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FEATURE ARTICLE

COUNTRY UPDATES

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Feature Article

OPTIONS FOR INVESTORS: AN OVERVIEW

This article provides an update on options for investors in Canada, Costa Rica, and Italy.

Canada

The Québec Immigrant Investor Program (QIIP) is a two-step investment pathway to Canadian permanent residence. Since the termination of the Federal Immigrant Investor Program in 2014, the QIIP has been the only passive investor program in Canada leading to permanent residence through investment. After several years of suspension, the program reopened in 2024. The QIIP targets French-speaking investors who intend to settle in Québec.

To be eligible, applicants must demonstrate net assets of at least CAD $2 million, acquired legally, alone or with an accompanying spouse or de facto spouse. Assets received by donation within six months prior to the application are excluded. All applicants must enter an investment agreement with a financial intermediary that has signed an agreement with the *Ministère de l'Immigration, de la Francisation et de*

l'Intégration (MIFI) and *Investissement Québec*. Applicants must also have at least two years of management experience acquired within the five years preceding the application, hold a diploma equivalent to a Québec high school diploma, and demonstrate oral French proficiency at a minimum level 7 on the Échelle québécoise des niveaux de compétence en français. Once the application for a Notice of Intention to Select from Québec is submitted to the MIFI, the selected financial intermediary must, within 120 days, make a five-year investment of CAD $1,000,000 and pay a non-refundable contribution of CAD $200,000 to Investissement Québec—Immigrants Investisseurs inc.

If the MIFI issues a positive decision on the Notice of Intention to Select from Québec, the applicant may apply to Immigration, Refugees and Citizenship Canada (IRCC) for a work permit for themselves and accompanying family members. Within two years following issuance, the applicant must complete a total stay of at least 12 months in Québec. Of these 12 months, at least six months must be completed by the principal applicant, while the remaining six months may be completed by the spouse or de facto spouse. Once this requirement is met and supporting documents are submitted, the MIFI should issue a Certificat de sélection du Québec (CSQ), allowing the applicant and family members to apply for Canadian permanent residence status through IRCC. Applications through the QIIP may be submitted at any time, with no cap on intake, and the program is generally considered a last-resort option when other Canadian permanent residence pathways are not possible.

Costa Rica

Costa Rica has firmly established itself as one of the most attractive destinations in Latin America for both living and investing. Renowned for its political stability, strong rule of law, high quality of life, and unwavering commitment to sustainability, the country offers a secure and dynamic environment for foreign nationals. Its strategic geographic location, robust services sector, and investor-friendly immigration framework make it an ideal jurisdiction for individuals seeking to relocate while actively engaging in a growing economy.

Within this favorable landscape, the Temporary Residence Category for Investors is a key legal pathway for foreign nationals who wish to obtain residency through a qualifying investment. This category is administered by the *Dirección General de Migración y Extranjería (DGME)* and is specifically designed to attract and facilitate foreign direct investment.

Who Qualifies as an Investor?

To qualify under this category, a foreign national must make a minimum investment of USD $150,000 in Costa Rica. The legal framework provides flexibility regarding the types of qualifying investments, which may include:

- Real estate acquisitions
- Shares or equity in Costa Rican companies
- Productive or commercial projects
- Forestry or environmentally sustainable initiatives
- Securities and financial instruments
- Venture capital funds and investments in innovation-driven ventures

The investor residency category offers a range of practical and strategic benefits:

- Legal residence in Costa Rica
- Inclusion of immediate family members, including spouse and dependent children
- Ability to manage and oversee the investment directly
- Eligibility to apply for permanent residence after meeting the statutory requirements

This category does not automatically grant unrestricted work authorization outside the scope of the approved investment.

Validity and Renewal

Temporary residence for investors is generally granted for an initial period of up to two years. This status may be renewed provided that the qualifying investment is maintained in accordance with legal requirements. After the applicable period, investors may apply for permanent residence, gaining broader rights and fewer restrictions.

Costa Rica's investor residency regime provides a reliable and strategic option for individuals seeking both lifestyle and business opportunities in a stable and forward-looking jurisdiction. Success in the application process depends on proper structuring of the investment, thorough documentation, and strict compliance with immigration regulations.

As global mobility continues to evolve, this category remains a compelling option for investors looking to establish a long-term presence in one of the region's most desirable destinations.

Italy

The Investor Visa for Italy is designed for non-European Union (EU) nationals who wish to enter Italy by making a qualifying investment that supports the Italian economy. The following investment options are eligible:

- €2,000,000 in Italian government bonds (with at least 2 years' remaining maturity);
- €500,000 in an Italian company (or €250,000 if the company is an innovative start-up); or
- €1,000,000 as a philanthropic donation supporting projects of public interest in areas such as culture, education, immigration, scientific research, or the preservation of cultural heritage and landscapes.

The investment may also be made through a company controlled by the applicant. Family members can join the investor—a spouse and children under 18 can apply for a family clearance and visa before the investor enters Italy.

Application Process

The first step is to obtain a *Nulla Osta* (clearance) through the dedicated portal managed by the Italian authorities. Once the clearance is issued, the applicant may apply for a two-year investor visa at the relevant Italian consulate.

Entry Into Italy and Completion of the Investment

After receiving the visa, within its validity, the applicant must:

- Enter Italy;
- Apply for the investor residence permit; and
- Complete the investment or donation within three months from the date of entry.

The investor residence permit (*permesso di soggiorno per investitori*):

- Is valid for two years;
- Can be renewed for an additional three years provided the investment is still in place;

- Does not require the holder to meet standard residency requirements (no minimum physical presence in Italy); and
- Allows work.

This makes the program particularly attractive for global investors who need flexibility.

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Country Updates

CANADA

Immigration, Refugees and Citizenship Canada is now conducting targeted draws for senior managers, researchers, and others. There has also been an increase in the low-wage temporary foreign worker cap for rural regions. A new Québec work permit category has been implemented for permanent residence Applicants. A pathway to transition 33,000 foreign workers to permanent residence has been announced. The government of Ontario has announced that it will launch new Ontario Immigrant Nominee Program streams. Also, in response to military hostilities in the Middle East, Iranian foreign workers in Canada may extend their work permits under certain conditions.

Express Entry Canadian Experience Class Senior Manager Draws Begin

On February 18, 2026, Immigration, Refugees and Citizenship Canada (IRCC) confirmed what had initially been announced in the Federal Budget last November: that it would conduct new targeted draws in multiple categories in 2026. Targeted draws are now being conducted for senior managers; researchers; transport occupations, including pilots, aircraft mechanics, and inspectors; and highly skilled foreign military applicants recruited by the Canadian Armed Forces, such as military doctors, nurses, and pilots. IRCC conducted its first Express Entry draw under the Canadian Experience Class (CEC) for senior managers on March 5, 2026, with a cut-off score of 429. This score is significantly lower than the cut-off scores of regular CEC draws, with a CEC draw on March 17 having a cut-off of 507. Those with at least one year of Canadian work experience in a senior managerial NOC code beginning with "000" may be eligible.

In March 2025, IRCC removed the Express Entry Comprehensive Ranking System (CRS) points for applicants with job offers. While this affected the vast majority of Express Entry candidates who were already in Canada and working, it rendered many individuals in their 40s or older, who received few or no points under the age category, entirely uncompetitive. These candidates had previously been relying on their job offer points to be competitive, but those points were removed. The new announcement that IRCC is conducting targeted draws for senior managers may finally provide some relief to older individuals with experience working in Canada in senior managerial roles in National Occupational Classification (NOC) codes: 00012, 00013, 00014, and 00015. In theory at least, these individuals in triple-zero NOC occupations that have profiles in the Express Entry pool will now be targeted, and instead of competing with the general body of all candidates in the Express Entry pool, they will compete against a smaller pool and presumably a lower CRS cutoff.

Since the UK government is still committed to reducing the number of permanent residents from historically high levels in 2022–2024, those in senior managerial roles are likely to have their job duties carefully scrutinized to ensure that they match the lead statement and a substantial number of main duties of the senior managerial NOC codes for which they claim eligibility and points. In a recent decision, *Merijohn v. Canada (Citizenship and Immigration)*, 2025 FC 1003, the Federal Court ruled that an officer's decision was reasonable that denied an applicant's permanent residence application because the applicant had not shown sufficient evidence of supervising middle managers as required by

the lead statement of the senior managerial NOC code they selected. This decision may have significant ramifications for senior managers in small businesses with fewer employees that do not have large organizational structures incorporating middle managers. This also highlights the limitations of the NOC system in which those under senior managerial NOC codes, even if heavily invested in running a small business at a high level, may find that IRCC disagrees with their classification in these senior manager NOCs.

Given this, it is prudent for Express Entry candidates who have selected senior managerial NOC codes to ensure that they can demonstrate with facts and documents how they meet the lead statement and main duties under the applicable NOC.

Increase in Low-Wage Temporary Foreign Worker Cap for Rural Regions—10% to 15%

As a result of requests from the provinces and territories, Employment and Social Development Canada (ESDC) is now allowing employers in rural regions, where labor shortages are often felt more acutely than in urban areas, to employ low-wage temporary foreign workers (TFWs) as up to 15% of their workforce. ESDC is also allowing the current numbers of low-wage TFWs at these rural employers to be retained. The government has announced that this temporary public policy will remain in place until March 31, 2027.

This policy will not affect current sector-specific exemptions such as the 20% low-wage TFW cap on employers in health care, construction, and food processing. Seasonal sectors such as fish and seafood processing and tourism will continue to be exempt from the TFW program cap for seasonal positions.

New Québec Work Permit Category for Permanent Residence Applicants

IRCC has implemented a temporary public policy allowing the issuance of work permits to permanent residence applicants in Québec. This public policy will allow applicants to continue working for their current employer for up to 12 additional months while the provincial government reviews their eligibility to apply for a *Certificat de selection du Québec*. Eligible applicants must be working in Québec and seeking to extend their work permit with the same employer, have an offer of employment for a position in Québec, and provide confirmation that they have both been invited to apply under the *Programme de selection des travailleurs qualifies du Québec* and have submitted a *Demande de Sélection Permanente*.

Temporary-to-Permanent-Residence Pathway Announced

As reported on March 6, 2026, the Minister of IRCC, Lena Diab, said that the program to transition 33,000 foreign workers to permanent residence had been "soft launched." The government has not yet provided details on who is eligible and there is no official word from IRCC otherwise. The government had previously announced that it would target workers with established roots in their communities who are paying taxes and helping to build Canada's economy, which could include the targeting of specific priority economic sectors. Before an official announcement and details are provided by IRCC, applicants should be wary of unscrupulous persons suggesting that a program exists already and taking money to prepare an application for a program that has not been officially launched.

New OINP Streams to be Launched

The government of Ontario has announced that it will launch new Ontario Immigrant Nominee Program (OINP) streams and that it is redesigning the OINP. The provincial government is passing regulatory changes to allow the Minister of Labour, Immigration, Training, and Skills Development to do so. Last year, there were changes to the OINP submission process; these further updates to streams and the redesign of the system may result in even more changes. Significant action is anticipated by late May.

Iranian Foreign Workers in Canada May Extend Their Work Permits

Due to the expansion of military hostilities in the Middle East, the Canadian government has extended to March 31, 2027, temporary measures allowing Iranian nationals to extend their work permits. Iranian nationals are eligible under this temporary policy if they are in Canada with a valid work permit when they apply for the extension and when a decision is made on the application, the work permit was issued no later than February 28, 2025, and they have not already been issued a work permit under this policy. They must still meet general admissibility requirements regarding security, health, not being criminally inadmissible, having enough money to cover expenses, and showing that they will leave Canada at the end of their authorized stay.

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CHINA

China has expanded 30-day visa-free entry to the United Kingdom and Canada.

Effective February 17, 2026, China has officially added the United Kingdom (UK) and Canada to its expanding list of countries whose citizens may enter China visa-free for up to 30 days. This policy forms part of China's ongoing efforts to facilitate cross-border travel and deepen international engagement. The visa-free entry arrangement for UK and Canadian nationals will remain in effect through December 31, 2026 (Beijing time). This exemption applies to ordinary passport holders traveling for business, tourism, family or friend visits, cultural exchange, or transit. The policy does not apply to individuals entering China for employment, study, or foreign media activities.

With this addition, China now grants 30-day visa-free entry to citizens of 50 countries. Notably, this list does not include the United States. Separately, China maintains two visa-free transit policies, including a 24-hour transit policy that is available to travelers from all countries arriving at all open exit-entry ports in China; and a 10-day visa-free transit policy that is available to citizens of 55 countries and implemented at 65 designated ports. U.S. citizens are eligible for both visa-free transit policies.

While qualifying passengers are eligible for visa-free entry or transit under these policies, inconsistencies in airline knowledge and implementation have been reported. This has, at times, resulted in delays or boarding complications. Travelers are strongly advised to allow additional time during check-in and boarding and to carry printed confirmations of the relevant visa-free entry rules when possible.

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MEXICO

This article discusses the legal pathway for hiring healthcare providers, nannies, and nurses in Mexico.

Hiring healthcare providers, nannies, and nurses is not a simple matter in Mexico. It is necessary to prove to the immigration authorities that the family or individual genuinely needs to bring the worker to Mexico. In the case of families with young children where the nanny has been working for the family for years, it is easier because it can be proven that the nanny has the family's full trust to care for their children. On the other hand, in the case of elderly people, it is also possible to bring nurses or healthcare specialists to Mexico because they have experience caring for them and the family's trust. The same applies to children with disabilities.

The question is: Is it legally possible to bring foreign healthcare providers, e.g., nannies or nurses, to work in Mexico for a private individual or for a family? Yes, it is possible through the legal pathway outlined below.

The usual way is to sponsor the foreigner for a Temporary Resident Visa with work authorization through the National Immigration Institute (*Instituto Nacional de Migración [INM]*).

The steps include:

1. ***Employer registration with INM.*** The employer must obtain the Employer Registration Certificate (*Constancia de Inscripción de Empleador [CIE]*). This allows the employer to legally sponsor foreign workers.

2. ***Filing of a job offer with INM.*** Submit a job offer along with the rest of the documents needed for this purpose.

3. ***Issuance by INM of an authorization number (NUT).*** If approved, the foreigner receives a visa authorization (NUT).

4. ***Attendance at a consular visa appointment.*** The foreigner goes to a Mexican consulate to obtain the visa with permission to perform remunerated activities.

5. ***Entry to Mexico.*** After arrival, the foreigner has 30 days to obtain the Temporary Resident Card with work authorization from INM.

6. ***Fulfillment of labor obligations.*** Sign an employment contract, register the worker with **IMSS** (social security), and comply with Mexican labor law.

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SCHENGEN AREA

New restrictions have been imposed on the issuance of short-stay and multiple-entry visas to Russians residing in the Russian Federation.

With some exceptions, the European Commission (EC) has imposed new restrictions on the issuance of short-stay and multiple-entry visas to Russian nationals residing in the Russian Federation. EC said it made the decision based on "Russia's unprovoked and unjustified war of aggression against Ukraine," which "has profoundly altered the migratory and security risk linked to Russian visa applicants."

EC said that Member States can make adjustments to these restrictions on a case-by-case basis; for example, multiple-entry visas valid for up to five years "may be appropriate, in particular, for the benefit of dissidents, independent journalists, human rights defenders, representatives of civil society organisations or other vulnerable categories, and their close family members." Multiple-entry-visas may also be issued to transportation workers, including seafarers, truck and bus drivers, and members of train crews, "for a validity period of nine months, provided that the applicant has obtained and lawfully used two visas within the previous two years."

The decision includes specifics for various countries.

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SPAIN

This article discusses application of the "reduction coefficient" for the EU Blue Card versus the National Highly Qualified Professional permit.

Under the European Union (EU) Blue Card framework in Spain, the salary threshold is set at 1.4 times the average gross annual salary (currently established at 39,269.92 €). A "reduction coefficient" may be applied to recent graduates—defined as individuals within three years of completing their studies—allowing them to meet only 80% of this threshold. This provision is expressly regulated and reflects Spain's implementation of the revised EU Blue Card Directive.

In contrast, the reduction coefficient is no longer being applied in practice to national Highly Qualified Professional (HQP) applicants under 30 years of age. Although there is no formal written instruction confirming the removal of this age-based criterion, current practice indicates that it is no longer considered. This shift suggests a clear policy objective to encourage the use of the EU Blue Card over the national HQP permit, particularly given the legal certainty and salary threshold advantages offered under the Blue Card scheme.

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UNITED KINGDOM

The United Kingdom's (UK) proposed "earned settlement" model marks a significant shift from a predominantly time-based path to indefinite leave to remain. This article also discusses new requirements for British nationals traveling to the UK and sponsor license compliance checks and HMRC data.

Earned Settlement

Under the UK Home Office proposals, earned settlement would be framed as something to be achieved primarily through demonstrable contribution, compliance, and integration, rather than accrued through lawful residence plus route-specific requirements. Most migrants would face a 10-year qualifying period, with some potentially required to wait significantly longer to apply for settlement. The proposals may also apply retrospectively to those already on a pathway to settlement.

The UK is not alone in linking long-term residence to integration criteria. However, the scope of the reforms is notable. In Canada and Australia, points-based selection operates at the point of entry, while predictable criteria generally govern the transition to permanent residence. In Germany and France, permanent residence follows a prescribed period of lawful residence, subject to language and civic requirements. The UK proposals, by contrast, suggest a broader evaluative approach to conduct and contribution across the qualifying period, which would be complex to navigate.

Extending the qualifying period also has financial consequences. Doubling the time required to settle would increase the number of extension applications and materially raise cumulative Home Office fees and Immigration Health Surcharge payments. In many Western competitor countries, government fees are lower overall and not structured around repeated high-cost extensions.

The government's consultation period has now closed, and we await further information on next steps. It was anticipated that new rules could start on a staggered basis from around April 2026. However, there have been so many responses to the consultation that it's possible the first new rules would start later in the year.

New Requirements for British Dual Nationals Traveling to the UK

Electronic Travel Authorisation (ETA) is being enforced as of February 25, 2026. Anyone entering the UK as a visitor without a visa (including all non-visa nationals such as United States, European, Canadian, and Australian nationals) must have an ETA before they travel. The ETA has been operational since January 2025 for non-European countries and April 2025 for European countries. But for the first time, the need for an ETA is now being more strictly enforced; travelers may not be able to board their flight if they do not have an ETA.

British citizens are ineligible for an ETA. Most British citizens will have no problem traveling to the UK because they have a British passport and can simply enter on that basis as usual. However, some British citizens who have another nationality may have an issue when traveling to the UK. British citizens must only enter the UK with either a British passport or a foreign passport containing a certificate of entitlement. The Home Office has begun issuing certificates of entitlement digitally.

Some British dual nationals who do not have a British passport may be used to entering the UK on the basis of an eVisa for indefinite leave to remain (ILR, also known as settled status/settlement) linked to their foreign passport. Often, people will obtain ILR and then later apply to naturalize as a British citizen. The Home Office visa and nationality systems are not fully integrated, which has meant that when a foreign national with ILR becomes a British citizen, their ILR eVisa is not canceled. Legally, the eVisa is invalid because British citizens have the right of abode and cannot hold ILR or any kind of visa, but in practice the system used by Border Force still shows them as having ILR so they are unlikely to have had any trouble entering the UK with their foreign passport. However, the Home Office plans to change this so that eVisas are automatically canceled when someone becomes a British citizen. Presumably that could also apply to existing British citizens. It is unclear when this will be implemented. Practitioners advise that it may be risky for a British citizen to try to enter the UK now on the basis of an eVisa linked to a foreign passport because the eVisa may have been canceled and they will instead need either a British passport or a certificate of entitlement.

Sponsor License Compliance Checks and HMRC Data

If a business has a sponsor license, the owner needs to ensure that the business remains compliant with the requirements. Much of the compliance is centered on right-to-work checks, so it's important for employers to keep relevant documents and information on file and report any changes.

A recent trend is in relation to the Home Office cross-checking HMRC PAYE[1] data to see if sponsored workers are being paid at least the amount stated on their certificates of sponsorship (CoS). Employers should ensure that the salary information in the CoS and as provided to HMRC is accurate to avoid a compliance check. If a sponsored worker is not on PAYE for whatever reason, the employer should state this on the CoS.

The other related compliance issue concerns reporting unpaid leave. Sponsored workers cannot have more than four weeks of unpaid leave in a calendar year (January to December). There are exceptions where, for example, the worker is on sick leave or parental leave. It is important to report all salary reductions or unpaid leave lasting more than four weeks to the Home Office. There have been instances where HMRC records have indicated that sponsored workers have been unpaid for more than four weeks in a calendar year, which can trigger a compliance visit.

[1] HMRC is His Majesty's Revenue and Customs—the UK's tax, payment, and customs authority. PAYE means pay-as-you-earn.

If a sponsored worker's salary has been reduced or if they have taken unpaid leave for more than 28 days and this has not been reported, the Home Office will revoke the company's sponsor license.

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New Publications and Items of Interest

Two stories from Green Card Stories, published by the Alliance of Business Immigration Lawyers, will be featured on April 20, 2026, during a live performance in New York City, Stories from the City of Immigrants, at Symphony Space. The program will be recorded for WNYC as part of the Selected Shorts program.

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

Catherine Betancourt, of **Flynn Hodkinson, Ltd.,** was a guest on a podcast, U.S. Immigration: The Green Card Myth, hosted by Collyer Bristow, a law firm in the United Kingdom.

Gomberg Dalfen S.E.N.C. received several awards from Best Law Firms Canada 2026 (ranked by Best Lawyers), including a national ranking of Tier 1 in Immigration Law, and a regional ranking of Montréal Tier 1 in Immigration Law.

Klasko Immigration Law Partners, LLP, has published several new blog posts: Birthright Citizenship at the Supreme Court: Key Takeaways for Immigrants and Employers, Middle East Conflict: Visa & Travel Alert for Employers, Alternative Strategies for I-829 Denials, and California's Workplace Know Your Rights Act (SB 294): What Employers Need to Know

Klasko Immigration Law Partners, LLP, announced the expansion of its nationally recognized litigation practice with the addition of **Ilana Snyder** to the team, further advancing the firm's strategy to strengthen its capacity for strategic litigation and government advocacy. In this role, Ms. Snyder joins as a Senior Associate on the litigation team, bringing her experience to help the firm to continue delivering inventive and effective solutions for clients navigating complex immigration challenges.

Charles Kuck commented on Secretary of Homeland Security Kristi Noem's termination in a video released by *Atlanta News First*.

Mr. Kuck was quoted by *The Bulwark* in Inside the Plan to Stop/Melt ICE at the Polls. He said, "I don't understand what legal basis [the Trump administration] would have to have ICE at the polls. I think lawsuits would be filed that morning, and ICE would be forced to leave the polls. But the mere threat that it might happen would intimidate people from going to the polls, which is why voting early and absentee is so important."

Mr. Kuck was featured in a new podcast, "In These Times With Bill Nigut," discussing developments in immigration policy.

Cyrus Mehta was quoted by *Fox News* in Child Born During International Flight to U.S. Sparks Heated Debate About Citizenship, Legal Identity. Mr. Mehta said that "it's very clear. If you're born in the territory of the United States, even if it's on an airplane, you are a citizen," he continued. But he noted that "[s]ometimes, when a child is not born in a hospital and there's no birth record, that can create problems," and that the government requires a log from an airline or ship "reflecting the latitude and longitude when the birth occurred." Mr. Mehta pointed out that "[t]he parent is responsible for

reporting the birth to authorities" and that parents need to provide a birth certificate if they want to obtain a passport for the child.

Mr. Mehta was quoted by the *Times of India* in H-1B 'Bridge' Route Under Scanner: Spike in RFEs, NOIDs Hits Laid-Off Workers Seeking to Stay in U.S. He said, "Changing from H-1B to B-2 status has always been tricky even before the recent trend of increased RFEs—when shifting to B-2 status or later, when shifting back to H-1B status." He noted that "[a]lthough it is not impermissible for one to seek a new job while in B-2 status, it often leads to an interference on the part of [U.S. Citizenship and Immigration Services] that such activity is impermissible as the B-2 requires the applicant to have a residence abroad which has not been abandoned." Mr. Mehta said, "The best approach is to try to get the current employer to keep the H-1B worker employed as long as possible and then take advantage of the 60-day grace period while finding a new job. One can change or extend status during the 60-day grace period. This would enable the terminated work to move from the current H-1B status to the new H-1B status without needing to switch to a B-2 status." He noted, however, that "if the H-1B who is being terminated is forced to move to B-2, then the reasons to be given for the change of status should be honest and candid. One can be in B-2 status while looking for a job. The worker does not know definitively that they will find an employer who will sponsor them back to an H-1B at the time of applying for a change to B-2 status. If an employer does indeed subsequently employ the terminated worker and files for a change of status to H-1B, it can be credibly argued that this was not planned and one event led to another one. As both the B-2 and H-1B are nonimmigrant visa statuses, it can also be argued that the worker always maintained a residence abroad which has never been abandoned as well as an intention to seek career prospects outside the U.S."

Mr. Mehta has authored a new blog post: Federal Court Relies on *Loper Bright* to Overturn EB-1 Denial Based on Final Merits Determination.

Mr. Mehta and **Kaitlyn Box** have authored several new blog posts: ICE Presence at Domestic Airports Blurs the Line Between Airport Security and Immigration Enforcement, Trump Administration Erroneously Freezes Child's Age Under the Child Status Protection Act Upon Approval of Visa Petition Rendering It Virtually Ineffective, Although the Fifth Circuit Has Justified Detention Without Bond for Noncitizens Who Entered Without Inspection, Courts Outside the Fifth Circuit Are Not Bound and Can Use Independent Judgment Under *Loper Bright*, Major Questions Doctrine in Immigration Cases after the Supreme Court Ruling in the Tariffs Case, New Fields in Form I-129 for H-1B Classification Need to Sync With Appropriate Wage Levels in the Lottery and Labor Condition Application, and Board of Immigration Appeals Limits Scope of Entry Fraud Waiver under INA 237(a)(1)(H).

Mr. Mehta and **David Isaacson**, of **Cyrus D. Mehta & Partners PLLC**, recently represented Mohsen Mahdawi, an organizer of the pro-Palestinian movement at Columbia University, in immigration and federal court. On February 17, 2026, attorneys for Mr. Mahdawi filed a letter with the U.S. Court of Appeals for the Second Circuit announcing that an immigration judge had terminated Mr. Mahdawi's removal proceedings. According to a press release from the American Civil Liberties Union (ACLU), the immigration judge's decision was based on the government's failure to authenticate a memorandum purportedly from Secretary of State Marco Rubio. The memo served as "the basis for seeking to deport Mr. Mahdawi and declared Mr. Mahdawi a threat to U.S. foreign policy based solely on his protected speech." The government may appeal the decision to the Board of Immigration Appeals or may attempt to refile a new case based on the same charge, the ACLU noted. Mr. Mehta said, "We're pleased that the court has terminated this witch hunt of a case. Mohsen is a peaceful man and a valued member of his communities in Vermont and at Columbia University. The government's pursuit of his deportation has been an affront to the principle of free speech that undergirds our democracy. The government's inability to even file the proper paperwork demonstrates how careless and reckless they are being in their policy of detaining innocent people for their speech."

Stephen Yale-Loehr, of **Miller Mayer, LLP,** reported that two immigration fellows at Cornell Law School's Migration and Human Rights Program and Workshop, **Seema Nanda** and **Emily Tulli**, have co-

authored an op-ed, The I-9 Employee Verification Process Is Having a Midlife Crisis, published by Bloomberg Law.

Mr. Yale-Loehr was quoted by *Travel Weekly* in Historic Immigration Decline Could Damage the Hotel Industry. He predicted that although some of the administration's attempts to end Temporary Protected Status for various nations have been challenged in the courts, the fallout could be "like a tsunami wave that is coming but has not hit yet nationally." Mr. Yale warned that "[i]f those terminations are upheld, then I think we will see a long-term decline in the hospitality industry workforce."

Mr. Yale-Loehr was quoted by CNN in Trump's Immigration Crackdown May Put Doctors Out of Jobs. He said it "might take years for litigation to conclude," meaning that a Trump administration ban on visas for immigrants from many countries could remain in place for the duration of the Trump administration.

Mr. Yale-Loehr was quoted by WGRZ in ICE Flights From Buffalo Airport Raise Constitutional Concerns for Detainees. He said, "The due process clause of the Constitution protects everyone who's in the United States, not just U.S. citizens. So before you can deport someone, you have to make sure that you follow the due process of law by giving them the opportunity for a hearing." Mr. Yale-Loehr said that the rapid transfer of detainees out of state creates a legal problem. "If you send someone to a detention center for what essentially is a civil violation without giving them the right to a hearing, that violates the Constitution." He noted that the "only way they can try to get out from immigration detention is through this habeas corpus action filed in federal court. If you're flown down to Texas, you need to have your family or whoever find a habeas attorney in Texas—and that's very hard to do in a short amount of time."

Mr. Yale-Loehr was quoted by the *New York Times* in What Is Birth Tourism and How Common Is It? He said, "The question is do you want to take a cudgel to fix that problem or a more surgical approach?"

Mr. Yale-Loehr was quoted by the BBC in U.S. Supreme Court Appears Sceptical of U.S. Birthright Citizenship Challenge. He said, "The court does not like to rule on constitutional issues if it doesn't have to. The court could argue that the Trump executive order is invalid on statutory grounds."

Mr. Yale-Loehr was quoted by *Roll Call* in Supreme Court to Hear Oral Arguments on Future of Birthright Citizenship. He said that upholding President Trump's executive order on birthright citizenship would represent a "diminution of congressional power" because Congress is supposed to have authority over changes to immigration and citizenship. He also said, "If Trump's executive order is upheld, this would be the largest expansion of federal red tape in decades, because hospitals and state records agencies would have to become surrogate immigration agents to determine whether the parents of a newborn child have proper immigration or citizenship status."

Mr. Yale-Loehr was quoted by *USA Today* in Trump Wants to Define Who is an American. Will Supreme Court Let Him? He noted that President Trump's executive order on birthright citizenship is one of more than 500 policy changes in his second administration that are among the most sweeping immigration restrictions in modern U.S. history. He said the policies are "both a different magnitude and different quality" than the policies advanced in his first administration. But he noted that while presidents have a lot of latitude over who is allowed into the United States, defining who is an American by birth is different. "Historically, all Supreme Courts have been deferential to presidents on immigration because immigration touches on sovereignty and foreign affairs. This involves a clause in the Constitution itself," he said.

Mr. Yale-Loehr co-wrote an op-ed, How to Prepare for When ICE Shows Up on Campus, published in the *Chronicle of Higher Education.*

Mr. Yale-Loehr co-authored a blog post: President Trump's Birthright Citizenship Executive Order: Too Much Detail, Too Little Authority.

Mr. Yale-Loehr co-authored an op-ed published in *The Hill*: Trump's Order on Birthright Citizenship Would Harm Millions, Including Citizens.

Mr. Yale-Loehr was quoted by *USA Today* in What History Reveals About Trump's Move to Limit Birthright Citizenship. He noted that Americans have gone back and forth on immigration, depending in part on the strength of the economy and on how many immigrants are coming in. He also noted that President Trump's campaign promise to restrict immigration came after President Biden allowed more than two million migrants into the country under humanitarian programs. "When citizens see that number of immigrants coming to the United States in such a short period of time, they start to worry," he said. "If we had a functioning immigration system, we could better deal with the numbers of people who are trying to come to the United States."

Mr. Yale-Loehr was quoted by *Inside Higher Education* in New Student Visas Dropped 35.6% Last Summer. He said, "I don't think Americans realize how this decline in international students will hurt them both in the short term, in terms of local economies … and in the long term in terms of stifling our innovation. I think we're shooting ourselves in the foot, and, unfortunately, I don't think the Trump administration plans to change its war on immigrants."

Mr. Yale-Loehr was quoted by the *New York Times* in A Judge's 'Battle Royale' With Trump and the Supreme Court. Mr. Yale Loehr said, "This is a battle royale, both on the merits and on the relationship between lower courts and the Supreme Court."

Mr. Yale-Loehr was quoted by *Times Higher Education* in Universities 'All Over the Place' in Response to ICE Raids. He said, "While we've certainly seen a lot of publicity about targeted ICE enforcement actions in cities like Minneapolis, there is still ICE enforcement action happening on campuses, just not as visibly." Mr. Yale-Loehr said that institutions' responses have been "all over the place"—with campuses in Florida being directed by state officials to actively cooperate with ICE but many others working to protect students from being deported. University leaders could cite First Amendment rights and express their opinions, he noted, "but we've seen this administration go after people who criticize the government, so there is some risk there." He said that "[m]ost universities try to work behind the scenes to determine what's going on to help students, but without making formal public statements criticizing ICE enforcement operations."

Mr. Yale-Loehr was quoted by *Newsday* in These Long Island Brothers Came to the U.S. as Kids. ICE Deported Them to a Country They Hardly Know. He noted that arresting someone when they show up for a routine U.S. Immigration and Customs Enforcement check-in was rare until the second Trump administration. In past administrations, including during Trump's first term, he explained, resources were focused on locating criminals. But immigrants like the Long Island brothers are easier to catch because they had given the government their names and addresses and attended their check-ins. "Because of this increase in going after the low-hanging fruit, they're not going after as many criminal aliens as they would otherwise. So we may be missing some of the worst of the worst, as President Trump characterizes them."

Mr. Yale-Loehr was quoted by *El Pais* in Deaths of Alex Pretti and Renee Good in Minneapolis Reignite Legal Battle Between Democratic States and ICE. He cautioned that immigration is a complex legal issue. "Immigration has long been considered a national policy, not one of 50 different states. Immigration law is the supreme law and supersedes state laws; however, states can enact their own civil and criminal penalties, and when these intersect with immigration, it becomes difficult to determine which will prevail." Mr. Yale-Loehr noted that the Trump administration has already begun legally challenging several state laws. The federal government has filed lawsuits against California and Illinois, arguing that their immigration-related state laws are unconstitutional and jeopardize the safety of federal agents. "We'll have to wait and see how the federal courts rule," he said, noting that the issue could eventually reach the Supreme Court.

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