

ITALY



Law and Practice

Contributed by:

Pietro Derossi
LEXIA

Contents

1. Policy p.3

- 1.1 Immigration Policy p.3
- 1.2 Upcoming Policy Changes p.4

2. Visa Options p.4

- 2.1 Sponsor-Based Employment Visas p.4
- 2.2 Un-sponsored Work and Investment Visas p.6
- 2.3 Restrictions on Visitors p.8
- 2.4 Remote Working p.9

3. Visa Requirements p.9

- 3.1 Prerequisite Language Requirements p.9
- 3.2 Medical Certificates or Vaccinations p.9
- 3.3 Minimum Thresholds: Sponsor-Based Employment Visas p.10
- 3.4 Employment-Based Visa Limitations p.10

4. Immigration Process p.10

- 4.1 Visa Processing Times p.10
- 4.2 Travel Restrictions Once Application Filed p.11
- 4.3 Expedited Visa Proceedings p.11
- 4.4 Post-visa Requirements p.12

5. Immigration Costs p.13

- 5.1 Typical Cost of a Sponsored Employment p.13
- 5.2 Payment of Visa Costs p.13

6. Enforcement p.13

- 6.1 Enforcement Action Against Individuals and/or Sponsors p.13
- 6.2 Employer Obligations p.14
- 6.3 Right to Work Check Requirements p.14

7. Accompanying Family Members/Dependants p.14

- 7.1 Recognised Family Relationships p.14
- 7.2 Dependant Visas p.15

Contributed by: Pietro Derossi, LEXIA

LEXIA is an Italian law firm which is committed to providing clients with advice and expertise at the highest level. The firm boasts over 80 professionals working in Milan, Rome and Palermo. It has a global mobility and corporate immigration practice made up of five lawyers who assist: natural persons relocating to Italy in obtaining an Italian visa and/or residence permit; people relocating from Italy to foreign countries, by liaising with a network of renowned international firms; companies sponsoring employees',

directors' or managers' visas to Italy; families seeking reunification; and asylum seekers. Furthermore, the firm also assists with any Italian citizenship application (by ancestry, residency, marriage, etc), and provides legal safeguards to those who face obstacles in converting or renewing their residence permits. These matters are handled using judicial remedies and/or extrajudicial counselling, depending on the specific circumstances.

Authors



Pietro Derossi is a counsel of LEXIA and head of its global mobility team. He has extensive experience in assisting people to obtain all kinds of visas and residence permits – including start-ups; citizenship applications; and judicial litigations

against the Italian public administration to safeguard the right to citizenship, family unity, and residency in Italy. He is the editor of italianvisa.it, a widely known and informative website on Italian immigration law. He is a member of the Italian Association on Legal Studies on Immigration and of the International Association of Lawyers.

LEXIA

Via del Lauro 9
20121
Milano
Italy

Tel: (+39) 3428404434
Email: pietro.derossi@lexia.it
Web: www.lexia.it



1. Policy

1.1 Immigration Policy

Long-Term Visas (National Visas)

The current Italian immigration policy favours entry into Italy for long-term stays by the following:

- investors in Italian companies, who can benefit from a fast-tracked visa procedure;
- highly qualified employees with a job offer from an Italian company or seconded to an Italian company;
- wealthy retirees who already own or rent a house in Italy; and
- university students.

There are also immigration procedures open to low-qualified workers, which are meant to cover workforce shortages in specific fields such as agriculture, construction, the tourist hotel sector, and others. However, these work visas are subjected to yearly quantitative restrictions.

In any case, all immigration procedures leading to the right to reside continuously in Italy are characterised by an application for a national visa to the Italian consulate of the foreign country of residency of the applicant; and a subse-

quent residence permit application to the Italian police once the foreign national enters Italy with the national visa. In many cases, before the visa application, the applicants themselves, their employer or their family members have to request a preliminary authorisation called a “nulla osta” from a provincial office of the Ministry of Interior, from the police or from other public bodies, depending on the type of application.

Short-Term Visas (Schengen Visas)

National visas must be clearly differentiated from schengen visas, which do not lead to the issuance of a residence permit and do not allow a stay in the schengen area of longer than 90 days every 180 days. It is noteworthy that many countries are schengen visa-exempted based on bilateral agreements with the EU. Therefore, their citizens can visit the schengen area for up to 90 days every 180 days with only their passport and no visa.

Non-EU citizens travelling within the schengen area without a national visa can be referred to as “visitors”.

See also [2.3 Restrictions on Visitors](#).

1.2 Upcoming Policy Changes

The Digital Nomad Visa

As of May 2024, it is possible to apply for a digital nomad visa and residence permit in Italy. This is an unprecedented new opportunity for medium or long-term relocation to Italy, since it is the first-ever Italian-conceived visa and residence permit based on work reasons, granted without the need for an Italian employer or client sponsoring the application. In fact, the employer or client of the digital nomad is normally based in countries other than the one of the worker's residency.

This new visa category recognises the growing delocalisation of the labour market, a phenomenon which was certainly boosted by the pandemic crisis of 2020/2021. It opens a huge pathway to Italy for non-EU citizens who wish to enjoy the Italian lifestyle and keep their work in their country of origin or former residency.

The New EU Blue Card

A second major change in Italian immigration law concerns the so-called EU blue card. This is a residence permit regulated at the European level that favours the entry of highly qualified workers into EU member states.

In Italy, this permit was previously granted only to people holding at least a bachelor's degree and having a job offer for activities that require intellectual skills and specific expertise and knowledge. However, as of April 2024, the government has implemented a broader new concept of "highly qualified worker" by also including within this definition workers without a university degree but with significant professional experience in a field that requires intellectual skills and specific expertise and knowledge.

This novelty is another big new attraction to lure a highly qualified workforce to Italy, which goes beyond the formal requirement of a university degree and embraces a "substance over form" approach in the assessment of the visa applicant's qualification.

2. Visa Options

2.1 Sponsor-Based Employment Visas

It being understood that European citizens do not need any visa or residence permit to live and work in Italy, there are two main categories of work visas for non-EU citizens.

Low-Skilled Employees

The first category is dedicated to "low-skilled" employees from specific non-European countries to be employed in specific job fields and within limited numbers defined by the so-called "Flow Decree" (*Decreto Fluss*), an annual piece of legislation enacted by the government to control the influx of migrants coming to Italy to work.

The nationalities of origin of these foreign employees are selected based on a mechanism of incentives for foreign countries to co-operate against irregular immigration – generally speaking, those countries that are signatories of bilateral agreements of co-operation to tackle irregular migration and/or to repatriate irregular migrants are included in the list of nationalities eligible for this type of work visa. Countries that do not co-operate are excluded from the list.

The work fields where these migrants can be employed and sponsored for a visa are also identified by the same annual decree based on the needs of the job market, as identified by the government and the most representative employers' associations at a national level. For

instance, in 2023–2024, workers with a job offer in the following fields were granted the possibility to apply for a visa: the agricultural sector, road haulage, construction, tourist-hotel sector, mechanics, telecommunications, food industry, shipbuilding, bus transportation, fishing, plumbing, and electricians.

The maximum cap for workers who can be granted a visa is also established by the Flow Decree, based on the expected requirements of Italian industry. For instance, in 2024 a maximum cap of 151,000 visas of this type was established. The number of applications was 690,000.

An application can be initiated with a request for a *nulla osta* to the regional office of the Ministry of Interior only if there is an employer willing to employ the non-EU worker. However, it frequently occurs that alleged employers are paid to appear as such by foreigners who are already staying illegally in Italy. The great number of fictitious applications and the attempts of competent authorities to detect this fraud make the evaluation process much slower and reduce the chances of legitimate workers and employers being granted a visa.

Highly Skilled Employees

The other employment visa category encompasses all types of visas granted every year in unrestricted numbers to foreign nationals with a job offer from an Italian company or person.

In principle, highly qualified workers fall under this category and cannot be denied a visa based on the quantitative restrictions of the aforementioned Flow Decree.

The EU blue card (Article 27 quater of the Italian Code on Immigration)

The largest subcategory of the “highly skilled” visa spectrum is the EU blue card, which is granted to all non-EU employees with a job offer for at least EUR27,000 annual gross salary who hold a university degree or who have considerable professional experience that has provided them with intellectual skills and specific knowledge comparable to those of a graduate.

See also **1.2 Upcoming Policy Changes** to find out more about this visa option.

Other specific professionals (Article 27 of the Italian Code on Immigration)

In addition to the EU blue card, there are several other employment visas that are granted without quantitative restrictions for the specific professional categories mentioned below:

- lecturers and professors of foreign universities carrying out academic or teaching activities in Italy;
- translators and interpreters;
- employees of foreign companies or organisations carrying out activities in Italy, where the employer tasks the employee with work activities to be performed in Italy for a certain period of time;
- employees of foreign companies who will embark on Italian cruises to perform work activities based on a service agreement with the Italian company or natural person owning or managing the ship;
- artists and technicians to be employed at opera, theatre, music and dance events;
- dancers, artists and musicians to be employed in bars, clubs or other entertainment venues;
- artists to be employed by companies or other private or public entities (active in the field of

- cinema, music, theatre, radio or television) to carry out cultural or folklore-based events;
- employees of a circus performing in Italy;
- professional athletes who intend to take part in paid professional sports activities for an Italian sports club affiliated with the Italian National Olympic Committee (CONI);
- journalists employed by a foreign press organisation, a radio broadcaster or a TV network, as long as the journalist is accredited in Italy;
- au pairs or other people who take part in exchange programmes (established by an international agreement valid in Italy) to work part time in Italy;
- nurses to be employed in Italian private or public health facilities or hospitals;
- members or officials of foreign governments; and
- employees of foreign public offices, foreign public entities, or international organisations.

2.2 Un-sponsored Work and Investment Visas

The Italian immigration system has some visa options for un-sponsored work or investment.

Golden Visa (Article 26 bis, Italian Code on Immigration)

A non-EU national can obtain a golden visa then a residence permit for investors by making one of the following investments:

- at least EUR2 million in securities issued by the Italian government; or
- at least EUR500,000 in shares or stocks of an already existing capital company operating in Italy (Spa, Srl, Spap, or Srls), either through a capital increase or a purchase agreement;
- at least EUR250,000 into an already existing Italian innovative start-up company, either

through a capital increase or a purchase agreement; or

- by making a philanthropic donation of at least EUR1 million to an Italian non-profit registered entity to support a project of public interest in one of the following sectors – culture, research, management of immigration, renovation or restoration of natural or artistic assets.

There are three cornerstones for a successful golden visa application.

- The applicant has to choose one sole Italian company as the beneficiary of the investment before the visa application is made, when applying for a nulla osta issued by a committee of the Ministry of Economic Development. This choice cannot be changed after the request for the nulla osta.
- The applicant has to demonstrate that the funds (money or liquid financial assets) to be used for the investment are the applicant's own, fully available for the investment and derived from legitimate activities. To demonstrate this, it is essential to submit a letter from the bank of the financial intermediary where the funds are deposited, confirming the funds' compliance with the Financial Action Task Force (FATF) anti-money laundering standards, following the sample letter provided by the ministry itself. A preliminary check of the bank's willingness to draft this letter is recommended.
- The investment should be made only after the issuance of the nulla osta by the investor committee of the ministry, and of the visa by the Italian consulate.

Regarding accompanying family members, the investor can bring minor children, a spouse and parents older than 65 years old who have no

other children in their country of origin who can support them.

The investor visa leads to the issuance of a residence permit, does not bind the foreign national to become a civil and tax resident in Italy, allows work activities in Italy, can be renewed an unlimited number of times as long as the investment is maintained, and can be converted into other types of residence permits.

Digital Nomad Visa (Article 27, Paragraph 1, let. q bis, Italian Code on Immigration)

The revolutionary and most appealing type of visa for unsponsored work is the digital nomad visa, which allows employees or freelancers with clients or employers in countries other than Italy to obtain an Italian work visa and residence permit. This visa allows digital nomads to keep their jobs abroad, move to Italy and possibly also work for Italian entities or clients, or start a business in Italy.

This type of visa better suits the “unsponsored visa” category because, most often, clients or employers of the digital nomad are not based in Italy. Thus, there is no actual Italian entity or person requesting the worker’s admission into Italy.

The main requirements to apply for this visa are the following:

- a university degree or several years’ work experience in a field that requires technical/specialised knowledge and the execution of non-manual tasks;
- a minimum annual gross income higher than EUR26,000;
- at least six months’ work experience within the field of the specific work activity that will be carried out in Italy;

- to have valid health insurance covering the entire period of stay in Italy (not longer than 12 months), which covers all types of necessary medical expenses or hospitalisations during the applicant’s stay in Italy;
- proof of the availability of suitable accommodation for the applicant’s stay in Italy, such as a hotel reservation or a lease agreement; and
- an employment or collaboration contract, or a binding job offer, signed by both parties, if the employee or worker has a continuous professional collaboration contract with the same company.

See also **1.2 Upcoming Policy Changes** to find out more about this visa option.

Start-Up Visa

As a general rule, non-EU directors and/or majority shareholders of new Italian companies cannot obtain an Italian national visa as such.

However, foreign nationals interested in incorporating a new and highly innovative company in Italy (a start-up) can present a project to a specific committee of the Ministry of Economic Development and Made in Italy.

If the project is approved, a *nulla osta* is issued, and the non-EU national will be in a position to apply for a start-up visa, then enter Italy with the visa, obtain a residence permit and incorporate the company.

What is a start-up in Italy?

In Italy, start-ups are registered and kept within a special registry of the Chamber of Commerce upon verification of specific requirements. Most importantly, in Italy, a start-up has to meet the following requirements:

- its core business is the “development, production and commercialisation of innovative goods or services of high technological value” (it is noteworthy that innovative means or systems of production are also accepted to meet this requirement);
- it will not distribute dividends for the first five years of its activities; and
- it devotes at least –
 - (a) 15% of its expenditure to research; or
 - (b) at least one third of the team is made up of PhD students or graduates and researchers; or
 - (c) it is the owner, filer or licensee of a patent, industrial property right, or original software registered at the Italian Society of Authors and Publishers (“SIAE”).

Who can apply for a start-up visa?

In order to be in a position to apply for a start-up visa, the applicant has to comply with the following.

- They must present a detailed start-up project, including a business model, the kind of services or goods to be produced or delivered, innovative technological aspects, and the target market.
- They must have at least EUR50,000 to develop the start-up project. Venture capital funds, funds from incubators or other investors, the investor’s own finances, funds deriving from crowd-funding or other funds granted by the Italian or a foreign government or non-government bodies are accepted. The bank or financial institution where the funds are deposited will have to sign a statement certifying the client/visa applicant’s compliance with anti-money laundering standards. The ownership of EUR50,000 as an available sum to start the project may in any case be considered insufficient depending on the type

of project and the expected necessary investments to make it credible. Therefore, the economic resources available for the investment must be consistent with the nature and specifics of the business project.

- They must have received an income of least EUR8,500 during the previous financial year.
- They must have a CV and professional experience in line with the start-up project.
- They must show knowledge and awareness of the Italian market in the field of the intended business activity.

The start-up requirements in Italy and the extensive leeway for discretionary assessment regarding the strength and credibility of the project by the deciding committee make this type of visa difficult to obtain.

Moreover, non-EU entrepreneurs who intend to obtain a visa based on their highly innovative entrepreneurial project cannot incorporate the start-up before the issuance of the nulla osta. As this issuance can take two to three months, in addition to the time necessary to prepare the application (around one month on average), the waiting time to start the activity is significant and can be a discouraging factor.

2.3 Restrictions on Visitors

The term “visitors” refers to non-EU nationals possibly allowed to spend a maximum period of 90 days every 180 days in the schengen area solely due to their nationality or due to their obtaining a schengen visa.

See also **1.1 Immigration Policy** to find out more about who qualifies as a visitor.

The following restrictions apply to visitors to Italy.

- Visitors can incorporate companies, be their directors and buy estates in Italy only if Italian citizens are allowed to do the same in the country of origin of the foreigner. These rules derive from a reciprocity clause, generally applied to all foreigners for all civil rights they wish to exercise in Italy (Article 16 of the General Rules on Italian Law, which constitutes a foreword to the Italian Civil Code).
- Visitors can neither issue Italian invoices as freelancers, nor be employed to work in Italy.
- Visitors without any valid health insurance in Italy can only access Italian public healthcare for urgent and necessary medical treatment, namely medications which, if not provided, could imply death or further serious deterioration of health (Article 35, paragraph 3, Italian Code on Immigration).
- Visitors can drive in Italy either with an international driving licence issued in their country of origin, or with their ordinary driving licence together with a translation of it certified by the Italian consulate in the visitor's country of origin or certified in Italy through a licensed translator. However, foreign residents, after the first year of residency in Italy, can only drive if they convert their driving licence into an Italian one – which is only possible when there is a bilateral convention allowing this – or if they obtain an Italian driving licence.
- Visitors can buy a car in Italy only for the purpose of getting an EE licence plate and then export the car to their country of permanent residency. The EE licence plate allows the vehicle to circulate in Italy for up to one year.

Only foreigners regularly residing in Italy can buy a car, obtain an Italian licence plate and an ordinary registration card on a vehicle.

2.4 Remote Working

Under certain specific conditions, remote working has become a good ground on which to apply for an Italian national visa.

See **1.2 Upcoming Policy Changes** and **2.2 Un-sponsored Work and Investment Visas** to find out more about this visa option.

3. Visa Requirements

3.1 Prerequisite Language Requirements

There is no language requirement to apply for any type of national visa in Italy.

The above general rule has two caveats, however.

- The first one is that student visa applications based on pre-enrolment in an Italian-intensive language course require intermediate knowledge of the Italian language at the time of the visa application. This requirement, imposed by Italian consulates in the context of student visas requesting to study the Italian language in Italy, was deemed legitimate by the Italian Administrative Tribunal.
- The second caveat is that the Italian permanent residence permit can be obtained only by those foreign nationals who have had a residence permit for at least five years, have been both a civil and tax resident in Italy for those five years, and have reached proficiency level A2 in Italian knowledge.

3.2 Medical Certificates or Vaccinations

All children younger than 17 years old who visit Italy are subject to the obligation to have vaccinations against the following: polio, diphtheria, tetanus, hepatitis B, pertussis, Haemophilus

influenzae type b, morbilla, rubella, parotitis, and varicella.

In fact, the most effective enforcement means for the vaccination of children is that, by law, public and private kindergartens and nurseries may not admit unvaccinated children (Law No 119, 31 July 2017).

The obligation to have vaccinations for the last four diseases on the above list is subject to re-evaluation every three years based on the latest data on national coverage and epidemic diffusion.

3.3 Minimum Thresholds: Sponsor-Based Employment Visas

In Italy, as a general rule, all employees must be paid a salary that meets the minimum threshold agreed upon and established, for each specific work field and level of tasks, by the most representative trade unions and employers' associations at a national level.

It follows that any visa application based on an offer of employment will be examined to verify that the offer complies with the applicable minimum salary.

In addition to this, the issuance of visas for highly qualified work, and more specifically, the issuance of the EU blue card, is conditional on a minimum annual gross salary of EUR27,000.

See also **1.2 Upcoming Policy Changes** and **2.1 Sponsor-Based Employment Visas** to find out more about the EU blue card.

3.4 Employment-Based Visa Limitations

According to the Italian legal framework on immigration, only one employer can sponsor the national visa application of a non-EU national.

Joint sponsorship by more than one employer is not allowed.

4. Immigration Process

4.1 Visa Processing Times

The processing times of national visas vary considerably depending on the type of application, the relevant Italian consulate and the relevant authority issuing the nulla osta, when required. Moreover, timelines are also partly unpredictable due to the relevant Italian deciding authorities' frequent non-abidance with legal deadlines.

The following estimated timelines are therefore based more on practical experience than on formal legal provisions. The estimated timelines include the average timeframe to be granted an appointment with the Italian consulate.

For a highly qualified employment visa, it usually takes:

- between two to four months to be issued the nulla osta, a preliminary authorisation by a provincial office of the Ministry of Interior called a prefecture; and
- from one week to one month for the issuance of the visa.

For low-skilled employment visas, it can take:

- up to six months to be issued the nulla osta by the prefecture; and
- around one month to be issued the visa.

For golden visas, it usually takes:

- around two months to be issued the nulla osta by a specific committee of the Ministry of Economic Development; and

- around one to two weeks to be issued the visa.

For self-employment visas, it usually takes:

- around one month to be issued the nulla osta by the police; and
- between one and four months to be issued the visa.

For family reunification visas, it usually takes:

- from three to six months to be issued the nulla osta by the prefecture; and
- around one month to be issued the visa.

For start-up visas, it usually takes:

- between two and three months to be issued the nulla osta by a specific committee of the Ministry of Economic Development; and
- around one month to be issued the visa.

For the elective residency visa (for retirees), it usually takes:

- between one and three months to be issued the visa (there is no nulla osta requirement).

For student visas, it usually takes:

- between one and three months to be issued the visa (there is no nulla osta requirement).

For digital nomad visas, there is no available data, specific provision or experience at the time of publication because this type of visa was only introduced in April 2024. However, based on the generic applicable framework, the follow time-frame is estimated:

- between one and three months to be issued the visa (there is no nulla osta requirement).

4.2 Travel Restrictions Once Application Filed

Applying for a visa always implies surrendering the applicant's passport to the Italian consulate for the entire period of the application process.

It follows that, during the waiting time for the visa application, the applicant cannot travel outside of their country of origin or habitual residence unless they have dual nationality (and a second passport) or a diplomatic additional passport.

There are no other specific limitations to travel to Italy in this time.

4.3 Expedited Visa Proceedings

There are no existing methods to expedite an application for an Italian visa, even for those ready to pay additional fees.

Soliciting the competent authorities is generally useless or even counterproductive if attempted before the expiry of the applicable legal deadlines for the decision.

However, there is one type of visa application that, by law, should follow a prioritised track. This is the investor visa (or golden visa) application. To incentivise investments into Italian companies or government securities by non-EU nationals, the Italian legislator has set a maximum timeline of one month to decide on the nulla osta application, for the prioritisation of this visa application by Italian consulates. In practice, the nulla osta is usually issued within approximately two months of the application date and the visa is subsequently usually issued within around one to two weeks, including the time to obtain an appointment with the consulate.

4.4 Post-visa Requirements

Application for a Residence Permit

After entry into Italy with a national visa, all potential immigrants have to apply for a residence permit within eight working days of their arrival. The application is submitted to the police by mail, using a specific postal service and an application set provided by most Italian post offices.

Signing a residence contract

However, before the submission of the residence permit application, all employment visa holders have to meet the prefecture and sign – together with a representative of the public office and their Italian employer – a so-called “residence contract” (*contratto di soggiorno*). Through this trilateral contract, the employer takes responsibility, under penalty of criminal sanctions, for:

- the truthfulness of the employment;
- the intention not to terminate the employment before its foreseen duration unless for legitimate reasons;
- the actual payment of the salary;
- the presence of suitable accommodation for the foreign national; and
- compliance over the due social contributions for all current (foreign or Italian) employees.

In order to meet the eight-day deadline to apply for a residence permit, it is therefore important to request an appointment with the prefecture to sign the residence contract in good time.

Meeting with the police

After the residence permit application is submitted via the post office, the applicant will be given an appointment with the police station. The appointment is scheduled by a digital system based on the first available time slot of the public office. In some areas of Italy, the appointment

can be fixed within several months of the application. During this time, the applicant is in any case legally staying in Italy due to the receipt of their residence permit application.

During the appointment, the applicant will be required to show the following documents:

- their original passport with the visa;
- the original receipt for the application for the residence permit;
- four identical and recent passport-type photographs of the applicant;
- all available original documentation substantiating their application; and
- proof of available accommodation (hotel or rental agreement).

On this occasion, the applicant is fingerprinted and there is not usually an interview. The applicant may only be required to explain the documentation they are submitting. Italian police usually have low/medium proficiency in the English language. If the applicant does not speak either English or Italian, it is recommended that they are accompanied by someone who speaks Italian and who knows the specifics of the application.

After the first appointment, if everything is approved and accepted by the police, the applicant will receive a text message giving the date to collect the residence permit at the same police station.

5. Immigration Costs

5.1 Typical Cost of a Sponsored Employment

Public Fees for the Visa Application

All national visa applications, including employment visas, cost EUR116 (this amount in euros is converted into the currency of the applicant's country of origin based on a quarterly re-calculation that takes into account the most recent exchange rate).

As an exception to the general cost, the national student visa application costs only EUR50.

Public Fees for the Residence Permit Application

In addition to the cost of the national visa application, the applicant will have to pay for the residence permit application, which, as a general rule, is calculated as follows according to the Ministerial Decree of 6 October 2011:

- EUR30 for the expedition of the application to police headquarters;
- EUR30.46 for printing the residence permit; and
- EUR40/50/100, depending on the type of residence permit.

Minors up to 13 years old are exempted from the first and last costs mentioned above; and minors up to 17 years old, as well as applicants seeking international protection, are exempted from the last cost listed above.

With respect to the residence permit application, see also **4.4 Post-visa Requirements**.

5.2 Payment of Visa Costs

Both the visa and the residence permit applications are to be paid by the applicant, although

the employer may decide to refund the cost of the application to the employee.

In many cases, the employer pays for the necessary legal assistance to sponsor the visa application of the non-EU worker they wish to employ. This is the most significant cost.

6. Enforcement

6.1 Enforcement Action Against Individuals and/or Sponsors

Law enforcement action will be taken against individuals whose application for the first issuance or renewal of their residence permit is refused, or who are otherwise found to be staying in Italy illegally. This measure is called an expulsion order, and it imposes on the individual the obligation to leave Italy and return to their country of origin or former residency (Article 13 of the Italian Code on Immigration).

The expulsion order can be followed voluntarily by the recipient within a certain deadline, or, in some cases, it will be executed by the police using coercion.

Sponsors can be subject to criminal liability and sanctions should they facilitate illegal immigration, including by faking the requirements set down in immigration law to obtain or extend national visas and/or residence permits.

Any criminal proceeding can result in penalties and interim measures against the sponsor, and in the sponsor being banned from sponsoring other visas/residence permits.

It is outside the scope of this chapter to provide an in-depth examination of the many specific crimes related to immigration.

6.2 Employer Obligations

Italian employers sponsoring a work visa application in favour of a non-EU national have two main types of obligations.

Minimum Statutory Working and Safety Conditions

When employing non-EU nationals, employers must offer and abide by the same minimum statutory working and safety conditions applicable to Italian and other European workers.

The minimum working conditions are set out in national collective agreements stipulated by the most representative trade unions and entrepreneurs' associations. In Italy, most work fields are regulated by at least one national collective agreement.

Breaching these minimum standards regarding any legal provisions safeguarding a worker's safety as well as social security contribution obligations towards non-EU workers (as towards any worker), can lead to administrative sanctions.

Depending on the seriousness of the violation, sanctions can be fines (the most common type of penalty), temporary suspension of the company's activities, exclusion from fiscal benefits or public tenders, or the revocation of specific licences or authorisations to perform specific activities.

In addition, it is worth noting that any breach of safety rules and standards, especially where this leads to physical injury for workers, can result in criminal liability for the employer or for any other person delegated by them to oversee safety procedures and rules.

Intention to Employ

Any employer sponsoring a visa application must genuinely intend to employ the non-EU citizen under the working conditions communicated to the immigration authorities.

Faking the intention to employ a non-EU worker for the sole purpose of helping them obtain a national visa can constitute the crime of aiding illegal immigration, with consequent criminal liability and sanctions.

6.3 Right to Work Check Requirements

Any adult (18 years old or older) is allowed to apply for a work visa and work in Italy as per the immigration law rules and restrictions on these types of applications.

There is no specific "right to work" check in Italy.

7. Accompanying Family Members/Dependants

7.1 Recognised Family Relationships

Non-EU citizens holding an Italian national visa (or a residence permit), can sponsor a family visa (and residence permit) for their closest family members.

In particular, the following family members are eligible according to the applicable legal framework:

- spouse or partner of a civil union (gay registered partnership);
- minor children (under the age of 18);
- dependant adult children who cannot provide for themselves due to very serious health conditions;
- economically dependent parents not older than 65 years old, as long as they do not have

Contributed by: Pietro Derossi LEXIA

any other children in their country of origin or last residency;

- parents over 65 years old, as long as they do not have other children in their country of origin or last residency, or those children cannot support them for reasons related to their health; and
- the parent of a minor already legally residing in Italy.

7.2 Dependant Visas

All dependant visas issued to family members of the sponsor allow any type of work activity in Italy.