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Global Immigration

Winter 2018/2019 Newsletter

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Introduction

In our Winter 2018/2019 edition of our newsletter, we bring you the latest global immigration updates from across our global network from over the second half of 2018 and the beginning of 2019.

There has been a lot of announcements globally with proposals of new immigration systems such as the UK issuing the White Paper on future UK immigration systems and the US releasing their Fall 2018 regulatory agenda which provided a detailed glimpse into proposed new immigration regulations. Our Winter 2019 Focus' section turns to the United Kingdom with a focus around the impact of Brexit to EEA and Swiss nationals currently living in the UK and those who plan to move to the UK post-Brexit.

We hope, as always, that you enjoy reading through the various updates and please do not hesitate to get in contact should you have any questions or require further information on any of the matters raised.

Regards,

PwC
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Winter 2019 Focus

Brexit has dominated British politics over the last 6 months. After months of negotiation, the UK Government secured a draft Brexit agreement with the EU regarding the UK's withdrawal from the European Union, however the UK Parliament rejected the draft deal on 15 January 2019.

At this stage, it is not clear whether the UK will reach a deal with the EU and therefore no deal remains a possibility. The UK government has previously confirmed that the Settlement Scheme will apply to EEA nationals resident in the UK prior to 29 March 2019 in the event of a no deal.

Similarly, the EU Commission has invited Member States to adopt a generous approach to UK nationals living in their territories should there be no deal, and a number of Member States have started to publish guidance on their approach.

We have examined how both the deal and no-deal scenarios would affect EU citizens.

	EEA or Swiss nationals already in the UK	EEA or Swiss nationals arriving from 29th March 2019 and 31st December 2020	EEA or Swiss nationals arriving in the UK from 1st January 2021
DEAL	• No restrictions on ability to live and work in the UK • Settlement scheme will apply • Ability to bring dependants • Individuals must register by 30th June 2021 • Should be able to retain settled status in the event the EU national leaves the UK for up to 5 years	• Free movement rights will continue during the transition period • Individuals who arrive on or before 31st December 2020 will be required to register under the settlement scheme before 30th June 2021 • Family members who enter the UK from 1st January 2021 to join EEA Swiss nationals who entered on or before 31st December 2020 will be able to register under the settlement scheme, provided the relationship existed on 31st December 2020	• New immigration system to be introduced that does not distinguish between Non-EEA nationals and EEA/ Swiss nationals • Likely to be similar to current Tier 2 system • Full white paper due to be released before end of 2018 **Business travel** • UK nationals must have at least 6 months left on their passports from the date of arrival and activities may need to be restricted in line with the relevant countries' business visitor rules
NO DEAL	• No restrictions on ability to live and work in the UK • Settlement scheme will apply • Ability to bring dependants • Individuals must register by 31st December 2020 • Should be able to retain settled status in the event the EU national leaves the UK for up to 5 years **Business travel** • Potential delays and disruptions with travel between Europe and the UK post 29th March 2019 • UK nationals must have at least 6 months left on their passports from the date of arrival and activities may need to be restricted in line with the relevant countries' business visitor rules	• Situation less clear • Free movement rights for EEA or Swiss nationals are not absolutely guaranteed **Business travel** • Potential delays and disruptions with travel between Europe and the UK post 29th March 2019 • UK nationals must have at least 6 months left on their passports from the date of arrival and activities may need to be restricted in line with the relevant countries' business visitor rules	• New immigration system to be introduced that does not distinguish between Non-EEA nationals and EEA/ Swiss nationals • Likely to be similar to current Tier 2 system • Full white paper due to be released before end of 2018 **Business travel** • UK nationals must have at least 6 months left on their passports from the date of arrival and activities may need to be restricted in line with the relevant countries' business visitor rules

Countries

- Argentina
- Australia
- Azerbaijan
- Belgium
- Brazil
- Canada
- China
- Colombia
- Germany
- Guatemala
- Hong Kong
- India
- Iraq
- Ireland
- Israel
- Kazakhstan
- Kenya
- Kuwait
- Mexico
- New Zealand
- Norway
- Oman
- Peru
- Qatar
- Russia
- Saudi Arabia
- Switzerland
- Taiwan
- Thailand
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- Uruguay

Your country information

Argentina

The Argentinian immigration authority began charging new fees for all immigration related processes, including Transitory, Entry Permit applications, Temporary and Permanent Residence applications, renewal applications and change of category applications. There is a new fee for preferential appointments for Mercosur visas. This cost increase, however, does not guarantee that visas can be obtained immediately.

What this means for you as an employer?

The change will result in additional costs for the employer for immigration related applications in Argentina.

Australia

The Global Talent Scheme (GTS) pilot program has now commenced and will be trialled for an initial 12 month period. The GTS forms part of the Government's ongoing skilled visa reforms, and is intended to ensure Australian businesses are able to attract highly skilled global talent. The GTS pilot has two streams – one for established businesses who are already accredited sponsors to employ highly skilled individuals with cutting-edge skills. The second stream is for STEM and technology based start-ups.

The Skilling Australian Fund (SAF) Levy commenced on 12 August 2018. Known as the Nomination Training Contribution Charge (NTCC), the levy will be applied to Temporary Skills Shortage (TSS), Employer Nomination Scheme (ENS) and Regional Sponsored Migration Scheme (RSMS) visa applications lodged after 12 August 2018.

The Australian and Canadian Governments reached an agreement to increase the upper age limit for eligible citizens of both countries wishing to access either an Australian Working Holiday Visa (WHV) or an International Experience Canada (IEC) visa. Canadian and Australian citizens between the ages of 18 and 35 are now eligible to travel and work in the reciprocal country due to amendments made to the existing Memorandum of Understanding between the two countries, which governs Youth Mobility. The legislative instrument also confirms that this new upper age limit applies to the reciprocal agreement between Australia and Ireland as well, equally to applications for first or second Working Holiday visas.

What this means for you as an employer?

The new NTCC simplifies Training Benchmarks compliance requirement for sponsors, however this simplification also results in a substantial increase in costs for businesses which invest in training of their local workforce. The NTCC must not be passed onto the sponsored employee and instead must be paid by the Sponsor of the TSS, ENS or RSMS application. The NTCC cannot be recuperated from a sponsored employee at any time.

There have been some new requirements regarding nominations for individuals under the new TSS visa. Employers need to ensure any LMT activities undertaken satisfy those requirements.

Employers are required to contribute to Australian superannuation for WHVs, the same as for other visa holders.

Azerbaijan

The Ministry of Foreign Affairs of the Republic of Azerbaijan has expanded the ASAN Visa system. Individuals travelling to Azerbaijan for business, science, education, labour, culture, humanitarian reasons, medical treatment and official reasons, may now use the ASAN Visa System to obtain an E-Visa for this purpose. The E-Visa will have a validity of 90 days and will permit a maximum stay in Azerbaijan of up to 30 days. The ASAN Visa System also allows for the submission of applications of families and groups.

Registration requirements, permanent or temporary residence permits, immigration bans and interest on fines are the main

themes of the changes in the Immigration Code announced by the Azerbaijani Government. The changes concern foreign workers who have unpaid debts such as fines. Their entry to the country will be restricted until the fine has been paid and once paid, the fine or any restrictions imposed on their entry to the country will be lifted. Individuals staying in Azerbaijan for a period of 15 days will need to register and those who are issued with administrative fines should pay within the time limits specified by law, otherwise the risk of rejection or cancellation of the residence permit is likely.

What this means for you as an employer?

It is expected that the ability to obtain an E-Visa will significantly simplify the visa application process for employees required to travel to Azerbaijan for business activities of less than 30 days duration.

Employers should be aware of the possibility of refusal for employees' applications for temporary or permanent stay where employees have outstanding debt or unpaid fines.

Belgium

Work permits apply to all non-EEA citizens who plan to work and live in Belgium for more than 90 days. These new work permits are designed to replace and merge the two previous separate permits: a work permit and a residence permit. The introduction of a single work permit results in longer preparation times - mainly for the collation of all necessary documents (including proof of administration fee, policy certificate, medical certificate, proof of health insurance). In addition, you should expect a longer processing time - up to 4 months.

What this means for you as an employer?

Employers should consider possible delays and start applying for permits well in advance in order to meet anticipated start dates.

Brazil

The Federal Senate has approved the Data Protection Bill of Law which regulates the personal data protection in Brazil. This legislation is expected to affect all sectors of the Brazilian economy, including relationships between customers and suppliers of products and services, employee and employer, and other relationships in which personal data are collected, both electronically and physically. The Bill of Law establishes a comprehensive data protection regime in Brazil and imposes detailed rules for the collection, use, processing and storage of personal data.

What this means for you as an employer?

The new legislation will require a careful review of common practices to ensure greater security for both citizens and the business sector.

Canada

Immigration, Refugees and Citizenship Canada (IRCC) has announced that effective 5 June 2018, citizens of the United Arab Emirates (UAE), under certain circumstances, are no longer required to hold a valid Canadian temporary resident visa (TRV) to lawfully enter Canada. The UAE citizens entering Canada for less than six months are now only required to apply for and obtain an Electronic Travel Authorization (eTA) to fly to or transit through Canada.

On 1 June 2018, the Minister of Immigration, Refugees and Citizenship Canada published a new Guidance on Revised Medical Inadmissibility

Policies, clarifying Canada's processing of immigration applications from foreign nationals whose health conditions may cause excessive demand on health and social services.

Additionally, the Government of Alberta has announced that effective 14 June 2018, the Alberta Immigrant Nominee Program ("AINP") will have a new Alberta Express Entry Stream. Applicants with active profiles in the Immigration, Refugees and Citizenship Canada (IRCC) Express Entry pool now have the opportunity to be selected directly by the AINP and receive an Invitation to Apply ("ITA") to the AINP's new Alberta Express Entry Stream.

Amendments have been announced to the Global Skills Strategy ("GSS"), a 24-month pilot project designed to give Canadian employers quicker access to highly qualified global talent. The amendments apply to the Global Talent Stream's Occupations List.

Moreover, on 21 June 2018, Bill C-46, which increases Canada's Criminal Code sentencing provisions for driving while impaired, received final stage approval. It has the potential to impact both foreign nationals and permanent residents of Canada. The bill amends the maximum term of imprisonment for driving while impaired to "no less than ten years". As a result of this change, impaired driving will move from the realm of 'criminality' to 'serious criminality,' a division used to determine the scope of inadmissibility in Canadian immigration law.

What this means for you as an employer?

UAE citizens entering Canada to work, study, or tourism for a period of six months or less can now do so with less paperwork. Those employers with current or prospective UAE citizen employees, will now be in position to have them come into Canada for business purposes much more easily, as a result of this announcement.

The new Guidance on Revised Medical Inadmissibility Policies provides foreign nationals with better information on the factors that IRCC and border services officers consider when assessing medical inadmissibility. This allows foreign nationals the opportunity to proactively address and explain any potential issues of excessive demand on Canadian health and social services.

The addition of Alberta's Express Entry Stream results in selected candidates who are interested in residing permanently in the province of Alberta having a better chance to apply for Canadian permanent residence.

Employers can benefit from the new immigration options for Canadian companies with a shortage of domestic labour supply and by allowing them to bring in unique and highly specialised talent, it helps to foster their growth and competitiveness.

The much tougher sentencing provisions for impaired driving brought into force through Bill C-46 will affect those temporary and permanent residents with past convictions, as well as those who are convicted both domestically and internationally in the future.

Moreover, as a result of both Bill C-45 and Bill C-46, employers are advised to ensure that their internal human resource policies and the general guidance provided by them to employees traveling to or from Canada is current and reflects the legislation which may have serious implications on their employees' work and international travel.

China

The Exit-Entry Administration of Shanghai Public Security Bureau ("PSB") has introduced an online platform for foreign talent who are submitting their applications for Residence Permits in Shanghai. Foreign talent who are eligible to apply can submit their

Residence Permit applications via this online platform and PSB will carry out a preliminary assessment. Once assessed, the applications will either be approved or returned to the applicant within 3 working days. If approved, the foreign talent can apply for the Residence Permit at Shanghai PSB and obtain their Residence Permit within an hour.

On 28 July 2018, the State Council of China published a Circular which confirmed 11 administrative licenses are abolished in China, one of which is the work permit for Taiwan, Hong Kong and Macau (THKM) residents. This means they are no longer subject to similar restrictions and requirements imposed on other foreigners working in mainland China.

What this means for you as an employer?

With the new online Work Permit The online platform for foreign talent reduces the processing times for Residence Permit applications as well as the amount time the passports and documents of foreign talent are held by the authority.

Companies and individuals should be mindful of the potential increased risks of permanent establishment and employment tax exposures as a result of the change in work permit restrictions. Employers should have a more robust system to monitor and manage the increased tax exposures for their cross border workers.

Colombia

Foreign nationals are experiencing processing delays when seeking degree validation from the Ministry of Education to validate resolution of their professional degree certificates for the immigration process. The processing time for degree validation undertaken by the applicant him/herself may take up to five months. Certain regulated industries such as engineering will issue a temporary permit to foreign employees to perform activities legally in Colombia. These permits are issued for one year, and may be renewable for another year. The process can take up to 15 days.

What this means for you as an employer?

Employers should be aware that there are two different processes for certain regulated industries such as engineering. It is recommended to factor in ample time for the degree validation process with the Ministry of Education, while the immigration permit application is in progress.

Germany

The Federal Employment Agency is now requesting additional corporate information for ICT Card applications. The requirements apply for both ICT Card and ICT Mobile Card applications. The Federal Labour Authority has also provided updated application forms, meaning additional details must be added in order for applications to be processed.

Employers applying for many work permit types that involve a pre-approval process in Germany must use a new form that requires more extensive employment information than previously, including salary and benefit details. The new work permit application forms require additional details on overtime and compensation as well as holiday entitlement, etc. Such details must be available before the application can be submitted.

The Federal Foreign Office has presented a Transitional Brexit Bill. It gives solutions to create legal certainty in federal law for the transition period after the United Kingdom's withdrawal from the European Union. The main intention of the bill is to create legal clarity for the transition period with regards to provisions of federal law that refer to membership of the EU. The bill contains a clear and simple transitional rule for the transition period: wherever federal law refers to EU Member States, this will also include the United Kingdom as long as none of the stated exceptions apply. The bill also includes a provision to help British and German citizens apply for citizenship of the other country before the end of the transition period. It is expected that the bill will come into force on 30 March 2019.

What this means for you as an employer?

Employers should be aware that delays and unavailability of visa appointments may affect start dates and travel arrangements.

Employers applying for work permit types involving a pre-approval process should check if the additional information is available at the time of assignment or offer acceptance or at the latest by the time the work permit application process commences.

Stricter standards of scrutiny apply to a company when applying for ICT Cards and ICT Mobile Cards (this includes renewal applications for these two permit types). Potentially, tax and social security contributions that have not been paid or insolvency procedures that have been initiated might jeopardise an application and eventually have an impact on the application decision.

Employers hiring foreign nationals should take into consideration upcoming changes and wait for the final version of the Transitional Brexit Bill to be approved by the German Bundestag.

Employers applying for work permit types involving a pre-approval process should check if the additional information is available at the time of assignment or offer acceptance or at the latest by the time the work permit application process commences.

Guatemala

The National Migration Authority has published new immigration fees concerning applications for passports, tourist visas, residency visas, proof of immigration status, visitor cards, and various certifications. Penalty rates will now also apply for all applicants who submit incomplete applications.

What this means for you as an employer?

Foreign workers and employers should be aware of higher fees for immigration processes and ensure that any applications they submit are fully complete.

Hong Kong

Hong Kong released their Talent List on 28 August 2018. The list contains 11 highly-skilled professions that the government seeks to attract to reside and work in Hong Kong and contribute to the development of its economy in the immediate to medium term. Talents who fall under the list are eligible for immigration facilitation under the Quality Migrant Admission Scheme, which is a quota-based immigration scheme with a points-based selection mechanism. Successful applicants under QMAS are not required to have secured an employment offer in Hong Kong and are therefore able to take up self-employment or set up in business in Hong Kong. Interested applicants are advised to understand the requirements and logistics regarding the visa in order to make an informed decision.

Under Hong Kong's revised immigration policy, from 19 September 2018 individuals in the following relationships accorded legal recognition overseas will be able to apply for a visa as the dependant of an eligible sponsor: same-sex civil partnership, same-sex civil union, same-sex marriage, opposite-sex civil partnership or opposite-sex civil union.

The Hong Kong Immigration Department has confirmed that all other dependant eligibility criteria will remain unchanged. All new and outstanding applications will be processed in accordance with the new policy.

A new generation of smart Hong Kong identity cards (HKICs) with enhanced security and durability features are in the process of being issued to residents. All existing cards are expected to be

replaced by 2022. The replacement exercise will apply to all Hong Kong residents. Applicants will need to attend one of nine newly established Smart Identity Card Replacement Centres (SIDCCs) within a specified period to register their fingerprints and photograph, and verify their application data at a self-service kiosk. The replacement HKIC will be issued free of charge within 10 working days of the appointment.

What this means for you as an employer?

Employers should be aware that depending on their circumstances, qualified individuals in the 11 listed professions as well as other talents may also consider applying for visas under other non-quota based immigration arrangements, such as an employer-sponsored employment visa under the General Employment Policy.

Holders of dependant visas are able to study, work or conduct business in Hong Kong without additional permission from the immigration authorities, therefore potentially broadening the pool of foreign talent in Hong Kong.

India

The Ministry of Home Affairs (MHA) has taken several measures to liberalise the visa process for foreigners coming to India. These measures have focused on simplifying processes, reducing in-person interactions with the authorities and delegation of authority to jurisdictional officers.

The popularity of these measures is evident from the surge in electronic visa (e-visa) applications, which have grown from under 0.5 million e-visas in 2015 to over 1.8 million in the last 10 months ending 30 October 2018.

The MHA has recently issued a press release summarising the various measures taken towards liberalisation of the visa regime. The MHA has been actively working on simplifying various visa processes and enhancing the overall immigration experience for foreign nationals. Success has been achieved on these fronts by effective usage of technology and delegation of powers to jurisdictional officers.

The key changes introduced have been outlined below.

Expansion of the e-visa facility

The e-visa facility has been expanded and is now open to foreign nationals of 166 countries. The e-visa facility was initially only available for tourist, business and medical visas; but his has now been extended to conference and medical attendant visas. Furthermore, foreign nationals are now permitted to apply for e-visas three times (compared to twice in the past) in a calendar year.

Introduction of e-FRRO services across India

E-FRRO services are now operational across India and provide various in-country immigration services, including visa extensions, conversions, exit permits, etc. With the introduction of e-FRRO, the requirement for personal attendance has been dispensed with.

Other procedural changes relating to in-country visa services are as follows:

- The Foreigners Regional Registration Office (FRRO) may grant in-country visa extensions for business/ employment visa holders for up to 10 years;
- The FRRO extended to 90 days e-visas issued with an initial validity of 60 days;
- The FRRO may convert the existing visa of a foreign national married to an Indian citizen/person of Indian Origin/ Overseas Citizenship of India card holder to an entry visa;
- Foreign nationals on long-term visas

are permitted to attend international conferences/ seminars/workshops without obtaining any further approvals from the FRRO;

- Foreign nationals requiring medical treatment during the course of their visit to India are permitted to avail of medical treatment without having to convert/obtain a medical visa.

To attract foreign interns, the provisions relating to issusing visas to interns have been liberalised and they can now be granted visas at any time during the course of study. Furthermore, the minimum remuneration for interns has been reduced to INR 360,000 per annum

Protected Area and Restricted Area Permits

The power to issue Protected Area Permits (PAP)/Restricted Area Permits (RAP), toforeign nationals required to visit certain areas of the country, has been delegated to jurisdictional officers / FRRO in an attempt to simplify the process.

Previously these applicatiosn had to be referred by the State/jurisdictional officers to the MHA who would evaluate/ approve all PAP/RAP requests. This was time consuming and resulted in permit issuance delays.

The requirement to obtain RAPs for travel within the Andaman & Nicobar Islands has been dispensed with for 30 islands in the region in an effort to encourage tourism. Furthermore, authorities are expected shortly to freely permit foreign nationals to make day trips to 11 uninhabited islands.

E- Landing permits

To enable faster immigration clearance the requirement to obtain biometric enrolment as part of the E-Landing permit process for to foreign tourists at five major seaports has been suspended until December 2020.

What this means for you as an employer?

The dispensation of personal appearance for in-country services and expansion of the e-visa option to nationals of 166 countries is certainly a welcome change.

Iraq

Iraq's Ministry of Interior (MOI) requires non-exempt companies to make security deposit payments for each visa applicant in order to obtain their Letter of Approval (LOA) and requires employers to provide updated 2018 corporate registration documents for standard visa requests. This new requirement means that any company which does not hold a waiver from the Prime Minister's Office is obliged to pay IQD 100,000 per individual visa applicant before obtaining their visa LOA.

On 7 October 2018, the Kurdistan Regional Government immigration office issued and executed a new regulation regarding the submission of visas and e-visas. All applicants must submit return tickets with their visa or e-visa applications, otherwise the immigration office will reject their visa request.

What this means for you as an employer?

The impact is significant for employers that are not exempt and do not have their updated corporate documents, since the MOI will not release the visa LOAs unless companies comply with the new requirements and update their records at the Baghdad MOI.

Employers should be aware of new visa and e-visa requirements. Therefore, clients are advised to book return tickets for their employees and submit confirmation with the other supporting documents to avoid the possibility of visa cancellation.

Ireland

The Minister for Justice and Equality published 'Immigration in Ireland: Annual Review 2017'. The publication includes updated statistics for all aspects of immigration in Ireland, and also identifies key policy and operational developments of future focus.

The Tánaiste and Minister for Foreign Affairs and Trade has announced that Ireland will open 7 new Missions (Embassies or Consulates) as part of the next phase of expanding Ireland's global footprint. The new Missions will be in Europe (Cardiff, Frankfurt, Kiev), Asia (Manila), North Africa (Rabat), Africa (Monrovia) and North America (Los Angeles). The Global Ireland strategy sets out new commitments to deepen their engagement with EU partners, extend support to Irish businesses and allow Ireland to play a full role in addressing global challenges.

As of 3 September 2018, applications for re-entry to Ireland are accepted via hard copy only; which must be sent to the appropriate office by registered post. The immigration authorities in Ireland recommend that applications for re-entry to Ireland are made at least five to six weeks before the scheduled travel date.

What this means for you as an employer?

The opening of additional Missions in new locations will provide more flexibility for Irish visa filing and document services.

Employers should be aware that it is recommended that individuals submit their re-entry applications early enough to minimise any business disruption.

Israel

The Ministry of Interior published an update to the regulations relating to the employment of foreign experts in high-tech and cyber companies. All foreign high-tech employees must now undergo consular processing prior to arrival. The documentation required and the processing times involved will be dependent upon workload at the relevant consular post. Some applicants may be required to undergo medical checks and police clearances as part of the application process. Unlike the "regular" Short Employment Authorisation (SEA) process, Israeli high-tech and cyber companies will be able to apply for a visa for up to 90 days in a calendar year, instead of the usual maximum of 45 days. Processing times are also expected to be reduced for these companies to an estimated 6 business days.

The Knesset's Internal Affairs Committee approved regulations for a new employment visa for US. investors and their employees, in Israel. As a consequence, a US citizen and their US employees can obtain work visas in Israel on the basis of an investment. The visa does not have a limited validity, and it will also allow spouses to work in Israel. Based on a reciprocal agreement, Israeli and US citizens will be able to invest in each other's country, and receive a work permit based on the contribution of the investment to the economy and the employment in that country.

The Population and Immigration Authority has published a warning that, during the summer, intensive and extensive enforcement procedures will be conducted against foreign workers who are employed without a valid work visa. It is the employer's responsibility to ensure that their employees' visas and work permits are valid. Employing a foreign worker without a valid work permit and work visa is a criminal offence. If the offence was committed by a corporation, any person within the company who was responsible for the immigration breach will be charged. Any salary and expenses relating to the employment of an illegal foreign worker will not be deductible for tax purposes. The employer shall

be under increased exposure to bookkeeping audits for tax purposes.

What this means for you as an employer?

Employers should take consular processing into consideration when setting start dates. The SEA process will apply and high-tech companies can still apply under the regular SEA visa for up to 45 days without meeting the prevailing wage.

Inspections conducted by The Population and Immigration Authority of the Ministry of Interior will review, inter alia, labour and immigration compliance, violations of work permit terms, and breach of geographical limitations (place of work). According to the announcement, legal action will be taken against company violations.

To avoid any penalties or criminal charges, employers should ensure that all employees hold a valid work visa and work permit. Employers should also ensure that all expiry dates are being tracked to avoid non-compliance.

Kazakhstan

Significant amendments have been introduced for foreign nationals who do not require the permission of local executive authorities to work in Kazakhstan. Foreign nationals in senior management roles (such as the CEO and Directors of Kazakhstan legal entities fully owned by foreign companies, and their Deputies) will not require the permission of local authorities to work in Kazakhstan.

What this means for you as an employer?

These amendments will significantly simplify the process for certain foreign nationals to work in Kazakhstan.

Kenya

Interior Cabinet Secretary (CS) launched the work permit and verification exercise at the immigration headquarters, Nyayo House. Every foreign national with a work permit (including holders of all categories of entry permits such as the investor permit as well as those for specific professions) is expected to appear in person at the verification centre at Nyayo house and must be in possession of the following original documents: work permit, KRA PIN, valid official endorsement on passport, valid alien card/original waiting card and official work permit payment receipt. In addition to the presentation of the above listed documents, the foreign national will have their biometrics (fingerprints, photo and signature) recorded. An electronic work permit card will be issued to every foreign national to mark the completion of the verification exercise.

Following the conclusion of the highly publicised work permit verification process, the Department of Immigration is to implement a raft of measures. The Interior Cabinet Secretary (CS) has directed that all applicants for work permits and passes should only travel to the country once their applications are approved. Part of the new centralised approach includes the formation of a committee to determine special pass and dependant pass applications as has been the case with work permits. The post work permit verification period will be marked with tight enforcement of immigration laws.

What this means for you as an employer?

Employers need to allocate sufficient time to have all foreign nationals holding work permits visit immigration headquarters to verify and authenticate their work permits. This has to be done within the 60 day window given by the CS. The verification of foreign national authorisations will be made significantly easier and the digital register will provide

the immigration authorities with a baseline reference when certain jobs are considered for 'Kenyanisation'.

It is important for employers and employees to ensure that they plan adequately for their work authorisation documents to be processed in good time for their travel to Kenya. This will likely involve lodging permit applications well in advance of the desired arrival date of expatriate employees, investors, professionals or consultants. Crucially, organisations need to ensure that their employees have the requisite work authorisations i.e. work permits or special passes and that they avoid cases where foreign nationals work on business visas.

Kuwait

The Kuwaiti government has amended the Kuwaiti labour law to clarify employee entitlements to annual leave and pension contributions. The Kuwaiti authorities also introduced a ban on recruiting nationals from Bangladesh. The decision is believed to be attributable to irregularities and abuses by traffickers in work and residency permits for Bangladeshi nationals whose numbers have increased remarkably following the recent lifting of a ban on their recruitment. The new ban will not affect renewal applications for Bangladeshi nationals already living in Kuwait. Furthermore, it was announced by Kuwaiti Ministry of Health that expats in Kuwait suffering from 22 non-contagious illnesses such as cancer, diabetes, high blood pressure, kidney failure, and vision/eyesight problems will no longer have the eligibility to obtain a residency visa due to an increase in pressure on the healthcare industry in Kuwait. The purpose of this recent directive is to address the imbalanced healthcare costs on expatriates residing in Kuwait.

What this means for you as an employer?

Employers should take note of the government's stance towards what constitutes as annual leave, and on the post-termination process in order to maintain compliant and sound hiring practices. They should also be cognisant on the restrictions on hiring Bangladeshi nationals and those suffering from non-contagious diseases.

Mexico

Due to the introduction of new criteria for many immigration processes, immigration authorities may request additional documentation or information during various applications' adjudication process. The National Institute of Migration (INM) has increased its unannounced workplace visits, which may prolong the INM's response times to pending immigration applications. Visa authorisations may be delayed if filed during the company's registration renewal or if the company has not updated its information before the Immigration Authority.

What this means for you as an employer?

Delays in the visa filings may trigger delays and non-budgeted costs in the relocation of individuals. Employers should warn their employees not to plan any moving or shipping of personal effects until their visas are issued.

New Zealand

Immigration New Zealand announced that there will be changes to government fees and levies for New Zealand visa applications. Employers should note that fees and levies for most work visa types (excluding Recognised Seasonal Employers and Working Holiday work visas) could increase by up to 54%. In addition, there will also be an increase to the Accredited Employer application and renewal fees. However, there will be a decrease in fees and levies for Business visitor, Student and Group visa application types.

The Ministry of Business, Innovation and Employment ("MBIE") is continuing to treat non-compliance by employers seriously. The continued focus on employer compliance is supported by the existing MBIE stand-down list. The intention of the stand-down list is to halt migrant exploitation by requiring employers to exhibit evidence of current, past and future compliance with the Immigration Act 2009 and various employment legislation. Non-compliant employers can be placed on the stand-down list for a period of up to 24 months with this period commencing when an infringement notice or penalty is issued. The repercussions of being on the stand-down list are severe for employers as they are prevented from recruiting new migrants or supporting visa renewals for any of their employees while on the stand-down list.

What this means for you as an employer?

The increase in fees and levies for most work visa types will result in higher fees for employees and therefore employers who support them. Those employers who hold Accredited Employer status with Immigration New Zealand will also be affected.

Employers need to continue to ensure they adhere to good employment practices not only to avoid penalties for non-compliance, but also to support visa applications and gain access to migrant skills and labour. All indications are that there will be an ongoing focus on employer compliance and that only employer's with a positive compliance history and robust HR practices will have access to migrant labour and skills going forward.

Norway

In July 2018, Norway introduced a minimum wage increase for all foreigners working there. The change affects all mobile employees from outside the EU/EEA working in Norway except business visitors. The increase may be a challenge for employers as well as for employees, as this may result in the lack of renewal of employment contracts as well as residence permits. Norwegian Labor Inspection Authority (Arbeitstilsynet) can sanction companies for not meeting the new minimum salary requirement.

What this means for you as an employer?

Employers must ensure that all employees who are EU / EEA nationals working in Norway meet the salary requirements.

Oman

Foreign nationals are now required to procure an electronic visa ("e-visa") prior to their travel to Oman. All foreign nationals will no longer be able to attain a visa on arrival, and will need to plan in advance for their trips to Oman. Business travellers going to Oman will need to be mindful when scheduling meetings on short notice. Other developments in Oman also include a new labour market test for employers operating in the oil and gas sector. Relevantly, employers in Oman will soon require pre-approval from the Ministry of Oil and Gas before filing labour clearance requests at the Ministry of Manpower to hire expatriates in the oil and gas sector.

Oman has introduced new legislation enabling Omani national students and retirees to take on part-time roles. Importantly, private sector companies employing such students and retirees can include them as part of their overall Omanisation percentage requirements; a measure which is intended to increasingly motivate and incentivise the private sector to avail more of the skills and experience of the Omani national, as opposed to foreign, population. The Sultanate of Oman has adopted several measures to reduce the overall private sector dependency on the expat

population and increase the inclusion of Omani nationals. In keeping with this theme, the Ministry of Manpower has amended the existing part-time work permit framework to include students and retirees.

The Ministry of Manpower ("MoM") has extended the ban that currently applies on the temporary recruitment of non-Omani manpower in specific private sector industries/professions. In addition, the six month ban applied to 87 sector-specific occupations (including, but not limited to, accounting and finance, administration and human resources, IT, media, and engineering).

What this means for you as an employer?

The Ministry of Oil and Gas will review the pre-approval application and issue a decision. The timing and specific processes/procedures in this regard have yet to be clarified.

The inclusion of students and retirees as part of their overall Omanisation percentage requirements serves the private sector as a key incentivisation tool as well as the ability to utilise, without increased financial pressure, a broader segment of the local Omani population.

The GCC is undergoing rapid change as governments attempt to cope with the challenges brought by a post-oil era. Markets are increasingly dominated by an ever increasing expat population and a youth and youth unemployment bulge amongst GCC nationals, necessitating a careful balancing exercise. The private sector serves as a key enabler of job creation and diversification. Increased localisation policies are sure to remain a top priority across the GCC for the foreseeable future and an important factor for private sector employers to consider as part of their overall recruitment and employment processes and procedures.

Peru

The Ministry of Labour confirmed the details of the Temporary Work Permits (also named as PTP) and Extraordinary Work Permits programs, which will replace traditional work visas for all Venezuelan citizens in Peru who do not already have a sponsoring employer. Under this program Venezuelan citizens will now no longer be obliged to submit their employment contracts for approval to the Ministry of Labour which is expected to reduce the overall processing times for these applications. It is important to note that the validity of all employment contracts related to PTP and Extraordinary Work Permits must be the same as the visa validity. The validity is up to one year for PTPs and 60 days for Extraordinary Work Permits.

The Ministry of Labour will be implementing a new online registration system for Resident Worker Visas. The new system will make the registration process simpler; both with regards to processing times and documentary requirements. Under the new rules, employment contracts will be considered approved from the date the foreign employee is registered in the system, and amendments and renewals will be subject to the same process.

What this means for you as an employer?

Employers should be aware of the validity of employment contracts and the visas as this may impact the visa application processes.

Employers and employees can now enjoy faster processing times for Resident Worker Visas, as the online system will grant approval immediately. Time required to gather supporting documentation will also be reduced.

Qatar

Expatriates in Qatar identified as working within the engineering profession must now register with the Ministry of Municipality and Environment (MME) and are required to pass an examination regulated by the MME. This requirement now applies upon issuance of their Qatar Work and Residence Permit. Certified employees holding an engineering degree but with a valid work visa for a non-engineering profession will be exempt from this ruling as will employees of companies registered under Qatar Financial Centre (QFC).

The Qatari government issued a new law relaxing the exit permit requirement that has been imposed upon foreign employees (covered by the Qatari federal labour law) as a mandatory pre-condition to exiting the country, whether on a temporary or permanent basis. However, the new law does not completely abolish the exit permit regime. An employer still has the power to submit a prior and reasoned application to the Ministry of Administrative Development, Labour and Social Affairs (the "MADLSA") listing the names of employees that the employer considers it still necessary – due to the nature of the employees' work – to obtain its prior approval before leaving the country.

The Qatari government issued the "Law" regulating the manner and circumstances under which non-Qatari nationals can obtain permanent residency in the State of Qatar. The Law tightly regulates the circumstances and conditions under which expats can seek, and obtain, permanent residency status. An application process will be put into place regulating the procedures under which the Law can be availed of. However, prior to the submission of any such application, the expat must have maintained uninterrupted and valid legal residency status (the "Continuous Residency Rule") in Qatar. The Continuous Residency Rule is set at 20 years for those expats born outside the country and 10 years for those expats born inside the country. The Minister of Interior can cancel the permanent residency approval and revoke the permanent residency card in the event of breach of any applicable conditions of the Law.

What this means for you as an employer?

To comply with the newly implemented ruling and announcement made in Qatar it is recommended that expatriates who are working or who have worked within the engineering professions review their documentation. Where required, the work and residence permit documents should be updated to reflect their current professions.

The relaxation of the exit permit regime is a welcome decision and will foster and cultivate internal best practices and employee relations. However, where, due to the nature of the employee's role and work, an employer wishes to retain some form of exit permit control, it has the right to approach the MADLSA and request that the employee still require an exit permit from the employer.

The Law regulating the manner and circumstances under which non-Qatari nationals can obtain permanent residency is a welcome decision and ground breaking from a GCC country perspective.

Russia

Amendments to Federal Law on "registering foreign nationals and stateless persons in the Russian Federation" have been made and have resulted in changes to the rules relating to migration registration for the majority of foreign nationals. The Registration Law now requires foreign nationals and accompanying family members to be registered at the address of "actual stay" rather than the employer's or

organisation's office address. As a result of this new law, it is expected that the majority of multinational companies and foreign businesses operating in Russia are now unable to independently register employees and their family members. From a practical perspective, this also means that landlords will now need to become actively involved in the migration registration process.

On 19 July 2018, Russian President, Vladimir Putin, signed off on a number of Federal laws regulating immigration that were published on the same day. Please see below a summary of the key changes.

1) Federal Law "On Amending Article 16 of the Federal Law "On Legal Status of Foreign Nationals in the Russian Federation'" - This Law stipulates that an inviting party shall be responsible for taking measures to ensure that an invited foreign national should comply with the rules of stay in Russia and exit Russia by the due date.
2) Federal Law "On Amending Article 18.9 of the Russian Code of Administrative Offences" - This Law stipulates that a person acting as an inviting party shall be responsible for taking measures to ensure compliance (the "Measures") of the invited foreign nationals for their declared purposes of entry into Russia.
3) Federal Law "On Amending the Federal Law "On Arranging Provision of Federal and Local Government Services" as related to establishing additional guarantees for individuals when they receive federal and local government services" - This Law defines special characteristics of interaction between individuals and federal and local government authorities when services are provided. The authorities and multifunctional centres may not request individuals to submit documents and information that were not indicated as missed or unreliable upon an initial denial.
4) Federal Law "On amending certain Russian laws as related to application of the simplified entry procedure for foreign nationals with electronic visas within airport checkpoints on the Russian state border located in the Far Eastern Federal District - This Law applies the simplified entry procedure for foreign nationals with electronic visas to a number of airports of the Far Eastern Federal District (determined by the Russian Government).

What this means for you as an employer?

Federal Law completely changes the rules of migration registration and has a strong impact on multinational companies in terms of efforts to comply with migration laws. In choosing accommodation providers or landlords in Russia it is now extremely important for employers to ensure that chosen providers are willing to undertake the migrant registration process.
The amendments in Federal Law involve a careful approach to reviewing whether each immigration case complies with the new rules.

Saudi Arabia

The Saudisation programme remains high on the Kingdom of Saudi Arabia (KSA) government agenda and part of its overarching 2030 Vision strategy, with increasing rules being put into place to ensure Saudi nationals are being appropriately and adequately staffed in the private sector. The KSA Ministry of Labour introduced additional Saudisation rules, prohibiting expatriate employment in 12 additional industry sectors/work areas. In addition, the KSA authorities had previously confirmed that they would begin issuing tourist visas to nationals of select countries as part of an increased

drive to promote its tourism sector and position itself as a leading Middle Eastern hub for foreign trade and investment.

What this means for you as an employer?

Employers should familiarise themselves with new rules for Saudisation for further manpower planning.

Switzerland

The Foreign Nationals Act (FNA) was amended and the Federal Council was required to decide who the new articles and related ordinances would be implement following demands for greater autonomous control of immigration. The Ordinance on Recruitment, and the Hiring of Services create an obligation for employers to communicate job vacancies in certain occupation types to the designated public authority. In occupation types where the unemployment rate is equal to or higher than the threshold, employers will have a legal obligation to notify the designated public authority of any job vacancies. Registered unemployed workers will benefit from a head start for their applications.

In 2019, companies doing business in Switzerland will have access to an increased number of Swiss work permits to fulfil their business needs. These additional quotas will be allocated to the 'federal reserve' and not to the cantons. This means that the cantonal labour authorities will be able to request additional quotas from the federal authority when they run short of their own quotas. Permits for EU nationals working under a local Swiss employment contract and subject to Swiss social security are not affected, as they are not subject to quotas. The quotas for EU assignee permits are released via a federal 'pot' quarterly for the whole of Switzerland. In order to issue an EU quota permit, a canton must take one from the federal 'pot' on a first come, first served basis.

With these changes, the Swiss government aims to make the system more flexible and able to meet the different economic needs of each canton.

What this means for you as an employer?

The changes outlined above imply that companies will have to monitor the list of professions issued by the SECO on a regular basis to check whether, when and for which professions the threshold of 8% is met (or exceeded), thus requiring them to notify the designated public authority of their job vacancies. The internal or external recruitment teams of companies will need to implement processes that allow them to publish vacancies efficiently in order to avoid disruption of the day-to-day business activities.

Taiwan

The visa exemption program for citizens of Thailand, Brunei and the Philippines has been extended by the Taiwanese Ministry of Foreign Affairs to 31 July 2019. However, the duration of visa exemption for Thai and Brunei citizens has been shortened from 30 to 14 days.

What this means for you as an employer?

Employers should be aware of change in duration of stay in Taiwan for citizens of Brunei and Thailand, which creates consistency with the length currently permitted for Philippines citizens.

Thailand

The Thai government implemented a new labour law affecting foreign employees and their workers. The change allows clients to send the employees to work for periods up to 30 days by initially obtaining a 15-day urgent work permit. This can be extended a further 15 days once the employee is in the country. The increase in length of the urgent work permit together with option to extend may prove a more favourable

visa option in comparison to a Non-Immigrant B Visa for employees who are nationals of countries that have a visa exemption agreement with Thailand. These nationals will not require additional visas to enter Thailand and will be able to commence work immediately on their urgent work permits.

What this means for you as an employer?

Clients must ensure that employees meet the eligibility criteria for urgent work permits and that an urgent work permit is for short term work only.

Ukraine

E-visas will are available in Ukraine. The Cabinet of Ministers of Ukraine have made procedural changes to the process of issuing Ukrainian Temporary Residence Permits (TRPs) and Permanent Residence Permits (PRPs). These changes concern mainly the form of documents, processing times, deadlines for renewals, application processes as well as minor dependants' immigration compliance. They do not affect the grounds for obtaining these documents and their core purpose remains the same. These changes are not expected to result in additional costs for Ukrainian companies as the statutory fee for the issuance/renewal of TRPs/PRPs is not expected to increase significantly. However, additional costs as a result of these changes are expected for foreign nationals who are accompanied by children under 16 years old.

What this means for you as an employer?

As these changes are procedural in nature there should be no need for employers to make amendments to their general mobility strategy. However, employees should be made aware of the changes that have been made to the deadline for renewal of their documentation and the new requirements to attend in person and obtain separate documentation for accompanying children.

United Arab Emirates

The UAE governments announced widespread proposals and changes to the existing UAE visa regime and landscape.

The DIFC Employment Law was the subject of a consultation paper which proposed a number of significant changes. The consultation paper proposed changes which are increasingly more in line with employment laws and protections in the UK, including an express concept of constructive unfair dismissal, expansion of the "protected grounds" for discrimination to include age, pregnancy and maternity, remedies and financial penalties for breach of the Law, whistleblowing protections, recognition of alternative employment structures (e.g. part-time working and secondment arrangements) and a widening of the territorial reach of the Law itself. The UAE Cabinet approved a draft law on equal wages and salaries for men and women. Furthermore, the Ministry of Human Resources and Emiratisation ("MOHRE") recently enacted a new rule permitting eligible employees to take on one or more part-time jobs. Eligible employees have the ability to commence work with a competitor employer in the UAE.

Continuing the theme of providing for more protective and inclusive rights for UAE Nationals, MOHRE issued a new Decree, regulating the recruitment and termination of UAE Nationals in the private sector. The 2018 Decree provides a number of provisions regulating the recruitment of UAE Nationals. It also repeals the 2009 Decree, provides some further details on the termination process and lists various penalties and enforcement action. The changes would amend existing UAE Labour Law framework - the principal legislation governing employment matters in the private sector (bar the UAE's two financial free zones, the DIFC and ADGM, which each have their own independent employment codes) - to cater expressly and formally towards greater UAE national inclusion and regulation within the workplace context. A deeper concerted effort has been made to build on existing localisation policies and frameworks to further protect, and enhance, the rights of UAE nationals in the private sector.

The UAE's "Protect Yourself via Rectifying Your Status" scheme, implementing amendments to the amnesty rules, came into effect on 1 August 2018.

Other developments in the UAE include the UAE government's introduction of a new law providing greater protection and equal rights in the workplace for those with disabilities. Additionally, following the decision of the Ministry of Labour and Social Development ("MLSD"), employers in the KSA are now permitted to change the job titles mentioned in expat workers' residency visas/Iqama. Applications for occupation changes will need to be submitted online at the MLSD's portal and job titles will not be

changed if they are not in alignment with the occupation matrix system and labour rules. The MLSD and the Ministry of Housing have announced that no work permits will be issued or renewed in the absence of a registered lease

What this means for you as an employer?

In order to comply with the changes in the Law, it is recommended that companies undertake an audit check of, and ensure employment contractual documentation include, clear and express confidentiality obligations, duties to disclose third party engagement and conflicts of interest, and properly reflect working arrangements (including a review of which contracts might trigger the option of part-time working). Employers should also introduce a comprehensive part-time working policy as well as put in place structures to restrict employee access to company confidential information.

The private sector serves as a key enabler of job creation and diversification. Increased localisation policies are sure to remain an important factor for private sector employers to consider as part of their overall recruitment and employment processes and procedures.

Employers should be aware of the new GCC immigration and employment regimes.

United Kingdom

The UK Government has published a White Paper on the future immigration system post Brexit. The White Paper builds upon the earlier recommendations of the Migration Advisory Committee, confirming that new entrants to the UK from January 2021, including EEA nationals, will be required to obtain a work visa.

The proposals include

- Removing the annual cap of 20,700 which currently applies to the Tier 2 (General) route
- Abolishing the need to undertake a Resident Labour Market Test before an individual can be sponsored to work in the UK
- Making it possible for certain nationalities to switch from a visit visa to a work visa
- Reducing the skill level for being sponsored for a work visa, although it appears that Intra-Company Transfer migrants may still need to meet the current skills threshold
- The Government will also consult on whether the MAC's proposed £30,000 salary threshold would strike the right balance between controlling immigration and the needs of business.

The Government has proposed a short term worker visa for all skill levels to allow businesses the opportunity to adapt to the end of free movement of EU nationals. The category will be for a transitional period only

The following details are provided in the White Paper

- The visa will be restricted to certain nationalities only
- Individuals will be issued a visa with a maximum duration of 12 months
- There will be a 12 month cooling off period before an individual is eligible for a further visa under the scheme
- Individuals cannot switch into other visa categories and will be unable to bring dependants to the UK

Again, the Government has confirmed that it will consult on how the scheme operates in practice.

The White Paper includes information on additional categories such as a UK-EU Youth Mobility Scheme and a "Start up visa".

In addition, international students studying for degrees and above will have a built-in 6 month period following the end of their course to undertake post study work. For those studying PhD level courses, this period will be 12 months.

The White Paper confirms that immigration compliance remains a key issue, but recognises that the current Sponsor Licence system will need to change.

The government are considering the following changes;

- Introducing a light touch, risk based approach to sponsor duties

- Allowing umbrella groups to sponsor work visas on behalf of members
- Introducing a transactional approach to sponsorship for smaller employers that may not require a full Sponsor Licence

Other developments in 2018 have included the introduction of a pilot scheme for seasonal workers in certain areas of the agricultural sector.

What this means for you as an employer?

The announcements regarding the Settlement Scheme for both a deal and no deal scenario provide greater certainty for employers and employees currently residing in the UK.

Whilst there remain some question marks regarding the impact of a no deal on EEA nationals looking to enter the UK between 30 March 2019 and 31 December 2021, businesses are now in a position to better plan for the future in terms of their longer term needs for their workforce.

Employers should consider regular engagement with their employees to ensure they understand the impacts of the EU Settlement Scheme on them and their family members.

Similarly, the White Paper provides a template for the future immigration system from January 2021. Businesses should seek to understand the impacts from a cost and time perspective on their future recruitment and resourcing plans. The Government has also indicated a willingness to consult further on a number of the proposals within the White Paper, and we would encourage businesses to embrace this opportunity as details emerge.

United States

Homeland Security Investigations (HSI) followed through on its commitment to increase the number of I-9 audits in an effort to enforce immigration compliance among employers. I-9 audits are issued to employers through a Notice of Inspection. Upon receipt the employer has three days to produce its I-9 employment eligibility verification forms, after which ICE conducts a compliance inspection. Violation of I-9 rules can result in civil fines and even criminal penalties.

The Department of Homeland Security (DHS) and Department of Labour (DOL) released their Fall 2018 regulatory agendas. The Fall 2018 regulatory agenda provides a detailed glimpse into proposed new regulations as well as moving forward with previously proposed rules having a significant impact on the H-1B, and H-4 EAD programs.

Additionally, on 30 September 2018, representatives from the United States, Canada and Mexico announced that negotiations surrounding the North American Free Trade Agreement (NAFTA) had concluded, and that NAFTA is to be replaced by the United States - Mexico - Canada Agreement (USMCA). The immigration-related provisions of USMCA largely mirror those currently under NAFTA. The changes include: updated scope; removal of numerical limits related to Professionals; Working Group considerations; and potential visa requirement changes relating to Traders and Investors. That said, the provisions relating to Business Visitors, Traders and Investors, Intra-Company Transferees, and Professionals remain almost entirely the same.

Effective 1 October 2018, USCIS began gradually implementing the 28 June 2018 Notice to Appear (NTA) Policy Memorandum. A Notice to Appear (NTA) is a document that instructs an individual to appear before an immigration judge. This is the first step in starting removal proceedings. USCIS issued an alert clarifying that the issuance of a NTA is not applied to employment-based petitions, and humanitarian applications and petitions. However, it applies to Form I-485, Application to Register Permanent

Residence or Adjust Status, and to Form I-539, Application To Extend/Change Non-immigrant Status. This means that individuals whose Form I-485 or I-539 is denied, and who do not have valid underlying non-immigrant status, may receive a NTA from USCIS. The NTA requires the individual to present themselves in front of an immigration judge on a set date.

USCIS updated the page on its website for Optional Practical Training (OPT) to indicate that STEM students may engage in training that takes place at a third-party location or client-site. According to the updated website, STEM OPT students may participate in training at a site other than the employer's principal place of business provided all of the training obligations are met, including that the employer maintains a bona fide employer-employee relationship with the student.

USCIS posted a policy memorandum, allowing USCIS adjudicators the discretion to deny applications without first issuing a Request for Evidence (RFE) or Notice of Intent to Deny (NOID). Adjudicators will now have the authority to deny a case without first issuing a RFE or NOID when an original filing is deemed to lack sufficient evidence to establish eligibility for the benefit.

On 1 April 2019, U.S. Citizenship and Immigration Services (USCIS) will begin accepting new H-1B petitions for professional positions. All employment needs should be reviewed now to determine whether employers wish to sponsor any current or prospective employees for H-1B status, and any individuals they wish to bring on board on or after 1 October 2019.

What this means for you as an employer?

US lawful permanent residents, dual Employers should be aware of the increase in the number of I-9 audits being conducted and should review their files to ensure compliance. If an employer is issued with a Notice of Inspection they should be ready to produce its I-9 employment eligibility verification forms.

Companies should be noted that The Fall 2018 Regulations demonstrate changes that could have a significant impact on many different immigration regimes.

Employers should be aware of potential visa requirement changes relating to the Deal reached with respect to the North American Free Trade Agreement (NAFTA).

The possibility of practical training for students at a third-party location or client-site and not just the employer's principal place of business creates new opportunities for the employers.

USCIS policy update gives adjudicators more discretion to deny immigration filings without issuing requests for evidence, therefore it provides for higher likelihood of initial denials.

Since all H-1B petitions will be filled on the first business day of April, if employers have not already done so they are advised to let the immigration services know now or by no later than the middle of January of the H-1B cases that they would like immigration services to prepare.

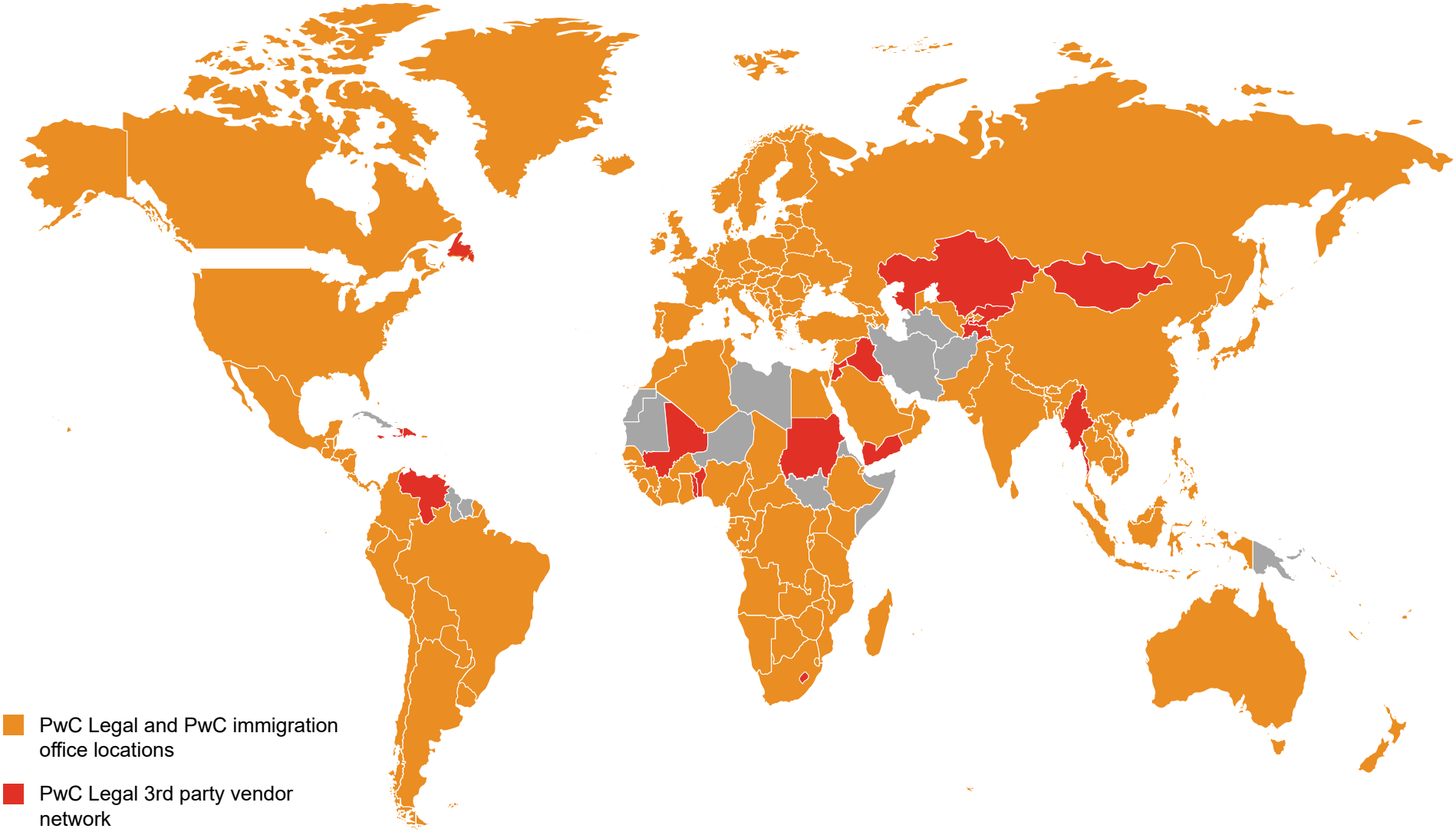
Uruguay

Foreign nationals must provide a vaccination certificate when applying for any type of Temporary or Permanent Residence visa at a Uruguayan Consulate in their country of permanent residence or in Uruguay. In some cases the vaccination certificates would need to be translated into English, or ideally into Spanish.

What this means for you as an employer?

Every employee that is planning to obtain a Uruguayan Residence Permit must ensure that they have all of the necessary Uruguayan vaccines and have obtained their vaccination certificates.

Our Network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