



GMS Flash Alert

Immigration Edition

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Italy – New Policy on 2018 Permit to Stay for Family Reasons

On 7 May 2018, the Italian Ministry of Labour and Social Policies issued a note ¹ regarding work activities of foreign nationals who have applied for a permit to stay in Italy for family reasons. As a result, foreign nationals who have applied for a permit to stay for family reasons are allowed to start a work activity with only temporary documentation before the full permit is obtained.

WHY THIS MATTERS

The permit to stay for family reasons allows a foreign national to work under an employment or self-employment contract without applying for a work permit for “subordinate” work reasons.

According to the legislation, foreign nationals who have made applications for the permit to stay for a subordinate work reason, can start work with the temporary petition which attests the application for a permit to stay.²

These rules are valid also for the family members. They have the same timing to start a work activity pending the issuance of a permit to stay.

New Policy in Light of Note No. 4079 of 7 May 2018

In the past, those who applied for the permit to stay for family reasons could not work until they completed the procedure to obtain the permit to stay. That meant that it took months before such individuals got their permit to stay and were able to start work.

In order to allow family members to start a work activity earlier than in the past, foreign nationals who submitted the application for a permit to stay for family reasons can now start to work while they are still waiting for their so-called “plastic card” (permit to stay).

Thanks to the note issued by the Ministry of Labour and Social Policies, foreign nationals who submitted an application for the permit to stay for family reasons can work with the documentation which attests that the application for the permit to stay has been made and that their stay in Italy is in order.

Focus: Types of Permits to Stay for Family Reasons

The residence permit, or permit to stay, for family reasons is issued:

- a. to the foreign national citizen who has entered Italy with an entrance visa for “family reunification”;
- b. to the foreign national citizen who has married in Italy an Italian citizen, a citizen of another European Union (EU) member state, or a legally residing foreign national citizen;
- c. to a foreign national parent of an Italian minor resident in Italy.³

The residence permit for family reasons allows access to social services, enrolment in educational courses or professional training courses, and registration in job seekers’ listings. It also allows the holder to carry out subordinate or autonomous work, provided that the minimum age requirements for work are met.⁴

STUDIO ASSOCIATO CONSULENZA LEGALE E TRIBUTARIA NOTE

Applications for the permit to stay for family reasons must be submitted in Italian to the local immigration authorities.

FOOTNOTES:

1 For the *Nota n. 4079 del 7 maggio 2018, Ministero del Lavoro e delle Politiche Sociali* (in Italian), [click here](#).

2 Article 5, point 9-bis of the Legislative Decree n.286 of 25th July 1998.

3 Article 30, point 1 of the Legislative Decree n.286 of 25th July 1998.

4 Article 30, point 2 of the Legislative Decree n.286 of 25th July 1998.

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Contact us

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