

MAZZESCHI

ITALIAN IMMIGRATION & CITIZENSHIP

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NEWS, UPDATES AND CURIOSITIES ON ITALIAN
IMMIGRATION AND CITIZENSHIP

CONTENT

NEWS

- Italy's Digital Nomad Visa: Finally a dream comes true?
- Decreto Flussi 2024: Quotas and Application timelines
- Partial Integration of Bulgaria and Romania into the Schengen Area Commences on March 31st
- New Certified Mailbox for the Information request for Marriage or Residency

ITALIAN INHERITANCE LAW

- All you need to know about the Italian inheritance Law and succession procedure

EU IMMIGRATION LAW

- The right of access to the Schengen Information System (SIS) and to delete the alerts

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ITALY'S DIGITAL
NOMAD VISA:
FINALLY A
DREAM COMES
TRUE?



ITALY'S DIGITAL NOMAD VISA: UPDATES

From information received from unofficial sources, the Ministries of the Interior, Foreign Affairs, Tourism, and Labour have finally signed the implementing decree for the digital nomad visa.

A “digital nomad” is defined as a non-EU citizen who performs highly skilled remote work in Italy, either as a freelancer or as an employee/collaborator of a company, which can also be based outside Italy. The visa is exempt from the “quota” limits, and it is not necessary to apply for a work permit (nulla osta) for entry as a digital nomad (professional or freelancer), or as a remote worker (employee or collaborator of a company).



MAIN REQUIREMENTS:



- ▶ An annual income not less than three times the minimum level required for exemption from health care participation expenses (around €28,000).
- ▶ Health insurance for medical care and hospitalization valid throughout Italy and for the entire period of stay.
- ▶ Proof of having secured accommodation in Italy.
- ▶ At least 6 months of work experience as a digital nomad or remote worker.

For the visa application, it is necessary to submit a declaration signed by the employer and a self-certification where the worker must attest to the absence of criminal convictions. *i*

Once the visa is issued, the holder shall travel to Italy and apply for the residence permit within eight working days of entry. The worker will be issued a permit as a “digital nomad – remote worker” valid for one year, renewable each year if the conditions and requirements are met. Digital nomad/remote workers will be entitled to bring core family members (spouse and children under 18, parents under certain conditions).



Social security coverage: where bilateral agreements on social security between Italy and the country of origin exist, these agreements will apply. In the absence of such agreements, Italian social security and insurance coverage regulations will apply.



Digital nomads and remote workers will be provided with a tax code upon residence permit issuance. Digital nomads can request a VAT number from the Revenue Agency, which is informed about the visa issuance from police authorities.



Refusal of the visa: The visa may be refused/revoked if the employer or contractor has been convicted in the last five years. The residence permit already issued may be revoked when the worker or the company fails to comply with tax and contributory obligations.



Further details will be issued as soon as the implementing decree is available.



DECRETO FLUSSI 2024: QUOTAS AND APPLICATION TIMELINES



Starting from February 29, 2024, it is possible to fill out applications on the Ministry of the Interior's Portal to hire non-EU workers from abroad and to convert residence permits, within the framework of the 151.000 quotas provided for by the "quota decree" for the year 2024.

Applications can be submitted starting from 9:00 am on the "click days" set by Decree January 19, 2024, namely:

- from 9:00 am on March 18, applications for non-seasonal subordinate workers who are citizens of countries that have cooperation agreements with Italy;
- from 9:00 am on March 21, applications for other non-seasonal subordinate workers (including domestic workers);
- from 9:00 am on March 25, applications for seasonal workers.

Applications can be submitted until
December 31, 2024.

QUOTA CATEGORIES

The 151.000 quotas are to be allocated amongst the following categories:

- 89.050 quotas for Seasonal Work in the sector of agriculture; hospitality and tourism industry reserved to certain nationalities;
- 61.450 quotas (of which 61.250 for subordinate work – work as an employee and 200 for self employment).

In the sectors of freight transportation on behalf of third parties, building, hospitality and tourism, mechanics, telecommunications, food, shipbuilding, transportation of passengers by bus, fishing, hairdressing, electricians, plumbers:

2.500 for citizens of countries that promote media campaigns regarding the risks resulting from involvement in irregular migration,

25.000 for the following nationalities. Albania, Algeria, Bangladesh, Bosnia-Herzegovina, South Korea, Ivory Coast, Egypt, El Salvador, Ethiopia, Philippines Gambia, Georgia, Ghana, Jordan, Japan, Guatemala, India, Kirghizstan, Kosovo, Mali, Morocco, Mauritius, Moldova, Montenegro, Niger, Nigeria, Pakistan, Peru, Republic of North Macedonia, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, Ukraine

20.000 for citizens of countries with which Italy will have cooperation agreements (4000 will be reserved to workers from Tunisia)

100 quotas (employee/self-employee). For employed or self-employed work. Reserved to foreign nationals who have Italian ancestry and reside in Venezuela

200 quotas (employee/self-employee). For employed or self-employed work. Reserved to stateless persons and refugees

In the sector of family care and support services (domestic work)

9.500 quotas

500 quotas for self-employment for:

Entrepreneurs intending to implement an investment plan of interest for the Italian economy, involving an investment of at least € 500.000 and creating at least 3 new jobs in Italy

Freelancers/independent contractors who intend to practice: regulated or controlled professions (i.e. individuals belonging to a professional association or enrolled with an official/public register) OR professions that are not non-regulated but are considered representative at national level and included in the lists edited by the Public Administration

Holders of corporate offices or administrative/controlling positions (any of the following: Chairman, CEO, Member of board of directors, Auditor) in an Italian company, active since at least 3 years (requirements set in Visa Decree May 11, 2011 n.850)


Permit conversion – for non-EU nationals already in Italy/EU

4.000 quotas – from seasonal to standard work permit. For conversions of seasonal work permit to standard, non-seasonal work permit (as an employee)

150 quotas – from EU long term permit issued by another EU country to Italian work permit (employed-self-employed)

Foreign citizens who intend set up innovative start-up companies, under certain conditions and who will have a self-employment relationship with the start-up

Internationally well-known and highest reputation artists, artists of recognised high professional qualification or artists who are hired by well-known Italian theatres, important public institutions, public television or well-known national private televisions (requirements set in Visa Decree May 11, 2011 n.850)



PARTIAL
INTEGRATION OF
BULGARIA AND
ROMANIA INTO THE
SCHENGEN AREA
COMMENCES ON
MARCH 31ST



EU IMMIGRATION
UPDATES



Bulgaria and Romania will partially integrate into the EU's Schengen area of free movement, starting from March 31st. The European Commission has welcomed this long-awaited decision, which comes after 12 years of negotiations.

According to a statement released by the European Council, controls at the air and sea borders of Bulgaria and Romania will be eliminated on this date, coinciding with the transition from winter to summer schedules as specified by the International Air Transport Association (IATA).



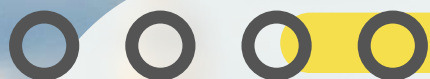
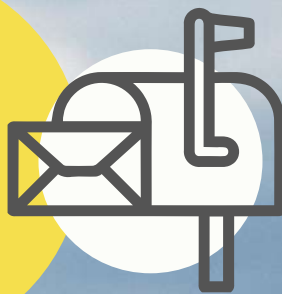
However, a separate decision will be required to determine the date for the abolition of controls at the internal land borders of Romania and Bulgaria.



Last year, Austria had previously vetoed the accession of Bulgaria and Romania due to concerns over illegal immigration. However, after receiving assurances and guarantees, Austria agreed to lift the veto.



NEW CERTIFIED MAILBOX
FOR ITALIAN CITIZENSHIP
UPDATES: REQUEST
INFORMATION FOR
MARRIAGE OR RESIDENCY



CITIZENSHIP UPDATES



Check out the new certified mailbox to request information about Italian Citizenship by marriage or by residency.

Starting from February 26th, 2024 it will be possible to send an email or certified email (PEC) to the new address "poloorientacittadinanza@pecdci.interno.it" to request and receive information about Italian citizenship.

HAVE YOU ALREADY APPLIED FOR ITALIAN CITIZENSHIP?



If you have a pending application, it will be necessary to indicate in the subject line of the PEC the application number (K/10) and the province of residence. Alternatively, the identification code (id token) and the province of residence.

Example: K10 (or K10/C/) ... Milano/Roma/Napoli


ON THE CONTRARY...

If you only need to receive details on the procedure, it is necessary to indicate "richiesta informazioni" on the subject line of the email or certified email along with the province of residence.

A team of specialized consultants will assess the communications and reply promptly. Are you a spouse of an Italian citizen? Are you resident in Italy (duly registered in a local Town Hall) and willing to apply for Italian Citizenship?

Contact our team to receive further information:
citizenship@mazzeschi.it





ALL YOU NEED TO KNOW
ABOUT THE ITALIAN
INHERITANCE LAW AND
SUCCESSION PROCEDURE

1

WHAT DOES SUCCESSION
MEAN UNDER THE ITALIAN
LAW?

Succession refers to the transfer of assets and liabilities to one or more heirs due to someone's death. The succession procedure starts when someone dies and it ends with the allocation of the estate to the heir, or if more than one heir with the division of the assets.



The heirs (“eredi”) may inherit the deceased’s entire estate or part of it, as per their shares – “successione a titolo universale”. They are required to accept the succession to inherit the share of the estate they are entitled.



The legatee is someone that inherits a specific asset as identified by the testator. The legatee is liable for the deceased's debt, up to the value of asset devolved to him or her – "successione a titolo particolare".

2 WHAT TO DO WHEN SOMEONE DIES?

When someone dies, the first step is to verify the existence of a Will.

Normally the Notary who drew up the will, once the testator passes away, informs the heirs of their rights and carries out the formalities necessary for succession. If there are still doubts about the existence of the will, it is possible to request it from the notary council in the area of the deceased's last domicile – we look into this aspect in more detail here.

a) When the deceased leaves a Will: the estate is shared out according to the testator's wishes, within settled limits. This is called "Successione Testamentaria" or testate succession.

Within the testate succession, the Italian law sets out the so-called "legittima". This is a statutory right entitling the closest relatives ("legittimari") to inherit a share of the estate, according to a principle of solidarity. Therefore, it is not on the deceased to dispose of his or her entire estate but of a portion of it, while the other portion is reserved for the closest relatives.



b) When someone dies without leaving a valid will:

The estate is shared according to statutory rules, the so called "Successione legittima" (Intestate succession). The same happens when a Will is not legally valid or when it only deals with a part of the estate so the remainder is regulated by the intestacy rules.

Who can inherit under the rules of intestacy?:

The persons entitled to inherit under the provisions of the intestate succession are called “successori legittimi” and they are:

i. the spouse (and the civil partner – “unito civilmente”) – the divorced spouse or the cohabitant partner are not entitled to inherit.

ii. the descendants (children and adoptive children),

iii. the ascendants and siblings. Ascendants and siblings inherit when there are no children.



3 WHAT IS A STATEMENT OF SUCCESSION OR DECLARATION OF SUCCESSION?

Whether or not there is a will, it is necessary to submit a “Dichiarazione di Successione” (Statement of Succession or Declaration of Succession) to the Italian Tax Agency (Agenzia delle Entrate) within 12 months of the deceased’s death.

The declaration must mention the entire deceased’s estate, including immovable and movable properties, current accounts, deposits, pensions, credits, shares, bonds, and company shares.

The heirs are required to pay taxes as calculated by the tax authority.

Having submitted the declaration and paid taxes, the heirs may request banks to release the funds held in the deceased’s current accounts. Regarding the real estate, the heirs or their delegate send the succession report to the Land Registry (Catasto), for transferring the inherited properties into the beneficiaries’ name (voltura catastale).

The procedure may be complex, depending on the extent of the estate, so it is advisable to ask for the assistance of a professional.



A. WHAT DOCUMENTS DO YOU NEED FOR THE DECLARATION OF SUCCESSION?



- Deceased ID and tax code;
- Death certificate, issued by the Town of residence;
- Certificate of last residence of the deceased;
- Self- certificate of the deceased's family status
- Self-certification of the family status of the heirs
- Official copy of Title deed of all the deceased's properties (immovable assets) – Visure catastali (including documents concerning any additions or changes of such properties)

- A deed where it is indicated all heirs, the type of succession and their property regime – Atto di notorietà dell'erede
- Certified copy of the Will provided by a Notary (if any)
- Self-assessment statement that all taxes has been paid together with the receipts of payment
- If it is land: certificate of urban planning use
- Copy of the loan agreement (if any)
- Documents attesting any liabilities (if any)
- Banks letter about the balance of any bank accounts, deposits and interests
- Receipt of all funeral expenses incurred in case of inheritance tax
- Declarations of renounce of inheritance (if any)

b. When to do it? Exemptions.



There is no obligation to submit the declaration if the following conditions apply simultaneously:

the inheritance is devolved to the spouse, ascendant and descendant and if the estate has a value not exceeding 100,000 euros and does not include immovable property or interests on immovable property

4

ACCEPTANCE OF THE SUCCESSION.



In the Italian legal system, you may obtain the status of heir expressly, by deed before a notary (atto pubblico), by agreement certified by a notary (scrittura privata), or by conduct i.e. making an act that presumes the intention to accept – a sale of an asset, a donation, or renunciation in favour of only some heirs. Interestingly, the declaration of succession is not an implied act of acceptance, but it is relevant for tax purposes.

Once the inheritance is accepted, the heir is liable for any debts of the deceased, even if the debts exceed the value of the inheritance assets.

Therefore, to avoid this, the Italian legislator has provided for an acceptance with the benefit of inventory; it means that the heir will pay the debts within the value of the estate, with the inherited assets.

In this case, the law requires a declaration of acceptance before a notary with an inventory of assets. The heir has a three-month period from the declaration of acceptance to produce the inventory.



If the heir is in possession of the hereditary assets, the period to complete the inventory is 3 months from the date of death. Once the inventory has been produced, there are 40 days to accept or renounce the inheritance, (unless the declaration of acceptance has been already made).

The acceptance with the benefit of inventory may apply to all heirs but law requires it for incapable individuals (as minors for example).



The deadline for the declaration of acceptance (with or without inventory) is ten years from the day of the deceased's death.



In case the acceptance occurs when the deadline has expired, the heir is not able to claim his right of acceptance. As a result, when no one has claimed the right to accept the inheritance within 10 years, the estate will be devolved to the State.

5

RENOUNCE OF SUCCESSION

The heir has the right to renounce the inheritance (technically the status of heir) within 10 years from the date of death; once expired it, the heir is not entitled to claim his right anymore.



The renounce extends its effects to the entire estate, assets and liabilities. The heir who intends to renounce has to make a declaration of renounce before a Notary.

6

ITALIAN WILL

Under the Italian law, a Will may be "holographic", public or secret.

a. The handwritten or holographic Will:

The testator makes the Will by hand, dates and signs it, then kept in a safe place or with a person of trust. The handwritten Will is void when the testator's signature is missing. It will be voidable within 5 years from the date of publication of the Will for minor defects as the absence or inaccuracy of the date.

d. International Will:

The Washington Convention of 26 October 1973, ratified by Act no. 387 of 1990, sets out a Will which can be used by Italians in Italy and abroad and also by foreigners in Italy. The International Will is not handwritten, the testator hands it out to the Notary or diplomats, in the presence of two witnesses. The testator's disposition will not necessarily be revealed to the Notary. The Will is signed by the testator, the Notary, and witnesses, and the Notary dates it.

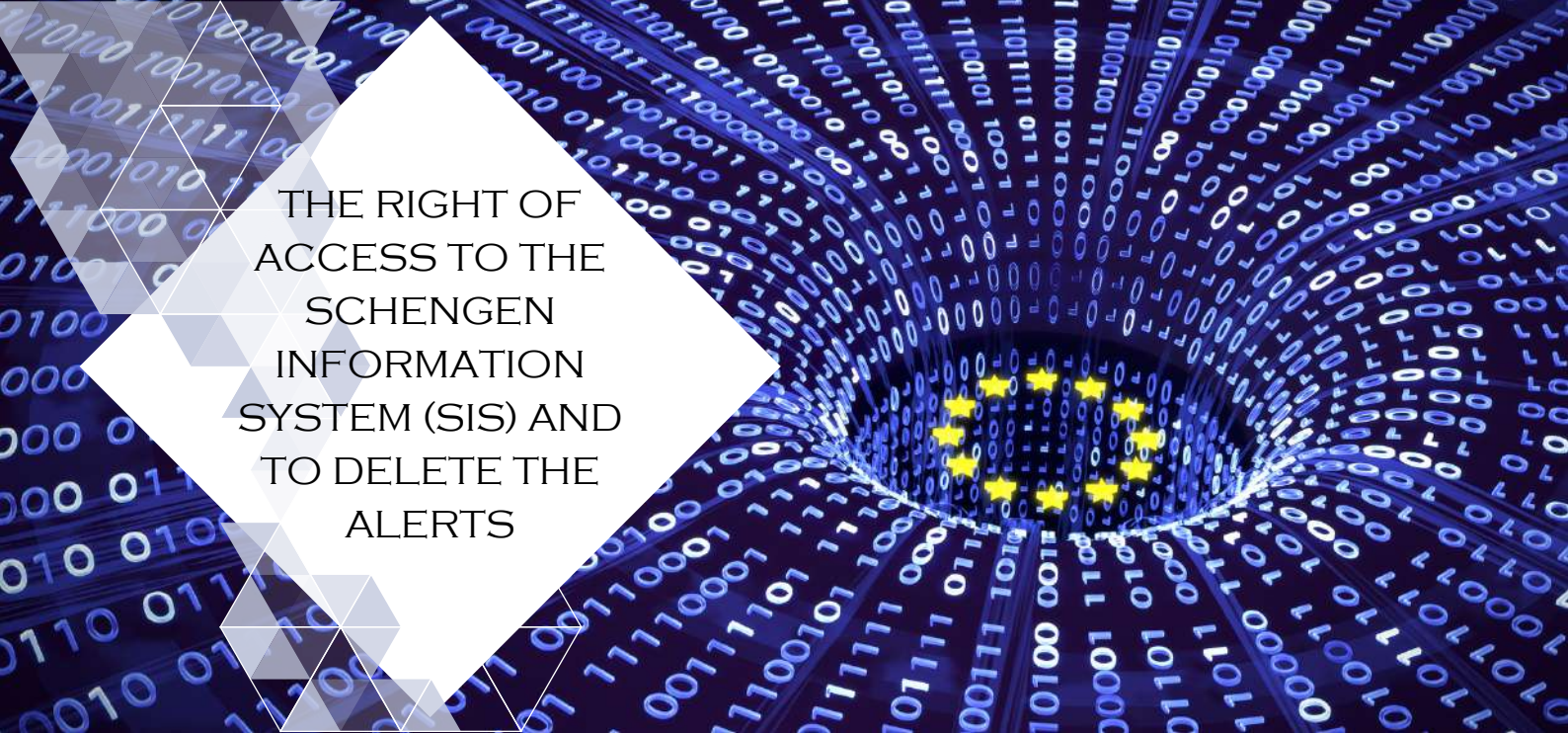
b. Public Will:

The Notary receives the testator's wishes and drafts the Will that is signed and dated in the presence of two witnesses and the testator. The Will is void when the notarisation or the signature of the notary and the testator himself is missing. It will be voidable within 5 years from the date of publication of the Will for minor defects.

c. Secret Will:

The secret Will is drawn up by the testator or by a third party by hand or by other means, signed only by the testator, and sealed. The Notary receives the Will in the presence of witnesses and the testator and prepares a return report notarised, dated, and signed, by the Notary, the witnesses, and the testator. The testator can decide at any time to withdraw. The secret Will is void when the written receipt is missing and when the signatures of the notary and the testator are missing.





THE RIGHT OF ACCESS TO THE SCHENGEN INFORMATION SYSTEM (SIS) AND TO DELETE THE ALERTS

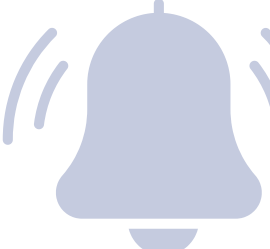


The Schengen Acquis established a joint information system referred to as “the Schengen Information System” or “SIS” with the goal to have access to alerts on persons and property for the purposes of border checks and other police and customs checks and for the purposes of issuing visas and residence permits.


WHAT IS THE SCHENGEN INFORMATION SYSTEM?

The Schengen Information System (SIS) is a highly efficient large-scale information system that supports external border control and law enforcement cooperation in the Schengen States. The SIS enables competent authorities, such as police and border guards, to enter and consult alerts on certain categories of wanted or missing persons and objects.

WHAT ARE THE DATA LISTED IN THE SIS?



An SIS alert not only contains information about a particular person or object but also clear instructions on what to do when the person or object has been found. Data listed in the SIS include:



Article 96 of the Acquis provides for data on aliens for whom an alert has been issued for the purposes of refusing entry shall be entered on the basis of a national alert resulting from decisions taken by the competent administrative authorities or courts of the issuing country.

Decisions may be based on a threat to public policy or public security or to national security which the presence of an alien in the national territory may pose.



This situation may arise in particular in the case of:

- 1 an alien who has been convicted of an offense carrying a penalty involving deprivation of liberty of at least one year;
- 2 an alien in respect of whom there are serious grounds for believing that he has committed serious criminal offenses, including those referred to in Article 71 (i.e. the illegal export of narcotic drugs and psychotropic substances, including cannabis, as well as the sale, supply and handing over of such products and substances) or in respect of whom there is clear evidence of an intention to commit such offenses;

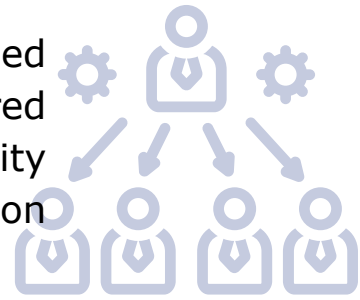
- 3 decisions may also be based on the fact that the alien has been subject to measures involving deportation, refusal of entry or removal which have not been rescinded or suspended, including or accompanied by a prohibition on entry or, where applicable, a prohibition on residence, based on a failure to comply with national regulations on the entry or residence of aliens

PROTECTION OF PERSONAL DATA AND SECURITY



Alerts shall be governed by the national law of the Contracting Party issuing the alert (art. 104 Acquis) and the law of each Contracting Party shall apply to data entered in its national section of the SIS.

Only the Contracting Party issuing the alert shall be authorized to modify, add to, correct or delete data which it has entered (art. 106). Each Contracting Party shall designate an authority which shall have central responsibility for its national section of the SIS (art. 108).



RIGHT TO REQUEST CORRECTION OR DELETION OF DATA

Under Article 109 of the Convention anyone has the right to have access to data entered in the SIS which relate to him and may:

A

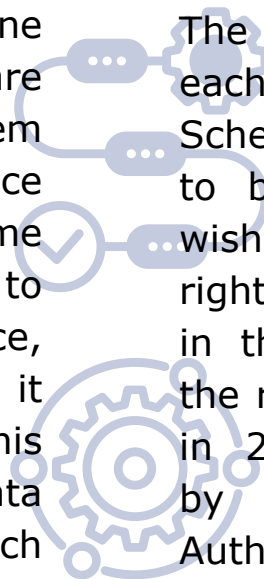
have factually inaccurate data relating to them corrected or unlawfully stored data relating to them deleted (art. 110)

B

bring before the courts or the authority competent under the national law an action to correct, delete or obtain information or to obtain compensation in connection with an alert involving them (art. 111).

PROCEDURE

The rules of procedure differ from one country to another, in that there are currently two types of the system governing the right of access to police data files – and thus the SIS. In some countries the right of access is direct to the authorities handling the data (police, gendarmerie, customs, etc.), in others it is indirect and the person must send his request for access to the national data protection agency of the State to which the request is addressed.



The procedures specific to each country applying the Schengen acquis which are to be followed by persons wishing to exercise their right of access are outlined in the Guide for exercising the right of access (available in 23 languages) compiled by the Joint Supervisory Authority of Schengen of October 15, 2015.

CONTACT INFORMATION

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

WRITERS & EDITORS

Marco Mazzeschi
Giuditta Petreni
Yuu Shibata
Chiara Faggioli
Giuditta De Ricco
Greis Muca
Sara Bocci
Caterina De Carolis

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