

MAZZESCHI

# ITALIAN IMMIGRATION & CITIZENSHIP

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NEWS, UPDATES AND CURIOSITIES ON ITALIAN  
IMMIGRATION AND CITIZENSHIP



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These articles have been published during the period of May 1<sup>st</sup> -31<sup>st</sup> in our website: [www.mazzeschi.it](http://www.mazzeschi.it)

### **Residence permits validity extended to July 31st 2021:**

By means of law decree no. 56 of April 30, 2021, the validity of residence permits has been extended to July 31st, 2021.

The law also extends the validity of “Nulla Osta” (entry clearances for family reasons, work permits) for the same period and the terms for conversion of study permits into work permits.



## COVID-19 – new rules for entry into Italy

Travellers from **list C countries** (**Austria, Belgium, Bulgaria, Cyprus, Croatia, Denmark** – including the Faroe Islands and Greenland – **Estonia, Finland, France** – including Guadeloupe, Martinique, Guyana, Reunion, Mayotte and excluding other overseas territories outside the European mainland – **Germany, Greece, Ireland, Israel, Latvia, Lithuania, Luxembourg, Malta, Netherlands** – excluding other overseas territories outside the European mainland – **Poland, Portugal** – including the Azores and Madeira – **United Kingdom, Czech Republic, Romania, Slovakia, Slovenia, Spain** – including the territories in Africa – **Sweden, Hungary, Iceland, Norway, Liechtenstein, Switzerland, Andorra, Monaco**) are **no longer required to quarantine upon arrival in Italy.**



They must however fill out a self-declaration\*, inform the Prevention Department of the local health authority of their arrival and present a Covid-19 green certificate confirming a negative (molecular or antigen) swab test taken within the last 48 hours before entering Italy.

Travellers from **Canada, Japan, and the United States of America** are **no longer required to have a specific reason for entering Italy** (as well as travellers from other list D countries Australia, New Zealand, Rwanda, Republic of Korea, Singapore, Thailand). Upon arrival, they need to inform the Prevention Department of the local health authority that they have entered Italy, fill in a self-declaration form\*, present a negative molecular or antigen swab test taken within the last 72 hours before entering Italy, and quarantine for 10 days. After the period of self-isolation, another molecular or antigenic test must be taken



The authorizations for Covid-tested flights have been extended to the following countries: Canada, Japan, United Arab Emirates, and the United States of America.



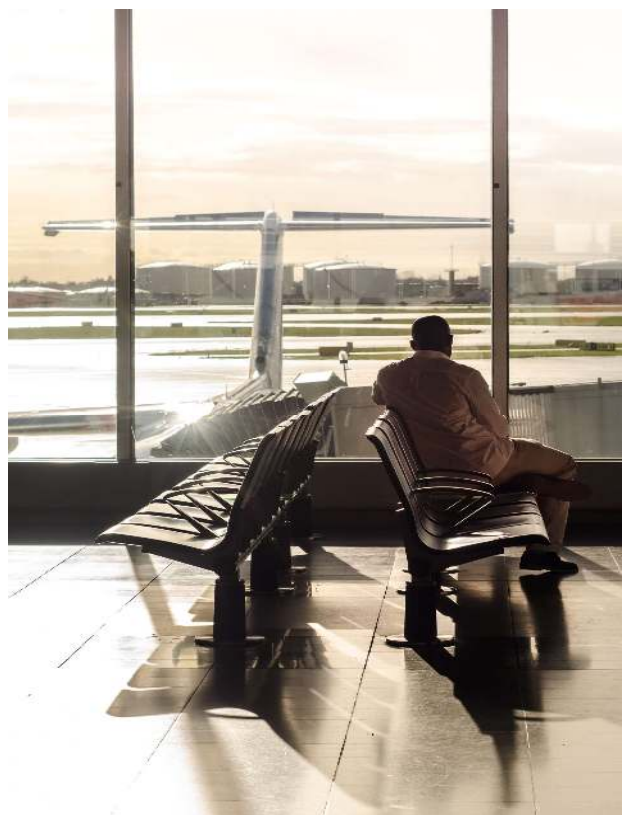
\*The paper self-declaration form will be soon replaced by a Digital Passenger Locator Form.

Special rules apply to travellers from India, Bangladesh, Sri Lanka, and Brazil

entry to Italy from India or Bangladesh or Sri Lanka is allowed only to Italian citizens registered as residents in Italy before 29 April 2021; Italian citizens registered with A.I.R.E. (Register of Italian nationals residing abroad) travellers authorised by the Ministry of Health.

Entry to Italy from Brazil is allowed only to residents in Italy before 13 February 2021; to those who are travelling to reach their minor children or spouse in Italy; to anyone travelling for an essential reason with the authorization of the Ministry of health.

Travellers from **list E countries** (i.e. all other countries not included in the above lists, with the exception of India, Bangladesh, Sri Lanka, and Brazil to which special rules apply ) can **enter Italy only for specific reasons, such as, work, study, health, or other absolutely essential reasons, or to return to their home or place of residence.** The requirements are to inform the Prevention Department of the local health authority upon arrival, fill in a self-declaration form\*, present a negative (molecular or antigen) swab test taken within the last 72 hours before entering Italy, and quarantine for 10 days. After the quarantine, it is mandatory to take a further molecular or antigenic test.



# UK business visitors: to B or not to B?

Guidelines issued by the UK Government do not match with Italian definition of “business”



According to the British government website section “travelling to Italy for work” (<https://www.gov.uk/guidance/travel-to-italy-for-work>) British nationals do not need a visa if travelling to Italy for up to 90 days in 180 days period for:

- running or attending job interviews
- going to court as a witness
- attending trade fairs
- board meetings
- meeting clients or customers (including entertainment like eating at a restaurant)
- meeting colleagues, contractors, or sellers
- fact-finding visits
- negotiating, signing, and executing deals or contracts
- attending, speaking, or presenting at a conference if you aren't being paid
- team building activities
- installing, upgrading and troubleshooting software or machinery where there's an after-sales contract in place
- taking part in a technical training
- consulting
- completing an after-sales service
- leisure travel, such as holidays, or visiting friends or family

Or for the following types of training, as long as it's for the same company or group:

- receiving and providing classroom-based training
- shadowing someone's job

However, under Italian law (visa decree 850/2011) “The business visa allows entry into Italy for a short stay to the foreigner travelling for economic-commercial purposes, to make contacts or conduct negotiations, for learning or verifying the functioning of capital goods purchased or sold under commercial and industrial cooperation agreements”. The definition of the activities that can be performed on a business visa – or without a visa for visa waiver countries as the UK – is very limited and does not seem to be perfectly in line with the activities listed on the UK government website.



## Residence permit in Italy for workers and students awaiting employment

### ***I have lost my job, do I have to leave the country?***

Individuals holding a permit for work reasons who lose their job (also in case of dismissal) can, upon expiry of their current permit, apply for a “permit awaiting for employment” (permesso per attesa occupazione). In order to do so, within 40 days from the last day of work, must register as unemployed with the relevant Unemployment Agency (Centro per l’Impiego <https://www.anpal.gov.it/centri-per-l-impiego>), declaring immediate availability to work (DID “Dichiarazione di Immediata Disponibilità”). This can be done online <https://www.anpal.gov.it/did> or by visiting the relevant “Centro per l’Impiego”

The individual can be registered as unemployed for the remaining validity of the permit for work and anyway for not less than 1 year (or for the time he receives unemployment benefits, if applicable), during which he can remain in Italy and look for a job.

Upon expiring of the permit for work, the holder shall file an application for a “permit awaiting for employment” by filling out the “yellow KIT” available at authorized post offices.

As a general rule, the “awaiting for employment” permit cannot be renewed for more than 1 year. Upon expiry, the holder has the following options:

Can apply for a permit for work if has found a job;

Can attempt to apply for renewal if can show availability of financial means. In this case the renewal will be at the discretion of authorities.

Holders of Blue card permit who lose their job can also apply for the permit “Attesa Occupazione”.

## **Can a student remain in Italy after completion of the study course to look for a job?**

If you hold an Italian accredited undergraduate/graduate degree, Ph.D., university "master", first/second level academic degree, Higher Technical Institute diploma, you can register as unemployed and apply for a permit for the purpose of job searching or entrepreneurship (Permesso di soggiorno per ricerca lavoro o imprenditorialita' degli studenti). This kind of permit allows students to legally live in Italy after their graduation while searching for a job/start a business for max 1 year.

The process requires to register as unemployed with the employment centre and apply for a permit for job search/entrepreneurship (Permesso di soggiorno per ricerca lavoro o imprenditorialita' degli studenti). Requirements are: have an income not lower than social allowance (about EUR 6000 p/y) and a health insurance, be graduated in Italy, be registered as unemployed. This permit can be converted in a permit for work.





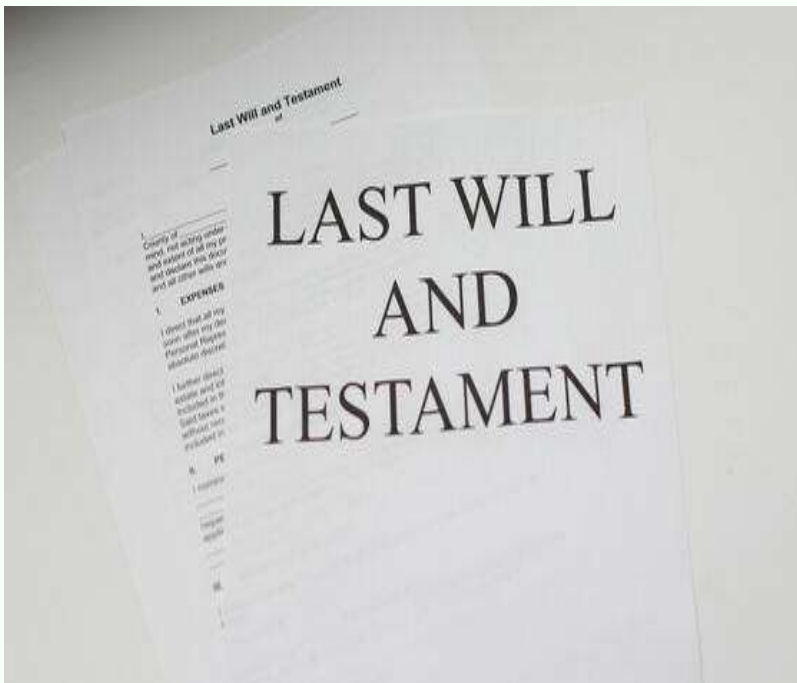
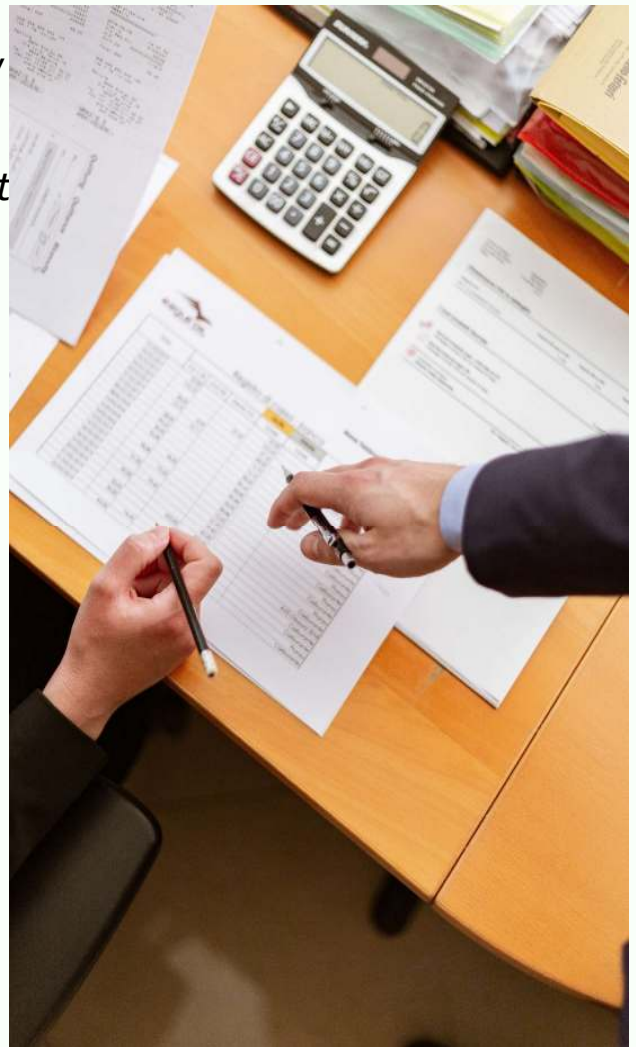
# ITALIAN INHERITANCE LAW

In this article you will find:

- Introduction to Italian Inheritance Law (also known as Italian Succession Law)
- Required documents for the Statement of Succession or Declaration of Succession
- Key points to keep in mind when preparing the documents

Italian Inheritance Law (also known for Italian Succession Law) is primarily ruled by the Italian Civil Law and by the Regulation (EU) No. 650/2012 of the European Parliament and of the Council of 4 July 2012.

Generally speaking, Succession under Italian Law is a procedure to transfer all assets and liabilities to the heirs and it will define the share of inheritance to each party.



## Type of Succession in Italy:

*There are basically two types of succession:*

- 1.The Testamentary succession
- 2.The Legitimate succession (for legitimate heirs)



## Statement of Succession or Declaration of Succession

The first step to be taken after a demise is to start with the “*Dichiarazione di Successione*” (in English, Statement of Succession or Declaration of Succession). In order to carry out this procedure, it is required to gather the following documents\*:

1. *Death certificate – Certificato di morte*
2. *Certificate of last residence of the deceased*
3. *Self-certification of the deceased’s family status*
4. *Self-certification of the family status of the heirs*
5. *Cadastral records of all the deceased’s real estate properties – Visure catastali (including documents concerning modifications/changes of such properties)*
6. *A deed where it is indicated all heirs, the type of succession and their property regime – Atto di notorietà dell’erede*
7. *Copy of the will authenticated by a notary (if any)*
8. *Self-assessment statement of all mortgage and cadastral taxes with relative payment receipts\*\**
9. *Urban destination declaration*
10. *Copy of the loan agreement (if any)*
11. *Documents attesting any liabilities (if any)*
12. *Bank statement certifying the presence of any bank accounts on behalf of the deceased*
13. *Receipt of all funeral expenses incurred in case of inheritance tax*
14. *Declarations of waiver of inheritance (if any)*



***The Statement of Succession has to be submitted within 12 months from the day of the death, and it must be kept in mind that some of the above documents may not be easy to gather.***

The declaration of succession can only be submitted electronically by the authorized subjects such as CPAs or CAF offices. The declaration must be completed and forwarded through the Italian Revenue Agency website by submitting the declaration of succession. Remember that the interested party is also required to pay the mortgage (and its taxes), cadastral taxes, stamp duties, and any other special taxes.

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\*When gathering all the documents, it is important to check the latest version of the required documents.

\*\*If you are not familiar with Italian taxes, calculating it by yourself may be difficult, therefore, it is better to ask for a professional support in this phase.



## International succession with possession in Italy and abroad: opening two successions is possible!



The Joint Sections of the Corte di Cassazione, with sentence n. 2867/2021, while addressing the issue of transnational inheritance, have tackled two recurring problems, one related to the principle of unity of the succession, prevailing in Civil Law countries, and the other related to the division of it, which is typical of Common Law countries.

In Italy, successions characterized by international elements (such as the deceased's citizenship or the place where his/her possessions are located) are regulated by Law No. 285, promulgated in 1995, which not only defines the criteria of connection to other legal systems, but also includes the referral to foreign regulations.

The Supreme Court has affirmed the possibility of opening two distinct successions, thus forming two inheritance units, each one regulated by different laws determining the validity and effectiveness of the inheritance title, identifying the heirs, establishing the entity of the quotas and the acceptance and publicity procedures, setting up any eventual protection for the legitimate heirs.

## Facts of the case

The specific case submitted to the Supreme Court dealt with the inheritance of a British citizen deceased in Italy, who had been married to an Italian citizen. His spouse had requested verification of the withdrawal of the will left by the deceased in London, in 1997. According to it, the deceased would have left a legacy of 50,000£ to his wife and the rest of his heritage (consisting in real estates in Italy and several moveable properties) was to be inherited by his sons from a previous marriage.

According to the woman, since the deceased was a British citizen, the succession was to be regulated by the British law, thus the will was to be considered withdrawn in accordance with the subsequent marriage contracted by the testator, as provided by the 1937 Will Act. On the other hand, for what concerned the deceased's sons, Italian law was to be applied and therefore the will was to be considered fully valid.





## The Court's Findings



The rules of conflict-of-law referred to in L. n. 218, 1995, identify the *lex successionis* (“law of succession”) in the deceased’s national law: thus, in the case under consideration, the law regulating the succession shall be the British law. However, the latter, whilst providing the regulation of moveable properties, refers to the *lex rei sitae* (in latin “law of the located object”, the law of the State in which the properties are located) for what concerns the regulation of real estates.

In other words, the consequences of the referral of the Italian international private legislation to the British international private legislation, and the latter’s consequent backwards referral to the former, determine a division between the deceased’s moveable properties and his real estates: the law regulating the inheritance of real estates shall be the Italian law (i.e the one of the State in which the properties are located), while the law regulating the inheritance of moveable properties shall be the deceased’s national law, therefore, in this case, the British law.

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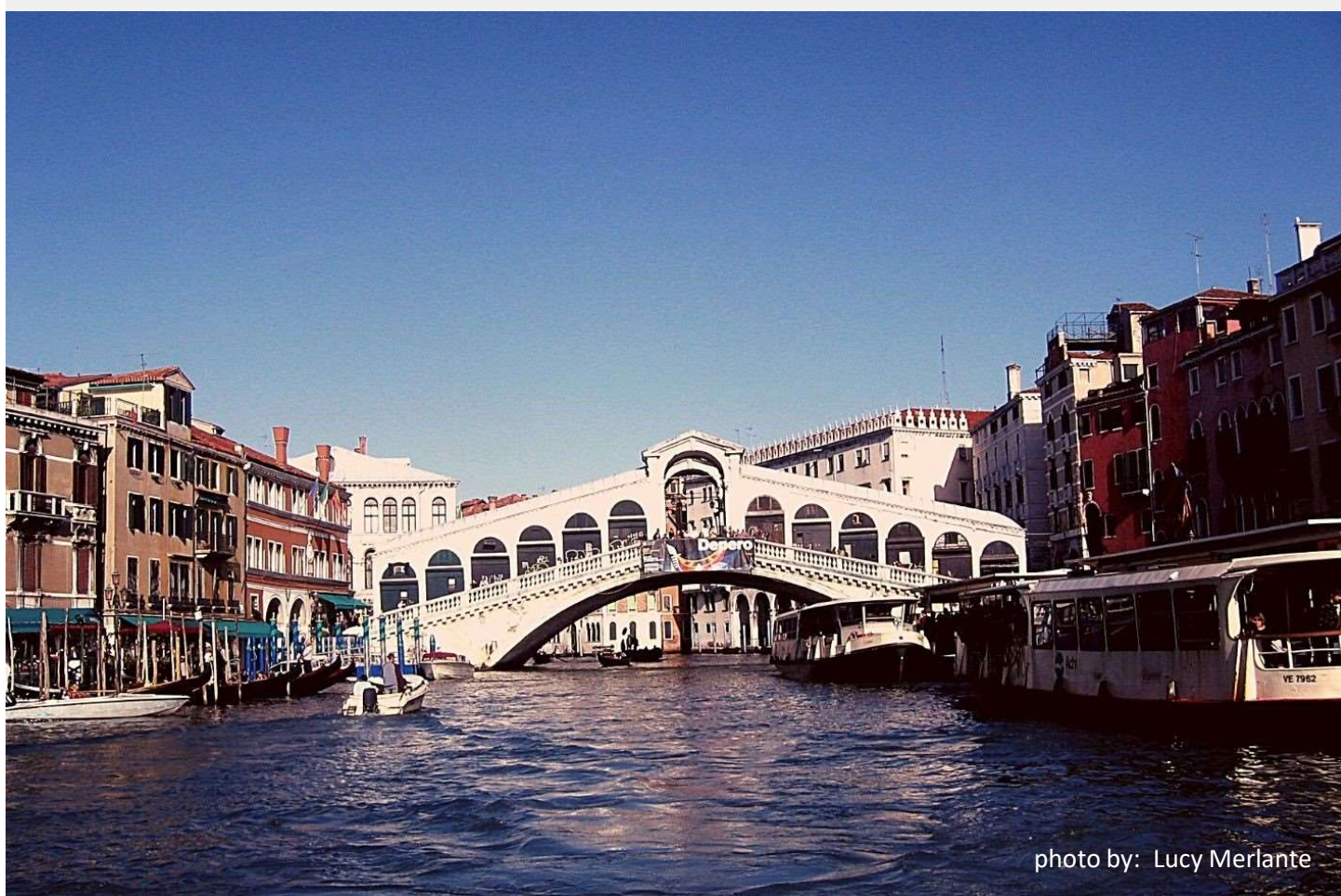


photo by: Lucy Merlante