



GLOBAL DIRECTIONS

United States

USCIS Announces Next Phase of Its Implementation of the Notices to Appear Memorandum

On November 8, 2018, US Citizenship and Immigration Services (“USCIS”) announced that it is continuing its implementation of its new policy memorandum on Notices to Appear (“NTA”) and that, commencing November 19, 2018, USCIS may begin issuing NTAs based on the denial of the following, in cases where the applicant’s period of authorized stay has expired:

- I-914/I-914A, Applications for T Nonimmigrant Status
- I-918/I-918A, Petition for U Nonimmigrant Status; I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Violence Against Women Act self-petitions and Special Immigrant Juvenile Status petitions)
- I-730, Refugee/Asylee Relative Petitions when the beneficiary is present in the United States
- I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant
- I-485 Application to Register Permanent Residence or Adjust Status (with the underlying form types listed above)

Following a denial, USCIS will take action to confirm whether the applicant is still in the United States by checking travel records to validate departure from the United States. USCIS will prioritize the issuance of NTAs to individuals with criminal records, fraud records, or posing national security concerns.

USCIS has also confirmed that, at this time, it would not implement the policy for employment-based petitions.

Asia

Japan

Japanese Government Seeks to Amend Immigration Law to Allow More Foreign Workers

In an effort to ease the country’s labor shortage, the Japanese government is debating a bill that would allow between 260,000 and 340,000 foreign workers to work in Japan over the next five years. The amendment will focus on key industries impacted by the labor shortage and may result in a new visa status for foreigners with specified skills.

The Japanese government is also amending the Immigration Control and Refugee Recognition Act, changes which are expected to be approved by the parliament in December 2018.

Additional details should be released in the coming months.

Singapore

Singapore Using New Biometric System to Screen Travelers

Beginning in April 2019, the Immigration and Checkpoint Authority (“ICA”) in Singapore will begin installing a new biometric screening system at immigration checkpoints. The new system will use fingerprints and facial, and iris recognition for identification and will be made available to law enforcement in the event of a security incident.

The new system should make the immigration clearance for travelers more secure and efficient.

Currently, the system is being tested at manual and automated counters at the Tuas, Tanah Merah Ferry Terminal, and Woodlands checkpoints and will be installed at all points of entry by April 2019.

Europe

Ireland

Irish Government Now Requires the Filing of New Employment Permit Applications for Certain Changes in Employment

Effective immediately, the Department of Business, Enterprise, and Innovation (“DBEI”) now requires employers who sponsor foreign nationals to file new employment permit applications in the instances where there are modifications to job title, job description, work location, or salary of non-EEA/EU foreign workers. Regardless of whether the changes are due to natural career progression, internal transfer, or a promotion, employers must file for and receive approval before the change can occur. Previously, employers were simply required to notify DBEI of changes to job title, salary, or work location.

Netherlands

Increased Worksite Inspections of Recognized Sponsors

The Dutch Immigration and Naturalization Service (“IND”) and Ministry of Social Affairs and Employment are increasing their enforcement efforts as they jointly conduct weekly worksite inspections to confirm whether employers of foreign nationals are complying with all conditions and obligations of employment of foreign nationals. The inspections are aimed at employers with “recognized sponsor” status through their sponsorship and employment of highly skilled migrants or scientific researchers. Although recognized sponsors benefit from a faster and more simplified process to obtain residence and work permits and are granted residence permits without the IND conducting in-depth checks, they now face higher scrutiny through worksite inspections. Employers who are found to be in violation of the law may receive administrative fines, revocation of their recognized sponsor status, or cancellation of foreign workers’ work and residence permits.

Switzerland

Swiss Government to Revise Foreign Nationals and Integration Act

On January 1, 2019, the Swiss government will begin implementing the new Foreign Nationals and Integration Act (“FNIA”), which has been revised to improve the professional and social integration of foreign nationals living in Switzerland. Key provisions of the FNIA include:

1. Immediate access to the local labor market for temporarily admitted foreigners, asylees, and refugees. These categories of foreign nationals will be permitted to work as soon as the competent authorities have been notified of the gainful activity via an online notification procedure. Therefore, filing a work permit application will no longer be required.
2. In order to grant or extend a residence permit or a permanent residence permit, certain integration criteria must be met. This includes a) complying with public security and order, b) complying with

the values of the Swiss constitution, c) learning the language spoken at the place of residence in Switzerland, and d) acquiring an education or participating in the Swiss economy.

3. Local migration authorities are permitted to enter into an integration agreement with a foreign national as a condition of their residence. The integration agreements contain measures or objectives of integration that must be met.
4. In the event that C permit (permanent residence) holders do not comply with the integration criteria, authorities may revoke a C permit and replace it with a B permit (temporary residence permit).

The new law applies only to non-EU/EFTA nationals seeking or holding a B or C permit in Switzerland. The FNIA will not apply to L permit holders.