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US IMMIGRATION & NATIONALITY LAW

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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.

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