately 380,000 per year from 2026 to 2028. IRCC will place its focus on economic immigrants, with a reduction in immigration from family reunification as well as refugee and humanitarian immigration. The government will also continue its policy of favoring French-speaking permanent residence applicants living outside of Québec in an effort to increase the prevalence of the French language throughout Canada, with a target of 9% of permanent residents who speak French in 2026, 9.5% in 2027, and 10.5% in 2028. Overall, the percentage of economic immigrants is to be increased from 59% to 64% by 2028. The projections of numbers of permanent residents for the next three years are approximately 239,800 economic immigrants, 84,000 family class immigrants, and 56,200 refugee, humanitarian, and other immigrants in 2026; approximately 244,700 economic immigrants, 81,000 family class immigrants, and 54,300 refugee, humanitarian, and other immigrants, 81,000 family class immigrants, and 54,300 refugee, humanitarian, and other immigrants, 81,000 family class immigrants, and 54,300 refugee, humanitarian, and other immigrants in 2028.

Based on the government's permanent resident numbers and its focus on economic immigration, major initiatives regarding family reunification, such as increases in parent-grandparent sponsorship or initiatives related to increased refugee intakes, are unlikely. The government has said that it will give priority to temporary residents already living in Canada to transition to permanent residence.

Specifically, the government will accelerate the transition of up to 33,000 work permit holders to permanent residence in 2026 and 2027. Details have not been provided other than that these individuals will need to have paid taxes in Canada and have strong roots in their communities. It is reasonable to predict that this will have a positive effect on the balance of those persons in the express entry pool, especially for individuals that have been negatively affected by the removal of the arranged employment factor. As the number of temporary residents is reduced, the points cut-off for Canadian Experience Class draws is likely to fall too.

Further, the federal government has announced in its 2025 budget, released the same day as the immigration levels plan, that the federal public service is to be reduced by 28,000 positions through attrition and early retirement packages, from 357,965 in 2025 to approximately 330,000 employees by 2028–2029. How this will affect the operational capacity of IRCC remains to be seen, but fewer employees at IRCC would appear to be in line with reduced numbers of temporary residents and permanent resident applications. Given that some immigration business lines have long processing times already, these cuts are not likely to improve processing times.

In addition, the government has proposed a number of investments and pathways to improve integration and attract international talent. For more on this topic, see the feature article at the top of this issue.

To streamline employer compliance and improve consistent oversight for all employer-based work permits, employer-focused compliance inspections under the International Mobility Program (IMP) will be transferred to Employment and Social Development Canada. Currently, all IMP inspections are conducted by IRCC.

As a result of the reduction in overall temporary resident numbers, securing timely work permits for foreign workers will become even more challenging for Canadian employers. This will be further compounded by the reduction in IRCC employees and existing backlogs. Employers should therefore plan ahead. Employers should also consider lending support to their existing foreign worker pool to transition them to permanent residence, especially in light of the government's announcement to transition 33,000 work permit holders to permanent residents by 2026 and 2027. Finally, the government has also signaled that employers and foreign workers within industries and sectors affected by tariffs and operating in rural and remote communities could see some flexibility within these level plans.

Québec's Immigration Plan for 2026–2029

On November 6, 2025, the Minister of Immigration, Francisation and Integration presented <u>Québec's immigration plan for 2026–2029</u>, which places focus on regionalization, the French language, and balancing socioeconomic needs with Québec's capacity to integrate immigrants.

The Québec government seeks to permanently admit 45,000 immigrants into Québec in 2026, a reduction from the 61,000 permanent residents expected to be admitted in 2025. Regarding temporary immigration to Québec, it plans to temporarily admit between 84,000 to 124, 200 people in 2026, with a focus on the Temporary Foreign Worker Program and the International Student Program.

Québec announced further complementary measures to its immigration plan, including the official cancellation of the *Programme de l'expérience québécoise* (PEQ) as of November 19, 2025. This means that the only option for permanent selection of skilled workers in Québec is the *Programme de sélection des travailleurs qualifiés* (PSTQ).

Navigating Canadian immigration processes can be confusing, and there is a lot to unpack with the new plans. Contact your Alliance of Business Immigration Lawyers attorney with questions about temporary or permanent residence options or advice in specific cases.

Citizenship by Descent

For over a decade, a restrictive rule—the "first-generation limit"—has prevented many Canadians from passing their citizenship to children born abroad. This barrier has now been removed, opening the door for many individuals to pass on their Canadian citizenship to their descendants.

This restrictive rule was challenged in *Bjorkquist* v. *Canada*, where the Ontario Superior Court of Justice in December 2023 declared the first-generation limit to be unconstitutional. The Court found 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. The Court ordered the federal government to amend the legislation by January 20, 2026.

In response to *Bjorkquist* v. *Canada*, the previous federal government introduced Bill C-71 to repeal the first-generation limit, but the bill died when Parliament was prorogued in January 2025 and a Canadian election took place. The newly elected government introduced Bill C-3 (*An Act to amend the Citizenship Act*, 2025) on June 5, 2025, and on November 20, 2025, Bill C-3 was enacted into law.

Bill C-3 eliminates the first-generation limit and establishes a new framework for citizenship by descent:

• Individuals born before the law comes into force can claim citizenship if they can trace their lineage to a Canadian-born ancestor (parent, grandparent, or great-grandparent).

- Canadians can now transmit citizenship beyond the first generation to their children born after
 the law comes into force if they meet a "substantial connection to Canada" test, defined as at
 least three years (1,095 days) of physical presence in Canada before the child's birth or
 adoption.
- Bill C-3 also restores Canadian citizenship to individuals known as "Lost Canadians" who lost their citizenship due to changes to the *Citizenship Act* over the last two decades. Bill C-3 also restores citizenship to their descendants and to individuals born abroad to Canadian parents in the second or subsequent generations before the law came into force.

Following the enactment of Bill C-3, applications for proof of citizenship by descent from individuals affected by the "first-generation limit" will be accepted on the coming into force of the new law (the government of Canada may delay implementation of Bill C-3 for a short period of time to prepare new forms, train personnel, and educate the public concerning the new law) and processed under Canada's *Citizenship Act* by IRCC.

On November 21, 2025, the government of Canada issued a <u>news release</u> about Bill C-3's receipt of royal assent.

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SPAIN

This article discusses the non-lucrative residence permit in Spain.

Spain's non-lucrative residence permit is regulated under Articles 30 and 31 of Act 4/2000 and Articles 61 et seq. of Royal Decree 1155/2024. This permit allows foreign nationals and their family members to reside in Spain without engaging in any professional or employment activity. To qualify, applicants must not be in an irregular situation in Spain, must have no entry bans or alerts in partner countries, and must not represent a threat to public order. They must also have sufficient financial means and hold private health insurance with a provider authorized to operate in Spain—travel insurance is not accepted. The procedure begins with an in-person visa application at the Spanish consulate in the applicant's country of origin or legal residence. Once the application is resolved, the visa can be issued, including the residence authorization.

The initial authorization is valid for one year, and renewal must be requested within the two months prior to expiration—or within the three months following expiration, although this may trigger a sanction procedure. When the renewal is filed on time, the validity of the previous permit is extended until a decision is issued. Renewals are granted in two-year periods as long as the applicant continues to meet the original requirements, up to five years of legal residence, after which the individual may apply for long-term residence. Applicants from Latin American countries, the Philippines, Portugal, Andorra, and Equatorial Guinea may also access Spanish nationality after two years of continuous legal residence.

More details (in Spanish): Disposición 24099 del BOE núm. 280 de 2024

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TÜRKIYE

This article discusses important amendments to work permit exemptions for "Special Contributions" in Türkiye.

Türkiye has expanded its work permit exemption categories to include foreign nationals who provide

"Special Contributions" to the country. This development offers companies engaged in government-related projects a faster and more flexible immigration route, allowing them to send employees to Türkiye without meeting standard work permit sponsorship requirements.

The "Special Contributions" Exemption

Under this new framework, a foreign national may work in Türkiye without obtaining a traditional work permit if they are deemed to make significant contributions to the nation's economic, socio-cultural, technological, or educational development. Eligibility requires that a Turkish public institution or organization confirm in writing that the individual's presence or work will provide important benefits to Türkiye.

Those granted Special Contribution Work Permit Exemption (SCWPE) status are not required to apply for a work permit.

Examples of Qualifying Assignments

While official guidelines have not yet been published, the SCWPE exemption may apply to a wide range of projects, including:

- Technical or engineering experts supporting the Ministry of Defense on defense projects
- Construction specialists assisting the Ministry of Transportation on national infrastructure initiatives
- Educational consultants advising the Ministry of Education on government-led programs
- Artists participating in cultural projects sponsored by public institutions
- Energy sector technicians working on offshore government projects
- Medical professionals assisting the Ministry of Health with national or regional healthcare programs

Because formal parameters have not yet been defined, applicability under the SCWPE remains broad, potentially encompassing those foreigners who will be important contributors to any government-backed project or program.

Duration and Employment Conditions

The SCWPE status may be granted for up to three years. In most cases, employees continue to receive their salaries from their home employer outside of Türkiye if the assignment lasts less than 90 days.

For assignments exceeding 90 days, a domestic application must be submitted, and an SCWPE card will be issued. Assignments over 90 days also trigger social security obligations under Turkish law, so consultation with a payroll or social security specialist is recommended.

The exemption authorizes employment only for the specific government agency and project named in the institution's support letter.

Application Procedure in Türkiye

Although the SCWPE visa category may later be available at Turkish consulates abroad, this is not yet implemented. For now, the process takes place domestically in Türkiye.

The employee must first enter Türkiye lawfully—either as a visitor or with an Assembly, Maintenance and Service (AMS) Visa—and then apply for a change of status to the Special Contribution Work Permit Exemption through the Ministry of Labor (MOL) system.

Applicants must submit the online form and upload supporting documentation. Processing typically takes two to four weeks and results in:

- An approval certificate (for projects up to 90 days), or
- An SCWPE card (for projects exceeding 90 days).

Both documents serve as official status evidence. If the applicant entered Türkiye visa-free for fewer than 90 days, the SCWPE approval acts as a status change, allowing them to stay and work in Türkiye for the validity approved, which could be up to three years.

Important Considerations

Foreign nationals entering Türkiye as visitors may not begin work until the exemption certificate or card has been issued. Those entering on an AMS visa may commence work as authorized. Employers should also be aware that certain obligations—such as social security registration and tax reporting—will generally apply after 90 days of stay.

Companies are strongly encouraged to seek social security and tax guidance to ensure compliance during and after the assignment.

Summary

The introduction of the Special Contribution Work Permit Exemption (SCWPE) marks a significant step in Türkiye's evolving immigration landscape. It provides a practical mechanism for foreign experts, consultants, and specialists working on government-backed projects to perform short- or medium-term assignments without undergoing the standard work permit process.

For information on other short-term work permit exemption categories, including the Cross-Border Service Provider and AMS exemptions, contact your Alliance of Business Immigration Lawyers attorney.

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New Publications and Items of Interest

UK earned settlement FAQ. Kingsley Napley LLP has released <u>frequently asked questions</u> on the United Kingdom's (UK) <u>earned settlement consultation</u>. The FAQ answers many questions for UK visa holders and their employers.

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

<u>Janice Flynn</u> was quoted by the <u>Washington Post</u> in <u>Not So Proud To Be American—'Fed Up' Expats Renounce Their Citizenship</u>. She said, "I want [noncitizen clients] to know they can't expect the same smooth entry they've been used to. It's always been a concern, but now when they hear how [other noncitizen travelers] are being treated, the question is, 'What if I have something on social media?' "Emphasizing how permanent renunciation is, Ms. Flynn said, "Sometimes I want to tell people, don't give up. It can change again."

Klasko Immigration Law Partners, LLP, has published several client alerts: Expedited Briefing Schedule Set in Lawsuit Challenging the \$100K H-1B Fee, Limited to the Face Value of the EAD: Automatic Renewals Ended, and USCIS Clarifies the \$100,000 H-1B Fee Proclamation.

<u>Charles Kuck</u> was quoted by *Raw Story* in <u>'Freaky Friday': How 'Insane' Trump Plan to 'Bribe' Kids Mobilized Fight</u>. The article quotes Mr. Kuck's <u>post on X</u>: "There is a darkness and evil that is taking over ICE, led by the dark lord [Stephen Miller, President Trump's deputy chief of staff]. "ICE is launching a nationwide operation ... reportedly named 'Freaky Friday' that will target unaccompanied children aged 14 and older of all nationalities."

Cyrus Mehta has authored several new blog posts: Trump's Escalating Extreme Immigration Measures
Towards Noncitizens in the Wake of the National Guard Member Shootings Will Not Make America Any
Safer, Navigating the Immigration Maze in an Age of Fear and Hope, Reappraisal of the Encouragement
Provision as Interpreted in United States v. Hansen Under Trump's Immigration Policies, Immigrant
Power Through Mamdani's Historic Win as NYC Mayor, and Board of Immigration Appeals Allows
Immigration Judges to Disregard Party Stipulations.

Mr. Mehta and Kaitlyn Box have co-authored a new blog post: <u>USCIS's October 20 Clarification Will Not Make the \$100,000 Fee Disappear</u>.

Mr. Mehta and Manjeeta Chowdhary have co-authored a new blog post: AC 21 Trap for H-1B Workers Caught in the Green Card Backlogs and Who Have Changed Jobs.

Mr. Mehta was quoted by the Times of India:

- <u>International Students OPT 180 Days Auto Extension Continues</u>. Mr. Mehta said, "The 180day automatic extension will still be available to F-1 students seeking the additional STEM-OPT."
- Donald Trump Admin Ends Automatic Work Permit Extensions, Placing Nearly One Lakh [100,000] Indian Spouses at Risk of Job Disruptions. Mr. Mehta said, "Even if [U.S. Citizenship and Immigration Services] is advising that people start the renewal process [for an Employment Authorization Document (EAD)] up to 180 days before, it is likely to take longer than six months. This will cause disruption and delays as employees may no longer be able to work if the EAD has not been renewed prior to the expiration of the current EAD."

Mr. Mehta was quoted extensively by Law360 in <u>Kirk-Related Visa Revocations May Rub Against Court Rulings</u>. He said that while some court cases could support challenges to visa revocations for individuals within the United States, those outside the country have more limited options, with few exceptions: "I don't think there's much recourse. With regards to visa revocations, you can't get into court because of the doctrine of consular nonreviewability," which deprives federal courts of jurisdiction to review visa decisions.

Angelo Paparelli, of Seyfarth Shaw LLP, was quoted by Law360 in Kirk-Related Visa Revocations May Rub Against Court Rulings. He recommended that those granted admission on a visa, or applying for one abroad, be circumspect in their online postings and their activities. Regarding potential legal challenges, Mr. Paparelli said that the Charlie Kirk visa revocations present "fertile ground" for litigation, noting an obvious tension between the Department of State's actions, the Supreme Court ruling, and recent court decisions. "It is chilling, because the Supreme Court has allowed the government to restrict expressions that would ordinarily be seen as First Amendment expressions by noncitizens. And so it's just a question

of, how far will this go?"

Stephen Yale-Loehr, of Miller Mayer, LLP, authored an op-ed: <u>The U.S. Economy Needs International</u> Students Now More Than Ever.

Mr. Yale-Loehr and four other Cornell Law experts will present a free webinar on Thursday, January 8, 2026, from 1 to 2 p.m. ET on how immigration law and policy changed in 2025 and what we might expect in 2026. More information and registration is here:

https://ecornell.cornell.edu/keynotes/overview/K010826a/ If you can't make the live webinar, register to get the link to view the webinar afterwards.

Mr. Yale-Loehr was quoted by Chosun Biz in Trump Orders Review of Green Cards From 19 Countries After Washington, DC, Terror Shooting. He said, "A green card is a right protected by constitutional due process. An executive order revoking green cards solely on the basis of nationality, without individualized criminal facts or evidence of fraudulent entry, is clearly constitutionally suspect." He predicted that as with the "Muslim travel ban" executive order under the first Trump administration, "this measure is also likely to be drawn into protracted legal battles in federal court, including motions for temporary restraining orders."

Mr. Yale-Loehr was quoted by the New York Times in Nigerian Nobel Laureate Says the U.S. Revoked His Visa. He noted that although Nigerian author Wole Soyinka's criticism of President Trump could have made him a target for visa revocation, not showing up to an interview also could have provided the State Department with a procedural reason to revoke his visa.

Mr. Yale-Loehr was quoted by the *Arizona Republic* in Will U.S. Start Processing New DACA Applications? How a Texas Lawsuit Complicates Question. He said, "It is possible that once the case is resolved, USCIS will begin to decide new [Deferred Action for Childhood Arrivals (DACA)] requests again." A Department of Justice proposal, however, could make an already complicated case "even more complicated," he noted. DACA recipients in Texas or who move there could lose their work authorization, Mr. Yale-Loehr pointed out. "This would harm the nearly 90,000 DACA recipients who live in Texas, and could prompt an exodus of those DACA workers from the state." If the judge approves Texas' proposal, Arizona, where 20,230 DACA recipients live, will not be directly affected, but "some DACA recipients in Texas may want to move to Arizona so that they can continue to legally work," he said.

Mr. Yale-Loehr was quoted by the *Times of India* in H-1B Fears Cool, Companies Hiring From U.S. Campuses to Gain. Commenting on the Trump administration's decision to exempt those who are already in the United States, including foreign students, from a new \$100,000 H-1B application fee, Mr. Yale-Loehr said this means that only a few people will be affected by the fee.

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