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Corporate Immigration Worldwide: Year in Review and Glimpse into 2019



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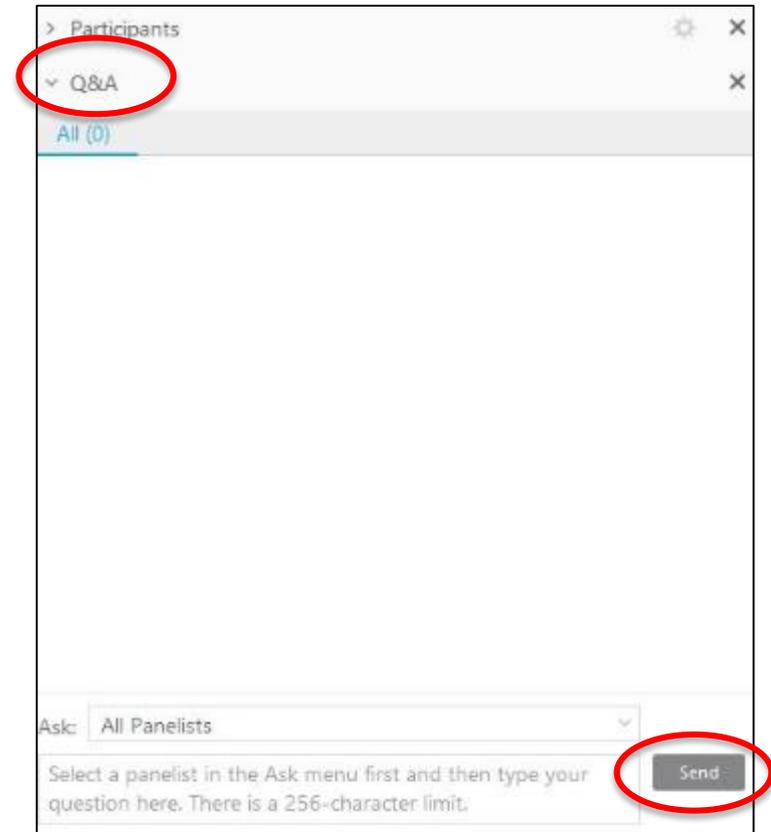
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Today's Presenters



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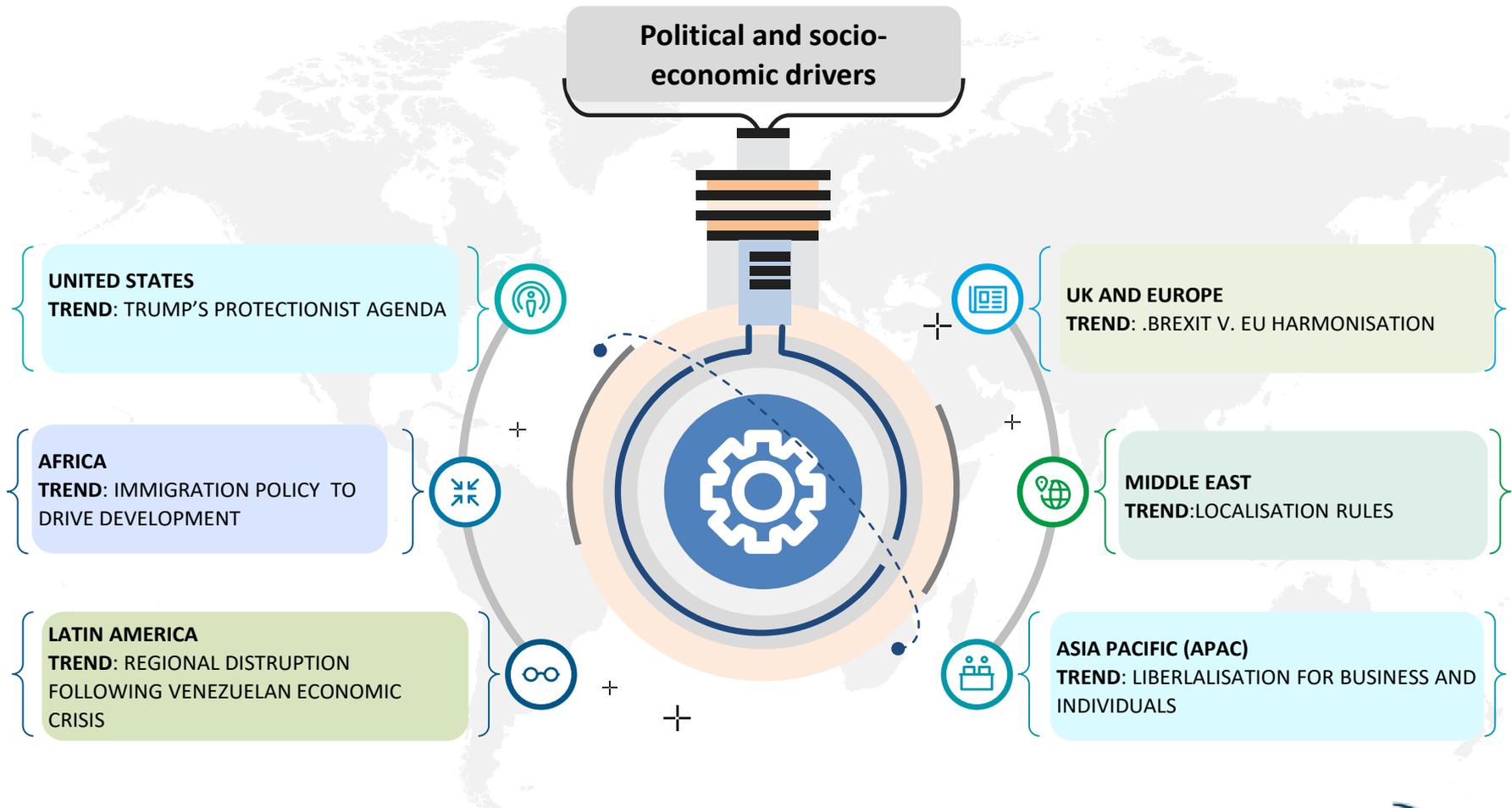
Our Alliance

Disrupting the immigration market with a truly first-of-a-kind model for global service delivery, based on Deloitte's deep scale and BAL's reputation as US experts.

We aim to take stock of major global immigration trends in 2018, providing a meaningful round up in each region.



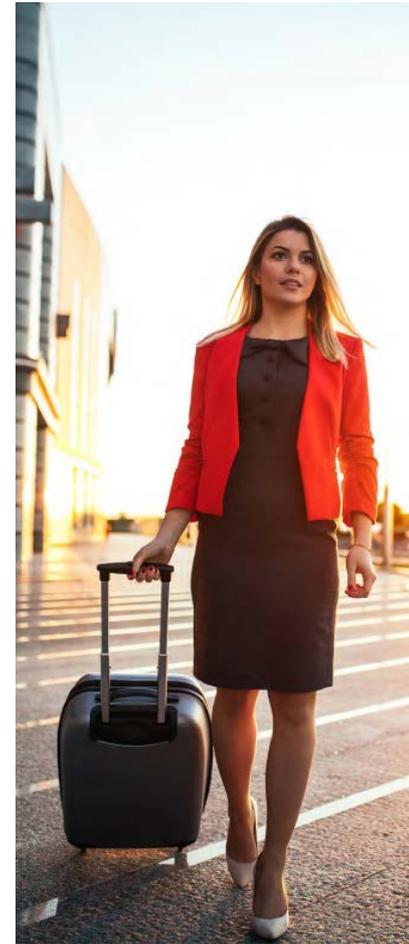
Immigration Policy Trends 2018



MIDDLE EAST

TREND: LOCALISATION RULES

- **Oman:** Ban on hiring expatriates in 87 positions extended until Jan 2019. Visa waiver introduced for Indians with visa for US/UK/Schengen country, and tourist e-visas expanded for Iranian, Russian and Chinese. Long queues at the UAE-Omani border.
- **Saudi:** Applying localisation laws strictly. Visitors must now enter and exit using the specified mode of entry on visa (air or land) or face considerable delays.
- **UAE :** 31 Oct 2018 amnesty deadline for over-stayers. Scientists, engineers, doctors, entrepreneurs and investors offered 10-year residency visas, students offered five-year visas, plus two-year extensions.



AFRICA

TREND: DEVELOPMENT

- **African Union:** Agenda of visa-free travel within Africa and common Africa passport.
- **South Africa:** Overhauling business visas to attract investment. Simplified processes using courier and data collection on arrival for visitors. 10-year, multiple-entry business visas, other frequent travellers may be eligible for three-year, multiple-entry visa, e-visa program will by April 2019. Travel restrictions with Nigeria, Kenya, and Uganda eased, and waivers program extended to several MENA nationalities
- **Kenya:** “Work permit verification drive” - Special passes and work permits prior to entry, no in-country renewals once visa expired, biometrics required in person.



ASIA PACIFIC

TREND: LIBERALISATION

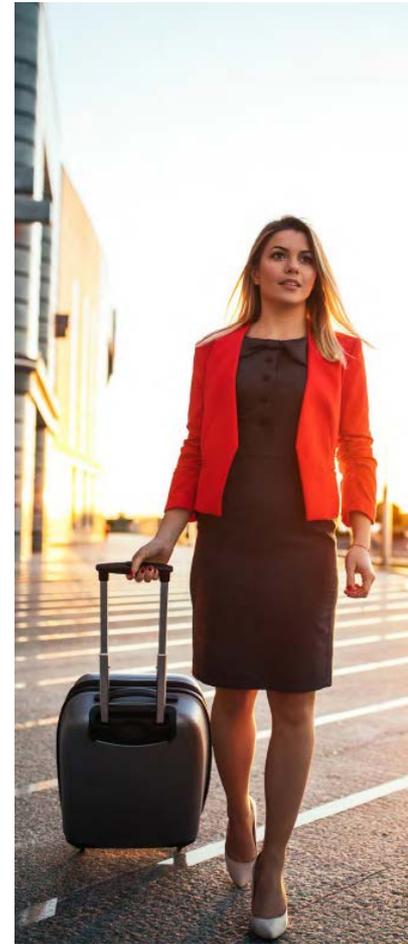
- **Hong Kong** same-sex marriage/civil partnership accepted as dependant
- **China:** Taiwan, Hong Kong and Macau residents no longer need work permit. Centralised immigration bureau set up. Measures to attract “High-talent” foreign workers to Beijing and Z-Park).
- **Australia:** no priority processing for Temporary Skill Shortage visa (Subclass 482) and Temporary Work (Skilled) visa (Subclass 457),, new labour marketing testing rules are in place for Temporary Skills Shortages inc advertising 4 month (not six). Skilling Australians Fund levy now chargeable at \$1200 and \$5000 dependant on sub-class and employer turnover of more the \$10 million.



LATIN AMERICA

TREND: REGIONAL DISRUPTION

- **Venezuela** : Economic **crisis** with soaring inflation and chronic food and medicine shortages has seen 7% of the population leave as refugees to neighbouring Columbia, Brazil, Ecuador and Peru, disrupting the entire region. Minimum wage has been inflated by **5,900 %** impacting assignee salaries. Passport renewals, documents issuance / renewals and apostille to be used in other countries, degree certificates, are extremely difficult.
- **Peru** : Venezuelans must now have a passport, not just an ID card to enter, not contract approval required to gain a work permit .
- **Colombia**: Venezuelan can register for special stay permits "PEPs" to allow work/study/benefits, validation process for degrees eased.
- **Chile** Venezuelans applying for temporary Residence causing **delays** - can convert into Special Work Permit in-country, but preferable to obtain Temporary Work Visa before entry to avoid the wait for tax ID.
- **Brazil** New requirements for Temporary Residence Renewals / conversions, and for work booklet issuance and new ID cards introduced.



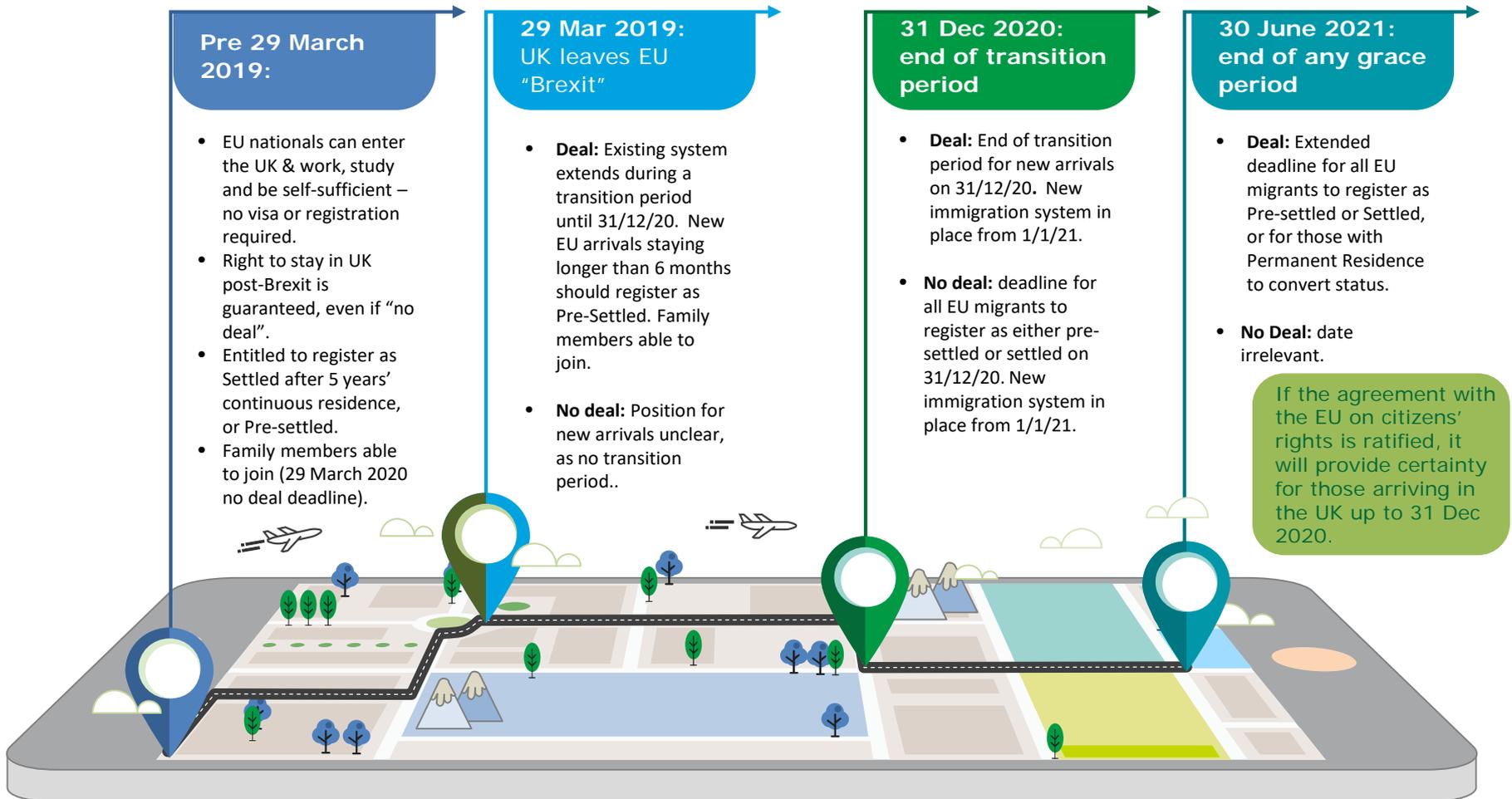
EUROPE

TREND: HARMONISATION

- Brexit has not dominated agenda to same extent as in UK - 1.3 million British citizens in Europe but member states have largely left EU to negotiate and only now considering “no deal” policies e.g. Netherlands.
- Greater harmonization of immigration rules for work within the 27MS, including with social security and labour law rules – UK already opted out – including:
 - **Single Permit Directive:** combines work permits and residence card, implemented in all countries, but not across high skilled – consider on a case by case basis
 - **ICT Directive:** Europe-wide permit, enabling Intra-Corporate Transferees to work in more than one country, implemented everywhere except UK and Ireland
 - **Posted Worker Directive:** allows temporary work in another member state, either for employer, customer or client, implemented to varying degrees
- Greater harmonization of EU Borders: entry-exit system, Smart Border, Frequent Traveler System, ETIAS



UK – Brexit Timeline and Rights



UNITED KINGDOM

TREND: BREXIT BREXIT BREXIT

- **March** announced draft Withdrawal Agreement on Citizens Right and political will to create a transition/implementation period where free movement extends, and allow simple procedure to register EEA nationals and family members to allow permanent stay
- June announced UK's unilateral EU Settlement Scheme
- **August** immigration rules amended and EU Settlement Scheme trial started
- **September** MAC published Report on recommendations for future immigration system once free movement ends: recommended removing cap on skilled work, lowering skill threshold, fixing salary at 30k, and no specific low skilled route
- **November** May's draft EU Withdrawal Agreement agreed in Cabinet, confirming citizens rights protections
- **December:** "no deal" guidance to confirm EU Settlement Scheme would still apply until 31 December 2020. White Paper on Immigration System from 1 Jan 2021. Online Right to Work checks based on "share code" announced for those with settled status.
- **January** NHS charge doubled, to £400 per year. awaiting "critical vote"



UK – EU Settlement Scheme

The scheme was announced in June 2018, immigration rules amended in August 2018, currently being piloted, anticipated go live is 21 January 2019, deadline is 29th March 2019.

It will be a “light touch” registration process using an app to upload documents, or online form. The Home Office have committed to focus on approvals and should seek additional documents rather than refuse.

Registration will cost 65 GBP for adults and 32.50 GBP for children. Registration will be free of charge to those who already hold a permanent residence card or ILR.

Qualification based on proof of identity to show EU national or family member, proof of residency, and no serious criminal convictions. 5 years' continuous residence equals “Settled”. Less than 5 years equals “Pre-Settled”.



United States Overview

Where are we today?

- Buy America, Hire America
- Extreme Vetting
- Governance Through Policy Memos
- Increased Enforcement Environment

Where are we going in 2019?



Continuing US Challenges

Case Processing Delays, RFEs and Denials

- Suspension of Premium Processing
- No deference to prior approvals
- Impact?

Adjudications and Evidentiary Standards

- H-1B Workers and Third Party Worksites
- Level 1 RFEs
- Specialty Occupation RFEs
- Changes in RFE and NOID processes

Challenges for International Students

- Change in unlawful presence calculation
- Third party worksites



Immigration Enforcement

**Increased
site visits**

**Increased
worksite
investigations
and I-9 Audits**



What's coming in 2019?

- H-1B lottery changes
- Elimination of H-4 EAD
- Possible revision of key H-1B definitions





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