

Mobility: Immigration alert

May 2020



Italy

Towards a loosen lockdown – Impacts for foreigners in Italy

Executive summary

The COVID-19 lockdown implemented in Italy in the past months has now been reduced. From 18 May 2020 many business and offices have been allowed to resume operations, provided they are able to comply with new health regulations. Furthermore, from 3 June movement within the country will be allowed over the regional borders, while movement in and out the external borders of Italy will be restored in phases from 3 June and 16 June onwards, depending on the country of origin/destination.

Other aspects of mobility into Italy remain restricted by reduced government services and are detailed in this alert.

Travel to Italy and associated quarantine requirements

After 3 June the limitations and quarantine measures currently in place (see below) will be lifted for all travels to/from other EU and Schengen countries, the United Kingdom, Andorra and the Principality of Monaco. No limitations are in place among the Republic of San Marino and the Holy See (The Vatican) with the neighboring regions.

From 3 June to 15 June the travel limitations remain in place only for travel to/from other countries not listed above unless the travel is justified on the ground of one of the allowed reasons.

As a reminder the current restrictions state that any travel to/from Italy is to be avoided except for compelling reasons which include:

- Proven business needs, of absolute necessity
- Health reasons
- Further urgent matters indicated by law
- Return to one's own domicile, home or main place of residence

Travelers entering Italy are required to (i) carry a detailed form declaring the reasons for their travel, the address where they will be quarantined in Italy, the private means of transport to reach the location and a mobile phone contact.

The measure is applicable both if the person travels by private or public means of transport to Italy. In the latter case, the carriers (e.g. airline company) will check boarding passengers and if their temperature is higher than 37.5°C or they do not have complete documentation, the passengers will not be allowed to depart.

After admission to Italy, (ii) travelers will be subject to self-isolation measures for 14 days at a home or hotel, irrespective of their nationality and even if they have no symptoms of COVID-19. Also, (iii) a notification of the entrance must be submitted to the competent health department (A.S.L. or A.T.S.).

The above-mentioned reasons are not imposed on certain categories of workers such as EU/Schengen countries citizens/residents with documented work reasons, cross-border workers, health services personnel, transport crews.

Also, where there is a proven business reason travel will be allowed without the requirement for quarantine. This will be only granted for a stay of up to 72 hours (which may be extended for a further 48 hours) provided that the individual has no symptoms of illness. But in this case after the 72-hours period, the individual is obliged to either leave the country or be subject to the self-isolation measure.

Transit through Italy, when travelling from one foreign country to another, is allowed for the purpose of travelling home, work needs, medical needs or reasons of absolute necessity and must be performed as quickly as possible and without any unnecessary stopovers.

The passenger must bring along a self-certification document clearly specifying the transit is aimed to travel to another foreign country. If the transit passenger develops any Covid-19 symptoms while in Italy, he/she must immediately notify the competent health authorities, at the dedicated number, and follow their instructions.

Airport transit is allowed, provided that the traveler does not leave the airport. In case of land transit, it can be done only by private means of transport; the travel must be notified at the Health department competent for the port of entry and the stay in Italy cannot last longer than 24 hours, exceptionally extendable for another 12 hours.

In any case, before departure it is suggestable to seek information on the travel restrictions in force not just in Italy, but also in the countries of departure, transit and destination.

Visas and matters associated with overstaying

Some Italian Consulates and Embassies abroad have suspended the issuance of visas for Italy. For those already in Italy, the current situation and associated travel bans may result in an overstay of their visa. According to the Schengen Visa Code, those prevented from leaving the country before the expiry of the authorized stay may request an extension of the visa where force majeure, humanitarian reasons or serious personal reasons prevent their departure.

According to the Immigration decree, where the total stay goes beyond the allowed 90-days period in any 180-day period, it may be possible to request a temporary residence permit for "calamity" reasons (Art. 20-bis of Italian Immigration law) to the Authorities.

However, considering that the immigration offices have suspended their activities and consequently, they are not able to process applications for calamity reasons, an automatic extension of the validity of the business/tourist visas may apply until 15 June 2020 (ex art. 103 paragraph 2 Decree 18/2020).

Lastly, in order to attract investments and to mitigate the impacts of the health emergency on the Italian economy, a legislative proposal is being debated with reference to the Italian Investor Visa. The proposal aims to reduce the amounts required to qualify for the Investor Visa, but the Government is still working on it.

Residence permits and immigration procedures

In order to employ as much public staff as possible to control the current health situation, the operativity of Immigration offices had been highly limited over the last months.

Barring extraordinary exceptions, all pending applications (including citizenship applications) between 23 February and 15 May 2020 had been suspended and this period shall not be counted towards any deadlines. Starting from 18 May 2020, the operativity of the offices should be gradually restored.

In addition, and notably, the validity of residence permits (permessi di soggiorno) has been extended until 31 August 2020. This does not automatically apply when the residence permit holder is/ goes outside Italy because the Authorities of other countries may dispute the expiration. Therefore, if the expiry date reported on the residence permit falls before 31 August 2020 and the permit holder wants to travel abroad, or is already outside Italy, it is recommended to obtain advice from a qualified immigration consultant.

Generally speaking, the renewal of the Italian residence permit may be rejected on the ground of prolonged absence from the Italian territory. The extension and duration of the allowed absence varies according to the type and duration of the residence permit.

However, the current exceptional situation may justify a prolonged absence (e.g. individual cannot re-enter Italy due to travel bans or health reasons) without jeopardizing the renewal of the permit.

With specific reference to work permits (Nulla Osta al Lavoro) the validity is extended until 31 August 2020, but this is automatic only in case of first issuance, where the foreigners is yet to enter Italy.

In case of renewals, the extension does not automatically apply.

The Government is also working on issuing amnesty regulation for non-regular workers, which may have a strong impact on foreign workers since the 2020 Immigration Quota Decree ("Decreto Flussi") has not happen yet. Strong delays in issuance of permits and processing of immigration procedures in general are expected.

General situation in Italy

Further to the 9 March Decree of the Italian Presidency of the Council of Ministers, a single Protection Zone for the entire national territory has been created and the entire country has undergone a complete lockdown until 3 May. With 11 March "I stay at home" Decree, people have been requested to stay at home and go out only for compelling reasons. All social, educational, religious and recreational activities and almost all commercial activities had been suspended. Only food and other basic necessities stayed open, with the observance of personal safety/social distance of one meter.

In consideration of the improved situation, on May 16 and May 17 two legislative measures have been adopted in order to mitigate the lockdown.

Safety measures (e.g. masks) and interpersonal distance shall be respected, but people will no longer need to justify the reason for being outside if they stay within their region. A justified reason and self-certification are only required if travelling to another region before 3 June.

After this date, it will be possible to travel within Italy without limitations, even though regions may implement specific legislation to regulate movements.

Most businesses have restored their operations provided they respect social distancing and the prescribed health regulations.

Social gatherings are still to be avoided but sportive, religious, recreative and cultural activities shall slightly be re-introduced within daily life but governed by additional safety measures.

Resources

For English speakers, official news can be found on the website of the Civil Protection and the Government websites. The following webpage is constantly updated, together with the FAQs section:
<http://www.salute.gov.it/portale/nuovocoronavirus/homeNuovoCoronavirus.jsp?lingua=english>.

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EYG no. 003376-20GbI

2005-3488310
ED None

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