

MAZZESCHI

ITALIAN IMMIGRATION & CITIZENSHIP

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NEWS, UPDATES AND CURIOSITIES ON ITALIAN
IMMIGRATION AND CITIZENSHIP



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EU IMMIGRATION
LAW UPDATES: THE
NEW SINGLE
PERMIT DIRECTIVE

THE RECAST OF THE SINGLE PERMIT DIRECTIVE

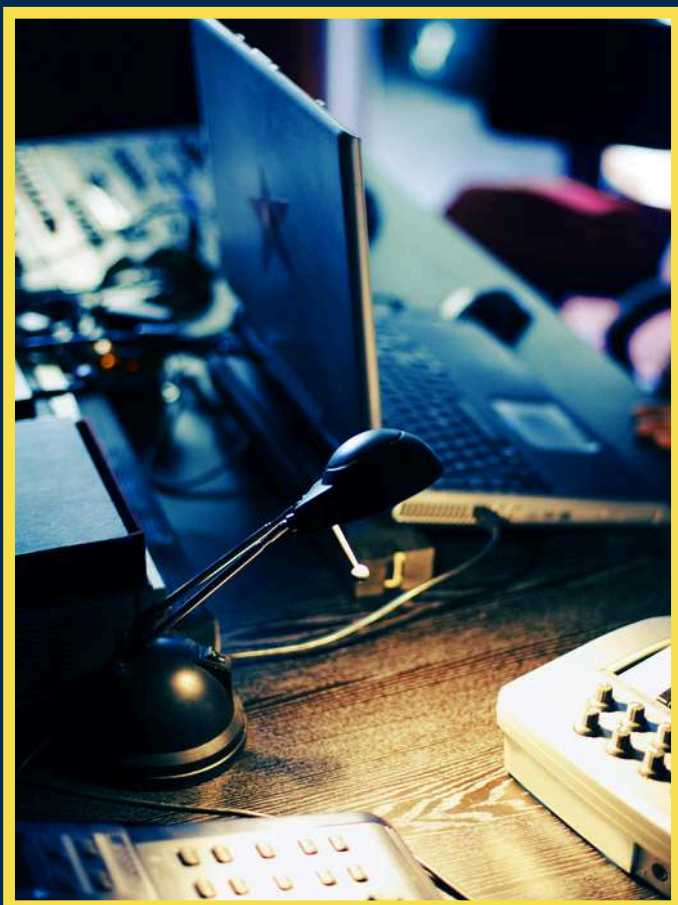


BACKGROUND INFORMATION

In May 2024, the new Single Permit Directive entered into force and now, all the Member States (except for Denmark and Ireland) are required to transpose this Directive into their national law by May 2026.

The Single Permit allows Third-Country Nationals (TCN) to legally reside and work in the territory of a Member State, as well as to enjoy a set of rights similar to those of national workers in all areas related to employment (working conditions, education and vocational training, social security, etc.).

- The new Single Permit Directive is part of the 'skills and talent' package designed to address the shortcomings of the EU to legal migration. Together with the EU Blue Card Directive, its primary goal is to attract the skills and talents that the EU requires.
- Not all work permits fall under the category of "Single Permit".
- Even though the new Single Permit has entered into force, Member States still have time (until May 2026) to implement this directive. Meanwhile, the original Single Permit Directive (Directive 2011/98/EU) will be applicable.



KEY ASPECTS OF THE NEW SINGLE PERMIT DIRECTIVE



- The application (and renewal) process shall be more efficient. The new Single Permit Directive indicates in its article 5(2) that the competent authority shall adopt a decision within 90 days of the date of submission of a complete application.



The Single Permit will not be linked to one specific employer. This means that the TCN will be able to change employers while continuing to reside legally in an EU Member State. However, in the event of changing the employer, the directive allows Member State to request 1) prior notification, 2) checks of the labour market situation and/or 3) require a minimum period during which the single permit holder is required to work for the first employer.



The application for the Single Permit may be submitted by a TCN while residing in a non-EU country or while residing in the pertinent EU member state (provided that the applicant holds a valid residence permit).

Unemployment shall not be grounds for the withdrawal of a Single Permit, provided that: (a) the total duration of unemployment does not exceed three months during the validity period of the single permit, or six months if the TCN has held the single permit for more than two years; (b) the start and, where applicable, the end of any unemployment period are communicated to the competent authorities of the relevant Member State in accordance with applicable national procedures.



SINGLE PERMIT
(PERMESSO UNICO
LAVORO) IN ITALY



The original Single Permit Directive (Directive 2011/98/EU) was implemented in Italy through Legislative Decree No. 40 on March 4, 2014. However, since Italy's immigration law already included the provisions outlined in the Single Permit Directive, its implementation had minimal impact on national legislation.

DECRETO FLUSSI: NEW QUOTAS FOR AGRICULTURAL SECTOR



The Ministry of Labor announced the distribution of an additional 5,850 entry quotas as part of the 2024 Decreto Flussi. This aims to address the seasonal labor demands in the agricultural sector, responding to requests submitted by employer organizations to the Immigration office.

These new quotas are intended to facilitate the recruitment of seasonal workers, thereby supporting the operational needs of the agricultural industry.



INTRA-COMPANY TRANSFER WORK PERMIT IN ITALY



Italy offers two types of intra-company work permits: the “national” Highly-Skilled Workers Scheme under Article 27, paragraph 1, letter (a) of Italian Immigration Law, and the intra-corporate transfer (ICT) work permit under Articles 27 quinquies and 27 sexies, which implements Directive 2014/66/EC. Notably, both categories are exempt from the quota system.



NATIONAL ICT PERMIT (ART. 27 C. 1 LETT. (A))

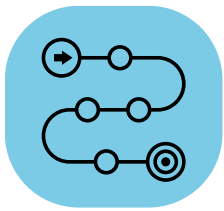
This permit is designed for highly specialized staff or managers temporarily assigned to a subsidiary, branch, or affiliate in Italy, provided that the sending and host companies are part of the same business group or joint venture. It specifically applies to middle managers (Quadro level) and senior managers (Dirigenti) employed by companies with headquarters or subsidiaries in Italy or by representative offices of foreign companies primarily operating in WTO countries.



EU ICT PERMIT (ART. 27 QUINQUIES AND 27 SEXIES)

This permit covers managers, specialists, and trainees transferred from a non-EU company to an Italian host entity. Managers direct operations under board supervision, specialists possess essential knowledge for the host entity’s activities, and trainees are recent graduates undergoing career development. Holders of an EU ICT Permit from another Member State can be transferred to Italy without a visa for short stays (up to 90 days) and are exempt from the work permit requirement. For periods exceeding 90 days, the host company must file an ICT work permit application within 90 days of the worker’s arrival, allowing the assignee to work while the application is processed, provided the initial EU ICT Permit remains valid.





GENERAL PROCESS OF ICT WORK PERMIT IN ITALY

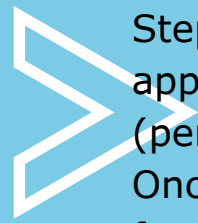
In order to apply for Intra-company transfer work permit in Italy, the following shall apply:

Step 1: ICT Work permit application

The Hosting company (Italian company) shall apply for the foreign worker's work permit.

Step 2: ICT Work Visa application

The foreign worker shall apply for the ICT work visa at the competent Italian embassy or consulate (the competent embassy or consulate will depend on the worker's residence)



Step 3: Travel to Italy and apply for a permit of stay (permesso di soggiorno)

Once the visa is issued, the foreign worker may enter Italy. Within eight days of arrival, the worker must apply for a residence permit. This application process typically involves approximately three appointments at different locations: the prefecture, post office, and police station. The issuance of the residence permit takes several months, with processing times varying significantly based on the region and the workload of the relevant authorities.



Are you considering applying for an ICT work permit in Italy? Please feel free to reach out to us. Our immigration consultants are ready to assist you with the process.



ITALY: FAST-TRACK IMMIGRATION PROCESS FOR HIGHLY SKILLED WORK PERMIT APPLICATIONS

“Did you know that there is a “special process” that allows to shorten the immigration process of the seconded workers to Italy?”

1. WHAT IS ITALY FAST-TRACK IMMIGRATION PROCESS?

Companies that often need to bring highly skilled foreign workers to Italy (either on temporary assignment or to be employed locally) may choose to be registered as “recognised” sponsor with the Italian Ministry of Interior, thus accessing expedite highly skilled worker’s admission procedures.

The host company shall sign a so-called Protocollo di Intesa (Protocol Agreement or Memorandum of Understanding, MOU), with the Ministry of Interior. The protocol is applicable to (one protocol must be signed for each procedure)

EU Blue Card – Highly skilled workers. For highly qualified workers to be placed under a local job contract as employees of the Italian company.

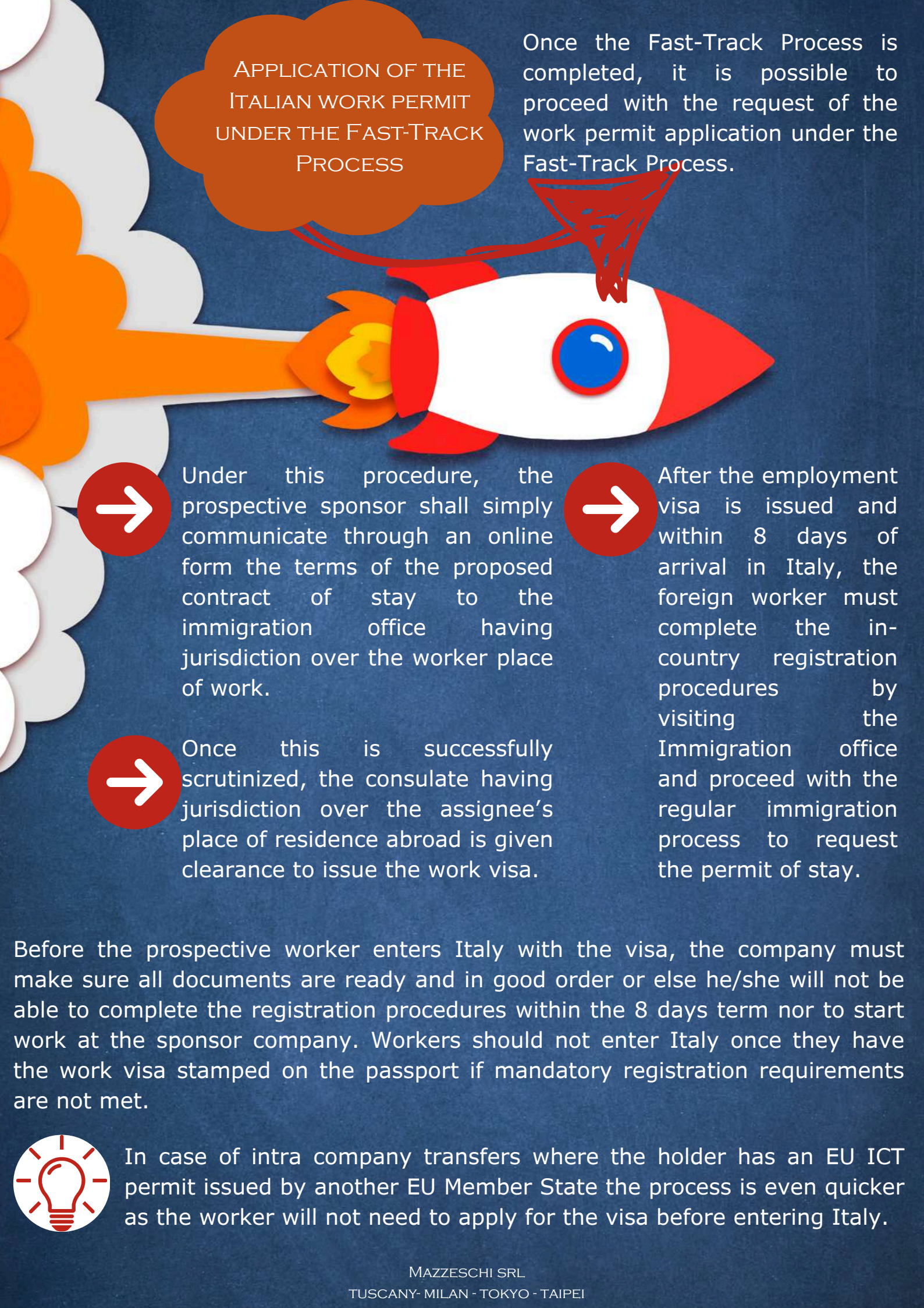
Managers/specialists/trainees seconded to Italy in the framework of an intra-corporate transfer.

Managers or highly qualified personnel seconded to Italy (intra company assignment). Allows foreign employees in an executive/senior managerial/specialized knowledge role to be temporarily assigned to a subsidiary/branch/affiliate.

WHAT ARE THE ADVANTAGES OF THE FAST-TRACK IMMIGRATION PROCESS?

- ✓ Approval is not subject to a foregoing Italian Labour Board check, but only to police examination
- ✓ Reduction of processing time (the reduction of time may vary from city-to-city)
- ✓ The work permit application is replaced by a communication of the terms contained in the proposed contract of stay
- ✓ Less steps with respect to the standard process (a work permit is not issued)





APPLICATION OF THE
ITALIAN WORK PERMIT
UNDER THE FAST-TRACK
PROCESS

Once the Fast-Track Process is completed, it is possible to proceed with the request of the work permit application under the Fast-Track Process.



Under this procedure, the prospective sponsor shall simply communicate through an online form the terms of the proposed contract of stay to the immigration office having jurisdiction over the worker place of work.



Once this is successfully scrutinized, the consulate having jurisdiction over the assignee's place of residence abroad is given clearance to issue the work visa.



After the employment visa is issued and within 8 days of arrival in Italy, the foreign worker must complete the in-country registration procedures by visiting the Immigration office and proceed with the regular immigration process to request the permit of stay.

Before the prospective worker enters Italy with the visa, the company must make sure all documents are ready and in good order or else he/she will not be able to complete the registration procedures within the 8 days term nor to start work at the sponsor company. Workers should not enter Italy once they have the work visa stamped on the passport if mandatory registration requirements are not met.



In case of intra company transfers where the holder has an EU ICT permit issued by another EU Member State the process is even quicker as the worker will not need to apply for the visa before entering Italy.

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