CYRUS D. MEHTA & PARTNERS PLLC
US IMMIGRATION & NATIONALITY LAW

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FEATURE ARTICLE

ELECTRONIC TRAVEL AUTHORIZATIONS: AN OVERVIEW –This article provides an update on electronic travel authorizations in several countries.

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Feature Article

ELECTRONIC TRAVEL AUTHORIZATIONS: AN OVERVIEW

This article provides an update on electronic travel authorizations in several countries.

Canada

An Electronic Travel Authorization (eTA) is a mandatory entry requirement for many foreign nationals exempt from visas when traveling to Canada by air. An eTA is linked to the applicant's passport and remains valid for five years or until the passport expires. Applicants from visa-exempt countries who require an eTA include, but are not limited to, those from France, Australia, the Bahamas, Belgium, and Germany.

U.S. citizens do not need an eTA or a visa and can enter Canada with a valid

U.S. passport. U.S. lawful permanent residents can enter Canada with a passport from their country of citizenship and their U.S. permanent resident card (green card).

Changes that took effect on February 29, 2024, affect Mexican nationals' eligibility to apply for an eTA. Mexican nationals who did not hold a valid study or work permit as of February 29, 2024, have had their eTAs invalidated and must now apply for a Temporary Resident Visa (TRV), also known as a visitor visa.

Mexican citizens who hold a valid U.S. nonimmigrant visa or have held a Canadian visa in the past 10 years can continue to apply for an eTA to enter Canada.

Applying for an eTA is usually a simple process (unless there is past criminality) that takes only a few minutes. The application is completed online through the Government of Canada's website. While some requests are processed within minutes, others may take several days. It is advisable to submit an eTA request well in advance of one's flight. Ideally, travelers should apply for an eTA before booking their flight to Canada. The eTA application costs CAN $7 and must be completed for one person at a time. Foreign nationals applying for an eTA will need their passport, a credit card, and an email address.

Note: Applicants must ensure that the passport number listed on their eTA matches the number on their passport. If it does not match, they will need to apply for a new eTA.

European Union

The **European Travel Information and Authorisation System (ETIAS)** is an automated IT system proposed by the European Commission to strengthen security and control irregular migratory risks posed by persons who travel visa-free to the European Union (EU). In addition, it is intended to ease the process of crossing borders for the vast majority of travelers who do not pose such risks. Every non-EU national who wants to travel to the Schengen area will need to apply through the ETIAS system before traveling there. ETIAS is expected to enter into force in the final quarter of 2026.

Applicants will need to complete and submit an online application form. After doing that, the system will conduct some checks and then it ordinarily will issue

a travel authorization within minutes. This is expected to ease border checks and avoid bureaucracy and delays for travelers at the EU borders, as well as reducing the risk of irregular migration from third-country nationals and reducing the number of refusals at border crossing points.

ETIAS authorization is not a visa like the Schengen visa. The process to obtain it will be much faster and simpler. An applicant will not need to go to a consulate or undergo any biometric data collection. Its validity is three years, a much longer time compared to the Schengen visa. Moreover, it will be valid for an unlimited number of entries.

Verifying and assessing potential security or irregular immigration risks related to visa-exempt travelers before their entry in the EU through ETIAS is an important tool to safeguard and complement the success of the EU's visa liberalization policy.

How will ETIAS work and what will visa-exempt travelers need to do before traveling to the EU?

To obtain ETIAS travel authorization, the applicant will complete and submit an online application through a website or an app for mobile devices, providing as documentation only a travel document (passport or other equivalent document). For each application, payment of a fee of 7 euros is required. In case of inability to apply because of age, competence, etc., a third person can submit the application.

After payment is made, the automated assessment process will start and, in the majority of cases, the applicant will receive approval within minutes. If there is any problem or undecided outcome of the automated process, the application will be sent to a Central Unit in the European Border and Coast Guard Agency or a Member State team. If this happens, the response time for approval will be delayed up to 96 hours. In very exceptional circumstances, the applicant may be required to provide further information, and additional procedural steps may be necessary. In all cases, a final decision on the application will be made within four weeks. After the decision is made, the applicant will receive an email with valid travel authorization or a justification if the application is rejected.

In case of rejection, the applicant has the right to appeal. The appeal must be made in the Member State where the decision on the application was made and in accordance with the national law of that State. After that, the applicant

will receive a communication about the national authority responsible for the processing and decision on the travel authorization and the procedure they will follow. Furthermore, a traveler who believes the outcome is unfair has the right to seek redress and access to information through the national authority.

Once the applicant receives authorization and arrives at one of the Schengen area border crossing points, the border guard will electronically check the travel document data, accessing various databases, including ETIAS in case of visa-exempt travelers. If the travel authorization is valid, a border control process is conducted and the traveler obtains authorization to enter the Schengen area. If the applicant does not fulfill the conditions required, the border guard will refuse entry and record the applicant and the refusal of entry in the Entry-Exit System.

Travel authorization can be revoked or annulled when the traveler no longer meets the necessary requirements.

What is mandatory for the carriers?

Air and sea carriers and carriers transporting groups overland by coach will need to verify the status of the travel document before boarding, as well as the requirement to hold valid ETIAS travel authorization. There will be a transitional period for carriers transporting groups overland by the coach during which they will not need to check the presence of valid travel authorization.

ETIAS: an important tool to close information gaps and enhance security

Considering that border and law enforcement authorities have little information on who crosses the EU borders visa-free, apart from people who have a Schengen visa, whose information is recorded in the Visa Information System (VIS), ETIAS can close an important information gap. By ensuring that all travelers are checked before their arrival, ETIAS will help to identify potential security or irregular migration risks before visa-free travelers arrive in the EU and to monitor people who cross EU borders. By providing vital information on security, irregular migration, and public health, the system is expected to enhance detection of human trafficking, tackle cross-border criminality, and facilitate the identification of persons in the Schengen area who could pose an internal security threat. These data may also be made available to national law enforcement authorities and Europol if necessary for the prevention, detection, or investigation of terrorist or other serious criminal offenses while respecting

fundamental rights and data protection.

Data protection and respect of fundamental rights are supported because ETIAS is in line with the highest standards of data protection and personal data will not be kept for longer than necessary. Personal data will be stored for the period of validity of the travel authorization or five years from the last decision to refuse, revoke, or annul the travel authorization. Data will be kept for an additional period of three years only if applicants freely choose to keep their data stored.

ETIAS is designed to be interoperable with existing systems and systems currently being developed, such as the Entry-Exit System (EES). Therefore, the ETIAS will reuse the hardware and software components of the EES and its communication infrastructure. Interoperability will also be established with the other information systems to be consulted by ETIAS, such as VIS, Europol data, the Schengen Information System, Eurodac, and the European Criminal Records Information System (ECRIS).

There will be also an ETIAS watchlist. This will consist of data related to persons suspected of having committed or taken part in serious criminal offenses or persons on which there are indications or responsible grounds to believe that they will commit terrorist or other serious criminal offenses. The watchlist will be created on the basis of information provided by the Member States and Europol.

As noted above, ETIAS is expected to enter into force in the final quarter of 2026. To be efficient, it will be created on the basis of the existing information system and together with those that are still to be developed (e.g., EES). The cost for developing ETIAS is estimated at 212.1 million euros, and the average annual operations cost is estimated to be 85 million euros. It will be financially self-sustaining, as the annual operation costs will be covered by fee revenue.

India

In recent years, the e-Visa is being more widely used. An e-Visa is granted to a foreign national whose sole objective for visiting India is recreation, sightseeing, a casual visit to meet friends or relatives, attending a short-term yoga program, medical treatment including treatment under Indian systems of medicine, business purposes, and for no other purpose or activity. The e-Visa has also been introduced for studying in India up to one year.

Categories of e-Visas include:

- *e-Tourist Visa*: For recreation, sightseeing, a casual visit to meet friends or relatives, and attending a short-term yoga program.
- *e-Business Visa*: For all activities permitted under a normal Business Visa.
- *e-Medical Visa*: For seeking medical treatment through conventional medical practices.
- *e-Medical Attendant Visa*: Attendant to an e-Medical Visa holder.
- *e-Conference Visa*: For attending a conference/seminar/workshop.
- *e-Ayush Visa*: For seeking medical treatment through Ayush systems (a traditional Indian system of medicine).
- *e-Ayush Attendant Visa*: Attendant to e-Ayush visa holder.
- *e-Emergency Visa*: For genuine emergencies, such as a family member's death or serious illness.
- *e-Student Visa and E-Dependent Student Visa*: One year (365 days) from the grant of the travel authorization.

Further details on the e-Visa are available at *https://indianvisaonline.gov.in/visa/tvoa.html*.

Mexico

Mexico has implemented an Electronic Authorization System (Sistema de Autorización Electrónica) that allows nationals of Russia, Ukraine, and Turkey to travel to Mexico for tourism, business, or transit purposes without a visa, provided they arrive by air and meet specific requirements. This system is designed to streamline the entry process and reduce the need for a physical visa for short visits (up to 180 days).

To use the SAE, eligible travelers must complete an online application before their trip. The process is free and typically straightforward, requiring basic personal information, passport details, a travel itinerary, and responses to security-related questions. Once approved, the electronic authorization must be printed and presented at the airport before boarding and upon arrival in Mexico. This authorization does not apply to entry by land or sea—in such cases, a regular visa is still required.

Travelers who already possess a valid visa or permanent residence from countries such as the United States, Canada, Japan, the United Kingdom, or any Schengen Area country are exempt from both the visa and SAE requirement

and can enter Mexico directly.

The SAE system reflects Mexico's commitment to maintaining secure but accessible travel options for select nationalities, promoting tourism and bilateral cooperation.

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Country Updates

ITALY

A new law introduces significant changes to eligibility criteria for Italian citizenship by descent.

On Friday, May 23, 2025, the Official Gazette published text formalizing the conversion of Decree-Law No. 36 into ordinary law. The new law brings significant changes to eligibility criteria for Italian citizenship by descent, particularly by introducing a generational limit on the transmission of Italian citizenship. From now on, individuals born abroad with Italian ancestry will not be granted Italian citizenship unless they meet one of the requirements (or exceptions) outlined below:

- An individual has submitted their application for the recognition of Italian citizenship, including all necessary documentation, with the appropriate authorities (Italian Consulate, Town Hall, Court) prior to March 27, 2025 (included). These applications will be evaluated in accordance with the regulations that were in force before the decree-law took effect;
- An individual submits their application after March 27, 2025, but the appointment was scheduled and communicated to the applicant by the competent authority before that date. These applications will be evaluated in accordance with the regulations that were in force before the decree-law took effect;
- An individual has a parent or a grandparent who held exclusively Italian citizenship at the time of their death or currently holds it;
- An individual has a parent or adoptive parent who has been resident in Italy for at least two continuous years after the acquisition of Italian citizenship and before the date of the individual's birth or adoption.

Different rules are in force also for minor children of Italian citizens:

- Children who were still minors on May 24, 2025 (under 18): Italian parents can submit a declaration for them to acquire Italian citizenship until May 31, 2026.
- Children up to 1 year old: The child can acquire citizenship if a parent or guardian submits a declaration for them to acquire Italian citizenship, within the first birth year.
- Children over 1 year old: The child must reside in Italy for two consecutive years following the submission of a declaration by their parents.

A minor who has been granted Italian citizenship may renounce it once they turn 18 (if they hold another nationality).

Law n. 74 introduces other several provisions relating to Italian citizenship.

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UNITED KINGDOM

The Home Office has released a comprehensive white paper outlining major proposed immigration reforms.

The United Kingdom's (UK) Home Office has released a comprehensive white paper, "Restoring Control over the Immigration System." It outlines major proposed reforms to the UK's immigration policy. The plan signals a shift toward more restrictive and domestically focused immigration rules while continuing to carve out space for elite global talent. The proposals are positioned as a reset after years of surging net migration, which peaked at 906,000 in 2023.

A Turning Point for UK Immigration Strategy

At the heart of the new policy framework is a promise to reduce overall net migration and return control to domestic institutions and communities. The Prime Minister declared that the new government would prioritize fairness, emphasizing contribution, integration, and investment in the domestic workforce. The Home Secretary echoed this sentiment, noting a decline in public trust and overreliance on migration for sectors like social care and education. She emphasized the need to enforce immigration laws more strictly while supporting integration and developing talent among UK residents.

Key Policy Shifts: Higher Skill Requirements and Fewer Dependents

One of the cornerstone changes involves **raising the skill threshold for**

sponsored work visas. The minimum skill level for the Skilled Worker route will revert from RQF Level 3 (A-level equivalent) to RQF Level 6 (graduate degree equivalent). This reverses the 2020 policy that broadened visa eligibility to include lower-skilled roles and is expected to eliminate hundreds of job types from the eligible list.

Notably, the **adult social care visa route will be closed** to new overseas applicants—a sharp response to reported issues in the sector. Employers in this space will need to focus on domestic recruitment and will be subject to Fair Pay Agreements. A transitional window for in-country visa renewals will remain open until 2028, but its future is uncertain.

Additionally, **salary thresholds will rise**, although the base threshold of £38,700 appears to remain for now. However, government reviews could eliminate discounts such as those formerly offered via the now-abolished Immigration Salary List. These changes are designed to make overseas hiring less financially appealing compared to domestic training.

Family reunification policies are also under review. While details remain vague, a new family policy is expected by year's end that may impose tighter financial, relationship, and language requirements. The white paper also outlines a path to extending the qualifying period for **Indefinite Leave to Remain (ILR)** from five to ten years, unless mitigated by point-based "contributions to society."

Students and Graduates: Steeper Hurdles

International students—long seen as economic and research assets—face a tightening of both compliance standards and post-study options. Institutions will be required to meet more stringent sponsor metrics, and the Graduate Route (which allows students to remain in the UK to work for up to two years) will be shortened to 18 months.

Graduates and dependents will also need to meet elevated English language requirements, with B2-level competency expected for main visa holders and B1 for settlement applicants. The new standards aim to promote integration but could make the UK less attractive to students who previously enjoyed more flexibility.

The government is also considering a levy on higher education institutions that admit international students—a controversial proposal aimed at redistributing the economic benefits of student migration back into domestic skills training.

Attracting Top Talent Amid Stricter Controls

In contrast to the restrictive posture on general migration, the UK government continues to court professionals with critical expertise. It plans to expand routes like the Global Talent and Innovator Founder visas, particularly in sectors such as artificial intelligence and advanced research. The High Potential Individual (HPI) visa, currently open to graduates of top global universities, may double its list of eligible institutions.

There will also be more flexibility for research interns and expansion workers. The Global Business Mobility (GBM) expansion route, for instance, will grow from five to ten allowable staff per business, supporting global companies' ability to establish UK branches.

Enforcement, Sponsorship Accountability, and Digital Transformation

The reforms will be accompanied by stricter enforcement measures. The government plans to focus on unauthorized work, sponsorship abuse, and exploitation, particularly in industries like care, hospitality, and domestic labor. Sponsors will face greater scrutiny and may be required to participate in comprehensive workforce strategies or risk losing the ability to sponsor.

A proposed overhaul of the eVisa system and digital immigration records will make it easier to monitor overstays, enforce removals, and streamline compliance checks. This includes digital identity systems and biometric tracking—technologies that promise increased efficiency while also raising civil liberties concerns.

Industry Reactions and Next Steps

The immigration legal community has responded with a mix of caution and concern. While the framework has been published, there are many variables and unknowns, and additional guidance is expected later in the year. Employers are advised to begin reviewing sponsorship practices, upskilling programs, and examining salary structures now, as the direction of travel is unmistakably toward stricter regulation and higher standards.

No implementation timeline has been issued for most proposals, but several policies, such as the family route reform and social care visa closure, are expected before the end of 2025.

This immigration white paper from the UK marks a historic inflection point,

signaling a transition from a liberal, globalist model to a domestic, skills-first agenda. For multinational employers, global mobility professionals, and immigration attorneys, the next 12 months require reflection about and pivoting of companies' recruitment and retention strategies, particularly with respect to foreign nationals. As the UK recalibrates its migration pathways, proactive compliance and strategic workforce planning thus will be essential.

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Firm in the News

Cyrus Mehta was quoted by *Forbes* in Rubio Makes Immigration Threat to Revoke Student, H-1B and Other Visas. He said, "Those who are impacted by Rubio's catch and revoke policy should not hesitate to challenge the actions in court. If the revocation of the underlying visa results in detention and removal proceedings, they should challenge the detention as unconstitutional through a habeas petition in federal district court and also separately contest the deportation grounds in immigration court." He noted that "he only way to get the government to back down and prevent it from creating a climate of fear among nonimmigrants in the United States is through concerted legal action that challenges detention and deportation at the same time."

Mr. Mehta was quoted extensively by the *Boston Globe* in Mohsen Mahdawi Walked Out of Vermont Courthouse After Judge Orders His Release From ICE Custody. Mr. Mehta, who represented Mr. Mahdawi, said Mr. Mahdawi was "elated" and is determined to continue to advocate for peace in the Middle East. "His advocacy on behalf of Palestinian rights is lawful speech protected under the First Amendment. My client's detention was in retaliation for that and that's not what we do in America," he said. Mr. Mehta noted that earlier allegations were baseless statements "from people who may have been biased or prejudiced against him."

Mr. Mehta was interviewed on "The Lead With Jake Tapper" (transcript) (video) about the Mohsen Madawi case. Mr. Mehta is representing Mr. Madawi. He said his client "has been arrested and detained solely for his speech, which is protected under the First Amendment. The government has provided no other evidence to support his detention right now." Mr. Mehta noted that his client "was in this final stage. Citizenship is the last stage in your journey to become a citizen. He had been scheduled for an interview. He was eligible for citizenship. When he went for his interview, he was actually interviewed for his citizenship.

And at the conclusion of the interview, when he left the office, agents of the arrested him. They came in several cars and whisked him away."

Mr. Mehta was also quoted by various media outlets on the Mohsen Mahdawi case:

- Judge Extends Order to Keep Mohsen Mahdawi, GS '25, in Vermont, Schedules Hearing for Next Week, Columbia Spectator
- Mohsen Madawi, Detained Vermonter and Palestinian Activist, Appears in Federal Court, VT Digger
- Judge Says Trump Administration Can't Move Detained Palestinian Student Out of Vermont, NBC News
- Mohsen Madawi Will Stay in Vermont as Judge Considers Case, Vermont Public
- Judge Orders Feds to Keep Detained Student in Vermont, WCAX3
- Palestinian Activist Appears in Court, to Remain in Custody, Seven Days

Mr. Mehta was quoted by *Law360* in Student Visa Crackdown Sparks Fears of Talent Shortage. He said, "If students are now going to be constrained because they write an op-ed or post a tweet, ICE is going to swoop down on them whisk them to prison in Louisiana, nobody will want to come here. No parent in their sane mind will want to send their child to the U.S. to study here if that's going to be the consequence.

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