

JANUARY 12, 2016 BULLETIN TO ALL IMMIGRATION CLIENTS

Global Immigration Law Updates

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

UNITED STATES PASSPORTS

As of December 31, 2015, the U.S. State Department has discontinued the option to have extra pages added to an existing passport. This means that some frequent travelers may have to apply for a new passport years before the current one will expire, because all of the visa pages in the current passport have been used. We recommend that frequent travelers request a 52 page passport at the time of renewal, rather than the standard 28-page passport, to avoid the need to apply for frequent replacements.

UNITED KINGDOM

Registered Traveller – The UK Border Force has recently launched the Registered Traveller Service, to facilitate entry to the UK by frequent travelers who meet certain basic eligibility criteria. Subscribers to this service:

- use UK/EU, Fast Track (Heathrow), or ePassport gates, instead of usual inspection lines;
- are not required to complete a landing card;
- are not required to be interviewed by Border Force; and
- are exempt from being fingerprinted as a visa holder.

The Registered Traveller Service is available to citizens of Australia, Canada, Japan, New Zealand, and the U.S. who hold a current entry visa or who have visited the UK at least 4 times in the past 24 months. Applications to enroll in the Registered Traveller Service are generally processed in about two weeks.

Other Changes – The UK continues to tighten restrictions on the numbers and types of migrants they allow into the country. In addition to making adjustments to various quota numbers and salary requirements, the government has also made a number of changes to the requirements and procedures for some of the most common entry clearance and leave to remain categories. Most notable:

- Immigration Health Surcharge (IHS). To offset the costs of foreign citizens using the National Health Service (NHS), the government has instituted the Immigration Health Surcharge. Anyone planning to stay in the UK longer than 6 months must pay £200 per person, per year, for each member of the family (e.g. a person with a spouse and 2 children applying for a 3 year visa would owe £2,400 at the time of filing, in addition to the application fees). Intra-company transferees as well as citizens of Australia and New Zealand are exempt from the surcharge.
- Biometric Residence Permits. Anyone planning to stay longer than 6 months will be issued a Biometric Residence Permit (BRP) card. The BRP card will be automatically generated when the foreign national's visa application is approved, and will be available for pickup at the post office designated by the applicant during the visa application process. Visas issued to these foreign nationals will only be valid for 30 days, to allow time to enter the country and retrieve the card. Following the initial entry (with the visa), the BRP card will be the official proof of status.
- Criminal Background Checks. This requirement has already been applied to Tier 1 Investor and Entrepreneur categories, and we expect it to be added to the list for Tier 2 General and Intra-Company Transfers as well, in 2016. Applicants will be required to submit a criminal background check from each country in which he/she has lived for 12 months or more, within the 10 years preceding the current application submission.

There is legislation afoot, and the Home Office is reviewing recommendations from the Migration Advisory Committee, that will bring even more significant changes to the UK immigration rules and procedures in 2016. Some of these changes may take effect as early as April and we will keep you apprised of any significant developments.

CANADA

The Canadian government has instituted a new policy, requiring visitors to obtain an Electronic Travel Authorization (eTA) before traveling to Canada by air. The eTA system has been available for several months, but will become mandatory as of March 15, 2016. This new requirement will apply to temporary visitors (e.g. tourists, business people), and travelers who are in transit through Canada, who hold passports from visa-exempt countries—with the notable exception of U.S. citizens. Those who hold valid visas will not be required to also obtain an eTA.

The government of Canada has also announced that, soon after its implementation in March of this year, the eTA requirement will be expanded to allow foreign nationals from Brazil, Bulgaria, Mexico, and Romania who meet certain criteria, 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 altogether.

CUBA

Although travel to Cuba by U.S. citizens is still strictly controlled, the relationship between the U.S. and Cuba is getting better, and business opportunities are slowly opening up. Travel for tourism is still illegal, by U.S. Regulation, but recent changes to the regulations now allow for business travel in limited situations. For example:

- The Cuban Assets Control Regulations (CACR) allow for 12 categories (i.e. allowable reasons) of travel to Cuba. For years, anyone fitting one of those categories was required to apply for an individual ("specific") license from the U.S. Treasury Department before applying for a Cuban entry visa. As of January, 2015, however, "In all 12 existing categories of authorized travel, travel previously authorized by specific license will be authorized by general license, subject to appropriate conditions. This means that individuals who meet the conditions laid out in the regulations will not need to apply for a license to travel to Cuba. These categories are: 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." (U.S. Department of the Treasury, Press Release "Treasury and Commerce Announce Regulatory Amendments to the Cuba Sanctions", 20 Jan 2015)
- As of September, 2015, "Persons subject to U.S. jurisdiction engaging in the following categories of authorized activities will be allowed to establish and maintain a physical presence, such as an office, retail outlet, or warehouse, in Cuba: news bureaus; exporters of certain goods authorized for export or re-export to Cuba by Commerce and OFAC [Office of Foreign Assets Control], such as agricultural products and materials for construction or renovation of privately-owned buildings; entities providing mail or parcel transmission services or certain cargo transportation services; providers of telecommunications or internet-based services; entities organizing or conducting educational activities; religious organizations; and providers of carrier and certain travel services. These individuals and entities will also be authorized to employ Cuban nationals, open and maintain bank accounts in Cuba, and employ persons subject to U.S. jurisdiction in Cuba." (U.S. Department of the Treasury, Press Release "Treasury and Commerce Announce Further Amendments to the Cuba Sanctions Regulations", 18 Sep 2015)

We anticipate that business and travel opportunities to Cuba for US citizens will continue to open up slowly, with a focus on supporting the growing private sector commerce and improving the telecommunications/internet access for all Cubans.

TRUSTED TRAVELER PROGRAMS

Frequent travelers to particular destinations should consider taking advantage of any "trusted traveler" programs offered by those destinations. Programs like the "Registered Traveller" service described above (for entry to the UK) and the NEXUS program (for travel between the United States and Canada) can simplify entry/exit procedures by:

- reducing or eliminating the time spent waiting in inspection lines;
- simplifying or eliminating paperwork (e.g. landing/declaration cards);
- minimizing the likelihood of random searches and lengthy interviews; and/or
- in some cases, eliminating the need to obtain a visa for short business trips.

Trusted traveler programs are not offered by every country, but are worth exploring if available.

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 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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