

## GLOBAL IMMIGRATION UPDATE

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### FEATURE ARTICLE

**STUDENT VISAS IN ITALY: AN OVERVIEW** – This article provides an update on student visas in Italy.

### COUNTRY UPDATES

**CANADA** – A new Ministerial Instruction eliminates points for job offers with respect to Express Entry.

**ITALY** – Italian Town Halls are introducing new fees for Italian citizenship and civil status certificates.

**UNITED KINGDOM** – This article summarizes changes to the Skilled Worker rules on recouping visa application fees from the worker and on the minimum salary levels. There are also changes in relation to sponsoring care workers and other recent updates.

### ALSO IN THIS ISSUE

[New Publications and Items of Interest](#)

[ABIL Member/Firm News](#)

### Feature Article

#### STUDENT VISAS IN ITALY: AN OVERVIEW

*This article provides an update on student visas in Italy.*

##### Italy

In Italy, upon arrival with a long-term visa, it is necessary to apply for a residence permit within eight days of entry. Holders of a long-term study visa, upon applying, receive a residence permit for study that is valid for one year and renewable if the visa was issued further to enrollment in a multi-year course.

Below are [highlights](#) of requirements for converting a study residence permit into a residence permit for work, or into a residence permit for job search or freelance activity consistent with the study course, along with other options.

##### Conversion of Study Residence Permit Into Residence Permit for Work

The residence permit for study in Italy allows the holder to work up to 20 hours per week (up to a maximum of 1,040 hours per year). It can be converted into a residence permit for work (subordinate work or freelance work) at any time of the year, even before the study course is completed, regardless of whether the holder has obtained an Italian degree. Generally speaking, to be eligible for conversion, the permit must be within its period of validity.

The application for conversion must be filed through the dedicated government website. Possession of Italian digital identity (called SPID) is required to access the website.

The main requirements to apply include:

**For subordinate work**, the applicant must have a job contract proposal from an Italian firm for more than 20 hours per week.

**For freelance work**, the applicant must demonstrate the availability of sufficient income (no less than €8,500 per year), sufficient funds to start the activity, including VAT, and must demonstrate possession of requirements to start a freelance activity in Italy.

In both cases, proof of having secured suitable accommodation in Italy is required.

Once conversion is granted, the applicant will be issued a residence permit for work (valid from one to three years) that is renewable, allowing the person to stay in the country indefinitely if requirements continue to be met.

### **Conversion of Study Residence Permit Into Residence Permit for Job Search or Freelance Activity Consistent With Study Course**

Students who have completed their study course in Italy and have obtained a PhD or master's degree, a bachelor's or specialist degree, an academic diploma of first or second level, or a higher technical diploma, who do not have a job offer yet and wish to prolong their stay in the country, can apply for a residence permit for *job search or for starting a freelance activity consistent with the study course*, valid from nine to 12 months. Such a residence permit allows the person to remain in Italy to look for a job or start a freelance activity and obtain a residence permit for subordinate or freelance work.

### **Other Options**

During the study permit's period of validity, in case of a job offer meeting the requirements and if the student qualifies, it is possible to obtain an EU Blue Card work permit and apply for an EU Blue Card residence permit, without having to exit Italy and apply for a new visa. Another possible option—in case the student wants to set up an innovative startup—is conversion of the student residence permit into a permit for freelance work based on approval of a business plan to start an innovative startup.

<https://www.mazzeschi.it/conversion-of-student-permit-in-italy-converting-your-residence-permit-from-study-to-work-purpose/>

## **Country Updates**

### **CANADA**

*A new Ministerial Instruction eliminates points for job offers with respect to Express Entry.*

As perhaps his last act as Minister of Citizenship and Immigration, on March 11, 2025, Marc Miller signed a Ministerial Instruction making good on his earlier promise to eliminate points for job offers with respect to Express Entry, Canada's system for selecting economic immigrants for permanent residence. Effective March 25, 2025, candidates no longer receive points for a qualifying offer of arranged employment. This is reflected in section 29(1) of the current [\*Ministerial Instructions respecting the Express Entry system\*](#).

What this likely means is that individuals who previously held competitive scores in Express Entry due to their job offers (closed work permits) will no longer have a competitive score. These candidates are usually seasoned professionals or executives in Canada pursuant to closed intra-company transferee or professional category work permits and receive no or few points for their age. They will now find themselves at a distinct disadvantage with those candidates between the ages of 20 to 29 who receive the most points for their age. This may be beneficial to the many international students and graduates in Canada who hold open work permits and previously did not receive the job offer points.

Surprisingly, the government has not announced any further changes regarding Express Entry. It had been thought that the government might change the points allocated for certain criteria, such as work experience in Canada to make up for the lost points. While it is to be seen whether future draws will have lower scores, more draws that target French speakers and key occupations, particularly in the construction trades, are expected. Since 2023 and throughout 2024, the government has made clear its intention of increasing the number of French speakers outside of Québec, with the last French-language Express Entry draw on March 21 having a cut-off score of 379, one of the lowest scores in years. The government has also stated that it [intends to take measures](#) to address the skilled trades shortage in Canada, particularly in construction.

People seeking permanent residence may now wish to maximize their chances of securing an invitation by submitting an expression of interest for a Provincial or Territorial Nominee Program (PNP) if they qualify, for example, with an employer who is willing to support them. However, allocations of permanent resident spots from the federal government to PNPs are down 50 percent, so this path may not offer a lot of hope either. It appears that provinces and territories have inventory from 2024 that will take up some of their 2025 allocations, which may explain why we have not seen invitations from some provinces.

While the government had said that they were introducing this change to ostensibly clamp down on the number of bogus Labour Market Impact Assessments (LMIAs), the fact that it affects both LMIA-based and LMIA-exempt offers of employment suggests more. This scrapping of the arranged employment points seems to fit into the government's overall strategy of reducing the number of temporary residents in Canada. It could be that the government is hoping that many in the Express Entry pool will conclude they do not have a path to permanent residence and decide to leave Canada. In other words, the government kills two birds with one stone. The Ministerial Instruction will allow them to meet the 20 percent reduction in permanent residents for the next two years while potentially helping to decrease the number of temporary residents to five percent of the population over the next three years (from around 650,000 to about 500,000). These targets were announced last fall in response to public opinion that newcomers were stealing Canadian homes, and the government needed time for infrastructure and new housing to catch up with demand.

This development may completely change the trajectory of many individuals who were relying on their job offer points to have a good shot at becoming permanent residents. Those with questions about specific cases should contact their immigration attorney.

[Back to Top](#)

## ITALY

*Italian Town Halls are introducing new fees for Italian citizenship and civil status certificates.*

### **New Fees**

Several Italian Town Halls are gradually introducing new fees for applications related to the recognition of Italian citizenship by descent and the issuance of civil status certificates for records older than 100

years (which are required to be submitted along with the applications).

Under Article 639 of the 2025 Budget Law, Town Halls can charge up to 600 euros for citizenship by descent applications and up to 300 euros for civil status certificates. If the certificate request includes precise details such as the year of the event and the name of the person to whom it pertains, the fee may be reduced.

At least 22 Town Halls in the Veneto region have started applying the new fee structure. As explicitly noted by several mayors, these fees are intended to discourage applicants seeking Italian citizenship by descent. This move comes in response to the large number of citizenship requests, particularly from South America, which Veneto's local authorities receive annually, due to the region's history of emigration.

Applicants are advised to visit the official website of their Town Hall to verify the updated fees and plan accordingly for any associated charges.

### **Disability Benefits and Residency-Based Citizenship Applications**

In a landmark ruling, the Italian Council of State (Sect. III, January 27th, 2025, No. 599) declared it unconstitutional and discriminatory to exclude disability benefits from the income assessment for residency-based citizenship applications. The case involved a disabled individual whose citizenship application was rejected because her disability pension and allowance were disregarded as income, without due consideration of her specific circumstances.

This decision challenges the standard approach in evaluating income when granting Italian citizenship. Under the current system, income is usually assessed to determine eligibility for residency-based citizenship. However, in this case, the Public Administration (PA) had excluded the disability pension and accompanying allowance from the applicant's total income, arguing that these were state-provided benefits that should not count toward the citizenship requirement. The Council of State overturned this decision, finding that the approach was not only legally flawed but also discriminatory against individuals with disabilities.

The Court emphasized that the PA should have taken into account factors other than the nature of the income, such as the onset of the disability, cohabitation with family, and the absence of dependents. By failing to do so, the PA denied citizenship solely on the basis of disability, in violation of constitutional rights.

The new ruling clarifies that disability pensions should not be treated in the same way as other public benefits, as they are essential to an individual's livelihood and distinct from income from employment. It signals a shift toward a more individualized and empathetic approach to assessing applications for citizenship.

## **UNITED KINGDOM**

*This article summarizes changes to the Skilled Worker rules on recouping visa application fees from the worker and on the minimum salary levels. There are also changes in relation to sponsoring care workers and other recent updates.*

### **Recouping Fees from Skilled Workers**

A rule change [announced recently](#) concerns sponsors who seek to recoup visa application fees from Skilled Workers. If you pay all Skilled Worker sponsorship application fees and do not ask the worker to pay anything, this change should not concern your business.

Below is a summary of the rule change:

- **Effect of the new rule.** The new rule means that if you pay Skilled Worker visa application fees upfront but then seek to recoup some or all of the fees from the sponsored worker, the fees you recoup will not be counted toward meeting the minimum Skilled Worker salary threshold required for the application. The new rule only applies to Skilled Worker applications.
- **When does the new rule start?** The change relates to all Skilled Worker applications where the certificate of sponsorship (CoS) is assigned on or after April 9, 2025.
- **What arrangements would be caught?** The payments from the sponsored worker to the sponsor that will not count toward meeting the minimum Skilled Worker salary level include "deductions from salary; repayments of loans; or investments." Sponsors who deduct Skilled Worker visa application fees from the worker's salary or enter into a loan agreement with the Skilled Worker should take note of this rule change. The reference to "investments" is unlikely to affect many sponsors but could apply if the sponsored worker is one of the owners of the business.
- **To which visa fees does the new rule apply?** *It is important to note that there are certain visa fees which the worker must never pay*—whether upfront or in repayments to the sponsor. These include the Immigration Skills Charge and CoS fees. While further guidance is awaited, the new rule is likely to include the United Kingdom Visas and Immigration (UKVI) Skilled Worker visa application fee (for example, normally £719 for a three-year visa issued outside the UK) and the Immigration Health Surcharge (normally £1,035 per year of the visa for adults).
- **Payments are averaged.** Payments from the Skilled Worker to the sponsor that are caught by this new rule will be averaged over the length of time the applicant is being sponsored.
- **Salaries close to the minimum threshold.** As a result, the new rule is likely to be an issue if you sponsor at or just above the minimum salary threshold and normally seek repayment of the Skilled Worker visa application fees from the sponsored worker. This rule change will not be an issue if you pay sufficiently over the minimum salary amount.

**Example:** You may seek to sponsor a Skilled Worker and the minimum annual salary for the relevant occupation code is £40,000. You intend to pay £40,300. However, you normally seek to recoup a contribution to UKVI application fees and Immigration Health Surcharge fees totaling £1,500. The CoS is to be assigned for three years. As the sponsored worker's payments toward the application fees are averaged over the sponsorship period, this means the allowable salary will be reduced by £500 per year, so the new annual salary that can count is £39,800—below the minimum required.

- **Are there any exceptions?** There is an exception where the payment from the sponsored worker is "not related to business costs, immigration costs or investment" and is "an additional benefit offer which the applicant has a genuine choice whether to take up, for example salary sacrifice arrangements."

Here are some suggested ways sponsors can avoid the new rule:

- **Apply before April 9.** As noted above, the rule change only applies to applications where the CoS has been assigned on or after April 9, 2025. If you have any applications in the pipeline, you could assign the CoS before April 9 and still recoup relevant application fees.

- **Sponsor to pay all the application fees.** You may decide to change your usual policy and incur all the visa application fees and not pass any on to the sponsored worker.
- **Increase the salary and still recoup the fees.** You could increase the salary payable to the sponsored worker and continue to recoup relevant application fees.
- **Sponsored worker to pay the fees.** The sponsored worker could pay the relevant application fees without any loan or deductions from salary. Note, as above, that there are certain fees the sponsored worker can never pay.
- **Clawback provisions after the sponsorship ends.** You could agree that visa application fees would need to be repaid by the sponsored worker if they leave the employment within a certain timeframe (fees should not be repayable while the sponsorship lasts). This could be an alternative to a loan agreement or salary deductions. It is advisable to seek employment law advice if you are considering using clawback provisions.

Some questions remain about how this change will work in practice. We await new sponsor guidance giving more details on the rule change. The guidance may not be released until April 9, 2025. The guidance should clarify which Skilled Worker visa application fees are covered. In addition, it is unclear whether starting on April 9, the salary declared in the CoS will need to account for any planned salary deductions/loan repayments.

### **Increase in Minimum Salary Levels**

For Skilled Worker applications with a CoS assigned on or after April 9, 2025, the lowest salary threshold is rising from £23,200 to £25,000 per year. This increase mainly affects care workers. Most other applications have a general salary threshold and/or going rate above this amount.

The Home Office has confirmed its intention to publish a White Paper soon. It is likely that the White Paper will include consideration of further salary increases. It is also expected to include new policies in relation to linking immigration with skills policies—potentially with a new requirement for sponsors to be training/upskilling resident workers.

### **Change to Process on Sponsoring Care Workers**

This change will only concern you if you sponsor care workers. Due to many care homes having their sponsor licenses revoked following an increase in UKVI compliance activity, many care workers are out of work in the UK.

The rule change means that where a CoS is assigned on or after April 9 for jobs in England, in some circumstances sponsors need to first check whether there is already a care worker in the UK from the "pool" who has recently lost their employment following revocation of their sponsor's license or where there is insufficient work for them. Sponsors will be required to provide evidence from a regional partnership of having attempted to recruit from the pool.

The change applies to care workers applying outside the UK and those in the UK switching immigration status where they have not already been working for the sponsor for three months.

### **Other Recent Changes**

- **New entrant rate.** Also covered in the rule changes is that when a Skilled Worker applicant is claiming a "new entrant" salary reduction based on training toward a recognized professional qualification (in a UK Regulated Profession), this must be a UK qualification where the CoS is assigned on or after April 9, 2025.

- **European nationals need Electronic Travel Authorisation (ETA) starting on April 2, 2025.** The [ETA](#) is the UK's equivalent of the U.S. Electronic System for Travel Authorization scheme. It means that people visiting the UK visa-free must apply for authorization before traveling. Anyone with a visa does not need an ETA. Starting on April 2, 2025, European (except Irish) nationals will need an ETA before traveling to the UK as a visitor. They can apply now.
- The European Union's (EU) planned [Entry/Exit System \(EES\)](#) is a new digital border system that will apply to British citizens. A photo and fingerprints will be taken before the automated digital passport control can be used for subsequent trips. The EES is due to start in October 2025, but [reports suggest](#) that it may not be fully rolled out in the UK until April 2026.
- The [European Travel Information and Authorisation System \(ETIAS\)](#) scheme will apply to British citizens. Visitors to the EU will need to apply for pre-travel authorization in much the same way as the US ESTA and the UK's ETA scheme. ETIAS will not start until 6 months after the EES is in place, so likely in October 2026. But even then, ETIAS is not expected to be compulsory for the first six months, so it's possible that British citizens will not need ETIAS approval until around April 2027.
- **Biometric Residence Permits (BRPs) should be used until June 1, 2025.** Anyone with a BRP short-dated to December 31, 2024, whose visa remains valid should continue to use their BRP to travel to the UK until June 1, 2025. [Home Office guidance](#) says that when traveling to the UK on or before June 1, 2025, visa holders should have their valid eVisa, a share code, and their BRP if they have one. [FAQs on the transition to eVisas](#) (especially question 7) have more information.

[Back to Top](#)

## New Publications and Items of Interest

### Alliance of Business Immigration Lawyers:

- ABIL is available on X (formerly Twitter): @ABILImmigration
- Recent ABIL member blogs are at <http://www.abilblog.com/>

[Back to Top](#)

## ABIL Member/Firm News

**Klasko Immigration Law Partners, LLP**, has published [Prioritizing Immigration Compliance: Considerations for Employers](#).

**Klasko Immigration Law Partners, LLP**, published several new blog posts: [DHS Implements New Requirements for Non-U.S. Citizens Not Previously Registered](#), [FAQ: New Fingerprint and Registration Requirement for Certain Noncitizens](#), and [USCIS Announces Upcoming Fingerprint and Registration Requirement for Certain Noncitizens](#).

**Klasko Immigration Law Partners, LLP**, was named among the "Best Companies to Work For" by U.S. News & World Report for a second year, in the Law Firms category. In a [statement](#), Klasko said, "This recognition highlights the firm's unwavering commitment to cultivating a workplace where employees feel valued, supported, and empowered to succeed."

**Klasko Immigration Law Partners, LLP**, [announced](#) that partner Michele Madera has been selected to serve on the Board of Directors of the Garces Family Foundation. Klasko said that Ms. Madera "is honored to support the mission, values, and programs of the Garces Family Foundation, particularly its

initiatives benefiting immigrant communities in the Philadelphia region, such as English, GED, and Digital Literacy classes."

**Charles Kuck** was quoted by *Marianne* in ["Nous Allons Révoquer les Visas des Partisans du Hamas": Comment Donald Trump s'en Prend aux Militants Pro-Palestiniens](#) [We Will Revoke the Visas of Hamas Supporters: How Donald Trump Attacks Pro-Palestinian Activists]. Mr. Kuck said, "Si vous êtes un étudiant étranger ou un résident permanent qui a été détenu pendant les manifestations, vous êtes une cible de cette administration. Vous devez vous préparer, contacter vos professeurs et leur dire que vous finirez peut-être le semestre en prison ou à l'étranger." ["If you're a foreign student or permanent resident who was detained during the protests, you're a target of this administration. You need to prepare, contact your professors, and tell them you may end up in jail or abroad."] [Translated to English with Google Translate.]

**Mr. Kuck** was interviewed by WSB TV 2 in [Immigration Crackdown](#) [video]. Commenting on the use of police to aid in immigration enforcement, Mr. Kuck said that "it doesn't make a lot of sense." He noted that "you cannot train somebody on immigration law in a couple of hours" and that "immigration law is wildly complicated."

**Mr. Kuck** was quoted by the *Intelligencer* in [Prince Harry Is \(Probably\) Not Getting Deported](#). He said that he was "stunned" that a judge allowed the release of Prince Harry's immigration files, and that he does not think the prince will be deported from the United States. "Given that many of these facts were known about Harry before he filed for his green card, then I don't think immigration is going to be able to revoke his green card. This is being done as a publicity stunt, not, I think, to ultimately take Harry's green card away."

**Mr. Kuck** was quoted by CNN in [Heavily Redacted Documents Reveal Little in Lawsuit Over Prince Harry's Immigration Records](#). Commenting on a question the Form I-485, Application to Register Permanent Residence or Adjust Status, asks, "Have you ever violated (...) any controlled substance law or regulation of a state, the United States, or a foreign country?," Mr. Kuck said that question has been the subject of numerous cases before the Board of Immigration Appeals, "because in order to answer that question, you have to know the elements of the crime. No person in their right mind would answer 'yes' to that question. Because what crime are you talking about? What are the elements of that crime? What are the parameters of violating that law? ... I don't know what the elements of the crime are."

**Mr. Kuck** was quoted by Zeteo in [Marco Rubio Personally Signed Off to Detain Mahmoud Khalil on 'Foreign Policy Grounds,' Sources Confirm](#). He said that "there's never been a secretary of state as manipulatable as our current Secretary Rubio. Most of them would stand their ground and would follow due process considerations."

**Mr. Kuck** was quoted by the *Atlanta Journal-Constitution* in [Beyond the Fence: What It's Like Inside Atlanta's Immigration Court](#). He noted that Georgia's immigration judges used to have a reputation for being among the toughest in the United States but said a lot has changed in the last five years, including many of the judges. "The courts today are much more fair than they have ever been. We want a court that's just. And I think we're pretty close to that in Atlanta," he said.

**Mr. Kuck** was quoted by *Mother Jones* in ["The Entire System Will Collapse": Inside the Purge of U.S. Immigration Courts](#). Commenting on the activities of Sirce E. Owen, appointed by President Trump as acting director of the Executive Office for Immigration Review, Mr. Kuck said, "She is attacking prior policies that tried to bring the immigration courts into the 21<sup>st</sup> century and reverting back to policies that made justice harder to render and harsher on the immigrants." The article notes that in 2017, Mr. Kuck and the American Civil Liberties Union represented Mexican-born Jessica Colotl in a lawsuit against Ms. Owen and other Trump administration officials that challenged the revocation of her Deferred Action for Childhood Arrivals status. "I think their ultimate goal is to do away with immigration judges,"



he said. Mr. Kuck also commented on the position of immigration judge: "To literally sit in a room all day and order people deported has got to canker your soul. That anybody would want that job is shocking to me and to fire people who were willing to do it with an open mind shows you exactly what this administration intends to do—limit due process and use the law as a weapon, not a shield."

**Mr. Kuck** was quoted by *KJZZ Phoenix* in [USCIS Wants to Require Migrants Applying for Benefits to Provide Their Social Media Accounts](#). He noted that the Department of State (DOS) already asks for social media information when considering visa applications outside of the United States. DOS "clearly does it because they're abroad, so they're looking for people who maybe seek to do [the United States] harm and are using it as a vetting tool. [U.S. Citizenship and Immigration Services], of course, is inside the United States, people are here. Many U.S. citizens who also are applicants for their spouses for example, or for their employees, they'll be required to give their information. What is [USCIS] going to do with that? That's a question for which we have no answer right now." Mr. Kuck said the process could help with issues like rooting out false marriages, but that it also likely would further bog down an already backlogged application process at USCIS.

**Mr. Kuck** was quoted by [MSN](#) and [CNN](#) on the Trump administration's "Gold Card" proposal. "They can't change immigration law in reconciliation," he said. Mr. Kuck also was quoted by [CNN](#) in its subscription-only section.

**Mr. Kuck** was quoted by *Investment News* in [Trump's Gold Card Visa Proposal Sparks Questions, Concerns](#). He said, "Others remain skeptical that a \$5 million visa would attract a large enough pool of investors to replace EB-5's economic contributions." Mr. Kuck also said that the "amount of money that the EB-5 program has brought in over the course of the last 30 years would dwarf the number of people who could actually afford and want to use a \$5 million golden visa."

**Mr. Kuck** was quoted by *ABC News* in [States Threaten Fines, Jail for Officials Who Resist Trump's Immigration Crackdown](#). He said, "This all relates to Donald Trump's war on immigrants and local people trying to garner favor with him through legislation that doesn't solve any problems."

**Mr. Kuck** was quoted by *Blavity* in [Morehouse College Prepares Students for Potential ICE Raids on Campus](#). He said, "If an ICE agent talks to you, you have no legal obligation to respond to them. You have no legal obligation to produce paper. You have no legal obligation to allow them into your house without a warrant signed by a judge. Even if you're undocumented, every right in the Constitution is given to you ... in your personal life."

**Mr. Kuck** was quoted by 11 Alive in [Recently Engaged, Beloved Barber Arrested by ICE – How His Immigration Story Is Questioning the System](#). He said, "Somebody who has been pardoned by the state, been forgiven, moved on with his life, ICE comes along decades later and arrests him and says they're going to deport him. Our laws haven't changed in 30 years. What's changed is how they're enforced."

**Mr. Kuck** and **Stephen Yale-Loehr** of **Miller Mayer, LLP**, were quoted by the *Miami Herald* in [Can ICE Target Employers? Legal Experts Weigh in After Bakery Owners Arrested in Texas](#). Mr. Kuck said that to arrest an employer, the government must have probable cause that the employer has knowingly hired undocumented workers or failed to do the required I-9 work authorization verification. "What they usually do is an audit. ICE has since 1986 been authorized to do I-9 audits," he said. "ICE has to show actual knowledge that you intentionally violated the immigration laws. It's an extraordinarily high standard, and I could probably count on one hand the number of these cases in the past decade." This is in part because employers are not expected to be "forensic document experts," Mr. Kuck said. Mr. Yale-Loehr said that in general, employing undocumented workers is a civil violation that results in a fine.

**Cyrus Mehta** was quoted by *Forbes* in [Trump Immigration Policies Increase Peril for International Students](#). He said, "Even if the visa is revoked and the F-1 status has been terminated in SEVIS, a foreign

student can still continue to study and, if placed in deportation proceedings, should challenge the deportation before an immigration judge. If removal proceedings have not commenced, I think a student can also challenge the notice that they have been terminated in SEVIS in federal district court through the Administrative Procedure Act on the grounds that the action was arbitrary, capricious and the student was not given any warning or notice to respond." Mr. Mehta said he believes that if a student is placed in removal, the student may be able to "challenge on First Amendment grounds, but the student may need to do this at the Court of Appeals stage since an immigration judge and the Board of Immigration Appeals may rubber-stamp Rubio's determination."

**Mr. Mehta** and **Kaitlyn Box** co-authored a new blog post: [A Foreign Student Whose Visa Has Been Revoked by Trump Should Still Be Able to Continue to Attend School](#).

**Mr. Mehta** and **Greg Siskind**, of **Siskind Susser PC**, were quoted by the *Times of India* in [Brace for Immigration Changes To Be Introduced Overnight, Warn Attorneys, As Inviting Public Comments Is No Longer Required](#). Mr. Mehta said, "I foresee that the administration will issue more regulations without getting public input. Obtaining such input from the public is a win-win for all as the administration can issue rules that would be acceptable and less likely to be challenged in court later as not being consistent with the statutory provision. After a Supreme Court decision last June 2024 (*Loper Bright v. Raimondo*), courts are no longer required to give deference to a government agency's interpretation of the statutory provision enacted by Congress. Therefore, there is now a greater chance that a new rule could be successfully challenged in court as the government's interpretation of the rule can be more easily set aside." Mr. Mehta also said, "It may be difficult to challenge [a Department of State notification] as it is just a general pronouncement. However, when the administration next issues a rule and claims the foreign affairs function exception in the Administrative Procedure Act [APA], the invocation of the exception can certainly be challenged in court on grounds that the rule has no relation to the foreign affairs of the U.S. In *CAIR Coalition v. Trump*, a rule barring asylum seekers, who had traveled through other countries, from applying for asylum at the southern border was struck down as it did not meet the exception, among other grounds. To meet the 'foreign affairs' exception, a rulemaking must 'clearly and directly' involve a foreign affairs function of the United States." Mr. Siskind said, "For years, we have seen U.S. Citizenship and Immigration Services impose policies via a memo and lawsuits have successfully challenged this. So, I am guessing the Trump administration wants protection to make rules without any of the public-facing protections required by the APA."

**Mr. Mehta** was quoted by *Law360* in [Lawyers Slam Trump Memo on 'Vexatious' Attys](#). Calling a Trump administration memorandum "outlandish," he said, "To taint the whole legal profession that is involved in immigration work is totally unwarranted and uncalled for, because it undermines the rule of law and it also basically demeans the good work that's been done."

**Mr. Mehta** was quoted by the *Times of India* in [AILA Condemns Trump's Crackdown on Immigration Lawyers, Calls It a Threat to Legal Integrity](#). He said that President Trump believes that "[s]upposedly unethical lawyers are standing in [the Trump administration's] way to dismantle an immigration system that allows the persecuted to seek protection in the U.S." A Trump administration memorandum, he said, "suggests ways to 'kill the lawyers' by sanctioning and disciplining them through an assortment of court and disciplinary rules. Obviously, there is no truth to this assertion [made in the memorandum]. The immigration bar and lawyers in Big Law doing immigration pro bono are ethical. Otherwise, they would have been sanctioned and disbarred by vigilant disciplinary authorities. Trump is engaging in delirious fantasy. Lawyers must stand firm together notwithstanding this nonsensical bluster and continue to represent noncitizens in asylum claims and other immigration cases."

**Mr. Mehta** was quoted by *The Hindu* in ['Foreign Students Whose Visa Is Revoked Can Legally Stay in the U.S. and Continue Studies If University Doesn't Disenroll'](#). Commenting on media reports about Indian students receiving emails from the U.S. government that their visas have been revoked and they need to self-deport because loss of immigration status would invite fines and deportation, Mr. Mehta said that

the students can challenge the visa revocation provided they are not disenrolled from their institution. "If the State Department revokes the visa, the student can technically remain in nonimmigrant status in the U.S. and will need to apply for a new visa when he or she travels outside the U.S. Therefore, the student can still be in student visa status and continue with her studies. But the student can also be placed in deportation proceedings although then he/she will get the opportunity to challenge the visa revocation before an Immigration Judge," he said.

**Mr. Mehta** authored a new blog post: ["Trump and Dick the Butcher Have the Same Impulse: 'Let's Kill All the Lawyers.'"](#)

**Mr. Mehta** was quoted by Law360 in [Columbia Activist Has Steep Legal Climb To Fight Removal](#). Commenting on a Board of Immigration Appeals decision from 1999 that affirmed the Secretary of State's authority to remove anyone whose continued presence or activities in the United States are deemed seriously adverse to U.S. foreign policy interests, and Secretary of State Marco Rubio's claim that green card holder Mahmoud Khalil, a pro-Palestinian activist, should be deported, Mr. Mehta said that the lower evidentiary standard established in that case, *In re Mario Salvador Ruiz Massieu*, "is the problem. It creates an uphill climb, but it's not like all hope has been lost—one can distinguish Ruiz Massieu from Khalil's case." For example, among other things, Mr. Mehta noted that Mr. Khalil is a permanent resident, which should give him more due process rights. Another aspect to consider would be the timing of Mr. Rubio's letter outlining his reasons for removal and the Notice to Appear (NTA) issued by the Department of Homeland Security to start Mr. Khalil's removal proceedings, Mr. Mehta said: "If the whole NTA is based on this determination from the secretary of state, and if there was no proper determination articulated at the time the NTA was served, then there's a defect."

**Mr. Mehta** was quoted by *Forbes* in [Trump Promises to Deport Migrants for Their Foreign Policy Views](#). He said, "I do not think one can challenge Secretary Rubio's determination in an immigration court that the noncitizen's presence or activities in the United States would have potentially adverse foreign policy consequences described in the letter. On the other hand, the very constitutionality of the provision may be challenged in the Court of Appeals after the noncitizen has received a removal order under First Amendment principles and their ties to the United States." The article says Mr. Mehta believes that a lawful permanent resident would have the best chance to challenge the law, but a temporary visa holder could succeed, particularly an H-1B or L-1 visa holder. Those visas are dual intent, he noted, and the individuals can show ties to the United States. Mr. Mehta added that a lawful permanent resident seeking readmission from a trip abroad who is placed in removal proceedings can assert that the burden is on the Department of Homeland Security to establish, through clear and convincing evidence, that the individual is inadmissible. However, the burden is on a temporary visa holder to establish that they are entitled to admission clearly and beyond doubt, he said. Mr. Mehta also noted that "There is a potential constitutional issue under ... First Amendment case law with giving the Secretary of State the authority to authorize removal for what the statute hypothesizes would be lawful activity."

**Mr. Mehta** was featured on the [ITV Gold On Point podcast series](#) on President Trump's immigration policies.

**Mr. Mehta** was featured in a Reuters segment, [U.S. Judge Temporarily Blocks Deportation of Columbia Student](#). He said, "Green card holders have rights. They just cannot be picked up in the way he has been and detained incognito. The person should have been convicted of a crime, a deportable offense. I don't believe Mr. Khalil has been convicted of such an offense, from what I know. You could also initiate deportation proceedings if a green card holder has provided material support to a terrorist organization, which is what the Trump administration has been alleging." He added that in such cases, the government has a high burden of proof and involvement in protests for Palestinian rights would not typically constitute material support to terrorism.

**Mr. Mehta** authored an article on LinkedIn, [Let's Fight to Uphold Our Rights to Free Speech and the](#)

## [Rights of Green Card Holders.](#)

**Mr. Mehta** was quoted by *BBC News* in [Trump's Citizenship Order Leaves Expecting Indian Immigrant Parents in Limbo](#). The article discusses how President Trump's birthright citizenship executive order is causing anxiety among Indians in H-1B nonimmigrant status who are wondering what nationality a child would have if the executive order took effect. "Their concern is valid. U.S. law has no provision for granting nonimmigrant status to a person born here," he said.

**Mr. Mehta** was quoted by the *Texas Observer* in [ICE Prosecutor in Dallas Runs White Supremacist X Account](#), regarding a U.S. Immigration and Customs Enforcement attorney who was discovered to have posted hateful messages on X regarding noncitizens appearing in immigration court under a pseudonym. "A government lawyer who vilifies people that he opposes in court, and puts that out under the radar, would clearly be engaging in conduct that's prejudicial to the administration of justice," he said.

**Mr. Kuck** and **Mr. Mehta** were quoted by the *Washington Examiner* in [Immigrant Activists Decry Trump Registration Requirement: 'Terrorize People.'](#) Their views on the registration program are reflected in the article.

**Mr. Mehta** and **Kaitlyn Box** co-authored several new blog posts: [Challenging the Foreign Policy Ground of Removability in Defense of Free Speech and the Rights of Green Card Holders](#), [Trump's Cruel Immigration Policies Have No Rational Justification Except to Harass and Intimidate Immigrants such as the Alien Registration Requirement](#), and [The False Distinction Between Legal and Undocumented Immigrants in the Debate on Birthright Citizenship](#).

**Angelo Paparelli**, of **Seyfarth Shaw LLP**, authored a new blog post: [Unpacking President Trump's New Immigration Orders: A Road Map for Mobility Professionals](#).

**Mr. Paparelli** appeared on the Fill to Capacity podcast, [Immigration Law: Outspoken Changemaker in a Convoluted Maze](#) (scroll down to link under "Listen on Buzzsprout"). Mr. Paparelli discussed the U.S. immigration system of changing laws, history, quotas, political parties, and bureaucratic turf wars. You can listen to the [full podcast here](#).

**Greg Siskind**, of **Siskind Susser PC**, was quoted by the *Miami Herald* in ["Many to Come": Trump Administration Plans More Removals of Students Protesting War in Gaza](#). He said the Trump administration's actions are likely to face scrutiny from judges. "I'm guessing that the threat of removal is going to mean more than the actual reality. I'm reminded of the first Trump administration where they were threatening to denaturalize people en masse and very few people were actually affected," he said.

**Stephen Yale-Loehr** of **Miller Mayer, LLP**, was quoted by *Inside Higher Ed* in [Smashing the Student Visa System](#). He said that the Trump administration leaving university officials in the dark about changes to students' visa status "makes it difficult for colleges to advise their international students. The system works on communication going both ways between immigration officials and institutions. The government doing things in secret makes it hard for both students and universities to know whether they are complying."

**Mr. Yale-Loehr** was quoted by *Forbes* in [Trump Immigration Policies Increase Peril for International Students](#). He noted that if someone had not seen a Tufts University graduate student's arrest and recorded a video, it is possible that the student would have just "disappeared" by moving to detention in another state with no record in the ICE online detention locator. Mr. Yale-Loehr said he saw three problems that threaten the ability of international students to remain in the United States. First, the Department of State (DOS) is canceling visas due to an exercise of free speech that administration officials find objectionable. Second, ICE denies due process since students cannot respond to charges.

Third, student SEVIS records are terminated for "failure to maintain status" because DOS revokes a visa and makes them subject to removal.

**Mr. Yale-Loehr** was quoted by ABC News in [Some College Students Are Being Targeted for Deportation. What Rights Do They Have?](#) He noted that even though the recent students who have had their visas revoked do not have criminal records, the Trump administration has insisted that they be detained while their cases play out, meaning they could spend more than six months behind bars without being charged with any crimes. "The Trump administration has been a lot more aggressive than past administrations on putting people who have not been convicted of crimes into immigration detention." He noted that to prove that a noncitizen threatens U.S. foreign policy, the administration would need to submit sworn declarations or evidence to prove the person's impact on foreign policy. "If it is this foreign policy ground, you need a statement from the secretary of state saying the magic words, this person's presence would have serious adverse foreign policy consequences," he said.

**Mr. Yale-Loehr** was quoted by CBS News in [Trump's Crackdown on Students With Visas and Green Cards Sets Up First Amendment Showdown](#). He said, "There's a tension between everyone's First Amendment rights to free speech and the immigration statute's broad provisions giving the secretary of state broad latitude to declare someone deportable simply because he thinks that the student may have potentially serious adverse foreign policy consequences. And the courts will have to figure out where the appropriate line should be drawn." Recalling two other cases where similar powers were invoked in deportation proceedings, Mr. Yale-Loehr said he expects that it will take years for these cases to be settled, predicting that "it's going to be a mess. If there's over 300 students who had their visas revoked, there's going to be a lot of cases challenging it. I suspect that the litigation will take years to unravel before a court and get a definitive ruling on the extent to which foreign nationals have First Amendment rights."

**Mr. Yale-Loehr** was quoted by NPR in [What Green-Card and Visa Holders Should Know Before Traveling Abroad](#). He recommended that green card and visa holders double-check their immigration documents before they fly. "Make sure everything is in order, their visa hasn't expired or they don't have a renewal application pending," he said. Mr. Yale-Loehr noted additional factors that could raise a traveler's risk level, pointing to a draft list of 43 countries that could be hit with a new travel ban. Although there's not a travel ban currently in effect, he advised travelers from the 11 countries in the proposed "red" category to think twice before flying here. These countries include Afghanistan, Bhutan, Cuba, Iran, Libya, North Korea, Somalia, Sudan, Syria, Venezuela, and Yemen. He added that typically, visa holders who are denied entry are simply put on the next plane back to their home countries. But some have recently been taken into custody and detained for days or more. "It's seemingly a growing problem," he said, noting that U.S. Customs and Border Patrol (CBP) officers can ask travelers to unlock their cell phones, give laptop passwords, or hand over digital cameras. U.S. citizens and green card holders cannot be turned away simply because they refuse, but visa holders can, he said. Mr. Yale-Loehr also noted that during an electronic search, CBP officers often look for material that would suggest a noncitizen is ineligible to enter the United States. "There's wide discretion at the border in terms of who to admit to the United States, even if you have a valid visa," he said. Although travelers asked to undergo further inspection at the airport are not entitled to an attorney, Mr. Yale-Loehr said it is still useful to have an immigration attorney's contact information on hand. He also suggested that travelers have a friend who can be quickly reached if there's trouble entering the United States. "So if it looks like you're going to be questioned by the border people, you can text a friend saying, 'I'm being pulled into secondary inspection, contact my immigration lawyer,' " he said.

**Mr. Yale-Loehr** was quoted by *The Hill* in [High-Profile Arrests of Tufts, Alabama Students Spotlight Growing Trump Sweep](#). He said, "Trump has declared war on immigrants generally and international students specifically, and he's trying to exert his executive powers to the maximum extent he can. It will be up to the courts to see at what point he oversteps his authority." Mr. Yale-Loehr also noted "a tension between everyone's right to First Amendment freedom of expression in the United States and



this broad immigration ground that basically gives the Secretary of State carte blanche to declare anyone a threat to our national security, and the courts will have to decide which wins out. And so, this could be going on for a long time."

**Mr. Yale-Loehr** was quoted by *Newsweek* in [Could Visa and Green Card Holders Be Deported? What the Law Says](#). He said, "There are many grounds of deportability, including criminal convictions, prostitution, domestic violence. One of the more obscure grounds that has existed for many years allows the Secretary of State to put someone into deportation proceedings if the Secretary determines that that person's presence has serious adverse foreign policy consequences. That provision has not been used very often. I can only recall one time, or two times, in the last 30 years, but now we have seen at least two instances where this administration has invoked that ground of deportability, both to revoke those students' visas and to place them in deportation proceedings." Mr. Yale-Loehr said that anyone in the United States, even without legal immigration status, has constitutional rights, such as the right to free speech and the right to due process, including having their case heard in court. Noting that the President has discretionary powers over immigration because the issue touches on foreign relations, he said, "This administration seems more willing to use these old deportation grounds that have been around since the Red Scare of 1950s as a way to go after people who do speak out. We'll have to see whether the courts strike down these efforts as violating the students' constitutional rights or whether they say that, despite the Constitution, the president does have the right to deport these people."

**Mr. Yale-Loehr** was quoted by *Inside Higher Ed* in [Colleges Fear Decline in International Student Enrollment](#). He said the Trump administration's crackdown on higher education could stifle international enrollment and reduce the significant amount of tuition international students pay. "All of these things have a chilling effect.... As we saw in the first Trump administration, similar policies prompted a decline in the number of international students applying to U.S. colleges. It took really the whole time of the Biden administration to recover from that decline."

**Mr. Yale-Loehr** was quoted by *Inside Higher Ed* in ["Palpable Fear" Hangs Over International Students](#). Commenting on U.S. Immigration and Customs Enforcement (ICE) officials' activities at Columbia University and Trump administration goals more broadly, he said, "This administration has declared war on immigrants broadly and international students specifically." He noted that international students "have the same constitutional rights as citizens, but immigration statutes are very broad and there are many grounds for deportability that could trip you up, even as a green card holder." Among those potential grounds, he said, is donating to an overseas charity that the Department of State deems suspicious or linked to terrorist activity—as it has done with many charities for Palestinian children and families affected by the destruction of Gaza. "It's easy for someone to unintentionally or unknowingly violate our immigration laws that way and get put into the deportation process," he said. The article notes that in addition to free speech restrictions and ICE raids, the Trump administration has promised to clamp down on approvals for new student visas, and Congress recently passed the Laken Riley Act, significantly lowering the threshold for visa revocation. Mr. Yale-Loehr said that such policies are beginning to manifest at the border. He said he has heard stories of students with clearly marked visas in their passports being held for further inspection in airports across the country, some of them turned away by ICE and forced to challenge the decision from abroad. "In the past, these students would never have been put into secondary inspection," he said.

**Mr. Yale-Loehr** was quoted by National Public Radio in [Trump Takes Birthright Citizenship to the Supreme Court](#). He said the court might be willing to grant a temporary narrowing request, but that "I think that would cause chaos and confusion as to who was included in the court rulings and who is potentially subject to the birthright citizenship ban if the case goes in favor of the Trump administration on the merits.... The Supreme Court may well limit the injunctions partially, maybe not to the extent that the Trump administration wants, but [to the extent] that will allow the Trump administration to claim a political victory."

**Mr. Yale-Loehr** was quoted by Salon in [“The New Normal”: As Trump Pursues Mass Deportations, Tourists Land in ICE Detention](#). He noted that a recent spate of tourists being detained is "pretty unusual." He said that if U.S. Immigration and Customs Enforcement suspects an issue with a tourist's visa, the agency typically will turn people away if they are attempting to enter through a U.S. border or send them on the next flight back to their home country. "The unusual part of this is that they've been detained so long," he said, noting that U.S. Customs and Border Protection has "been much more vigilant reviewing everyone's credentials and reasons for coming to the United States" since President Trump took office. "Our immigration detention system is often a black hole where individuals have a hard time contacting lawyers or family friends to be able to help them, and there's no clear procedures other than bringing a federal court action to try to get them released—or until CBP determines that they need to be deported and then sends them out," he said.

**Mr. Yale-Loehr** was quoted by the *Chronicle of Higher Education* in [An ICE Arrest at Columbia U. Stokes Outrage and Raises Legal Questions](#). He said that Mahmoud Khalil, who was detained following his participation in pro-Palestinian protests, should be allowed to challenge the accusations against him in court. Sending him to a detention center makes it harder for Khalil to communicate with lawyers and fight his case, Mr. Yale-Loehr noted. The case, he said, is likely to create a chilling effect among international students.

**Mr. Yale-Loehr** was quoted by *Time* in [What to Know About Mahmoud Khalil, and Why His Green Card Was Revoked](#). He noted that although green card holders have many of the same rights as U.S. citizens, they can still face deportation under certain conditions, typically for criminal behavior or violations of immigration law. Foreign nationals can also lose their visas for endorsing or associating with terrorist groups, but only if the government can provide material evidence, he noted. "The government would need to prove that he's done something more than just speaking out, like offering material support to Hamas. That would be a ground of deportability. They can't deport only for free speech advocacy."

**Mr. Yale-Loehr** was quoted by *Documented NY* in [Trump Immigrant Registration Plan Is a Scare Tactic, Law Experts Say](#). He noted that the new registration requirement will be easier for the Trump administration to implement than others because it is related to a rarely enforced existing law. Mr. Yale-Loehr noted that enforcing the registration requirement would most likely necessitate hiring more immigration agents, and he said it is unlikely that charges would be filed against every person who fails to register, which makes the announcement "more of a scare tactic. It's an all-out war and this is one more tool in their arsenal to wage war on immigrants."

**Mr. Yale-Loehr** co-authored [Extreme Consistency: How Employers Can Help Prepare for Extreme Vetting](#), published by Cornell Law School's Path2Papers project.

**Mr. Yale-Loehr** was quoted by the *Associated Press* in [Immigration Officials Say Everyone Living in the U.S. Illegally Must Register. What Does That Mean?](#) He said that "even if [the registration requirement] doesn't actually accomplish much in terms of deporting more people, it sends a signal to the American people that 'we're cracking down on immigrants,' and it will also heighten the fear immigrants already have about what's going on."

**Mr. Yale-Loehr** was quoted by *Newsweek* in [Donald Trump's Gold Visa Plan Could Run Into Problems](#). He said, "The current EB-5 green card program requires investors to prove that the source of their investment was lawfully obtained or earned. I assume that the new gold card visa program would have a similar verification requirement to prevent fraud. There are potential political problems with the proposal. Many Americans may oppose allowing ultrawealthy people to essentially buy their way into the United States."

**Mr. Yale-Loehr** was quoted by the *South China Morning Post* in [Will Hongkongers Be Next to Leave U.S. Under Trump's Immigration Crackdown?](#) (subscription required). He said the Deferred Enforced

Departure (DED) program explained a drop in deportations of Hongkongers in recent years, but he warned that they could rise again under the current administration. "If President Trump revokes DED, more Hongkongers would be deported," he said. He also suggested that President Trump could use the DED program as a negotiating tactic in discussions with Beijing.

**Mr. Yale-Loehr** was quoted by the *Chicago Sun-Times* in [Trump's Immigration Arrests in Chicago Raise Questions About 4<sup>th</sup> Amendment Violations](#). He noted that if U.S. Immigration and Customs Enforcement (ICE) agents don't have a warrant, anyone in the U.S. has constitutional protections against search and seizure: "A cop or an ICE agent can't just call you down on the street and say, well, you look like a foreign national so I'm going to arrest you."

**Mr. Yale-Loehr** was quoted by *USA Today* in [Tech visas and trade: 'Total killer' Indian leader to meet with Trump](#) regarding President Trump's meeting with Indian Prime Minister Narendra Modi and Trump's use of H-1B immigration policy. The article summarizes what Mr. Yale-Loehr said, indicating that while Modi can ask Trump to increase the number of H-1B visas, only Congress has the authority to do that. Mr. Yale-Loehr adds, "More realistically, Modi could ask President Trump not to slow down H-1B processing or issue more requests for additional evidence or denials" but also "[t]here is an internal conflict between some of President Trump's advisors, like Elon Musk, who like H-1B visas, and others like Steve Bannon who want to restrict H-1B visas."

[Back to Top](#)

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[Back to Top](#)