

**MAZZESCHI**

# **ITALIAN IMMIGRATION & CITIZENSHIP**

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NEWS, UPDATES AND CURIOSITIES ON ITALIAN  
IMMIGRATION AND CITIZENSHIP

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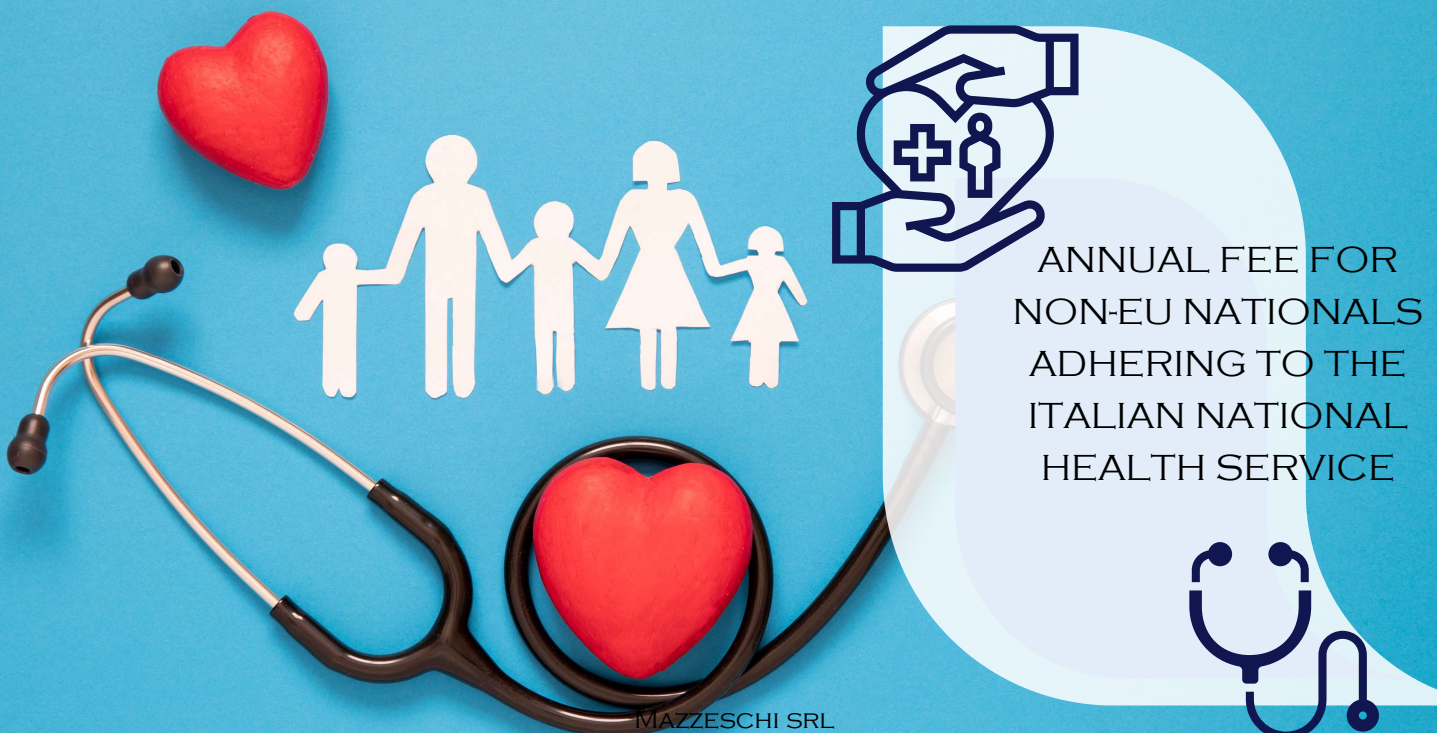
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ABOUT THE BUDGETARY  
LAW AND THE ITALIAN  
NATIONAL HEALTH SERVICE  
FOR NON-EU NATIONALS



The Italian Government has approved the Italian budget law for 2024. In terms of healthcare of immigrants, it has been introduced a measure in which some non-EU citizens have the option to register for the Italian National Health Service (NHS) by paying an annual contribution of 2,000 euros (which can be reduced to 700 euros in case of students, and to 1200 in case of au pairs).



Previously (in October 2023), the Ministry of Health clarified that this rule applies to specific categories of non-EU citizens who are not entitled to compulsory registration with the Italian NHS.

The categories include students and au pairs staying in Italy for less than 3 months, individuals with a residence permit for elective residence, religious personnel, diplomatic and consular staff, non-EU seconded employees of companies, foreigners participating in volunteer programs, and parents over the age of sixty-five for family reunification.



The rule does not affect those who are already compulsorily registered with the NHS, such as individuals with various types of residence permits, unaccompanied foreign minors, and individuals awaiting the issuance of their first residence.



APPLYING FOR  
INVESTOR VISA AT THE  
ITALIAN CONSULATE  
OR ITALIAN EMBASSY



Investor visa applications are granted priority and faster issuance by law. Therefore, applying for a priority visa at the Italian consulate can be a bit more streamlined than a regular visa application, but there are still two main challenges to overcome.



## INVESTOR VISA APPLICATION

Schedule an appointment with the Italian consulate or visa application center. It's essential to book an appointment well in advance, as the slots for visa application can fill up quickly. Some consulates only take applications from external providers. Not all visa providers are aware of and accept to follow the regulations on prioritization of investors' applications.

## HOW CAN WE HELP?

Although visa application is an immigration step where we cannot assist with in person accompaniment, we are focused on providing the best advice possible by preparing our research on visa application centers and requirements in the country where the investor is residing. If necessary, we can step in to mediate with the visa offices to facilitate the processing of the application.

## RED FLAG ON APPOINTMENT:

Sometimes, Investor Visa Committee is not very swift in notifying the competent Consular Authority about the issuance of the nulla-osta. As a consequence, when contacted by the Investor, the Visa officer does not accept to set any appointment without being prompted by the Ministry Of Made in Italy and Enterprises first.



## HOW CAN WE HELP?

When appointed by the investor, we can for sure follow up with the Ministry to urge their action in notifying the nulla osta as soon as convenient to avoid any delay for the investor's immigration process.



## PREPARING THE SUPPORTING DOCUMENTS

The requirements for investor visa applications are set by the Ministry of Foreign Affairs in accordance with the inter-ministerial decree with the Ministry of Interior, the Ministry of Made in Italy and Enterprises. This said, the guidelines shared by each Italian Consulate may result fuzzy at the eyes of a foreigner who is approaching the process for the first time. Obtaining the nulla osta is the biggest step to complete, however actually receiving the visa stamp is the real achievement.

## HOW CAN WE HELP?

We offer full support for the preparation and review of the required documents. Filling the visa application form does look simple procedure, however it is easy to make mistakes that can cost you time for amends and clarification requests by the visa office. We can also support in offering legalized translations if any of your documents are not in Italian.

**TIPS**



Always remember that patience is essential: Visa processing times can vary, even with the priority service. Be patient and allow sufficient time for your application to be processed. Always keep communication lines open with the consulate and be prepared to provide any additional information or documentation they request. From our side, preparation and attention to detail are crucial in ensuring a smooth priority visa application process.

MOVING TO  
ITALY:  
WHICH  
ITALIAN VISA  
IS BEST FOR  
ME?



If you are interested in moving to Italy and you are not an EU citizen, you will need to obtain an Italian long-term visa.

Let's explore the various visa options that are most suitable for high-net-worth individuals, retirees, and/or workers.

## ELECTIVE RESIDENCE VISA (ERV)

Preliminary requirements of the ERV:

The applicant must prove to have a "passive" income (not deriving from work).

Keypoints:

The Elective Residence Visa does not allow any kind of work (including remote working)  
It is also considered as a kind of retirement visa





The issuance of Elective Residence Visa is discretionary on each Consulate. Lately, the outcome of the application has become extremely unpredictable: (i) most Consulates require the applicant to prove a passive income 2-3 times the minimum set forth by the law; (ii) they also request the applicant to submit the latest tax returns, which must be clearly listed in the returns; (iii) in case the applicant has also income deriving from work, there are higher chances that the visa will be denied. (iv) in most Consulates it is very difficult to book an appointment for filing the visa application and when available appointments can be given after some months; (v) the processing time for the visa is by law up to 90 days (and the Consulate will keep the passport) and if the Consulates request more documents the time can be extended.

## ITALY INVESTOR VISA



### Preliminal requirements of the Investor Visa for Italy:

purchase at least € 2 million in Italian government bonds, funds to be kept for a period of at least 2 years; OR  
invest at least € 500.000 in equity instruments of a company based and operating in Italy; OR  
invest at least € 250.000 in equity instruments of a start-up company based and operating in Italy; OR  
donate at least € 1 million philanthropic funding supporting projects of public interest in the field of culture, education, immigration, scientific research, recovery of cultural assets and landscapes.



## Keypoints:

it is not subject to quotas availability and it allows to work. Once it is approved by the Ministry it is certain that you will be granted the visa.

The main advantages of this visa are: (i) investment is to be executed only after obtaining the visa; (ii) investor visas must be processed by Consulate with priority; (iii) If Investor spends in Italy less than 183 days/year, it will not have any tax obligations (subject to some conditions, check with your tax counsel); (iv) Visa can be extended to spouse and children up to 18; (v) Investor visa is the only visa that allows the investor not to spend any minimum time in Italy.

## SELF-EMPLOYMENT VISA (AS A FREELANCE)



The self-employment visa is extremely difficult to obtain because it is subject to the availability of quotas (for example, there are less than 500 quotas available for 2023) and in practice, most applicants receive a denial from the Consulate after having obtained the necessary clearances in Italy. A self-employment visa is very 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.



## REPRESENTATIVE OFFICE VISA (ROV)



You probably read in some articles posted on the web that Italy is granting a visa to someone who register a Rep Office, as officer representative. What is not made clear in the articles is that self-employment visa commented in the article is exempted from yearly quotas but subject to some conditions (art. 40/22 Decree 394/1999), namely it is for employees of a foreign company who are sent to work in Italy to a subsidiary of the Group to work as “self employees”. To obtain this visa is necessary to obtain an authorization from the Labor office and to submit, amongst other things:

(i) evidence that the individual is employed by the sending company; (ii) evidence that the company that hires the individual is affiliated with the company which registered the Rep Office; (iii )the parent company’s yearly financials that show that the company is in good standing and financially strong to support the assignment.

The above requirements are identical to the requirements for obtaining an intra-company visa, eg a visa which is granted after obtaining a prior approval by the Immigration Office in Italy (art. 27a Immigration Law) thus avoiding the uncertainty linked to the art. 40/22 which, on the contrary, is approved/denied by the Consulate.



## VISA FOR COMPANY DIRECTORS (VISA FOR A DIRECTOR OF NEWLY ESTABLISHED COMPANY)



Italy grants this visa only if a company has been in activity for at least 3 years.

Accordingly, establishing a branch/subsidiary does not entitle the owner or appointed director to obtain a visa. Even when a company is 3+ years old, the Consulate has the discretion to grant the visa looking at (i) if there are available quotas (a few hundred are allocated to this visa each year) (ii) the company's yearly turnover, registered capital, assets and reserves (which need to be substantial), number of employees. Also, this visa is subject to the availability of quotas.

## STARTUP VISA



It is a visa option for those who want to start an "innovative" company in Italy.

Not all "newly" established companies are considered "startups" for this purpose. Law 221/2012 defines "innovative startup" as a new enterprise of a high technological value.



Innovative is a company whose business model is characterized by a strong technological character and has an exclusive or prevalent corporate purpose the production, development, and marketing of innovative goods or services of high technological value. The startup visa is not easy to obtain because there are only a few hundred quotas available every year.

The applicant will need to register in the Ministry portal upload all docs and prepare an innovative business plan, The Ministry is also very strict with the bank letter that needs to be submitted to confirm that the applicant has available funds. There is not an official sample letter but Ministry wants the letter to specifically include a declaration that the Bank has carried out all checks required by the FATF anti-money laundering rules.



FOREIGNERS  
OPENING A BANK  
ACCOUNT IN ITALY

An Italian bank account is essential for those who decide to live and work in Italy.

Opening a bank account in Italy, whether you are an Italian resident or a foreign national, involves a series of steps and requirements. Having to choose from the many available banks (Italian branches of international banks and also regional or local providers) and being proposed all the paperwork related to each bank's terms and conditions can be confusing and challenging, especially when the foreigner is not in Italy and there is also a language barrier.



### WHAT ARE THE BASIC REQUIREMENTS TO OPEN A BANK ACCOUNT IN ITALY?

1. Being 18 years old or above
2. Having a valid identity document (passport or identity card for EU citizens)
3. Having an Italian Codice fiscale (tax code see <https://www.agenziaentrate.gov.it/portale/web/english/nse/glossary>)
4. Proof of address, such as a utility bill or rental agreement.

5. Proof of income or employment, which may include pay stubs, employment contracts, or other financial documents.
6. Residence permit or visa for non-EU citizens, if applicable.
7. Additional documentation depending on the bank's policies and your account type (e.g., for joint accounts or business accounts).

Each bank has their own terms and conditions, some may ask for a minimum amount of money to be deposited to open the account.



### WHAT IF I AM NOT RESIDENT IN ITALY YET?

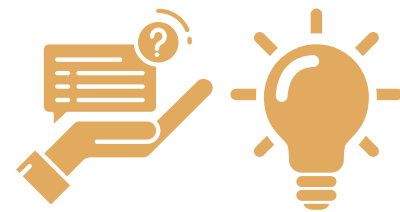
It is possible to open a bank account as non-resident - "conto corrente estero"- for those who are not registered at an Italian address with an Italian Comune and are not spending 183 days/year or more in Italy. However, not all banks allow this, some banks only allow limited services and operations for non-resident bank accounts.



The documents requirements to open a non-resident account are the same as the resident account, nevertheless the bank may request additional financial documents to perform their due diligence.

When choosing a bank, it is also important to consider:

- \* The kind of bank account you are interested in (conto corrente "checking account", conto di risparmio "savings account", conto cointestato "joint account", conto di deposito "deposit account")
- \* The fees and monthly limits in transactions and ATM withdrawals
- \* The services offered (e.g. mortgages, renter's guarantees, high interest savings accounts)
- \* The availability of physical branches in the area you plan to relocate to
- \* Account closing terms and conditions.



It is advisable to ask an expert to check which bank suits best your needs, also depending on your purposes of stay in Italy, e.g. if you are retired, working or if you are an investor.

BORN IN ITALY TO FOREIGN PARENTS, THEN MOVED ABROAD?

YOU MAY BE ENTITLED TO APPLY FOR ITALIAN CITIZENSHIP AFTER ONLY 3 YEARS OF RESIDENCY



Italian law does recognize the *ius soli* principle: foreign nationals born in Italy do not automatically acquire Italian citizenship at birth because their parents were not Italian citizens. They can obtain citizenship only if (i) they maintained residency in Italy until they turn 18; and (ii) they apply for citizenship before they turn 19.

For those who were entitled to citizenship but left Italy without applying for it, there is still an opportunity. Art. 9(a) Law 91/1992, provides for that they obtain apply for citizenship under favorable conditions with respect to the standard requirements for citizenship by naturalization.



In fact citizenship can be applied for only after three consecutive years of legal residency in Italy (as opposed to the standard ten-year residence requirement for non-EU citizens).

The 3 year residency must be uninterrupted and should be maintained until adjudication. If the applicant has been registered as a resident with an Italian Town Hall in the past, and then moved abroad, the previous years could not be counted because the residency is interrupted.

Other requirements are: (i) pass an Italian language exam at the B1 level; (ii) provide a certificate of no criminal record; (iii) have an income generated in Italy (and for which Italian tax returns are filed). For the main applicant it must be a net taxable income of not less than approximately € 10,000/year, but this parameter increases if the applicant is married or has children or economically dependent family members.

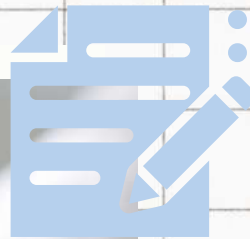


## WHAT DOES IT MEAN TO TAKE UP RESIDENCE IN ITALY ACCORDING TO ITALIAN LAW?

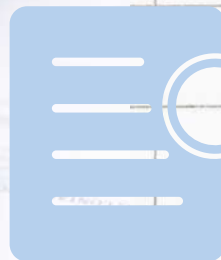
Residency is based on:

physical presence in Italy, which must be regular and continuous, as opposed to sporadic and occasional; and  
an individual's intention to stay and live in Italy for the foreseeable future.

By registering as a resident in Italy with an Italian Town Hall, an individual may become subject to Italian tax obligations (check with your tax advisor for conditions and requirements).



**Application Process:** The applicant must submit his/her application to the appropriate authority to be identified on the basis of residence. The whole process after submission of the application could take 24 - 36 months.



**Case study:** A 28-year-old non-EU citizen, who was born in Italy in the 90s, had lived here for 8 years, then moved abroad and never returned. The foreigner was never an official resident until the age of 18 and never expressed an interest in obtaining Italian citizenship until the age of 19. In this case, if the foreigner decides to return to Italy and reside here regularly by registering at a Town Hall. At the age of 31, after just three continuous years of regular residence, the foreigner could apply for Italian citizenship.

In addition, individual circumstances can vary, so it's recommended that you consult with legal professionals who specialize in Italian immigration and citizenship matters for personalized guidance.

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