

GMS Flash Alert

Immigration Edition

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Italy – Entry Flows and New Rules for Working and Residing in Italy

Italy has recently approved the *Decreto Flussi* as well as urgent provisions on legal entry flows of foreign workers and on preventing and combating illegal immigration, which effect changes in respect of the Italian Immigration Law.^{1,2}

Under *Decreto Flussi*, the government established a quota of 82,705 “units” (a “unit” is a person) for “seasonal” and “non-seasonal” employees, and self-employed individuals for 2023.

The Council of Ministers has also approved a new decree-law with urgent measures on legal entry flows of foreign workers and on preventing and combating irregular immigration. The Legislative Decree 20/2023 was published on 10 March 2023, aiming to simplify the legal entry of foreign nationals for work reasons.³ The government has 60 days now to convert this Legislative Decree into law.

WHY THIS MATTERS

In order to work in Italy, Italian immigration and labour authorities require non-European Union (EU) nationals to obtain a specific authorisation, the so-called *Nulla Osta al lavoro* (work permit). Every year the Italian labour authorities establish a limited number of work permits to be made available. Working visas are issued under the quota system and a pre-determined number of visas are set down in the decree.

New rules for the entry and stay of foreign personnel in Italy facilitate the immigration process and make it easier for foreign workers to get employed and move to the country. The new three-year period of stay is expected to provide employers and globally-mobile workers more flexibility in planning.

Categories of Individuals Covered by *Decreto Flussi*

For 2023, the government established a quota of 82,705 units for seasonal and non-seasonal employees, and self-employed individuals, allocated as follows.

Seasonal workers: 44,000 units.

Non-seasonal workers: 38,705 units among which:

- 6,600 units for the conversion of permits of stay to subordinate work, divided into:
 - a) 4,400 units for holders of residence permits for seasonal work;
 - b) 2,000 units for holders of residence permits for study and training;
 - c) 200 units for holders of EU long-stay residence permits issued by other EU countries.
- 400 units for the conversion of permits of stay to self-employment work, divided into:
 - a) 370 units for holders of residence permits for study and training;
 - b) 30 units for holders of EU long-stay residence permits issued by other EU countries.
- 500 units for self-employment work, divided into:
 - a) Entrepreneurs who want to invest at least EUR 500,000 in a relevant sector of the Italian economy and hiring at least three people;
 - b) Individuals belonging to a professional association or enrolled with an official/public register;
 - c) Individuals who have corporate roles, as defined, in a company;
 - d) Highly-qualified artists or those who are considered as international celebrities;
 - e) Foreign citizens who want to start up an innovative company, as defined, in Italy.

Applications must be submitted to the local immigration authorities via a dedicated website site and are being accepted starting from 27 March 2023 until 31 December 2023.

Main New Features Introduced by Legislative Decree n. 20/2023

New Ways of Planning the Flow of Legal Entry of Foreign Workers

The quotas of foreigners entitled to enter Italy for subordinate work will be defined for a three-year period (2023-2025) (and not yearly), by decree of the prime minister.

Amendments to Regulations on Entry and Residence Permits for Employment of Foreign Nationals

Decree 20/2023 simplifies the employment relationship with Italian companies and speeds up the procedure for issuing employment authorisation.

Duration of the Renewed Residence Permit

Renewals of residence permits issued for permanent employment, self-employment or family reunification will be for a maximum duration of three years, instead of the current two years.

Conversion of Study Permit of Stay

The conversion of study permits of stay into work ones will not fall into the quota system and it will be possible even for students who are not graduating in Italy.

Penalties and Sanctions

Sanctions related to illegal migration have been increased and strengthened and a new crime called “death or injury as a result of crimes relating to illegal immigration” has been introduced.

KPMG INSIGHTS

As there have been some changes to policy and procedures introduced over the past few months – and it can be confusing to navigate them – if there are any questions about who the quotas apply to, eligibility and the conditions for bringing in workers under the terms of the *Decreto Flussi*, and making applications, it may be prudent to consult with a qualified global-mobility professional and/or immigration counsel, or a member of the Immigration team with KPMG Law in Italy (see the Contacts section).

FOOTNOTES:

1 *Decreto Flussi - Programmazione transitoria dei flussi d'ingresso dei lavoratori non comunitari nel territorio dello Stato per l'anno 2022.* (GU Serie Generale n.21 del 26-01-2023). (For prior coverage of the *Decreto Flussi*, see [GMS Flash Alert 2020-428](#), 14 October 2020.)

Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero. (GU Serie Generale n.191 del 18-08-1998 - Suppl. Ordinario n. 139.)

2 Circular letter n. 648 of 30 January 2023 - *Flussi d'ingresso dei lavoratori non comunitari nel territorio dello Stato per l'anno 2022*

3 *Decreto Legge n.20 10 March 2023* - (GU Serie Generale n.59 del 10-03-2023).

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Contact us

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The information contained in this newsletter was submitted by the KPMG International member firm in Italy.

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