

MAZZESCHI

ITALIAN IMMIGRATION & CITIZENSHIP

JULY 2022 | VOL. 16

NEWS, UPDATES AND CURIOSITIES ON ITALIAN
IMMIGRATION AND CITIZENSHIP

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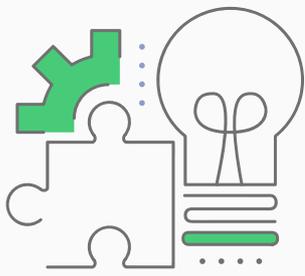
ITALIAN CITIZENSHIP

- Italy changes the territorial jurisdiction for the lawsuits regarding Italian citizenship of people residing abroad

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A woman wearing a green t-shirt, white overalls, and black boots stands in a greenhouse, holding a clipboard and looking towards the camera. The greenhouse is filled with rows of green plants.

WORKING IN ITALY:
A FASTER IMMIGRATION
PROCEDURE (FOR
LIMITED CATEGORIES
OF WORK PERMITS)
HAS BEEN
INTRODUCED



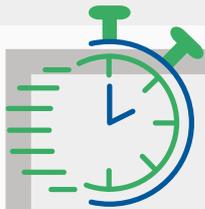
The procedure for getting work permit clearance (In Italian: Nulla Osta) for non-EU citizens in relation to the application for subordinate work under the 2021 and 2022 Decreto Flussi (to be soon announced) has been officially simplified.

This measure has been introduced by the government as Italy is facing a shortage of manpower in many production sectors (manufacturing, agriculture, catering, etc.).



Yet, it must be clear that the simplification measure **does not apply to all types of work permits**. More specifically, this procedure will apply to the work permit application of subordinate work submitted under the Decreto Flussi of 2021 and 2022. It does not apply to intra-company permits, Blue Card permit and other permits for special categories of workers set forth under art. 27 Immigration Law (journalists, nurses, translators, researchers, etc.)

Details of the simplification procedure:



TIMING

- 1) The work permit (Nulla Osta) shall be issued within 30 days, instead of 60 days.
- 2) The visa shall be issued within 20 days from the day of its request.



REQUIREMENTS TO START WORKING IN ITALY:

The Nulla Osta issued under the conditions specified above, shall be considered as an authorization to

carry out the work activity on the national territory even without prior:

- 1) signing of the contract of stay
- 2) request for a residence permit for work reasons.

Please note that this does not mean that the signing of the contract of stay and the request for a residence permit are not required. The simplification procedure allows the foreigner to start working before carrying out these formalities, but they shall be completed in the manner requested by the Italian authorities. Furthermore, in case the Italian authorities later find out that the foreigner does not comply with all the requirements, such nulla osta, visa, etc., can be revoked.



ITALY: DECREE
WITH ADDITIONAL
IMMIGRATION
QUOTAS TO BE
APPROVED SOON

The Italian minister of internal affairs has announced that a new “decreto flussi” will be published soon, with a planned amount of 75.000 quotas for work. There’s a lack of staff in specific sectors of activities, the Ministry of internal affairs said.

The decree is expected not only to increase the quotas in the unskilled work sector (highly skilled workers are exempt from obtaining quotas so are not impacted by the decree) but also to make available new quotas for conversion from study to work and self-employment, including the startup visas.

Further information will be published as soon as available. If you want to receive our latest alerts, you can subscribe to our newsletter <http://eepurl.com/b9V5IH>



ITALY:
VISA FOR SEAFARERS

Italian Immigration rules for the request of work permits and/or visas are not simple and the situation for some specific sectors can be troublesome as the legislation does not provide a specific type of work permits that applies to their cases. The approval of this new rule is expected to help the immigration process of seafarers.



Italy has introduced a new visa for seafarers (yacht crew), which does not require to apply for a work permit.

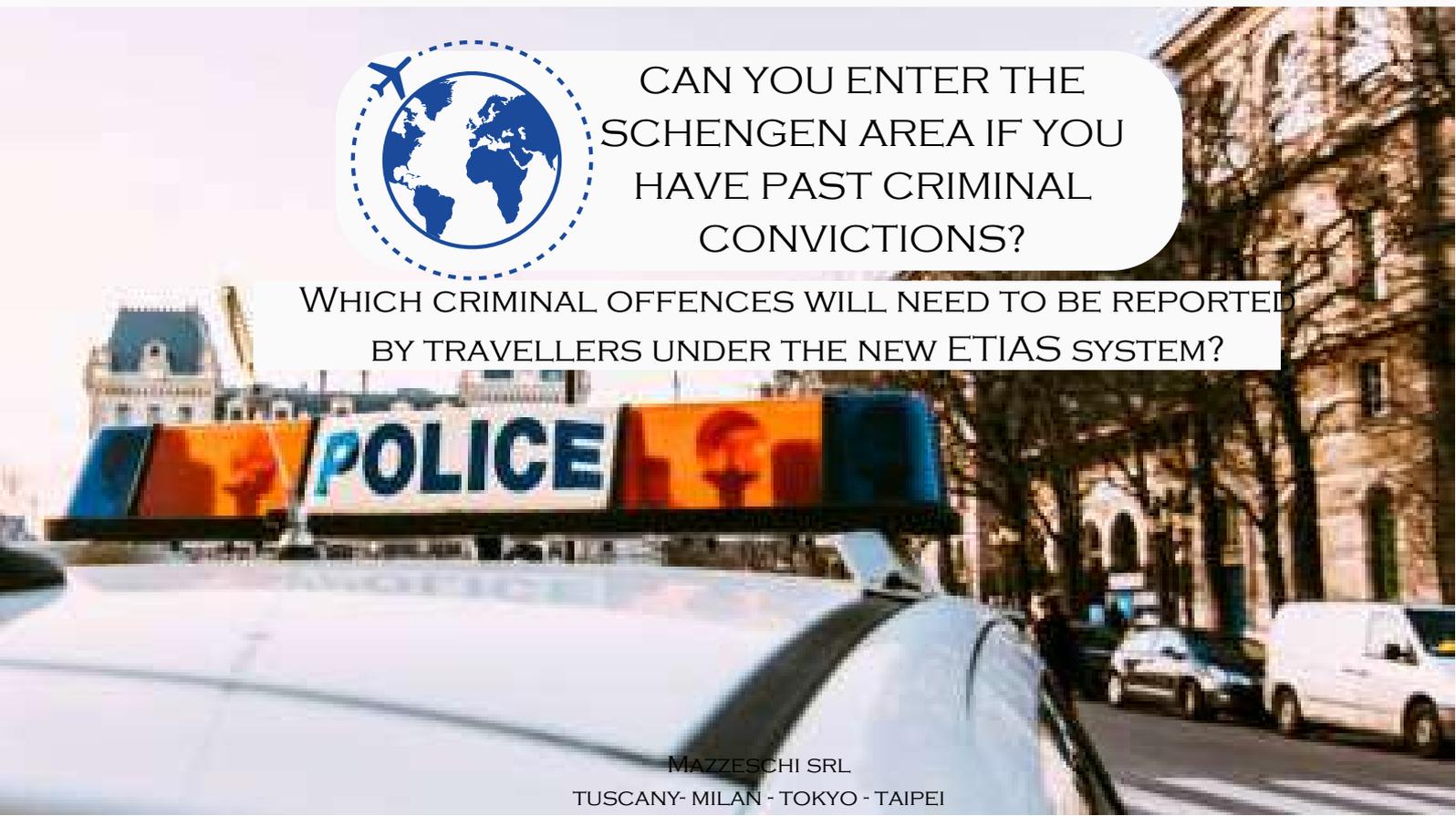
The details of visa for seafers are as follows:

- Seafarers will be able to apply for this visa directly at the Italian Consulate.
- The visa is for seafarers/crew members who need to embark in EU or non-EU flagged vessels based in Italian harbours.



CAN YOU ENTER THE
SCHENGEN AREA IF YOU
HAVE PAST CRIMINAL
CONVICTIONS?

WHICH CRIMINAL OFFENCES WILL NEED TO BE REPORTED
BY TRAVELLERS UNDER THE NEW ETIAS SYSTEM?

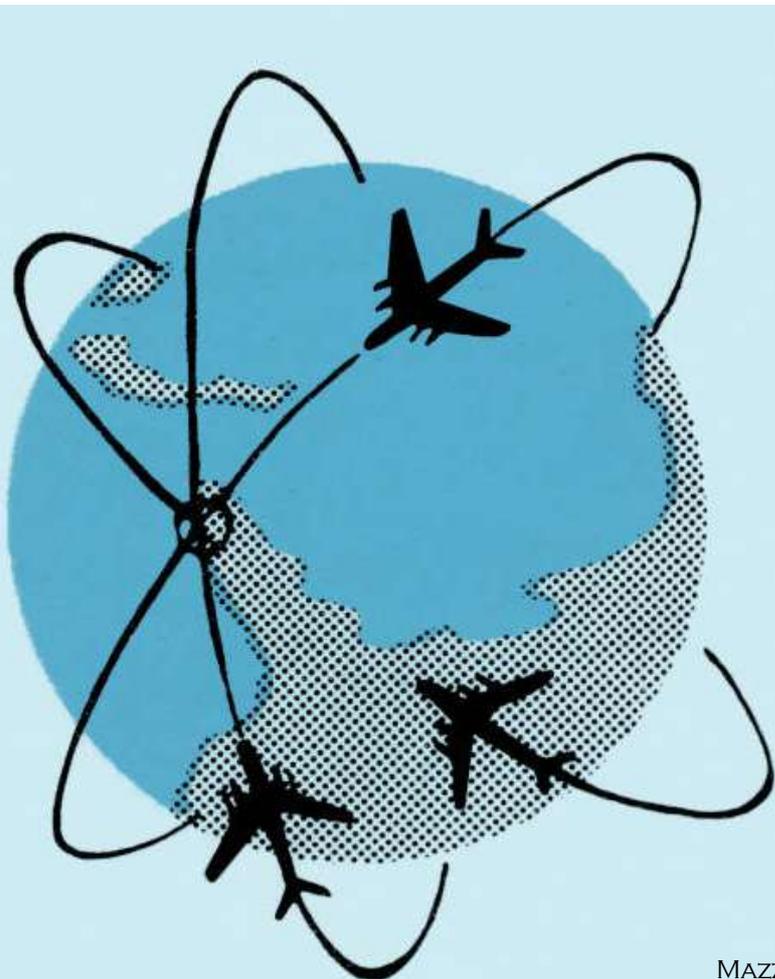


ENTERING SCHENGEN AREA

According to the Schengen Rules (I) entrance to non EU nationals can be denied to those who:

“are considered to be a threat to public policy, national security or the international relations of any of the Contracting Parties and in particular where no alert has been issued in Member States’ national data bases and in the Schengen Information System (SIS) (II) for the purposes of refusing entry on the same grounds.”

Each Schengen country has also its own rules, conditions and requirements regarding the conditions for allowing entry to non EU nationals.



JANUARY 1, 2023: WHAT WILL CHANGE?

If everything goes as planned, starting from 2023 (*the exact date has not been announced yet*), non-EU nationals who do not need a visa to travel to the Schengen area will have to apply for a travel authorisation through the **ETIAS System** to their trip.

ETIAS stands for European Travel Information and Authorisation System (III).

The system aims to carry out pre-travel screening for security and migration risks of visa-exempt visitors and it will be a mandatory pre-condition for entry to the Schengen States.

ETIAS: WHAT IT IS AND HOW IT WORKS?

Applicant will file an online application form and the system will:

- (a) issue a travel authorisation within minutes; or
- (b) in limited cases, where further checks on the traveller are needed, the issuing of the travel authorisation could take up to 30 days. (IV)

WHAT INFORMATION MUST BE PROVIDED IN THE ETIAS APPLICATION?

Examples of data requested:

- Personal data Travel document (passport or equivalent document)
- Member State of first-intended stay

- Background questions relating to previous criminal records, presence in conflict zones, orders to leave the territory of a Member State or third countries, return decisions issued.
- If the application is submitted by a person other than of the applicant, identity of the person or company that he or she represents.



WHAT CRIMINAL OFFENCES AN APPLICANT MUST REPORT?

The applicant shall report any criminal offence listed over the previous 10 years and in the case of terrorist offences, over the previous 20 years, and if so when and in which country.

LIST OF OFFENCES

'Serious criminal offence' means an offence which corresponds or is equivalent to one of the offences referred to in, if it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years; (V)

(1) participation in a criminal organisation (2) terrorism, (3) trafficking in human beings, (4) sexual exploitation of children and child pornography (5) illicit trafficking in narcotic drugs and psychotropic substances (6) illicit trafficking in weapons, munitions and explosives,

(7) corruption, (8) fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests, (9) laundering of the proceeds of crime (10) counterfeiting currency, including of the euro (11) computer-related crime (12) environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties (13) facilitation of unauthorised entry and residence (14) murder, grievous bodily injury (15) illicit trade in human organs and tissue

(16) kidnapping, illegal restraint and hostage-taking (17) racism and xenophobia (18) organised or armed robbery (19) illicit trafficking in cultural goods, including antiques and works of art (20) swindling (21) racketeering and extortion (22) counterfeiting and piracy of products (23) forgery of administrative documents and trafficking therein (25) forgery of means of payment (26) illicit trafficking in hormonal substances and other growth promoters (27) illicit trafficking in nuclear or radioactive materials (28) trafficking in stolen vehicles (29) rape (30) arson (31) crimes within the jurisdiction of the International Criminal Court (32) unlawful seizure of aircraft/ships (33) sabotage.

WHICH DATABASES SHALL BE CROSS-CHECKED TO VERIFY THE APPLICANT'S STATUS?

- (1) the existing EU information systems
- (2) the Schengen Information System (SIS)
- (3) the Visa Information System (VIS)
- (4) Europol data
- (5) the Eurodac database (once the Eurodac recast is in place)
- (6) the Entry/Exit System (EES)
- (7) the Interpol Stolen and Lost Travel Document database (SLTD)
- (8) the Interpol Travel Documents Associated with Notices database (TDAWN)
- (9) a dedicated ETIAS watch list and specific risk indicators



WHAT HAPPENS IF A PERSON HAS BEEN REFUSED TRAVEL AUTHORISATION FROM ETIAS?

If the travel authorisation is refused, the applicant retains **the right of appeal**. Appeals can be launched in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.

The applicant will be informed which national authority is responsible for the processing and decision on his or her travel authorisation, as well as information regarding the procedure to be followed in the event of an appeal. If the traveller considers their treatment to have been unfair, he/she is also given the right to seek redress or request access to the information through the national authority

TIPS

FOR REFURBISHING

YOUR SECOND HOME IN ITALY



If you cannot hire a general contractor, what can you do to avoid delays, misunderstandings, and disputes with the various suppliers?



Small firms and artisans in Italy are not used to signing a proper contract for any works. Most of them will send you a "preventivo" (list of the works and budget of costs) and they will ask you to agree (in some cases even without a formal signature). They will start working on the project upon receiving the initial deposit (anticipo) but all other terms and specifications are omitted and this often gives rise the unpleasant discussions.

Since it will be almost impossible to have them sign a proper contract, it is advisable to check whether at least ask and make sure that the "preventivo" includes:

TIME AND SCHEDULE



If the time is of the essence: ask to specify the deadline for completion of the works and if time is of the essence, make clear in the document that you will have the right to suspend any payment in the event agreed deadlines are not met. The best would be to provide for a penalty for each day/week/month of delay, but it is generally difficult that small artisans to accept it.



TECHNICAL REQUIREMENTS



AVOID CONFLICT OF INTERESTS



Make sure that the preventivo lists the technical requirements and quality specifications. It is generally advisable to ask the assistance of an independent architect or geometra;

Make sure that the architect/geometra does not have any conflict of interests: in many cases, architects/geometra tend to refer each other to the contractor and this does not help them to provide an independent advice. The best would be that you choose your own local technician that you should act as supervisor of the works and report of their status and inform you if there are any issues:

PAYMENT TERMS



You will be asked to pay an initial deposit but you should subject the payment of other installments to the completion of specific targets/works and specify that you will have the right to put the payment on hold if targets are not met.

TESTING CERTIFICATE



When the works are completed, you should ask your supervisor to make testing - in contradiction with the contractor - to confirm that all works have been completed pursuant to the agreed technical and quality specifications;



CERTIFICATE OF COMPLIANCE



Upon completion of any works and before making the final payment, ask to have a "certificato di conformità", eg a certificate confirming that all works were done in compliance with applicable laws and regulations;

LAST BUT NOT LEAST...

The most difficult part when working with small firms or solo artisans, is that they shall be able to do only part of the work, and their activities are linked to the work of other contractors (a plumber needs an electrician and most often also a mason). One of their favorite sports is blaming each other when there are some issues, delays, etc.



Well, for this I do not have any tips. Per my personal experience, this is just a question of luck: you will need to find at least one contractor that is honest and professional and rely on him and on his ability to coordinate all work. Perhaps preliminary due diligence of the contractor's local reputation and list of references can help to limit your risk of appointing the wrong person.



ITALY CHANGES THE TERRITORIAL JURISDICTION FOR THE LAWSUITS REGARDING ITALIAN CITIZENSHIP OF PEOPLE RESIDING ABROAD

New legislation regarding Citizenship (art. 36 law 20/2021) has been introduced.

From June 22, 2022, judicial claims for the obtainment of Italian citizenship shall be submitted to the relevant district Court of the Italian ancestor's native town/village.

Especially, (in accordance with the national provision of 26th November 2021, n. 206) when the claimant resides abroad, claims concerning the determination of the status of Italian citizenship will be assigned to the Court (where the Court of Appeal that has jurisdiction over the district where the place of birth of the Italian ancestor is located).

This is a significant change that has been implemented in order to reduce the workload of the Court of Rome.

It must be noted that the pending cases and those already registered by the Ordinary Court of Rome will be evaluated and processed at this forum. The new legal provision will be applied only for the judicial cases submitted from the date indicated above.

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