

MAZZESCHI

ITALIAN IMMIGRATION & CITIZENSHIP

Nov 2024 | VOL. 40

NEWS, UPDATES AND CURIOSITIES ON ITALIAN
IMMIGRATION AND CITIZENSHIP



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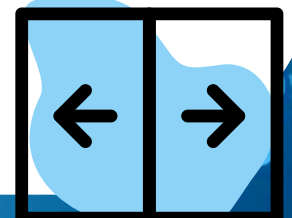
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EU DELAYS THE
INTRODUCTION OF
EES
(ENTRY/EXIT
SYSTEM)



Updates on the EES implementation: The European Union postponed the launch of its new biometric entry-check system designed for non-EU citizens, which was initially scheduled to take effect on November 10. This decision comes in response to concerns raised by Germany, France, and the Netherlands, which indicated that their border systems were not adequately prepared for the implementation of this new system.



In a statement to the press, EU Home Affairs Commissioner Ylva Johansson emphasized that “November 10 is no longer on the table,” reflecting the seriousness of the situation. She acknowledged the complexities involved in rolling out such a significant system and noted that there is currently no revised timeline for its introduction.



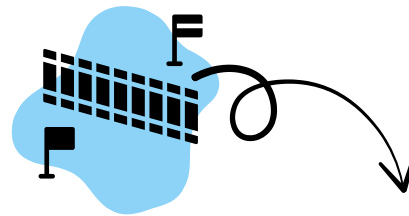
However, she mentioned that the possibility of a phased implementation is being explored, which could allow for a more gradual transition as each member state aligns its systems with the requirements of the new entry-check protocol.



WHAT IS THE EES (ENTRY/EXIT SYSTEM)?



The Entry and Exit System (EES) is a new electronic system of the European Union established by **Regulation (EU) 2017/2226**. The EES will register the entry and exit times and locations of travelers entering the territory of European countries participating in the system. Additionally, it will automatically calculate the duration of each traveler’s authorized stay.




This new system is expected to become operational by November 2024. The implementation of the EES aims to enhance border management and security across the European Union by providing more accurate tracking of third-country nationals’ movements and duration of stay.






ITALIAN
IMMIGRATION:
IMPORTANT
UPDATES



On October 2nd, 2024, the Italian government approved a law decree named *Urgent provisions on the entry of foreign workers into Italy, the protection and assistance of victims of illegal labor recruitment (caporalato), the management of migration flows, and international protection, as well as the related judicial proceedings.*



As of now, it is not clear if some of the provisions will have an impact also on the work permit applications outside the quota system (Blue card, intra company work permit applications, service agreement work permit applications etc.)

In the first part, this provision updates the rules for allowing foreign workers to enter Italy, as outlined in the Decree of September 27, 2023, which set the quota system for 2023-2025. A review by the government and relevant ministries found problems in how the entry processes were applied, both recently and in the past. To address these issues, urgent action was taken to simplify and speed up the procedures while also making them more secure.

KEY CHANGES INCLUDE:



1 Pre-filled work permit applications:

Before the “click day” (the day when applications for foreign worker entry can be submitted under the quota system), work permit applications will be pre-filled. This will allow more time for checks, helping authorities identify irregular or ineligible applications earlier.

3 Additional “click days”:

Although the quotas for foreign workers’ entry will remain unchanged, there will be the possibility to organize additional click days throughout the year for specific economic sectors, based on labor demand.

2 Interoperability of IT systems:

The IT systems of the Ministries of Interior and Labor, INPS (National Social Security Institute), Chambers of Commerce, Revenue Agency, and AgID (Agency for Digital Italy) will be integrated. This will enable automatic verification of the data in work permit applications, improving the transparency and efficiency of the procedures.

4 Mandatory employer confirmation:

Before issuing an entry visa to the foreign worker, the employer will be required to formally confirm their intention to hire the worker, ensuring that the worker will indeed be employed.

5 Digitalization of the procedure:

The entire process will be digitized, including signing and sending the contract of stay (contratto di soggiorno). This will eliminate the need for the employer and worker to physically visit the immigration office, but will require the employer to affix a qualified digital signature



6

Penalties for non-compliant employers:

Employers who, due to their own fault, do not sign the contract of stay within 8 days of the foreign worker's entry or employ workers without a contract will be banned from the system for the next three years.

7

Limit on the number of applications:

The number of work permit applications an employer can submit will be limited and proportionate to the company's revenue, number of employees, and sector. This will help prevent system abuse.

8

Seasonal workers:

Seasonal workers will be able to sign a new work contract within 60 days of the previous one expiring, either with the same employer or a different one. Additionally, they will be able to convert their seasonal work permit into a temporary or permanent work permit without being restricted by entry quotas.

9

Special entry channels:

Special entry channels for refugees and stateless persons will be maintained.

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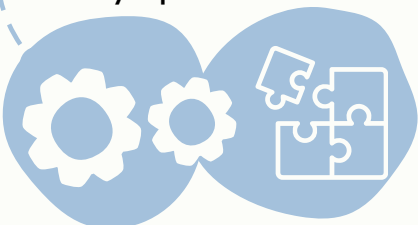
Experimental entry for care work:


In 2025, an experimental entry channel will be opened for 10,000 workers to assist the elderly and disabled. Entry will be managed through employment agencies and employers' organizations for work permit applications.

11

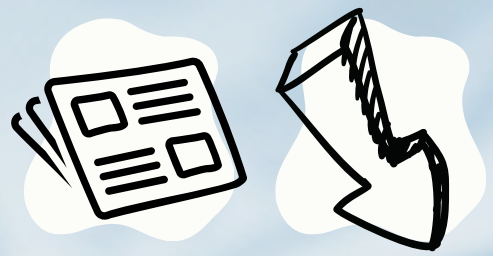
Strengthening ministerial staff:

More human resources will be dedicated to handling work-entry procedures at the Ministries of Interior and Foreign Affairs, speeding up response times and improving overall management of migration flows.









Section II of the decree provides special residence permits for victims of illegal labour exploitation and trafficking, allowing them access to assistance and social integration programs. These permits can be converted into work or study permits upon expiration.



The decree-law comes into effect immediately upon publication in the Official Gazette of the Italian Republic (or the following day). However, it must be presented to the Parliament for conversion into law and it may lose its effectiveness if Parliament does not convert it into law within 60 days of publication.



Section III of the Decree-Law covers asylum seekers applications while section IV outlines procedural provisions



NEW MEASURES FOR THE ENTRY TO ITALY OF FOREIGN WORKERS, ANTI-EXPLOITATION EFFORTS, AND MIGRATION MANAGEMENT



Decree law no. 145/2024 comes into force: new measures for the entry of foreign workers, anti-exploitation efforts, and migration management.



On October 11th, Decree Law No. 145/2024 came into effect following its publication in the Official Gazette.



The decree introduces urgent provisions regarding the entry of foreign workers into Italy, protection and assistance for victims of labour exploitation, management of migratory flows, and international protection.

This decree, which must be converted into law by December 10th, is made of three key parts:

I

The first section focuses on streamlining and improving the efficiency of entry procedures for foreign workers, introducing important changes to the application procedure.

II

The second section addresses issues related to illegal work and labor exploitation, seeking to enhance protections for those who have been victims of exploitation, including measures to ensure they receive appropriate support and legal assistance.

III

Section three introduces changes to the rules surrounding sea rescues and the identification of migrants. It also covers the procedures for repatriation or rejection of individuals whose entry into the country does not comply with legal requirements.

This article will focus on the first section of the decree, as it introduces important changes in the work immigration procedures.



CHANGES IN IMMIGRATION FOR WORK



Biometric data requirement for national visas:

As of January 11, 2025 national work visas applicants must submit biometric data, including fingerprints, during the application process. This aligns with the existing biometric requirements for Schengen visa applications.



Simplified visa denial process:

The prior obligation to issue a pre-denial notice under Article 10-bis of Law No. 241/1990 has been removed for visa refusals as well as to the refusal and revocation of residence permits determined by the revocation of the entry visa.



Permit Conversions no longer subject to the quota system:

The so-called "Cutro decree" (DL 20/2023, converted into Law 50/2023) had abolished the requirement that limited the conversion of residence permits issued for study and training purposes to the availability of a quota established by the flow decree. As a result, these permits can now be converted at any time of the year and without numerical limits. In line with these provisions, the new regulations eliminate the quota limits for the conversion of residence permits issued for seasonal work (Article 24 of Legislative Decree 286/1998 TUI), as well as for EU residence permits for long-term residents issued by another Member State of the European Union (Article 9-bis TUI).



Mandatory requirement for the employer to have a "digital domicile" and digitalization of the procedure related to the signing and sending of the contract of stay:

Employers are now required to provide a certified electronic mail address (PEC) for all official communications regarding visa applications and permits.



Digital signature required for contract of stay and integration agreement:

The contract of stay and the integration agreement will now be signed digitally directly between the parties, rather than at the Immigration Office (Sportello Unico per l'Immigrazione). Following this, the employer must submit the signed documents to the Immigration office.

Upon filing the work permit application, the employer must submit (among the other documents required) the “appropriate documentation regarding the accommodation arrangements for the foreign worker (signed with a qualified digital signature)” (it is unclear if only a housing suitability certificate – certificato di idoneità alloggiativa – will be accepted or if the employer can submit a digitally signed statement confirming a suitable accommodation will be provided on arrival for the worker) and the labour consultants attestation (asseverazione) digitally signed, as well as the digital email (PEC).

This change abolishes the obligation for the employer and the worker to go to the Immigration Office within eight days of the worker’s entry in Italy for the signing of the contract of stay. Instead, it is now required that within the eight-day period, both the employer and the worker sign the contract of stay digitally (through a qualified digital signature; however, the worker can also sign the contract in handwritten form). The employer must then promptly send the signed contract to the Immigration office for the necessary steps regarding the worker’s residence permit application.



The new procedure also apply to the procedures for issuing authorization for seasonal work, for entry for work in specific cases as outlined in Article 27 of the TUI, and for entry and residence for highly qualified workers as described in Article 27-
quater of the TUI (intra company, service agreement, Blue Card).

The work permit work may be revoked if the digitally signed contract of stay is not submitted within eight days, unless the delay is due to force majeure.



Employer confirmation before visa issuance required:

Employers are now obligated to confirm their effective interest regarding the work permit before the visa is issued. Specifically, employers must confirm the work permit application within seven days of being notified that the worker’s visa application has been examined.



If the employer fails to provide this confirmation, the authorization request is deemed rejected, and the work permit is revoked.

The new procedure will come into effect in January. In practice, once the work permit is approved, the Visa Information System that receives the worker's visa application will send a notification to the Immigration Office before processing it. This, in turn, will transmit a request to the employer via certified email (PEC) for confirmation of their interest in the work permit. If confirmation is not received within seven days, the authorization is revoked.



Work permit applications submitted by the employer that, in the previous three years, have not signed the contract of stay following a previous, similar work permit application will be rejected.

Shortened waiting period for labor market tests:

The response time for labor market availability checks has been reduced from 15 days to 8 days. If the Employment Center does not respond within 8 days further to the labour market test conducted by the employer, it is possible to proceed with the work permit application, thereby accelerating hiring procedures and reducing waiting times.



Flexibility for seasonal workers:

Seasonal workers are now allowed to secure new employment within 60 days after their previous contract ends without needing to leave Italy.

The new regulations introduce a time limit of sixty days from the end of the previous employment contract, within which a new seasonal job offer can be made, along with the consequent extension and renewal of the work authorization and residence permit.

In addition to the above the decree introduces a set of rules regarding the issuance of work permits under the quota system, as provided for in the Decree of the President of the Council of Ministers dated September 27, 2023 (setting the procedures and quotas for the years 2023-2025). These rules include:

Possibility to pre-fill work permit applications well before the “click day”:

Pre-filling of the forms will be possible from November 1, 2024, to November 30, 2024 (and, limited to the tourism sector for the click day on October 1, from July 1 to July 31). During this phase, employers are given the opportunity to select the work permit request template and fill in the fields so that the application is ready for submission on the designated click day. Timely submission of applications is crucial, as they are primarily processed in chronological order of arrival.

Authorities will conduct checks on the prefilled applications, on compliance with the National Collective Labor Agreement (CCNL) and on the number of applications submitted, taking into account the attestation (asseverazione) attached to the application.



10,000 quotas for workers in the assistance to elderly and disabled:

The decree provides for the entry of foreign workers, with a maximum limit of 10,000 quotas, to be employed in the sector of family and social-healthcare assistance, exclusively for elderly individuals (i.e., those over 80) or persons with disabilities.



Applications for this category of workers can be submitted only through employment agencies (APL) or employer associations that have signed the current National Collective Labor Agreement for the domestic sector.

It is to be noted that workers authorised under this procedure, during the first 12 months will only be allowed to engage in the authorized work activity, and any changes of employers are subject to prior authorization from the relevant Territorial Labor Inspectorates.

At the end of the twelve months, in case of an offer of another employment contract, a new work permit must be applied for, within quotas that should be established by subsequent flow decrees.



Maximum number of applications per applicant:

For the year 2025, individual employers may submit up to a maximum of three work permits applications under the established quotas. This limit does not apply to requests made through employer associations or labour consultants.

“Click days” and new quotas for 2025:

The entry quotas and click day dates for 2025 have already been established relevant Decree (DPCM September 27, 2023). In particular:



- From 9:00 AM on February 5, applications can be submitted for non-seasonal subordinate workers from countries with cooperation agreements with Italy.
- From 9:00 AM on February 7, applications can be submitted for other non-seasonal subordinate workers (including those in the family and social-healthcare assistance sector).
- From 9:00 AM on February 12, applications can be submitted for seasonal workers.

An additional date is added:

- From 9:00 AM on October 1, 2025, reserved for the tourism and hospitality sector

The decree also increases the quotas reserved for seasonal workers in 2025, from 93,550 to 110,000.




Measures to prevent irregularities in work permit applications for citizens of high-risk states:

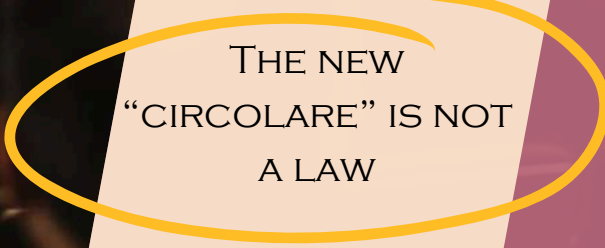



Finally, the decree introduces stricter controls for work applications from citizens of countries deemed high-risk (specifically Bangladesh, Pakistan, and Sri Lanka), eliminating the tacit consent procedure and requiring formal checks before the issuance of the work permit.



ITALIAN CITIZENSHIP BY
DESCENT: THE NEW
INTERPRETATION OF
THE MINOR CASE



The interpretation of the minor case is undergoing significant changes, but you should not lose hope.



THE NEW
“CIRCOLARE” IS NOT
A LAW

The new “circolare” issued last October 3rd, 2024 by the Italian Ministry of the Interior provides guidelines for public administration, but does not constitute a new law. As a result, the memorandum only affects applications submitted at consulates and Italian municipalities and it does not directly impact cases presented in Italian courts.

Judges are not bound by the ministerial memo or by previous decisions issued by other judges, including those from Court of Cassation, and they may still accept applications involving the minor issue.



When filing a lawsuit in an Italian court, it will be assigned to the court covering the jurisdiction of the municipality where your Italian ancestor was born, and one specific judge will decide how to interpret the “minor issue”. In this regard, our firm won several cases presenting the minor issue in Court of L’Aquila, Naples, Palermo (and others), even after negative rulings from Court of Cassation.


AN ALTERNATIVE PATH

As an alternative and valid path, you may check if you have a female Italian-born ancestor who never naturalized or naturalized when her child, the next descendant in line, was an adult, or naturalized involuntarily as an effect of her marriage with a foreign or naturalized spouse.

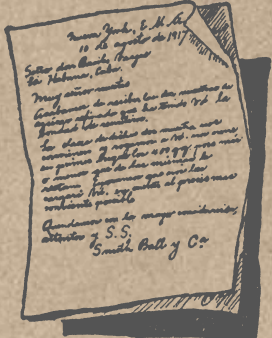
If this applies, you could pursue a “1948 case” through the Italian courts. The “1948 case” has a high likelihood of success!

In short, you should not panic about the new interpretation of the minor case, as you may have other valid routes for applying through the Italian courts.

Feel free to contact us at citizenship@mazzeschi.it for your Eligibility assessment and further information.

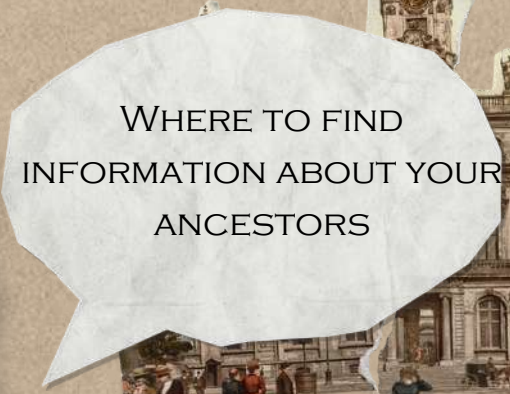


WANT TO APPLY FOR
ITALIAN CITIZENSHIP?
HOW TO TRACE YOUR
ITALIAN ANCESTORS


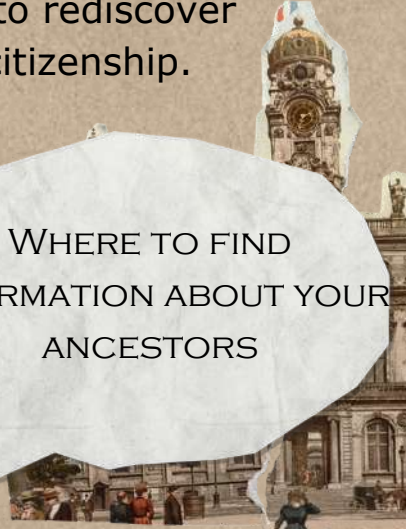


With more than 80 million individuals around the world potentially eligible for Italian citizenship, Italy stands out as a nation deeply linked to international emigration. This strong connection to Italian heritage presents a great opportunity for many to rediscover their roots and potentially to obtain citizenship.

To start your genealogical exploration, numerous resources can help you in tracing your Italian lineage, among them Ancestors Portal (cultura.gov.it), Archivi e Alberi Genealogici Gratuiti (familysearch.org), Ancestry® | Genealogia, alberi genealogici e documenti di storia della famiglia.



WHERE TO FIND
INFORMATION ABOUT YOUR
ANCESTORS



If you have an ancestor from the Trentino region, you can find valuable information in the online database provided by the Trentino regional government at NATI TRENINO with all data about the individuals born in the territory from the year 1815 to 1923. The database contains the names of more than 1,300,000 persons (20,951 family names).

To assist individuals with Italian ancestry in tracing their family histories, the Italian government has recently launched a project called ITALEA . The website offers a genealogy consultation to find out information about your family of origin.

AND ABROAD



In U.S.A., information about immigrants can be found in Immigration Records | National Archives while for those who have ancestors emigrated to UK, a useful website where you can obtain information for free is Immigration and immigrants – The National Archives. In Australia, you can consult Immigration and citizenship | naa.gov.au , in Canada Immigration records (canada.ca), in Brasil Consultar registros de entrada de estrangeiros do acervo do Arquivo Nacional (www.gov.br) and in Argentina CEMLA – Centro de Estudios Migratorios Latinoamericanos.

PATHWAYS TO
ITALIAN CITIZENSHIP
BY DESCENT (IURE
SANGUINIS)

IS THERE A
GENERATION LIMIT TO
OBTAIN CITIZENSHIP?

Any child born to an Italian parent is also an Italian citizen, no matter where the child is born. If you have an ancestor who was born in Italy, you might qualify for citizenship, considering several factors, including the birth dates and places of your parents, grandparents, or even great-grandparents, also noting that none of your ancestors should have renounced their Italian citizenship.

While there is no strict generational limit, it's important to know that Italy became a unified Kingdom on March 17, 1861. Consequently, the oldest ancestor from whom citizenship can be derived must have acquired Italian citizenship on or after this date. There are other key dates influencing eligibility, such as:

1912: If your ancestors naturalized before this year, citizenship cannot be passed down to future generations.

1948: Children born to an Italian mother prior to this date did not automatically acquire Italian citizenship. Those affected by "1948 cases" must pursue legal action in the Italian courts.

1992: Prior to this date, Italian law did not allow dual citizenship, leading to automatic loss of Italian citizenship if an individual became a citizen of another country.

ITALY'S
TERRITORY
CHANGED SINCE
1861

The city of Fiume (in Croatia) was annexed only in 1924. After WW2, Istria, Dalmatia and the city of Fiume were lost to the former Yugoslavia. Italy has also possessed for some time colonies, such as Eritrea and Somalia (1890-1945), Ethiopia (1936-1945) Lybia (1912-1945) and the island of Rhodes (1924-1943).

It is also important to know that since 1861, Italy has annexed, acquired and lost several part of its territory. Venetia was annexed in 1866. The Papal States (in central Italy) and Rome were annexed in 1870 (in fact between 1865 and 1871, the capital of Italy was Florence!). Trento and Trieste were annexed after WW1, together with the cities of Pola (Istria) and Zara (Dalmatia).



PERCENTAGE OF ALCOHOL (GROSS)

BENEFITS OF ITALIAN
CITIZENSHIP

- ➔ No tax obligations unless you take residency in Italy
- ➔ Right to settle and work in Italy and all European Union countries
- ➔ Fast track lines when you enter the European Union
- ➔ If you choose to reside in Italy, you can register with the Health National System (HNS)
- ➔ HNS Registration in Italy allows the right to emergency healthcare in all EU countries
- ➔ Right to pass on automatically citizenship to any of your children under the age of 18
- ➔ Right to vote for Italian and European Parliament elections
- ➔ Consular protection from the embassy of any other EU country in a country outside the EU

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