

EUROPEAN  
JOB DAYS

# Work in Italy

## Framework of entry

## How to entry in Italy for work



Work in Italy for: Non-EU nationals



General information to enter/stay in Italy



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# Framework of entry



## How to entry in Italy for work



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**Citizens from non-EU countries can access the Italian labour market:**

-  either directly in Italy, if already have a regular residence permit and they satisfy some other requirements provided for by law;
-  or from abroad, within the framework of entry quotas established annually in accordance with the Flow Decrees (except in certain particular cases of entry outside the quotas).

# Framework of entry

## How to entry in Italy for work

### Recruitment of foreign workers resident abroad

Non-EU citizens are allowed to enter Italy for subordinate work (including seasonal) and self-employment only within the maximum amount of entry quotas established annually by specific **decrees on management of entry flows for work reasons**, with exception of some professional occupations that don't follow the quota system.

The main regulations on entry and stay in Italy for work reasons are currently provided by the **Legislative Decree of 25 July 1998, no. 286**, and subsequent amendments and additions "Consolidated Act of the provisions concerning immigration and the rules on the conditions of foreign nationals" (article 22 et seq.).

The implementation rules of the Consolidated Act are established by the D.P.R. no. 394/1999, modified and supplemented by the D.P.R. no. 334/2004.

# Framework of entry

## How to entry in Italy for work

### What procedure must be followed to get hired by an employer in Italy?

The request to obtain the authorisation (called nulla osta) for the recruitment of a non-EU worker, submitted by an Italian or foreign employer legally resident in Italy, represents the first step of the procedure.

**The request can be submitted only after the publication of the annual Flow Decree in the Official Journal of the Italian Republic,** according to the procedures indicated in specific ministerial circulars.

# Framework of entry

## How to entry in Italy for work

### Management of migratory flows

The Presidency of the Council of Ministers adopts annually decrees that establish the entry quotas for work reasons, taking into account the Italian labour market shortages and the related need of non-EU labour force, determined through a broad consultation involving the competent Ministries, the Regions, the professional associations and the main trade union organizations. The entry quotas established in the flow decrees are then assigned at regional level by the Ministry of Labour and Social Policies.

# Framework of entry

## How to entry in Italy for work

### Management of migratory flows

The request to obtain the authorisation (called nulla osta) for the recruitment of a non-EU worker, **submitted by an Italian or foreign employer** legally resident in Italy, represents the first step of the procedure.

**The request can be submitted only after the publication of the annual Flow Decree** in the Official Journal of the Italian Republic, according to the procedures indicated in specific ministerial circulars.

Once the worker has the nulla osta, issued by the One-Stop-Shop for Immigration (Sportello Unico Immigrazione), s/he can request an entry visa for subordinate work reasons to the competent diplomatic or consular Authority.

# Framework of entry

## How to entry in Italy for work

### The One-Stop-Shop for Immigration issues the nulla osta if:

- *the request submitted by the employer falls within the annual quota established by the Flows Decree;*
- *no Italian, EU or non-EU worker registered in the employment lists or as unemployed is willing to accept that specific job (in case of availability, however, the employer has the possibility to confirm his/her request);*
- *there are no reasons for objection raised by the police headquarters.*

Also the entry into Italy of non-EU workers for **seasonal work reasons** is only possible within the framework of the quotas established annually by the specific programmatic decree concerning entry flows for seasonal work reasons.



# Framework of entry

## How to entry in Italy for work

### The One-Stop-Shop for Immigration issues the nulla osta if:

It is possible to establish seasonal employment relationships only in the **agriculture** and **tourism-hospitality sectors**. They must be sectors following the rules set by the collective labour agreements that appear in the application form for seasonal work on the website of the Ministry of the Interior.

It is also possible to hire a seasonal worker on a part-time basis, as long as the average weekly working time is not less than 20 hours. The worker must be paid a gross monthly wage no less than that established by the current national collective labour agreement.

For the recruitment of seasonal or non-seasonal employees, separate flow decrees can be adopted, but in the last years a single one has been issued with entry quotas for both non-seasonal and seasonal workers.

With the **Legislative Decree 29 October 2016, no. 203**, the Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers has been transposed in Italy (OJ General Series no. 262 of 9-11-2016).

# Framework of entry

## How to entry in Italy for work

### What happens after submitting the application? How long does it take?

Applications are processed according to the chronological order of submission.

The One-stop shop, after acquiring from Territorial Labor Inspectorate the opinion on applicable contract conditions and on the credit worthiness of the company, and after hearing the opinion of the Police Headquarters – invites the employer for the filing of the documents indicated in the application, the issuance of the permit and the signing of the residence contract.

Once the worker has the nulla osta, issued by the One-Stop-Shop for Immigration (Sportello Unico Immigrazione), he can request an entry visa for subordinate work reasons to the competent diplomatic or consular Authority of his country of origin.

The nulla osta will be valid for a period not exceeding 6 months as from the date of issuance. The Consulate notifies to the foreign national the draft residence contract for work reasons and issues within 30 days as from the application the entry visa and the tax code. Once the visa is obtained, workers can enter Italy.

# Framework of entry

## How to entry in Italy for work

### Entry outside the quota system

Among the provisions of the Consolidated Act on Immigration (Legislative Decree no. 286/98) on the entry and stay of foreign nationals for work reasons, the articles 27 et seq. provide categories of workers that don't have to apply for the nulla osta or, if requested, it can be issued in any case outside the quotas periodically established with the Flows Decree.

These are the so-called "Entries outside the quotas", i.e. **entries for work reasons possible throughout the year and without numerical limit** (with the exception of entrances for traineeships, for professional and amateur sports and for voluntary work). A simplified procedure is usually provided for the issue of the nulla osta. In some cases (seconded managers, university professors, specialized workers posted to Italy, seafarers, trainees and journalists) the procedure foresees, directly or after a simple communication to the One-Stop-Shop for Immigration, the visa request to the Italian diplomatic or consular representations abroad.

# Framework of entry

## How to entry in Italy for work

### What should I do once I enter Italy?

Within 8 working days as from their entry to Italy, foreign workers shall go to the competent One-stop shop that verifies the documentation and delivers to the worker the tax code certificate.

Foreign workers sign the residence contract for work purposes without making any changes to it, and it is kept at the One-Stop Shop.

The One-stop shop also asks foreign workers to sign the form for the application to receive the residence permit, which is then sent to the competent Police Headquarters through a suitable kit available at the post office.

# Framework of entry

## How to entry in Italy for work

### **Residence permit for foreigner who has lost his job**

In the case of dismissal or resignation (which the employer must communicate within 5 days to the One-Stop Shop and the Job Centre) a foreigner has the right to be entered on the mobility lists (with the payment of the relevant allowance) or the population lists kept by Job Centres for the remaining period of their residence permit and in any case, except in the case of residence permits for seasonal work, for a period of not less than one year or the entire period covered by income support (unemployment benefit e.g. mobility allowance) received by the foreign worker, where this is higher.




# Framework of entry

## How to entry in Italy for work

### Foreign workers' rights

All legal foreign workers enjoy equal treatment and full equality of rights with respect to Italian workers.

Pursuant to Article 5 paragraph 9 bis of the Consolidated Immigration Act (Legislative Decree no. 286/98), pending the issuing or renewal of a residence permit, the worker can still work, with full social security rights provided that:

-  he/she has requested a residence permit at the One-Stop Shop within 8 days from entry or, in the case of renewal, the request has been submitted before the expiry of the permit;
-  he/she has signed a Residence Contract
-  he/she is in possession of a receipt certifying the successful presentation of the request for the issuing or renewal of a residence permit issued by the competent office.

# Framework of entry

## How to entry in Italy for work

### Foreign workers' rights

In general, the holder of a residence permit for employment:

- ➡ is entered automatically in the NHS (Servizio Sanitario Nazionale, SSN);
- ➡ can access the social housing system and the intermediary services for access to rented accommodation and subsidized credit in relation to a first home on equal terms with Italian citizens if he/she is in possession of a residence permit lasting at least two years and is engaged in regular employment or in a self-employed activity (art. 40, paragraph 6 of the Consolidated Act);
- ➡ can access study courses on a par with Italian citizens (except for the recognition of qualifications for the purposes of pursuing studies) including training and retraining courses;
- ➡ may apply for family reunification and the subsequent entry of family members if in possession of a permit lasting more than one year ([link to the information on the site of the Ministry of the Interior on reunification](#));



# Framework of entry

## How to entry in Italy for work

### Foreign workers' rights

In general, the holder of a residence permit for employment:

- ➡ can carry out work under contract different from the one originally authorized (art. 6, parag. 1 Consolidated Act). In this case, the parties will need to sign a new residence contract for employment;
- ➡ can carry out activities of autonomous work, after acquisition of a qualification or authorization and fulfilment of other requirements with a corresponding conversion of the residence permit on expiry;
- ➡ can access the social services (art. 22, parag. 14, Consolidated Act)





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<https://ec.europa.eu/eures>, by accessing to the CHAT service.

For Italy, the service is available every Friday (except public holidays) from 10:30 to 12:30 (CET).

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