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# MAZZESCHI

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NEWS

CURIOSITIES

TIPS

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# Mobility rights of third country nationals in the European Union



A single permit that allows a non-EU national to work in all EU Member States does not exist. Each Member State has its own national provisions for work visas and stays exceeding 90 days. However, there are some EU Regulations (i.e., Schengen Borders Code, Schengen Visa Code) and Directives that grant some rights of movement, under certain conditions, to non-EU nationals settled in one EU Member State.

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## Stays up to 90 days in any 180-day period

Non-EU nationals (third-country nationals, TCNs) who hold a valid residence permit or visa in one Schengen State have the right to move freely within the Schengen area for business or tourism, but stays cannot exceed 90 days in any 180-day period. However, working activities are regulated by specific provisions of each Schengen country, and therefore, it is necessary to check local regulations if a TCN wants to work in a different country, even for short periods.

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# Long-Term Residents in Another Member State

The right to stay for more than three months, work, and eventually obtain permanent residency in another EU country is subject to specific conditions and provisions set forth in national legislation. However, there are common provisions as a consequence of several EU Directives that contain mobility provisions for TCNs and their families.

A photograph of a wooden gavel resting on a stack of three books. To the left, a pair of brass scales of justice sits on an open book. The scene is set on a wooden surface against a dark, warm-toned background.

Under Directive 2003/109, TCNs who hold a “long-term resident’s EC residence permit” in one EU Member State have the right to reside for more than three months in a second Member State to exercise an economic activity, pursue studies, or for any other purpose, provided certain conditions are met.

A TCN holding such a permit in another Member State can apply for a residence permit in another Member State without applying for a new visa. Under certain conditions, this right also extends to their family members.

Directive 2003/109 provides Member States with greater discretion to apply additional measures when granting the right of residence. These discretionary areas include the possibility of applying a labor market test, imposing quotas, requiring proof of “appropriate accommodation,” compliance with integration measures, and evidence of stable and regular financial resources along with sickness insurance.

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# Highly Qualified Workers: EU Blue Card Holders

Directive 2009/50/EC, which has been repealed by Directive (EU) 2021/1883, sets out the conditions of entry and residence of TCNs for the purpose of highly qualified employment (i.e., EU Blue Card holders) and their family members for stays of more than three months in the territory of an EU Member State. Denmark and Ireland are not bound by this Directive.

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The main requirements to obtain a Blue Card permit, according to Article 5 of the Directive, are:

A valid work contract or a binding job offer for highly qualified employment for at least six months in the concerned Member State. The salary threshold shall be at least 1.0 times but not higher than 1.6 times the average gross annual salary in the Member State. (A lower salary threshold—at least 80% of the required threshold—may apply to certain professions experiencing a labor shortage, provided it does not fall below the national average gross annual salary.)

For regulated professions: Documents proving the worker meets the legal requirements of the country.

For unregulated professions: Documents proving the worker has the relevant higher professional qualifications. This can be evidenced by:

- a) A higher education qualification (a diploma from a post-secondary higher education program of at least three years).
- b) At least five years of professional experience (or three years within the last seven years for ICT professionals) equivalent to a higher education degree.

# Short-Term and Long-Term Mobility Under the EU Blue Card Scheme



## Short-Term Mobility:

Blue Card holders from a Member State that fully applies the Schengen acquis can stay in other Schengen countries for business activities for up to 90 days within any 180-day period without additional authorization. If the Blue Card was issued by a Member State that does not fully apply the Schengen acquis, entry is still possible with a valid travel document and Blue Card. If crossing an internal border where controls exist, proof of business purposes may be required, but additional authorization cannot be requested.



## Long-Term Mobility:

Blue Card holders can move to another Member State after legally residing in a first Member State for at least 12 months. However, all conditions in Article 5 must be reassessed in the second Member State. The right to mobility is also restricted to employment with a specific employer.

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## Intra-Company Transfers



Directive 2014/66 sets forth the conditions for TCNs entering and residing in the EU for intra-company transfers. This aims to facilitate the temporary assignment of highly skilled employees and trainees within multinational companies while ensuring fair competition and avoiding worker exploitation.

## The Directive's key goals include:

Facilitating intra-corporate transfers for managers, specialists, and trainees.

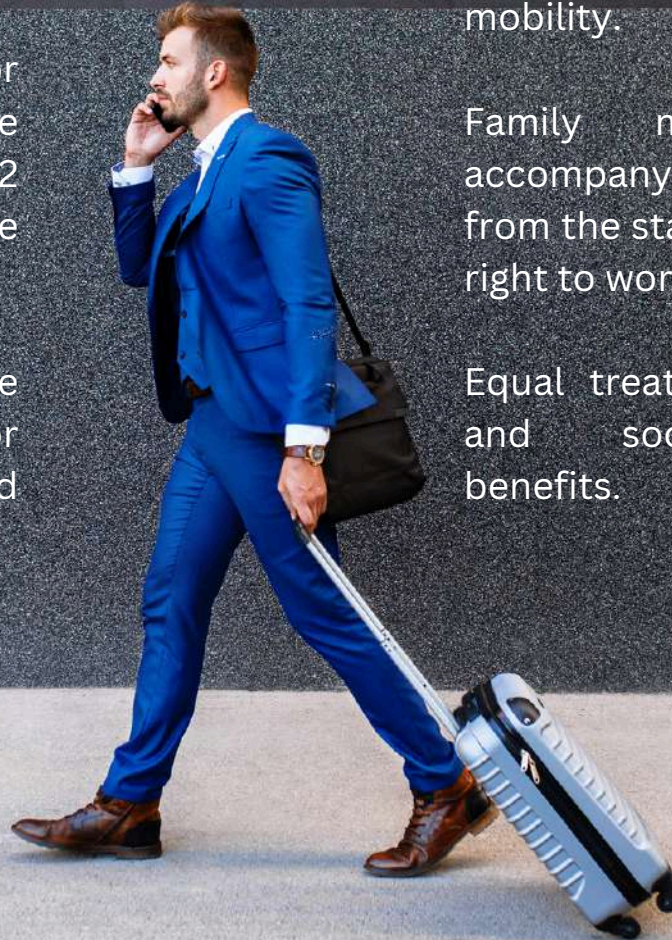
Eligibility requires prior employment with the company for at least 3–12 consecutive months before the transfer.

Permits are limited to three years for managers/specialists and one year for trainees.

Exemption from Schengen visa obligations, allowing short-term and long-term mobility.

Family members can accompany the transferee from the start and have the right to work.

Equal treatment in salary and social security benefits.



## Posted Workers (Van der Elst Ruling)

A “posted worker” is an employee sent by their employer to provide a service in another EU Member State temporarily. The Van der Elst ruling (ECJ, 1994) established that Member States cannot impose additional work permits or administrative formalities on non-EU posted workers legally employed by an EU-based service provider.



However, Member States may still require compliance with minimum wage, working conditions, and social security regulations. The worker must:

- Have legal residence in the first Member State.
- Be employed under a valid contract in that country.
- Undertake the same type of work in the second country.
- Return to the first country after the posting ends.



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## Researchers & Students

Directive 2016/801 governs the entry and residence of non-EU researchers, students, and trainees. Researchers staying under three months in another Member State can work based on an existing hosting agreement from the first country. For stays exceeding three months, the second Member State may require a new agreement, subject to similar conditions met in the first country.

The Directive also covers: Training, voluntary service, pupil exchange schemes, educational projects, and au pair activities.





# Traveling with an expired Residence Permit and Renewal Receipt in Italy



- Traveling with an expired Residence Permit and Renewal Receipt in Italy: For individuals whose residence permit (permesso di soggiorno) is expired, and it is in the renewal process, the receipt issued by Poste Italiane during its validity period (postal receipts are now valid 9 months from application) serves as a valid document for leaving and re-entering Italy. However, it is advisable to check with your airline regarding their specific policy on this matter. From Italy's perspective, there are no restrictions on re-entry with the postal receipt.

This right was established by a directive from the Ministry of the Interior on August 5, 2006, and further clarified by a circular on August 9, 2006. Additional provisions have been outlined in subsequent circulars.



## Key Circulars on Traveling with a Residence Permit Renewal Receipt



Circular of June 16, 2007: This confirmed that legally residing foreign nationals could temporarily leave Italy and re-enter even if they hold the Poste Italiane receipt (which proves that the renewal application has been submitted).

Circular of June 27, 2007: This addressed minors under 14 years old who were registered on their parent's residence permit. At that time, they did not have their own permit but only an "allegato minori" (minor's attachment). Upon specific request, the Questura (police headquarters) would issue a temporary paper residence permit for the parent, listing the minor, to allow them to travel. Currently, minors under 14 receive an individual permit, but since the postal receipt remains under the parent's name, it may be advisable to check with the Questura regarding temporary permit issuance.

Circular of March 11, 2009: This clarified that individuals awaiting residence permit renewal could re-enter Italy through a different border checkpoint than the one they exited from.

## Conditions for Traveling with a Poste Italiane Receipt

To exit and re-enter Italy under these circumstances, you must respect the following conditions:

- You must not transit through any Schengen Area countries, even for a layover.
- You must carry the original expired residence permit for which the renewal was requested.
- You must bring the original Poste Italiane receipt, proving the submission of your renewal or first-time permit application.

Since airline policies may vary, it is recommended to confirm with your airline before traveling to avoid any issues at boarding.

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How to Enter Italy to Work  
as a Translator or  
Interpreter?

According to Article 27, Paragraph 1 letter d) of Italian Immigration Law, translators and interpreters are among the categories of workers who can enter Italy without being subject to the Decreto Flussi entry quotas. This applies both to translators and interpreters wishing to work in Italy, either as employees or self-employed professionals.

## Steps to Obtain Authorization as an employee



An Italian employer who wants to hire a translator or interpreter residing abroad must follow these steps:

Submit a request for authorization via the Ministry of the Interior's online portal



Specify the candidate's professional qualifications and relevant language certifications as well as job offer proposal and attach the required documents



Once the work authorization (Nulla Osta) is issued, the system will notify the relevant consulate or embassy in the worker's home country for the work visa issuance.

Wait for approval by the Immigration office, which will check:

Possible objections from the Police Headquarters;  
The employer's financial and employment capacity, as verified by the Labor Inspectorate.



The worker must obtain the visa within 120 days and enter Italy.



Within 8 days of arrival, the worker and the employer must sign the contract of stay (Contratto di soggiorno). The worker must also sign the integration agreement and apply for a residence permit.



## Can a Part-Time Contract Be Used?



No, the employment contract for a translator or interpreter must be over 20 hours per week.

## Required Qualifications to Work in Italy



The worker must have a diploma or professional certificate as a translator or interpreter for the required languages, issued by a school, a public institution, or an equivalent accredited institute, in accordance with the laws of the issuing country. The document must be properly certified by the relevant diplomatic or consular authorities after verifying that the foreign institution is authorized to issue such credentials

## Residence Permit Duration



The residence permit has the same duration of the work contract offered, up to a maximum of two years. It can be renewed for another two years.

## Is Self-Employment Possible?



Yes, a translator or interpreter can also move to Italy to carry out a self-employment without being subject to the Decreto Flussi entry quotas . However, they must:

Prove their professional qualifications – as stated above

Provide a self employment contract with an individual/firm in Italy and a statement from the Labor Inspectorate, confirming that their work contract does not constitute a subordinate employment relationship;

Obtain a police clearance

Apply for a self-employment visa at the Italian embassy or consulate, within 90 days from obtaining the police clearance

## Changing Employers: Is It Possible?



Yes, a worker can change employers, provided that the new job falls within the same profession and field as the original employment.

## Can the Residence Permit Be Converted?



No, a residence permit issued for translators and interpreters cannot be converted into a different type of permit or used for unauthorized employment.

# Additional Government charges to limit citizenship applications

Italian Town Halls are introducing new fees for the issuance of civil status certificates

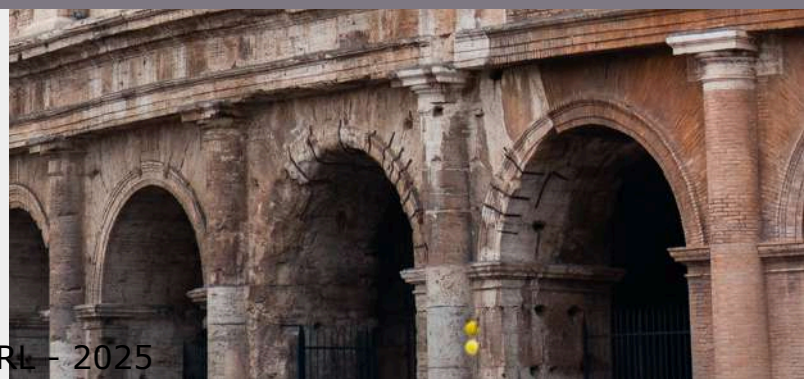
Several Italian Town Halls are gradually introducing new fees for applications related to the recognition of Italian citizenship by descent and the issuance of civil status certificates for records older than 100 years (which are required to be submitted along with the applications).



Under Article 639 of the 2025 Budget Law, Town Halls can charge up to 600 euros for citizenship by descent applications and up to 300 euros for civil status certificates. If the certificate request includes precise details such as the year of the event and the name of the person it pertains to, the fee may be reduced.

At least 22 Town Halls in the Veneto region have already started applying the new fee structure. As explicitly noted by several mayors, these fees are intended to discourage applicants seeking Italian citizenship by descent. This move comes in response to the large number of citizenship requests, particularly from South America, which Veneto's local authorities receive annually, due to the region's history of emigration.

Applicants are advised to visit the official website of their respective Town Halls to verify the updated fees and plan accordingly for any associated charges.



# Disability Pension: a Valid Income for Citizenship by Residency Requirements



In a landmark ruling, the Italian Council of State (Sect. III, January 27th, 2025, No. 599) declared it unconstitutional and discriminatory to exclude disability benefits from the income assessment for residency-based citizenship applications.



The case involved a disabled individual whose citizenship application was rejected because her disability pension and allowance were disregarded as income, without due consideration of her specific circumstances.

This decision challenges the standard approach in evaluating income when granting Italian citizenship. Under the current system, income is usually assessed to determine eligibility for residence-based citizenship.

However, the Public Administration (PA) had excluded the disability pension and accompanying allowance from the applicant's total income, arguing that these were state-provided benefits that should not count towards the citizenship requirement. The Council of State overturned this decision, finding that the approach was not only legally flawed but also discriminatory against individuals with disabilities.



The Court emphasized that the Public Administration should have taken into account factors other than the nature of the income, such as the onset of the disability, cohabitation with family and the absence of dependents. By failing to do so, the PA denied citizenship solely on the basis of disability, in violation of constitutional rights.



This ruling clarifies that disability pensions should not be treated in the same way as other public benefits, as they are essential to an individual's livelihood and distinct from income from employment. It signals a shift towards a more individualized and empathetic approach to assess applications for citizenship.

For individuals with disabilities, this decision is a significant step towards a more inclusive and fair application of citizenship laws, ensuring that personal circumstances, not just financial criteria, will determine access to citizenship in the future.



The logo consists of the word "MAZZESCHI" in white, uppercase, sans-serif font, centered within a solid black square.

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Contact information

Mazzeschi SRL  
[www.mazzeschi.it](http://www.mazzeschi.it)  
[info@mazzeschi.it](mailto:info@mazzeschi.it)

Writers & Editors

Marco Mazzeschi  
Giuditta Petreni  
Yuu Shibata  
Chiara Faggioli  
Giuditta De Ricco  
Daniele Sergio Ranno  
Irene Lauretta