



•ALERT•

6 NOVEMBER 2023

Approved the text of the Decree on the "new" EU Blue Card

At the end of the parliamentary process, last October 16th the government approved the text of the decree amending Art. 27 quater of Legislative Decree 286/1998, implementing Directive (EU) 2021/1883 regarding entry rules for highly skilled non-EU workers.

With the publication in the Official Gazette No. 256 of November 2, 2023, of Legislative Decree No. 152 of October 18th, 2023, the text of Article 27 quater of Legislative Decree 286/98 (Italian Immigration Law) was officially amended to incorporate the objectives of broadening the scope of legitimates and simplifying procedures outlined by the European Union in Directive (EU) 2021/1883.

The changes that this decree made concern:

- Legitimates to accede to it:
 - ◇ the reference classification will no longer be the first 3 ISTAT levels, but rather the first 5 levels of the National Qualification Framework ex Legislative Decree 13/2013 (published in Official Gazette No. 20 of 2018);
 - ◇ those who demonstrate experience in the relevant sector will also be eligible if they prove, respectively: 5 years of professional experience at a level comparable to a tertiary education qualification or 3 years of professional experience gained in the 7 years preceding the application for managers and specialists in the field of information and communication technologies;
 - ◇ it will then also be possible to access the Blue Card for international protection holders, residents on secondment under Article 27 quinquies, and non-EU



family members of EU citizens exercising their right of movement.

- The minimum duration of the employment relationship and the minimum wage:
 - ◇ the employment relationship is reduced from 12 months to 6 months and the period during which the worker is obliged to perform the same type of activity is reduced from 24 months to 12 months;
 - ◇ the minimum wage is changed from three times the amount for health care exemption to an "amount not less than that of the collective bargaining agreements applied by the most representative labour organizations."
- It is also stipulated that:
 - ◇ Blue Card holders may carry out self-employment activities parallel to the subordinate activity under which the Blue Card was obtained;
 - ◇ Blue Card holders issued by another EU state will be able to move to Italy and obtain the Italian Blue Card after 12 (and no longer 18) months of regular stay in the previous EU state, in addition to other entry facilities for Blue Card holders issued by other EU states;
 - ◇ if the conditions for family reunification are met and the complete applications submitted at the same time, the family member's residence permit is issued

at the same time as the EU Blue Card;

- ◇ the employer will no longer be required to check with the territorially competent Employment Centers the availability of a worker present in the national territory; and
- ◇ the procedures for seeking and hiring employment in case of unemployment are simplified.

The "New" EU Blue Card will come into effect as of November 17th, 2023. Information on the requirements and procedures needed to obtain an EU Blue Card will then be published on the respective institutional websites of the Ministry of Labor and Social Policy, the Ministry of the Interior, and the Ministry of Foreign Affairs and International Cooperation.

LCA's Immigration team is available for further clarification on the above issues and will keep you updated on the latest changes in Italian immigration law.

CONTACTS

Team Immigration

immigration@lcalex.it



LCA STUDIO LEGALE

www.lcalex.it
info@lcalex.it

MILAN

Via della Moscova 18
20121 Milano
T +39 02 7788751

ROME

Piazza del Popolo 18
00187 Roma
T +39 06 340091

GENOA

Via XX Settembre 31/6
16121 Genova
T +39 010 5956039

TREVISO

Via Sile 41
31056 Roncade (TV)
T +39 0422 789511

BRUSSELS

Place Poelaert 6
1000 Bruxelles
T +32 2 3154000

DUBAI

IAA Middle East Legal Consultants LLP
Liberty House, Office 514, DIFC
T +971 4 3860090