

 **GUIDO TRAFICANTE, YLENIA CARUSO****Evaluation of Single permit Directive (2011/98/EU Directive)****ABSTRACT**

The Directive 2011/98/EU[1] allows third-country nationals to reside and work in a Member State and to benefit from a common set of rights for third-country workers legally residing in a Member State. The Directive has two main objectives: -facilitating the procedure for the admission to work of a third-country citizen in a Member State by introducing a single procedure for applying for a single permit (a combined work and residence permit) and thus helping to better manage the immigration. Furthermore, the directive provides for advantages in the application process; - The guarantee of equal treatment between workers from third countries and citizens of the Member State concerned.

The directive requires Member States to examine applications for authorization of foreign citizens to reside and work in their territory as part of a single application procedure and to issue, if successful, a single authorization which is, at the same time, authorization to stay and to carry out subordinate work activities.

However, this provision has shown some profiles of “regulatory failure” both at EU level and in its implementation in Italy. The “fitness check”[2] of the European Commission (“fitness check on EU regulation on legal migration” of March 29, 2019) highlighted some controversial issues in the implementation and functioning of the directive on the single permit. One example lies in the procedures for obtaining an entry visa[3]. On top of that, we observed citizens’ complaints and infringement procedures. These problems can be classified as “regulatory failures”, as the existing directive failed to solve some of the problems it should have solved at the time of adoption.

The problems highlighted by the European Commission are, however, even more severe at national level. The Directive was implemented with the legislative decree 4 March 2014, no. 40[4], which has made changes to the consolidated text of the provisions concerning the discipline of immigration and rules on the condition of the foreigner referred to in Legislative Decree 25 July 1998, no. 286[5], and subsequent amendments.

In particular, the law did not prescribe any changes in relation to either article 41 of the same Immigration Law, entitled “Social assistance”, or to the pre-existing sector regulations that exclude workers from third countries who do not have an EU residence permit for long-term residents, from certain social assistance benefits.

The debate on Socio-economic integration of third-country nationals has become more relevant in a setup characterized by negative demographic trends in Italy, as recently highlighted by Italian National Statistics Institute (ISTAT)[6]. The forecasts on the demographic future in Italy show a potential picture of crisis. The resident population is decreasing: from 59.6 million as of January 1, 2020 to 58 million in 2030, to 54.1 million in 2050 and to 47.6 million in 2070. To face the country's demographic winter, it is necessary to develop policies to attract foreign workers that can offset the negative demographic trend affecting the Italian population, to make sustainable GDP economic growth. Furthermore, in 2020, the employment rate of immigrants decreased by 2.9% in Italy, while in the average of European countries the reduction was lower (about 2.1%).[7]

This demonstrates how it is necessary to implement policies to improve the conditions of access for immigrants to the European and Italian labour market in order to recover employment, in relation to the demographic aging of the working-age population. For these reasons, the European Commission has proposed a new directive proposal[8] to the European legislator to tackle the problems relating to access to the labour market of third-country nationals to receive socio-economic benefits.

The purpose of this work is to try to identify solutions to the problems identified, in order to create faster conditions of access to the world of work for non-EU citizens, with particular relevance for the economic sectors in which their contribution can entail a high added value, in relation to the characteristics of the Italian labour market.

[1]<https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/uri=CELEX:32011L0098&qid=1658153216988&from=IT>

[2] Brussels, 29.3.2019 SWD(2019) 1055 final PART ½ COMMISSION STAFF WORKING DOCUMENT FITNESS CHECK on EU Legislation on legal migration {SWD(2019) 1056 final}

[3] Brussels, 29.3.2019 SWD(2019) 1055 final PART ½ COMMISSION STAFF WORKING DOCUMENT FITNESS CHECK on EU Legislation on legal migration {SWD(2019) 1056 final}, p. 100.

[4]<https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2014-03-04;40!vig>

[5] <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:1998-07-25;286>. [6]

<https://www.istat.it/it/files/2021/11/REPORT-PREVISIONI-DEMOGRAFICHE.pdf> - p. 1.

[7] <https://www.lavoro.gov.it/documenti-e-norme/studi-e-statistiche/Documents/Undicesimo%20Rapporto%20Annuale%20-%20Gli%20stranieri%20nel%20mercato%20del%20lavoro%20in%20Italia%202021/XI-Rapporto-MdL-stranieri-REV-22072021.pdf> - p. 23.

[8] https://eur-lex.europa.eu/resource.html?uri=cellar:cbf5fadf-c702-11ec-b6f4-01aa75ed71a1.0003.02/DOC_1&format=PDF