



MINISTERO DEL LAVORO  
E DELLE POLITICHE SOCIALI  
Direzione Generale dell'Immigrazione  
e delle Politiche di Integrazione

# **Immigration How, where, when**

***The Handbook for Integration***

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# **1 THE CONSTITUTION OF THE ITALIAN REPUBLIC (ARTT. 1-54)**

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## THE PROVISIONAL HEAD OF THE STATE

By virtue of the Constituent Assembly, which in the session of 22 December 1947 approved the Constitution of the Italian Republic;  
By virtue of the XVIII Final Provision of the Constitution;

### PROMULGATES

Promulgates the Constitution of the Italian Republic in the following text:

## FUNDAMENTAL PRINCIPLES

### Art. 1.

Italy is a Democratic Republic, founded on work.  
Sovereignty belongs to the people, which exercises it in the forms and within the limits of the Constitution.

### Art. 2.

The Republic recognizes and guarantees the inviolable rights of man, as an individual, and in the social groups in which [he] expresses [his] personality, and demands the fulfilment of the unalterable duties of political, economic, and social solidarity.

### Art. 3.

All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinions, personal and social conditions.  
It is the duty of the Republic to remove those obstacles of an economic and social nature which in fact limit the freedom and equality of citizens, impede the full development of the human person and the effective participation of all workers in the political, economic and social organization of the country.

### Art. 4.

The Republic recognizes the right of all citizens to work and promote conditions which will make this right effective.

All citizens have the duty, according to their possibilities and individual choice, to carry out an activity or a function which contributes to the material or spiritual progress of society.

Art. 5.

The Republic, one and indivisible, recognizes and promotes local autonomies; implements in those services which depend on the State the fullest measure of administrative decentralization; adjusts the principles and methods of its legislation to the requirements of autonomy and decentralization.

Art. 6.

The Republic safeguards linguistic minorities by means of appropriate norms.

Art. 7.

The State and the Catholic Church are, each within its own order, independent and sovereign.

Their relations are regulated by the Lateran Pacts.

Changes to the Pacts accepted by both parties do not require the procedure for constitutional amendment.

Art. 8.

All religious beliefs are equally free before the law.

Religious beliefs other than Catholic have the right to organize in accordance with their own statutes, insofar as they are not in conflict with the Italian juridical order.

Their relations with the State are regulated by law on the basis of agreements between their respective representatives.

Art. 9.

The Republic promotes the development of culture and scientific and technical research.

It safeguards landscape and the historical and artistic heritage of the Nation.

Art. 10.

Italian laws conform to the generally recognized tenets of international law.

The legal status of foreigners is regulated by law in conformity with international provisions and treaties.

The foreigner who is denied in his own country the real exercise of the democratic liberties guaranteed by the Italian Constitution has the right of asylum in the territory of the Republic, in accordance with the conditions established by law.

The extradition of a foreigner for political offences is not admitted.

Art. 11.

Italy rejects war as an instrument of aggression against the freedoms of others peoples and as a means for settling international controversies; it agrees, on conditions of equality with other states, to the limitations of sovereignty necessary for an order that ensures peace and justice among Nations; it promotes and encourages international organizations having such ends in view.

Art. 12

The flag of the Republic is the Italian tricolour: green, white and red, in three vertical bands of equal dimensions.

## **PART I**

### **R I G H T S   A N D   D U T I E S   O F   C I T I Z E N S**

#### **TITLE I**

#### **CIVIL RIGHTS**

Art. 13.

Personal liberty is inviolable. No form of detention, inspection or personal search is admitted, nor any other restrictions on personal freedom except by warrant which states the reasons from a judicial authority and only in cases and manner provided for by law.

In exceptional cases of necessity and urgency, strictly defined by law, the police authorities may adopt temporary measures which must be communicated within forty-eight hours to the judicial authorities and if they are not ratified by them in the next forty-eight hours, are thereby revoked and become null and void.

All acts of physical or moral violence against individuals subjected in any way to limitations of freedom are punished.

The law establishes the maximum period of preventative detention.

Art. 14.

The home is inviolable.

Inspections or searches or seizures may not be carried out except in cases and manner prescribed by law in accordance with the guarantees prescribed for safeguarding personal freedom.

Controls and inspections for reasons of public health and safety or for economic and fiscal purposes are regulated by special laws.

Art. 15.

The freedom and secrecy of correspondence and of every other form of communication is inviolable.

Restriction thereto may be imposed only by warrant which gives the reasons issued by a judicial authority with the guarantees established by law.

Art. 16.

All citizens may travel or sojourn freely in any part of the national territory, except for general limitations which the law establishes for reasons of health and safety. No restrictions may be made for political reasons.

All citizens are free to leave and re-enter the territory of the Republic, provided the legal obligations are fulfilled.

Art. 17.

Citizens have the right to assemble peaceably and unarmed.

No previous notice is required for meetings, even when in places open to the public.

For meetings in public places previous notice must be given to the authorities, who may forbid them only for proven motives of security and public safety.

Art. 18.

Citizens have the right to form associations freely, without authorization, for ends which are not forbidden to individuals by criminal law.

Secret associations and those which pursue, even indirectly, political ends by means of organizations of a military character, are forbidden.

Art. 19.

All have the right to profess freely their own religious faith in whatever form, individual or associate, to propagate it and to exercise it in private or public cult, provided that such rites are not contrary to morality.

Art. 20.

The ecclesiastical nature and the purpose of religion or worship of an association or institution may not be a cause for special limitations in law, nor for special fiscal impositions in its setting up, legal capacity and any of its activities.

Art. 21.

All have the right to express freely their own thought by word, in writing and by all other means of communication.

The press cannot be subjected to authorization or censorship.

Seizure is permitted only by a detailed warrant from the judicial authority in the case of offences for which the law governing the press expressly authorizes, or in the case of violation of the provisions prescribed by law for the disclosure of the responsible parties.

In such cases, when there is absolute urgency and when the timely intervention of the judicial authority is not possible, periodical publications may be seized by officers of the criminal police, who must immediately, and never after more than twenty-four hours, report the matter to the judicial authority. If the latter does not ratify the act in the twenty-four hours following, the seizure is understood to be withdrawn and null and void.

The law may establish, by means of general provisions, that the financial sources of the periodical press be disclosed.

Printed publications, shows and other displays contrary to morality are forbidden. The law establishes appropriate means for preventing and suppressing all violations.

Art. 22.

No one may be deprived, for political reasons, of legal status, citizenship, name.

Art. 23.

No services of a personal or a capital nature may be imposed except on the basis of law.

Art. 24.

Everyone can take judicial action to protect individual rights and legitimate interests.

The right to defence is inviolable at every stage and moment of the proceedings.

The indigent are assured, through appropriate institutions, the means for action and defence before all levels of jurisdiction.

The law determines the conditions and the means for the reparation for judicial errors.

Art. 25.

No one may be moved from the normal judge pre-established by law.

No one may be punished except on the basis of a law already in force before the offence was committed.

No one may be subjected to security measures except in those cases provided for by law.

Art. 26.

Extradition of a citizen is permitted only in cases expressly provided for in international conventions.

In no case may it be permitted for political offences.

Art. 27.

Criminal responsibility is personal.

The defendant is not considered guilty until final judgment is passed.

Punishment cannot consist in treatment contrary to human dignity and must aim at rehabilitating the condemned.

The death penalty is not permitted.

Art. 28.

Officials and employees of the State and public entities are directly responsible, according to criminal, civil and administrative laws, for acts committed in violation of rights. In such cases the civil responsibility extends to the State and the public entities.

TITLE II

ETHICAL AND SOCIAL RELATIONS

Art. 29.

The Republic recognizes the rights of the family as a natural society founded on matrimony.

Matrimony is based on the moral and legal equality of the spouses within the limits laid down by law to guarantee the unity of the family.

Art. 30.

It is the duty and right of parents to support, instruct and educate their children, even those born outside of matrimony.

In cases of the incapacity of the parents, the law provides for the fulfilment of their duties.

The law ensures to children born outside of marriage full legal and social protection, compatible with the rights of members of the legitimate family.

The law lays down the rules and limitations for ascertaining paternity.

Art. 31.

The Republic assists through economic measures and other provisions the formation of the family and the fulfilment of its duties, with particular consideration for large families.

It protects maternity, infancy and youth, promoting the institutions necessary thereto.

Art. 32.

The Republic safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent.

No one may be obliged to undergo particular health treatment except under the provisions of the law. The law cannot under any circumstances violate the limits imposed by respect for the human person.

Art. 33.

Art and science are free and teaching them is free.

The Republic lays down general rules for education and establishes State schools for all kinds and grades.

Entities and private persons have the right to establish schools and institutions of education, without impositions for the State.

The law, in fixing the rights and obligations on non-state schools which request parity, must ensure to these schools full liberty and to their pupils scholastic treatment equal to that of pupils in State schools.

State examinations are prescribed for admission to the various kinds and grades of schools or at their termination and for qualifications to exercise a profession.

Institutions of higher learning, universities and academies, have the right to establish their own regulations within the limits laid down by the laws of the State.

Art. 34.

Schools are open to everyone.

Elementary education, imparted for at least eight years, is compulsory and free.

Capable and deserving pupils, even without financial resources, have the right to attain the highest levels of education.

The Republic makes this right effective through scholarships, payments to families and other provisions, which must be assigned through competitive examination.

TITLE III

ECONOMIC RELATIONS

Art. 35.

The Republic protects work in all its forms and applications.

It provides for the training and professional improvement of workers.

It promotes and encourages international agreements and organizations whose aim is to assert and regulate labour rights.

It recognizes the freedom to emigrate, safeguarding obligations established by law in the general interest, and protects Italian labour abroad.

Art. 36.

Workers have the right to wages in proportion to the quantity and quality of their work and in all cases sufficient to ensure them and their families a free and dignified existence.

The maximum working day is fixed by law.

Workers have a right to a weekly rest day and paid annual holidays. They cannot waive this right.

Art. 37.

Working women have the same rights and, for equal work, the same wages as working men. Working conditions must allow women to carry out their essential role in the family and ensure special appropriate protection for the mother and the child.

The law establishes the minimum age for paid labour.

The Republic protects the work of minors by means of special provisions and guarantees them, for equal work, the right to equal pay.

Art. 38.

Every citizen unable to work and without the resources necessary to live has a right to social maintenance and assistance.

Workers have the right to be provided with and assured adequate means for their needs and necessities in cases of accidents, illness, disability and old age, and involuntary unemployment.

Disabled and handicapped persons have the right to education and vocational training.

The duties laid down in this Article are provided for by organs and institutions established by or supplemented by the State.

Private assistance is free.

Art. 39.

Trade union organization is free.

No obligations can be imposed on trade unions other than registration at local or central offices, according to the provisions of the law.

A condition for registration is that the statutes of the trade union confirm the democratic basis of the internal organization.

Registered trade unions are legal persons. They may, through a representative unit proportional to their members, enter into collective labour agreements having mandatory effect for all persons belonging to the categories referred to in the agreement.

Art. 40.

The right to industrial action is exercised within the laws which regulate it.<sup>6</sup>

Art. 41.

Private economic initiative is free.

It cannot be conducted in conflict with public weal or in such manner that could damage safety, liberty, and human dignity.

The law determines appropriate planning and controls so that public and private economic activity is given direction and coordinated to social objectives.

Art. 42.

Property is public or private. Economic goods belong to the State, to entities or to private persons. Private property is recognized and guaranteed by law, which prescribes the ways it is acquired, enjoyed and its limits in order to ensure its social function and to make it accessible to all.

Private property can, in such cases provided for by law and with provisions for compensation, be expropriated for reasons of the public weal.

The law establishes the regulations and limits of legitimate and testamentary inheritance and the rights of the State in questions of inheritance

Art. 43.

For purposes of general utility the law can reserve from the beginning or transfer, by means of expropriation and payment of compensation, to the State, to public entities or to workers communities or users, specific enterprises or categories of enterprises which relate to essential public services or sources of energy or monopolistic situations and which have the nature of primary general interest.

Art. 44.

For the purpose of securing a rational exploitation of the soil and to establish equity in social relationships, the law imposes obligations and constraints on private ownership of land, fixes limitations to the extension thereof according to region and agricultural zone, encourages and imposes land reclamation, the transformation of large estates and the reorganization of productive units, assists small and medium-sized holdings.

The law makes provisions in favour of mountainous areas.

Art. 45.

The Republic recognizes the social function of cooperation of a mutualistic nature and without purposes of private speculation. The law promotes and encourages them through the appropriate means and secures, through appropriate controls, their character and purposes.

The law provides measures for safeguarding and promoting handicrafts.

Art. 46.

With the objective of economic improvements and the social betterment of labour and in harmony with the needs of production, the Republic recognizes the rights of workers to collaborate, in the ways and within the limits established by law, in the management of enterprises.

Art. 47.

The Republic encourages and safeguards savings in all forms; it disciplines, coordinates and controls the exercise of credit.

It promotes the access of popular savings to the ownership of housing, to directly cultivated property and indirect investment in the shares of the large production complexes of the country.

TITLE IV  
POLITICAL RIGHTS

Art. 48.

All citizens, male and female, who have attained their majority, are electors.

The vote is personal and equal, free and secret. The exercise thereof is a civic duty.

An Act of Parliament shall establish the conditions and the procedures under which Italian nationals resident abroad may exercise their right to vote in Italian elections, and shall guarantee its effectiveness. For this purpose a 'Foreign Constituency' shall be created to which Members to both Houses of Parliament shall be elected. The number of seats shall be established by a constitutional law and comply with the criteria enacted by Act of Parliament.

The right to vote cannot be restricted except for civil incapacity or as a consequence of an irrevocable penal sentence or in cases of moral unworthiness as laid down by law.

Art. 49.

All citizens have the right to freely associate in parties to contribute through democratic processes to determining national policies.

Art. 50.

All citizens may present petitions to both Houses to request legislative measures or to express collective needs.

Art. 51.

All citizens of either sex are eligible for public office and for elected positions on equal terms, according to the conditions established by law.

The law may grant Italians who are not resident in the Republic the same rights as citizens for the purposes of access to public offices and elected positions.

Whoever is called to perform an elected public office has the right to have the needful time to carry out that function and to conserve his place of work.

Art. 52.

The defence of the Fatherland is a sacred duty for every citizen.

Military service is obligatory within the limits and the ways set by law. Fulfilment thereof shall not prejudice a citizen's employment, nor the exercise of political rights.

The regulations of the armed forces are based on the democratic spirit of the Republic.

Art. 53.

Everyone shall contribute to public expenditure in accordance with his means.

The system of taxation shall be based on criteria of progression.

Art. 54.

All citizens have the duty to be loyal to the Republic and to uphold its Constitution and laws.

Those citizens to whom public functions are entrusted have the duty to fulfil such functions with discipline and honour, taking an oath in those cases established by law.

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## **2 Entry**

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### **2.1 The Borders**

#### **1. What happens at the Italian borders?**

At the border, foreigners undergo customs controls. Having passed the controls, the border Authorities stamp the passport with the date and the place of transit.

#### **2. Who can be rejected at the border?**

Those foreigners that arrive at the border without meeting the requisites for entering Italy are expelled by the police.

Foreigners who enter Italy without passing the border controls but are stopped at the time of entry or immediately after and those who have been provisionally admitted into Italy for temporary protection are expelled from the country or accompanied to the border.

#### **3. Who cannot be refused entry at the border?**

Even if they don't have the documents and or meet the requirements for entry in Italy, foreigners cannot be refused entry at the border if:

- they have applied for political asylum;
- they have a refugee status;
- they are minors aged less than 18 years, except when their parents or legal guardians are expelled, in which case the minor has the right to follow them;
- they are beneficiaries of temporary protection measures for humanitarian reasons;
- they are pregnant;

The refusal of people with disabilities, elderly, minors, members of single-parent families with minor children, or of victims of severe psychological, physical or sexual violence shall in any case be made in ways compatible with the single and duly ascertained personal situations.

### **2.2 Visas**

#### **4. What is the entry visa?**

An entry visa is an authorization that is issued by the competent Consulate or Diplomatic Representative and allows a foreigner to enter the Schengen Area or the Italian territory alone; it is attached to the passport or another valid document.

#### **5. Who needs a visa?**

All the citizens who are considered to be foreigners, namely:

- the citizens of non-EU Countries;
- stateless people or individuals without a homeland.

#### **6. Who does not need a visa?**

The following people do not need a visa to enter Italy:

The citizens of all EU Countries and of the European Economic Area: Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Iceland, Italy, Latvia, Lithuania, Liechtenstein, Luxemburg, Malta, Norway, The Netherlands, Poland, Czech Republic, Romania, Portugal, United Kingdom, Slovakia, Slovenia, Spain, Sweden and Hungary

- the citizens of San Marino, the Vatican City and Switzerland;
- foreign citizens who, having left Italy, have with them, other than their passport, a valid Permit to Stay and/or an EC Long-term Residence Permit;
- foreigners already owning an EC long-term residence permit issued by another Member State, as well as their family members owning a valid residence permit issued by their Country of Origin;
- foreigners owning a residence permit for study reasons issued by another Member State (excluding the United Kingdom, Ireland and Denmark) as they are enrolled in a university or higher education course and that, in compliance with given conditions, move to Italy to continue studies started in another Member State, or to integrate them with a related educational course.

Furthermore, the entry visa is not necessary for short periods of stay (namely of a maximum duration of 90 for tourism, mission, business, invitation, sports competitions and study reasons) by citizens of a series of non-EU Countries. The website of the Ministry of Foreign Affairs (<http://www.esteri.it/visti>) contains the list of Countries whose citizens are exempted from the obligation of obtaining a visa.

**Attention: In case of long-period stays (exceeding 90 days), all foreigners shall always have an entry visa.**

## **7. Who is not eligible to receive a visa?**

The entry visa may be denied:

- to foreigners who were already expelled from Italy (unless they obtained a special re-entry authorisation, or if the period of prohibition to enter the Country has expired), or from one of the European Union Countries;
- foreign nationals who are considered dangerous for the public order and security in Italy and in other European Union Countries based on the international agreements in force.
- Foreign nationals against which sentences were issued, also following plea bargaining, for the offences as per **art. 380, par. 1 and 2, of the Code of Criminal Procedure**, or in case of offences concerning drugs, sexual liberty, aiding and abetting of illegal migration, recruitment of minors in illegal activities, or persons to be destined to prostitution or exploitation of prostitution, or minors to be employed in illegal activities.

In case of entry for family reunification, visas may only be denied in case foreign nationals represent a real threat for the public order or the security of the State or of one of the Countries with which Italy signed agreements for the elimination of controls at the internal borders and the free movement of people.

The denial of visas shall not be motivated (exception made for visas issued for work, family reunification, medical care and study reasons) and a notification shall be sent to the person involved in a language that he/she understands, failing which English, French, Spanish or Arabic will apply.

## **8. What to do in case the entry visa to Italy is denied?**

An **appeal** may be lodged against the denial of a visa to the Regional Administrative Court (T.A.R.) of Lazio within 60 days as from the official notification of the decision.

Only in case of **denials of visa for family reunification or for an accompanying family member**, the eventual appeals may be lodged to the Ordinary Court of the relevant jurisdiction with no deadlines whatsoever.

### **9. For which reasons may I apply for a visa?**

The **interministerial decree of 11<sup>th</sup> May 2011** lists the different types of entry visas, as well as the requirements and conditions for obtaining a visa.

The twenty-one types of visa available, corresponding to the different reasons for entering the Country, include: Adoption, business, medical care, diplomatic reasons, family reasons, sports competitions, invitation, self-employed work, employed work, missions, religious reasons, re-entry, elective residence, research, study, airport transit, transportation, tourism, work-holidays and volunteering activities.

### **10. What shall I do to obtain a visa?**

You shall submit a formal request to the Italian Consulate or Embassy in the Country where you reside. In the request, you will have to state:

- your personal data (name, last name, date of birth, place of residence, citizenship) and your relatives' personal data;
- the information from your passport or other valid document;
- the reason for the trip;
- the means of transport that you intend to use;
- the address of the place where you will be staying in Italy;
- your means of sustenance during the trip and the stay.

The application shall also contain the specific documentation necessary according to the visa requested. Information on the documents necessary to obtain each type of visa is available in the website of the Ministry of Foreign Affairs. (<http://www.esteri.it/visti>).

**Warning:** If you make false statements or present false documents, then you will be punishable as a criminal and your application will be rejected.

### **11. How long does it take for a visa to be issued?**

The visa can be issued or refused within 90 days from the presentation of the request; instead, 30 days are necessary for employed work and 120 days for self-employed work.

### **12. When is the re-entry visa needed?**

The re-entry visa is issued by the Italian Diplomatic or Consular Representation in your Country of origin. The re-entry visa allows to re-enter Italy in the following cases:

- when you own a long-term residence permit (namely exceeding ninety days), which expired since no more than 60 days, provided that the expired document is exhibited – and in case of proven severe health reasons of the foreign citizen, by one of his/her relatives of 1<sup>st</sup> degree or by his/her spouse – it is sufficient that the permit has expired since no more than six months;

- when you no longer have the permit or stay card, because it was lost or stolen, on the condition that you present the police report of the theft or loss when applying for the re-entry visa.

### **13. Which requirements shall I comply with in order to obtain a tourist visa?**

- The tourist visa allows to enter Italy and the other Countries of the Schengen area for a short period of time (maximum 90 days) to foreign nationals that intend to travel for tourist purposes.
- The requirements and conditions to obtain the visa include:
  - Documents that demonstrate that you possess suitable financial means to support yourself (credit cards, a banking guarantee, an insurance policy, etc.);
  - A return ticket or booking, or the availability of autonomous means of sustenance;
  - a document that demonstrates that an accommodation is available for you (hotel booking, declaration of hospitality, etc.);
  - a medical insurance.

### **14. Which requirements shall I comply with in order to obtain a visa for study reasons?**

The requirements and conditions to obtain such visa include:

- evidential documents on the higher education, the vocational training or the course funded by the Italian government to be attended, or the research activity to be carried out;
- suitable guarantees on the means of sustenance. Such means amount to 442.30 Euros per month, (5,750.00 Euros per year), covering the entire period of the academic year. The availability in Italy of such means of sustenance shall be proven through personal economic guarantees or guarantees provided by Italian or Foreign Authorities with due creditworthiness (it cannot be proven through a bank guarantee or policy)
- insurance policy covering medical care and hospitalisation in case not entitled to healthcare in Italy according to agreements or conventions in force with your Country;
- availability of accommodation: hotel booking or declaration of hospitality submitted by an Italian citizen or a foreign national regularly residing in Italy.

The entry visa for the participation in study activities or study or vocational training courses on medical subjects also depends on the prior recognition of the educational title by the Ministry of Health. In case no healthcare activities are envisaged, the legal representative of the healthcare facility in which the study activity is carried out shall issue a specific statement to be destined to the Diplomatic and Consular Representations.

### **15. Who is the potential beneficiary of a visa for study reasons?**

The study visa allows to enter Italy for the purpose of a long-term stay although with a fixed term to foreigners that wish to attend university courses.

In addition, the following individuals can enter and stay within the National territory for study reasons:

- foreigners who are over 18 and intend to attend higher education courses in line with their previous education, evidence of which shall be given in the Country of origin;

- foreigners who are over 18 and are accepted to attend study courses in higher education institutes as well as in higher education and technical training courses;
- minors who are at least aged 14 participating in exchange programmes or cultural initiatives being previously authorised by the Ministry of Foreign Affairs and by the Ministry of Education, University and Research (or, instead of the latter, by the Ministry for Cultural Heritage)
- foreigners invited to participate in activities falling within aid and cooperation programmes of the Italian Government;
- foreigners that intend to enter Italy for advanced research or high culture activities not included among the categories as per art. 27-ter of the Consolidated Law 286/98;
- students aged over 18 admitted to attend vocational training courses and internships within the entry quotas defined every year by the Ministry of Labour and Social Policy.

#### **16. Where do I request a visa?**

You have to request it in person at the Italian Diplomatic Consular Representative responsible for your area of origin or residence. In such case, you will have to demonstrate that you possess a valid residence permit in the country in which you are requesting the visa.

#### **17. How can I legally reside in Italy with a visa for study reasons?**

There are two types of Permit to Stay for study reasons:

- the Schengen Visa, of brief duration, less than 90 days within one academic semester; in this case you have to declare your presence in Italy either to the border authority or to the local Chief of Police within 8 working days from the date of your entry in Italy;
- the National Visa, of long duration, for stays that exceed 90 days but are nonetheless for a pre-determined amount of time; in this case you must request a Permit to Stay for study reasons from the post office, always within 8 working days from the date of your entry in Italy.

#### **18. I found the university course that I would like to attend in Italy; how will I enrol?**

Every year each Italian university or arts, music and chorus higher education institute destines some enrolments of each graduation course to foreign students resident abroad. Through the website <http://www.studiare-in-italia.it/studentistranieri/> it is possible to know the number of enrolments allowed to foreign students for the next academic year.

Once the study course is identified, you may send a pre-enrolment application to the Italian University selected by delivering it to the Italian diplomatic-consular representation in your Country. The application shall be drafted in one original and two copies through the Form "A"/Form "A" available in the website of the Ministry of Education and University. The application shall be equipped with a series of documents, officially translated into Italian, that you will find listed in the form.

After collecting the pre-enrolment application, the Representation will **issue your entry visa** to allow you to make the University admission test and perform the enrolment procedures.

Unless you already have a certificate attesting your knowledge of the Italian language, you shall also pass an Italian language test that will take place at the University that you selected, according to the schedule published in the website of the Ministry of Education.

#### **19. I have been issued a visa for study reasons in another European Union Member State. Do I have to apply for a visa for study reasons in Italy to complete my education or to attend a course in my area of study?**

No, provided that you have the necessary prerequisites required by law in Italy, participate in an EU exchange programme or a bilateral exchange programme with your country of origin, or have a legal permit to stay for at least two years in another European Union Member State. In your application for a permit to stay in Italy you must also include the documents issued by the academic authorities of the State where you have started your educational career, which clearly show that the course you are to attend in Italy is complementary to the course of study you have already attended. If your stay in Italy exceeds three months, it is in any case necessary to apply for the residence permit.

## **20. Can I obtain this visa without knowing the Italian language?**

No, it is necessary to have a basic knowledge of the Italian language, which is ascertained at the University that you selected according to the calendar published in the website of the Ministry of Education. **The Italian language test is not requested in case your graduation courses only take place in foreign languages; in such case, the single universities may ask – in the framework of the university autonomy – for a specific certificate.** The students who did not pass the Italian language test cannot be admitted to the subsequent university tests.

## **21. What requirements shall apply in case of a visa for medical treatments?**

The visa for medical treatments allows a short or long term stay – but always fixed-ended – to foreign nationals that need to undergo medical treatments within Italian healthcare institutions.

The foreign nationals applying for a visa for medical treatments shall own:

### **- medical documents including:**

- medical records issued in the Country of residence stating patients disability
- statement by the Italian public or private medical facility (private hospitals shall be accredited at the National Health Service) indicating the type of care, the date of commencement, the duration and the estimated cost of the treatment
- a declaration from the hospital that confirms that at least 30% of the general cost of the treatment has been paid;

### **- documentation certifying in Italy the availability of sufficient financial resources** for the payment of the remaining amount of healthcare expenditure, board and lodging outside of the health facility, and for the repatriation of the patient and of any eventual accompanying person. The visa for medical care may also be issued to the eventual accompanying person assisting the foreign patient; such accompanying person shall own a health insurance with a minimum coverage of €30,000.

In case of medical care to be provided in the framework of the humanitarian action programmes of the Regions, the visa is granted in case of a specific and individual certificate issued by the competent regional Authority, stating the existence of a suitable decision on the allocation of funds for aid programmes, indicating the coverage of the single healthcare intervention.

## **22. Which requirements apply to obtain a visa for religious reasons?**

This visa may be granted to religious persons participating in worship events or religious, pastoral or ecclesial functions.

The requirements for obtaining such visa include:

- documents that prove your religious status;
- documents guaranteeing the religious character of the demonstration to be attended;
- the travel ticket;
- financial means of sustenance or, in case expenses are charged to a religious authority, a relevant statement by such authority.
- **Health insurance with a minimum coverage of € 30,000 for the coverage of the expenditures in case of urgent hospitalisation as well as the expenditures for an eventual repatriation**

In case of invitation by a worship association operating in Italy and not referred to confessions that signed agreement with the Italian Government, or legally recognised worship institutions, the visa will be issued only upon verification by the Ministry of the Interior of the worship nature of the institution and the compliance of its statutes with the principles of the Italian system.

### **23. Which requirements apply in case of visa for work reasons?**

It depends on the type of employment. In Italy in fact, there are two types of employment relationships:

- subordinate employment with a fixed-term contract, an open-term contract or for seasonal employment;
- self-employment.

(additional information is provided under "[labour](#)")

### **24. Which requirements apply to obtain a family reunification visa with my spouse abroad?**

To obtain the reunification with one's spouse residing abroad it is necessary to have a regular residence permit of at least one year issued for work, study, religious or family reasons;

To obtain the entry visa it is necessary that the spouse regularly residing in Italy submits a reunification authorisation to the One-Stop Shop through the IT procedure available in the website of the Ministry of the Interior. Detailed information on the documents necessary to obtain family reunification is available in the instructions enclosed to the on-line forms (form S).

The competent One-Stop Shop, after receiving the application, will invite the applicant through a suitable appointment for the filing and the approval of the following documentation relating to the availability of accommodation and a minimum income.

In particular, foreign nationals residing in Italy shall prove they have:

- **a suitable accommodation**, endowed with sanitation requirements and a housing suitability certificate, assessed by the competent municipal offices. The housing suitability shall not be the object of a self-certificate, but a certificate shall be requested to the Technical Office of the municipality of residence (*an original and a copy will be needed*). If the applicant will be a guest, he/she shall enclose to the application the statement (form S2) drafted by the owner of the apartment and certifying the consent to host the spouse as well. *The applicant shall also file to the One Stop Shop also copy of the rental/ownership contract for a duration of at least six months.*
- **An annual income** deriving from legal sources whose amount is at least the same as the annual welfare benefit plus one half of it for each family member to reunify. Therefore, in case of spouse reunification, it is necessary to give evidence of an annual income of at least Euro 8,624.85. The minimum income threshold may also be obtained by considering the overall annual income of other family members already living with the applicant

**WARNING:** the income parameters may be updated on an annual basis. The necessary income increases according to the number of family members that are intended to be reunified. In particular, the annual amount of the welfare benefit increases by half for each family member to be rejoined. For instance, in order to have a reunification with one's spouse and a son aged over 14 years, for 2013 € 11,499.8 are needed (namely € **5,749.90 + 2,874.95 + 2,874.95**). In case of reunification of two or more children aged less than 14 or of two or more family members holding the status of subsidiary protection, only one income will be necessary, whose amount shall be at least the double as the annual social benefits provided.

The documentation to be produced to certify **income** availability is listed in the instructions annexed to the forms. For instance:

- **Employed workers** shall produce the latest income statement, the latest pay packet and a self-certification by the employer (Form S3) showing the current employment and – in case the worker has been employed for less than one year and there is not yet an income statement – an indication of the estimated income earned by the worker.
- **Domestic workers** shall produce: the latest income statement or, failing it, a communication of employment to INPS, the paying-in slip of social security contributions relating to the quarter preceding the date of submission of the application and the self-certification of the employer showing the current existence of the employment relationship.
- **Self-employed workers** shall produce their income statement (the *Unico* form) and the receipt relating to its filing (in case their business has been active for more than one year) or the accounting records drafted by their accountant and relating to the entire period of work (in case the business has been in place for less than one year).

**WARNING:** the permit is not necessary for the foreign family members of Italian citizens, EU citizens, or of a State belonging to the Agreement on the **European Economic Space** (Iceland, Liechtenstein, Norway).

If the applicant is a **refugee**, the requirements on income and accommodation shall not apply.

## **25. In case of foreigners already in Italy, for which relatives may they apply for a visa?**

- Your spouse, provided you are not legally separated and he/she is not less than 18 years old.
- your children who are minors and your legal dependents, even if they are the children of your spouse or born out of wedlock, if you are legally separated or unmarried, on the condition that the other parent, if alive, agrees that the child should be brought to Italy. The child has to be less than 18 years old when the request is filed;
- your adult children who are your legal dependents, only if they cannot earn a living due to their state of health and have total disability;
- your dependent parents, in case they have no other sons in the Country of origin, or parents aged over 65 who are not able to contribute to their living due to documented and severe health problems.

Family reunification is not allowed if the applicant is already married to another spouse residing in Italy.

Family reunification is allowed to the biological parent of a **minor regularly residing** in Italy with the **other parent**. The permit application may in such case be submitted **on behalf of the minor** by the **regularly residing parent**. With a view to the existence of the income and accommodation requirements, their ownership by the other parent is considered.

## **26. How long does it take to obtain the family reunification authorisation?**

The permit for family reunification shall be issued within 180 days as from the date of application. The permit is then sent by the One-Stop Shop directly to the Consular Offices. The permit shall be used, for the purpose of issuing a visa for family reasons, within six months as from the date of issuance.

## **27. Which documents are needed to obtain the entry visa for family reasons?**

Once the reunification authorisation is obtained, within six months the family member still residing abroad shall produce his/her visa application to the Diplomatic-Consular Representation of one's country by enclosing:

- the reunification authorisation;
- a valid document with an expiration exceeding the one of the visa requested by at least three months
- the marital status certificate showing the family link and – if requested – a suitable administrative documentation showing the condition of dependent family member, the health conditions or the lack of suitable family support.

In case the ownership of the requirements and the compliance with the conditions cannot be documented with certainty through certificates issued by competent foreign authorities, due to the lack of a recognised authority, or if there are doubts about the authenticity of the documentation provided, then the Consular Representative will issue a certificate on the basis of a DNA test to be carried out at the expense of the interested parties.

The consular authority will perform the **translation and legalisation** of the documents locally produced.

Legalisation is not necessary in case bilateral or international agreements exist on the abolition of the legalisation of foreign public acts (The Hague Convention, 1967, “apostille”).

The visa is either issued or denied within 30 days from the application. If the family reunification is applied for by an individual with a international protection status, the refusal of the application shall not just be explained on the grounds of the lack of documents proving the existence of family bonds (or, eventually, the ownership of other requirements by family members).

## **28. What is the entry visa for accompanying family members? How is it obtained?**

The entry visa for accompanying family members favours family cohesion through the possibility for the family members of a foreign national owning an entry visa for employed work relating to a contract not lower than one year, of in case of self-employed work, or study or religious reasons, to enter Italy directly with his/her spouse. Entry is allowed only to the family members for which reunification is possible ([see above faq 25](#)) and provided that the requirements above apply on the availability of accommodation and income.

The procedure for the issuance of the permit is the same as the one for family reunification.

The application shall be filed to the One Stop Shop for Immigration through the suitable forms (**Form T**) available in the website <https://nullaostalavoro.interno.it/>

For such application, foreign nationals may avail themselves of a special proxy. In such case, besides the documents needed for family reunification, the following documents shall be produced to the One Stop Shop:

- copy of the id of the proxy;
- **proxy to the Italian or foreign citizen regularly residing in Italy to submit the Permit Application for accompanying family members, drafted by the foreign national who already obtained a visa, translated and legalised by the Italian diplomatic consular representation Abroad.**

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## 3 STAY

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### 3.1 Permits to stay

#### 29. What is the permit to stay?

It is an authorization issued by the Chief of Police that bestows on the foreigner the right to stay in Italian territory. Permits to stay have various lengths of duration.

#### 30. When and where can I request the Permit to Stay?

It is absolutely obligatory that you request a Permit to Stay within eight working days from the day you enter the Italian territory.

The delay is only accepted in case of force majeure.

The residence permit is not necessary in case of entry and residence in Italy for visits, business, tourism, or study that do not last more than three months, for which it is sufficient to declare your presence either to the border authority upon entry or at Offices of the Chief of Police in the province in which you reside during your stay.

The applications for a series of residence permits shall be filed by the applicant to the **Authorised Post Offices** through the kit available at all post offices, *Patronati* and authorised municipalities.

In particular, the applications submitted to the authorised post offices (namely those endowed with the [Sportello Amico](#)) include the residence permit applications for the following reasons:

- pending employment;
- pending reacquisition of citizenship;
- political asylum (renewal);
- conversion of residence permit;
- family;
- self-employed work;
- employed work;
- particular cases of work;
- seasonal employed work;
- missions;
- religious reasons;
- elective domicile;
- stateless status (renewal);
- study (long term permit);
- vocational training.

The application shall be directly filed to the **Police Headquarters** in the following cases:

- political asylum;
- medical treatments;
- sports competitions;
- justice;
- integration of minors;
- invitation;
- minor age;
- family (in case of permit issued to foreign nationals that cannot be expelled ex art. 19 of the Consolidated Law);

- humanitarian reasons;
- statelessness;
- work holidays, and in any other case not specifically mentioned.

The kit, once filled in, shall be delivered to the post office in an open envelope with the other annexes required.

Alternatively to the filling-in of paper documents, foreign nationals may go to a Municipality or a *Patronato* enabled to the **electronic filling out** of applications (the paper copy of the form shall in any case be delivered to the Post Office).

If non EU foreign citizens own the permit, and apply for **the first issuance of the residence permit for work or family reunification reasons**, they shall go to the **Immigration One Stop Shop (SUI)** of the competent Prefecture. The SUI will deliver the application in an envelope to be given to the Post Office.

It is also necessary to submit the application to convert a residence permit for study reasons into a permit for work reasons, as well as the conversion of a residence permit for seasonal work into an employed work.

### **31. Which documents do I have to submit in order to obtain a Permit to Stay?**

In order to obtain the **issuance** of the residence permit, it is necessary to submit:

- The application form;
- The passport, or any equivalent id, and the entry visa, is requested;
- A copy of the ID;
- 4 recent passport-sized photos;
- A stamp with a value of € 16
- The documents necessary for the type of permit requested
- The payment of a fee between € 80 and € 200 according to the type of permit requested.

The Offices of the Chief of Police will keep a copy of all the documents. another copy will be delivered as a receipt and it should contain: the stamp of the office where you presented your application, the signature of the entrusted official, the date in which the application was presented, and the date set for the collection of the Permit to Stay.

**Warning:** While submitting the file to the post office, foreigners will receive a summoning indicating the date in which such individual shall appear with his/her photographs to undergo **photo-dactyloscopic procedures**.

### **32. How much does it cost to apply for the permit to stay?**

While applying for the residence permit, you shall:

- Put on the form an electronic stamp of 16 Euros;
- Pay 30 Euros to the Post Office for the sending of the envelope;
- Pay, through a pre-print form (PSE), whose receipt shall be annexed to the application, 27.50 Euros for the issuance of the electronic residence permit;
- pay, through the paying-slip available at the post office, a fee **between 80 and 200 Euros**, commensurate to the type and the duration of the permit requested (see the **table**).

Such fee is also due in case of denial or loss of the residence permit. However, in such case, since the amount of the fee is commensurate to the period of validity of the residence permit, you shall pay the amount according to the remaining period of validity of the new permit issued.

In case of denial of the residence permit, the amounts paid will not be refunded. The applicant is only entitled to the reimbursement of the cost of the electronic residence permit (27.50 Euros) upon request by the applicant to the Ministry of the Economy and Finance.

**Warning:** The following are exempted from the payment of the fee:

- minors aged less than 18
- minor sons also of the spouse or born outside of marriage
- those who have a residence permit for medical care, namely those who enter Italy to undergo medical treatments
- foreign citizens applying for the issuance or renewal of the residence permit for asylum, political asylum, subsidiary protection, humanitarian reasons
- applicants of the conversion of a valid residence permit
- applicants of the updating of the residence permit
- family members of EU citizens residing under legislative decree 30/2007.

### **33. How long does the residence permit last?**

The duration of the residence permit is the same as that of the entry visa, and in any case:

- employed work with open-ended contract: maximum 2 years;
- employed work with fixed-term contract: the same duration as the contract or 1 year maximum;
- self-employed work: maximum 2 years;
- seasonal work: maximum 9 months (irrespective of the work sector);
- pending employment: at least 1 year, or for the entire period of duration of the income support benefit eventually received by foreign workers, if higher (law no. 92/2012);
- study and training: maximum 1 year;
- family members: as for the family member owning the right to reunification, or at maximum 2 years;
- volunteering: usually 1 year or at maximum 18 months ;
- scientific research: the same as the one of the research programme (Legislative Decree 17/2008);
- Elective residence: maximum 2 years.

### **34. How can I renew my Permit to Stay?**

The renewal of the residence permit shall be applied (through post offices or to the Police Headquarters) at least 60 days before expiration. Such deadline is merely indicative and in case of non compliance an immediate sanction is not envisaged. Any foreign nationals whose residence permits have expired for more than 60 days and no renewal was applied shall be considered as illegal.

### **35. What are the rights of foreigners while pending the issuance or renewal of residence permits?**

In case of application to issue or renew the residence permit, foreigners may rely on the full legitimacy of their residence and perform their working activity, provided that:

- a) The application for the issuance of the residence permit for work reasons was made by the foreign worker while signing the contract of stay, or in case of renewal, the request was filed before the expiration of the permit, or within sixty days as from its expiration;
- b) The receipt on the filing of the application for issuance or renewal was issued by the relevant office.

- c) The rights while pending the issuance or the renewal of the residence permit are interrupted only in case of non issuance, renewal, revocation or cancellation of the permit.

Therefore, while pending the issuance or renewal of the residence permit, it is fully legitimate to register to the National Health Service, to renew an expired ID, to change one's residence, enjoy social security contributions, take the driving licence, etc.

### **36. How long does the renewal last?**

The Permit to Stay is renewed for a period no longer than that of the original Permit to Stay.

### **37. When is a Permit to Stay not renewable?**

A Permit to Stay cannot be renewed or extended if you have interrupted your stay in Italy, living in another country for a continuous period longer than 6 months, or for a period equal to more than half the period of validity of your Permit to Stay, unless you can prove there are serious reasons (such as military service and similar reasons).

The renewal is also rejected failing the requirements provided for by the law, including the non-signing of the residence contract for employed work, the lack of means of sustenance or suitable accommodation, the reporting of "inadmissibility" by a Country from the Schengen area, etc.

### **38. Is it possible to convert my Permit to Stay for study reasons into a Permit to Stay for employment reasons?**

Yes, before the permit expires and within the restrictions of the annual quotas, it is possible to convert a permit issued for study reasons into a permit for employed or self-employed work. In case of employed work, it is necessary to submit the documents proving the existence of the employment relationship;

- in case of self-employment, you must present the documentation regarding the activity that you will carry out and the availability of the financial support necessary to perform this activity.

**WARNING** - If you graduated or have completed a doctoral or masters degree in Italy, then, upon expiration of your Permit to Stay for study reasons, you may sign-up in the list of persons seeking employment in the Employment Registry of the Municipality for a period not to exceed twelve months.

### **39. Is it always necessary to assess the existence of quotas available to convert a residence permit issued for study reasons?**

No, they are exempted from the verification of the existence of quotas, and may therefore be sent at any time of the year the conversion applications submitted by:

- foreign nationals regularly residing in the national territory when turning eighteen;
- foreign nationals that obtained in Italy a graduation following the attendance of study courses in Italy.

The educational titles after whose obtainment it is possible to ask for conversion include:

- Graduation (3 years, 180 university credits);
- Specialisation graduation (300 credits, including 180 university credits);
- Specialisation diploma (minimum 2 years);
- PhD (minimum 3 years);
- 1<sup>st</sup> or 2<sup>nd</sup> level University Master (minimum 60 university credits);

- Specialisation diploma (annual duration - 60 credits).

#### **40. Can I convert my Permit to Stay for seasonal employment into a Permit to Stay for fixed-term or open-ended employed work?**

If you were authorised for the second time to enter Italy for a seasonal work, you can convert your residence permit for seasonal work into another permit for employed work – fixed-term or open-ended – in the framework of the quotas available.

It is necessary that at the moment of submission of the application, the residence permit for seasonal work is still valid.

Foreign workers shall send to the One Stop Shop for immigration the application to convert the permit from seasonal work into employed work through an IT procedure – through the website <https://nullaostalavoro.interno.it>.

In case of existence of quotas, foreign nationals are called to the One Stop Shop to sign the contract of stay and the form for the application of the residence for employed work.

#### **41. Can I use my Permit to Stay for employed work, self-employment and/or family reasons for other activities?**

Yes, even without converting or alteration, as long as the Permit to Stay is still valid. At the time of renewal you may ask for the new residence permit corresponding to the activity carried out.

In general, in order to work in Italy, foreign nationals shall own a residence permit allowing to work, or issued for one of the following reasons: foster care, statelessness, application for asylum, political asylum, assistance to minors, sports activities, residence permit for the family members of EU citizens, permanent residence permit for the family members of European citizens, family reasons, family of minors, integration of minors, seasonal work, artistic work, self-employed work, employed work, pending employment, seasonal work including multi-year, particular cases of work, EC residence permit for long-term residents, subsidiary protection, temporary protection, scientific research, study, humanitarian reasons and work holidays.

Conversely, foreign citizens having a residence permit for medical treatments, tourism, religious reasons, minor age, business and justice cannot work in Italy. For additional information, see the [residence titles that enable to work](#) in the Migrants Integration Portal (<http://www.integrazioni.migranti.gov.it>).

#### **42. What may I do if I am denied or revoked a residence permit?**

Within 60 days from when you receive the decree, you can file an appeal to the TAR (Regional Administrative Court) responsible for the Offices of the Chief of Police that has issued this decree, if the revocation or the denial of the permit is made with regard to employment reasons.

Instead, if a request for a permit for family reasons is denied or revoked, it is suggested that you go to the Ordinary Court within 60 days as from the date of notification.

#### **43. What rights do I have as a person who has a Permit to Stay?**

- You can enrol in the Employment Centres and establish your own professional curriculum there;
- you can enrol in the National Health Care System or SSN;
- you can legally register yourself at INPS (the National Institute for Social Welfare);
- you can legally register yourself at INAIL (the National Institute for the Injuries at the Workplace);

- you can request that you be enrolled in the Registry at the Municipality where you reside;
- you can apply for your children (those who are minors) to attend public schools;
- you can join and/or promote an association;
- you can join a trade union.

#### **44. What are my duties as a person who has a Permit to Stay?**

You are obliged to exhibit your Permit to Stay along with your passport or other identity document in the following cases:

- to employees of the public administration, when you need licenses, authorizations, registrations, etc.
- when requested by police agents and officers; if you do not comply, you will be punished by arrest for up to one year and a fine of up to € 2000. If a valid reason exists, the police authorities can also ask you for information and evidence that your income (from your job or from other legitimate sources), is sufficient to support you and your family members who live with you in your home in Italy.

You are also obliged to communicate any changes regarding your usual domicile to the local Office of the Chief of Police responsible for the area within fifteen days following the change.

#### **45. If I lose my job, do I also lose my Permit to Stay?**

No, when the foreign worker loses his/her job, the employer who hired him/her must communicate this fact to the appropriate and Employment Centre within five days from the date on which the worker was dismissed. The Employment Centre inserts the worker in its list, or else it updates the status of the worker if he/she is already registered in the list. The worker remains registered in the list for the remainder of the period for which the Permit to Stay is valid and, regardless, with the exception of seasonal workers, for an overall period of no less than 1 year.

#### **46. What happens if I enter or remain in Italy without a Permit to Stay or with an expired Permit to Stay?**

You are committing a crime that is subject to a fine ranging from € 5,000 to € 10,000.

## 3.2 Integration Agreement

### **47. What is the integration agreement?**

As from 10 March 2012, with the coming into force of the regulation defining the integration agreement, foreign nationals aged over sixteen that enter Italy for the first time and file an application for the issuance of the residence permit with a duration of at least one year, shall sign an agreement with the Italian State.

By signing such agreement, foreign nationals undertake to obtain specific integration objectives in the period of validity of their permit, and the State undertakes to support the integration process of foreigners through the adoption of any suitable initiative in agreement with the Regions and Local Authorities.

### **48. Who shall sign the integration agreement?**

The integration agreement is destined to foreigners aged more than sixteen years that enter Italy for the first time and submit an application for a residence permit with a duration of at least one year.

The agreement, is involving a minor aged between sixteen and eighteen, is also signed by the parents or by subjects exercising parenthood regularly residing in the national territory.

### **49. Who shall not sign the agreement?**

- a) Foreign nationals affected by diseases or disabilities severely limiting their self-reliance or determining difficulties in language and cultural learning. Such condition shall be certified by a public healthcare facility of a doctor of the National Health Service.
- b) Unaccompanied minors that are object of foster care under art. 2 of law 4 May 1983, no. 184, as subsequently amended;
- c) Victims of trafficking of people, violence and severe exploitation, for which the agreement is replaced by the completion of the social integration programme under art. 18 of the Consolidated Law on immigration.

### **50. Where signing the agreement?**

At the one stop shop for immigration of the prefecture in case foreign nationals enter for work or family reunification reasons, or at the police headquarters for other reasons.

The agreement is signed at the same time as an application for residence permit with a duration of at least one year. When signing the agreement, two copies are drafted, one of which is given to the foreign national in the language that he/she selected. On the side of the State, the agreement is signed by the Prefect or by one of his/her clerks.

### **51. How many credits are initially given to foreign nationals?**

By signing the agreement, 16 initial credits are given. The confirmation of such 16 credits takes place following the attendance of one free training session on civic activities and life in Italy, held at the One Stop Shops for immigration of Prefectures. On such occasion, information is also received on the “initiatives supporting the integration process” (such as free courses of Italian) active in the Region. The non-participation in the training sessions will lead to the loss of 15 out of the 16 credits assigned.

### **52. How many credits shall be obtained and within how much time?**

According to the Agreement, foreigners shall obtain 30 credits within two years. Credits can be obtained through the acquisition of specific knowledge (Italian language, civic culture and civil life in Italy) and the performance of some activities, such as:

- Italian language courses
  - Vocational training
  - Formal qualifications
  - Training programmes abroad
  - Registration in the National Healthcare Service and selection of a General Practitioner.
  - Signing of a rental agreement or certificate of the taking out of a mortgage for the purchase of a residential property.
  - Carrying out of economic-entrepreneurial activities, etc.
- [Check the Table](#) to see the list of activities that allow the acquisition of credits.

### **53. Can the credits obtained be lost?**

The credits accrued can be lost in the following cases:

- a) criminal convictions;
- b) enforcement – also not final – of detention orders;
- c) final infliction of pecuniary penalties exceeding 10 thousand Euros, in relation to administrative and tax offences.

Check the [Table](#) to see the list of cases that can lead to the loss of credits.

### **54. When is the Agreement checked?**

One month before the expiration of the two-year term, the One-Stop-Shop for Immigration at the Prefecture begins the assessment phase through the documents filed by the applicant or acquired by the Office. Failing such documentation, the applicant may ask to be tested on his/her level of knowledge of the Italian language, civic culture and civil life in Italy through a free-of-charge test administered by the One-Stop-Shop.

### **55. What does it mean “knowledge of the Italian language at level A2”? How is the certification obtained?**

The minimum level of knowledge required to comply with the integration agreement corresponds to level A2 of the Common European Framework of Reference for Languages, issued by the Council of Europe. **A2 – It is a basic level of knowledge that allows to communicate in activities requiring a simple exchange of information on ordinary subjects and to describe in simple words the aspects of one’s live and of the surrounding environment.**

The A2 knowledge of the Italian language may be proven in different ways:

- Through a certificate of knowledge of Italian at level A2 issued by one of the four Certification Authorities recognised by the Ministry of Foreign Affairs and by the Ministry of Education and University (University for Foreigners of Perugia, University for Foreigners of Siena, University Roma Tre, Società Dante Alighieri);
- Through an educational title obtained in Italy (Junior High School degree, High School Diploma, University Graduation);
- By showing that a course is being attended at an Italian university (being it either public or private and legally recognised), a PhD or a university master course;
- By attending or showing the attendance of an Italian course at a Permanent Territorial Centre (CTP), at the end of which a title is issued certifying the knowledge of the Italian language at a level of at least A2 of the Common European Framework of Reference for Languages.

Failing the certificate of knowledge of the Italian language, an **Italian Language test** shall be made at **a CTP**.

## **56. What are CTPs?**

The Permanent Territorial Centres for Education and Training in Adult Age – CTP - are public institutions where teachers from public schools work, supported – according to the different needs – by experts and external collaborators, to provide cultural, education and training activities destined to adults.

The Italian Language courses of the Permanent Territorial Centres (CTP) also include civic education or information on the rights and duties of citizens.

Enrolment in the courses of CTPs is available to all foreign citizens aged at least 16. At the end of the course, the certificate of Italian language may be obtained.

**The courses organised by CTPs are free of charge.**

## **57. How is the Integration Agreement assessed?**

The assessment ends with the granting of final credits and with one of the following decisions:

a) final credits exceeding 30 and obtainment of level A2 of the knowledge of the Italian spoken language, knowledge of the civic culture and of civil life in Italy: settlement of the agreement due to full compliance.

If credits are equal to or higher than forty, rewards are granted for specific cultural and training activities.

b) final credits exceeding zero but lower than 30 (that is to say, the level required in terms of knowledge of the spoken Italian language, civic culture and civil life in Italy was not achieved), a one-year extension of the Agreement is granted, upon the same conditions. The assessment is made one month before the expiration of the year of extension. In case the Agreement is not fulfilled, the Prefect rules a partial non-fulfilment, which the competent authority takes into consideration for the adoption of discretionary measures on immigration.

c) final credits equal to or lower than zero, the termination of the Agreement is decided on the grounds of non-fulfilment, with the annulment of the residence permit or the rejection of its renewal, and the expulsion of the foreigner from the national territory. In case the foreigner cannot be expelled, the non-fulfilment is taken into consideration for the adoption of discretionary measures on immigration.

In case the One-Stop-Shop determines the non-participation in the session, fifteen credits are cut back. The non-fulfilment of the obligation to provide education to minor children determines the total loss of the credits granted at the signing of the Agreement and of those subsequently obtained, as well as the termination of the agreement on the grounds of the breach of the provisions thereof.

## **58. Which foreign nationals are excluded from the assessment of the Integration Agreement?**

Foreign nationals that signed the Integration Agreement but that at the moment of the assessment own one of the following types of residence permits: for asylum purposes, pending application for asylum, subsidiary protection, humanitarian reasons, family reasons, EC residence permit for long-term residents, residence card for a foreign family member of EU citizens, foreigners owning another residence permit exercising one's right to family reunification.

In any case, the force of the Agreement can be either suspended or extended, upon request of foreign nationals, in case of severe health reasons, family reasons, work reasons, attendance of training courses, vocational training or study abroad.

### **3.3 EC long-term residence permit**

#### **56. What is the EC residence permit?**

It is a document that authorizes your residence in Italy for an open-ended/indefinite period.

#### **57. What requirements must be met in order to obtain the Stay Card?**

You can obtain the EC residence card if you are a foreigner who has been legally residing in Italy for at least 5 years and you have a valid Permit to Stay, provided that you show the availability of a minimum income not lower than the annual welfare benefit (amounting to € 5,749.90 for 2013).

The EC permit for long-term residence may be requested by the foreign national owning the requirements above also for one of his/her family members (spouse, minor dependent child, dependent major sons if unable to meet their basic needs, dependent parents not owning a suitable family support in their Country). In such case it is necessary to show the availability of a suitable accommodation falling within the minimum parameters set by the regional law, or endowed with sanitation requirements as verified by the local competent LHU.

#### **58. Where can I request it?**

The application shall be submitted to the post offices through the kit available. Minor children shall be accompanied by a parent. The application may also be filed to the Municipalities and *Patronati* providing such service

#### **59. How much does it cost to get an EC permit for long-term residents?**

As from 30 January 2012, the payment of a fee of 200.00 Euros is set. Other expenditures to be incurred include;

- 14.62 Euros for the stamp to be affixed on the forms;
- 30 Euros to be paid at the desk for sending the envelope through registered letter;
- 27.50 Euros for the issuance of the electronic resident permit.

#### **60. For how long is the EC Long-Term Residence Permit valid?**

The EC Long-Term Residence Permit is valid for an indeterminate period of time, but must be administratively renewed every five years in order to be valid as a personal identification document.

#### **61. Which documents do I have to present to obtain an EC long-term residence card?**

The application shall be made through the form available at the post office. The application shall include information such as:

- personal data;
- a declaration listing the places where you have resided during the last five years;
- sources of income included, if that is the case, the income derived from a disability pension (specifying the exact amount of your income);
- certificate of the A2 level of the Italian language;
- declaration of hospitality or rental or purchase contract;
- 4 identical passport-sized photos;

- Permit to Stay + photocopy;
- passport + photocopy;
- a photocopy of your Italian tax code;
- a certificate of your criminal records;
- a copy of your most recent income tax statements or of the CUD form;
- marital status certificate or self-certificate;
- 1 Italian revenue stamp.

Furthermore:

**If you are an employed worker:**

- The employer's declaration (be the employer an individual or a firm) + a photocopy of the identity document of the employer certifying the employment relationship
- Copy of the most recent pay slips;
- a photocopy of the documentation demonstrating that you have been hired by your employer;
- a photocopy of social security payments made to INPS - the National Institute for Social Welfare - (only for domestic workers);
- the income tax statement.

**If you are a self-employed worker:**

- A photocopy of the certificate of registration at the Chamber of Commerce, Industry and Craftsmanship, and the original for examination;
- the original and a photocopy of your VAT registration number (partita IVA) for examination.

**62. Which documents must I present in order to obtain the EC residence card for my family members?**

In addition to the documents listed above, for each family member you must present the following documents and certificates:

- copy of the residence permit of the family member;
- self-certification or marital status stating the composition of the family; the availability of a suitable accommodation, the sanitation certificate issued by the LHU in charge of the territory of by the Municipality;
- copy of the documents stating one's income (if any) and the income of the spouse owning the EC residence permit.

**63. Which level of knowledge of the Italian language is necessary to be entitled to the EC permit for long-term residents?**

As from 9<sup>th</sup> December 2010, in order to obtain the issuance of the **EC permit for long-term residents** foreign nationals shall show their knowledge of the Italian language. The minimum level of knowledge required to obtain the EC permit for long-term residents corresponds to level A2 of the Common European Framework of Reference for Languages, issued by the Council of Europe. It is a basic level of knowledge that allows to communicate in activities requiring a simple exchange of information on ordinary subjects and to describe in simple words the aspects of one's live and of the surrounding environment.

The A2 knowledge of the Italian language may be proven in different ways:

- Through a certificate of knowledge of Italian at level A2 issued by one of the four Certification Authorities recognised by the Ministry of Foreign Affairs and by the Ministry of Education and University (University for Foreigners of Perugia, University for Foreigners of Siena, University Roma Tre, Società Dante Alighieri);

- Through an educational title obtained in Italy (Junior High School degree, High School Diploma, University Graduation);
- By showing that a course is being attended at an Italian university (being it either public or private and legally recognised), a PhD or a university master course;
- By attending or showing the attendance of an Italian course at a Permanent Territorial Centre (CTP), at the end of which a title is issued certifying the knowledge of the Italian language at a level of at least A2 of the Common European Framework of Reference for Languages.
- Recognition of the level of knowledge of the Italian language of at least A2 in the framework of the credits obtained for the integration agreement;
- Certification stating that the entry to Italy occurred in compliance with art. 27 on Immigration to perform the following activities: company manager or skilled employee, university professor, translator or interpreter, journalist or employed in mass-media;
- By passing the test on the knowledge of Italian language at level A2.

#### **64. I know Italian but I do not have a document certifying it; how can I show my language knowledge?**

Failing the certificate of knowledge of Italian, in order to obtain the EC permit for long-term residents a **test in a CTP** shall be performed.

In order to apply for the participation in the Italian language test, it is necessary to access the website <https://nullaostalavoro.interno.it/Ministero/index2.jsp> and after one's registration access the "reserved area". Registration is free of charge, and requires a valid e-mail address in order to be performed. To receive help in the submission of the application, it is possible to address a *patronato*.

#### **Is it possible to obtain an EC permit for long-term residents without showing one's language knowledge?**

No, as from 9 December 2010, in order to obtain such residence permit it is necessary to show one's knowledge of the Italian language. The only exceptions apply in case the EC permit is requested:

- for children aged under 14;
- by subjects affected by severe language learning limitations, certified through a certificate issued by a health facility.

#### **65. What rights do I have as someone who possesses an EC Long-Term Residence Permit?**

The EC residence permit for long-term residents is open-ended. As holder of such permit, you are granted a particular legal status that guarantees additional rights as compared to the non EU citizens owning a regular residence permit, namely:

- you can enter and leave Italy without needing a visa;
- you can carry out any type of legal business activity that is not expressly forbidden to foreigners or reserved for Italian citizens. To perform employed work activities, the signing of the contract of stay is not necessary;
- you can participate in the competitions, with the exception of those concerning jobs which involve direct or indirect exercise of official authority, or relate to the protection of the national interest (ex. magistrates, military);
- you can access the economic assistance provided for disabled people (including any minors registered on their parents' EC Long-Term Residence Permit);

- you can receive maternity benefits;
- you can receive welfare benefits, provided you have legally stayed in Italy without interruption for a minimum of ten years;
- you can work and study without a visa in the European Union countries that have accepted the directive regarding long-term EC residence permits.

Expulsions only take place:

- for severe reasons of public order or national security, as well as in the framework of activities countering international terrorism;
- in case personal preventive measures are enforced

#### **66. Can my Stay Card be revoked or can I be denied access to a Stay Card?**

The EC long-term residence permit is denied in the case that the person making the request has been sentenced for one of the crimes mentioned in article 380 c.p.p. (Penal Procedure Code) or for non-malicious crimes, from article 381 and if a sentence of condemnation has been issued (even if the sentence is not definitive) for which no request for “rehabilitation” was made. The EC long-term residence permit can also be denied if you have been outside of Italy for a period exceeding six consecutive months or for a total of 10 months during the required five-year period; in addition, it may be denied for reasons of public safety or state security.

The Police Commissioner revokes the EC long-term residence permit if a sentence of condemnation was issued, even if not definitive: if instead you are rehabilitated, you can obtain a new Stay Card.

The permit can be revoked in the case that you leave the European Union for a period that exceeds 12 months or for reasons of public safety or state security.

In undertaking the procedure for revoking the permit one must take into account the age of the individual, the amount of time that he/she has lived in the country, the existence of familial and social ties in the country and the absence of such ties with the country of origin.

#### **67. What can I do if they deny or revoke my EC long-term residence permit?**

You can appeal to the competent local TAR (Regional Administrative Court).

#### **68. I own an EC residence permit for long-term residents issued by another EU country; does this permit allow me to stay in Italy?**

If you own a residence permit for long-term residents obtained in another State of the Union you may access Italy without needing a visa and stay in Italy for a period exceeding three months in order to:

- perform a self-employed or employed work in compliance with the other conditions under the national legislation;
- attend study or vocational training courses;
- stay for other purposes, provided that you show the availability of financial resources amounting at least to the double of the minimum amount set by the law for the exemption in the contributions to health spending, as well as a health insurance (nearly € 8,500).

Within three months as from your entrance to the national territory, you shall ask for a residence permit in Italy and in case of stay for work reasons, a work permit.

Such permits are issued although you are already in Italy in the framework of suitable quotas set by the flows decrees issued every year for the planning of entry flows for work reasons.

In case of stays lower than three months, it is sufficient that the foreign national submits the statement of presence in the territory to the Chief of Police, similarly to foreign nationals owning another permit issued by another Country of the Union.

**69. I am the spouse of a foreign national owning a long-term residence permit obtained in another EU country; may I enter and stay in Italy with my husband?**

Yes, also the family member of the holder of the permit may access the national territory without asking for a visa, and he/she might obtain a residence permit for family reasons if residing, to such end, in the former Member State, and provided that the requirements provided for by the law on family reunification apply.

### **3.4 – The Schengen Area**

**70. What is the Schengen Area?**

It is a common space where the citizens of the member States can circulate freely. All the Countries of the Schengen area (Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Italy, Latvia, Lithuania, Luxemburg, Malta, Norway, the Netherlands, Poland, the Czech Republic, Portugal, Slovakia, Slovenia, Spain, Sweden and Hungary) have eliminated the border controls at their shared borders and created a unified system of visas and entries.

**71. To which conditions is it possible to move within the Schengen Area?**

If you are a foreigner and you have passport and a Permit to Stay and/or a “Stay Card” that are valid in Italy, you can freely circulate and spend a period lasting up to a maximum of three months in one of the Countries listed above. During this period you cannot work and, once the three months are over, you have to return to Italy.

If you have an EC long-term residence permit, then you can travel and stay in the Shengen area countries that have recognized the directive on EC long-term residents for periods exceeding 90 days for:

- work (employed or self-employed);
- study and vocational training;
- residence (meeting certain requirements).

**Warning:** the Identity Card issued by the Municipality where you reside is not sufficient documentation to permit you to leave Italy, and therefore, in order to travel in the Schengen area, you need to have a passport otherwise you risk expulsion.

**72. I am waiting for my Permit to Stay to be renewed: can I travel between Schengen states?**

If you are renewing your residence permit, you are allowed to exit and enter the national territory without a visa, but **your trip shall not include the transit in the other countries joining the Schengen agreements. Furthermore, the following documents shall be shown:**

- your passport or any other valid travel documentation;
  - the original and a copy of the expired Permit to Stay;
  - the original and a copy of the receipt of the application for renewing your Permit to Stay.
- Exit and re-entry are therefore possible by crossing the external borders

**73. I am waiting to be issued a Permit to Stay for the first time: can I travel between Schengen states?**

If you are waiting to be issued a Permit to Stay for the first time, then you cannot travel between Schengen states. Exit and entry the national territory without a visa is allowed, but **your trip shall not include the transit in the other countries joining the Schengen agreements. Furthermore, the following documents shall be shown:**

- Passport or equivalent travel document;
- Visa showing the reason for the stay
- Receipt showing the submission of the application for issuance.

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## 4 Labour

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### 4.1 Employment in Italy

*In Italy there are three types of employment relationships:*

- *Subordinate employment with a fixed-term contract, an open-term contract or for seasonal employment;*
- *para-subordinate employment (e.g., a project-based contract)*
- *self-employment.*

*A salary is the payment that the worker has a right to for activities carried out in the service of the employer. A salary has to be proportionate to the quantity and quality of the work carried out and nonetheless must always be sufficient to guarantee that the employee and his/her family can live in a free and dignified way.*

*The minimum wage for a subordinate employment activity is determined based on the collective employment contracts (on a national, regional and provincial level) that must always be respected. To this end, the employer guarantees that these levels will be respected in the moment when the entry and stay documents are requested. The majority of the rights regarding employment relationships are outlined precisely in these collective employment contracts that apply to the employer who hires you.*

#### 4.1.1 Subordinate employment

##### **74. What is a subordinate employment?**

It is an employment relationship, regulated by a contract, in which the employee commits him/herself to providing his/her work activities to the employer and the employer commits him/herself to pay the employee a salary.

##### **75. What is a “contract to stay” for subordinate work?**

It is the contract that regulates the work relationship between an employer and a foreign employee containing the guarantee from the employer that housing is available for the employee and the commitment to pay the travel cost for the return trip of the worker to his/her country of origin. Such contract does not replace the labour contract, but it has to be signed to obtain either the issuance or the renewal of the residence permit for employed work.

In case of a **new employment relationship**, a **new contract to stay** has to be signed based on which the accommodation and eventual repatriation charges are transferred to the new employer.

In case of first entry to Italy for employed work, the contract to stay must be signed by the parties at the One Stop Shop for immigration within 8 days as from the entry of the worker to the territory of the State. On the contrary, in case of a new labour relationship, the parties sign the **contract to stay** for employment purposes **directly and autonomously**, outside of the One Stop Shop, stating the commitments relating to accommodation and repatriation charges in the specific fields of the Form *Unificato-Lav* destined to the mandatory notification of the employment to the INPS.

**76. What limits does an employee with a contract for subordinate work encounter?**

The worker is subject to the employer's commands, hierarchical power, and power to control, that predetermine the methods with which the work is carried out.

**77. What type of work can be carried out by a "subordinate" worker?**

The subordinate worker can carry out a variety of types of work. The entirety of the assignments and of the specific activities that the worker is asked to carry out are defined as "tasks" and are specified in the employment contract.

**78. How long does the employee work?**

The normal working hours are fixed at 40 hours per week, but this refers to collective employment contracts, on a national or sector-based level; it is possible to work "over-time" (work that exceeds the 40 hours per week), but this work must be limited.

The employee has the right to 11 consecutive hours of rest every 24 hours and to at least 24 consecutive hours, as a rule on Sundays, every seven days.

The annual paid vacation period must last at least four weeks and is an inalienable right.

**79. Where does the worker carry out his/her work activities?**

The worker must carry out his/her work activities in the place established by the parties to the work contract or, if this place is not defined in the contract, in the place where the activities must be performed.

The worker cannot be transferred from one productive unit to another, unless proof of technical, organisational and productive necessity is provided.

**80. In addition to working, what else can a subordinate worker be asked to do?**

The subordinate worker must be diligent, comply with the provisions given by the employer and his/her collaborators for the execution and the discipline of the work and must behave in a loyal way towards the employer, not divulging confidential information and abstaining from an unfair competition.

**81. What are the main financial rights of a subordinate worker?**

- The right to a salary, that can be hourly (based on the number of hours of work carried out), piecework (based on the number of items produced by the worker) or on commission, profit-sharing and shareholding, etc.;
- the right to severance pay;
- special indemnities.

**82. What are the main personal rights of a subordinate worker?**

- The right to physical integrity and health (weekly and daily rest, vacations, maternity leave, etc.);
- freedom of opinion and protection of the dignity and of the confidential information regarding the worker;
- the right to study for student workers;
- the protection of cultural, recreational and welfare activities.

**83. What are the main labour-union rights enjoyed by a subordinate worker?**

- The freedom to organise union activities;

- the right to go on strike;
- Other labour-union rights (the right to post bills, to use local companies to carry out union activities, etc.).

#### **84. What is a labour-union?**

It is an association of workers who aim to protect the rights and the interests of those who work in the workplace and in society. Labour-unions can represent their members and stipulate collective employment contracts with effectiveness obligatory for all those belonging to the categories that the contract refers to.

#### **85. What is an open-ended employment?**

It is a subordinate employment relationship, regulated by a contract that does not foresee a final expiration date. The relationship therefore concludes when the worker passes away, when both parties give their consensus, when the worker resigns or when the employer lays off the worker for a justified cause.

#### **86. What is a fixed-term employment?**

It is a subordinate employment relationship, regulated by a contract that has a specific expiration date. This category can include an employment relationship for a specific job or activity, whose content is well-defined, that has a natural duration, expiring in the moment when the activity itself is complete.

#### **87. What is seasonal employment?**

It is a form of subordinate employment with a fixed-term contract that one can carry out only during certain periods of the year (for example, agricultural work or work in the tourism-hotel sector). According to the immigration law, certain conditions are foreseen for non-European Community citizens who want to enter Italy for seasonal work (e.g. specific entry quotas, rights to precedence once in Italy for the same type of work, etc..).

#### **88. Shall the contract absolutely be made in writing?**

Yes, the addition of an expiration date is devoid of effect if it does not directly or indirectly appear in a written document.

A copy of the written contract must be delivered to the worker within 5 days following the beginning of the work activity. In the document the reasons for which the employer has resorted to using a fixed-term contract must also be indicated. Normally, in fact, the indication of the end of the labour contract is only allowed for technical, productive, or organisational reasons.

The Reform of the Labour Market ([Law 92/2012](#)) however introduced the possibility for the **company that signs a fixed-term employment contract may do so without the obligation of indicating the reason of the employment**. This first contract may last at maximum 12 and cannot be extended, although the duration initially defined is lower than the maximum duration allowed.

**Warning:** the contract does not have to be written if the employment relationship is completely intermittent and does not last longer than 12 days.

#### **89. How is an employment contract made official?**

In the moment when the employer hires the worker, he/she must deliver a signed declaration to the employee, which should contain the data regarding the registration of this declaration in the registry book, with the following information:

- your personal data;
- the place where you work;
- the date of beginning of the employment relationship;
- the length of the employment relationship/contract;
- the length of the trial period, if any;
- the placement, level and qualifications attributed to the worker;
- the wage;
- the duration of paid holidays;
- the working hours;
- the notice time *in case of termination*.

**90. What is the maximum duration of the fixed-term contract?**

There is no maximum duration.

**91. If I have a fixed-term contract, am I disadvantaged in comparison to workers with open-term contracts?**

For the principle of non discrimination, employees hired with a fixed-term contract must not be treated in any way that is less favourable compared to employees with an open-term contract who are ranked the same/placed on the same professional level. Therefore, you have the right to vacations, to the Christmas bonus and to the other typical bonus only if provided for, to the severance indemnity and to every other treatment or benefit that the enterprise applies to its workers who have open-ended contracts.

**92. My fixed-term contract is about to expire. Can it be extended?**

Yes, the employer can extend a fixed-term contract, but the extension is allowed:

- only one time;
- with the worker's consent;
- if the initial duration of the contract is inferior to 3 years and if, with the extension, the total duration of the contract does not exceed 3 years;
- for the same work activity;
- if there are objective reasons for extending the contract.

**93. My fixed-term contract has concluded but I am still working for the same employer. Is it illegal?**

No, it can happen that, even after the term has expired, the worker continues to carry out his/her work activity. In this case, the worker is owed a salary increase that is equal to:

- 20% for each day of continued work until the 10th day;
- 40% for each additional day beginning from the 10th day.
- The extension may be from 20 to 30 days in case of contracts with a duration lower than 6 months, and from 30 to 50 days for those with a longer duration.

Beyond such limits, the employment relationship becomes open-ended.

**94. When it expires, can the fixed-term contract be renewed?**

Yes, the worker can be re-hired with a fixed-term contract, but only on these conditions:

- After at least 60 days if the 1<sup>st</sup> contract had a duration up to 6 months;
- After at least 90 days if the 1<sup>st</sup> contract had a duration exceeding 6 months.

The national collective bargaining may set reduced intervals in case of a particular organisational process within the company (start-up, new product or business launch, additional phase of a research project, etc.).

**95. What difference is there between the extension and the renewal of a contract?**

In the in the renewal, the “old” employment contract is extended beyond the expiration date initially established; in the renewal, the employer hires the same worker again with a new fixed-term contract.

**96. My employer has renewed my fixed-term employment contract without respecting its expiration date. Is my new fixed-term contract valid?**

Yes, but if the employer did not comply with the times set above, the employment relationship is considered as an open-ended employment.

**The out-of-court** opposition shall be submitted within 120 days as from contract termination, whereas the resort to the **Labour Judge** shall be made within the following 180 days.

**In case of unlawful fixed-term contract, the indemnity compensation and the conversion into an open-ended contract shall be considered as including** all compensations for the worker. The indemnity corresponds to an amount from 2.5 to 12 monthly wages.

**97. Can the employer conclude the employment relationship in advance without just cause?**

No, the advance termination of an employment relationship can only happen for a just cause.

**98. I have been dismissed without just cause. What can I do?**

You may ask for a compensation having a maximum value included between 12 and 24 monthly wages, without being entitled to your employment.

**99. Can I choose to end my contract in advance?**

No. As is true for the employer, the employee also cannot interrupt the employment relationship in advance. Should the employee do so, he/she would have to compensate for this act by paying an indemnity directly from the last pay check.

## **THE TRAINING INTERNSHIP**

### **100. What is a training internship (or stage) and what is it for?**

The training and orientation internship (or stage) is a type of temporary insertion of young people into the labour market. It is defined as a measure of active policy aimed to provide **labour guidance and training**. Although not defined as an employment relationship, it is **aimed to** the development of knowledge, the **acquisition of professional skills**, and to the **placement in the labour market**. Internships are either included in a formal learning pathway when still attending universities, or outside of the period of formal education. In order to implement a training internship, an **agreement is needed between the educational establishment** (universities, high schools, employment agencies, public centres for vocational training, foundations of labour consultants, services for the labour insertion of disabled, no profit training institutions) **and the hosting subject** (company, professional firm, cooperative, public authorities), **on the basis of a training project** drafted by the employer.

### **101. What regulations apply to training and orientation internships?**

Since this subject pertains to the Regions, regional provisions apply. In case no specific provisions exist, art. 18 of Law 24 June 1997 no. 196 shall apply (Ministerial Decree no. 142 of 25 March 1998).

Through the agreement of 24 January 2013 in the framework of the Conference of State-Regions, the guidelines on internships were issued. Such guidelines state that training internships shall be destined to subjects who achieved their title since no more than 12 months. Regions and autonomous Provinces undertake to transpose the guidelines in their regional regulations.

### **102. What is the maximum duration of a training internship?**

Regulations exclusively pertain to the regions under art. 117 of the Constitution. The Regions, therefore, define with their regulations the maximum duration of training internships.

Failing the regional regulations, the provisions of art. 18 of law no. 196 of 1997 and of the relevant implementation decree (Ministerial Decree no. 142 of 25 March 1998) apply.

It is however recalled that, as to the duration of internships, the guidelines adopted through the State-Regions Agreement of 24 January 2013 include: for training internships a maximum duration of 6 months; for labour placement internships a maximum duration of 12 months; for internships in favour of disadvantaged subjects a maximum duration of 12 months; for internships in favour of disabled subjects a maximum duration of 24 months. The maximum duration for the different types of internships includes eventual extensions.

### **103. What are the labour placement/reinsertion internships?**

They are aimed to labour placement/reinsertion and are mainly destined to unemployed people. They are also destined to labour redundant workers according to specific agreements implementing the labour policies on welfare support provisions.

Labour placement/reinsertion internships may also be activated in favour of disabled and disadvantaged individuals under law no. 381/1991 as well as asylum seekers and holders of international protection.

### **104. Is a graduate for over 12 months allowed to perform a labour placement/reinsertion internship?**

Yes, provided that it falls within one of the categories that are the target of such provision, unless otherwise provided by the regional regulations in force.

**105. What are the curricular internships?**

They include internships entitling to educational credits and included in the programmes of Universities and Education Institutions according to specific provisions. Curricular internships also include training paths not directly aimed to the obtainment of credits, provided that the following conditions apply:

- 1) Promotion of internship by a University, school or vocational training centre operating in the framework of a convention with the Region or the Province;
- 2) The receivers of the initiative include university students (including those attending master courses and PhD courses), students from secondary education, students from professional institutes promoting internship;
- 3) Performance of the internship during the period of attendance of education or vocational training courses.

**106. Is it possible to activate internships in favour of foreign citizens?**

A distinction shall be made between:

- 1) Foreigners already in Italy with a residence permit allowing to work may perform internships on the same conditions as Italians.
- 2) Foreigners residing abroad that intend to come to Italy to perform an internship. In this case the labour authorisation is not necessary, whereas it is mandatory to obtain a visa for study or training purposes issued by the diplomatic consular representation of the Country of origin of the foreigner in the limit of the quotas determined on an periodical basis.

**107. Are the subjects attending an internship entitled to a salary?**

**The agreement signed on 24 January 2013 envisage a** suitable compensation not lower than 300.00 Euros per month (pre-taxes), unless otherwise an higher amount provided for by the Regions.

**108. Are Public Administrations obliged to pay a remuneration?**

In order to define whether Public Administrations shall pay a remuneration, it is necessary to refer to regional regulations:

- a) if the Regions, through their own regulations, already envisaged to obligation to pay an indemnity for the internships carried out within the PA in the relevant Region, then the remuneration must be paid.
- b) If, conversely, the Region in question does not have a regulation making such indemnity compulsory, then the PA is not obliged to do so until regional regulations are enacted to such end.

**4.1.2 Para-subordinate employment**

**109. What is para-subordinate employment?**

It is a form of employment by which a “collaborator” provides a service for the benefit of a contractor (who coordinates the work), in an autonomous manner without any restraints based on subordination. The working conditions and compensation are established by means of the appropriate contract. This contract, i.e., project contract, must be valid for a specific duration and must contain a detailed description of the project (or one of the project’s phases) that the collaborator commits to carry out. The project shall be linked to the achievement of a final result and shall not represent a mere repetition of the corporate object of the company. The project-based contract does not include a pre-determined number of hours, but rather the fulfilment of the project in the times and ways envisaged at the moment of contract signing .

In case the activity of project-based collaborator is the same as the one performed by employed workers, the collaboration shall be considered as an employment contract.

#### **110. What kind of Permit to Stay is issued if I am a para-subordinate worker?**

A Permit to Stay for self-employment.

**Warning.** Foreign workers still residing abroad shall not enter Italy to perform an employment activity on the basis of a project contract. The flows decrees, while setting the entry quotas for self-employed work, allocate such quotas to specific groups of self-employed workers, such as: entrepreneurs performing activities of interest for the Italian economy; professionals performing non-regulated activities although included in the lists dealt with by the Public Administration; employees of non-cooperative companies, as specifically mentioned in the provisions on entry visas (artists of clear international renown or with high qualification hired by public or private authorities)

### **4.1.3 Self-employment**

#### **111. What is self-employment?**

It is an employment relationship in which a person commits to carry out, for pay, a work or a service, with his/her own work and without being tied in a subordinate position to the purchaser. Self-employment can be carried out whether or not the worker has a VAT registration number.

#### **112. What limits might the self-employed worker encounter?**

The self-employed worker autonomously manages his/her own activity, benefiting from full use of discretion regarding the use of time, the location and the method of organising him/herself (naturally within the limits imposed by the contract or by the nature of the work).

#### **113. What are the law provisions to set up a self-employed work?**

In order to start any type of self-employed work, some obligations are provided for by the law. In particular:

- chose the **Activity Code**: according to the type of business to be carried out, a code shall be selected among those provided for by the regulations in force. If such business is not described in any code, a general code as close as possible to the specific activity shall be used. The choice of the code will have repercussions on the tax and social security management;

- Choosing the tax regime: according to the annual turnover, different tax regimes may be selected. Among them there is the Tax Regime for Minimum Tax Payers that strongly simplifies the management of accounts for those who earn less than 30 thousand Euros per year. Additional information is provided in the website of the Tax Revenue Agency;
  - Fill-out the Statement of Business Start-up: in order to fill it in, it is possible to directly address the clerks of the Tax Revenue Agency (Self-Employed work) or of the Chamber of Commerce (company). If any advice is needed, it is possible to address one of the specialised Tax Assistance Centres or a chartered accountant. This choice mainly depends on the budget available;
  - The VAT number: in case the activity code falls within the Company Businesses, it is necessary to address the Chamber of Commerce. Conversely, if it represents a self-employed work it is necessary to address the Tax Revenue Agency. The acquisition and the closing of a VAT code are free of charge;
  - Registration to the INPS or other Social Security Institution: according to the activity performed, a specific social security registration shall be made;
  - Registration to INAIL: registration against the accidents at the workplace and professional diseases;
  - Certified notification of beginning of the activity (SCIA): it shall be performed to the Municipality (SUAP – one-stop shop for productive activities) that will assess the compliance with town planning, building, environmental, public security, cultural heritage, sanitation and safety provisions.
- As from the 1<sup>st</sup> April 2010 companies, including self-employed ones, shall fulfil all the administrative provisions on the beginning, variation and termination of one's business through an electronic Notification [Comunicazione Unica \(ComUnica\)](#). In this way, a single receiver shall send the various pieces of information to the different Authorities involved. The employment centres include information and consulting services on the start-up of self-employed activities.

#### **114. Are there any financing opportunities provided for by the law to start up a self-employed activity?**

Several opportunities exist which not everybody is aware of. It is possible to address **INVITALIA** that is the national Agency for the attraction of business investments, which acts upon mandate of the Government to increase the competitiveness of the productive system. The law promoting Self-employment ([Legislative Decree. no. 185/2000](#) - Title II) represents the main tool supporting the start-up of small businesses by unemployed persons or individuals seeking a first employment. INVITALIA grants financial inducements (easy loans) and technical assistance services for three types of initiatives:

- Self-employed work (in the form of one-person enterprise), with overall investments up to € 25,82;
- Microenterprise (in the form of a company), with overall investments up to € 129,11;
- Franchising, to be implemented with a Franchisor;
- Accredited with INVITALIA.

In case of already-existing enterprises, there are incentives and financing by INAIL aimed to improve safety at the workplace. The contribution of INAIL may reach € 100,000.

The application for financing is filled-in online from the [website of Invitalia](#).

#### **4.1.4 Requirements for the employment of minors**

##### **115. What is the minimum age to work in Italy?**

The **minimum age** for employment is set to the moment in which minors completed their compulsory education, therefore at least 16 years (law no. 296/2006).

Such provision is valid for all types of employments involving minors.

The only exceptions apply in case of **cultural, artistic or advertising employment, in any case in the show business sector.**

In such cases, it is necessary to obtain the relevant authorisation by the competent Territorial Labour Directorate, and such permit is granted provided that the prior written consent by the parents is provided, and that such employment is not detrimental for the safety, the integrity, the development and the educational attendance of the minor (art. 4 L. no. 977/1967).

#### **116. Are minors aged 16 allowed to sign the labour contract?**

Yes, minors aged 16 may sign the labour contract without any assistance by his/her parents.

#### **117. Is the employment relationship with a minor subjected to a particular regulation?**

Working minors are entitled to an annual period of paid holidays and to the same salary as adult workers, as well as to particular safeguards as per the law in force.

Law no. 977/1967 states that employers, before hiring minors, are obliged to perform an evaluation of risks with particular reference to age, and to carry out **preventive and periodical medical checkups** to evaluate their suitability to work. In the case of working activities for which the laws in force (Legislative decree no. 81/2008) state health supervision (i.e. works at video-terminals) preventive and periodical checkups shall be performed by competent specialists – either public or private - selected by the employer.

The working hours of minors shall not exceed **8 hours per day and 40 hours per week**. Minors therefore cannot work in extra-time. Working activities with no breaks shall not last more than 4.5 hours, after which 1 hour rest will be needed (some collective agreements may however reduce the duration of breaks to 30 minutes).

Minors are entitled to a weekly holiday of at least two days, possibly consecutive, and including Sundays; such term may be reduced for proven technical and organisational reasons, but shall not be lower than 36 consecutive hours.

In some cases, weekly holidays may be granted in days other than Sundays: this is the case of cultural, artistic, sports, advertising and show-business activities, or works in the sectors of tourism, hotel accommodation and restoration - including bars, *gelaterie*, patisseries, etc.- in which the highest number of customers is present on Sundays.

#### **118. Can minors be employed for night work?**

It is prohibited to employ minors for **night work** (from 10 a.m. to 6 a.m. or from 11 p.m. to 7 a.m.). Such ban undergoes derogations if – in cases of force majeure – it may hinder company operations, provided that the employer immediately notifies the Labour Inspectorate, indicating the cause considered as force majeure, the names of the minors employed, and the hours for which they were employed. A derogation is accepted only “exceptionally and for the strictly necessary time”, “provided that such work is temporary and has no delays” and “no adult workers are available”: once the event of force majeure is faced or adults may be organised, the prohibition is automatically in force once again.

#### **119. Are there any works that minors must not perform?**

Art. 6 of law no. 977/67 states the prohibition to employ minors to works potentially detrimental for their psycho-physical development; **the banned activities** are listed in annex I of the law (such annex 1 was introduced through Legislative Decree no. 345/99 and subsequently amended through Legislative Decree no. 262/2000)..

As a derogation to such prohibitions, the performance of the activities as per annex 1 is allowed to adolescents for fundamental **educational or vocational training needs** and only for the time strictly necessary for training (either in classrooms or in laboratories, or at the workplace directly supervised by the employer). These activities shall be carried out under the supervision of skilled trainers including in the field of prevention and protection, and in compliance with all the safety and health provisions in force.

In such cases, exception made for educational and vocational training institutions, activities shall be previously authorised by the labour Territorial Directorate, upon the opinion of the local LHU, as to the compliance by the employer with the regulations on hygiene and safety at the workplace.

Furthermore, minors cannot be destined to the carrying of burdens for more than 4 hours per day.

### **120. With which contracts is it possible to employ minors?**

Legislative Decree no.77/2005 regulated the school-work alternation, which represents one of the ways to organise the courses of the second school cycle. The system of alternation involves youngsters who turned 15 that may:

- Receive their training, until the age of 18, through the school-work alternation under the responsibility of the school establishment or training upon signing of suitable agreements with associations, Chambers of Commerce and public and private authorities including from the Third Sector. All these subjects shall be available to host youngsters to perform periods of learning that do not represent work relations;
- Set-up an apprenticeship contract aimed to the obtainment of a professional qualification or professional diploma.

As from 25<sup>th</sup> April 2012 the new regulation on apprenticeship contracts has finally come into force (Legislative Decree no. 167/2011). Young people aged between 15 and 25 may sign an apprenticeship contract for the qualification and the professional diploma with a duration of three or four years. The hiring of minor apprentices through such contracts is however possible exclusively in the regions that adopted – after hearing the opinion of the social partners – the suitable regulation on the training profiles of apprenticeship.

Profession apprenticeship contracts (aimed to the obtainment of a professional qualification for contract purposes) and high-level training and research apprenticeship contracts (aimed to the obtainment of a secondary education diploma or a university of high-level training degree), may be signed by adults only, or minors aged 17 that already have a professional qualification.

Minors aged 16 may also sign contracts other than apprenticeship, both fixed-term and open ended.

A job placement contract may only be destined to individuals aged at least 18 (art. 54 Legislative Decree no. 276/2003).

## **4.2 Access to the labour market in Italy**

### **121. How can I access the labour market in Italy?**

In two ways:

- directly in Italy (respecting precise requisites);
- from abroad, through a nominative call

## **For those who are already in Italy**

### **122. To work in Italy do I need to have a Residence Permit?**

Yes, to be able to work in Italy, you must have a Permit to Stay, issued for one of the followings reasons: family residence permit of a EU citizen, permanent permit of stay for the family members of European citizens, family reasons, family of minors, integration of minors, seasonal work, artistic work, self-employed work, employed work, pending employment, seasonal work including multi-year, particular cases of work, EC residence permit for long-term residents, subsidiary protection, temporary protection, scientific research, study (in this case it is possible to work for maximum 20 hours per week and 1,040 hours per year); humanitarian reasons and work holidays.

Instead, you cannot work if your residence permit is for:

- tourism;
- religious reasons;
- medical treatments;
- minors;
- request for political asylum;
- business;
- justice.

**Warning:** for asylum seekers, if asylum is not granted within 6 months following the request for reasons that cannot be attributed to the foreigner, the residence permit will be renewed for another 6 months and will allow the owner of the permit to carry out a subordinate work activity until the bureaucratic procedure is concluded.

### **123. What to do in order to hire a foreign worker already residing in Italy?**

Employers that intend to hire foreign workers regularly residing in Italy and owning a residence permit allowing to work shall send to the Employment Centre of the place in which the place of work is located, within 24 hours of the day preceding the employment, the form “UNILAV” for the compulsory employment notification.

Through the sending of such form, to be made exclusively via computer, all the notification obligations are complied with at the same time: to the National Social Security Institute (INPS), to the Italian Workers’ Compensation Authority (INAIL), and to any other replacement or exclusive social security institutions, as well as to the Prefecture.

The form, in fact, also contains the commitments (previously included in “form Q”), which employers shall abide by in compliance with the Consolidated Law on immigration, namely the payment of expenditures for the eventual repatriation (including forced) of foreigners and the indication of the accommodation of foreign nationals.

Also in case of domestic work, the notification made to INPS is now valid for the purpose of the compliance with the obligation to file the former form Q.

In order to issue/renew the residence permit for work purposes, foreign nationals shall enclose to their application a copy of UNILAV. During such phase, foreign nationals owning the post office receipt certifying the application for renewal may continue to work.

Additional information and forms are available in the mandatory notifications service in the website [Clic lavoro](#).

## **Entry from abroad**

### **124. How to enter Italy for work?**

The number of foreign citizens that can be admitted in Italy for subordinate employment (including seasonal) or self-employment is defined every year by the “entry quotas”, which determine the maximum number of non-EU citizens that can enter Italy for employment (subordinate, seasonal or self-employment). In special cases established by the law it is possible to enter for employment even outside the limits of the quotas.

**125. What does it mean entries outside of quotas? Who can enter Italy through such channel?**

The so-called “entries outside of quotas”, are entries for work reasons possible during the entire year and for which no numerical threshold applies (exception made for entries for training internships, professional and amateur sports and for volunteering activities) and, in general, a simplified procedure is envisaged for the issuance of permits for work purposes. In some cases, then, (seconded managers, university professors, specialised workers seconded in Italy, maritime workers, apprentices and journalists) the work permit is bypassed and the procedure envisages directly – or upon notification to the One-Stop Shop – the application for the entry visa to the Italian diplomatic or consular representations abroad. According to the Italian law (article 27 et seq. of Legislative Decree no. 286/98), entry in Italy outside of quotas (for employed or self-employed work) is allowed to:

- highly specialized managers/staff;
- university professors who will hold an academic post in Italy;
- foreigners with higher education qualifications that allow access to PhD level programs in their country of origin, who will participate in research programs, provided that the request comes from a research institute is appropriately registered in a list held by the Ministry of Education, University and Research;”
- translators and interpreters.;
- foreigners who are between 20 and 30 years old, who are accepted in volunteer programs conducted by religious organizations that are recognized by the State, by NGOs and by associations for social advancement,<sup>67</sup> following an agreement signed between the foreigner and the organization.

**Only in the case of employed work, the following workers can enter outside of quotas:**

- family collaborators that have carried out for at least 1 year abroad full time domestic work with Italian citizens or with the citizens of a EU country resident abroad that move to Italy;
- foreigners, authorized to reside in Italy for professional training reasons, who carry out training periods with Italian employees, even if carrying out “subordinate” work activities;
- workers who are employees of organizations or businesses that operate in the Italian territory;
- maritime workers;
- employed workers, individual people or legal entities, residing or having their headquarters abroad, who are temporarily transferred from abroad to work with individual or juridical people who reside in Italy, in order to carry out specific services in the Italian territory according to an agreement in a “works contract” signed between the worker and the aforementioned individual or legal entity;
- workers employed by circuses or shows travelling abroad;
- artistic/technical staff who work on lyrical, theatrical, concert or ballet shows;
- dancers/artists/musicians to be employed in places of entertainment;
- artists who will be employed by musical, theatrical and film businesses, in radio and television businesses and by public organizations for cultural and folklore events;

- sports professionals;
- journalists/correspondents who are officially accredited and employed by press agencies or broadcasters;
- people working occasionally in youth exchange programmes, or people working “au pair”;
- professional caregivers hired within public and private health facilities.

Additional information on the procedures to be followed for each category, please read the focus [“The Blue Card and other particular cases of entry outside of quotas”](#)

### **126. What is the EU Blue Card? Whom can it be issued to?**

Legislative Decree no. 108/2012 introduced highly skilled workers as a category of workers that can enter Italy out of the quotas set by the Flow Decree.

A highly skilled worker is a foreign national owning a high-school certificate, issued by the competent authority of the Country of origin, attesting the completion of a post-secondary higher education program of at least three years.

- The professional qualification diploma, certified by the Country of origin, must be recognized in Italy. As to the recognition of non-regulated professions (namely higher professional qualifications not comparable to a professional qualification regulated in Italy), foreign nationals or employers shall submit the application to the Ministry of Education, University and Research.

For the purpose of the recognition of professions regulated in Italy, the authorities competent to receiving applications are those mentioned in art. 5 of Legislative Decree no. 206/2007.

Foreign workers who entered Italy as highly qualified workers are issued a residence permit called “EU Blue Card”. Such permits have a two-year validity in case of an open-ended labour contracts; in all the other cases, their validity shall have the same duration as the employment contracts.

### **127. What is the procedure to obtain the EU Blue Card?**

The permit application (form BC) submitted by the employer shall be sent to the One-Stop Shop through the suitable IT procedure available in the website of the Ministry of the Interior (<https://nullaostalavoro.interno.it>) accessible through a free-of-charge registration to such website.

In addition to the guarantees on housing and the residence contract proposal, employers shall also indicate:

- - the binding job proposal envisaging a duration of at least one year for the performance of a working activity requiring a high vocational qualification;
- - academic and vocational qualifications obtained by workers;
- the amount of workers’ annual gross salary not lower than the triple of the minimum amount set for the exemption from the eligibility to healthcare spending (that is to say € 24,789, namely 8,263 x 3).

After the issuance of the permit – within 90 days as from the filing of the application – foreign workers can

apply for an entry visa to the Consulates or Embassies of their Country of origin, or – if already regularly residing in Italy for any other purposes – they can sign the residence contract directly at the One-Stop Shop for immigration. The entry visa is in any case necessary in case of applications involving for foreign

nationals regularly staying in Italy under international protection, temporary protection or humanitarian reasons, besides for foreigners residing in Italy for seasonal work or seconded work under art. 27, letter a), g) and i) of the Consolidated Law on Immigration.

The work permit is withdrawn if foreign workers do not sign the residence contract at the One-Stop Shop for immigration 8 days as from their entrance to Italy, exception made for cases of “*forza maggiore*”.

Limitations apply in case of EU Blue Card Holders for the first two years of legal employment in the national territory, both as to the performance of working activities other than the “highly skilled” ones and to the possibility of changing one’s employer. In the former case, an absolute ban is in force, whereas in the latter case any change shall be previously authorised by the competent Territorial Labour Directorates. Following the signing of the residence contract and the notification of the work contract, workers will be issued an electronic residence permit with the wording “EU Blue Card”; its duration will be two years in case of open-ended contract, or with the same duration as the work contract.

### **128. What does planning of entry flows mean?**

Entering the Italian national territory for employed work (including seasonal) and self-employed work is possible – exception made for some professional profiles for which the entry outside of quotas is allowed – only in the framework of the maximum entry quotas annually set by the decrees planning the entry flows for work reasons. These are the decrees adopted by the Presidency of the Council of Ministers on an annual basis.

The last general flows decree adopted for the employment of non-seasonal workers from abroad dates back to 2010 (**Decree of the President of the Council of Ministers of 30<sup>th</sup> November 2010**)

The **Decree of the President of the Council of Ministers dated 16<sup>th</sup> October 2012** (Official Journal no. 273 of 22<sup>nd</sup> November 2012), set – differently from the past - entry quotas for self-employed work only (2,000 quotas) and for workers of Italian origin resident in Argentina, Uruguay, Venezuela and Brazil (100 quotas).

### **129. I found an employer available to hire me: what shall he/she do?**

The submission by an employer – either Italian or foreigner regularly residing in Italy – of the application for an employment permit involving non-EU nationals represents the point of start of the entire procedure.

In order to obtain an entry visa for employed-work, in fact, workers shall own the work permit issued by the One-Stop Shop for immigration.

The work permit application may only be filed after the publication in the Official Journal of the Republic of Italy of the annual decree on entry flows, according to the procedures provided for in the ministerial circular letters adopted in due time before the date set for the submission of applications.

The One-Stop Shop issues the permit provided that the employment application submitted by the employer:

- falls within the quota annually set by the flows decree;
- that no Italian or EU or non-EU worker registered in unemployment lists or censured as unemployed is available to accept that specific employment (also in case of availability, the employer has the power to confirm his/her request)
- that no impedimental reasons exist by the Police Headquarters.

In general, different flows decrees are adopted for the employment of seasonal or non-seasonal workers.

### **130. What happens then? How long does it take?**

Applications are processed according to the chronological order of submission.

The Police Headquarters verify the existence of obstacles against foreign workers or employers to issue the permit. The One-stop shop, after acquiring from Territorial Labour Directorates the opinion on applicable contract conditions and on the credit worthiness of the company, and after hearing the opinion of the Police Headquarters – invites the employer for the filing of the documents indicated in the application, the issuance of the permit and the signing of the residence contract. The permit will be valid for a period not exceeding 6 months as from the date of issuance. At this point foreign workers shall submit the visa application to the consular offices of their country of origin. The Consulate notifies to the foreign national the draft residence contract for work reasons and issues within 30 days as from the application the entry visa and the tax code. Once the visa is obtained, workers can enter Italy.

Within 8 working days as from their entry to Italy, foreign workers shall go to the competent One-stop shop that verifies the documentation and delivers to the worker the tax code certificate. Foreign workers sign the residence contract for work purposes without making any changes to it, and it is kept at the One-Stop Shop.

The One-stop shop also asks foreign workers to sign the form for the application to receive the residence permit, which is then sent to the competent Police Headquarters through a suitable kit available at the post office.

**Warning:** foreign nationals may work and enjoy all rights – registration in the registry of personal information, change of residence, issuance of a new ID, registration in the National Health Service, issuance of the tax code, maternity leave, income support benefits, like those pending renewing the residence permit -, provided that they submitted the residence permit application to the One-stop shop for immigration within 8 days as from the entry in the national territory, and that they signed the residence contract. It will be necessary to exhibit a copy of the application issued by the One-stop shop for immigration, and the receipt of the Post Office witnessing the submission of the application.

### **131. How to enter Italy for seasonal work?**

The entry to Italy of non-EU workers for seasonal work purposes is possible only within the quotas presently set by the Flows Decree. It is a decree adopted by the Presidency of the Council of Ministers on an annual basis.

The employment application may be filed by either an Italian employer or a foreign employer regularly residing in Italy, and it shall be destined to a worker resident abroad in one of the Countries provided for by the Flows Decree.

The entry procedures for seasonal work follow, in general, those provided for in the case of non-seasonal fixed-term and open-ended employment, with some differences introduced to streamline the establishment of these employment relations.

The employment applications may be submitted electronically by employers or trading associations on behalf of their members.

Applications shall be sent to the One-stop shop for immigration exclusively through electronic procedures, by accessing the website <https://nullaostalavoro.interno.it/>, and filling in the relevant application form.

### **132. And then, what happens? How long is it necessary to wait?**

The entry permit is issued by the Immigration One-Stop Shop within 20 days as from the date in which the application was filed.

Starting from 2012, a new **tacit approval** procedure is in force, according to which whenever the One-Stop Shop, after twenty days, does not send its rejection for the application, the latter shall be considered as accepted if the following conditions apply:

- the application concerns a foreigner already authorised in the previous year to perform a seasonal work for the same applicant employer;
- the seasonal worker was regularly employed in the previous year and decided to repatriate on the date of permit expiration.

However, in order to avail oneself of such streamlined procedure, the employer shall specify within the Form C-stag the data - relating to the previous year - of the compulsory notification referred to the hiring of such employee and the data of the worker's residence permit.

- The seasonal work permit has a minimum validity of 20 days and a maximum term of 9 months as from the date of signing of the residence contract. During such period of time, it is possible to change one's employer, provided that the employment relationship continues to fall within seasonal work.

### **133. What is the multi-year permit for seasonal work?**

Foreigners showing they entered Italy for at least 2 consecutive years to work as seasonal workers may receive a three-year residence permit, always for seasonal work purposes. The duration of every year is the same as the last of the two previous years. To accept the application for a multi-year work permit, the previous two seasonal employments shall not necessarily immediately precede the filing of the application.

Foreigners showing they entered Italy for at least 2 consecutive years to work as seasonal workers may receive a three-year residence permit, always for seasonal work purposes. The duration of every year is the same as the last of the two previous years. To accept the application for a multi-year work permit, the previous two seasonal employments shall not necessarily immediately precede the filing of the application.

The application may also be filed by an employer other than the one of the previous two years.

The One Stop Shop, after ascertaining that the requirements are met, issues the three-year permit, bearing the annual period of validity.

One of the main advantages of the multi-year permit is to allow seasonal workers to enter Italy in the subsequent year, **irrespective of the publication of the seasonal work Flows Decree**.

The employment application in case of multi-year seasonal permit for the years following the first one may also be filed by an employer other than the employer that obtained the three-year seasonal work permit.

### **134. Is it possible to convert a residence permit issued for seasonal work reasons into a permit for employed work?**

Foreign workers authorised for the second time to enter Italy for seasonal work purposes may convert the seasonal work residence permit into another one for employed work - either fixed-term or open ended work -, in the framework of the quotas available (for 2013 the **Decree of the Presidency of the Council of Ministers of 16<sup>th</sup> October 2012**, determined 4,000 quotas destined to such conversions)).

It is necessary that the seasonal work residence permit is valid on the day of filing of the application.

Foreign workers shall send to the Immigration One Stop Shop the application for the conversion of the seasonal work residence permit into employed work residence permit exclusively through the website <https://nullaostalavoro.interno.it/>

In case of availability of quotas, foreigners are summoned to the One Stop Shop to sign the residence contract and the form applying for the employed work residence permit.

**135. Is it possible to allow the entrance from abroad of a seasonal worker with a part-time contract?**

Yes, it is possible, provided that the average weekly hours are not lower than 20 hours. Workers shall be paid a monthly gross wage not lower than the one in force according to the sector-related national collective agreement.

**136. In which sectors is it possible to hire seasonal workers**

The sectors in which seasonal employment is possible include the **agricultural and the tourist-hotel** sectors. It shall be one of the sectors envisaged in the application forms published in the website of the Ministry of the Interior

**137. I am a seasonal worker: can I enter in Italy again next year?**

Yes, as a seasonal foreign worker you have the right to precedence for returning to Italy for seasonal work once you have already done seasonal worked in Italy over other citizens from your country who have never legally entered Italy for employment reasons.

**138. How does one enter Italy for self-employment?**

It is possible to enter within the quotas or outside the limits of the quotas, even if this second option is very limited in practice. To be able to carry out a non-intermittent self-employment activity, you must obtain a visa for self-employment. In addition you must prove that you have adequate financial means at your disposition and that the law does not reserve the activity that you carry out exclusively for Italian or European Union citizens.

**Warning:** The following typologies have been foreseen in the last few years: self-employed professionals, entrepreneurs that carry out an activity in the national interest, members of non-cooperative enterprises that have been in existence for at least three years, internationally known artists, and researchers.

**139. What must I do to obtain a visa for self-employment?**

If you intend to carry out a self-employed and non-occasional activity in Italy and you fall within the quotas set by the flows decree, the procedure is diversified according to whether the activity that you intend to carry out entails the registration in Rolls or Registries or not.

**Activity requiring the registration in Rolls or Registries**

In case the self-employed activity provides for the registration in Business Registries and requires an authorisation or licence or the registration in a suitable registry of roll, or the submission of a statement or notification, as well as any other administrative procedure, foreign nationals shall ask the competent administrative authority a statement indicating that no hindrances exist to the issuance of such authorisation.

If, conversely, no particular licences or authorisations are requested, the statement proving that no hindrances exist is directly issued by the Chamber of Commerce of the place where such activity is intended to be start-up.

It is also necessary to ask the Chamber of Commerce for the certificate of financial parameters to start such business. Such resources shall not be lower than the annual amount of the welfare benefit (€5,749.90).

### **Activities not requiring the registration in Rolls or Registries**

If the activity does not require a registration in the Register of Companies, and the company activities are free from licences and authorisations, start-up reports or registrations in rolls, and for which a competent Administration cannot be identified to issue the statement, and the documents needed to apply for the visa include:

- a) A suitable contract including – if signed by an Italy company – a certificate of registration in the Register of Companies and, in case signed by a foreign customer, a certificate signed by the competent Italian consular-diplomatic representation;
- b) Copy of a formal declaration of liability previously issued by the Italian customer or its legal representative to the Territorial Labour Directorate, Labour Inspectorate Service, indicating that according to the contract signed, no employed relationship will be started;
- c) Copy of the latest balance sheet of the company filed to the registrar of companies (in case of corporations) or of the latest income tax return, in case of partnerships or non-stock corporations, certifying that the amount of revenues or income is sufficient to guarantee remuneration.

Furthermore, in order to apply for the visa, it is necessary to show to have a suitable accommodation, through an ownership or rental contract or a statement of hospitality, as well as economic support in Italy sufficient to guarantee the amount of the necessary resources. Such financial availability shall be of an amount exceeding the minimum level set by the law for the exemption from health spending (€ 8,400.00), and may be shown through a bank guarantee, a statement of the customer or of the legal representative of the company.

**The documentation above** shall be files also through one's representative (through a proxy translated and legalised at the Italian Consulate in the country of residence of the foreign national) to the competent police headquarters of the territory, showing that there are no impediments or hindrances to the issuance of the visa. The permit application, to be sent to the Police Headquarters, shall include the documents linked to the activity to be carried out autonomously, including eventual permits, statements and certificates issued by the competent Authorities.

After receiving the permit from the Police headquarters, the visa application may be submitted to the Italian diplomatic representation. The Representation, after receiving the permits by the competent Authorities, will issue the visa. Once the visa is obtained, foreign nationals may enter Italy within 180 days as from its issuance, and within 8 days as from his/her entrance a residence permit shall be applied for by means of the suitable Kits.

### **140. Can the diplomatic authority refuse to issue me a Visa?**

Yes, whether or not a Visa is issued is left to the discretion of the Diplomatic-Consular Authority. The refusal must always be in writing and explained, unless due to security and public order reasons.

### **141. Once I have entered Italy with my visa for self-employment, what must I do?**

Within 8 working days from your entry in Italy you must obtain a Permit to Stay for self-employment or for employed work.

### **142. With a Permit to Stay, can I carry out any kind of self-employment activity?**

Yes, any kind of self-employment activity is permitted on the condition that the performance of such activities is not reserved by law for Italian citizens or European Union citizens. In any case, foreign citizens must demonstrate that they have adequate resources available in order to carry out the activity that they intend to undertake in Italy. With a Permit to Stay for self-employment, the foreigner can also carry out a subordinate employment activity and therefore can be legally hired by an employer, without having to apply within the available entry quotas.

#### **143. How long does the Permit to Stay last?**

The residence permit has a maximum validity of 2 years, and is **renewable**.

### **4.3 Beginning and termination of an employment relationship**

#### **144. What is contained in a work contract?**

As a foreign worker, at the moment in which you are hired you have the right to know all the information regarding the working conditions, and this information must be documented in writing:

- Who is the worker;
- Who is the employer;
- Where is the job carried out;
- How long will the work last;
- How long will the trial period last;
- What are the working hours;
- Placement, level and qualifications of the worker;
- What is the salary;
- How many paid holidays are there;
- Under what conditions the employment relationship can be terminated.

**Warning.** During the selection phase, the employer is not entitled to ask you any questions on political or religious opinions, on your eventual pregnancy or if you are HIV positive (non discrimination principle).

### **HOW TO TERMINATE AN EMPLOYMENT RELATIONSHIP**

#### **145. How does one resign from work?**

Always complying with the notice period, you shall submit your resignation in a written form through a letter in 2 copies containing, in general:

- the data regarding the society to whom the letter is addressed;
- the place and date;
- your signature;
- your interlocutor's signature.

#### **146. Shall I comply with the advance notice period?**

The advance notice period is defined at the beginning of the employment relationship, or it is provided for in the applicable collective agreement. If you do not respect it, you will have to pay an indemnity corresponding to the value of the salary relating to the advance notice period.

#### **147. Can the employer refuse the advance notice?**

Yes, in this case you can accept immediate withdrawal from the job, and you have the right to the substitutive indemnity.

#### **148. In case of serious breach of contract made by the employer (just cause) am I obliged to respect the advance notice nonetheless?**

In the case in which the employer is guilty of serious breaches of contract, you can immediately terminate the employment relationship, without any notice, since the breach of contract constitutes a just cause.

#### **149. When is the dismissal of workers possible?**

**The substantial requirements of individual dismissals**, also following the Reform of the Labour Market, **are unchanged**. The general rule defining the limits of termination by employers is contained in [law 604/1966](#), stating under art. 1 that “in open-ended work contracts the **dismissal of workers may only take place under reasons of just cause** in compliance with art. 2119 of the civil code **or justified reason**”.

Law 92/2012 introduced some novelties concerning employers, irrespective of the size of the company:

- the notification to workers for any type of dismissal shall contain since the beginning the reasons that led to such decision.
- the dismissal must be opposed in any written form, including out of court, suitable to express the will of the worker, also through the intervention of labour unions, within 60 days as from the date in which the notification was received, failing which, entitlement lapses.

Employers are granted the right to revoke the dismissal within 15 days as from their notification. In such case, the work relationship continues as if nothing happened and the worker must immediately resume one's activity.

#### **150. What does disciplinary dismissal mean?**

A dismissal is considered as disciplinary in all cases in which a non-fulfilment and/or breach by the worker is sanctioned, and this entails the compliance with the procedural guarantees as per art. 7, L. no. 300/1970.

In particular, disciplinary dismissal may be notified in case of just cause (art. 2119 civil code), meaning such a severe behaviour by the worker that does not allow the continuation of a work relation, or in case of subjective justified reason (art. 3, law 604/1966), meaning a *remarkable* non-fulfilment of contract obligations by workers. The burden of the proof pertains to the employer.

#### **151. What does dismissal for justified objective reason mean?**

The dismissal for justified objective reason is represented by reasons relating to the organisation of the work within the company. A justified objective reason is therefore represented by the crisis of the company, the termination of the activity and also the elimination of the tasks previously carried out by the worker without any chance of assigning him/her to any other posts within the company compatible with his/her level of placement.

Through the reform of 2012, the area of dismissal for objective reasons also include the worker exceeding the period of grace (namely the dismissal of a worker who absented from work due to disease for a period exceeding the one set by the collective agreements) and the dismissal due to physical or psychic unsuitability of the worker.

Before notifying the dismissal for justified objective reason, the employer must activate a composition procedure before the Territorial Commission of the Labour Directorate.

The employer shall state one's intention to proceed to the dismissal for objective reasons and indicate the reasons for such dismissal, besides the eventual measures to place the worker back in the labour market.

The territorial labour directorate invites the worker and the employer within 7 days as from the date in which the request is received: the meeting takes place before the Territorial conciliation Commission as per art. 410 of the Code of Civil Procedure.

The parties may be assisted by their relevant trading organisations or by a union representative and/or by a lawyer.

The procedure shall be completed within 20 days.

In case of positive outcome with the termination of the work relation on a consent basis:

- the worker – in case endowed with the necessary requirements – receives the unemployment benefit by the [Employment Welfare Insurance](#);

- may be supported by a labour agency in order to foster his/her professional placement.

In case of **negative outcome** and, in any case, after 7 days, the employer may notify the dismissal to the worker.

#### **152. If I work for a small-sized firm and I am unjustly dismissed, am I entitled to a compensation?**

Yes, in small-sized firms the employer can choose between re-hiring the illegitimately dismissed worker, within 3 days, or paying the dismissed worker a reimbursement of a minimum of 2.5 months and a maximum of 6 months worth of salary.

In case the judge decides that the dismissal is null, the worker may obtain:

- the reintegration to his/her work or an indemnity of 15 months of salary as a replacement of the reintegration (without the payment of social security contributions);

- a **total** compensation of the salary missed as from the day of dismissal to the day of reintegration, and in any case of at least 5 months of salary, and the payment of social security contributions for such period.

#### **153. If I work in a large-sized firm and I am unjustly dismissed, am I entitled to a compensation?**

Law 92/2012 substantially amended the rules on dismissals and, in particular, art. 7 of law 604/1966 and art. 18 of the Statutes of Workers

**If the worker appeals before the court** and the dismissal is declared as unlawful, measures differ according to the reason of unlawfulness. In particular;

- in case of absence of justified objective reason, the worker may obtain a compensation between 12 and 24 months of salary;

- in case of non-indication of the reasons at the basis of the dismissal, the worker may obtain a compensation between 6 and 12 months of salary;

- if the dismissal is clearly ungrounded, the worker may obtain the reintegration at his/her workplace.

## **4.4 Employment Offices**

### **154. What are the Employment Offices and what are they for?**

Employment Offices are public structures that replaced the former Jobcentres. They were created to help matching employment demand and supply and to facilitate the entry in the labour market for people at risk for unemployment.

**155. How can I access these services?**

You have to enrol in the so-called “registry list”. Your data will be recorded in:

- a registry card, with your complete personal data and that of your family, your educational title and your employment status;
- a professional card (which used to be called the “employment card”), with the information about your training and professional experience, your availability to work and the certificates regarding your professional skills.

**LOOKING FOR A JOB**

**156. What is the “state of unemployment”?**

It is the condition of a person without employment, who is immediately available to carry out and/or to seek a work activity.

**157. How may I apply for an unemployment status?**

You have to go in person to the Employment Offices in the city in which you live, and make a declaration (self-certified) in which you declare:

- any work activities carried out in the past;
- the immediate availability to carry-out a work activity.

**158. If I lose my job or I resign, do I also lose my registration in the registry list?**

If you have a legal Permit to Stay for subordinate employment and you lose your job, even if you resign, you maintain your registration in the registry list for as long as your Permit to Stay is still valid.

According to the Consolidated Law on immigration you have the right nonetheless to look for a job, as an unemployed person, for a period of no less than 12 months (therefore even after your Permit to Stay has expired).

In such case you are issued a residence permit for pending employment with a duration of at least one year. Duration may also exceed one year and be the same as the period of the income support benefits eventually received by foreign workers. Workers may obtain further renewals of the residence permit for pending employment in case able to show the ownership of an overall annual income of co-habiting family members not lower than the annual amount of the social benefits increased by one half, in compliance with art. 29, paragraph 3, letter b of the Consolidated Law on immigration.

**159. I have a legal Permit to Stay for subordinate employment and I am looking for job. Who can I contact in order to be put in touch with firms that are interested in hiring new personnel?**

The law guarantees foreign workers who are legally residing in Italy, and their families, equal treatment and equal rights to those guaranteed to Italian workers. Therefore, just as Italian workers do, you may contact:

- Public Employment Offices (Employment centres, Municipalities, Universities, Chambers of Commerce);
- private Employment Services (Employment Agencies and other operators).

**160. What are the Employment Centres, where are they located and what services can they offer to me?**

The Employment Centres are public structures and they are found throughout Italy. They offer different types of services:

- reception, information and guidance for people looking for employment
- intermediation between job demand and supply;
- consulting to companies.

**161. Where can I find the addresses and opening hours of the Employment Offices in my Region?**

You may address your Provincial offices of residence, or visit the website.

**162. What are Employment Agencies?**

The Employment Agencies are authorized private structures, that look for and select personnel, intermediate between job requests and offers, supply manpower to firms, etc.

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## **5 The Registry Office**

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### **164. What is the Registry Office?**

The Registry is a register in which the personal data of the people who live in a Municipality are recorded.

The Registry office deals with the practices necessary for keeping the register updated.

### **165. What is the meaning of terms such as “abode”, “residence”, or “domicile”?**

The abode (simple abode or occasional abode) is a place in which a person decides to stay temporarily, for a limited period of time.

The residence is the place where a person usually lives and where the person has applied to be recorded in the registry. If a person thinks they will stay for a long time in the territory, they must request residence.

The domicile is instead the place in which an individual decides to establish the main place of one’s business, as well as economic and financial activities.

### **166. Can I enrol in the Registry?**

Yes, if you have a legal EC long-term residence permit, or a regular Permit to Stay for long duration, that is, a permit for work or family reasons, or elective residence, even if it is being renewed, you may address the registry office of the Municipality where you reside.

Foreign nationals who signed the residence contract at the One-stop shop for immigration, while awaiting for the issuance of the first residence permit for work reasons, may apply for the registration in the Registry Office by producing the residence contract signed at the One-Stop Shop for Immigration, the receipt issued by the post office showing the filing of the application, as well as the application for the issuance of the residence permit for employed work submitted to the One-stop shop. This also applies to foreign nationals who submitted a request for a residence permit for family reasons and to which the One-Stop Shop for Immigration issued the permit for family reunification. To this end, it is sufficient to show the entry visa, the receipt issued by the Post Office showing the submission of the application, and a free copy of the permit issued by the One-stop shop.

### **167. When is an enrolment in the Registry Office done?**

- When a birth occurs, you should enrol the newborn in the Registry of the Municipality where the parents reside or in the Municipality where the mother is registered, if the parents are enrolled in different registries;
- when one changes residence from one Municipality or from a foreign country, to a new place, one should enrol in the registry of the Municipality where one resides.

The enrolment and request for a change may lead to the verification, on the part of the competent city officials, of the hygienic-sanitary conditions of the abode in which the individual making the request intends to take up residence, in accordance with the health regulations in force.

### **168. What is a registry family?**

A registry family is a group of people that live in the same house. These people have bonds such as marriage, relatives, relatives of their spouse, adoption, guardianship or simply emotional.

**169. When and why are people cancelled from the registry of the Municipality of residence?**

- If the place of residence changes to another Municipality or to another country;
- if a person without fixed abode moves to another Municipality;
- when the authorities cannot find the person at their declared residence.

**Warning:** when the declaration of usual abode is not renewed, foreign citizens are informed and invited to renew it within 30 days.

**170. Why should I register my residence in the Municipality?**

It is necessary to be registered in order to complete some very important procedures:

- renewing the Permit to Stay;
- applying for an EC long-term residence permit;
- applying for citizenship;
- applying for family re-unification;
- applying for the healthcare card;
- application to enter to a public residential housing accommodation (public housing”).

**171. Can a reception centre become my “usual abode”?**

When a foreigner resides in a reception centre for at least 3 months, the reception centre becomes his/her “usual abode.

**172. Is it compulsory to renew one’s enrolment in the Registry Office? If so, when?**

Yes, every time that your Permit to Stay Card is renewed, within 60 days from the date when the new permit to stay (or EC long-term resident permit) is issued. During the phase when your Permit to Stay (or EC long-term residence permit) is being renewed, your enrolment in the registry does not expire. The registry official will update your personal data, communicating the new data to the chief of police.

**173. When do I have to notify changes in my abode to the Police Headquarters?**

For foreign residents, any variation of their abode is communicated by the Office of the Registry to the competent Police Headquarters.

Foreigners that are legally staying in Italy but do not have their residence in Italy are required by law to communicate any change of abode to the Police Headquarters within 15 days from the change.

**5.1 Application for Registry enrolment**

**174. What is the “request for enrolment in the registry” for foreigners?**

It is the application with which a foreign citizen asks to be inserted in the registry’s records. If this question is accepted, the citizen obtains residence in the city selected and can ask for certificates that will be useful for their stay in Italy.

**175 What does “change of residence or domicile” mean?**

A change of residence means a permanent transfer of one’s own principal residence from one Municipality to another.

A change of domicile is the transfer from one house to another, but always remaining within the same Municipality.

**176. Can I request a change of residence/domicile?**

Only if you are of age (over 18 years old) and you have a valid Permit to Stay.

**177. How can I apply for the change of residence or domicile?**

If you move from a foreign country, you have to go to the Office for Changes of Residence in the Municipality where you intend to live and sign a statement of registration.

If you move from one Municipality to another you shall go to the Offices of the Registry in the Municipality where you want to establish your new residence.

**178. How do I request to be registered in the registry or to change residence for my entire family?**

Any member of the family nucleus who is of age (over 18 years old) can make a request for the whole family: it is necessary to present the permits to stay of the whole family and to be sure to communicate the transfer to the family members.

**179. What do I have to do if I go to live with another family?**

The first person that appears in the family status certificate of the family that is hosting you has to accompany you to the Office of Changes of Residence to file your request to register your residence.

**180. How long does it take to register or change one’s residence?**

If you intend to change your address within your Municipality of residence, you shall submit an application to the Registry Office of your Municipality by exhibiting a valid ID (passport or Identity Paper), valid residence permit (of all the persons changing their residence), Italian driving licence and/or vehicle registration documents of the vehicles owned (if any).

The registration of applications is made only once the registry office clerk, through the Municipal Police, assesses that you (and your family as well in case the application is made for them as well), actually live in the house you mentioned.

In case of positive outcome of the assessment, the date of beginning of the residence will be the one in which you filed your application to the Municipal Registry Office.

**181. What documents do I have to exhibit?**

- Valid passport;
- Tax code;
- Valid residence permit with a duration exceeding 1 year (in case of first issuance, the permit must be valid for more than 3 months). If the Permit to Stay is in a renewal phase, then you can exhibit the expired Permit together with the receipt of the renewal application (provided either by the Police Headquarters or by the Post Office).

- Documents relating to one's marital status and not derivable from the passport (birth, marriage, divorce, kinship, etc). these documents shall be, alternatively: - original copies issued by the competent authorities of the state in which the event occurred, duly translated into Italian and legalised; - original copies issued by the consular authorities of your Country of origin having their representation in Italy with a legalised signature of the competent Prefecture.
  - According to the various Municipalities, the following documents may also be requested:
    - a birth certificate written in Italian or authentic and valid certificates issued by the authorities of the country of origin that attest to your marital status and family composition;
    - a copy of the rental contract or the deed of ownership of the house where you are going to live, or, as an alternative, a declaration of willingness to host you made by the owner of the house;
    - the record of the garbage collection to show that the residence where you are moving is registered.
- Political refugees shall also produce the statement issued by the High Commissioner of the United Nations.

**Warning:**

In case of change of domicile, before going to the Municipality you shall register in your residence permit your new domicile by the Police Headquarters of the Municipality of the new domicile. The individuals living in the same house are automatically inserted in a same family status certificate. If these people are not relatives, it is possible to request that each person be registered in their own individual family status certificate.

**182. How much does registration and the change of residence or domicile cost?**

They are free of charge.

**5.2 Registry Services**

**183. Which are the registry services and marital status services that foreign residents have the right to access?**

Certificates of (if these events were registered by the Municipality):

- birth;
- residence;
- registry records;
- unmarried status;
- family status;
- life (certifying that you are alive);
- vaccines;
- contextual (this is the case where various certificates are provided and included in the same document).

**Warning:** in order to use these services, you must have a passport (or equivalent document) and Permit to Stay or the EC long-term residence permit; the data contained in these documents shall coincide.

#### **184. What is the Identity Card?**

It is a document for the identification of individuals, which can be used in Italy. It is issued by the Municipality on sight to the residents who are foreigners and have turned 15 years old. It expires after 10 years; it is not valid as a document to leave the country.

**Warning:** the Identity Card issued by the Municipality does not constitute a permit for the foreigner to stay in the national territory, but must always be exhibited together with the Permit to Stay or the EC long-term residence permit and the passport

#### **185. When can I apply for the Identity Card?**

For its first issuance: at any time.

For its renewal: as from 180 days before its expiration

#### **186. Where can I request the issuance/renewal and which documents do I have to exhibit?**

You have to go to the Identity Cards Office Town of your Municipality.

When the request for the Identity Card is made, it is necessary to submit:

- three identical and recently taken frontal passport-sized photos, without any head covering;
- EU citizens shall exhibit a valid ID;
- Foreign nationals shall exhibit their passport and residence permit; if the residence permit is in a phase of renewal, the expired permit may be produced together with the receipt of the application for renewal (issued by the Police Headquarters or by the Post Office).

An application form shall be purchased at the district's office. Administrative fees shall be paid.

#### **187. Can I have a duplicate of the Identity Card?**

It is possible to ask for a duplicate of your Identity Card to be issued when it has not yet expired, in the following cases:

- theft;
- loss;
- wear and tear.

#### **188. When can I use self-certification?**

Some documents that must be presented to the Public Administration and to public service agents (Enel - Acea - Atac - Post Office - etc.) can be substituted by self-certification, that is, a simple declaration signed by the person concerned, without being authenticated and without revenue stamps. A foreign citizen, legally residing in Italy, can use self-certification to certify the following:

- personal statuses and qualities, either owned or certifiable by the Public Administration;
- facts which can be certified or attested to by public Italian subjects, with exceptions established by specific law provisions.

#### **189. What is legalization?**

It is an act by which the Italian Consular Authority bestows validity upon a document created and issued by a foreign Authority.

#### **190. What is authentication?**

It is a translation of any documents that are not written in Italian, that has to be validated by the Civil Court - with an official stamp - and that must be attached to the original document or to a photocopy of the original document.

### **191. What is the procedure for getting married?**

Foreign citizens can get married in Italy, both according to the Italian civil rite as well as any other religious rites that are also considered valid in terms of civil law, in the case of religions recognized by the State.

If the foreign citizen is a resident in Italy, as is the case for Italian citizens, the celebration of the marriage must be preceded by a banns (“pubblicazioni” or official marriage announcement), which must be requested from the Office of Civil Statuses in the Municipality where you reside. The banns make public the consent and the will of the two people involved to get married. Before the banns the future partners have to make a pledge.

### **192. Which documents must be presented?**

- The permit, issued by the Consular Authority in Italy - in which case the signature of the Consul must be legalized by the responsible Italian Prefecture - or by the responsible Authority in one’s own country of origin - in which case the document must be legalized by the Italian Consulate or Embassy abroad;
- The passport or ID;
- The certificate of birth, issued by the Country of origin, translated and legalised, in case the permit does not contain information on birth, mother and father.

**Warning:** At the moment of the pledge, the presence of two witnesses with valid documents is needed (in case of foreign nationals, the residence permit).  
In case of foreigners residing in Italy, the residence certificate is issued by the office of the Municipality of residence.

## **Other offices of the Municipality**

### **193. What are the social services and what are they for?**

In every Municipality there is a Social Services Office. All the residents in the Municipality may address this office, whether they are Italians or foreigners. Social workers help people encountering difficulties, and provide useful information on:

- House aid to elderly, minors and disabled;
- economic support to families and individuals;
- housing assistance;
- insertion of minors in residential facilities;
- national and international adoption;
- parking permits for disabled people;
- discounted fees for public transportation;
- authorisations for soup-kitchens and/or night shelters, etc.

### **194. What are educational services?**

In every Municipality there is an Educational Services Office that offers information about the following services:

- school restaurant services and transportation;
- summer, winter and school recreational centres;

- certificates of attendance to the town day-care centres and nursery schools;
- enrolment in kindergartens;
- enrolment in nursery schools, etc.

**195. What are the cultural, sports and leisure time services?**

In every Municipality , there is an office for Cultural, Sports and Leisure Time Services that deals with promoting, organizing and carrying out cultural and sports initiatives within the Municipality. It offers information about the following services:

- libraries;
- management of spaces and rooms;
- sports centres in the Municipalities;
- summer recreational centres;
- registration in the Rolls of Cultural, Sports and no-profit associations, etc

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## 6 Lodging

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*To live in Italy the foreign citizen must be offered a guarantee of lodging. Lodging can be offered to the foreign citizen by anyone through hospitality or can be accessed through renting or buying a house. In the case of problems in meeting lodging needs you can be hosted in reception centre.*

### **196. I am hosted by relatives/friends, do I have any obligations?**

Not you, but those who host you. Whoever that, for any reason, provides lodging to or hosts foreigners in his/her own house, is required to inform the police authorities and draft a notification of building transfer whenever:

- one lends or gives the gratuitous use of an immovable property or part of it to a foreigner;
- one transfers the ownership of a property, with the personal data of the seller and the purchaser;
- one also partially assigns, for lodging purposes, a property located in the Italian territory.

### **197. Does this obligation regard all citizens/firms?**

Yes, with the exception of the Sacred College and the Diplomatic or Consular Staff, every citizen or association, private or public, must inform the Police authorities, even if the foreign people being hosted are relatives, friends, etc.

### **198. How shall the communication be performed?**

The communication shall be in writing within 48 ore, also through registered letter with acknowledgement of receipt, to the local competent police authorities. The non-compliance with the obligations to communicate the hosts entail sanctions (payment of a fine)

### **199 To whom should be sent the communication?**

- To the Police Headquarters in Province capital cities;
- To the Police Station or to the Town Hall in municipalities that are not province capitals.
- To the Employment Centre responsible for the area, in the case where the accommodation is made available by the employer

### **200. What data must I include in the communication?**

- The personal data of the person offering the lodging (name, last name, date and place of birth, residence);
- the personal data of the foreign guest (name, last name, date and place of birth, residence, the type of identity document used, the number of the document, the date and place where the document was issued);
- the exact address of the immovable property in which the foreign people will be guests;
- how is the property assigned for example, as a rental, on gratuitous loan, in ownership, etc.; or simply the declaration of hospitality with no profit purposes.

**Warning:** According to Law 94/2009, anyone who hosts – in exchange for money – or rents a property to a foreign national with no residence permit or with an expired and non-renewed permit, is punished with imprisonment from six months to three years. Once the sentence becomes final, the property is seized, unless it belongs to someone not connected with the crime.

## **6.1 Renting a house**

### **201. What shall I do to rent a house?**

It is necessary to sign a house rental contract. By means of such contract, the owner of a house undertakes to grant to others a property for housing purposes and for a fixed-term period, upon payment of a rental fee, usually paid on a monthly basis. The sum due as rental is adjusted every year on the basis of the ISTAT index and increased of an amount corresponding to 75% of such index.

### **202. What is the caution money?**

It is a sum that the tenant pays to the landlord in order to guarantee to the landlord that the tenant will not damage the house. The caution money cannot exceed the sum equivalent to 3 months of lease. If the house does not suffer any damages, the cautionary deposit is returned in its entirety to the tenant at the end of the contract in addition to the interest accrued while the contract was valid.

### **203. How shall the rental contract be drafted?**

The law requires rental contracts to be stipulated in writing and to correspond to specific typologies. The rental contract establishes:

- how much the tenant has to pay the landlord every month;
- how long the tenant can occupy the house;
- what day of the month the rental must be paid, how, and where.

The two main type of contracts regulated by Law 431/98 include:

- the free rental contract follows the rental market. The amount of the rent is established by the market parameters of demand and supply. The rental contract duration by law is 4 years and it is subject to silent renewal for 4 more years, if it is not cancelled 6 month before it expires. It can be cancelled also at the end of the initial 4 years, in the case of special needs of the tenant or his/her family and relatives up to the second degree, or when structural maintenance interventions are needed.
- the arranged contract is defined through a negotiation between the Trade Union of Landlords and Tenants with the participation of representatives from the Municipalities. Its duration is 3+2 years. By adopting this typology of contract, the landlord and the tenant can avail of a deduction of taxes equal to 30% of the due sum indicated on the income tax statement, and as an incentive from the Municipality, a discount or zeroing of the municipal property tax (IMU).

### **204. Is contract registration compulsory?**

Yes, by law the landlord must register the rental contract at the Registry Office within 30 days from the signing of the contract. The registry tax is equal to 2% of the rental due in a year. Half of the cost for registering the contract is paid by the landlord and the other half is paid by the tenant. Every year the recording has to be renewed. In the case of contracts that are valid for more than a year you can pay the register fee at once for the entire period of validity of the rental contract, in which case you get a reduction on the fee.

Furthermore, once the contract is legally registered, underprivileged renters can apply to the Municipality to receive a contribution to pay the lease, according to their income and the incidence of rental fees on it.

**Warning:** If the contract is not registered, it is not valid to show the availability of a suitable housing for the purpose of the renewal of the residence permit.

## 6.2 Purchasing a house

### 205. Can I purchase a house?

Foreigners with legal permits to stay for employment or family reasons, or with a legal EC long-term residence permit, can purchase the residence according to the same conditions as Italian citizens.

Others, however, may only purchase a house if there is a specific agreement between the country of origin and Italy. If you have never bought a house and you are purchasing one for the first time, you can avail of a tax break.

### 206. Which documents do I have to sign in order to purchase a house?

A purchase offer, through which you agree on the price of the house with the seller and fix the price through an irrevocable purchase offer, paying a deposit;

- the agreement or promise to sell, which is a preliminary contract through which the parties agree that they will enter the deed (the buying and selling contract), setting the date, if it is not possible to sign the contract at once. When signing the agreement to sell, people usually pay a fraction of the price of the house, though this is not mandatory;
- the public deed, which is the buying and selling contract, through which the property of the house is transferred, is stipulated in the presence of a notary, and in the presence of the seller and the buyer, and is written in the due public form.

### 207. What is a mortgage loan?

If you do not have access to the entire sum necessary for acquiring the house, you can request a loan by asking to take out a mortgage at a bank. The bank, to give you the loan, requires a guarantee, placing a constraint on the house that has been bought (the mortgage, described below). If your income is not sufficient to pay the mortgage instalments, the bank requires a guarantee from a person or an organisation that is personally bound to guarantee that he/she/it will pay back your debt with his/her/its own property. The mortgage is a formula that allows the bank, in the case in which the loan instalments are not paid, to appropriate the house and also to sell it in order to recover the money paid in advance.

In the case you are buying a house for the first time it is possible to have access to a loan on assisted terms that provides for lower interest rates in comparison to those that are usually applied by banks.

**Warning:** if you are thinking of taking out a mortgage, check with the bank to make sure you have the requirements for obtaining the sum that you need before making a purchasing offer.

### 208. What are the conditions required by the bank to grant a loan or a mortgage?

To grant a loan or a mortgage, banks ask for guarantees:

- your income tax statement;

- the automatic payment of the applicant's salary to his/her bank account (in some cases this is not mandatory);
- personal or property guarantees.

**209. What shall it be specified in a contract to access a mortgage loan?**

The main conditions specified in the mortgage loan contract are:

- in how long will the money be repaid (5 to 30 years), also in consideration of the applicant's age;
- which interest rate is applied. The maximum interest rate is defined by the law, that prohibits applying usury rates; the interest rates are established with various deadlines (monthly, trimester, etc.) and on the base of reference indices published in the main newspapers (for example the index EURIBOR or EURIRS) in addition to a further cost applied by the bank which differs from institute to institute, called SPREAD;
- what is the instalment to pay and the repayment plan (how often are payments made); the instalment shall be sustainable as compared to the applicant's level of income;
- the amount of penalties for early settlement of the mortgage loan.

**210. Who drafts the contracts related to the mortgage and the house?**

Both the "buying and selling" contract for the house and the contract for the management of the loan/mortgage must be drafted and registered by a notary.

**211. What taxes and expenses will I have to pay when purchasing a house?**

- Registry tax (with facilitated conditions for those who are buying a house for the first time);
- If the property is purchased from a company, also the Value-Added Tax (VAT);
- Mortgage tax;
- Cadastral tax;
- Notary expenditures relating to the buying and selling contracts, and mortgage granting.

**212. What expenses do I have to face as an owner or tenant of a house?**

You must pay the utility bills (gas, electricity, water, heating, telephone (if installed), expenses for the common spaces in the condominium, if they apply). These bills are monthly or bimonthly. A tax for garbage collection must be paid once a year.

### **6.3 Reception Centres**

**213. What are reception centres?**

Receptions centres are facilities that guarantee a series of social and assistance services and provide temporary lodging to foreigners that are temporarily not in the condition to meet their needs of lodging and livelihood autonomously, with the purpose of promoting their social insertion in the shortest possible time.

**214. Can I access Reception Centres?**

Only if you are a foreigner with a legal Permit to Stay and pending employment and family, but do not have the possibility of finding a house on your own.

**215. Who does not have the right to enter the reception centres?**

- Foreigners who do not have a Permit to Stay, that is, who are illegal, with the exception of situations of emergency (established by the mayor);
- foreigners who have permits to stay for tourism, study, business, medical treatment and other types of short duration permits.

**- 216. Is the lodging at the reception centres free of charge?**

It may be free or subject to the payment of a rental fee.

**217. Do I have any obligations when I am a guest in a reception centre?**

Yes, the rules of the centre shall be complied with.

**Public residential housing and building cooperatives**

**218. What is the public residential housing?**

These are houses built with public funds and therefore belonging to public authorities, destined to residence purposes.

**219. Who has access to the public residential housing?**

Foreign nationals with a residence permit and foreigners regularly residing in Italy and owning an at least two-year residence permit and that perform a regular employed or self-employed activity are entitled to access, on the same grounds as Italian citizens, to public residential housing and to the intermediation services organised by regional governments or local authorities to facilitate the access to houses and to soft loans in the field of building, purchase and rental of one's first house. (ex art. 40 legislative decree 286/1998.)

**220. What are the procedures for accessing public residential housing?**

Those who wish to access public housing shall submit their application to the Municipality of residence in a suitable form through registered letter with acknowledgement of receipt. Houses are assigned according to a public list drafted on the basis of the economic, family and housing situation of the people/families that submitted their application. For any information, please contact the Office for Relations with the Public of your Municipality.

**221. What is a building cooperative?**

A building co-operative is a corporate body that works to construct or purchase residences designated for its members. Members shall have specific requirements (residence in the municipality, low income, not owning other properties, etc.).

Purchasing a house in cooperative is generally advantageous since cooperatives benefit from tax and credit facilitations.

**222. Can I participate in a building cooperative?**

Yes, foreign nationals can be members of a building cooperative.

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## 7 Healthcare

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### 7.1 Registration in the National Health Service (NHS)

*The National Health Care System (SSN) is a collection of structures and services that ensure health protection and health care assistance for all Italian and foreign citizens.*

*Foreign citizens residing in Italy, with a legal Permit to Stay, have the right to the healthcare as provided by the National Health Service, with equal treatment compared to Italian citizens. Healthcare involves – besides those registered in it – also dependent family members regularly staying in Italy.*

#### **223. Where is registration made?**

Registration is made at the Local Health Unit (LHU) of the area of residence or – in case of lack of residence – of the address indicated in the residence permit.

#### **224. What is the Local Healthcare Unit (LHU)?**

It is a set of hospitals, surgeries and offices that provide for the health of territorial population. Within LHUs it is possible to register in the NHS and select one's general practitioner.

#### **225. Can I register in the National Health Service (NHS)?**

The registration in the National Health Service is compulsory for foreign citizens owning:

- an EC long-term residence permit;
- a residence permit for employed work;
- a residence permit for self-employed work;
- a residence permit for pending employment;
- a residence permit for family reasons;
- a residence permit for political asylum;
- a residence permit for humanitarian reasons;
- a residence permit for pending adoption;
- a residence permit for foster care;
- a residence permit for reasons linked to the acquisition of citizenship.

Foreigners awaiting for the renewal or the issuance of a residence permit do not lose their right to healthcare, and if not yet registered they can be enrolled.

Family members who are dependent are also entitled to healthcare.

**Warning:** foreign citizens who enter Italy for medical treatment can not enrol in the SSN and they are personally responsible for payment of all bills related to the treatments carried out; Foreigners who are political refugees and stateless people and their spouses can register in the SSN under the same conditions as Italian citizens, provided they have a valid residence permit. Minor children of foreign nationals registered in the NHS are granted since their birth the same care as Italian registered minors. Foreign nationals with a permit for study or religious reasons, and au pair foreigners **may** perform a voluntary registration in the NHS for themselves and their family members, or they may sign an insurance policy against the risk of diseases, injuries, and maternity leave.

**226. When is enrolment in the National Health Service not allowed?**

It is not possible to register in case one's residence permit is not renewable or in case of expulsion, unless evidence is produced against it.

**227. Which documents do I have to submit to register in the National Health Service?**

- A valid residence permit; if the residence permit is being renewed, it is possible to file the expired permit together with the receipt of the application for renewal (issued by the Police Headquarters or by the Post Office).
- A residence and marital status statement;
- Tax code;
- Statement with which undertaking to notify any changes to one's status.

Furthermore:

- The unemployed who are enrolled in the Employment Offices have to self-certify that they are enrolled in the Employment Agency;
- foreigners who are married to Italian citizens have to provide a certificate of their family status or self-certification;
- minors in foster care or awaiting adoption must provide a declaration from the Juvenile Court verifying their state of pre-adoption or foster care.

**228. How long does registration in the National Health Service last?**

The registration in the NHS has the same duration as the residence permit.

**229. When does the registration in the National Health Service ends?**

- It ends:
- if the residence permit expires, unless producing an application for renewal or the renewed permit;
- if the Permit to Stay is revoked or annulled, unless it can be demonstrated that an appeal is in process;
- in case of expulsion;
- when the conditions allowing the foreigner to belong to the category of people obligatorily enrolled in the SSN cease to exist (for instance: the end of cohabitation for dependent family members; the conversion of the residence permit in a different type of permit for which the obligatory enrolment in the NHS is not foreseen; the conclusion of the employment activity or the end of a foreigner's enrolment in the Employment Offices if the foreigner does not have the type of Permit to Stay that makes enrolment in the NHS compulsory).

**230. What documents and social-health services do people enrolled in the National Health Service have access to?**

- The health care card;
- the selection of a family doctor and a paediatrician for one's children;
- general checkups at the surgery and specialist examinations;
- medical visits at home;
- hospitalisations;
- vaccinations;
- blood tests, x-rays, ultrasound scans, etc.;
- prescription of medicines;
- certificates and legal-medical services;
- assistance in case of rehabilitation, prosthesis, etc.

**Warning:** There are services provided although not registered in the NHS, namely:

- pregnancy and maternity care;
- care of minors;
- vaccines;
- international prophylaxis services;
- prophylaxis, diagnosis and care of infectious diseases.

## 7.2 The Healthcare Card

### 231. What is the healthcare card?

It is the document issued by the LHU that demonstrates that you are registered in the NHS. It is essential in order to access the available health services. The healthcare card contains:

- The personal data of the patient and the Tax code;
- The expiry date for the health services only;
- A free area for eventual regional health data, plus three Braille characters for visually impaired people;
- The Tax Code in a barcode format and a magnetic stripe.

### 232. What to do in case of loss of the Healthcare Card?

You must go to the competent local authorities, report the loss and then request a duplicate from the LHU to which you belong.

## 7.3 The Services provided by the National Health Service

### 234. Who is the general practitioner (or family doctor)?

Your general practitioner is the professional who ensures that you receive general medical care:

- she/he examines patients in her/his own office or at the homes of those who are sick when the health conditions do not permit the patient to go to the physician's office;
- she/he prescribes medicines, analyses and refers to specialists;
- she/he proposes hospitalization if necessary;
- she/he issues certificates

### 235. Who is the family paediatrician?

She/he is the physician that looks after children, periodically gives them physical examinations, checks their growth, prescribes medicines, analyses and exams with specialists, she/he also recommends hospitalization if necessary, and issues certificates.

### 236. How do I choose a family physician and paediatrician?

The person enrolled in the NHS can choose the family physician and the family paediatrician for their children aged between 0 and 14 and are entitled to have a paediatrician.

The office that issues the health card displays a list with the doctors available. The name of the family doctor is written in one's personal health records document.

### 237. Are the certificates issued by the family physician and paediatrician free?

The following certificates are free of charge:

- the certificate allowing a parent to be absent from their job when their child is ill;
- the certificate for carrying out non-competitive sports activities in connection with school;
- the certificate of illness or injury or other motives for temporary inability to work.

The following certificates are not free:

- a certificate for competitive sports activities;
- a certificate for insurance purposes;
- a certificate for applying to have one's disability recognised.

### **238. Can I revoke or replace my family doctor at any moment?**

Yes, by filling out a special form; at the same time you also have to choose a new doctor.

### **239. How does one have an examination with a specialist?**

In order to have a visit with a specialist, it is necessary to obtain a request for the specialist from the family physician. With the family doctor's request and your healthcare card, you shall go to the reservation office of the LHU to book your appointment with a specialist. Some LHUs are endowed with a telephone reservation system. These services may also be carried out at private laboratories having agreements with the NHS.

### **240. Are the medical examinations with specialists free?**

For medical examinations with specialists, laboratory examinations and the purchase of medicines it is necessary to pay a fee that is pre-established by the Government, the *ticket*.

The following are exempted from the payment of *tickets* on medicines:

- disabled with a total disability, disabled with a disability exceeding two thirds, or who receive government assistance in order to pay for nursing or other help due to their disability, the blind and the deaf;
- the victims of terrorism and of the organised crime;
- patients undergoing painful therapies;
- beneficiaries of non-contributory pensions;
- beneficiaries of minimum pensions aged over 60.

In case of specialist care, the following are exempted from the payment of the *ticket*:

- beneficiaries of non-contributory pensions and dependent family members;
- the unemployed and the beneficiaries of minimum pensions aged over 60;
- civil disabled with a disability exceeding two thirds or who receive government assistance in order to pay for nursing or other help due to a disability;
- those who underwent accidents at the workplace and all the categories of citizens exempted due to pathologies or conditions identified by special laws.

For some medical services it is not necessary to pay the ticket, even if the citizen is not part of any of the categories listed above. These services are:

- exams for the early diagnosis of the tumours (mammography, pap tests, etc.);
- services aimed at protecting maternity, for example, analysis, ultrasound scans, etc.;
- services for promoting blood, organ and tissue donations, and non-obligatory vaccinations for children under 14 years.

### **241. How do I obtain exemption from paying the *ticket*?**

By submitting your application to the LHU, equipped with a certificate from a medical expert or hospital physician, your health care card, and your tax code. The LHU then issues a card that permits multiple prescriptions for up to a maximum of 6 units of the medicine required for the pathology. The duration of the exemption may be either permanent or limited, according to the types of diseases and/or the regional regulations in force. Eventual expiration of exemptions are indicated on the relevant certificates.

**Warning:** regulations about exemptions are sometimes emended. For information about the current set of norms about exemption and about the documents to be submitted, you can ask your family physician and family paediatrician.

**242. What are the emergency services?**

In cases of urgency (accidents, injuries and any life-threatening situation) you may reach the Emergency Unit of a hospital or request medical services by dialling the free telephone service, “118”, available 24H.

**243. Is hospital care free of charge?**

Hospital care is free for all people registered in the National Health Service. The budget law 2006 introduced as from 1<sup>st</sup> January 2007 the payment of a *ticket* on all emergency unit interventions not classified as urgent (“white code”).

**244. What is the “doctor on duty”?**

It is a totally free service that can be called at any time in the case of serious need; it offers immediate medical assistance at your home. Citizens residing in other regions shall, on the contrary, pay the fee charged for occasional visits.

**245. Is nursing assistance included in the National Health Service?**

Currently this type of assistance is not covered by the National Health Care System. If necessary, however, it can be offered, at home, if the social services of the Municipality report it to the health authorities.

**246. Can health examinations and treatments be imposed?**

No, apart from the cases provided for by the Law (Compulsory Health Treatments) always respecting human dignity and civil rights. These interventions are arranged if the Mayor issues a measure, following the proposal made by a physician, to be corroborated by a physician from the responsible health structure. 48 hours following hospital admission, the initiative must have been communicated to the responsible tutelary Judge.

**247. Can anyone oppose a compulsory health treatment?**

The person who is submitted to the treatment, or who is involved in the situation, may lodge an appeal against the forced measure (supported by the tutelary Judge).

**248. What happens if the hospitalized citizen is a foreign national or stateless person?**

The hospitalisation measure must be communicated to the Ministry of the Interior and to the Consulate of the Country of origin of the individual. The notification occurs through the Prefect.

**249. What are the family planning clinics?**

They are local social-health services that protect the physical and psychological health of women, children, couples and families. All the services offered by the family planning clinics are free and may be accessed by appointment. The service is also available to foreigners. The professionals operating in family planning clinics have both psychological and social skills: psychologists, social assistants, sociologists, cultural mediators, as well as health skills: paediatricians, gynaecologists, midwives, nurses, health assistants, etc.

Family planning clinics may be accessed for the following services:

- consulting and visits on contraception;
- assistance during pregnancy;
- pre-delivery courses;
- consultations, visits and certificates for voluntary abortion;
- periodical gynaecological checkups;
- prevention of women cancers;
- aid and assistance during menopause;
- paediatric assistance;
- compulsory (and recommended) vaccinations;
- support for social and psychological problems.

**250. Where finding the addresses of family planning clinics?**

In telephone directories, under «Aziende sanitarie locali» as to public clinics and under «Consultori» for non public ones, or in institutional and non-specialist websites

**251. Are there any other local social sanitary services I can access?**

Yes, the Territorial Rehabilitation Units, and the Mental Health Centres.

**252. When and which vaccinations are compulsory?**

For children in Italy the vaccinations against tetanus, diphtheria, poliomyelitis and hepatitis B are compulsory. Vaccinations against chickenpox, pertussis (whooping cough) and, only for children, against German measles are recommended but not compulsory. For adults the vaccinations against tetanus and viral hepatitis B are recommended.

**253. Are compulsory vaccinations free of charge?**

Yes.

**254. Under which circumstances can one be asked to present a certificate of vaccinations?**

- When enrolling to primary school;
- When enrolling to nursery school,
- When enrolling to kindergarten,
- When registering in summer camps to perform competitive sports activities.

**255. Who can voluntarily register in the National Health Service?**

Foreign citizens, for whom enrolment in the SSN is not compulsory, must nonetheless insure themselves against the risk of illnesses, accidents and maternity. They can meet this requirement by:

- Signing an insurance policy with an Italian or foreign insurance institute, valid in the national territory;
- Voluntarily registering in the NHS through the payment of an annual fee proportional to the income stated.

The following have the right to voluntary enrolment in the Health Care System (paying an annual fee):

- students;
- people au pair under the European Strasbourg Agreement of 24th November 1969 (as ratified with Law no. 304 of 18th May 1973);
- religious people;
- people with permits to stay for elective residence who do not carry out any work activity;
- foreign nationals accredited in Italy that work in Embassies;
- other categories that may be identified by exclusion among those who are not entitled to compulsory registration.

#### **256. Which documents are necessary to voluntarily register in the National Health Service?**

- A valid residence permit; if the residence permit is under renewal, it is possible to submit the expired permit along with the receipt for the application for renewal (issued by the Police Headquarters or by the Post Office).
- A certificate of residence and eventual family status;
- Tax Code;
- Receipt of the payslip.

Additional certificates shall be produced by:

- students (self-certification of enrolment in the educational course);
- foreigners working as au pairs.

#### **257. Do I have any rights failing a valid residence permit?**

Foreign citizens who are not in keeping with the norms related to entry and/or to the stay in Italy because they do not have a Permit to Stay or they have a Permit to Stay that has expired for more than 60 days, are guaranteed urgent and essential out-patient and hospital care for illness and injuries and preventive medicine interventions to safeguard individual and collective health, at public and accredited structures. Among the preventive medicine interventions are the following:

- interventions for the social protection of pregnancy and motherhood;
- vaccinations;
- international prophylaxis services;
- prophylaxis, diagnosis and care of infectious diseases;
- activities aimed to the protection of mental health.

### **7.4 Temporary Present Foreigners**

*Foreign citizens who are illegally present in Italy are assigned an identification code, called the "STP" (Temporarily Present Foreigner), which is valid for 6 months and is renewable.*

*The access to health facilities by irregular foreign nationals in Italy does not entail the reporting to the police authorities, unless the reporting is compulsory by law.*

#### **258. Can I access health services if I do not have the money to pay the ticket?**

If foreign citizens do not have enough money, they will only pay a part of the ticket (a share of the fee).

Foreign citizens with no money at all (situations of poverty) can be exempt from paying the share of the expenses for the ticket, if she/he signs a “declaration of indigence”, which is valid for 6 months.

**259. Which services am I entitled to, although I have no money to pay the *ticket*?**

Can be exempt from paying the share of the expenses for the ticket, if she/he signs a “declaration of indigence”, which is valid for 6 months:

- First level health services;
- urgency;
- pregnancy;
- exempted diseases;
- age or disabling conditions.

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## 8 Education

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*In Italy there is a right and duty to receive education, which starts at the age of 6. The national education system consists of public and private schools. The compulsory school encompassed two study paths: the first cycle includes the primary and secondary school system; the second cycle comprises the high school system and the system of technical and vocational education/training. All the paths of the second cycle allow university access.*

### 8.1 Kindergartens or crèches

**260. As from what age may I enrol my sons to kindergartens or crèches?**

Kindergartens are open to children aged between 3 months and 3 years.

**261. How long do kindergartens last?**

3 years.

**262. Who manages kindergartens?**

Municipalities or private institutions.

**263. How do I enrol my children in a municipal kindergartens?**

You have to submit a request for admission during the periods and in the centres designated by the municipality. In the request you can indicate up to four childcare facilities in order of preference, in the municipality where you reside in or where you work. Different scores will be assigned to your request according to the working condition of the parents, the presence of other legally dependent children and any possible social or health problems. A list is then set up with the names of those admitted. For further information go to the town hall in the municipality where you reside, since access conditions may vary depending on municipal specific regulations.

**264. How much does it cost to enrol in a day-care centre?**

The tuition for municipal day-care centres is differentiated by categories and income brackets; the tuition fee for enrolling in private day-care centres is set autonomously by each centre. The Spring Class, a new service targeting children under two years of age, was activated during the 2007/2008 school year. These classes are associated with the state authorized private Nursery School and offer daycare service for children between 24 and 36 months of age. To access them, it is necessary to directly address the director of the school.

### 8.2 Nursery school

**265. From which age is it possible to enrol children to the nursery school?**

Children can be enrolled if they will turn three years old before April 30 of the year of enrolment.

**266. How long do nursery schools last?**

3 years.

**267. Who manages nursery schools?**

Municipalities, State or private institutions

**268. Where may I enrol my children to the nursery school?**

At the Department for School Services of your Municipality in case of enrolment to the municipal nursery school; at the secretary's office of the relevant school in all the other cases. In public schools, enrolments take place according to a list.

**269. How much does it cost to enrol in a Nursery School?**

The tuition for municipal schools is differentiated by categories and income brackets. The tuition fee for enrolling in private schools is set autonomously by each school.

**8.3 The first cycle**

**PRIMARY SCHOOL**

**270. Beginning at what age is it possible to enrol children to primary schools?**

As to the first class, enrolment is compulsory at the age of 6, whereas it is optional at 5 years and a half (enrolment is open to children who turn 6 within 30th April of the reference school year).

**Warning:** the regulations concerning optional enrolment at 5-and-a-half years may vary in the future. You can directly ask the school you have chosen for information regarding any eventual updates

**271. How long does primary school last?**

5 years.

**272. Whom shall I address for further information?**

The Educational Department of the relevant school of your Municipality, in case of public school, or private schools.

**FIRST DEGREE SECONDARY SCHOOL**

**273. What is it?**

It is an educational path following primary school

**274. How long does it last?**

3 years.

**275. Whom shall I address for further information?**

The Educational Department of the relevant school of your Municipality, in case of public school, or private schools

## 8.4 The Second Cycle

### 276. What is the second cycle?

The second cycle includes high schools and vocational education/training. All options allow to access University.

**Warning:** as of the 2010/2011 scholastic year, in accordance with the approved reforms that have changed the Italian scholastic system, the secondary schools and professional and technical institutes will be reorganized. The competent Ministry will carry out an informational campaign in order to inform people of the changes and orient the students. All relevant information can be obtained online at [www.pubblica.istruzione.it](http://www.pubblica.istruzione.it).

### 277. Is it possible to shift from one path to the other?

Yes, and it is also possible to change focus (or “major”) within the same itinerary, using the teaching initiatives offered by the school; when the students turn 15, different learning methods are provided for:

- Full-time study;
- School-work alternation with stage at cultural, social and productive realities including abroad;
- apprenticeship.

## HIGH SCHOOLS / *LICEI*

### 278. How many types of *Licei* are there in Italy

Artistic (with 6 different options), Classic, Human Science with an economic and social option, Linguistic, Musical and Choruses, Scientific with an option for applied science. High-schools are divided into 2 two-year periods followed by a fifth year for the guidance to next education.

### 279. How long does the education path in high-schools last?

5 years.

### 280. At the end of the *Liceo*, shall I make an exam?

Yes, the state exam at the end of the fifth year. It is used for university and artistic, musical and chorus education.

### 281. Technical and professional education

Technical education/training is a 5-year course that meets the specific needs of the local Italian production sector, especially in trade, tourism, industry, transport, construction, agriculture, and social service activities (targeted to individuals). There are several courses and levels of specialization. The main ones include: bank accountant and bookkeeper; specialized industrial technical director; agriculturalists; surveyor; tourism expert. Professional education consists of a 5-year course but provides for the possibility of being issued a professional certificate after 3 years. Both paths end with a state exam and allow to access university).

## EDUCATION AND VOCATIONAL TRAINING

### 282. What is it?

These are 3 and 4-year courses after which a certificate of professional expertise is issued to the students; the certificate is recognized at the national and European level and is immediately usable in the labour market.

**283. Can I enrol in university afterwards?**

Yes, but only if you have achieved at least a four-year qualification and have attended a one-year preparatory course that prepares you to take the state exam, which will then be necessary for enrolment in a university or advanced artistic, musical and chorus training.

The four-year qualification (diploma) obtained at the end of the professional training and education also gives you the right to access further education and professional training (see below).

## **8.5 University**

**284. How is University structured?**

University is structured in two levels and in any department the student can achieve:

- A first three-year level (Graduation)
- A second two-year level (Specialisation)

**285. Who may enrol in universities?**

Those who own a liceo diploma or a professional qualification enrol in Universities to obtain a graduation.

**286. How can I enrol in university?**

Access to Italian universities is open to the following categories:

- EU citizens wherever residing, or non-EU citizens residing in Italy for enrolment purposes;
- Foreign citizens present in Italy with regular residence permit;
- Foreign citizens residing abroad and owning a visa for study reasons.

1.

**287. What academic qualifications are necessary for enrolment in university?**

2. Those obtained after a school period of at least 12 years. If the study period outside of Italy is lower than 12 years, in addition to the original diploma of secondary education you shall also produce a certification issued by the University of origin and stating that all exams were passed:

- for the first year of university studies, if the student has attended their local school system for eleven years;
- for the 2 first academic years, in the case of a 10 year school system.

**288. When and where shall I file the enrolment application**

The enrolment application must be submitted to the Secretary for Students with a foreign diploma, according to the same terms laid out for Italian students (generally between July and September).

**289. Which documents do I have to submit for enrolment?**

Your educational title, legally recognised/translated by the appropriate Italian Diplomatic Representation.

**290. How many places are available in the Universities for foreign students residing abroad?**

The available places are established by each individual Athenaeum (educational institution) for each academic year and can be consulted on the web page of the Ministry of Education, University and Research: [www.miur.it](http://www.miur.it)

**291. If I have a diploma testifying my competence in Italian, will I have a higher score when inserted in the classification list of eligible students for enrolling in a university?**

Yes, at discretion of the University where you apply for enrolment, the following may be considered preferential titles:

- any diploma of competence in Italian language and culture attained in the “Universities for Foreigners” in Perugia and Siena;
- the Italian language certificate issued by University Rome 3, or by the University for foreigners of Perugia and Siena;
- the Italian language certificates issued abroad.

**292. I am a university student; can I renew my Permit to Stay for study purposes?**

The visas and the permits to stay for study reasons are renewable for students that:

- passed a test of profit during the first year of study and at least two tests per year in the following years.
- Give evidence of health problems, in which case one test is sufficient to renew the residence permit.

However, renewals cannot be issued for more than three years past the legal duration of the academic program.

**293. I have come to Italy to enrol in university. Can I change my graduation course?**

Yes, upon authorisation of the University.

**294. Can I request additional renewals of my Permit to Stay in order to achieve a specialization (Master) or a PhD?**

Yes.

**295. How much does university enrolment cost?**

It depends on which university and which major/concentration (literature, science, etc.) you choose. In any situation, the university education can be quite costly.

**296. Can I obtain a scholarship or other economic support?**

Yes, foreign students can receive scholarships, honour loans and free or economic housing. When the general classifications lists for attributing these forms of assistance are compiled, the Regions and the Universities can nonetheless reserve a percentage of the available places for foreign students. For additional information on how to access said services, please address the Foreign Students Secretary’s Office of your university.

## **8.6 Advanced professional training**

**297. What is it for?**

It is a one- or two-year advanced professional and technical training course that includes training internships and prolonged apprenticeships and provides higher level professional and technical qualifications that are greatly requested within the labour market.

**298. Who manages advanced professional training?**

Professional training falls within the educational options of the Regions, according to a three-year plan.

**299. How much does it cost to attend a vocational training course?**

Attendance of courses is free; in some cases, a reimbursement is even offered, calculated on an hourly basis.

**300. What requisites must I have in order to be admitted to a professional training course?**

Access is provided to youngsters and adults owning a higher secondary level diploma or a technical diploma obtained at the end of four-year courses of vocational training.

Access is also allowed to those who are admitted to the fifth year of Licei and those who do not own higher secondary education diploma. In the latter cases, the procedures are activated to test the skills acquired during the education, training and labour courses following compulsory education.

## 8.7 Recognition of academic qualifications

**301. I would like to complete my university studies in Italy. What do I have to do?**

To be able to continue your studies in Italy, you must present a request to the University or Institute of University Education that interests you: based on the University or Institute's own autonomous decision and possible bilateral accords and international conventions on the subject, the University or institute decides whether or not to recognize your foreign academic titles.

When submitting the application, the following documents shall be attached:

- a photocopy of the high school diploma that has been translated and legalized and the declaration of value from the competent Italian Consulate;
- a photocopy of the university degree, with the same requirements for the high school diploma, as listed above (if you are applying for an advanced degree or a master);
- a certificate regarding the university exams you have completed, duly translated and legalised;
- a programme of the exams completed;
- a photocopy of your identity document or Permit to Stay.

**302. And then what happens?**

The academic authorities will appraise your academic title and degrees, declaring them to be wholly or partially equivalent to an Italian degree: in the first case, all your examinations will be recognized; in the second, only some of them. The University has to decide within 90 days from the presentation of the application.

## 8.8 Recognition of professional titles

**303. I have a professional qualification. What do I have to do to have my title recognized in Italy?**

You shall submit the application to the competent authority. (see page <http://www.integrazionemigranti.gov.it/archiviodocumenti/lavoro/Documents/elenco.pdf>)

**304. How long does it take to have a professional title recognized?**

Within thirty days as from the reception of the application, the Competent Authority evaluates the completeness of the documentation requested.

Within four months as from the submission of the application or its eventual integration, the competent Authority recognises the title through the issuance of a decree.

**305. I am a doctor/nurse. Whom shall I address**

For all titles/degrees in the field of nursing and medicine, the Ministry of Health, is responsible for the recognition procedures.

**306. I am a lawyer / accountant / biologist / chemist / agricultural economist / geologist / engineer / psychologist / work consultant / surveyor / journalist / agrarian or industrial expert. Whom shall I address?**

The Ministry responsible for recognizing these professional titles is the Ministry of Justice.

**307. I am a consultant for industrial property/trade mediator. Whom shall I address?**

The ministry responsible for recognising these professional titles is the Ministry for Economic Development

**308. I am a teacher. Whom shall I address?**

The Ministry responsible for recognizing these professional titles is the Ministry of Education, University and Research.

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## **9 Protection of rights and discrimination**

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### **9.1 Protection of rights**

#### **309. Can a foreign citizen bring a case to court to protect one's rights?**

Yes, on an equal basis with Italian citizens. If you are not in Italy on a legal basis and you bring your case to court, then the State, except in specific cases, can expatriate/expel you.

#### **310. What is the appropriate court in this case?**

You can bring your case before a court in the Italian Justice system availing yourself of defence by a lawyer.

#### **311. How is the Italian Judicial System organized?**

There are several judges that are competent in the case of violation of individual rights: civil, penal and administrative judges, whose spheres of competence are regulated by Italian laws.

#### **312. Who is the Justice of the Peace?**

The Justice of the Peace is a honorary judge to whom you can turn to in the case of minor administrative disputes that do not exceed a certain economic value (e.g., neighbour disputes). The Justice of the Peace: presides over litigations about the highway code; has limited penal competences; and validates the measures of the Prefect in case a foreign citizen is expatriated from the national territory as well as the measures for escorting the foreign citizen to the border or holding him/her in a Reception Center.

#### **313. Which judge presides over cases related to my Permit to Stay?**

The competent court is the Regional Administrative Judge and if necessary you can file an appeal before the Council of State located in Rome.

#### **314. What is the cost of filing a case?**

There are fixed costs related to the type of disputes that are brought before the judge to which costs defence costs, for the lawyer, must be added. The Italian state guarantees everyone the right to a legal defence and safeguards those rights. Therefore, if you cannot pay for legal representation, then you are granted free legal aid under conditions set out by Italian national law.

#### **315. If I cannot pay a lawyer will I be assigned a public defender?**

No, the State grants you the possibility to be represented by a trusted lawyer of your choice. You will be granted free legal aid even if you do not have a legal Permit to Stay and have an annual taxable income as declared in the last income tax statements which does not exceed 10,766.33 (July 2012).

#### **316. I was reported for a crime but I do not know any lawyer: what can I do?**

In this case you will be assigned a court-appointed attorney, chosen from a specific list. If your income is above the requirement by law and you cannot apply for a free legal aid, then you have to pay the lawyer a honorary fee at the usual fare.

#### **317. What if I cannot understand the judicial acts?**

You have the right to nominate an interpreter for the translation of the judicial acts in your language. The cost of the interpreter can be charged to the State on the condition that the level of your income allows you access to the free legal aid provided by the Italian state.

## **9.2 Discrimination**

### **318. I heard there is a law safeguarding against discriminations. However, what does the law exactly mean by act of discrimination?**

Any behaviour that directly or indirectly differentiates, excludes, restricts or expands the rights of individuals on the grounds of race, skin colour, descent or national or ethnic origin, religion or belief, with the aim of destroying or compromising the recognition, enjoyment or exercise, on an equal basis, of human rights and fundamental freedoms in the political, social, and cultural spheres as well as in public life.

### **319. How can I safeguard myself against acts of discrimination committed by a private person or by the public administration?**

You can bring the case to a civil court, by nominating a lawyer, asking the judge to stop the detrimental/damaging/injurious behaviours and to adopt any other appropriate measure to undo the consequences of the discriminatory action.

### **320. I am a victim of discrimination but am afraid of the consequences of reporting the case. What can I do?**

The associations registered in a list at the Department of Equal Opportunities under the Presidency of the Council of Ministers can legally file a case in court in the name of and in defence of the victim of discrimination that is based on racial and ethnic origin.

### **321. I am a victim of discrimination at my work place. What can I do?**

The trade unions can file law suite to the court to defend the victims of discrimination in case of collective discrimination by an employer.

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## 10 Banking Services

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### 322. Which banking services could be useful for me?

Generally the most frequently requested services include the savings account, the current account (necessary to have cheques, POS card and credit cards), bank transfer, loans and mortgages.

### 323. What is a savings book?

The savings book is a simple instrument and a low cost service that is particularly useful if you do not make big cash transactions. It can be “nominative” (in the name of an individual or a juridical entity or a firm) or issued to the bearer” (the person exhibiting the savings book at the service window is entitled to deposit or withdraw money)..

### 324. What to do to open a savings book?

You choose the bank where you want to open the savings book and go there, bringing with you:

- Your tax code,
- your residence permit.

Some banks might also ask you:

- your pay slip,
- your residence certificate.

### 325. What is a current account?

This is an account into which you can deposit your money and which gives you interest rates arranged with the bank. To withdraw money you can fill out a form at the bank counter, write a check to “myself” or use the Automatic Teller Machine (ATM). Your own checks and those that you receive can be deposited or cashed at your bank. Some banks make you pay for the check book and/or for each check that you give out.

### 326. What is the procedure to open a current account?

You address the offices of the bank where you want to open the account, and take with you:

- your tax code;
- your residence permit;
- some banks might also ask you:
- the residence certificate (but this is no longer required by law);
- the guarantee by another migrant or Italian client known to the bank;
- your income tax statement;
- an initial deposit;
- In some cases, before opening a bank account, the bank asks the employer to confirm that the person applying for the account is in fact her/his employee or collaborator.

### 327. What is an Automatic Teller Machine card (Bancomat)?

It is a magnetic stripe card that you may apply for to your bank if you have a current account. It may be used in all the Italian ATM machines (as well as in some European ATMs) for cash withdrawal. In addition, many supermarkets and shops accept it when you are paying for purchases (Point of sale - POS).

**328. What is a credit card?**

The credit card is also a magnetic card that you can request to your bank if you have an account with them. In addition to offering the advantages of an Automatic Teller Machine, the credit card allow you to make payments when you are abroad (and to make purchases through the Internet); it is accepted in many shops, hotels, restaurants, gas stations, post offices, etc. To issue a credit card some banks require further guarantees, for example: the level of seniority in the employment relationship, the guarantee that your employer pays your salary automatically with a bank transfer to your bank account, or any other automatic, regular deposit of money/income on your account (e.g., a pension).

**329. What is a money transfer?**

It is a way to transfer money from your own bank account to another bank account that you can use to make payments. The fee for this type of transactions varies from one bank to another.

**330. Can I send money to my country of origin?**

Yes, this is one of the services that you can request from your bank. The cost of this type of service varies from one bank to another and you must pay a fixed rate. Some banks request a commission fee in addition to the fixed rate: the commission fee is equal to a percentage of the money that you are sending (from 0.5% to 22%).

**331. Which documents does the bank require to send money?**

The documents required vary from one bank to another but in general they are the following:

- residence permit,
- tax code,
- a form where writing your information, the amount you intend to transfer, the name and country of beneficiaries.

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## 11 Associations

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*The “freedom of association” is protected by Italian law. It is possible to create or join associations for reasons not forbidden by the law; it is specifically possible:*

- *Set up an association;*
- *Join an association;*
- *Leave an association.*

### SET UP AN ASSOCIATION

#### **332. What activities can an association carry out?**

Any type of activity not opposing criminal laws.

#### **333. Are there any incentives offered to associations?**

Associations are assisted when they favour the integration of foreign citizens in local communities: for this purpose, the National Registry of Associations has been instituted at the Ministry of Labour and Social Policies - in the office of the Directorate-General of Immigration.

#### **334. What is required in order to be part of the National Registry of Associations?**

Registration is open to nation-wide associations, namely those that perform their activity in at least five regions and 20 provinces of Italy.

#### **335. How is an association founded?**

It is founded by a group of people that meet for social, cultural, relief, and/or environmental purposes, etc.

<p><b>Warning:</b> there is no requirement for the minimum number of people needed to form an association, it can even consist of only two people. Commercial activities are regulated.</p>
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#### **336. Which are the necessary elements for setting up an association?**

Every group tends to create rules for themselves that discipline their activity. The constitution of an association can be made both in writing or oral form. However, an oral agreement prevents every type of subsequent action: the association cannot carry out any kind of paid activity, nor can it benefit from special terms and/or public financial assistance, and nor can it be enrolled in the registers of the Volunteer Organizations, etc. Furthermore, if the association's constitution drawn up in the form of a public act and/or in a private, authenticated and/or registered, written document, many fiscal advantages can be obtained.

#### **337. How is an association set up in a written form?**

An association contract shall be drafted and signed.

The Association Contract is divided in 2 separate documents that nonetheless form a single act, and they are:

- The Statutes ;

- The Articles of Incorporation.

**338. What is the statute?**

It is the document that regulates the life of associations, defining the social goals, the rules for forming collective organizations, for electing a president, for the regularity of the meetings among partners and members, and for drawing up the budget.

**339. What are the articles of incorporation?**

It is the document that attests to the creation of an association and defines its “personal data”, indicating: the social headquarters, the partnered founders and the date of “birth” of the association. It must be signed by the partnered founders, who declare that they wish to enter into a partnership in order to pursue a legal goal.

**340. What shall the statutes contain?**

- Name and registered office of the association;
- Specify whether it is no-profit;
- Corporate object;
- The requirements for the admission of members;
- Codes of conduct of members;
- Indication of assets and revenues;
- Main bodies (Executive Committee, Assembly);
- Operational rules of association bodies: in particular, in case of the Executive Committee and the Assembly, procedures for convening, setting up and deciding;
- Duration of the financial period and terms of reporting;
- Methods for dissolving the association.

**341. When is it a public act and when is it a private deed?**

If the document is completed under the supervision of a notary and is registered by the same notary at the Office of the Registry, it is called a public act; if instead it is completed by the partners it is a private act, that can be recorded or not recorded and whose signatures can be authenticated by a notary if necessary.

**342. What are the advantages of a public deed vs. a private one?**

The substantial difference is that only with a public act is it possible, in the future, to request that the association be recognized and to thereby become a Legal Person.

**343. What are “recognized” associations?**

Those that have a “decree” of recognition - that is, an official act by the State - that permits the association to gain fiscal autonomy in liability and revenues. This means that the association can be autonomously accountable for responsibilities assumed on its own, or in other terms, it means that the association is a Legal Person.

**344. What are associations that are not recognized?**

They are those associations that do not enjoy the status of fiscal autonomy and limited responsibility; financial liability therefore belongs to the person who has acted in the name of and on behalf of the association.

**345. What is the procedure for recognizing associations?**

The interested parties have to present a request, undersigned by the founder, with the article of incorporation attached, to the prefecture in the province in which the headquarters of the organization have been established. The revenue of the estate must be demonstrated by the documentation attached to the request

**346. How long does it take to have an association recognized?**

The government authority has a limit of 120 days to decide whether or not to register the association; this term can be extended up to 180 days when the prefecture reports a lack of documents or other problems.

**347. What is it possible to do if the association is not recognised?**

If the recognition of an association is denied, an administrative appeal can be lodged.

**348. Can an association have a Tax Code?**

Yes, it is necessary to notify to the Inland Revenue Agency owning the territorial competence the setting up of the new subject. The Office will issue a Tax Code.

**349. What is the tax code for?**

The Tax Code is essential for:

- purchasing goods with an invoice;
- registering immovable property in the name of the association (through its legal representative);
- signing rental contracts;
- asking for contributions and/or refunds for expenses from institutions;
- paying fees, salaries, etc..

**Some forms of associations**

**350. What are social promotion associations?**

These are associations that carry out actions that are “beneficial to society” in order to benefit members of the association and the general community.

**351. Which activities are considered to be useful to society?**

Charity, the promotion of culture and art, the protection of the environment and environmental sensitization, education and training, amateur sports, protection of civil rights, etc.

Social promotion associations that carry out these types of activities are regulated by the law n. 383/00.

**352. What are volunteer associations?**

The law defines volunteer activity as activity carried out not-for-profit and with the aim of creating solidarity. Volunteer organizations can assume any legal form that is compatible with the goal of solidarity. Very often the juridical form is that of an association. They are based on free labour, even if they can have some employees or collaborators if necessary for the activities.

Volunteer organizations are regulated by law n. 266/91.

**353. What are Non-Governmental Organizations (NGOs)**

They operate in the field of cooperation with developing countries. The NGOs that are permitted by law to assume the juridical form of an association or a foundation must request recognition from the State Department (Ministry of Foreign Affairs) in order to be able to participate in or run development projects financed with public funding. Non Governmental Organizations (NGOs) are regulated by law 49/87.

**354. What is a non-profit organization that is useful to society (Onlus)?**

An Onlus is an organization that is granted a specific fiscal status and can therefore avail of special terms and tax exemptions that apply to both the organization and its members. The fiscal regime of an Onlus is automatically applied to volunteer organizations enrolled in the regional registers and to social cooperatives.

**355. What is a non-profit organization?**

A Non-profit organization is an organization within which the revenues accrued cannot be distributed among the partners, but must be reinvested in the activity itself or designated for statutory purposes.

**356. What is the registry of associations and authorities operating in favour of immigrants?**

Such registry is divided into two sections. The first one may be joined by the authorities and associations that carry out activities in favour of the social integration of foreign nationals, as per art. 42 of the Consolidated Law on migration (Legislative Decree no. 286 of 25.07.1998). The second section may be joined by the authorities and associations that offer assistance and social protection to the victims of trafficking (ex article 18 of the Consolidated Law on migration (legislative decree no. 286 of 25.07.1998) and exploitation (ex article 13 of law no. 228 of 11 august 2003). The registry is directly destined to private organisations, associations and authorities complying with the requirements set by art. 53 of Presidential Decree no. 394, of 31 august 1999, as amended by Presidential Decree no. 334 of 18 October 2004. The registration allows the access to public funding, wherever requested as a pre-requirement.

