



•ALERT•

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Latest news on italian immigration

**From the Cutro Decree to the new EU Blue Card:
here are all the updates**

During the last weeks, over the summer period, some changes and updates occurred in the field of Italian immigration law which in fact, mainly have been introduced by the so-called "*Cutro*" Decree (Decree-Law no. 23 of 20 March, converted into Law no. 50 of 5 May 2023) and the so-called "*PA bis*" Decree (Decree-Law no. 75 of 22 June 2023, converted into Law no. 112 of 16 August 2023).

HIRING BEFORE SIGNING THE CONTRACT OF STAY

The Cutro Decree introduced an important novelty with regard to work permits according to which foreigner who has entered Italy following the issuance of a work authorization (*nulla osta*) for work reasons may start work even if they have not yet signed the contract of stay at the local Immigration Office. This applies to both *intra*- and *extra*-quota entries (i.e. EU Blue Cards, ICT, etc.) and also in those cases where there is no *nulla osta* under a Memorandum of Understanding between the Ministry of the Interior and the Ministry of Labour and Social Policies.

CONVERSION OF THE STUDY PERMITS

The same Cutro Decree established that the conversion of the residence permit for study purposes can now take place outside the quota system, without any numerical restriction, and even before the completion of the course of study in Italy, also if the course of study was not completed in Italy but elsewhere.



THE NEW POSSIBILITY OF "EXTRA-QUOTA" ENTRY

The PA bis Decree introduced, by adding the letter "*i-bis*" to paragraph 1 of Art. 27 of Legislative Decree 286/1998, a new work and residence permit addressed to workers from non-EU countries who have already gained work experience (of at least 12 months in the last 4 years) with Italian companies or companies affiliated to Italian entities abroad, so that they can extend their work activity in Italy. We are still waiting for practical instructions on how this new residence and work permit will work, but it certainly represents a new opportunity to have foreign workers perform their activities in Italy.

THE (FUTURE?) NEW EU BLUE CARD

In the implementation process of the EU Directive 2021/1883, the Italian Council of Ministers approved, on last July 17, 2023, a draft of a legislative decree, still to be submitted for parliamentary opinion, which aims to simplify and make more attractive the conditions of entry and residence of third-country nationals wishing to perform highly qualified jobs. Practically, this legislative decree transposes the EU amendments to the Blue Card regulations, in particular:

- at least a two-year superior formation, instead of three years, and a different benchmark for the professional

qualification - the first 5 levels of the National Qualification Framework (Legislative Decree 13/2013) instead of the first 3 categories of the ISTAT classification;

- more applicants will be able to access the EU Blue Card because it will be possible to consider the expertise gathered in each sector by working instead of the University degree possessed;
- family members of UE citizens will be able to apply for the EU Blue Card;
- minimum contract duration lowered to 6 months instead of 12;
- possibility to convert the EU Blue Card into subordinate work, autonomous work, or study residence permits.

LCA Corporate Immigration Team is available for further clarification on the above-mentioned matters and will keep you updated on the latest novelties of Italian Immigration Law.

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