

NOVEMBER 22, 2016 BULLETIN TO ALL IMMIGRATION CLIENTS

The Latest from Canada, Cuba, and the United Kingdom

Updates to Previous Announcements

In various bulletins earlier in the year, we let you know about some significant changes that were coming in Canada, Cuba, and the United Kingdom, and we promised to keep you updated as the situations continued to develop. Here's a brief summary of where things stand right now.

CANADA: The Canadian government has instituted a new policy, requiring visitors (with the notable exception of U.S. citizens) to obtain an Electronic Travel Authorization (eTA) before traveling to Canada by air. The eTA system has been available for more than a year already, but, until now, has been optional. As of November 9th, the eTA requirement has become mandatory. The eTA requirement will apply to temporary visitors (e.g. tourists, business people), and travelers who are in transit through Canada, who 1) hold passports from visa-exempt countries other than the United States, and 2) are traveling by air. Those who hold valid Canadian visas or who are traveling by land or sea are not yet required to obtain an eTA.

In conjunction with the implementation of the eTA requirement, the government of Canada has also announced that eligible foreign nationals from Brazil, Bulgaria, Mexico, and Romania will be permitted to apply for an eTA. Currently, passport holders from these countries are required to hold a valid visa for temporary visits to Canada. Under the new program, however, these travelers will be able to enter Canada with just the eTA and valid passport—eliminating the visa requirement—if they meet certain qualifying criteria.

CUBA: The U.S. regulations restricting business transactions and travel between the United States and Cuba continue to ease, but are not yet open enough for regular business travel. The most recent developments have focused on the movement of goods and money between the two countries, with little change to the immigration restrictions since our last mention of the topic. Travel for tourism is still prohibited, and regulations allow for business travel only in very limited situations.

The Cuban Assets Control Regulations (CACR) allow for travel to Cuba under 12 "general license" categories: family visits; official business of the U.S. government, foreign governments, and certain intergovernmental organizations; journalistic activity; professional research and professional meetings; educational activities; religious activities; public performances, clinics, workshops, athletic and other competitions, and exhibitions; support for the Cuban people; humanitarian projects; activities of private foundations or research or educational institutes; exportation, importation, or transmission of information or information materials; and certain authorized export transactions. In addition to the 12 general license categories, limited permission is also given to specific categories of U.S. companies/individuals to employ U.S. nationals in Cuba.

It's uncertain whether the new administration will continue on the same path of slowly opening up business and travel opportunities to Cuba for US citizens.

UNITED KINGDOM: The government of the United Kingdom continues to tweak the existing Points Based System, and we expect an update in the coming weeks, regarding changes to the Tier 2 categories. We'll continue to keep you updated on the changes that may apply to your situation.

Looming larger on everyone's mind, however, is the potential impact of the UK's exit from the European Union. As we presented previously, the official "Brexit" is still some time off. In the meantime, British lawmakers are scrambling to negotiate and put into place the new regulations that will replace the current EU-determined policies. Much of the discussion so far has been focused on what to do about the large population of EU workers currently in the UK—legally working and exercising their treaty rights without visas or other formal work authorization documents.

When the official Brexit finally occurs, it's very likely that the rules governing citizens of the EU will be much stricter and more in line with the rules that apply to non-Europeans. To stem off a possible rush of EU workers who will try to get in under the current rules and extend their stay in a sort-of "grandfather" status, the government is working to implement some control measures well in advance of the Brexit. One idea that has been getting attention of late is the idea of regionalized work authorization. The City of London is exploring the possibility of issuing its own work permits, and others have proposed dividing the entire nation into a number of regions, with work authorization evaluated and granted based on the specific skills in shortage in each region. Similar measures are employed—to varying degrees of success—in a number of other countries around the world.

As is always the case with immigration policy questions, the government needs to find a way to balance the protection of native workers' fair access to jobs and the needs of employers to bring on board those who have skills the company needs, but which may not be available in the local market. Proposals, like the one just mentioned, are beginning to take shape, but nothing has changed just yet.

In addition to these developing matters, there are a number of new rules and procedures being introduced in Canada, China, the UK, and elsewhere, which may have an impact on your business. We'll go over some of these in a separate bulletin, to follow in the next few weeks.

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, please send an e-mail to bulletins@cohenlaw.com.

NOTE: We are knowledgeable and experienced immigration professionals, but we are not authorized to practice law or give advice in every jurisdiction in which our clients do business. Therefore, and when appropriate and/or required by local laws, we seek the counsel of authorized immigration professionals within the target jurisdiction and work closely with them to evaluate immigration requirements and options, prepare and file applications, etc.

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