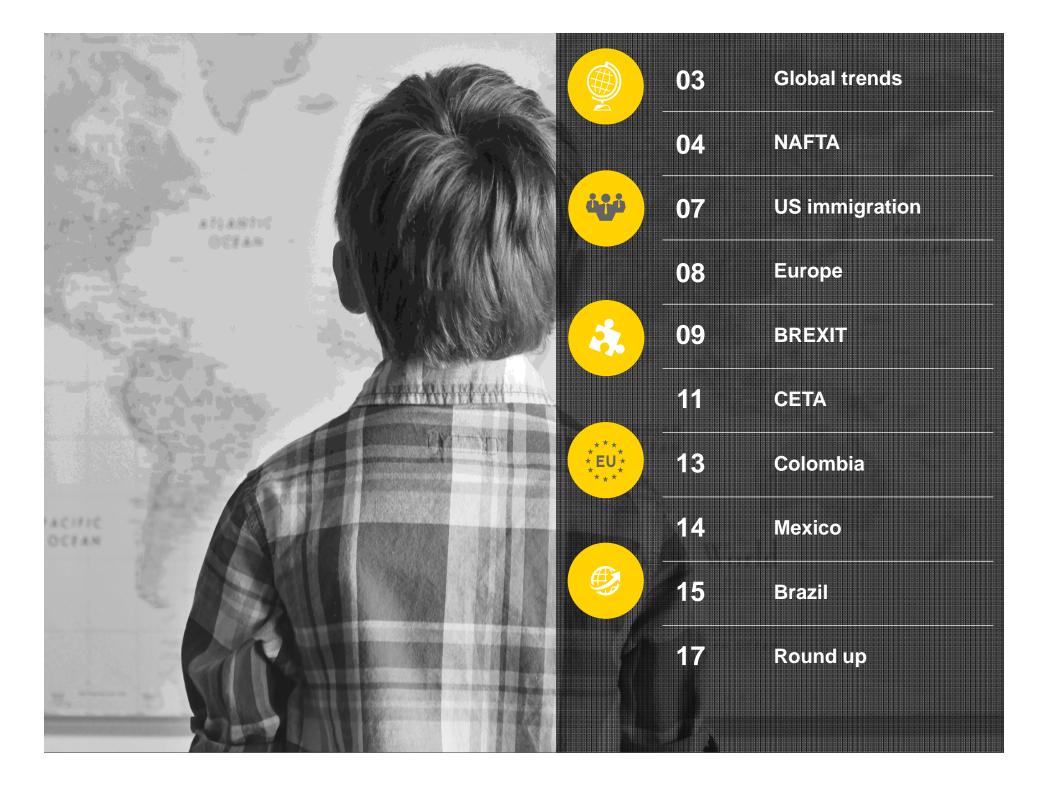


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EY Law LLP





Security, Trade, Protectionism, Compliance and Data

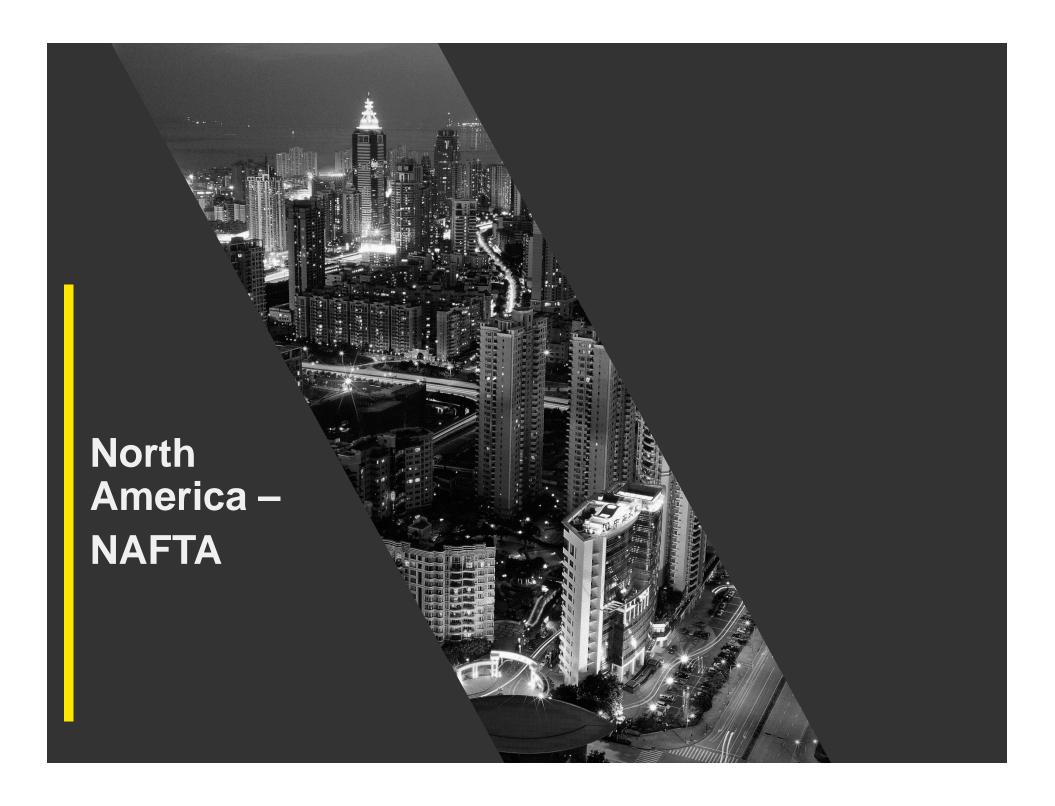
National Security Concerns associated with terrorism and organized crime are drivers of immigration and travel control measures.

Governments are increasingly taking a more protectionist view of labour markets and national borders.

Continued focus on illegal as well as legal immigration. Employers are being held accountable.

Trade relationships are being re-defined.

Data is driving decision making.



NAFTAImmigration Benefits

Chapter 16, Appendix 1603.D.1 to the NAFTA

- TN (Treaty National) professionals
- L-1 Intracompany transferees
- E-1/E-2 Treaty Traders & Investors
- B-1 Business visitors
 - Technical research and design
 - Negotiating contracts, taking sales orders
 - Market research and analysis
 - Growth, manufacture and production
 - After sales services

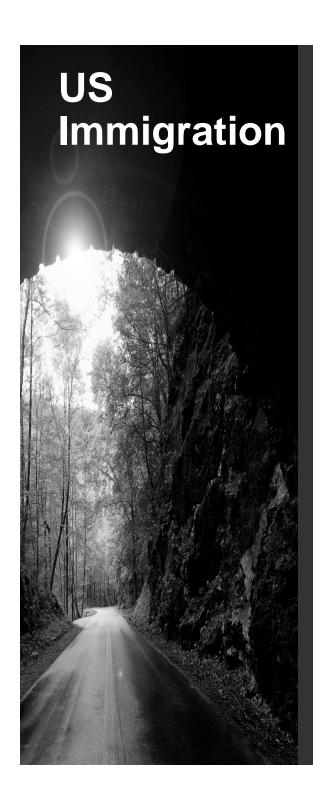
NAFTA

Modernizing

What opportunities exist to improve the agreement?

- Updated Professionals List or Negative List of Occupations
 - Information and Technology Occupations NOC 217
 - Executives / Senior Managers
- Protection from broader immigration policy changes (ie. US immigration)
- Mobility of skilled trades? Energy based occupations?
- Entry of short term specialized workers
- Training & Skills Development
- Trusted Employer Compliance / Facilitated processing regime
- Harmonization of policies and interpretations (i.e. specialized knowledge)
- Expansion to permanent residents?

Risk and implications



Buy American, hire American

H-1B specialty occupation RFEs focused on wages & specialty occupations
Possible elimination of H4
Spousal benefit
Reform of Optional Practical
Training for students

DACA

Deferred Action for Childhood Arrivals

Security & Screening

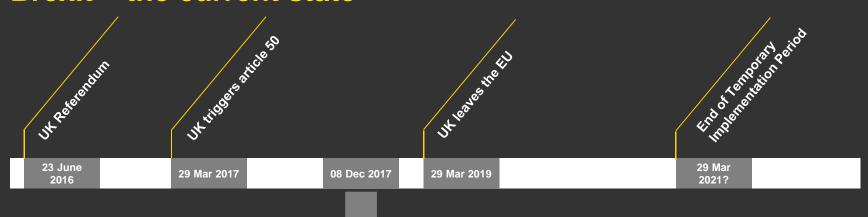
Travel Restrictions
Enhanced Screening /
Administrative Processing
Interviews for employment based
Adjustment of Status applications
Increase in worksite audits and
investigations
REAL ID Act

Requests for evidence

No longer a presumption in extension applications
More detailed information required including % breakdown of duties, organizational charts, details of direct reports
Issued in over 50% of cases
Premium processing may be suspended again for H-1Bs

Europe

Brexit – the current state



Phase 1 agreement between the UK and EU on Citizens' rights

- UK Citizens legally resident in EU state (and vice versa) by 29 March 2019 are protected by agreement
- Those protected can remain indefinitely and apply for settled status after five years
- Children and existing spouses arriving after Brexit will benefit from existing free movement rules, but
- Unmarried partners and new spouses arriving after Brexit will need to meet domestic legislation
- States have the option of making registration scheme mandatory. The UK intends to do this, but it is currently unclear whether EU states will follow the UK's lead
- States also have the option of making Permanent Residence holders reapply for new documentation, albeit at no cost. The UK intends to do this, but it is currently unclear whether EU states will follow the UK's lead

Europe

Brexit

 On 8 December 2017, the UK reached an agreement in principle with EU negotiators concerning the continuing rights of EU citizens legally resident in the UK, and British citizens legally resident in an EU state, by 29 March 2019 – the date the UK plans to leave the EU

Europe

Brexit

Further details

 EU citizens will be required to register their status in the UK via a new "streamlined, user-friendly digital" application process that will draw on existing government data including employment records. It is expected that for EU citizens in employment, the application and documentary requirements will be particularly Straightforward.

 The fee for the application will no exceed the cost of British Passport, which is currently £72.50.

- EU citizens who have been students or economically self-sufficient will not be required to demonstrate that they have held comprehensive sickness insurance.
- EU citizens and family members who already hold a Permanent Residence card will be required to apply again, although this will be a simple process, at no cost.



Mobility provisions

CETA aims to increase transparency and predictability at the border for "key personnel", contractual service suppliers, independent professionals and short-term business visitors

Business visitors

Key personnel (business visitors for investment purposes, investors and intra-corporate transferees) can enter Canada subject to the reservations & exceptions listed in Annex 10-B.

Professionals

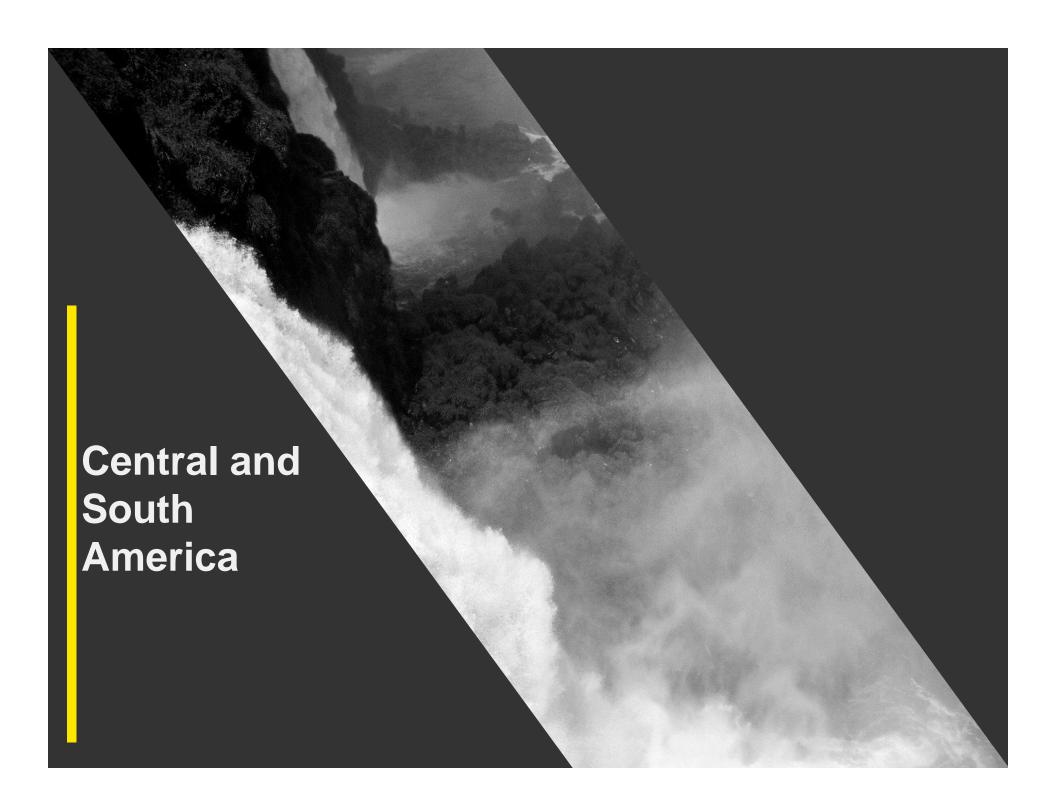
CETA covers 2 types of professionals

- Contractual Service Suppliers
- Independent Professionals

Intra-company transfers

3 ICT subcategories under CETA

- Senior Personnel
- Specialists
- Graduate Trainees



Columbia

- Substantial change to Colombian immigration law. New immigration classifications: Visitor (for Aliens who want to enter the country without the intention of settling in), Migrant (for foreigners who want to settle in Colombia but don't meet the criteria to be a resident) and Resident (For Aliens who want establish permanently, while meeting the mandatory conditions). Each category has a series of subcategories and authorized activities.
- For Migrant (work) visa applications, the Colombian immigration authority may request a motivation letter and the employee's contract.
- All visa applications are now entirely electronic.
- The Colombian immigration authority has the discretional authority to run background checks in Colombia or request applicants to provide them from the country of origin/residence.

Mexico

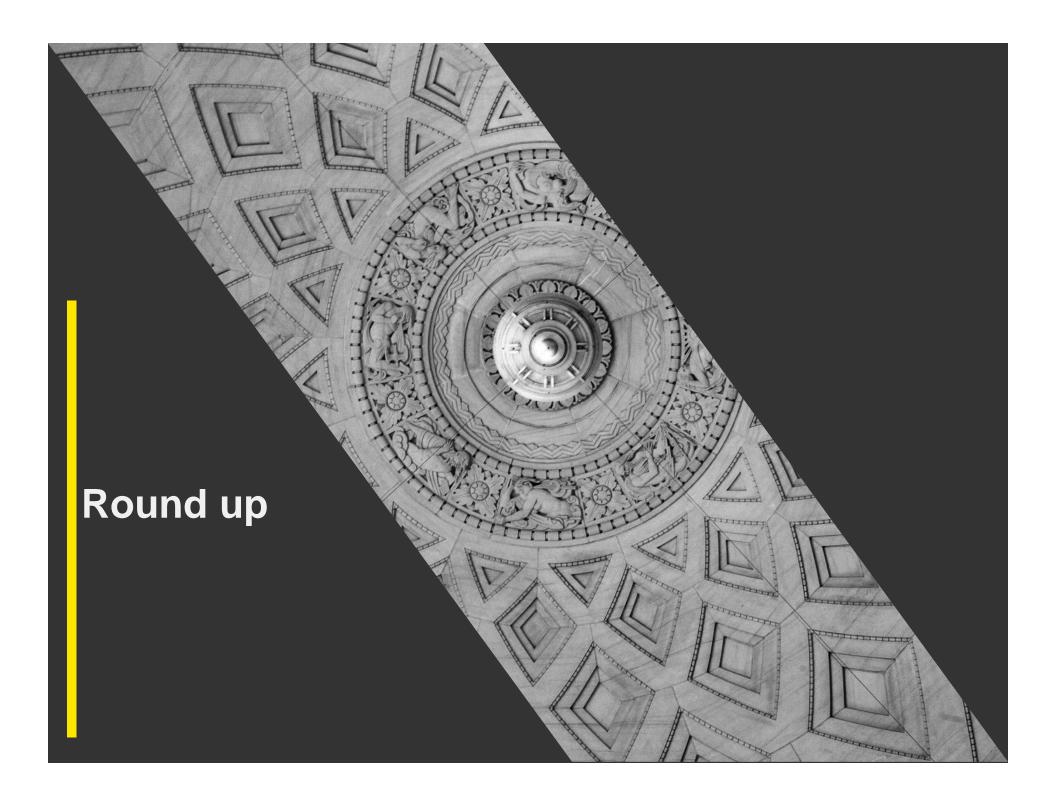
- The "Trusted Traveller" Program (Viajero Confiable, part of Global Entry) allows
 Mexican and American citizens to enter Mexico through electronic kiosks at 3
 Mexican airports (Mexico City, Cancun, Los Cabos), in a fast-track process.
 Duration: 5 years.
- Permanent Residents with Restricted Nationalities in any other of the 3 other member countries of the Pacific Alliance (Colombia, Peru and Chile) can enter Mexico visa-free.
- The Immigration Authority is exploring the possibility of easing some processes by making them 100% electronic. For example, Entry and Exit Permits.
- Also, the Immigration Authority is conducting inspections of companies with foreign employees more frequently and with additional scrutiny seeking to verify their legal status and operations. It is important that employers understand legal requirements and process related to inspections.

Brazil

- Changes to immigration regulations impacting specific target applications and types of applicants
- General rules for residence permits granted by the Ministry of Labor (Normative Resolution 01/17):
- Now there are two phases to each residence permit application:
 - Prior Residence Authorization
 - Residence
- For the residence phase, the following documents are required in addition to the general documents previously required:
 - Proof of immigrant's membership
 - Criminal records certificate issued by the authority of where the immigrant has resided in the last 5 years.
- Courtesy, visit, diplomatic, or official visas may be transitioned into a resident permit.

Brazil

- Immigrants who will work in Brazil with a labor contract (Normative Resolution 02/17)
 - One year of experience for Postgraduate Diploma holders.
 - Two years of experience for Diploma of higher level holders
 - Four years of experience for occupations that does not require technical or higher level plus 12 years of minimum education. If there is technical training three years are required.
- Technical assistance services with no employment contract in Brazil (Normative Resolution 03/17)
 - No proof of professional experience is required
 - Technical visas are authorized by the Ministry of Labor
 - Residence period for visa holders shall be 180 days in each migratory year
 - After the 180 days residence period, a one-year permit can be required
- Transfer of technology without employment contract in Brazil (Normative 04/17)
 - No professional experience is required
- Seamen visa aboard a foreign flagged vessel or platform with operations in Brazilian jurisdictional waters (Normative Resolution 06/17)
 - No previous residence permit for visa purposes is required
 - A multiple places of exercise resident permit can be requested



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