11th Annual Northern Border Conference

Hot topics on both sides of the border

Moderator: Daniel Joyce - Fiegel, Carr & Joyce (Buffalo)

Panel Speakers: Naseem Malik - Stringer LLP (Toronto); Nan Berezowski - Berezowski Business Immigration Law (Toronto); David Wilks - Miller Mayer LLP (Ithaca)

1. Highlights/updates from CBP Pearson tour in May (see Devin O'Neil email)
    - TN readjudications
    - Clear and convincing/"satisfaction of the officer" standard
    - Excess documents (one copy for first-time L-1 applicants?)
    - Confidential documents
    - Risk of denial and charge of misrepresentation for over-creative cases
    - Also – US "employer" letter for TNs

2. Brief update on:

    - Nov. 21 changes in the EB-5 program (see attachment)
    - Update on H-1B pre-registration for 2020
    - Trends in H-1B adjudications (latest denial/RFE stats) (see attachment)
    - New IRS rule for expatriations: Relief Procedures for Certain Former Citizens https://www.irs.gov/individuals/international-taxpayers/relief-procedures-for-certain-former-citizens

3. We are beginning to see a trend toward developing a "North American" strategy for overseas clients who face substantial uncertainty in a straight US immigration strategy for a variety reasons including, retrogression headaches (EB-1), OPT running out, not picked in H-1B lottery, TPS ending and overall angst regarding BAHA. Here are some basic scenarios:

    - Client from India has worked in OPT status and is running out of STEM eligibility in summer of 2020; was not picked in the last H-1B lottery, and has one more chance in 2020. What basic options are there if the person wants to seek a backup plan for employment in Canada?
        - Brief summary of Canada's Global Talent Stream and time frame. https://www.canada.ca/en/employment-social-development/services/foreign-workers/global-talent/requirements.html

- Brief comment on Express Entry for skilled immigrants who want to settle in Canada permanently https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry.html

- Same facts but the person happens to be employed for more than one year by a company with a Canadian affiliate. Is there an intra-company transfer option?
  - What is the very basic ICT process and time frame? (see attachment)
  - Are the criteria similar to L-1 (issues with definition of manager or specialized knowledge)?

- What about a PERM strategy for this person? Is it worth starting the process now? Doesn't the person have to be in the job in the USA?

- Same facts but the person is a citizen of the EU. Any other options?
  - Foreign nationals covered by CETA provisions may be eligible to work in Canada without the requirement for a Labour Market Impact Assessment (LMIA) or even a work permit. https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/international-free-trade-agreements/canada-eu.html

- Same facts but the person is a citizen of (pick one) [Australia, Brunei, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam].
  - CPTPP facilitates temporary entry to Canada for certain categories of business persons who hold citizenship in countries that are signatories to the CPTPP. https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptpgp/sectors-secteurs/temporary_entry-sejours_temporaires.aspx?lang=eng

- What if the person is here on TPS from El Salvador, having arrived in the US as a child by entering without inspection? How does that affect the North America strategy?
  - Any issues for an L-1, H-1B or PERM return strategy for such a person?
  - What if he becomes a Canadian citizen during that time?

4. Other topics:

- Biometrics/info sharing. Increased US-CD information sharing (Bill C-21) and its implications for maintaining (Canadian) permanent residency. (see attachment)

- Business visitors – Canada's 15- and 30-day exemption from a Work Permit. (see attachment)

From: Devin O'Neill <Devin.Oneill@ca.ey.com>
Sent: Monday, June 3, 2019 10:18 AM
To: AILA Canada Chapter Dist List <canada@lists.aila.org>
Cc: Ron Matten <Ron@Matten-Law.com>; AUDREA GOLDING <AGolding@fragomen.com>
Subject: [canada] Official AILA-CBP (Pearson) Notes

Hello AILA Canada,

Please find below the official notes from the AILA-CBP Meeting at Pearson Airport Pre-Clearance on May 2, 2019. We hope that you will find this information useful. As always, please feel free to reach out to Audrea or I with any questions or concerns.

Following a tour of the facilities, we gathered in a conference room and CBP answered our Chapters' questions. Below is the summary of the information provided to us by Pearson CBP:

· **L-1 Adjudications**

  - CBP Pearson will not adjudicate "renewals".
  - We politely challenged this interpretation pointing out that you can't "extend" when you're outside the US and that "renewal" doesn't appear in the regulations. However, we were advised that their interpretation is based on an explanation from HQ.
  - The treatment of subsequent Ls is based on a CBP memo that was issued 5 years ago but never previously implemented.
  - The rationale provided was that any subsequent application presented within the 5-year period of L-1B or 7-year period of L-1A was being treated as an extension that must be filed with USCIS.
  - If an applicant had spent at least one full year outside the US, such that they are eligible to reset the 5/7 year clock, then CBP would adjudicate the application.
  - We asked if commuter and intermittent L-1s were being treated differently as the standard 5/7 year limitations do not apply. We also mentioned that other Ports of Entries were allowing adjudication of commuter and intermittent L-1s based on updated guidance from HQ.
  - Pearson CBP noted that they were not aware that there was such additional guidance on intermittent Ls and was still refusing them.

- If an applicant is applying at the Border as individual L-1 applicant but is from a company that has a Blanket L approval may use the Blanket L to show proof of corporate relationship. However, the employer letter or cover letter should clearly indicate that the Blanket L is being used only to prove the validity of the corporate relationship. In that case there is no need to provide additional corporate documents.
- When presenting an L-1 application at the border, CBP requested that applicants clip duplicate/triplicate I-129, Employer Letter, I-797 for Blanket L, G-28 in two/three

sets. Behind these documents, provide only 1 set of supporting documents, which should be clipped together.
    - CBP will retain the following documents: 1) I-129 or I-129S, 2) G28, 3) I-797 Blanket approval notice, 4) Employer support letter, and 5) Clear evidence of employment abroad (T-4 preferred).
    - If more than one set of supporting documents are presented, they will normally be returned to the applicant, as CBP is trying to reduce the volume of papers it must shred.
    - If something is confidential to the company that it does not wish for the applicant to see, and it is provided in duplicate/triplicate, in order for the applicant not to see the information, the employer should provide it in a sealed envelope labeled "FOR CBP USE ONLY – DO NOT RETURN TO THE APPLICANT".
- Preference to see T4 for proof of 1 year of qualifying employment in Canada.

· **<u>TNs</u>**

- Applications/Applicants must articulate job duties that are consistent with the NAFTA professionals list.
- Degree should be consistent with the profession.
- CBP only wants to receive the following in a TN application:
    - (1) Detailed job offer letter addressed to CBP (containing job duties, pay and dates of employment) and proof of qualification, (2) CV, and (3) letter of employment if qualifying based on experience (ie. Management Consultant). Unless there's some compelling reason to provide, corporate documents (annual report, website printouts, product brochures, etc.) are not necessary.
- Presenting the SOW by itself is not sufficient. Applications must still be accompanied by a letter of support addressed to CBP.
- High level executives are most likely not going to qualify under NAFTA as they want to see an Accountant (for example) performing the day-to-day duties of an accountant – not overseeing the work of others. High salary (along with low salary) can be a red flag that they do not qualify.
    - While AILA noted that there is nothing that should prevent approval in the regs, CBP indicated that it is our duty to articulate in the application how and why an Executive (for example) still would qualify under the NAFTA category of "Accountant".
- Unless the applicant is qualifying based on a license rather than a degree, Pearson CBP is not interested in seeing a license.
- The one exception is nurses which must have the proper license.
    - Nurses must have a valid visa screen at every entry, in which they are applying for admission in TN status, not just at the time of TN adjudication. This is also true for all the professions requiring a visa screen.
- Original transcripts that indicate that the degree was conferred is sufficient to present without also having to present an original degree.
- Present original transcripts in an envelope sealed by the institution.

- Downloaded transcripts will not be accepted.
- The degree is only sufficient by itself if it indicates the major field of study. “Bachelor of Science” is insufficient.
- For non-Canadian degrees, CBP mentioned they cannot recommend a provider and have to consider all evaluators but they specifically mentioned University of Toronto and Trustforte as being familiar to them.
- If Pearson denies a TN and the applicant later secures an approval from USCIS, CBP may still deny admission unless the applicant can articulate how the job offer has been changed so that they now qualify.
    - Pearson’s rationale was that they the ability to interview and cross examine the applicant.
- AILA noted some reports of individuals presenting an I-797 TN approval notice from USCIS and their application being denied by CBP. AILA presented that there may be reasons why someone would want to file an initial TN with the USCIS instead of CBP, such as where the applicant is not near a border, etc.
  § We asked if in these cases (where there is a USCIS approval but no prior CBP denial or application withdrawal), would CBP seek to re-assess the applicant’s eligibility for TN status when they showed up with the I-797 approval notice?
  § CBP answered “yes” because they feel that the applicant’s behavior in applying directly to the USCIS is suspect by default: why would anyone pay the higher fee to have it adjudicated by USCIS rather than just showing up at the border to do it?
  § As such, this type of approval would be subject to greater scrutiny.
  § The best plan, according to CBP, would be to send the applicant with a full copy of what was submitted to the USCIS in their TN application, along with their I-797 Approval Notice, if they did first apply with USCIS and are requesting admission in that status from CBP.

· **Legal Standard**

- Officer McIntosh walked us through a PowerPoint on the standard of proof they apply when reviewing cases.
- This came up in the context of a question around TNs and what percentage of duties must be that of the TN category they are applying under (example given was “Economist”) for an applicant to qualify under NAFTA.
- The explanation as to how they would determine the appropriate percentage of duties would be as follows:
    - To apply the CBP standard of “clear and convincing”, which is a high standard of proof
    - Demonstrate to that standard, that they meets the legal requirements to qualify under that category, and
    - To the “satisfaction of the officer”
- The takeaway was that the application must clearly provide details to make it clear and convincing to the satisfaction of the officer that the person’s duties are of that category.

The onus is on the applicant and the attorney to make sure that the information is presented in a way that will satisfy the officer to the "clear and convincing" standard.

· **NEXUS**

- Can update NIV (or green card) status to link up with NEXUS card by visiting the NEXUS enrollment center.
- No appointments are needed.
- 8-9am is reserved solely for updates, so that is recommended time to attend.
- No harm requesting that the TN/L officer update the NEXUS record, but they will only do it if (a) they have access to the NEXUS system and (b) they have time.

· **Misrepresentation**

o CBP discussed what constitutes/triggers an accusation of misrepresentation.
o CBP wants to see positions clearly defined in line with one of the enumerated NAFTA job categories outlined in Appendix 1603.D.1, and that alternate job titles (where the NAFTA category is not clearly identified) will likely result in a denial and possibly be viewed as or lead to a discovery of misrepresentation of materials facts .
o CBP used the example of a TN application where the applicant was being called a "Legal Immigration Consultant," and was seeking approval for 3 years, when they found out subsequently from the job offer that the job was actually for a full-time paralegal position with full benefits, etc.
o In their view, this was clearly misrepresentation of a material fact. The job was for a paralegal, not a consultant, and the applicant knew it. In such a case where they feel that the person is trying to squeeze a position into one of the NAFTA job categories that CBP view not to be a NAFTA position, they may see it as an act of misrepresentation.

· **Miscellaneous**

- As a reminder, the procedure for filing an inquiry is to first send to CBPO Lowry or CBPO McIntosh first, and then up the chain of command, if necessary.
  - CBP strives to provide a timely response, but as they are engaged in other work, a response can take about 5 business days.
- Do not provide supporting documents unless truly needed for adjudication, especially for TNs.
- Avoid providing unnecessary documents. It takes officer extra time to separate out what's not needed.
  - They have to pay to shred so they don't want to have to handle unnecessary paperwork. Applicant can always bring extra documents and have them available, but don't present to officer, unless needed.
- Deferred Inspection does not exist outside the US, but Pearson will correct officer error. Contact them through the inquiry process.

- Limiting an I-94 to the passport expiration is not officer error.
- They are aware that E-2 are admitted for 2-years regardless of the visa expiration. Admitting an E-2 for less than 2 years even if it's the last day of the visa stamp validity is officer error so long as the passport is still valid for at least 2 years. (A later obtained passport would not be considered officer error).
- Individuals applying for NIV admission should let the "greeter" (local airport police/security) know that they are applying for admission and need an I-94 and not go to either the NEXUS or electronic passport kiosks. The electronic kiosks will generate a B-1/B-2 admission which then must be cleared out before the officer can create the H/L/E-2/F-1/etc. I-94.
- Allow 3 – 4 hours when applying for TN/L
- Avoid Sunday through Tuesday because of high volume of applicants

Best regards,
Devin

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****Please note that this email was created with dictation software. Please excuse any typographical errors.****

U.S. Citizenship and Immigration Services

New Rulemaking Brings Significant Changes to EB-5 Program

Minimum Investments, Targeted Employment Area Designations Among Reforms

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) will publish a final rule on July 24 that makes a number of significant changes to its EB-5 Immigrant Investor Program, marking the first significant revision of the program's regulations since 1993. The final rule will become effective on Nov. 21, 2019.

New developments under the final rule include:

- Raising the minimum investment amounts;
- Revising the standards for certain targeted employment area (TEA) designations;
- Giving the agency responsibility for directly managing TEA designations;
- Clarifying USCIS procedures for the removal of conditions on permanent residence; and
- Allowing EB-5 petitioners to retain their priority date under certain circumstances.

Under the EB-5 program, individuals are eligible to apply for conditional lawful permanent residence in the United States if they make the necessary investment in a commercial enterprise in the United States and create or, in certain circumstances, preserve 10 permanent full-time jobs for qualified U.S. workers.

"Nearly 30 years ago, Congress created the EB-5 program to benefit U.S. workers, boost the economy, and aid distressed communities by providing an incentive for foreign capital investment in the United States," said USCIS Acting Director Ken Cuccinelli. "Since its inception, the EB-5 program has drifted away from Congress's intent. Our reforms increase the investment level to account for inflation over the past three decades and substantially restrict the possibility of gerrymandering to ensure that the reduced investment amount is reserved for rural and high-unemployment areas most in need. This final rule strengthens the EB-5 program by returning it to its Congressional intent."

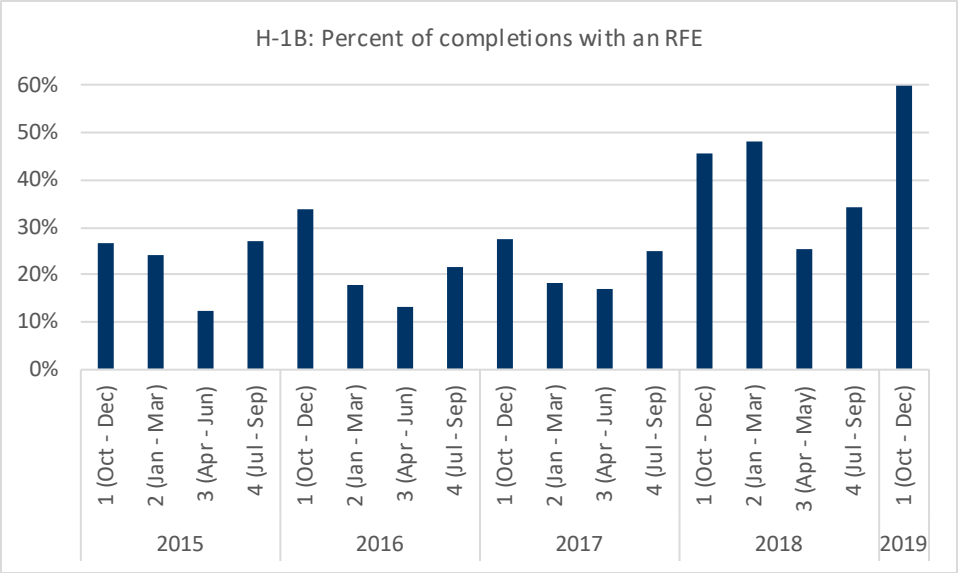
Major changes to EB-5 in the final rule include:

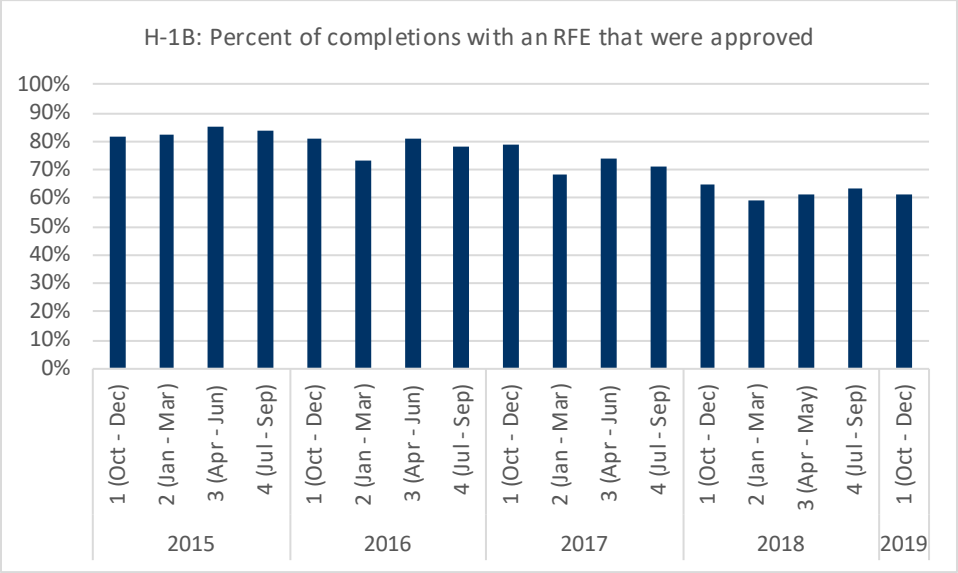
- **Raising minimum investment amounts:** As of the effective date of the final rule, the standard minimum investment level will increase from $1 million to $1.8 million, the first increase since 1990, to account for inflation. The rule also keeps the 50% minimum investment differential between a TEA and a non-TEA, thereby increasing the minimum investment amount in a TEA from $500,000 to $900,000. The final rule also provides that the minimum investment amounts will automatically adjust for inflation every five years.
- **TEA designation reforms:** The final rule outlines changes to the EB-5 program to address gerrymandering of high-unemployment areas (which means deliberately manipulating the boundaries of an electoral constituency). Gerrymandering of such areas was typically accomplished by combining a series of census tracts to link a prosperous project location to a distressed community to obtain the qualifying average unemployment rate. As of the effective date of the final rule, DHS will eliminate a state's ability to designate certain geographic and political subdivisions as high-unemployment areas; instead, DHS would make such designations directly based on revised requirements in the regulation limiting the composition of census tract-based TEAs. These revisions will help ensure TEA designations are done fairly and consistently, and more closely adhere to congressional intent to direct investment to areas most in need.

- **Clarifying USCIS procedures for removing conditions on permanent residence:** The rule revises regulations to make clear that certain derivative family members who are lawful permanent residents must independently file to remove conditions on their permanent residence. The requirement would not apply to those family members who were included in a principal investor's petition to remove conditions. The rule improves the adjudication process for removing conditions by providing flexibility in interview locations and to adopt the current USCIS process for issuing Green Cards.
- **Allowing EB-5 petitioners to keep their priority date:** The final rule also offers greater flexibility to immigrant investors who have a previously approved EB-5 immigrant petition. When they need to file a new EB-5 petition, they generally now will be able to retain the priority date of the previously approved petition, subject to certain exceptions.

For more information on USCIS and its programs, please visit uscis.gov or follow us on Twitter (@uscis), YouTube (/uscis), Facebook (/uscis), and Instagram (@USCIS).

Last Reviewed/Updated: 07/23/2019


H-1B: Percent of completions with an RFE
60%
50%
40%
30%
20%
10%
0%
1 (Oct - Dec)
2 (Jan - Mar)
3 (Apr - Jun)
4 (Jul - Sep)
1 (Oct - Dec)
2 (Jan - Mar)
3 (Apr - Jun)
4 (Jul - Sep)
1 (Oct - Dec)
2 (Jan - Mar)
3 (Apr - Jun)
4 (Jul - Sep)
1 (Oct - Dec)
2 (Jan - Mar)
3 (Apr - May)
4 (Jul - Sep)
1 (Oct - Dec)
2015
2016
2017
2018
2019


H-1B: Percent of completions with an RFE that were approved
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
1 (Oct - Dec)
2 (Jan - Mar)
3 (Apr - Jun)
4 (Jul - Sep)
1 (Oct - Dec)
2 (Jan - Mar)
3 (Apr - Jun)
4 (Jul - Sep)
1 (Oct - Dec)
2 (Jan - Mar)
3 (Apr - Jun)
4 (Jul - Sep)
1 (Oct - Dec)
2 (Jan - Mar)
3 (Apr - May)
4 (Jul - Sep)
1 (Oct - Dec)
2015
2016
2017
2018
2019

H-1B approvals for the top 30 employers with the most initial and continuing approvals, fiscal year 2018

	Fiscal Year	Employer	Tax ID	State	City	ZIP	Initial Approvals	Initial Denials	Continuing Approvals	Continuing Denials	Total Completions (A+B+C+D)	Approval Percent (A+C)/E
							A	B	C	D	E	F
1	2018	COGNIZANT TECH SOLUTIONS US CORP	4155	TX	COLLEGE STATION	77845	500	790	8,746	3,548	13,584	68%
2	2018	TATA CONSULTANCY SVCS LTD	9806	MD	ROCKVILLE	20850	528	152	8,232	1,744	10,656	82%
3	2018	INFOSYS LIMITED	0235	TX	PLANO	75024	69	80	5,897	2,042	8,088	74%
4	2018	DELOITTE CONSULTING LLP	4513	PA	PHILADELPHIA	19103	593	295	4,193	1,281	6,362	75%
5	2018	CAPGEMINI AMERICA INC	5929	IL	CHICAGO	60606	273	1,061	2,664	914	4,912	60%
6	2018	MICROSOFT CORPORATION	4442	WA	REDMOND	98052	1,252	13	3,200	54	4,519	99%
7	2018	AMAZON COM SERVICES INC	4687	WA	SEATTLE	98121	2,399	23	1,993	45	4,460	98%
8	2018	WIPRO LIMITED	4401	NJ	EAST BRUNSWICK	08816	273	82	2,877	599	3,831	82%
9	2018	ACCENTURE LLP	2904	IL	CHICAGO	60601	363	160	2,656	451	3,630	83%
10	2018	APPLE INC	4110	CA	CUPERTINO	95014	698	13	2,387	25	3,123	99%
11	2018	HCL AMERICA INC	5035	CA	SUNNYVALE	94085	196	100	2,105	509	2,910	79%
12	2018	TECH MAHINDRA AMERICAS INC	2696	NJ	SOUTH PLAINFIELD	07080	579	201	1,781	300	2,861	82%
13	2018	ERNST & YOUNG US LLP	5596	NJ	SECAUCUS	07094	716	93	1,760	150	2,719	91%
14	2018	GOOGLE INC	3581	CA	MOUNTAIN VIEW	94043	724	6	1,928	17	2,675	99%
15	2018	JPMORGAN CHASE & CO	4428	IL	CHICAGO	60603	321	8	1,877	54	2,260	97%
16	2018	INTEL CORPORATION	2743	AZ	CHANDLER	85248	873	9	1,263	19	2,164	99%
17	2018	FACEBOOK INC	5019	CA	MENLO PARK	94025	651	5	1,421	12	2,089	99%
18	2018	IBM INDIA PRIVATE LIMITED	1430	NC	DURHAM	27709	62	60	1,552	288	1,962	82%
19	2018	CISCO SYSTEMS INC	9951	CA	SAN JOSE	95134	328	13	1,322	28	1,691	98%
20	2018	LARSEN & TOUBRO INFOTECH LIMITED	4303	NJ	EDISON	08817	154	43	1,285	171	1,653	87%
21	2018	L&T TECHNOLOGY SERVICES LTD	1591	NJ	EDISON	08817	253	50	906	102	1,311	88%
22	2018	MPHASIS CORPORATION	9720	NY	NEW YORK	10016	174	60	914	138	1,286	85%
23	2018	SYNTEL INC	2018	MI	TROY	48083	64	57	974	162	1,257	83%
24	2018	WAL-MART ASSOCIATES INC	4409	AR	BENTONVILLE	72716	341	35	706	35	1,117	94%
25	2018	PRICEWATERHOUSECOOPERS ADVISORY SE	8214	FL	TAMPA	33607	112	20	751	222	1,105	78%
26	2018	IBM CORPORATION	1985	NC	DURHAM	27709	268	3	746	83	1,100	92%
27	2018	MINDTREE LIMITED	5091	NJ	WARREN	07059	148	98	762	89	1,097	83%
28	2018	AMAZON CORPORATE LLC	6545	WA	SEATTLE	98121	153	14	823	30	1,020	96%
29	2018	CUMMINS INC	7090	TN	NASHVILLE	37214	314	11	613	26	964	96%
30	2018	RANDSTAD TECHNOLOGIES LP	5132	MA	WOBURN	01801	42	4	860	39	945	95%

Source: USCIS H-1B Employer Data Hub (forthcoming)

Note: Top 30 employer based on initial and continuing approvals; sorted by total completions.

Understanding Requests for Evidence (RFEs): A Breakdown of Why RFEs Were Issued for H-1B Petitions in Fiscal Year 2018

Introduction

Under 8 CFR 103.2, if all required initial evidence is not submitted with the benefit request or does not demonstrate eligibility, USCIS in its discretion may deny the benefit request for lack of initial evidence or for ineligibility or request that the missing initial evidence be submitted within a specified period of time as determined by USCIS. A request for evidence or notice of intent to deny will be communicated by regular or electronic mail and will specify the type of evidence required, and whether initial evidence or additional evidence is required, or the basis for the proposed denial sufficient to give the applicant or petitioner adequate notice and sufficient information to respond. A request for evidence will indicate the deadline for response, but will not exceed twelve weeks.

Top Reasons for an RFE

There are a number of reasons why USCIS may issue an RFE. Below is a list of the top reasons, in order from most to least common, that RFEs were issued in fiscal year (FY) 2018 for H-1B petitions.

#	Reason	Description of Reason
1.	**Specialty Occupation**	The petitioner did not establish that the position qualifies as a specialty occupation as defined in section 214(i)(1) of the Act and 8 CFR 214.2(h)(4)(ii) and/or that it meets at least one of the four criteria in 8 CFR 214.2(h)(4)(iii).
2.	**Employer-Employee Relationship**	The petitioner did not establish that they had a valid employer-employee relationship with the beneficiary, by having the right to control the beneficiary's work, which may include the ability to hire, fire, or supervise the beneficiary, for the duration of the requested validity period.
3.	**Availability of Work (Off-site)**	The petitioner did not establish that they have specific and non-speculative qualifying assignments in a specialty occupation for the beneficiary for the

		entire time requested in the petition.
4.	**Beneficiary Qualifications**	The petitioner did not establish that the beneficiary was qualified to perform services in a specialty occupation per 8 CFR 214.2(h)(4)(iii)(C).
5.	**Maintenance of Status**	The petitioner did not establish that the beneficiary properly maintained their current status. This category is reflective of many different reasons that status may not have been maintained.
6.	**Availability of Work (In-house)**	The petitioner did not establish that they have specific and non-speculative qualifying assignments in a specialty occupation for the beneficiary for the entire time requested in the petition.
7.	**LCA Corresponds to Petition**	The petitioner did not establish that they obtained a properly certified Labor Condition Application (LCA) and that this LCA properly corresponds to the proffered position and terms of the petition.
8.	**AC21 and Six Year Limit**	The petitioner did not establish that the beneficiary was eligible for AC21 benefits or was otherwise eligible for an H-1B extension as it appeared that H-1B had hit the six-year limit.
9.	**Itinerary**	The petitioner did not meet the itinerary requirement at 8 CFR 214.2(h)(2)(i)(B), which requires petitioners to submit an itinerary with a petition that requires services to be performed in more than one location. The itinerary must include the dates and locations of services to be provided.
10.	**Fees**	The petitioner did not establish that they paid all required H-1B filing fees.

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* * * UPDATE * * *

To: Berezowski Business Immigration Law Clients
From: Nan Berezowski, Barrister & Solicitor, Attorney-at Law
Date: September 6, 2019
Re: Intra Company Transfers Canadian-Style

American colleagues recently asked me to speak about Canadian Intra Company Transfers. When considering an intra company transfer or ('ICT') in the Canadian context, it is important to first recognize that there are many. For Canada has negotiated trade agreements and these agreements - with Chile, the European Union, and Korea - not to mention the NAFTA/USMCA to name a few, usually contain intra-company transfer provisions.

There is however another intra company transfer, which I sometimes refer to as 'part of Canadian law proper'; it falls under R205(a) of the *Immigration and Refugee Protection Act*. Legislators intended that this intra-company transfer to enable work that would 'create or maintain significant social, cultural or economic benefits….' for Canadians. It is referred to as "C12" as this is the internal code that references its exemption from Labour Market Impact Assessment (LMIA) in the Immigration Refugees & Citizenship Canada ('IRCC') database.

The C-12 is the most influential of Canadian ICTs for at least two reasons. First, mobility provisions in trade agreements, perhaps because they are ancillary to the trade they are designed to support, are often broadly drafted. The C-12 and its related policy serve as the default norm as to how an ICT Work Permit is adjudicated when a trade agreement is silent. Second, the C-12 is often, although not always, more generous than similar trade agreement negotiated ICT provisions. C-12 is my focus here.

Intra Company Transfer Basics ~ Under C-12, Intra-company transferees may apply for a Work Permit if they:

- Are currently employed by a multi-national company and seeking entry to work in a parent, a subsidiary, a branch, or an affiliate of that enterprise;
- Are transferring to an enterprise that has a qualifying relationship with the enterprise in which they are currently employed, and will be undertaking employment at a legitimate and continuing establishment of that company (where 18–24 months can be used as a reasonable minimum guideline);
- Are being transferred to a position in an executive, senior managerial, or specialized knowledge capacity;
- Have been employed continuously (via payroll or by contract directly with the company), by the company that plans to transfer them outside Canada in a similar full-time position (not accumulated part-time) for at least one year in the three-year period immediately preceding the date of initial application.

Like the US counterpart, they may be granted up to five (5) and seven (7) year maximums. As such, Canada's basic ICT requirements are somewhat familiar to those who prepare L-1As and L-1Bs.

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The principal lawyer at Berezowski Business Immigration Law, I am an internationally recognized Canadian lawyer (Ontario) and a licensed US Attorney-at-Law (New York) who has been featured in Who's Who Corporate Immigration for over a decade.

Yet there are differences. Some differences derive from the enabling legislation, with its focus on 'significant benefit' while others have evolved as policy, not law, continues to inform how C-12 is adjudicated. I discuss some of these differences below:

'Immediately Preceding' Employment ~ For reasons that have never made sense to me, Canadian authorities insist that transferees be employed by the transferring company, for at least one year in the three-year period, *immediately preceding* the date of the initial application. In my experience this means that if an employee has the qualifying one year of experience, but is no longer on the transferring company payroll, he or she must be reinstated – re-hired abroad prior to the transfer.

Part-timers~ As per IRCC policy, if an applicant has not had full-time work experience with the foreign company, the adjudicating Officer should consider other factors 'before refusing' on this basis. The factors include:

- the number of years of work experience with the foreign company;
- the similarity of the positions and their terms;
- the extent of the part-time position (i.e., two days a week versus four days a week); and
- signs that this is an abuse of the ICT provisions.

Suffice to say, IRCC policy appears predisposed against part-time transferees.

Start-up Companies ~ the 'Start Up' scenario is the equivalent of the "New Office L" in US immigration vernacular. The Start Up company is generally expected to secure a physical premise to house its Canadian operation. I note that IRCC policy specifically references this as an expectation where the transfer is Specialized Knowledge based. IRCC does allow for some specific cases involving senior managers or executives, where the company premise has not yet been secured.

The Start Up must demonstrate:

- financial ability to commence business in Canada and compensate employees;
- that it will be large enough to support executive or management function (if transferring executives or managers); and
- that it will be doing business;
- that work will be guided and directed by management at the Canadian operation (when transferring a specialized knowledge worker).

It must also furnish realistic plans to staff the new Canadian operation.

Like its US counterpart, the initial Work Permit is issued for a one (1) year period. This can present a challenge, as in my experience, companies often take more than a year to establish. This is relevant because for renewals, the Start Up company is expected to provide evidence that the new office has engaged in the continuous provision of goods or services for the past year and the new office has been staffed. It must also demonstrate that the Canadian and foreign companies still have a qualifying relationship.

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Intermittent Transfers ~ Transferees are not strictly required to re-locate to Canada. On any given day I may be working on several 'intermittent' ICTs. However, they are clearly expected to 'occupy a position' within the Canadian company; there must be a clear employer-employee relationship with the Canadian company, and the Canadian company must direct the day-to-day activities of the foreign worker. This is especially challenging where transferees are working at client sites.

Recapture ~ Normally, the duration of the Work Permit will be used to calculate the maximum five, or seven, year time limit. However, documented time spent not working, either *inside or outside* Canada, during the duration of the Work Permit can be "recaptured". The duration of the recaptured time cannot exceed the respective caps for the intra-company transferee.

That having been said, as per policy, IRCC will not recapture time periods of less than 30 consecutive days. Moreover, IRCC will issue recaptured time in increments of no more than two years - from the date that has been determined within the cap period after the time not worked has been deducted. In other words, where an intra-company transferee has reached their cap and has documented evidence of time spent not working that is equal to two years, then he or she may apply for a two-year extension. However, IRCC specifically directs its Officers to insert a 'Remark' on the Work Permit to the effect the that no recaptured time may subsequently be requested for any time not worked during that two-year extension period.

Closing Remarks ~ On the plus-side, in recent policy documents, IRCC reflects favourably on the harmonization of NAFTA and other trade agreements with the C-12 ICT norms that I have described above. This should simplify, intra-company transfer based Work Permits for officers, lawyers and multi-national companies alike. On the downside, C-12 adjudication continues to be driven by bureaucrats not legislators, and as such it is subject to change with little or no notice. For both reasons I expect, the differences between Canadian and US intra-company transfers to grow and become more pronounced.

BIOMETRICS

Managed Migration for Today and Tomorrow

Immigration, Refugees and Citizenship Canada
Immigration, Réfugiés et Citoyenneté Canada

Canada

Biometrics prior to BEP: a look at the role of biometrics

The Government of Canada has been collecting fingerprints from **refugee claimants since 1993** and digital fingerprints and photos since 2013 as part of the **Temporary Resident Biometrics Program:**

Who?	Temporary residents from 30 nationalities, all asylum claimants, and overseas resettlement applicants, those removed from Canada (e.g. deportees)
How?	Clients pay a fee of $85 (some exemptions apply) and enrol their fingerprints and photograph overseas at a Visa Application Centre (VAC), or Application Support Center in the U.S.
Why?	✓ **IDENTIFICATION**: Biometrics are recognized as one of the most reliable means ~~for~~ of identification. ✓ **FACILITATION**: make entry to Canada easier by quickly and efficiently verifying identity of travellers arriving at Canadian ports of entry. ✓ **SECURITY**: strengthens the integrity of Canada's immigration program by helping to prevent identity fraud, identifying those who pose a security risk, and preventing known criminals from entering Canada.

Biometric Expansion: broader collection and verification

Three components to an expanded biometrics screening program:

(1) Collection

- Enlarging the population of visitors and newcomers required to provide biometrics to come to Canada
- Expanding the network of biometric collection service points around the world and in Canada

(2) Verification

- Introducing automated systematic fingerprint verification at major airports in Canada
- Expanding capacity to collect and verify biometrics at 57 Ports of Entry
- Deterring identity fraud by systematically verifying biometrics

(3) Information Sharing

- Implementing biometric based information sharing with Migration Five partners:
  - Australia, New Zealand, United Kingdom, U.S.
- Reinforcing identity management and security screening

Biometric Expansion: deployment in two phases

Biometric Expansion aims to enlarge biometric collection from 30 nationalities to everyone (with some exemptions), with change in scope from collecting biometrics for nationals submitting an application for a TRV, Study or Work permit, each and every time.

- To be deployed in two phases, called Coming Into Force (CIF):
  - CIF1 for nationals of countries in Europe, Africa and the Middle East, on July 31, 2018
  - CIF2 for nationals of countries in Asia, Asia-Pacific and the Americas on December 31, 2018

New Requirements: who needs to provide biometrics

	Temporary Resident Applications				**Permanent Resident Applications**
	Temporary Resident Visa (visitor visa)	Work Permit	Study Permit	Temporary Resident Permit	
Visa-required nationals	✓	✓	✓	✓	✓
Visa-exempt nationals	X	✓	✓	✓	✓
US nationals	X	X	X	X	✓

Introduction of "1 in 10": new policy to require biometric enrolment only once every 10 years for TR applications

Facilitates travel of returning visitors, students, and workers

Who is exempt from the requirement?

- ❑ Canadian citizens and persons who already have permanent resident status in Canada
  Example: A person that became a PR ***prior*** to these requirements and ***after,*** applies to renew their PR Card.
- ❑ Visa-exempt visitors making an application for an electronic travel authorization (eTA)
  Example: A French national coming to Canada as a tourist.
- ❑ Foreign nationals under the age of 14 or over the age of 79*
  Example: An applicant who is 13 when they submit any type of application, even if they enter Canada at the age of 14.
- ❑ US nationals making an application for a work, study or temporary resident permit
  Example: An American coming to Canada to study at the University of Toronto.
- ❑ Accredited diplomats or officials of foreign countries coming to Canada in the course of official duties
  Example: An accredited diplomat coming to Canada to assume a diplomatic position.
- ❑ Heads of State and Heads of Government, regardless of purpose of travel
  Example: Prime Minister of India travelling to Whistler for a private ski trip.

*No upper age limit for in-Canada asylum claimants.

Client Service

Client facilitation elements have been embedded in the expanded biometrics program

- **"1 in 10":** Temporary resident clients will benefit from a 10 year validity of biometrics – Canada is the only country to offer biometric validity to this extent
- Biometrics for a pending PR application can be used for TR applications

Canada's already large service delivery network is being expanded

- 96% to 98% of clients will have access to a VAC in their country of residence
- Canada's biometric service network compares favourably internationally

The 2013 biometrics program did not deter individuals from coming to Canada

In the year after TRBP, biometric required TR intake kept pace with the overall TR intake around the world in the same period

Communications Approach – CIF 2

Rollout

- Launched Biometrics Marketing Strategy (week of October 29)
  - Online advertising campaign
  - Proactive social media messaging
  - Direct e-mail outreach to partners, including educational, tourism and airlines
- Communications and outreach activities
  - Updated materials for Canadian missions abroad, stakeholders and partners
  - On-going social media by IRCC, Canadian missions abroad, and partners
  - News release issued to announce VAC openings
  - Proactive media outreach by IRCC and Canadian missions abroad during the lead up to December 31, 2018
  - IRCC/Canadian missions to announce new requirement via news release – nationally and locally in CIF 2 countries –ahead of December 31, 2018
  - Targeted messaging for specific groups (e.g. International Experience Canada applicants & visa-exempt students) and countries (e.g. China & India).
- Promotional material available at: http://www.cic.gc.ca/ftp/biometrics-eng.asp

Visa Application Center (VAC) Deployment

- VAC deployment: introduces additional biometric collection capacity in the exiting network, adds new VACs in the network, and transitions between the current 2012 VAC Contract and the new 2018 VAC Contract. Taking place in three Waves:

- **Wave 0** – increased the biometric capacity in existing VACs in Europe , Africa and the Middles East (on July 31, 2018), and added new VACs to the network (7 so far, in Sweden, Rwanda, Greece, Germany, Austria, France and Israel)

- **Wave 1** – Deployment of VACs in Asia, Asia-Pacific and the Americas under the 2018 VAC Contract (new services, with focus on biometric collections), which took place on November 2, 2018

- **Wave 2** – Deployment of VACs in Europe, Africa and the Middle East under the 2018 VAC Contract (new services, with focus on biometric collections) – will take place on November 2, 2019

Requirements: how the process works

Application	**Apply** **online:** receive the Biometric Instruction letter within 24-48 hours by email **by paper:** apply by mail and receive a Biometric Instruction Letter by mail **at a VAC:** apply in person at the nearest VAC and enroll biometrics at the same time **at a POE: ONLY** visa-exempt foreign nationals that are **eligible** to apply for a study or work permit at the POE can enroll biometrics at the same time:
Processing	**Pay the fee: $85 biometric fee due at time of application ($170 maximum family rate)** **Collection:** client enrolls biometrics at the nearest biometric collection service point **Screening:** fingerprints are encrypted and transmitted to the RCMP for screening and storage **Information Sharing:** biometric-based sharing of information between Migration 5 partners
Arrival	**By air:** fingerprint verification will be available at 19 Canadian airports with systematic fingerprint verification conducted via self-service kiosks at the eight major airports **By land or marine:** fingerprint verification capacity will be available at 38 Ports of Entry

Service Delivery: accessibility to services ensuring excellent client experience

REGION	2018	STARTING IN 2019
	• 150 VACs in 102 countries around the world • Adding equipment to existing VACs, adding VACs in new countries, and expanding number of VACs in top-source countries (i.e. China VAC network was expanded from 5 to 12 VACs)	• Adding equipment to existing VACs, adding VACs in new countries, and expanding number of VACs in top-source countries • At least 157 VACs in 105 countries around the world by November 2019
	• Ports of Entry (those eligible to apply at POE only)/IRCC local offices (in-Canada asylum claimants)	• Service Canada Centres • Ports of Entry (those eligible to apply at POE only)/IRCC local offices (in-Canada asylum claimants)
	• 135 Application Support Centers in the US	• 135 Application Support Centers in the US

To ensure accessible services:

→ biometric collection service locations are determined based on application volumes and needs

→ additional biometric enrolment equipment will be deployed to some existing and new locations

Starting in 2019, at least 96% to 98% of clients will have access to a VAC in their country of residence.

Key Benefits: the secure way to welcome visitors and newcomers

Essential to modernizing the client experience in immigration and border processing

- Biometric collection and screening streamlines immigration processing
- Verification at ports of entry allows for reliable identity checks and facilitates entry of people into Canada
  - Key to updating travel and "client experience" at airports with automated processing and facilitating secure flows of travellers
  - The CBSA, with Airport Authorities, is introducing fingerprint verification at self-service kiosks to reduce wait times at Canada's busiest airports

Improves safety and security

- Biometric information sharing and security screening helps prevent the entry of inadmissible people by detecting and deterring identity fraud while facilitating travellers with genuine identities
  - A simple tool against ever increasing sophistication of identity fraud

Keeps pace with international standards

- Biometrics is increasingly used by over 70 countries, international organizations (UNHCR), airport authorities (e.g., Toronto Pearson, Heathrow), and the private sector to help screen applicants and manage identity
- Biometrics screening is a critical component of Canada's commitment to perimeter security

International Comparison

A growing number of countries (more than 70) employ biometric screening in their immigration and border programs

United States – since 1998

All visa-required travellers seeking entry or permanent stay in the US must provide fingerprints and photograph

Japan – since 2007

All foreign nationals arriving at Japanese airports must provide fingerprints and photograph

Europe – since 2011

All visa-required travellers to the Schengen area's 26 states must provide fingerprints and photograph

United Kingdom – since 2015

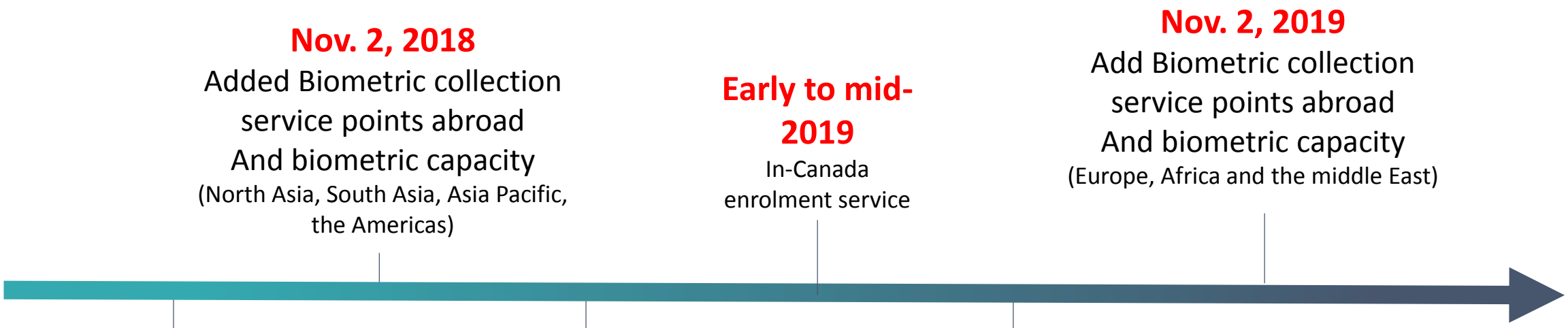
All visa, permanent migration and asylum applicants must provide fingerprints and photograph

Maintaining Privacy

Privacy and protection of client biometric information

- Risks mitigated by clear and transparent legal authority in the *Immigration and Refugee Protection Regulations* (IRPR)
- Privacy Impact Assessments and consultations with the Office of the Privacy Commissioner ensure that world class privacy protection safeguards are put in place to protect applicants' personal information
- RCMP stores the enrolled digital fingerprints and purges according to a retention policy consistent with the *Privacy Act*
- Robust privacy framework for information sharing agreements with Migration 5 partners (the US, UK, Australia and New Zealand).
    * For example, partners send **anonymized fingerprints** to query each other's immigration databases and the receiving country **must purge** these fingerprints after the query is completed.

Key Timelines



July 31, 2018

Coming into Force 1

Foreign nationals from Europe, Africa and Middle East required to provide biometrics

Added Biometric collection service points and biometric capacity abroad

Europe, Africa and Middle East

Nov. 2, 2018

Added Biometric collection service points abroad And biometric capacity

(North Asia, South Asia, Asia Pacific, the Americas)

Dec. 31 2018

Coming into Force 2

Foreign nationals from Asia (incl. China and India) and the Americas required to provide biometrics

Early to mid-2019

In-Canada enrolment service

March 2019

Verification at Primary Inspection

Nov. 2, 2019

Add Biometric collection service points abroad And biometric capacity

(Europe, Africa and the middle East)

THANK YOU/ MERCI

If you have any comment or questions please send them to:

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* * * UPDATE * * *

To: **Berezowski Business Immigration Law Clients**
From: **Nan Berezowski, Barrister & Solicitor, Attorney-at-Law**
Date: **September 6, 2019**
Re: **15/30 Day Work Permit Exemption**

Background ~ The general rule is that no person, other than a citizen or permanent resident, can work in Canada without work authorization. As such, Regulation 187(a) of Canada's *Immigration and Refugee Protection Act (IRPA)* sets out the general definition of a Business Visitor as a foreign national who "seeks to engage in international business activities *without* directly entering the labour market". However, as part of its Global Skills Strategy unveiling, the Government of Canada has introduced an exemption to this rule.

15/30 Day Work Permit Exemption ~ A 15 or 30 consecutive day Work Permit exemption is available to highly skilled workers, provided their position is captured under skill type "0" (executive, managerial) or skill level "A" (professional) in the government's National Occupational Classification ('NOC'). The NOC sets out position titles and duties and their associated educational, skill and experience requirements. As such, regardless of nationality, qualifying workers on qualifying assignments can work in Canada without a Work Permit.

Short Assignments ~ Under the exemption, temporary workers are permitted to work without a Work Permit for:

- up to 15 consecutive days, once every six months, **or**
- up to 30 consecutive days, once every 12 months.

After using the short-term exemption, workers must wait:

- 6 months until they can use the 15-day exemption again; or
- 12 months until they can use the 30-day exemption again.

In my experience, if workers are in Canada for less than the maximum 15 or 30 days respectively, they forfeit the remaining days.

Preparation~ My office typically helps employers prepare a letter for the applicant to present at the Port of Entry upon entry to Canada, but the exemption can also be requested in the context of the Temporary Resident Visa application. Either way, the company letter should set out the basis for admission, outline the applicant's qualification and describe the assignment duties. We typically further document that applicant's professional or managerial credentials and responsibilities and the short-term nature of the assignment. As some IRCC and CBSA Officers are not familiar with the exemption we also include a government issued announcement about it.

Daniel P. Joyce joined Fiegel, Carr & Joyce Law Firm in June 2019, focusing his practice on U.S. immigration and cross-border business matters. Dan has his roots as a large law firm corporate attorney in Philadelphia and Buffalo, but has concentrated his practice in employment-based and family-based immigration law matters since the passage of the U.S. – Canada Free Trade Agreement in 1989 and NAFTA in 1994.

Dan has shared his extensive immigration experience as a panelist and presenter at numerous CLE conferences and client-based programs, including AILA National Meetings and AILA chapter program, blog articles and CLE articles on immigration law topics. He was also the recipient of the Upstate AILA Chapter's Mark Kenmore Mentor of the Year Award in 2019.

Mr. Joyce also served as an adjunct professor of business law for 19 years at the University at Buffalo School of Management, teaching at the undergraduate and graduate (M.B.A.) levels. He is a graduate of the University of Notre Dame (B.A.) and SUNY at Buffalo (M.B.A. *with distinction* and J.D. *magna cum laude*).

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- Work Permits
- Permanent Resident Applications
- Labour Market Impact Assessments

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Naseem Malik is Corporate Immigration Counsel at the Firm. He is certified as a Specialist by the Law Society of Upper Canada in the areas of Citizenship & Immigration Law. His practice focuses on business immigration law.

Previously, Naseem was counsel at a large full-service firm in Toronto, and was also previously employed by the Department of Citizenship and Immigration. He worked as an Immigration Examining Officer at Pearson International Airport. Naseem assists his clients, which range from large multinational corporations, financial institutions, industrial and high-tech companies to musicians and entertainment groups, in order to facilitate their entry into Canada for business-related purposes.

From 2005-2007, Naseem was a member of the OBA Immigration and Citizenship subsections' Executive. He has been consistently recognized since 2012 by Who's Who Legal as a leading practitioner in Corporate Immigration Law, and was a featured speaker at the Canadian Bar Association's Annual Citizenship and Immigration Conference in May 2014.

He is a member of the Law Society of Upper Canada and the Citizenship and Immigration section of the Canadian Bar Association.

Education

LLB, University of Saskatchewan (1994)

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Representative Work

- Temporary Resident Visas for persons who require such visas prior to entering Canada;
- Work Permit applications pursuant to the North American Free Trade Agreement (NAFTA), General Agreement on Trade and Services (GATS) and the Immigration and Refugee Protection Act;
- Service Canada positive labour market opinion applications;
- Permanent Residence applications;
- Citizenship applications;
- Study Permit applications;
- Extension applications for work permits, study permits and visitor records;
- Obtaining permission for the spouse of a temporary foreign worker to obtain a work permit permitting them to work in Canada;
- Temporary Resident Permits/Rehabilitation applications relating to criminal inadmissibility;
- Analyzing Criminal Code provisions and foreign statutes to assess whether a person is inadmissible to Canada based on prior criminal convictions; and
- Analyzing and dealing with medical inadmissibility issues.

In addition to his legal skills, Mr. Malik also provides practical advice relating to logistical issues that arise when foreign nationals travel to Canada for business purposes.

Conferences and Articles

- In 2014, 2016 and 2017, he participated as a feature speaker at the Annual Canada/America Border Immigration Conference in New York State, sponsored by the American Immigration Lawyers Association and co-sponsored by the Ontario Bar Association
- Speaker, Canadian Bar Association's Annual Conference in Montréal on immigration-related issues, May 2003.
- Author, immigration-related articles published in Law Times, 2004 and 2005; and Lawyers Weekly, 2004, 2005, 2007.
- Featured Contributor, corporate immigration article in Canadian Lawyer magazine, 2008.
- Panelist, Employing Foreign Workers Conference, The Canadian Institute, 2012.
- Quoted extensively in a business immigration article in Law Times, 2010.
- Author, immigration related article in the OBA's Citizenship and Immigration Section's newsletter, 2012.
- Contributor, cross-border manual on immigration and customs issues for Carswell, 2003.
- Seminar Leader, one-day intensive course on business immigration, the Law Society of Upper Canada, 2005.
- Participant, "Mastering Immigration Applications for Foreign Workers", the Canadian Institute, 2008.
- Featured Speaker, Ontario Bar Association's Institute CLE, 2009 and 2010.

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The principal lawyer at Berezowski Business Immigration Law, I have practiced Canadian business immigration law exclusively since 1995. A dual licensed lawyer, I understand the interplay of US/Canada immigration and regularly assist law firms, individual and companies with cross-border and US consular matters – acting as their 'eyes and ears' in Canada and at the border. I lead a boutique immigration law office that focuses exclusively on the immigration challenges of the people we help.

Over the past 25 years I have prepared briefs and testified before the House of Commons Standing Committee on Immigration , had my academic work cited by the Supreme Court of Canada; chaired numerous conferences and published and presented approximately 50 papers on Canadian & cross-border immigration for organizations including: the International Bar Association; the Inter-Pacific Bar Association, the American Chamber of Commerce in Canada and the Conference Board of Canada. At the American Immigration Lawyers Association "AILA" – Canada, I was recently elected to 2 consecutive terms as Chair and have also served as Vice-Chair, Treasurer and Secretary. I have served the Canadian (Ontario) Bar Association in numerous executive capacities as well. I am also the co-author of a book for lawyers on Canadian Citizenship Law called Carswell's Canada Practice Guide (Immigration) "*Citizenship*".

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Barrister & Solicitor, Attorney-at-Law;
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David Wilks is Senior Counsel with Miller Mayer LLP. A graduate of Cornell Law School, Mr. Wilks represents a wide variety of business immigration clients, from investors to hospital chains. His articles have appeared in *Bender's Immigration Bulletin*, ILW.com, *NACUANotes*, *National Law Review*, and in various publications of the American Immigration Lawyers Association (AILA). Mr. Wilks has presented at numerous immigration conferences, appeared on podcasts and radio shows, and is the host of Frosted Lens Entertainment's "Everyday Immigration Podcast." Mr. Wilks is the national Chair of AILA's Vermont Service Center Liaison Committee, and currently serves on AILA's Annual Conference Program Committee. He is the recipient of the AILA National's 2019 Joseph Minsky Young Lawyer Award for "outstanding contributions made as a young lawyer in the field of Immigration and Nationality Law," and the AILA Upstate Chapter's 2018 Mark T. Kenmore Mentor of the Year Award.

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