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# INTERNATIONAL LAW AND IMMIGRATION

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## ILS NEWS (JULY 2022)

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### CHAIR’S COMMENT

Dear ILS Members,



We have had another busy quarter. On July 1, 2022, we celebrated the [20<sup>th</sup> Anniversary of the entry into force of the Rome Treaty of the International Criminal Court](#) by co-sponsoring the program with the

International Criminal Court Alliance. We also organized the following webinars: (1) [Politics, Headlines and Their Impact on Global Trade Compliance](#); (2) [Model Contract Clauses to Protect Workers’ Human Rights in Supply Chains](#); (3) [Global Commercial Leasing: Beginner’s Guide to Commercial Real Estate Leasing in Spain](#); (4) Immigration Law 101 and Frequently Asked Questions for New Attorneys; and (5) [Human Trafficking 101 and Immigration Remedies](#). We also co-sponsored a virtual networking mixer with the Los Angeles County Bar Association that was well attended and it was a great opportunity to meet different professionals from various backgrounds.

On July 20, 2022, we have a webinar on [US Trade Laws and China – An Update](#) which is available to ILS members at a low price of \$15. On August 25, 2022, we have a webinar on [Special Pathways to Adjustment of Status \(Green Cards\)](#). On September



7, 2022, we are co-sponsoring a [virtual networking event with the Los Angeles County Bar Association](#).

We are now busy preparing for the upcoming Annual Meeting and we are also working with our foreign friends to organize joint programs for the end of this year. We are hoping to meet up with ILS members and our foreign friends at the upcoming Annual Meeting.

My term as ILS Chair will end on September 18, 2022 and I would like to congratulate (1) Richard Bainter who will succeed me as ILS Chair; (2) Payal Sinha who will be the incoming ILS Vice Chair; (3) Eric Husby who will be the incoming ILS Secretary; and (4) Agustin Ceballos who will continue as ILS Treasurer. Congratulations again to the officers who are appointed for next term. I am confident that ILS is in safe hands under Richard Bainter's leadership.

Tiffany Heah<sup>1</sup>

## **INTERNATIONAL PRIVATE (COMMERCIAL) AND PUBLIC LAW DEVELOPMENT HIGHLIGHTS**

This section focuses on developments of note that impact California transnational legal practice. While the developments below were collected by the editors from April 2022 to June 2022, the *ILS NEWS* welcomes Section members to bring other developments to our attention and invites readers to contribute related short updates.

### **Russia-Ukraine Conflict**

#### ***The US to Take Further Action to Support Ukraine***

The US, in coordination with the G7, will implement significant commitments, including sanctions on hundreds of individuals and entities that adds to the over 1,000 already sanctioned, act on evasion by targeting companies in several countries that adds to the over 300 Entity Listings already in place; impose tariffs on hundreds of Russian products worth billions

of dollars to Russia. President Biden and other G7 leaders will seek authority to use revenues collected by new tariffs on Russian goods to help Ukraine. G7 leaders are also looking to limit Russia's revenue from gold. The US Department of the Treasury will issue a determination to prohibit the import of new gold into the US. More information is available [here](#).

#### ***Additional Chinese Firms Accused of Assisting Russian Military***

The US Department of Commerce has added five Chinese technology and logistics companies to an export blacklist, prohibiting US firms from exporting to them, because of allegations that the Chinese companies have supported Russian military operations. For a complete list of entities that have been identified to have been involved, that are involved, or that pose a significant risk of being involved in activities contrary to the national security or foreign policy interest of the US, click [here](#).

#### ***Ukraine's Application Against Russia before the International Court of Justice***

A joint statement was issued on behalf of Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Marshall Islands, Moldova, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Palau, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the United Kingdom, the United States, and the European Union to support Ukraine's Application instituting proceedings against the Russian Federation before the International Court of Justice under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which seeks to establish that Russia has no lawful basis to take military action in Ukraine on the basis of unsubstantiated allegations of genocide. A copy of the joint statement is available [here](#).

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<sup>1</sup> Attorney at Law, Law Office of Tiffany Heah, APC.



### **G7 Reaffirms Long-Term Support of Ukraine**

During its summit held June 27-28, 2022, G7 members issued a formal statement of its long-term support of Ukraine. Their financial support in 2022 exceeds \$2.8 billion in humanitarian aid, and \$29.5 billion in budget aid. G7 support includes an international reconstruction conference and plan, to be drafted and implemented by Ukraine in coordination with international partners. More information is available [here](#).

### **Multinational Russian Elites, Proxies, and Oligarchs (REPO) Task Force – First 100 Days**

On June 28, 2022, the US Department of Justice reported on the culmination of efforts in the first 100 days of the REPO task force. Milestones include:

- Over \$30 billion worth of sanctioned Russians' assets blocked or frozen in financial accounts and economic resources,
- Approximately \$300 billion of Russian Central Bank assets, and
- Access to the global financial system restricted, impeding Russia from technology to sustain its unprovoked war against Ukraine.

REPO tax members include Australia, the European Union, Japan, the US, and the United Kingdom. More information is available [here](#).

### **US Department of State**

#### **International Digital Economy and Telecommunication Advisory Committee (IDET)**

The Department of State has renewed the charter of the IDET for two years.

The IDET will provide views and advice to the US Department of State on international policy issues related to the digital economy, digital connectivity, economic aspects of emerging digital technologies, telecommunications, and communication and information policy matters. The IDET includes members of the telecommunications industry, organizations, institutions, or entities with specific interests in the digital economy, digital connectivity, economic aspects of emerging digital technologies,

and communications and information policy matters; academia; civil society; and officials of interested government agencies.

### **US SUPREME COURT**

#### **Termination of the “Remain in Mexico” Policy**

On June 30, 2022, the Supreme Court held that the US Government's rescission of the Migrant Protection Protocols did not violate Section 1225 of the Immigration and Nationality Act. More information is available [here](#).

#### **Parties to Private Arbitration May Not Seek Assistance of Federal Courts**

On June 13, 2022, the Supreme Court held that parties to private arbitration abroad may not seek the assistance of federal courts in gathering evidence for use in those arbitrations. Only a governmental or intergovernmental adjudicative body constitutes a “foreign or international tribunal” under 28 U.S.C. § 1782(a). Such bodies are those that exercise governmental authority conferred by one nation or multiple nations. Thus, a private commercial arbitration abroad does not qualify, nor does an arbitral panel formed pursuant to an international treaty unless the parties to that treaty conferred governmental authority on the arbitral panel. More information is available [here](#).

#### **Alien Tort Statute (ATS)**

Six individuals from Mali alleged that they were trafficked into Ivory Coast as child slaves to produce cocoa at farms which sold its cocoa and received technical and financial resources from Nestle USA, Inc. (Nestle) and Cargill, Inc. (Cargill). Nestle and Cargill were sued under the ATS which allows federal courts to hear claims brought by an alien for tort only committed in violation of the law of nations or a US treaty. On June 17, 2022, the US Supreme Court held that the respondents were improperly seeking extraterritorial application of the ATC since all the conduct that they allege aided and abetted forced labor occurred in Ivory Coast. To support a domestic application of the ATC, the individuals must allege more domestic conduct than general corporate



activity common to most corporations. More information is available [here](#).

### ***The US Supreme Court Interprets the Hague Convention on the Civil Aspects of International Child Abduction***

In the case, [Golan v. Saada](#), the U.S. Supreme Court unanimously held that the Hague Convention on Child Abduction does not require US courts to consider all possible ameliorative measures that could ensure a child's safe return to his/her country of habitual residence. Instead, a court may consider ameliorative measures if the consideration of such measures prioritizes the child's physical and psychological safety. The Supreme Court reaffirmed that the primary goal of the Convention is the safety of the child.

For more analysis of the case, see "[Justices broaden trial courts' discretion in child-custody disputes under Hague Convention.](#)" by Amy Howe.

## **CLIMATE CHANGE**

### ***Memorandum of Cooperation (MOC) between Canada and California***

On June 9, 2022, the Government of Canada and the Government of the State of California signed an MOC to fight climate change, reduce pollution, cut back on plastic waste, advance zero-emission vehicles, protect the environment, and build climate resilience. A copy of the MOC is available [here](#).

### ***MOC between New Zealand and California***

On May 27, 2022, the Government of New Zealand and the Government of the State of California signed a MOC to address climate change, reduce pollution, and bolster a clean economy, emphasizing community resilience and partnership with indigenous leaders. A copy of the MOC is available [here](#).

## **OTHER INTERNATIONAL ORGANIZATIONS AND INTERNATIONAL AGREEMENTS**

### **G7**

#### ***Partnership for Global Infrastructure (PGII)***

On June 26, 2022, President Biden announced that the US aims to mobilize \$200 billion for PGII over the

next five years through grants, federal financing, and leveraging private sector investments. Together with G7 partners, the goal is to mobilize \$600 billion by 2027 in global infrastructure investments.

PGII was launched to mobilize funds and deliver quality, sustainable infrastructure that makes a difference in people's lives around the world, strengthen and diversify supply chains, create new opportunities for workers and business and advance national security. More information is available [here](#).

### ***21<sup>st</sup> Century Challenges***

On June 28, 2022, President Biden met with G7 leaders to strengthen cooperation on 21st century challenges including:

- Committing to a unified approach to confront China's unfair economic practices;
- Elevating supply chain resilience;
- Cooperating on cyber and quantum technology;
- Advancing Trade and Technology Council standards for democratic, market-oriented approaches to trade;
- Improving the multilateral framework for debt restructuring;
- Committing to tackle forced labor and upholding human rights; and
- Reaffirming the importance of democratic resilience.

More information is available [here](#).

## **European Union**

### ***Proposal for Corporate Sustainability Reporting Directive (CSRD)***

The European Commission is proposing a CSRD which adopts the EU's sustainability reporting standards and amends the existing reporting requirements of the Non-Financial Reporting Directive. The proposal:

- extends reporting requirements to all large companies and all companies listed on regulated markets (except listed micro-enterprises);



- requires the audit (assurance) of reported information;
- introduces more detailed reporting requirements and a requirement to report according to mandatory EU sustainability reporting standards; and
- requires companies to digitally 'tag' reported information, so that it is machine readable and feeds into the European single access point envisaged in the [capital markets union action plan](#).

The first set of standards would be adopted by October 2022. For a copy of the proposal, click [here](#).

### International Centre for Settlement of Investment Disputes (ICSID)

The ICSID has published the [2022 ICSID Rules and Regulations](#) for resolving international investment disputes, which come into effect on July 1, 2022.

The updated rules for arbitration, mediation, conciliation, and fact-finding are the outcome of over five years of collaboration with state officials, legal counsel, adjudicators, businesses representatives, and civil society. They incorporate innovations designed to make ICSID cases more efficient for parties, broaden access to ICSID's facilities and services, and ensure greater public transparency in the conduct and outcome of proceedings.

This is the first amendment to the ICSID rules since 2006, and the most extensive modernization of ICSID procedures in the Centre's history.

Innovations introduced in the 2022 Rules and Regulations include:

- Numerous measures designed to make cases more efficient, such as mandatory case management conferences and precise deadlines for key steps in ICSID procedures. New expedited arbitration rules will also be available to parties, which reduce case times in half.
- The arbitration rules further enhance the transparency of ICSID orders, decisions, and awards, while also assisting parties in identifying confidential information and

specifying that protected personal information cannot be publicly disclosed.

- A broader range of parties will have access to ICSID's specialized rules and services. The ICSID Additional Facility—originally established in 1978—is now available for arbitration and conciliation proceedings where one or both disputing parties are not an ICSID Member State or a national of one. This contrasts with arbitration and conciliation under the ICSID Convention, which are only available to Member States and their nationals.
- Regional Economic Integration Organizations (REIOs)—such as the European Union—may also be a party to proceedings under the amended Additional Facility Rules. This accommodates international investment agreements that are signed by an REIO on behalf of regional entities.
- Entirely new rules for mediation and fact-finding are also offered at ICSID. These provide parties with a time and cost-effective means to seek an amicable settlement to disputes—and may be used on their own or in conjunction with an arbitral proceeding.
- For the first time, the disclosure of third-party funding is required throughout the life of a case to avoid conflicts of interest that may arise out of such financing arrangements.

The 2022 versions of the ICSID Rules and Regulations are available in PDF and HTML formats in [English](#), [French](#), and [Spanish](#).

### Credit Suisse Found Guilty in Drug Money-Laundering Case

On June 27, 2022, Switzerland's Federal Criminal Court found Credit Suisse and a former employee guilty of money laundering in connection with a Bulgarian cocaine-trafficking ring. The court said the bank did not do enough to prevent money laundering through the employee, who prosecutors say routinely received suitcases of cash from a ring member. The bank, which plans to appeal the ruling, faces a \$2.1





million fine and an order to pay the Swiss government \$20 million. More information is available [here](#).

### Transparency International

On May 9, 2022, Transparency International published its 2021 Annual Report. The highlights in 2021 includes:

- Ending secretive corporate structure everywhere;
- Exposing how corruption crippled lifesaving COVID-19 responses;
- Launching the 10-year strategy, Holding Power to Account;
- Made it a priority to protect anti-corruption activists; and
- Expanding the world's largest survey on the impact of corruption in daily life.

To download the 2021 Annual Report, click [here](#).

## INTERNATIONAL CRIMINAL COURT (ICC)

In this edition of the ILS NEWS, we have extended the coverage on developments involving the ICC to commemorate its 20<sup>th</sup> Anniversary.

### 20<sup>th</sup> Anniversary of Entry into Force of the Rome Treaty of the ICC

By Sean Butler<sup>2</sup>



The Rome Treaty creating the ICC International Criminal Court (ICC) was agreed upon by a vote of 120 in favor and seven against after a 5-week international Rome treaty conference, on July 17, 1998. The

treaty entered into force in less than four years, on

July 1, 2002. There are many accomplishments of the ICC in those 20 years and the ICC is a permanent part of the system of international justice. Twenty years of the ICC is cause for celebration.

### What is the ICC?

The ICC is an international treaty-based organization, independent of the United Nations (UN) but with an agreement to work with the UN, including accepting referrals from the UN Security Council (UNSC). The ICC is the first permanent international court established to try individuals accused of atrocity crimes and is a court of last resort with complementary jurisdiction to national courts. The ICC can only act if there is no national court able or genuinely willing to investigate and, if warranted, prosecute. One purpose of the ICC is to fill gaps when no other courts are genuinely willing or able to act. There are limits to the jurisdiction and powers of the ICC. The ICC has subject matter jurisdiction over the crimes of genocide, war crimes and crimes against humanity. The crime of aggression was always intended to be included in the Rome Treaty and an amendment to the treaty included the definition of the crime of aggression, effective as of July 2018. For aggression, the nations of the individuals accused must have ratified or acceded to the aggression amendment. Pursuant to the Rome Treaty, the ICC has personal jurisdiction over individuals who are nationals of state parties or who committed the alleged crimes on the territory of a state party. Some nations dispute that the ICC properly has jurisdiction over individuals who are nationals of nations that are not state parties even if the alleged criminal conduct occurred on the territory of a state party. Nations that are not parties can submit declarations accepting the jurisdiction of the ICC. Cases can be initiated by referrals from state parties, by UNSC referrals, and by the prosecutor acting on his or her own initiative (in proprio motu). The ICC has investigators but no police force and relies on the cooperation of nations for purposes of obtaining custody of those accused.

<sup>2</sup> Attorney and Board President of the International Criminal Court Alliance, Los Angeles.



The ICC is a hybrid of common and civil law. The ICC allows participation of victims in the proceedings. The Assembly of States Parties (ASP) governs the ICC, with voting power for nations that are parties and observer status for nations that are not parties to the treaty.

### ***The ICC Accomplished Much in 20 Years***

The US, following the legacy of the post WWII Nuremberg tribunal, was a proponent of a permanent international criminal court. The US negotiated and contributed to the wording of the Rome Treaty, the elements of crimes, the rules of procedure and evidence, and the regulations of the court. However, the US was one of seven nations to vote against the treaty on July 17, 1998.

Between July 17, 1998 and December 31, 2000, 138 nations signed the Rome Treaty, which has significance pursuant to the Vienna Convention on Treaties. The US signed the Treaty December 31, 2000 (under the Clinton administration), but “withdrew” the signing on May 6, 2002 (under the Bush administration). Russia initially signed but withdrew its signing on November 16, 2016.

Between July 17, 1998 and March 3, 2016, 124 nations ratified the Rome Treaty. All NATO members, except Turkey and the US, are among the current 122 state parties (Burundi and The Philippines withdrew from the Treaty). The ICC is headquartered in The Hague, The Netherlands, and “inaugurated” its court operations on March 11, 2003. The court has pre-trial, trial and appeal chambers. There are eighteen judges who serve for periods of nine years. The President, First Vice-President and Second Vice-President are judges and elected by the judges. The Registry acts as clerk of the court and administrative coordination, including of defense counsel. There is an Office of the Prosecutor that acts independently from the court. There is an independently funded Trust Fund for Victims.

### ***Office of the Prosecutor (OTP) Cases***

Over the last 20 years, the OTP conducted investigations into 17 situations and issued 37 arrest warrants against the defendants. Three warrants

were withdrawn following the defendant’s death, and 11 defendants remain at large. The following cases have been brought before the ICC arising out of situations occurring in eight nations:

- **Democratic Republic of Congo** (self referral): 2004 - Charges of crimes against humanity and war crimes in eastern DRC: 6 cases, 3 convictions, 1 case charged declined, 1 acquittal, and 1 accused at large;
- **Uganda** (self-referral): 2004 - Charges of crimes against humanity and war crimes in northern Uganda: 2 cases, 1 convicted/under appeal 2 accused at large;
- **Sudan (Darfur)** (UNSC referral): 2005 - Charges of crimes against humanity, war crimes, and genocide: 6 cases, 1 in trial, 4 accused at large, and 1 charge declined;
- **Central African Republic I and II** (self-referrals):
  - (CAR-I) 2007 - Charges of crimes against humanity and war crimes: 2 cases, 1 acquittal and 1 conviction; and
  - (CAR-II) 2014 - Charges of war crimes and crimes against humanity: 3 cases, 1 in trial 1 set for trial 9/2022 and 1 in Pre-Trial;
- **Kenya** (proprio motu): 2010 - Charges of crime against humanity in post-election violence: 4 cases, 1 dismissed, 1 charge withdrawn, 1 case with 2 suspects at large and 1 in trial-closing statements;
- **Libya** (UNSC referral): 2010 – Charges for crimes against humanity and war crimes: 3 cases, 2 cases with suspects at large, for 2 accused the case dropped with death of accused, and 1 dropped as inadmissible based on domestic proceedings in Libya. The OTP has ongoing investigations of crimes committed in detention centers, crimes committed from 2014-2020, and crimes against migrants ongoing;
- **Cote d’Ivoire** (proprio motu): 2011 - Crimes against humanity in post-election violence: 2



cases, 1 both acquitted and 1 charge withdrawn;

- **Mali** (self-referral): 2012 - Crimes against humanity in Timbuktu: 2 cases, 1 convicted and 1 in trial.

### ***Investigations-Rome Statute Article 53***

There are ongoing investigations regarding eight other situations:

- **Republic of Georgia:** January 2016 authorization to investigate alleged crimes against humanity and war crimes in and around South Ossetia between July 1 and October 10, 2008: 3 arrest warrants issued on May 10, 2022.
- **Burundi:** October 2017 authorization, in proprio motu, to investigate crimes against humanity allegedly committed in Burundi or by nationals of Burundi outside Burundi since 26 April 2015 until 26 October 2017.
- **Palestine:** On January 1, 2015, the Government of Palestine lodged a declaration accepting ICC jurisdiction over alleged crimes committed "in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014." On March 3, 2021, the OTP announced opening of the investigation following the decision on February 5, 2021 that the Court could exercise its criminal jurisdiction in the Situation in Palestine, and that the territorial scope of this jurisdiction extends to Gaza and the West Bank, including East Jerusalem.
- **Bangladesh/Myanmar:** November 2019 authorization to investigate alleged crimes against humanity in the People's Republic of Bangladesh/Republic of the Union of Myanmar.
- **Afghanistan:** March 2020 appeals of Chamber authorization to investigate alleged crimes against humanity and war crimes in committed on Afghanistan's territory since May 1, 2003, and other alleged crimes with a nexus to the armed conflict in Afghanistan and sufficiently linked to the Afghanistan

situation and committed on the territory of States Parties since July 1, 2002 (including operation of so-called "black sites" by the US on territory of state parties). The former government of Afghanistan requested deferral based on complementarity, which request remains pending.

- **Philippines:** September 2021 Pre-Trial Chamber I authorization of investigation of crimes against humanity on the territory of the Philippines between November 1, 2011 and March 16, 2019 in the context of the so-called 'war on drugs' campaign. In November 2021, the Philippines' government requested deferral of the investigation because national authorities were investigating. On June 24, 2022, the OTP filed an application to resume its investigation because the Philippines' government failed to conduct its investigation.
- **Venezuela I:** September 2018 referral received by OTP from Argentina, Canada, Colombia, Chile, Paraguay, and Peru regarding the situation in Venezuela since February 12, 2014. On November 3, 2021, the OTP announced that the preliminary examination had been concluded with a decision to proceed with investigations.
- **Ukraine:** On March 1 and 2, 2022, the OTP received a referral from 43 States Parties to the Rome Statute regarding the situation in Ukraine. On March 2, 2022, the OTP announced opening of an investigation into the Situation in Ukraine which includes war crimes, crimes against humanity or genocide committed on the territory of Ukraine from November 21, 2013, onwards.

### ***Preliminary Examinations (the Stage Where the OTP Determines if There Is a Basis to Open an Investigation Pursuant to Rome Treaty, Article 53(1))***

The OTP continues monitoring the three situations in:

- **Guinea** (crimes against humanity committed September 28, 2009, in Conakry, Guinea);





- **Nigeria** (seeking authorization from Pre-Trial Chamber to open investigation); and
- **Venezuela II** (self-referral in February 2020.)

The OTP decided not to proceed with the following Preliminary Examination of seven situations:

- **Colombia** (October 2021 decision based on complementarity and assurances of domestic action to investigate);
- **Honduras** (2015 decision of no reasonable basis to proceed);
- **Republic of Korea** (2014 decision that statutory requirements to seek initiation of investigation not met);
- **Registered Vessels of Comoros, Greece and Cambodia** (regarding Israeli boarding of vessels, November 2017 decision that information did not provide a reasonable basis to proceed);
- **Iraq/UK** (December 2020 decision based on admissibility/complementarity that UK would properly investigate/prosecute);
- **Gabon** (September 2018 decision of no reasonable basis to proceed); and
- **Plurinational State of Bolivia** (February 2022 decision of no reasonable basis to proceed.)

### ***The ICC Benefits the Cause of International Criminal Justice***

Before the ICC, ad hoc tribunals were established after the fact of certain alleged crimes. Defendants claimed they were being charged with crimes that were not against the law at the time the acts were committed because the ad hoc tribunals were formed after the fact. Ad hoc tribunals may still be needed for situations involving nations that are not parties to the Rome Treaty and for crimes not committed on the territory of state parties, or for charges of waging a war of aggression. However, having the ICC means that for many situations involving allegations of atrocity crimes there is an existing court with established elements of crimes and rules of procedure and evidence.

The importance of the ICC is highlighted by allegations of atrocity crimes committed in connection with the invasion of Ukraine by Russia. On February 28, 2022, Prosecutor Khan announced a decision to seek authorization for an investigation into alleged crimes in Ukraine. For a case initiated by the OTP in proprio motu, authorization for an investigation is required from a Pre-Trial Chamber. For referrals from state parties, that authorization is not required. Within two days of the announcement, 39 nations had referred the situation in Ukraine. Between March 11 and April 2, 2022, another four had joined, bringing the number to 43 State Parties and asking that the ICC investigate the allegations of war crimes and crimes against humanity allegedly committed in Ukraine. Since then, the investigation expanded to include allegations of genocide.

In May 2022, the US Department of State announced the establishment of the Atrocity Crimes Advisory Group, in coordination with the EU and UK. As part of the Department of State announcement, the following was included: “[the ACA] will closely associate its activities with the ongoing operational work taking place in cooperation with EU Member States, partner third countries and the International Criminal Court, including the Joint Investigation Team coordinated by Eurojust.”

Having a permanent ICC materially and substantially furthers the cause of accountability for atrocity crimes pursuant to established laws of international criminal justice. The 20 years since entry into force of the Rome Treaty have shown the ICC is an impartial, fair court worthy of support of all nations. Because it has limits on its ability to exercise personal jurisdiction and based on the lack of its own police force, it requires the assistance and cooperation of nations to be effective. It is time for the US to join the ICC.

### **[Zoom Event: A Celebration of the 20<sup>th</sup> Anniversary of Entry into Force of the Rome Treaty of the ICC](#)**

On July 1, 2022, ILS and the ICC Alliance organized a program to celebrate the 20<sup>th</sup> Anniversary of the coming into force the Rome Treaty of the ICC. The



program was moderated by Sean Butler and the speakers were:



**IRYNA ZAVERUKHA**, Adjunct Associate Professor of Law at Southwestern Law School. Professor Iryna Zaverukha has taught at LNU, Ukrainian Catholic University and Southwestern Law School, including the subjects of Public

International Law and International Criminal Law. Besides teaching, she served as Deputy Dean of the Law School, and later, as Head of the Administrative and Financial Law Department at the L'viv National University in Ukraine. During her 20 years of teaching experience, she has taught in Ukraine, Poland, Kuwait, and the US. She obtained a J.D. at Ivan Franko L'viv National University (LNU); an LL.M. at University of Southern California; a Ph.D. at Taras Shevchenko Kyiv National University; and an S.J.D. at The Institute of Legislation of the Verkhovna Rada of Ukraine.



**KRISTIN SMITH**, Director, Atrocity Crimes Initiative (American Bar Association's Criminal Justice Section & Center for Human Rights). Kristin Smith directs the Atrocity Crimes Initiative, a group of projects on atrocity prevention, response, and accountability jointly

supported by the American Bar Association's Criminal Justice Section and Center for Human Rights. Through the Atrocity Crimes Initiative, she works with several global groups of experts to

construct standards and best practices in international criminal justice, strengthen the International Criminal Court and US support for international justice institutions, and to further research, public debate, and support for atrocity prevention laws and policies. She has written gender-sensitive analyses on responses to atrocities in Iraq and Myanmar, and technical comments submitted to the Universal Periodic Review of the United States, the Review of the International Criminal Court, and the ICC Office of the Prosecutor's consultation on gender persecution. Prior to the ABA, she worked as a Legal Fellow at the Global Justice Center in New York and the Whitney R. Harris World Law Institute at Washington University, and as a legislative analyst and criminal prosecutor in Oregon. She is a graduate of the University of Notre Dame and Washington University in St. Louis School of Law.

For those who missed the program, it is now available on [CLA's YouTube channel](#).

### Report of Activity—April to June 2022

*By Radulf Mohika<sup>3</sup>*



**Ukraine:** On April 27, 2022, the OTP reported to the UNSC that his office will “ensur[e] accountability for atrocities committed in Ukraine” and “the law applies to all sides, all parties to the conflict, whether Ukraine or the Russian Federation, whether state actors or non-state actors.” The OTP signed a joint investigation team (JIT) agreement with Ukraine, Poland, and Lithuania, and there are nine other structural investigations underway. The joint investigation team is under the auspices of [Eurojust](#), and allows rapid and real time accessibility and collection of relevant

<sup>3</sup> Undergrad at University of Southern California and part of the International Criminal Court Alliance in Los Angeles.



information. The OTP has sent three communications to the Russian Federation but has not received a response. More information is available [here](#).

On May 17, 2022, the OTP announced a deployment of 42 investigators, forensic experts and support personnel who will work with national investigators in Ukraine to accelerate the investigation. This is the largest single field deployment investigation deployed by the OTP. The OTP expressed appreciation to the Government of The Netherlands for strong cooperation with a significant number of Dutch national experts. Upon the OTP's requesting support from State Parties, 21 States agreed to provide seconded national experts and 20 States committed to provide financial contributions. More information is available [here](#).

On May 31, 2022, Eurojust organized a press conference regarding a joint investigation team on alleged crimes committed in Ukraine. This conference can be viewed [here](#).

On June 17, 2022, OTP conducted his third visit to Ukraine (Kharkiv) to witness extensive damage and "accounts of suffering endured by civilians." Prosecutor Khan stated: "Every person who picks up a gun, drives a tank or launches a missile should know that they can be held accountable where crimes are committed." Prosecutor Khan met with President Volodymyr Zelensky and senior advisers. More information is available [here](#). The case has been assigned to Pre-Trial Chamber II.

**Central African Republic (CAR):** On May 11, 2022, Prosecutor Khan welcomed a landmark moment by underlining his commitment to support the Special Criminal Court of the Central African Republic (SCC) in Bangui with the principle of complementarity. The Prosecutor underlined his commitment to strengthening cooperation between the OTP and SCC: "I have been clear since I took up office one year ago. Justice is best delivered closest to those impacted by crimes. We should support all efforts that aim to engage with and empower communities, that allow them to participate more directly in the process of justice. The SCC is an excellent example of how this partnership between the international community,

national authorities and local actors can result in tangible steps towards this goal." More information is available [here](#).

On June 23, 2022, the OTP announced its partnership with the Argentine Forensic Anthropology Team and Columbia Law School of Human Rights Clinic to conduct exhumation and forensic examination on ongoing investigation into crimes. The Prosecutor stated that "[t]he conduct of forensic activities can be crucial in advancing our work to get to the truth and ultimately deliver justice for victims and survivors. But it is also a moment that can give rise to deep sorrow and a reliving of experiences by affected communities. It is essential that this work is done in partnership with them. We must ensure they feel empowered as part of this step towards accountability". The team consists of "over 20 technical experts from 10 countries, including archaeologists, pathologists, odontologists, anthropologists, ballistic experts, and morgue technicians. More information is available [here](#).

**Kenya:** On March 24, 2022, the Prosecutor completed his case against Paul Gicheru, a lawyer based in Kenya, who is accused of offenses against the administration of justice by corruptly influencing witnesses. On April 25, 2022, the Defense announced that it will not present any evidence. Closing statements were scheduled for June 27, 2022. More information is available [here](#).

**Mali:** On May 9, 2022, the Defense began its presentation of evidence that is ongoing. Al Hassan Ag Abdoul Aziz is accused of crimes against humanity and war crimes, consisting of crimes of sexual violence in Mali between April 2012 and January 2013. More information is available [here](#).

### ***OTP Initiative to Strengthen Engagement with Civil Society***

On May 13, 2022, the Prosecutor announced a new initiative to strengthen the role of civil society by introducing the following steps:

- Hosting two thematic roundtables with non-governmental organizations (NGOs) each year in addition to the existing annual ICC-



NGO roundtable to review specific policy areas in which the OTP believes the input and perspective of NGOs would be of particular benefit.

- Development and publication of guidance materials for NGOs to support OTP in engaging with witnesses and survivors in a manner that preserves the integrity of potential testimony that could be relied on in criminal proceedings and reduces the risk of re-traumatization.
- Drawing on the establishment of an enhanced field-presence of the OTP, introduction of a new program for engagement with national non-governmental and local community-based organizations in the work of the OTP.
- Further empowerment of teams from the OTP addressing individual situations to engage effectively with NGOs.

More information is available [here](#).

### **ICC Key Performance-2021 Report**

The ICC issued its 2021 Report of the Court on Key Performance Indicators. The report can be downloaded [here](#).

## **RECENT CHANGES IN EB-5 REFORM AND INTEGRITY ACT OF 2022**

**By William Gay<sup>4</sup>**

The EB-5 Reform and Integrity Act, 2022 (RIA), was signed into law by President Biden on March 15, 2022, as part of an omnibus spending package. United States Citizenship and Immigration Services (USCIS) administers the EB-5 Program, whereby investors (and their spouses and unmarried children under 21) are eligible to apply for a Permanent Residency in the US.



From the outset, under the Immigration Act of 1990 (1990 Act), immigrant investors have been required to prove that their investment funds have a legal source. Some investors have sought to evade these requirements through

various ruses, including parking funds in a real estate escrow for six months or more, all of which has led the USCIS to require five years of financial records. This has proven to be burdensome to many investors; nevertheless, under the RIA, this has been lengthened to **seven** years. Moreover, the minimum investment amount for regular investments has been increased from \$1,000,000 to \$1,050,000, and for targeted employment areas (TEAs) from \$500,000 to \$800,000, a reduction from levels that were tentatively set in 2019. The differential rate of increase is considered significant: from 5% increase for regular investments, versus 60% for TEAs. If, as is generally assumed, the expected ROI for TEA investments is lower than for regular investments, and the risk higher, this narrowing of the gap could presage an end to the viability of many TEA projects.

Moreover, the investors who previously filed Immigration Petition by Alien Entrepreneur (I-526) or Petition by Investor to Remove Conditions on Permanent Resident Status (I-829) for adjudication, before the current changes in law, will have their eligibility preserved as of the date of their I-526 filing. In other words, they do not lose their status because of the repeal of the previous regional center law.

According to USCIS, "An EB-5 regional center is an economic unit, public or private, in the United States that is involved with promoting economic growth." Regional centers sponsor job-creating projects, and pool together the capital investment of multiple

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<sup>4</sup> Attorney at Law, Wilson Elser Moskowitz Edelman & Dicker LLP





investors for these projects. The concept of regional centers, with the pooling of invested funds and opportunity to count indirect job creation, did not appear in the 1990 Act. It has never been permanently incorporated into the EB-5 visa regime, and becomes a political football every time it comes up for renewal, usually on a five year basis. Congress again resisted urging from various quarters to make it permanent, and did add a number of new features, some positive and some burdensome. For starters, the stop-gap “renewal” of 2019 was repealed and replaced. In addition, an RC will be terminated if it does not report a project failure.

Renewal and Expiration – The regional center program has been renewed through September 30, 2027, i.e., for approximately 5½ years. If the minimum investment amounts appear long in the tooth, the five year term is positively anachronistic. Prior to the most recent expiration of the program, many practitioners were advising clients, especially those from China, to expect a waiting period of up to ten years for their green card, i.e., two life terms of the program itself, with no guarantee of renewal.

Pooling Arrangements – In the past, two or more immigrant investors could act together, a process called “pooling,” without the need for a formal regional center, and could divide the created jobs among them. No more; any pooling of immigrant investors can only be done through an approved RC. This bewildering change, while a boon to attorneys and other professionals, will add hundreds of thousands of dollars to the cost of pooling. The only upside for the investors will be the ability to count indirectly created jobs.

Job Creation under EB 5 program – The requirement of ten full time “permanent” jobs has been retained, with some modifications:

- No more than 90% of the counted jobs may be created indirectly.
- For projects that require less than two years, construction jobs only qualify for a maximum of 75% of the jobs determined by valid methodology. (What’s 75% of ten people?)

- Tenant occupancy can count toward the total required if the employees are new hires and not transferred to the project from elsewhere.

As the approval process lengthened beyond the term of many RC projects, the concept of reusing invested funds began to emerge. (Curiously, scant attention has been directed to possible securities laws implications, including full disclosure and prohibitions on blank check companies.) The RIA has perpetuated this concept, with some modifications:

- All required jobs must have been created prior to redeployment.
- Upon redeployment, the invested funds may be used outside the geographical confines of the RC.
- The original project was implemented without original change, and the original project has repaid the invested capital.
- If any of the RC’s new commercial enterprises (NCE) violate any redeployment rules, the RC is terminated.

Under this program, TEAs can be one of the following:

- single census tracts with unemployment that is at least 150% of the national average
- contiguous census tracts that have unemployment rates as above, or
- rural areas with a population of fewer than 20,000.

Authority to designate an area as having high unemployment is now vested in the **Secretary of Homeland Security (of which the USCIS is a part)**. This determination was previously made at the state level, using data provided by the Department of Labor. This aggrandizement of DHS authority is peculiar, to say the least.

Finally, the Reserved Visa Categories for EB-5 investor program – The total 10,000 annual EB-5 visas will include the following allocations:

- 20% – Rural areas, defined as having a population of fewer than 20,000 people.





- 10% – High unemployment areas, as designated by the Secretary of Homeland Security.
- 2% – Infrastructure projects.

Any allocated but unused visas will carry over to the following year, but not to a third year.

There are several additional details that a practitioner will encounter when setting up a RC or applying for an EB-5 visa. David Hirson of David Hirson and Partners, and Robert Divine of Baker Donelson have each published their analysis of the RIA, and their summaries are recommended.

## SPECIAL FEATURE: NAVIGATING ARBITRATION FRAMEWORKS ACROSS ASEAN AND CHINA

# RAJAH & TANN ASIA

According to the [5th Edition of "ASEAN Matters for America/America Matters for ASEAN,"](#) published by the East-West Center in Washington in 2021, among the Indo-Pacific countries, the US has made the most foreign direct investments in the Association of Southeast Asian Nations (ASEAN). The total amount invested in ASEAN is more than that invested in China, India, Japan, and South Korea combined. Further, ASEAN is the fourth biggest goods export market for the US, while the US is ASEAN's second largest trading partner. With such a high level of economic and trading interactions between the US and ASEAN, lawyers should be equipped with knowledge on the dispute resolution mechanisms in both regions so that they are able to advise their

clients at the contract negotiation phase or when a dispute arises.

In Asia, there is an increasing willingness among parties in business transactions to resolve their contractual disputes by arbitration, and the popularity of key arbitration institutions in the region has been soaring. According to the [2021 Queen Mary University of London and White & Case International Arbitration Survey](#), three Asian arbitral institutions, namely, the Singapore International Arbitration Centre (SIAC), the Hong Kong International Arbitration Centre (HKIAC) and the China International Economic and Trade Arbitration Commission (CIETAC) were respectively ranked as the second, third, and fifth most preferred arbitral institutions in the world. The growth in popularity in arbitration as a means for dispute resolution in ASEAN and China is also supported by the generally pro-arbitration stance taken by the countries in the region.

Rajah & Tann Asia (RTA)<sup>5</sup> realised that there was a gap to be filled when it came to online resources focusing on news and developments on international arbitration in Southeast Asia and the greater Asian region. This led to the launch of [Arbitration Asia](#) in 2021, RTA's one-stop resource covering the latest legal and regulatory developments, case alerts, and other happenings relating to international arbitration. Drawing on the considerable experience, expertise and resources in international arbitration within RTA, [Arbitration Asia](#) features articles and commentary from across the network of ten member firms in ASEAN, China and regional desks focused on Brunei, Japan, and South Asia.

One of the value-added components of [Arbitration Asia](#) is the [Country Chapters](#) that set out key aspects of the arbitration framework of 10 jurisdictions across RTA's geographical footprint, namely, in Cambodia,

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<sup>5</sup> [Rajah & Tann Asia](#) is one of the largest regional networks that brings together leading law firms and 800 fee earners across Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand, the Philippines, and Vietnam. At the leading edge of

law, we are a full-service legal network driven by multiple talents who understand local conditions and international standards, all working together towards one shared goal.



Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Vietnam, and China. Each Country Chapter discusses the following topics in the context of each jurisdiction:

- the arbitral laws and judicial framework for arbitration;
- the extent of adoption of the UNCITRAL Model Law;
- the arbitral institutions within the jurisdiction;
- the requirements for a binding and enforceable arbitration agreement;
- the approach to issues of confidentiality; and
- resolving questions of the applicable law and conflicts of laws issues.

A key aim of the website is to keep the content fresh and current. The editorial team of *Arbitration Asia* is working to add to these chapters, with upcoming topics such as dealing with proceedings commenced in breach of an arbitration agreement, the extent of tribunal powers and jurisdiction, and challenging the appointment of arbitrators.

If you have any queries about the *Arbitration Asia* website or even beyond its contents, please do not hesitate to get in touch with any lawyers from RTA's [International Arbitration Practice](#), who are always ready to help you, or the Editors-in-Chief, whose contact details are as follows:

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## EXECUTIVE COMMITTEE

### 2021-2022 Executive Committee

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Immediate Past Chair: William Tolin Gay  
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## 2022 CLA ANNUAL MEETING



This year, CLA will be hosting its Annual Meeting at the San Diego Hilton Bayfront from September 15, 2022 to September 17, 2022. In the past, we have received visiting delegations from Japan, France,



Malaysia, Mexico, and Vietnam and we hope to have a large and diverse group of foreign attorneys attend this year. More to be revealed.

CLA and California Judges Association are hosting a Gala to celebrate the accomplishments of both organizations and donate to their respective Foundations which focuses on DEI projects, access to justice, civics engagement, and scholarship funding. The Gala will take place on Saturday, September 17, 2022 at the Hilton San Diego Bayfront Hotel. This year's Gala features the emcee talents of Andy Buckley (David Wallace from the hit show *The Office*) and keynote speaker Sage Steele (*ESPN Sportscenter* host).



## FOREIGN BAR AND EXTERNAL RELATIONS COMMITTEE

**Chairs: Joshua Surowitz and Harumi Hata**

Any ILS member interested in joining the Foreign Bar and External Relations Committee of ILS should contact us at [ils@calawyers.org](mailto:ils@calawyers.org). The Committee is currently scheduled to meet at 3 p.m. on the fourth

Tuesday of each month. The next meeting will be on **July 26, 2022**.

## PROGRAMS COMMITTEE

**Chair: Richard Bainter**

Anyone interested in organizing a webinar or interested in speaking about a particular topic that would be of interest to ILS members should email us at [ils@calawyers.org](mailto:ils@calawyers.org). The Committee is currently scheduled to meet at 1 p.m. on the second Tuesday of each month.

### Upcoming Programs

[7/20/2022 Webinar: US Trade Laws and China – An Update](#)

*ILS Members pay a low price of \$15.*

An overview of recent changes in the US Export Administration Regulations and US Office of Foreign Assets Control Regulations that impact customers, business operations, investments, and supply chain actors in China. Enroll [here](#).



### Programs in the Second Quarter of 2022

ILS sponsored or co-sponsored the following live webinar events during the second quarter of 2022. All programs are available for viewing in the CLA programs catalog.

[Webinar: Politics, Headlines and Their Impact on Global Trade Compliance](#)

This program highlights how export controls are playing a major role in the current state of global affairs and how to maintain compliance in this environment. The subject matter presented will provide insight into managing these global trade



control issues and staying up to date with export control policy and related regulations, will further understanding of the complexities of related business transactions, and will help counsel better support a company's international business.

#### [Webinar: Model Contract Clauses to Protect Workers' Human Rights in Supply Chains](#)

This webinar will present a set of model contract clauses (the MCCs) and a responsible purchasing code of conduct (the Buyer Code) to better protect workers' human rights in supply chains. The MCCs and the Buyer Code can be included in international supply agreements between purchasing firms (e.g., retailers or brands) and their suppliers (e.g., manufacturers, factories, farms, fishing companies). The MCCs are designed to improve the social and human rights performance of international supply contracts, and, by extension, global supply chains. Their adoption promotes the "S" in ESG (Environmental, Social, and Governance) and supports mission implementation for purpose-driven businesses. It would enable companies to be more closely aligned with the UN Guiding Principles on Business and Human Rights and the OECD guidance for multinational enterprises. It would also facilitate compliance with the emerging legal requirements coming out of the EU pertaining to human rights due diligence.

#### [Webinar: Global Commercial Leasing: Beginner's Guide to Commercial Real Estate Leasing in Spain](#)

Topics to be covered include: lease economics, lease registration, assignment & subletting, landlord remedies, tenant remedies for landlord defaults, lease exit strategies, typical security deposit requirements, formalities of lease execution, relevant tax issues, and extension protocols.

## IMMIGRATION LAW COMMITTEE

**Chairs: Joshua Surowitz and Payal Sinha**

### Monthly Immigration Updates

The Immigration Law Committee currently compiles immigration updates on a monthly basis. Please

check out the [monthly immigration updates](#) available on the ILS website.

### Upcoming Programs

#### **8/25/2022 Webinar: Special Pathways to Adjustment of Status (Green Cards)**

This webinar will review non-standard methods for obtaining LPR status, including INA Section 245(i), U Visa, Military PIP, TPS and DACA. This webinar will also feature updates regarding court and government decisions effecting these options. The focus will be on those already in the US and who might not be eligible for traditional Adjustment of Status through family. Enroll [here](#).

INTERNATIONAL LAW AND IMMIGRATION  
CALIFORNIA LAWYERS ASSOCIATION

starting at \$55

**SPECIAL PATHWAYS TO ADJUSTMENT OF STATUS (GREEN CARDS)**

August 25, 2022  
12 PM - 1 PM PST

### Programs in the Second Quarter of 2022

ILS sponsored or co-sponsored the following live webinar events during the second quarter of 2022. All programs are available for viewing in the CLA programs catalog.

#### **Webinar: Immigration Law 101 and Frequently Asked Questions for New Attorneys.**

This webinar is intended as an introduction to the basics of Immigration Law for new attorneys and those new practicing Immigration. This webinar will focus on family-based immigration, options for individuals and removal defense issues. The webinar will give overviews of common case types and scenarios and respond to frequently asked questions for new practitioners.

#### [Human Trafficking 101 and Immigration Remedies](#)

This webinar will discuss elements of human trafficking, as well as immigration remedies,





particularly the T Visa, which provides critical relief to victims of human trafficking, and its requirements and process. It will also discuss recommendations regarding how to serve a service seeker in a more trauma-informed manner as well as how to enroll them in other social service relief, and ethical considerations while advocating for survivors.

## OUTREACH COMMITTEE

**Chairs: Agustin Ceballos and Brian Arbetter**

### Free Event! Virtual Networking Mixer

ILS, in collaboration with the Los Angeles County Bar Association (LACBA), is hosting a virtual networking mixer on September 7, 2022 at 5 p.m.

Network, mingle and generate business and friends. Most importantly – have fun. Feel free to bring your favorite after-work beverage (beer, wine, cocktail or anything else) if you are done working. We hope that you will join us. Click [here](#) for the registration link.

At the last Virtual Networking Mixer which was on June 1, 2022, at least 20 people attended the event. The host created several breakout rooms which allowed participants to speak with other participants in a smaller group setting. It was a great opportunity to meet so many attorneys and professionals from various background without having to leave your home.

## PUBLICATIONS COMMITTEE

**Chair: Cathy Carlisle**

We produce several publications throughout the year for the benefit of our members. These publications are designed to keep members up to date about

international legal developments in transnational commercial and public law, immigration matters, and ILS activities.

The ILS encourages members and non-members alike to submit articles for inclusion in its publications. Articles submitted for publication will be considered by the ILS Publications Committee to assess whether they conform to the publications guidelines (below), as well as whether they are a good fit for a particular issue. Acceptance of an article will depend on the above factors, as well as timeliness, editorial schedule, etc. Please send all submissions to [ils@calawyers.org](mailto:ils@calawyers.org).

Guidelines for such submissions are described below:

**Topic/Tone:** Articles should be on topics of interest to a sizable number of international and immigration law practitioners. Acceptable types of articles include updates on current developments, practitioner guides to a particular subject, practice tips and reasoned presentation and analysis of current issues.

**Length:** Articles should not exceed 1500 words.

**Citations:** Hyperlinks are preferred where possible; otherwise, endnotes in Bluebook format are acceptable. We encourage citations to be kept to a minimum.

**Format:** Please submit articles in Word.

**Author Bio:** Please provide one or two sentences summarizing the author's professional background and CLA affiliation together with a photo. You may also include a disclaimer that the views expressed are those of the author and do not necessarily reflect the views of their employer.







## EVENTS BY OTHER ORGANIZATIONS, INSTITUTIONS AND GROUP

### [08/3/2022 to 08/9/2022 – ABA Annual Meeting 2022 in Chicago Marriott Downtown Magnificent Mile](#)

Join legal professionals from across the industry, in person, at the ABA Annual Meeting in Chicago! Connect and network with our diverse legal community, reach your professional goals by attending up to seven CLE Showcase Programs, and celebrate the achievements of the past year. For schedule of events, click [here](#).

### [12/6/2022 to 12/10/2022 – International Anti-Corruption Conference \(IACC\) in Washington DC](#)

The theme this year is “Uprooting Corruption, Defending Democratic Values.” The conference will bring together decision-makers, activists, journalists, civil society groups and business people from over 100 countries and all walks of life. More information is available [here](#).

## UKRAINE ‘ONE HEART’ DONATION LIST

We must not forget about the ongoing war in Ukraine. We want to highlight the Ukraine ‘One Heart’ Donation List compiled by Lisa Atkinson<sup>6</sup>.

According to Lisa, your donations will go directly to the people on the ground with no middle people, and no weapons are purchased with these funds. The donations go towards purchasing human aid such as baby, child, and orphan support, elder support, wounded support, food, sleeping bags, medicine/medical attention, safe in shelter refuge, safe travel and evacuation, mental health and emotional wellbeing treatment, and to help rebuild the country.

## [Kyiv School of Economics](#)

Website & social media updates. Email tax receipts for your tax deduction of donations, and accountability: proof of spending Reports emailed to you.

KSE has done great work, including finding school placements abroad for many Ukrainian University students, as well as foreign education partners to rebuild the Ukraine education system. KSE helps provide the people and citizen soldiers in need with food, transport, farming, reconstruction, and medical and equipment needs. Some of KSE’s teachers and students have died in battle as citizen soldiers, so they have a clear idea of what to buy to save lives i.e.: helmets, bullet proof vests, night-vision binoculars, sleeping bags, drones, food, medicine, water filters, portable food rations etc.

You can email Kristina Khambekova, EE Programs Coordinator, at [kkhambekova@kse.org.ua](mailto:kkhambekova@kse.org.ua)

## [Don Komarechka](#)

Don is a photographer and Canadian (of Ukrainian ancestry). Last December he moved his family from Canada to Bulgaria. Don and other border citizens have voluntarily provided shelter, food & medicine to Ukrainian Refugees, and provided huge support to Citizen Soldiers. He provides updates and progress reports on [his Facebook page](#).

Volunteers have raised money and driven to places where purchases are possible. Buying everything from power generators, drones, and portable batteries for frontline defenses to food, medical, and surgical supplies. Volunteers then drive these supplies themselves directly to the Izyum neighborhood front-line citizen soldiers.

PayPal donations have slowed, and so Don is using his own money and any money raised from sales of his macro photography & books to keep the financial flow going. If you are interested, you can email Don

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<sup>6</sup> Photographer, writer, and filmmaker



at [don@komarechka.com](mailto:don@komarechka.com) and send donations via PayPal.

### **Tvoja Opora (Your Support Foundation)**

Tvoja Opora (Your Support Foundation) has been operating for eight years. All the funds raised are spent on purchases of medicines, medical products, foodstuffs, hygienic items, and other humanitarian help. Due to the brave work of their volunteers, humanitarian goods are delivered to the hottest urgent spots in Ukraine. Help is needed constantly, as the numbers of injured grows higher and higher. The Foundation is the only Ukrainian member of the [World Heart Federation](#). The [Covid 19 project](#) “Unite to Survive” is the largest Ukraine fund for Covid patient treatment and needs.

### **Zaporuka**

Zaporuka supports families with children affected by cancer and creates conditions for families to be together during treatment. Currently there are 13 ongoing medical projects including psychological assistance, physical rehabilitation, improvement of hospital conditions, provision of medical equipment, funding diagnosis and treatment abroad, education, and leisure in the hospitals and training for doctors.

### **Spivdiia**

SpivDiia is a volunteer P2P platform initiated by the Coordination Headquarters for Humanitarian and Social Affairs of the Office of the President of Ukraine. Using a technology portal that anyone can reach, and quickly apply for support, this service matches the needs of people in Ukraine with the abilities of each volunteer’s support skills.

## **ILS NEWS**

Editor-in-Chief: Cathy Carlisle

Managing Editor: Melissa Allain

Please submit articles (150-500 words), ideas, comments, notices, current developments, and new publication announcements to us at [ils@calawyers.org](mailto:ils@calawyers.org).

Opinions expressed herein are those of the authors and are not necessarily those of the CLA or of the ILS.

## **BENEFITS OF JOINING ILS**

- [Fastcase legal research](#) – Free access to a powerful service that puts a comprehensive, nationwide law library at your fingertips (valued at \$995/year).
- Membership rate to the CLA Annual Meeting, Solo Summit and other distinguished CLA events.
- [ILS NEWS](#) – designed to keep members up to date about international legal developments in transnational commercial and public law and Section activities.
- [Monthly Immigration Update](#) – designed to keep members up to date about immigration developments ranging from business-based to humanitarian-based immigration issues.
- Lexology feeds subscription – source of international legal updates, analysis, and insights authored by national and international law firms. If you previously unsubscribed and would like to resubscribe, please update your preferences [here](#).
- Get high-quality [MCLE content online](#) in the format that works best for you: live webinars, on-demand video, downloadable podcasts and self-study articles.
- [6.5 free hours of self-study MCLE Credit](#) and one hour of free MCLE each month in the form of a webinar.
- Up-to-date [California legislation tracking](#).
- Access to [CLA Career Center](#).
- Exclusive discounted offers on house appliances, car rentals and more at CalBar Connect.

## **SOCIAL MEDIA**

Don’t forget to follow us on social media: [Facebook](#), [LinkedIn](#) and [Twitter](#).