

# GMS E-BULLETIN



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# Immigration Update in Portuguese Jurisdiction

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## Portuguese Golden Visa There is still time!



**Executive Summary:** The Portuguese Government presented an amended draft law relating to the “end” of the Golden Visa Program, which protects the condition of existing investors while providing a “last” window for new applicants.

**Background:** Recently the Portuguese government announced the end of the Golden Visa Program. After several advances and setbacks, there is finally some clarity on what investors can expect. In resume, please consider the following:

1. Applications are still open for the Golden Visa Program until the final law is published, which is expected to happen in no less than 45 days;
2. The stay requirement in Portugal of 7 days per year will still be in place, and those who have applied, but have yet to receive it, are covered by this rule; and
3. New applications for residence

permits relating to investments or support for artistic production, recovery or maintenance of cultural heritage country will still be admitted.

**Important remark:** Time is of the essence. Despite we can still expect some amendments to the law, for those who still want to benefit from this program, now is the right moment to proceed. For more information, please contact us via e-mail at [mfm@paramountlegal.pt](mailto:mfm@paramountlegal.pt).



## ALI SHAHAMI - INTERNATIONAL ASSOCIATE SPOTLIGHT (AUSTRALIA)



### **Ali Shahami**

R&K Immigration Group is a leading Australian registered company based in Sydney, Australia, with two overseas branches. Established in 2016, we specialize in immigration services for Australia, New Zealand, and Europe. Our expertise lies in Australian and New Zealand Entrepreneur and Business visas, assisting clients worldwide in entering these countries through these visa pathways.

Our highly qualified and friendly team of experts are trained in various aspects of immigration law, including skilled visas, employer-sponsored visas, partner/spouse visas, and humanitarian visas. We are dedicated to helping clients navigate the complexities of immigration law, from extending their visas to finding the best way to enter their desired country.

At R&K Immigration Group, we are eager to provide innovative immigration solutions tailored to each applicant's unique desires and circumstances. We continuously strive to develop creative strategies that maximize the chances of successful immigration outcomes for our clients.

**Ali Shahami** is the director of R&K Immigration Group. He holds a Ph.D. in Business, a Master of Law in Migration Law, a Graduate Certificate in Australian Migration Law, and is a licensed immigration advisor for Australia and New Zealand. Under his leadership, our team has successfully assisted many clients in achieving their immigration goals.

In addition to our core services, we are also a certified agency for Caribbean countries offering citizenship by investment programs.

Please do not hesitate to contact us if you need any further information. We appreciate your support in sharing our expertise with the global AILA community.

Email: [info@rkimmigrationgroup.com](mailto:info@rkimmigrationgroup.com)

Website: [www.rkimmigrationgroup.com](http://www.rkimmigrationgroup.com)  
or [www.rkimmigrationgroup.org](http://www.rkimmigrationgroup.org)



# FRANCE'S ROUGH U-TURN ON IMMIGRATION ISSUES

BY: ASIF ARIF, ATTORNEY

The French government have proposed a finalized mouture of a bill named **Projet de loi pour contrôler l'immigration, améliorer l'intégration**, essentially aiming at controlling immigration. This bill will substantially affect many part of French Immigration Law including but not limited to: labor law, integration criteria, deportation and immigration filings. Although not surprising regarding the recents public statements made by the Interior Minister, this proposition will operate as a shift on many fronts:

1. The **knowledge of the French language is becoming key in many immigration process**. There is good presumptions to believe that this requirement will most likely, with the course of the time, be generalized to all category of permanent / temporary residence in France (unless being part of very specific type of visa / temporary residency like visitor status). The French government, under the pressure of the far-right political parties, are making the requirement of having a decent French language level mandatory for all category of immigration.

2. The famous "**Circulaire Valls**" that allows non-documented immigrant to adjust their status by requesting the **Préfecture of a Temporary Card "Employee"** is being codified and given an actual legal status. Many lower administrative courts were reluctant of giving to the dispositions of this government-issued regulation (Circulaire Valls) any sort of legal biding effect. If this bill becomes a law, the legality of that Titre de séjour will make more sense and lower administrative courts won't be able to hide behind the nature of the regulation to deny binding effect. Although a good news, it comes with concession: not all category of employment would be eligible.

If this bill is adopted, non-documented immigrants will have to establish that the employment contract target a position that is in "tension" in France, meaning where the domestic employment is defaulting. This condition does not exist at the present time.

3. The **bill creates a new immigrant's category: the "talent – medical professions and pharmacy professionals"**. In order to respond to the growing concern of lack of medical and pharmacist professionals in France, the government is proposing to modify the actual law by adding a specific temporary residency card given to these specific heath professionals. The idea behind it is also to keep attracting more and more qualified immigrants according to the national needs.

4. **Authorization of work during asylum proceeding are also proposed for a major change**. Applicant of countries with high rates of international protection (asylum) approval will be eligible to an authorization to "access the employment". The verbiage used is making clear that access is temporary and depending on the final adjudication of the asylum application.

5. **Protection against removal order are being drastically stricken down in case of threat for the public order**. Applicants who are residing in France for more than 20 years will not be able to request any benefits from deportation proceedings even if they have substantial family life in France.

6. **Creation of regional appellate courts for denial against refugee determination**. Applicants will have the possibility of filing their appeal against a denial on their first interview to the regional appellate courts. Before, only one court had jurisdiction and this court is in Paris.



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## Consular Liaison Subcommittee Updates for April 2023

### **Egypt**

**by: Joseph Guirguis**

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Egypt announced a new package of facilities for obtaining a tourist visas including a multi-entry visa valid for 5 years for \$700 for citizens of 180 countries. Also, Chinese, Turkish, Indian and Iranian tourists can also obtain an emergency entry visa from the Egyptian ports and airports to South Sinai. The new visas will increase the number of inbound tourism to Egypt. The Regulations have not been issued yet.

### **Czech Republic**

**by: Veronika Pleskova**

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- Czech consulates in Ukraine (Lviv and Kyiv) have re-opened and accept, among other things, applications for blue cards by Ukrainians – holders of temporary protection granted by another EU Member State. Such a blue card application must be submitted in person in Ukraine. This requirement makes the application processing complicated to male applicants who may be subsequently prohibited to leave Ukraine due to the general mobilization;
- As of May 1, 2023, the Czech Republic opens a Visa Center in Dresden, Germany (General Consulate of the Czech Republic in Dresden – web in Czech and German only). This Visa Center will process all applications for a long-term visa, long-term residency permit or a permanent residency permit of third-country nationals who are legally resided in another EU/EEA state or Switzerland. So far this agenda was handled by particular Czech consulates across Europe (i.e. Berlin, Bratislava, Brussels, Warsaw, Vienna and Zagreb). First applications can be submitted as of May 15, 2023.

## Consular Liaison Subcommittee Updates for April 2023

### **Canada - Looming Job Action Will Result in Immigration Processing Delays**

**by: Pavan Dhillon**

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Public Service Alliance of Canada (PSAC) members, a public sector union representing employees of Immigration, Refugees and Citizenship Canada (IRCC) and Canada Border Services Agency ("CBSA") have voted to strike if a deal is not reached with the Government of Canada by Tuesday, April 18, 2023. PSAC has been in collective bargaining since 2021 and the primary issue is over wages.

If a deal is not reached between public sector unions and the Government of Canada by Tuesday April 18, 2023, over 150,000 federal public sector employees will begin strike action. In the event of a labour disruption, details of the impact on immigration-related processing at IRCC can be found at [this link](#), which confirms wide-spread processing delays, and at CBSA at [this link](#), which confirms that port of entry processing will continue.

### **Updates from the Chinese Consulate of New York**

**by: Vishal Chander**

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On January 12, 2023, Chinese Consulate in New York announced it would reopen for in-person appointments effective January 25, 2023. Visa applications should be filed using the China Online Visa Application system (COVA). In-person visa appointments should be made through the Appointment for Visa Application Submission system (AVAS). AVAS was implemented on January 16, 2023. The New York consulate will no longer accept visa or authentication requests via email for new visa applications.

On March 15, 2023, Consulate announced resumption of Hainan 59 visa-free travel. The Consulate also announced foreigners with valid visas issued before March 28, 2020 may travel to China and port visas were no longer suspended. Applicants can now apply for all categories of Chinese visas.

## Uncertainty over UK's Global Talent visas for the tech sector

**By Philip Trott, Senior Counsel and Ross Kennedy, Senior Client Manager,  
Vanessa Ganguin Immigration Law**

Tech Nation, a UK organization that supports technology startups, has announced it is ceasing operations as the UK Government has decided not to renew its funding. This has sparked widespread concern among UK's burgeoning tech community, especially as Tech Nation endorses the Global Talent visa for world leaders and founders in the field of digital technology.

“Many of Britain's most successful tech companies, from Monzo to Deliveroo, and from Skyscanner to Darktrace, have passed through one or more of Tech Nation's growth programs,” said Founding CEO Gerard Grech. “Together we have made the UK tech economy a global powerhouse for tech talent and now third in the world for tech investment, after the US and China.”

The Global Talent visa is a very useful unsponsored route to work and settlement in the UK with dependant family for proven leaders or potential leader in the fields of academia or research; arts and culture; or digital technology.

Each field has its own endorsing body. For example: those seeking a Global Talent visa who work in the TV industry may need to seek endorsement from PACT, architects from RIBA, scientists may approach the Royal Society etc.

Tech Nation will cease to operate on 31 March, with no news on what will then happen to those seeking to be endorsed for a Global Talent visa in the field of digital technology.

Thousands of tech talents and their families have used this immigration route to settle in the UK and work for some of the world's biggest brands.

According the UK Immigration Rules, for those on a Global Talent visa, “entry clearance or permission may be cancelled if their endorsing body ceases to hold that status for the route in which they were endorsed.”



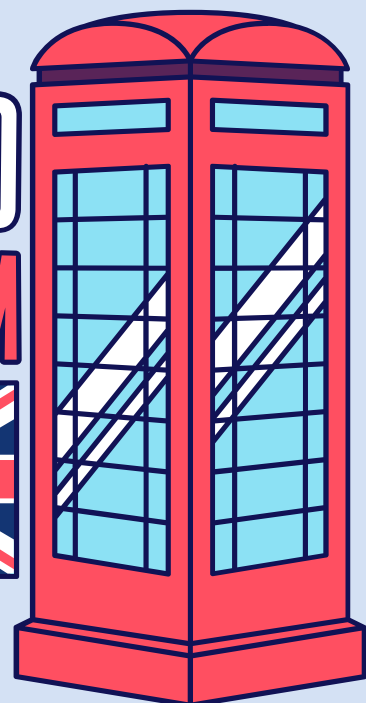
## Uncertainty over UK's Global Talent visas for the tech sector cont'...

Tech Nation says that it is working with the Home Office regarding the long-term plan for this handy visa programme, with more announcements to be made.

The good news is that the Home Office says that nobody already on this immigration route will be disadvantaged.

But many are questioning how much thought went into the UK Government's decision to award its £12.09 million Digital Growth Grant to Barclay's Bank Eagle Labs incubator and accelerator programme instead of Tech Nation, as Eagle Labs will not be taking over the administration of this very important immigration route for tech experts and founders after the 31 March.

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## Falath Partners - International Associate Spotlight (Slovakia)

After acquiring extensive expertise working for prominent law firms in Slovakia, representing international and domestic clients on various local and cross-border matters, I founded **Falath & Partners** in 2019.

With the recent legislative changes introduced on April 1, 2022, my area of expertise has focused primarily on immigration law, specifically Slovak citizenship. As a result, our law firm has positioned itself as a leading firm for Slovak citizenship, the first to provide full service to clients seeking citizenship by descent. Since then, we have reviewed around 500 cases and represent over 100 clients and families, mainly from the United States and Canada. Our practice and clientele constantly grow with the new citizenship program's popularity. I am confident we have the necessary know-how and experience to provide our clients with legal services of the highest standards and do everything we can to succeed.

Feel free to contact us to learn more about this exciting opportunity. With the wide range of our services in all major practice areas, we would also be delighted to assist you and your clients with any legal matter.



**Ján Falath**

**FALATH & PARTNERS**

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# The impact of mental health on a NZ visa application

by Tash Rae, Senior Associate, Anderson Lloyd

Applicants must have an acceptable standard of health (ASH) to be approved a New Zealand (NZ) visa. This is unless they are eligible to be considered for and have been granted a medical waiver.

The INZ health requirements are in place to protect public health and ensure that migrants do not impose excessive costs or demands on NZ's health or special education services. A health condition shouldn't prevent an individual from doing what they were granted a visa for (e.g. to work).

There are different health rules for temporary and residence class visas. For residence, there is a list of conditions deemed to impose significant costs on NZ's health services e.g. cardiomyopathy. An individual with a relatively high probability of requiring health services of more than \$81,000 over a five-year period or the course of a condition also won't meet residence health requirements.

Temporary health rules focus on whether there is a relatively high probability an individual will need publicly funded health services such as hospitalisation, expensive medications or other high-cost care during their stay in NZ. This is a different assessment.

It is usually irrelevant whether an applicant can pay for medical care or has health insurance.



## The impact of mental health on a NZ visa application cont'...

### **The rules applied to counselling and anxiety/depression medication**

If medication for anxiety or depression is declared during a medical examination, it is likely that a letter from a treating Doctor detailing the background, medication dosage and any history of inpatient or outpatient care will be requested. Taking this medication will not prevent an individual from securing a NZ work or residence visa most of the time. This is because many common medications are low-cost and readily available with a General Practitioner prescription.

Another question I get asked is whether things like counselling will impact an immigration health assessment. The answer will depend on the type of treatment. For example, regular/ongoing reviews by a psychiatrist or treatment for a major psychiatric illness that has required inpatient treatment or significant outpatient support may trigger the health rules. On the other hand, a few counselling sessions is unlikely to be an issue.

It would be highly unlikely for a mental health concern to prevent the partner or dependent child of a NZ citizen or resident from qualifying for a visa. While there are some exceptions, these family members are usually automatically granted medical waivers unless they have a particularly serious medical concern, such as a mental health condition that requires full-time care.

### **What if an individual doesn't meet the health requirements?**

If an individual doesn't have an ASH they will need a medical waiver (if eligible). When making a discretionary medical waiver assessment an Immigration Officer will balance the degree to which an individual will impose costs/demands on NZ's health services with the potential contribution of the applicant and any immediate family in the country.

## The impact of mental health on a NZ visa application cont'...

### Declaring health issues

A visa can be declined if material information is withheld. This would cover a situation where a medical condition is withheld during a medical examination. For INZ to conclude that an applicant does not meet the good character requirements in this situation, they must determine that it was 'more likely than not' the medical condition was deliberately withheld.

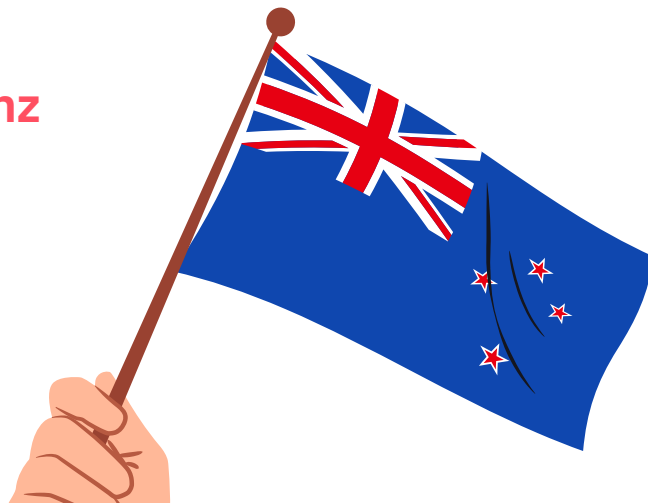
If this conclusion is reached, the applicant will need a character waiver. A discretionary character waiver assessment balances the significance of the withheld information against things like the benefit an applicant will bring to NZ and any strong family links. The relevant factors differ slightly between categories but these assessments are similar in practice.

### Our advice

All medical concerns should be declared when submitting a visa application. A health condition may not disqualify an individual from getting a visa, but failing to declare it could result in a visa being declined on character grounds.

Occasional counselling sessions or taking medication for anxiety/depression is unlikely to prevent an individual from securing a NZ temporary or residence visa. This is unless a condition requires inpatient or significant outpatient support, in which case a medical waiver may be required (if eligible). We recommend individuals seek immigration (and medical) advice before making decisions about ongoing treatment.

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## Srinivasa Bheemaiah - International Associate Spotlight (India)

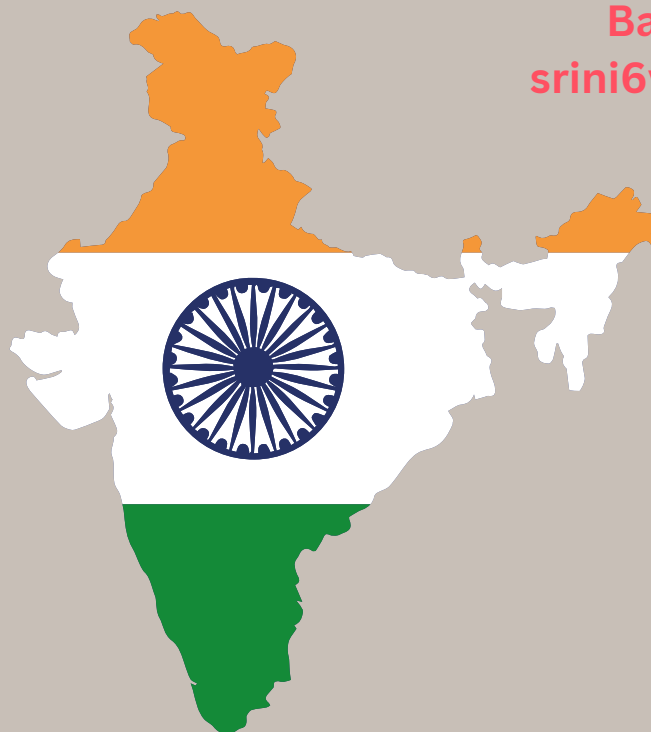
Mr. Srinivasa Bheemaiah has over 13 years of experience as a global mobility & immigration consultant dealing with end-to-end mobility moves from India and other global region.

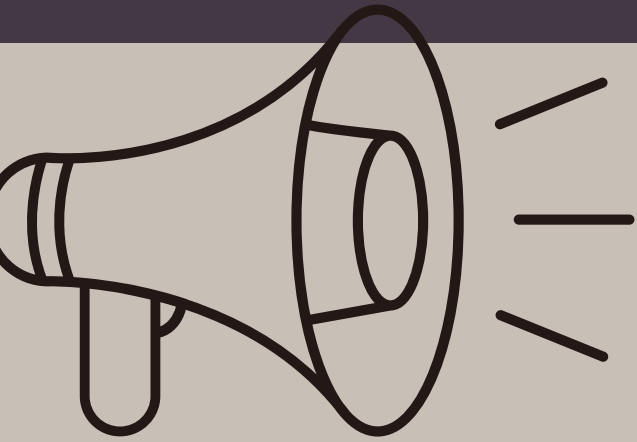
He is currently practicing as Individual Consultant and advisor to some of the small & medium sized organizations relating to international movement and cross border matters concerning immigration & mobility strategies, policies and best practices.



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## Register for the AILA GMS Annual Forum

**When: June 19-20, 2023**  
**Where: Orlando, Florida**

Don't miss this opportunity to network with colleagues and learn from our international faculty of experts as they survey the new landscape of global migration practice and help you plan for the future.

Find more information on the  
**[Conference registration page](#)**

**[Early-Bird Registration and  
Hotel Block Deadline: May 17th](#)**



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