



•ALERT•

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Published the implementing circular for the new EU Blue Card!

On March 28th, 2024, the joint circular signed by the Ministries of the Interior and Labor and Social Policies was published, which contains the procedural guidelines necessary to implement the changes made to Article 27quater of Legislative Decree 286/1998 (the so-called "EU Blue Card") in order to promote a more attractive and effective regime for the entry of highly skilled workers from third countries.

Last October 18th, with Legislative Decree 152/2023, the Italian government had implemented EU Directive 2021/1883 on entry and working conditions for highly skilled workers, which, by going to repeal the old directive establishing the "EU Blue Card", expands the potential pool of users.

Among the various changes made to Article 27quater of the Consolidated Immigration Act, in fact, the most notable change was to the requirements a worker must meet in order to receive the Blue Card, particularly from the standpoint of personal qualifications. Originally, a university degree obtained after a course of at least three years' duration was required (in addition, of course, to the possession of the special requirements necessary in the case of regulated professions).

Now, the text of Article 27quater allows access to the Blue Card to workers who do not hold a degree, but who are able to demonstrate, alternatively:

- "a higher professional qualification attested by at least five years of professional experience of a level comparable to tertiary level higher education qualifications relevant to the profession or field specified in the employment contract or binding offer;
- a higher professional qualification attested by at least three years of relevant professional experience, acquired within the seven years preceding the submission of the application for the EU Blue Card, in respect of managers and specialists in the field of information and communication technology as referred to in ISCO-08 Classification No. 133 and No. 25"
(Art. 27quater, para. 1(c) and (d), Legislative Decree 286/1998).



The most recent implementing circular informs the authorities what documentation to request in order to assess whether the foreign worker has actually gained the required experience and can therefore receive the *nulla osta* to entry and work, and thus visa and residence permit under Art. 27quater "(New) EU Blue Card."

Specifically, the circular instructs the Single Immigration Desks to request, as proof of such accrued experience, a statement from the employer applying for the EU Blue Card, accompanied by employment contract(s) and/or pay stubs (with the optional addition of letter of experience drafted by the foreign employer) relating to the period of work performed that demonstrates the specific sector of activity in which the worker was employed and the duration of professional experience, of at least five years in the sector for which the EU Blue Card application is being made (or three years in the previous seven for the information and communication technology sector).

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

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