



**WORLDWIDE ERC®**

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Offices in: Americas | EMEA | APAC

**MINUTES**

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## 1. Welcome and Roll Call

Forum Chair Jurga McCluskey welcomed everyone to the meeting.

### Forum Members in Attendance

Jurga McCluskey, Chair	Chris Foust	Jonathan Nagel
Azmina Aboobaker, Vice Chair	Michele Frangella	Zara Najam
Elena Anderson de-Lay	Sheila Gaarder	Nino Nelissen
Lorna Ather	Sarah Gish	Jennie Nguyen
Eric Arnold	Sharon Gorrell	Bob Nish
Casandra Arthur	Donald Grace	Martyna
Douglas Barnett	Charles Griffin	Obarzanek
David Berry	Edna Gutierrez	Kunle Obebe
Kate Biondi	Sunn Sunn	Vinod Ogirala
Jenni Blackwell	Hallikeri	Isabelle Opitz-
John Brennan	Samantha Hamel	Ferzandi
Amanda Brown	Ed Hannibal	Jaclyn Pack
Anabel Burr	Zabella Hassan	Julie Pearl
Kevin Butler	John Heisler	Martina Pedrazzini
Sue Carey	Gustavo Higuera	Janelle Pelletier
Frank Casciaro	Robert Horsley	Susanna Pelttari
Ana Catellano	Stacy Hough	Francheska
Heidi Chao	Liz Jamae	Pimentel
Renita Charrlin	Jessica Jones	Jerome Renon
Dale Collins	Mary Kane	Edward Rios
Sean Collins	Maggie King	Emma Roberts
Mary Lou Cohen	Zach Knudson	Jordi Roca
Rita Couto	Nihat Kurt	Leanna Rodriguez
Dianne Couto-	Nea Larson	Hank Roth
Foutz	Daniela Lima	Rebecca
Hrvoje Crnecki	Idalmir Luz	Ruehlman
Josiah Curtis	Mickey Maher	Jeanette Ryan
Walter Dannemiller	Shanzi Mahmood	John Ryan
Rian de Jong	Jeff Margolis	Wiesel Scheepers
Sarah Delaunay	Marianne Markland	Kathrin Schumann
Collin DeSalvio	Molly McGregor	Melissa Seitz
Kyle D'Souza	Elizabeth Merritt	Medford
Diego Enriquez	Meredith Milord	Chaitali Shah
Zoltan Erdesz	Michelle Moore	Sara Shelsy
	Bob Munson	Victoria Shepard
	Meghan Murphy	Guy Smith
	Olga Musatovova	Victoria Stadnyk

**Immigration Forum Meeting  
Boston, MA  
October 16, 2019  
9:45am EDT**

Roxanne Stehlik  
Mary Stewart  
Michael Stewart  
Justin Stidham  
Jonathan Strasnick  
Brianna  
Stubenrauch  
Melissa Sudano  
Haleh Sutker

Zeyad Taqiaddin  
Rebecca  
Thielemann  
Nikki Thomas  
LaShell Tinder  
Gary Tinner  
Caroline Treuillard  
Christy Umstadter  
Edwin Vaneyas  
Bernard Wolfsdorf

Wendy Xie  
Manuela Zacherl  
Roman Zelichenko

**Worldwide ERC®  
Staff**

Tristan North  
Pete Scott  
Aidan Camas  
Peggy Smith

**2. Worldwide ERC® Anti-Trust Statement**

Aidan Camas read the anti-trust statement aloud for Forum members.

**3. Review and Approval of Past Meeting Minutes**

Jurga McCluskey asked for a motion to approve the minutes from the May 2019 meeting in Atlanta, GA. A motion was made, seconded and approved.

**4. Discussion of Current and Emerging Issues**

Jurga and Azmina Aboobaker gave an around the world update on current and emerging immigration issues.

**5. North America**

Immigration remains a hot topic and an area of continued focus for the Trump Administration. Main goal remains decreasing immigration across the board (both lawful and unlawful), protect US workers, and increase fraud detection and transparency for employment-based visa programs.

Across the board there have been increased Requests for Evidence (RFEs) and denial rates. This year there has been over a 50% denial rate for L-1 visas. This is creating a lot less predictability and it is much more challenging to try and use this visa. TN denial rates have doubled since 2015. It is getting harder to know which candidates are best qualified for these visas.

Through a FOIA request, the AILA & AIC have obtained extensive information from USCIS which gives insight to their adjudication strategy regarding specialty occupation and wage level. USCIS is starting to expand site visits as part of increased compliance efforts. Now seeing L-1 site visits and more site visits in succession. This should not be a concern as they are administrative in nature but make sure that you have instructions on how to deal with site visits.

The Administration implemented changes to the H-1B lottery system this year and there are likely more to come next year. There will be a pre-registration process for H-1Bs next year, which is aiming to reduce the administrative burden. It has not yet been announced when the pre-registration window will be, but the process may end up being more transparent than in the past. Applications will be adjudicated on a first come first serve basis. This change will accelerate the timeline for H-1Bs likely by 3+ months. Companies should already be preparing for this change.

#### **H-4 Work Authorization**

H-4 visa allows the spouses of H-1B visa holders with a pending green card application to apply for employment authorization. The Trump Administration has never been a fan of this policy and wants to rescind it. The Department of Homeland Security (DHS) has submitted a proposed regulation to rescind H-4 and the regulation is currently at the Office of Management and Budget (OMB). It is unclear if the regulation would phase out existing H-4 visas or have them all expire on a certain date. Losing this visa would force many families to become one income households which is not possible in many areas of the country.

DHS is now expected to publish a final rule in March of 2020. In the meantime, applications for the H-4 are still being accepted.

#### **Public Charge Rule**

Requires work visa and green card applicants to submit additional financial documents to demonstrate they will not require financial assistance from the government. The rule was supposed to go into effect this month but has been blocked in federal court.

### **6. Canada**

Canada is emerging as a more “immigrant friendly” alternative to the U.S. for both skilled workers and asylum seekers. Express Entry draws are being held biweekly and those drawn can apply for permanent residence. Immigration is likely to play a role in the country’s upcoming elections this month.

### **7. Global Trends**

Immigration continues to be a significant driver of political agendas worldwide.

## 8. APAC

Seeing protectionism, additional security, and heightened eligibility criteria in many places. Singapore, Japan, and China have all been easing up on immigration processes. Countries in the region are increasingly moving towards more sophisticated technological solutions to improve their immigration processes.

## 9. Central & South America

Changes in government leadership and closure of government agencies have slowed processing throughout the region. The humanitarian crisis in Venezuela continues to grow and neighboring countries are reaching saturation after receiving large numbers of refugees. This could lead countries to change their immigration policies going forward. There are now over 4.5 million Venezuelan refugees and migrants worldwide.

## 10. Africa

Immigration systems in Western Africa are stable and becoming more predictable. Many countries are moving towards digitalization.

## 11. MENA

Now seeing some long-term visas of up to 5 – 10 years and event permanent residence in some cases. This is a big policy shift in the region. Changes to legislation/regulations have been changing often with little to no warning.

## 12. Europe

EU Member States are continuing to implement issued EU Directives, including ICT work permits. Increased border security and internal border controls are being implemented in some Schengen states.

The migrant crisis continues to be a big factor on the continent. France and Italy, two countries that receive a lot of migrants, are working on system that would redistribute more of these migrants throughout the EU.

### **Brexit**

Parliament recently passed the Ben Act that prevents Boris Johnson from leaving the EU without a deal. This Bill would require an extension that goes at least through January of 2020. No deal Brexit remains a distinct possibility as does the UK calling for a new election.

### 13. Government Affairs Update

Kelli Duehning provided an update on U.S. government affairs related to immigration. The Trump administration is working to change immigration policy by using a wide array of regulatory and legislative actions. Top priorities of the administration include F-1, H-1B, DACA, Public Charge, and H-4 Regulations.

A Supreme Court decision on DACA is expected in the middle of 2020. USCIS is not currently accepting new DACA applications.

In Congress, H.R. 1044/S.386 is proposed legislation that would phase out per-country green card limits so that the wait time is the same regardless of a person's nationality. While this has bipartisan support, it does not appear to have enough support to pass this year. Sen. Dick Durbin (D-IL) is working on another piece of legislation that would work to address this issue.

### 14. Update on Worldwide ERC® Advocacy and Inaugural Hill Day

Peggy Smith and Tristan North updated the Forum on Worldwide ERC®'s advocacy efforts. Worldwide ERC® is working to better promote the advocacy work the organization does and the Government Affairs page on the website has been made more prominent (<https://www.worldwideerc.org/government-affairs/>). Worldwide ERC® is now releasing quarterly Legislative Agendas ([See 2019 Q3 Agenda](#)) to keep membership better informed. Forum attendees are encouraged to share this work on their social media channels.

As part of this effort, Worldwide ERC® will be hosting bi-annual Hill Days where members will come to Washington, DC, to advocate on behalf of the industry. Worldwide ERC® held its inaugural Hill Day on October 2, and it went well. 15 attendees met with almost 30 Congressional offices to discuss:

- [Simplifying State Income Tax for Traveling Workers](#)
- [Protecting Personally Identifiable Information of Transferees](#)
- Fairness for High-Skilled Immigration Act (H.R. 1044, S. 386)
- Reforming Fannie Mae and Freddie Mac

[Read the full recap here](#). The next Hill day will be in April/May of 2020. Worldwide ERC® looks forward to growing this program going forward.

### 15. Additional Items

Nothing additional at this time.

**16. Issue Matrix Review**

No updates at this time.

**17. Adjournment**

Adjourned at 11:25am EDT.