

CONVERSION OF RESIDENCE PERMIT FROM STUDY TO WORK: NEWS, REQUIREMENTS, PROCEDURE

Changes in the 'Cutro Decree (2023)' to the conversion of residence permits for study reasons to work reasons

The Cutro Decree has introduced important changes to the Italian Immigration Act. The most relevant ones regarding regular immigration to Italy have already been [examined in one of our previous articles](#).

The present article aims at providing further insights on conversions of student residence permits into work residence permits.

The Cutro Decree has had a considerable impact on this matter and it is a breakthrough compared to the past.

The main innovative aspect is the possibility to convert the student residence permit without *any* quantitative restriction, which was previously set yearly by the Italian Government with the so-called Flow Decree (Decreto Flussi). Previously, only those with a Bachelor's Degree, Master's Degree, or a PhD obtained in Italy had the possibility to convert the permit without quantitative constraints.

The long-term stay in Italy of foreigners regularly studying and residing in Italy is therefore promoted and facilitated.

In 2022, [the Italian National Institute of Statistics \(ISTAT\) data](#) reports the lowest number of births since the creation of Italy (1861). Furthermore, the most recent data available – regarding 2022 – shows an increase of the average age in the country, which goes from 45.7 at the beginning of 2020, to 46.4 at the beginning of 2023.

It is therefore evident the intention of the Government to tackle the average age growth and make up for a negative demographic trend by facilitating the long-term permanence of young foreigners regularly present in Italy for study reasons. In the following paragraphs, we will cover the timing, the procedures, and the reasons to request the conversion of the student residence permit into a work permit.

- Why requesting the conversion from study to work?

With regards to both employment and self-employed, the student residence permit allows the foreigner to carry out working activities, with a weekly limit of 20 hours of work.

Thus, the conversion of the residence permit from study to work reasons serves the purpose of allowing the full-time work activity, without limits on the number of working hours allowed.

Furthermore, the conversion allows the person to reside in Italy *beyond* the period of studying and also without graduating. Indeed, the residence permit for study reasons is associated with the enrolment to a university or other education courses, which, by nature, has a fixed duration. The residence permit for work reasons, on the contrary, is associated with a working activity, which can last for indefinite time.

- When to request the conversion from study to work

Deadline

The written rule is that the student residence permit can be converted into a work residence permit before its expiry (Art. 6 of the Italian Immigration Act).

On the other hand, we should point out that case law adopts an extensive interpretation of the deadline, which allows the conversion even *after* the expiry of the residence permit for study reasons where specific conditions are met, such as the presence of a work contract signed before the expiration date of the residence permit, which proves the willingness of the foreigner to remain in Italy ([Ruling of the Council of State n. 7525, 11th November 2021](#)).

Starting period

The application, given the abolition of the quantitative restrictions provided for by the Flow Decree, can be submitted in any moment of the year.

Foreigners enrolled in a bachelor's, master's degree, or PhD, and foreigners present in Italy until they reach adult age can apply for the conversion even *before* the completion of the studies.

Foreigners enrolled in an educational course or taking part in internship programs can apply for the conversion only *after* the conclusion of the course or the internship program (Art. 14, para. 6, Presidential Decree n. 394 of 1999).

- **Requirements to request the conversion for work reasons**

The conversion allows both employment and self-employed activities, with different requirements based on the type of activity that will be carried out.

1. Subordinate Work

The main requirement to obtain the conversion for subordinate work is the so-called "contract of stay" which needs to be signed by both the employer, the employee and an officer of the Immigration Desk.

The contract of stay includes information such as the employer details, the applicable national collective labour agreement (CCNL), weekly working hours, place of employment, level and tasks of employment, etc.

A job offer with the above-mentioned details must be presented to the Immigration Desk (an office of the Prefecture), and must provide for no less than 20 weekly working hours and a yearly gross income higher than 8,500 euros, approximately.

2. Self-employed work

In case of conversion for self-employed work, a certificate stating the possession of the requirements for the specific type of activity is required. Documentation regarding the activity to be carried out, as well as the availability of adequate financial resources to start the activity – higher than the legal minimum of 8500 euros as well – must be submitted.

In particular, in case of entrepreneurial, business, or artisanal activity, the trade registration at the chamber of Commerce is required, as well as the registration in the specific professional register if needed.

- **Procedure to request the conversion for work reasons**

1. The application for the conversion of the residence permit must be submitted online on a Web Portal of the Ministry of the Interior. The application is examined by the Immigration Desk of the Prefecture, located where the employer has the registered office.

2. The first step is followed by an appointment at the Immigration Desk of the Prefecture located where the employer has its registered office. At the appointment, both the employee and the employer must be present.

During the appointment the Contract of Stay is signed by the Prefecture official, the worker and the employer. An original copy of the contract of stay signed by all parties will be handed over, as well as the postal kit and the application form, which are prepared by the same Immigration Desk.

3. The kit with the necessary documentation must be shipped to the Police Headquarters (Questura) by Post. The postal system generates an appointment with a specific office of the Police.

4. The next step of the procedure takes place at the Police Headquarters at the time and place of the appointment generated by the Post Office. In this circumstance the digital fingerprints of the applicant will be taken. The Police also verifies the Contract of Stay and the application for the residence permit prepared by the Immigration Desk.

5. Lastly, once the residence permit is issued by the central offices in Rome and shipped to the competent Police headquarters, the applicant will receive a text message to his/her phone number with time and place of the appointment for the collection of the new permit.

- **Conversion in Residence Permit for Expected Employment**

Those holding a residence permit for study reasons but still without a work offer can apply for the conversion to a residence permit for expected employment. This way, they can be granted the possibility of remaining on the Italian territory for 9 to 12 months during their research for a job opportunity (employment or freelance).

This possibility of conversion is open to foreigners holding a university degree obtained before the expiration date of the student residence permit.

You can find more information on this type of conversion [in this article](#) on our website.

Atty. Pietro Derossi, Head of the Immigration & Global Mobility Team

Mr. Achraf Fadhel, Associate at LEXIA