

FACILITATED ACCESS TO LONG-TERM RESIDENCE PERMIT FOR HOLDERS OF THE EU BLUE CARD

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The [EU Blue Card](#) has recently undergone significant amendments that greatly expand the pool of potential applicants for this residence permit in Italy. This Article examines the potential for holders of the EU Blue Card, issued by another Member State, to obtain a long-term residence permit (also known as permanent) in Italy.

By Article 9-ter of the Italian Immigration Act (TUI), third-country nationals holding an EU Blue Card who have legally resided for a minimum of five years within the European Union, with a minimum of two years in Italy, are eligible to apply for a long-term residence permit, which is valid for a period of ten years and it is easily renewable.

This provision intends to facilitate a stable residency status and greater integration who are highly specialized professionals moving across Europe.

To gain a complete understanding of the possibility of obtaining a long-term residence permit for non-EU citizens with an EU Blue Card who transfer to Italy, it is necessary to briefly review the types of residence permits involved: (1) the EU Blue Card and (2) the long-term residence permit.

Subsequently, this paper will examine the possibility (3) of converting the EU Blue Card into a long-term residence permit.

And, finally, it will focus on (4) the legislative provisions designed to safeguard the family unity of this category of non-EU nationals.



1. The Eu Blue Card

The [EU Blue Card](#), as laid out in Article 27-quarter of the Italian Immigration Act (TUI), is designed to facilitate the entry of highly qualified third-country nationals into Italy for work



purposes beyond the annual quantitative limitations that characterize the issuance of visas for unskilled workers.

As the name implies, the EU Blue Card is a uniform residence permit regulated by European law, reflecting its pivotal role in attracting highly skilled workers to the European Union.

In Italy, the process for obtaining the EU Blue Card typically involves the following steps:

- a) an application for entry clearance (so-called *Nulla Osta*) by the Italian employer to the competent Italian Prefecture;
- b) a subsequent application for a National Visa at the Italian Consulate by the non-EU worker himself;
- c) and, finally, the application for a residence permit submitted by the worker to the competent Police Headquarters in Italy.

1.1 Conversion of an EU Blue Card Issued by Another Member State into an Italian EU Blue Card

Nevertheless, there is a simplified procedure in comparison to the aforementioned one. When the non-European applicant has already been granted a European Blue Card by *another* EU country, the procedure is simplified. Indeed, individuals belonging to this category, having resided legally in another Member State for a period of at least 18 months, are entitled to enter Italy *without a visa* and request the conversion of their foreign residence permit into an Italian permit (Article 27-quarter paragraph 17).

In particular, it is possible to enter Italy without a visa and request the entry clearance from the Immigration Office of the Prefecture within one month.

Subsequently, the entry clearance is issued within 30 days of the date of submission of the application. After obtaining the entry clearance, the applicant can apply for the Italian residence permit to the competent Police Headquarters.

Finally, it is noteworthy that the conversion of the non-Italian residence permit is not required during the first 90 days of residence in Italy, during which the non-EU citizen, already in possession of a Blue Card issued by another EU State, can work for an Italian company by doing a simple declaration of presence to the police.

2. The Long-Term Residence Permit for EU Long-Term Residents

The long-term residence permit for EU long-term residents is a fundamental legal tool to promote the integration of third-country nationals into the European Union.



Access to the long-term residence permit is subject to a series of stringent requirements. Specifically, to obtain a long-term residence permit, the following conditions must be met cumulatively (Article 9 of the Immigration Law):

- *Regular and continuous residence:* The applicant must have held a valid residence permit for at least 5 years. The stay must be regular and continuous, and any interruptions are allowed only if brief and justified;
- *Adequate economic situation:* The applicant must demonstrate an annual gross income not lower than the amount of the social allowance, which is €6,542.51 (in 2023);
- *Suitable accommodation:* The house where the applicant resides must meet safety and hygiene requirements, proven by a certification of suitable housing;
- *Passing a language proficiency test:* Since 2010, it is mandatory to pass an Italian language test at A2 level, necessary to demonstrate a minimum level of linguistic integration by the applicant (Decree of the Ministry of the Interior dated June 4, 2010)

3. Conversion of the EU Blue Card into a Long-Term Residence Permit for EU Long-Term Residents

The regulation regarding the issuance of the EU Long-Term Residence Permit reserves special treatment for those who have moved to Italy as holders of an EU Blue Card already issued by another EU Member State and then converted into an equivalent Italian permit.

This category of individuals can request the issuance of a long-term residence permit from the competent Police Headquarters by proving the fulfillment of the two following requirements *only*, which pertain solely to the time requirement of a minimum stay in the EU for five years:

- Legal and uninterrupted residence in the territory of the European Union with an EU Blue Card for five years. The continuity of residence in the EU territory is not interrupted when the applicant has been outside of the EU for less than 12 consecutive months and less than 18 months in total over the five years.
- Having held an EU Blue Card issued by the Italian authorities for at least two years.

The long-term residence permit issued to this category of non-EU citizens will bear the note “Former EU Blue Card Holder.”

4. Family Members of Foreigners Holding a Long-Term Residence Permit with the Notation “Former EU Blue Card Holder”



A foreigner holding or applying for an EU long-term residence permit can also obtain the same type of permit for their family members, provided that they independently meet the requirement of 5 years of residency in Italy.

Specifically, the following family members can “follow” the so-called main applicant (the income holder):

- *Spouse not legally separated;*
- *Dependent minor children;*
- *Dependent adult children, if they are unable to support themselves due to a health condition resulting in total disability;*
- *Dependent parents, if they have no other children in their country of origin;*
- *Parents over 65 years of age, if they have no other children in their country of origin, or those are unable to support them due to serious health reasons.*

It is worth emphasizing that even for the family members of a foreigner holding an EU long-term residence permit with the notation “*Former EU Blue Card Holder*,” the same rules regarding the time requirement to obtain the long-term residence permit in Italy apply: they must have legally and continuously resided in the European Union for five years, with the last two years specifically in Italy.

Conclusion

Article 9-ter of the Italian Immigration Act (TUI) is an important tool to promote the stable integration and mobility of highly skilled workers within the European Union, as well as their family members. In fact, EU Blue Card holders and their family members can access the Italian long-term residence permit under more favorable conditions compared to other foreign nationals, who *cannot* use their period of stay in an EU country other than Italy to meet the 5-years requirement and must have spent all 5 years in Italy.



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