



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate B : Migration, Asylum
Unit B1 : Immigration and Integration
Head of Unit

Brussels,
HOME/B1/JLB

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Cc: ASSOCIAZIONE STUDI
GIURIDICI SULL'IMMIGRAZIONE
Via Gerdil 7
10152 Torino
ITALIA

Dear Ms Zappia,

I am writing to you regarding your complaint received on 16th June 2012. As already announced, after having examined your complaint the European Commission decided to ask Italian authorities about the questions you mentioned in your initial complaint and provide information allowing assessing the compliance of Italian legislation with Directive 2003/109/EC.

On 23 August 2013 the Commission contacted the Italian authorities via the EU Pilot system (case no 5532/13/HOME) and asked for information regarding the interpretation given to the provisions included in Article 27(1)(r-bis) of the Legislative Decree No 286/98 and Article 40(23) of Presidential Decree No 394/99 and about the existence of any instructions to make sure that the public authorities are applying the law in a coherent manner.

In its reply Italy confirms that third-country nationals who are professional nurses legally residing in Italy and fulfilling the conditions laid down by Article 9 of the Legislative Decree No 286/98, are entitled to apply, after 5 years of legal residence, to long-term EU resident status and to be granted the correspondent permit.

The Commission considered this reply as satisfactory, but asked Italian authorities to provide evidence that this interpretation is consistently followed by immigration and police offices in charge of granting long-term EU residence permits. Consequently the Italian competent authority provided a copy of the instructions sent on 26 November 2013 to the heads of all police offices (questori), stating that professional nurses third-country nationals legally residing in Italy and fulfilling the conditions laid down by

Article 9 of the Legislative Decree No 286/98, are entitled to apply, after 5 years of legal residence, to long-term EU resident status and to be granted the correspondent permit.

The Commission considers that the Italian legislation is in line with the requirements of Directive 2003/109/EC and that the Italian competent authority has correctly acted to ensure the proper application of the Directive. We would therefore like to draw your attention to the fact that unless we receive new information within four weeks of the date of this letter, we are going to close your complaint.

Yours sincerely,

A handwritten signature in black ink, enclosed within a hand-drawn oval. The signature is stylized and appears to read 'Diane Schmitt'.

Diane SCHMITT