

MAY 28, 2014 BULLETIN TO ALL GLOBAL IMMIGRATION CLIENTS

The Global Immigration Group at Cohen & Grigsby would like to make you aware of the following changes in global immigration practice and regulation:

INDIA

Several years ago, the Indian government began outsourcing some of its consular work to private companies in certain locations around the world. These "outsourcing partners" are generally charged with receiving visa applications, processing application fees, and preparing each application for adjudication by the actual consulate. For the past year, BLS International Services has held the contract to perform these services for the Indian Consulates in the United States. As of 21 May, however, Cox and Kings Global Services will take over these duties.

Although the requirements and overall process should remain largely the same, we do expect some significant delays in processing times over the next several months, as a result of this change. BLS stopped accepting new applications in mid-May, and Cox & Kings has just begun accepting applications in the last few days. We are hopeful that this transition will go more smoothly than the last time the Indian government changed outsourcing partners, but we have no way of knowing how things will go until the new provider has begun processing applications. We encourage anyone planning travel to India for work, business, conference attendance, or tourism within the next 6 months, to contact us and get the process started as soon as possible.

CANADA

The Canadian government has implemented a number of significant changes to immigration laws, regulations, and practices over the past 12 months. Here are some of the highlights:

- Visa applications filed in the United States and most other countries can now be filed electronically. The processing time is still around a month for most cases, but this application method eliminates the need to package original documents for submission. At the end of the adjudication period, the applicant need only submit his/her passport for stamping—which usually takes only a few days.
- The old Labour Market Opinion ("LMO") process, by which an employer would gain the blessing of HRSDC (Human Resources and Skills Development Canada) before applying for a Work Permit, has been almost completely overhauled. The new rules are a bit more cumbersome and time consuming. The new procedures require a much longer (and more stringent) advertising period, for example, and the old "fast track" system has been eliminated completely. Current processing times just for the decision from Service Canada (Employment and Social Development Canada / ESDC), who have now assumed the responsibility of issuing LMOs, rather than HRSDC) are around 6-8 weeks from the date of submission. Considering the required advertising time, the Service Canada adjudication time for the LMO application, adjudication time for the Work Permit application, document preparation time, postage times, etc., we recommend beginning the process for anyone who may need to use the LMO process at least 6 months before the individual's Canadian start date.

- Earlier this month, the Canadian government announced annual quota numbers for the Canadian Experience Class and Federal Skilled Worker Program schemes for Permanent Residence. Also, new and different rules were issued about how the quotas would be allocated, and changes to the lists of occupations that can or can't be used to support these applications. Most notably, the number of applications to be accepted in the Canadian Experience Class this year has been reduced from last year's 12,000 to only 8,000. We encourage anyone who may be considering applying for permanent residence to file sooner, rather than later, to avoid the risk of filing too late and missing one of the available slots. At the very least, we encourage those who plan to file for Canadian permanent residence in any category to do so as soon as is practical, as CIC plans to make more significant changes to the Permanent Residence options beginning in 2015. The government's proposed "Express Entry" scheme will place ALL applicants for Permanent Residence into a single pool, and rank them according to set criteria on a weekly basis, then select the preferred candidates for processing through a lottery system. This system will allow CIC to control the number of applications they handle each week and keep processing times shorter (their goal is to process applications within 6 months). However, it's unclear at this time how applicants will be ranked and chosen for adjudication. We will continue to monitor these changes and keep you up to date.

UKRAINE/RUSSIA

Due to the recent and ongoing events in Ukraine, and the political backlash in Russia, the immigration opportunities and requirements in both countries are changing almost daily. We encourage you to disregard any visa or permit information you may find online, as it may be outdated the same day it's posted. At this point in time, the U.S. Department of State is recommending that U.S. citizens avoid travel to this region, unless absolutely necessary. If it is necessary to travel to Ukraine, however, we will work with you to make whatever arrangements are practical and/or possible.

TURKEY

As of April 10, 2014, Turkey no longer issues visas on arrival, now requiring citizens of 98 countries (including the United States and Canada) to apply for an electronic visa ("e-visa") prior to traveling. The online application is fairly straight-forward. In most cases, the e-Visa will be available for download within minutes of submitting the application and payment (although the Turkish government recommends applying at least 48 hours before traveling). Of course, the option to apply for a visa stamp through a Turkish Consulate is still available as well.

On April 12, the new Law on Foreigners and International Protection (Law No. 6458) went into effect. Among other things, this law made several significant changes to the Residence Permit requirements for foreigners. Of note:

- A Residence Permit is now only required when the traveler's planned stay will exceed 90 days within any 180 day period. Previously, the requirement applied if the stay was to exceed 30 days.
- Work Permits issued after 12 April now double as Residence Permits. Previously, Work Permit holders were required to apply for a Residence Permit document separately.

Even though April 12th has already come and gone, as of this writing, the Turkish Ministry of Interior, Labor and Foreign Affairs are still reviewing how the new policies will be implemented. As a result, any recent applications and, most likely, any filed in the near future, are taking longer than usual to process.

NETHERLANDS

In a similar move, the Combined Work/Residence Act ("GVVA") in the Netherlands has also combined work and residence authorization into a single document for most employment immigration categories. New Work Permits issued after April 1, 2014, for stays longer than 90 days now automatically carry the residence authorization—eliminating the need to apply for a separate Residence Permit. Local registration requirements for long term visits, at least for now, still apply.

Stays shorter than 90 days (within a 180 day period) still do not require a Residence Permit, and earlier this year, the Immigration and Naturalization Service (Immigratie- en Naturalisatiedienst / IND) discontinued the requirement to register with the Aliens Police for these short term visits. This applies to anyone visiting the Netherlands as a Business Visitor or Tourist—either with a Schengen Visa or under a visa-waived agreement—for less than 90 days.

U.S. VISA WAIVER AGREEMENT

As of May 1, 2014, Chile became the 38th country to implement the terms of the U.S. Visa Waiver Agreement. The Visa Waiver Program allows citizens of the United States to enter participating countries for business or tourism purposes, and stay for up to 90 days, without a visa. Citizens of the participating countries have similar access to enter the United States under this program—although they may still be subject to the ESTA (Electronic System for Travel Authorization) requirements.

Here's the current list of Visa Waiver Program participants:

Andorra	Hungary	Norway
Australia	Iceland	Portugal
Austria	Ireland	San Marino
Belgium	Italy	Singapore
Brunei	Japan	Slovakia
Chile	Latvia	Slovenia
Czech Republic	Liechtenstein	South Korea
Denmark	Lithuania	Spain
Estonia	Luxembourg	Sweden
Finland	Malta	Switzerland
France	Monaco	Taiwan (Chinese Taipei)
Germany	Netherlands	United Kingdom
Greece	New Zealand	

If you have any questions about any of the above information, or wish to discuss a particular immigration concern for any destination outside the United States, please feel free to speak with any member of our Global Immigration Practice by calling us at 412-297-4900. To receive future bulletins by e-mail, please send an e-mail to info@cohenlaw.com.

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