

# GMS Flash Alert

## Immigration Edition

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# Italy – Eased Conditions, Expanded Eligibility Under New EU Blue Card Rules

Following the introduction of the new European Union Directive 2021/1883<sup>1</sup> concerning conditions of entry and stay for highly-qualified non-EU nationals who are intended to be hired directly in EU countries (so-called “EU Blue Card”), Italy has approved Legislative Decree No. 152 of 18 October 2023,<sup>2</sup> which will be effective from 17 November 2023.

This Legislative Decree establishes new conditions of entry and residence, for periods exceeding three months, for third-country nationals intending to perform highly-qualified work.

## WHY THIS MATTERS

The new rules amend *Article 27-quater* of the Consolidated Immigration Act<sup>3</sup> and update the requirements and procedures surrounding issuance of the EU Blue Card. The amendments bring several improvements on the requirements and procedures for obtaining the EU Blue Card.

As a background, to be hired in Italy as highly-qualified workers under the EU Blue Card immigration process, Italian immigration and labour authorities require non-EU nationals to obtain a specific authorisation, the so-called *Nulla Osta al Lavoro* (Work Permit).

With these modifications, Italy has eased the educational requirements needed to apply for the EU Blue Card, has expanded eligibility, and has provided more mobility options.

# Legislative Decree No. 152 of 18 October 2023 – Main Features and Differences Compared to Previous Legislation

## Eligibility

The new EU Blue Card regime expands eligibility to international protection beneficiaries, seasonal workers, and holders of an Italian ICT permit of stay.

## Educational and Professional Experience

The categories of individuals who can apply for the EU Blue Card have been extended. Rather than the only three years of university degree, the new Legislative Decree includes:

- ✓ Three years University-level degree or post-secondary professional qualification of at least three years;
- ✓ Five years of professional experience in the sector relevant to the job offer;
- ✓ Three years of professional experience (acquired in the previous seven years before the application) for managers and specialists working in the field of information and communications technologies;
- ✓ Regulated professions (according to the requirements set forth in Legislative Decree No. 206 of November 6, 2007<sup>4</sup>).

## Job Offer Duration and Salary Requirements

- ✓ Job-offer of minimum six months (rather than 12 months);
- ✓ Annual salary not lower than the one established by national bargaining agreements (“CCNL”), and in any case not lower than the gross annual average remuneration according to ISTAT (rather than three times the minimum wage to be exempted from national health-care contributions).

## Short-term Mobility

Holders of a valid EU Blue Card issued by another member state can enter and stay in Italy for 90 days in a 180-day period to carry out a professional activity.

To date, EU Blue Card holders can enter Italy for short-term stays only for business reasons or tourism.

## Long-term Mobility

Holders of an EU Blue Card issued by another member state, after 12 months of legal residency (rather than 18 months), can have visa-exempt entry into Italy to perform highly-specialised work for a period exceeding 90 days.

The employer must nevertheless apply for an EU Blue card work permit in Italy within one month of the employee entering the country, or when the non-EU national is out of Italy.

## Self-Employment Rules

The EU Blue card holder can exercise a self-employed activity in parallel with the activity as a highly-qualified worker.

## Labour Market Access and Restrictions

During the first 12 months of legal employment (rather than 24 months), the EU Blue card holder is subject to restrictions both on the change of employer and activities which differ from the ones for which she or he has been authorised.

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## KPMG INSIGHTS

With the changes to policy and procedures introduced by the Legislative Decree – and it can be confusing to navigate them – if there are any questions about eligibility and the conditions (educational, pay, and other) for bringing in workers under the terms of the Legislative Decree 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).

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## FOOTNOTES:

1 DIRECTIVE (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC. For the text, see: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021L1883> .

2 *DECRETO LEGISLATIVO 18 ottobre 2023, n. 152 Attuazione della direttiva (UE) 2021/1883 del Parlamento europeo e del Consiglio, del 20 ottobre 2021, sulle condizioni di ingresso e soggiorno di cittadini di paesi terzi che intendano svolgere lavori altamente qualificati, e che abroga la direttiva 2009/50/CE del Consiglio.* For the text (in Italian), see: [www.gazzettaufficiale.it/eli/id/2023/11/02/23G00161/sq](http://www.gazzettaufficiale.it/eli/id/2023/11/02/23G00161/sq) .

3 *DECRETO LEGISLATIVO 25 luglio 1998, n. 286 Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero.* For the text (in Italian), see: <https://www.gazzettaufficiale.it/eli/id/1998/08/18/098G0348/sq> .

4 *DECRETO LEGISLATIVO 9 novembre 2007, n. 206 Attuazione della direttiva 2005/36/CE relativa al riconoscimento delle qualifiche professionali, nonché della direttiva 2006/100/CE che adegua determinate direttive sulla libera circolazione delle persone a seguito dell'adesione di Bulgaria e Romania.* For the text (in Italian), see: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2007-11-06:206> .

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## Contact us

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*\* Please note that KPMG LLP (U.S.) does not offer immigration services or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

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

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