

MAZZESCHI

ITALIAN IMMIGRATION & CITIZENSHIP

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NEWS, UPDATES AND CURIOSITIES ON ITALIAN
IMMIGRATION AND CITIZENSHIP

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DECRETO FLUSSI 2023:
HOW MANY PEOPLE ARE
APPLYING FOR IT?

The Ministry of the Interior has reported that over 600,000 applications have already been submitted for the 2023 Decreto Flussi (flow decree), compared to 136,000 entries authorized by the government.



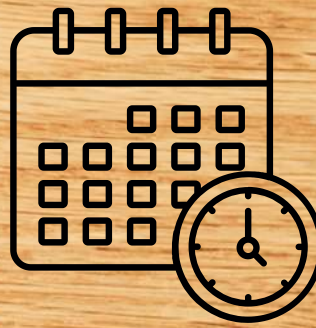
During the pre-compilation period from October 30 to November 26, applicants were able to fill out the forms on the online portal. A total of 607,904 applications were received, with 253,473 related to non-seasonal subordinate work, 260,953 for seasonal work, and 86,074 for the family and social-healthcare sector.

A TOTAL OF 136,000 NON-EU WORKERS WILL BE ABLE TO ENTER ITALY REGULARLY THANKS TO THE 2023 FLOW DECREE: 52,770 ENTRIES FOR NON-SEASONAL SUBORDINATE WORK, 680 ENTRIES FOR SELF-EMPLOYED WORK AND 82,550 ENTRIES FOR SEASONAL SUBORDINATE WORK.



To streamline the process, applicants were allowed to pre-fill the forms on the " Services Portal ALI " during the aforementioned period. The final submission of requests must be made through the usual electronic methods, starting from December 2, 2023, for non-seasonal work, December 4, 2023, for the family and social-healthcare sector, and December 12, 2023, for seasonal work.

THE DEADLINE FOR SUBMITTING ALL APPLICATIONS IS DECEMBER 31, 2023. IF AN APPLICATION EXCEEDS THE QUOTA BASED ON THE CHRONOLOGICAL ORDER OF SUBMISSION, THE EMPLOYER WILL RECEIVE A NOTICE.



These guidelines are outlined in a joint circular issued by the Ministries of the Interior, Labor and Social Policies, Agriculture, Food Sovereignty and Forestry, and Tourism. The circular provides operational instructions for implementing the decree of the President of the Council of Ministers, published in the Official Journal on October 3, 2023, which pertains to the transitional planning of entry flows for non-EU seasonal and non-seasonal workers into Italy for the period 2023-2025.



ITALY IMPLEMENTS MANDATORY REPORTING OF ULTIMATE BENEFICIAL OWNERS



The law that requires notification of the ultimate beneficial owner is now in force in Italy. According to this law, companies and other legal entities are required to identify and disclose information about the ultimate beneficial owner, which refers to the individual who directly or indirectly owns or controls the company.



Information about the ultimate beneficial owner must be kept in the register and made available to the relevant authorities.



The implementation of this law reflects Italy's efforts to adhere to international standards of financial transparency and combat financial crime.

If you have a company in Italy, contact your Italian CPA to submit the required information.



ITALY REP
OFFICE
VISA:



MYTH
OR
REALITY?

We are receiving many queries regarding a so called Italy Rep Office Visa which would grant a visa also to the CEO/Owner of a foreign company by simply establishing a rep office in Italy. The information circulated in various articles on the web are somehow confusing because there is not a specific reference to the sources of law governing this visa.

For the sake of clarity, we have summarized below the different visa options that are available by establishing a Rep Office, with specific reference to the law which governs each visa and its requirements.

SELF EMPLOYMENT VISA (NOT SUBJECT TO YEARLY QUOTAS):

This visa is not subject to yearly quotas but it is specifically granted only to employees of a foreign company who are sent to work in Italy to a subsidiary of the Group to work as "self employees", namely "Managers or highly qualified employees of companies based in Italy or with branches in Italy, or of branch offices of foreign companies headquartered a member country of the World Trade Organisation, or managers of main offices in Italy of Italian firms or firms of another EU member.

To obtain this visa is necessary to obtain an authorization from the Labor office and to submit, amongst other things:

- evidence that the individual is employed by the sending company;
- evidence that the company that hires the individual is affiliated with the company which registered the Rep Office
- the parent company's yearly financials.

Source: art. 40, section 22 Decree 394/1999



SELF EMPLOYMENT VISA (SUBJECT TO YEARLY QUOTAS):

This visa is subject to availability of quotas (less than 500 for 2023) and it is extremely difficult to obtain because of the uncertainty on which authority in Italy should be contacted for the issuance of the relevant attestations/declarations and for the requirements that may be set by the Consulate/Embassy.

Source: art. 26 Decree 286/1998 and art. 39 Decree 394/1999



BLUE CARD PERMIT:

Allows Italian companies – also rep offices – to hire directly “highly skilled workers” i.e. those who (i) have a three-year University diploma (ii) are offered a minimum one-year contract and (iii) a salary of not less €25,000/year.

The difficulty is that many Immigration Offices are reluctant to grant the permit when it is applied for by a Rep Office because the Rep Office cannot prove to have profits and cannot submit tax returns and yearly financials.

The requirements are being changed and the new law will allow, amongst other things, also to obtain the permit proving adequate professional experience.

Source: art. 27 quarter
Decree 286/1998



INTRA-COMPANY PERMITS:

A work visa can be obtained for employees of a foreign company which has a subsidiary, an affiliate and also a rep Office in Italy. These permits are for a maximum duration of 3 or 5 years and during the assignment the workers must remain hired by the sending company.

The application for obtaining the work permit must be filed by the Italian company but the workers remain hired by the foreign company.

Source: art. 27 letter (a) –
art. 27 quinquies Decree
286/1998



Lastly, please note the following:



VISA AS DIRECTOR OF NEWLY ESTABLISHED COMPANY:

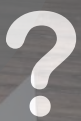
Italy grants this visa only if a company (only Srl or Spa, and Rep office is not included) has been in activity for at least 3 years. Accordingly, establishing a branch/subsidiary does not entitle the owner or appointed director to automatically obtain a visa.

Even when a company is 3+ years old, the Consulate has discretion to grant the visa looking at (i) if there are available quotas; (ii) the company yearly turn-over, registered capital, assets and reserves (which need to be substantial); (iii) number of employees. This visa is subject to availability of quotas (less than 500 for 2023)

Source: Interministerial Decree 850/2011, Exhibit A, section 7, point 2



RESIDENCE PERMIT FOR FAMILY REASONS: WHAT HAPPENS IN CASE OF DIVORCE?



Foreign nationals holding a residence permit for family reasons – also known as “permesso di soggiorno per motivi familiari” (art 29 and 30, decree 286/1988)- whose marriage or family relationship that served as the basis for the permit ends in divorce or separation (or also in case of death of the family member who applied for family reunion):



They can request for their permesso di soggiorno to be converted into another type of permit.



Residence permits for family reasons can be converted into permits for subordinate work, self-employment, job research or study purposes.

To apply for permit conversion, the applicant must demonstrate to meet all the new requirements and submit the relevant paperwork via the application kit to the post office.



WHAT IS THE
“CERTIFICATO DI
IDONEITÀ
ALLOGGIATIVA” AND
WHY DO YOU NEED IT
FOR YOUR
IMMIGRATION
PROCESS IN ITALY?



WHAT IS THE “CERTIFICATO DI IDONEITÀ ALLOGGIATIVA”?

The Housing Feasibility Certificate (Certificato di idoneità alloggiativa) is issued by the technical office of the competent City Hall (Comune) where the property is located. This document confirms whether the house is compliant with current health and safety regulations and determines the number of individuals allowed to live inside without overcrowding.



WHEN DO YOU NEED A CERTIFICATO DI IDONEITÀ ALLOGGIATIVA?

During your Immigration process to Italy, you may be required to submit the Certificate di idoneità Alloggiativa for the following cases:

- * Family procedures
- * Permesso di soggiorno UE di lungo periodo
- * Signing of the Contract of stay (entry for work)
- * Conversion of permit



Please note: children under the age of 14 are not included in the calculation of the number of people lodging in the house.



WHAT ARE THE GENERIC REQUIREMENTS TO APPLY FOR THE HFC?



Even though requirements and necessary documents to obtain the certificate may vary depending on the city hall where the application is submitted, generally speaking, the property must be properly equipped with heating, rooms must have sufficient lighting, and air exchange must be guaranteed by a suitable cleaning air system.

One of the most important criteria the applicant should consider when renting or purchasing a house is the size of the property for several people:

- 1 person – at least 14 square meters
- 2 people – at least 28 square meters
- 3 people – at least 42 square meters
- 4 people – at least 56 square meters
- +10 square meters, for any other additional person

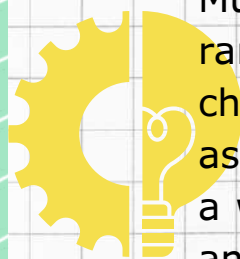


When it comes to required documents, they may differ depending on each City hall (Comune) where the application needs to be submitted. However, the applicant should make sure to be in possession of an apartment contract duly registered at the Agenzia delle Entrate (Italian Revenue Office) and the property's documents, such as cadastral plans.

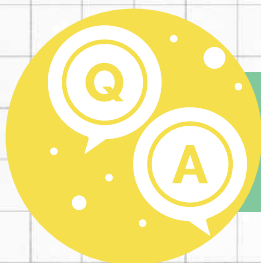
Moreover, it is important to consider that the main issue applicants may face when applying for an HFC is that the processing time to get this certificate can be quite long. In fact, in some cases, it may take up to 3 months to have the certificate issued.



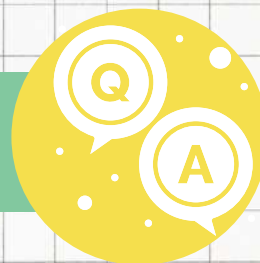
When dealing with the complexities of everyday life in Italy, there is one vital piece of information that every resident and non-resident should have: the Italian Tax Code, known as "codice fiscale".



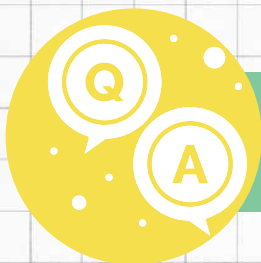
Much more than just a random sequence of characters, this code serves as the gateway to accessing a wide array of vital services and opportunities within Italy.



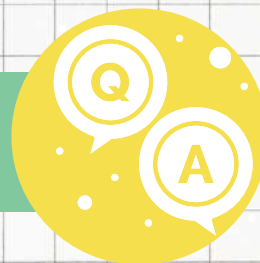
WHAT IS CODICE FISCALE?



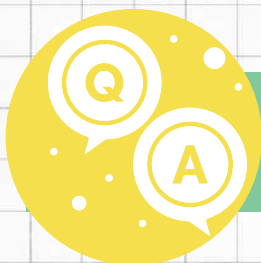
The Codice Fiscale is a unique alphanumeric identifier assigned to individuals and legal entities by the Italian Tax Revenue Agency (Agenzia delle Entrate). It is, in essence, your fiscal identity in Italy, and it plays a crucial role in all your interactions with public authorities and administrations.



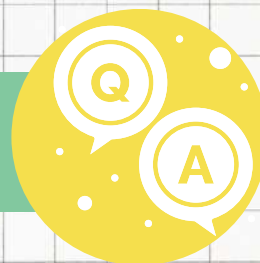
HOW TO REQUEST YOUR CODICE FISCALE?



The process of obtaining the “Codice Fiscale” is relatively straightforward. It is typically issued by the Italian Tax Revenue Agency upon request. What makes this system even more user-friendly is the fact that individuals who are not residents of Italy can also apply for and obtain their own tax code.



WHY IS IT ESSENTIAL TO HAVE A CODICE FISCALE?



If you plan to live in Italy, having a tax code is a top priority and it unlocks countless opportunities and services that are integral to daily life in the country. From finding a place to live to purchasing real estate, opening a bank account, and signing an employment contract.

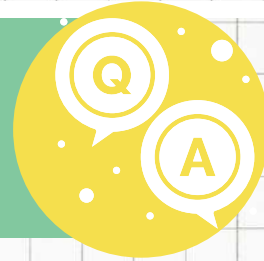




Your tax code will be requested for an array of administrative processes. This includes enrolling in educational institutions, accessing healthcare services, and registering for social services. Without it, navigating these aspects of life in Italy can be quite impossible.



HAVING A CODICE FISCALE: DOES IT MAKE YOU DIRECTLY ELIGIBLE TO THE TESSERA SANITARIA?



Your tax code, while crucial in its own right, is not directly connected to healthcare entitlement. It signifies your fiscal identity within Italy and is issued to individuals eligible for various services, including healthcare. However, the **Tessera Sanitaria** is a distinct document that is issued exclusively to citizens who are entitled to healthcare services and are duly registered with the **National Health Service** (Servizio Sanitario Nazionale).



CONTACT INFORMATION

Mazzeschi SRL
www.mazzeschi.it
info@mazzeschi.it

WRITERS & EDITORS

Marco Mazzeschi
Giuditta Petreni
Yuu Shibata
Chiara Faggioli
Louise D. Machetti
Amal Sfar
Eleonora Rossi

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