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GMS Flash Alert

Immigration Edition

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Italy - Immigration Procedure for Digital Nomads Introduced

Italy has recently joined other European Union countries introducing an ad hoc immigration procedure for a new category of workers: non-EU citizens moving to Italy from outside the European Union to work remotely.

As a consequence of the pandemic, remote working has become a new reality for many employees. Needing just a laptop and internet connection rather than an office has redefined the typical workplace, resulting in the increase of foreign nationals moving to Italy in a "remote working" scenario. This has raised issues around regularising their stay. As of 29 March, certain remote workers known as "digital nomads" may avail themselves of a new, easier entry process.

A new legislative decree is expected to be published soon in order to clarify the main aspects of this type of permit to stay application and possible additional conditions to be met.

WHY THIS MATTERS

While it is possible for many non-EU nationals to spend up to 90 days in Italy without a visa, anyone wishing to work legally in Italian territory generally must apply for a visa and work permit. From 29 March 2022, entry in Italy for "highly qualified" remote workers has been regularised with a new immigration procedure that should reduce government formalities and facilitate the entry in Italy of foreign national professionals.

Digital Nomad Defined

Legislative Decree n. 286/1998 has been amended by a Law-(1)[1] to introduce entry and stay in Italy outside the existing quota system for "digital nomads," defined as highly specialised non-EU workers staying in Italian territory to work remotely for a company based abroad, using their technological devices.

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A digital nomad may be an employee or self-employed worker. The authority clarified that this category of workers can be differentiated from other highly-specialised third-country nationals in that digital nomads work in Italy remotely using technology devices for employers with no representative offices in Italian territory.

Immigration Procedure

The immigration procedure for digital nomads enables the remote worker to enter Italy without the need of a work authorisation, "Nulla Osta" issued by the Italian immigration authority before entry.

The worker should apply for an entry visa that is valid for 365 days, and once in Italy the worker will need to apply for a permit to stay valid one year in order to regularise the worker's stay.

Requirements and Conditions

The authority outlined the following requirements and conditions to be met in order to proceed with this type of procedure:

a) Be classified as remote worker;

b) Be in possession of health insurance covering all risks while in Italian territory; and

c) Satisfy all applicable fiscal and contributions provisions in force in Italy.

In addition, the authority may double check the availability of a suitable accommodation and adequate income.

Further decrees are expected to provide full details on how the visa regime will operate in practice, including clarifying:

- the procedures and detailed requirements for issuing the stay permit (including categorisation as "highly qualified");
- the minimum income thresholds for applicants/family units;
- the procedures for checking that the work activities carried on by applicants fall within the definition of "digital nomad";
- procedures for the new stay permit renewal process, and evidence of compliance with tax, health-care, and social security requirements.

FOOTNOTE:

1 *Supplemento ordinario alla "Gazzetta Ufficiale„ n. 73 del 28 marzo 2022 - Serie generale* "Decreto-Legge 28 marzo 2022 n. 25." See (in Italian): https://www.gazzettaufficiale.it/eli/gu/2022/03/28/73/so/13/sg/pdf.

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

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