

Dear Audience

RE: Ministerial guidelines for foreign workers entry and residency

The legislative decree amending several parts of the Consolidated Law on the immigration and conditions of foreigners has been published in the Official Gazette no. 256 of November 2nd 2023.

In accordance with Directive (EU) 2021/1883 of the European Parliament and Council, dated October 20th 2021, new provisions on the entry and residency of highly qualified foreign nationals have been introduced with the repeal of Council Directive 2009/50/EC.

Main changes concern the expansion of the number of workers who can enter Italy through this channel, (such as foreigners already present in Italy as seasonal workers or beneficiaries of international protection), the duration of the contract and the gross annual expected salary amount.

The requirements for the necessary qualifications are also less strict; not only is a tertiary level higher education required, but also a higher-level professional qualification relevant to the profession indicated in the job vacancy.

There will also be changes to permit authorization procedures, facilitations for family reunification and job mobility for holders of Blue Cards issued by other EU states, together with initiatives to promote the employment and reintegration of EU Blue Card holders.

The latter will be able to carry out freelance work activities in parallel with qualified employment and look for new jobs in the case of unemployment.

After the changes made to art. 27-quarter of the T.U.I., the Ministry of Labor and Social Policies provides detailed instructions on the procedure to be followed to submit applications to the Immigration Desks from the employers.

Content in question

The employer's application (Form BC), to be submitted to the Immigration Desk, must include the required documents relating to the verification of unavailability at the competent Employment Center of the worker already established in the national territory.

The documents relating to the accommodation, registered request, proposed residence contract, commitment to communicate any changes and the declaration of compliance with art. 24-bis, paragraph 2 of the T.U.I., will need to be presented.

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The application to be submitted to the Immigration Desk must contain, under penalty of refusal, the following elements:

- The proposal for an employment contract or a binding job offer with a minimum duration of six months for the performance of work activity that requires the possession of one of the requirements referred to in paragraph 1 of art. 27c;
- A post-secondary professional qualification, or a certified possession of a higher professional qualification of the worker, obtained by a specific declaration from the employer who is applying for the EU Blue Card, accompanied by the employment contracts and/or pay slips attached to the application;
- The requirements established by Legislative Decree no. 206/2007, if they are regulated professions that require registration in Associations, Colleges, registers or lists managed by public entities, if registration is subject to the possession of professional qualifications or to the verification of specific professional skills;
- The annual amount of retribution, indicated in the employment contract or in the binding offer, which may not be lower than that provided in the national collective agreement stipulated by trade unions most recognized at national level, and in any case not less than the average gross annual salary recorded by ISTAT.

Implementations on the Immigration One-Stop Shop

The Immigration Desk issues the work clearance within 90 days of the submission of the application, after completing the requirements of art. 22, c. 2 of the T.U.I., or it will notify the employer of the refusal of the same.

Within 8 days of entering the national territory, the worker must go to the Immigration Desk together with the employer to sign the residency contract and then apply for the residency permit at the competent Police Headquarters.

At the time of signing the residency contract, the highly qualified foreign worker, who has entered Italy after having obtained the work permit and the entry visa, can immediately carry out work, subject to mandatory communication (Mod. UNILAV) by the employer to the competent services through the regional IT systems.

The employer must prove that he/she has made the mandatory communication at the Immigration Desk at the time of signing the residency contract.

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Requirements of Police Headquarters for the issuance of the "EU Blue Card" residency permit

The residency permit is issued following the signing of the residency contract for work as required by art. 5-bis T.U.I. and the mandatory notification to the competent services through the regional IT systems. It is valid for two years for open-ended contracts, i.e. with a duration equal to that of the employment relationship plus 3 months, in other cases.

The EU Blue Card issued to a third-country national who has been granted international protection shall bear the words "International protection granted by (name of Member State) on (date)" in the 'annotations' field.

In the event that international protection is withdrawn, a new EU Blue Card shall be issued upon request at the end of the validity of the EU Blue Card or at the time of the first request to update the information or photograph.

If the EU Blue Card is issued for professional skills not included in Annex I to Directive (EU) 2021/1883, the words "Profession not listed in Annex I" will be indicated in the 'annotations' field.

Applications submission

Applications must be submitted to the Prefecture's Immigration Desk - Government Territorial Office using the computerized system available for all other procedures managed by the One-Stop Shops.

To submit applications online on the <https://portaleservizi.dlci.interno.it/> website, you must have a SPID identity or CIE. After logging in, you can access the area dedicated to the Request Forms and select the form to request the work clearance to obtain the EU Blue Card (BC Form).

In order to facilitate the rapid evaluation of the applications submitted, the application template has provided the possibility to attach the necessary supporting documentation via an upload function.

This documentation can be examined by the Immigration Desks without the need to summon the applicants to present it in person, but it will be necessary to show the original copies at the time of signing the residency contract.

Palermo, Rome, 30 April 2024

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