

Immigration *how, where, when*

The Handbook for Integration



MINISTERO DEL LAVORO
E DELLE POLITICHE SOCIALI

DIREZIONE GENERALE DELL'IMMIGRAZIONE

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Welcome to Italy!

Welcome to Italy!

To live well and integrate yourself in Italian society it is important to understand its rules and the way life is organised here.

This guide was created for those who have not yet arrived in Italy and want to learn about the possible ways to enter the country, as well as for those who are already in Italy. In addition, employers, both Italian and foreign, can also find information here to help them accompany their employees on their path to integration.

This guide can help you resolve even day-to-day problems: from employment contracts to enrolling your children in school, from obtaining a driver's license to opening a bank account.

Promoted by the Ministry of Labour and Social Policies, this guide is concise, practical, as exhaustive as possible and available in 8 languages.



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THE CONSTITUTION OF THE ITALIAN REPUBLIC

(Artt. 1-54)



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

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 where he expresses his personality, and demands the fulfilment of the intransgressable 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, limiting 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 promotes those conditions which will make this right effective.

Every citizen has the duty, according to his 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 that depend on the State the fullest measure of administrative decentralization; accords 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 measures.

Art. 7

The State and the Catholic Church are, each within its own order, independent and sovereign. Their relations are regulated by the Lateran Treaties. Changes to the Treaties accepted by both parties do not require the procedure for constitutional amendment.

Art. 8

All religious creeds are equally free before the law.

Religious creeds other than Catholic have the right to organize in accordance with their own statutes, in so far as they are not in conflict with Italian laws. Their relations with the State are regulated by law on the basis of an accord between the 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 that have this scope.

Art. 12

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



PART I

RIGHTS AND DUTIES OF CITIZENS

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 that 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 peaceful and unarmed assembly.
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 that 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 freely profess their religious faith in whatever form, individual or associate, to propagate it and to exercise it in private or public worship, provided that the 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, or for special fiscal impositions in its setting up, legal capacity and any of its activities.

Art. 21

All have the right to freely express 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 as 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, except in cases provided for in martial law.



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 the teaching of them is free.

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

Entities and private persons have the right to establish schools and educational institutions, for which the State bears no financial burden.

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

State examinations are prescribed for admission to the various types and grades of schools or for 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 development 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 and 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 who lacks 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 with mandatory coverage for all persons belonging to the categories referred to in the agreement.



Art. 40

The right to industrial action is exercised within the laws that regulate it.

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 achieve 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 that 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 the economic and social improvement of labour, 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 savings for the common people to the ownership of housing, to directly cultivated property and to direct 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 in order to contribute to the determination of national policies through democratic processes.

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 neither compromise 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.



your entry in italy
your entry in italy

The border

What happens at the Italian border?

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

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.

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 who are less than 18 years old, except when their parent(s) or legal guardian(s) is/are expelled, in which case the minor may be expelled with these adults/has the right to follow them;
- they are beneficiaries of temporary protection measures for humanitarian reasons.

Visas

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 only the Italian territory; it is attached to the passport or another valid document.

Who needs a visa?

All the citizens who are considered to be foreigners:

- the citizens of all countries that are not part of the European Economic



Community;

- stateless people or people without a homeland.

Who does not need a visa?

All citizens who are not considered foreigners are authorized to enter Italy without needing a passport or a visa:

- the citizens of all the Countries of the European Union and the European Economic Area: Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Iceland, Italy, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Norway, the Netherlands, Poland, the Czech Republic, Portugal, the United Kingdom, Romania, Slovakia, Slovenia, Spain, Sweden and Hungary;
- the citizens of San Marino, the Vatican City and Switzerland.

The following individuals may also enter Italy without having to request a visa:

- 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;
- the citizens of the following Countries: Andorra, Argentina, Australia, Brazil, Brunei, Canada, Chile, South Korea, Costa Rica, Croatia, El Salvador, Japan, Guatemala, Honduras, Israel, Malaysia, Mexico, Monaco, Nicaragua, New Zealand, Panama, Paraguay, Singapore, the United States, Uruguay, and Venezuela, but only for brief stays (a maximum of 90 days long) for tourism, religious missions, business, "invitation" and sporting competitions.

Warning: All foreigners must obtain a visa for stays exceeding 90 days. A visa is not necessary for foreign citizens who already have an EC Long-term Residence Permit given by another Member State and for family members (who are non-EU citizens) with a valid permit to stay or residency issued by another Member State. A visa is not necessary for foreigners with a valid visa for study purposes released by another Member State (excluding the UK, Ireland and Denmark), provided that he/she is enrolled at a university or institute of higher education that, in compliance with certain conditions, and transfers to Italy in order to continue studies initiated in another Member State or to integrate them with a related course of study.

Who is not eligible to receive a visa?

Foreigners who have already been expelled from Italy or from one of the other European Union Countries, or who are considered dangerous for the



public order and safety in Italy and in the other European Union Countries, based on the international agreements.

For which reasons can I request a visa?

Adoption, business, medical care, diplomatic reasons, to follow a family member, sporting competitions, invitation, autonomous or subordinate employment, work missions, religious motives, re-entry, residence, family reunification, study, transit, or tourism.

What must I do in order to obtain a visa?

You have to present 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 support during the voyage and the stay.

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

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 subordinate employment and 120 days for self-employment visas.

Which documents must be presented in order to obtain each type of visa?

The documents to be presented together with the request for each type of visa are listed on the website www.esteri.it/visti, which also contains the form to be filled out for the request itself.

When is a re-entry visa necessary?

A re-entry visa is issued by the Italian Diplomatic or Consular Representa-



tive in your Country of origin in these cases:

- when you possess a Permit to Stay or a EC residence card that has been expired for no more than 60 days, on the condition that the expired document is presented for the request for the re-entry visa;
- 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 requesting the re-entry visa.

What is required in order to obtain a tourist visa?

- Documents that demonstrate that you possess suitable financial means to support yourself (credit cards, a banking guarantee, an insurance policy, etc.);
- a round-trip ticket or booking;
- a document that demonstrates that an accommodation is available for you (hotel booking, declaration of hospitality, etc.);
- if possible, a declaration of invitation, legally undersigned by an Italian citizen or a foreigner who is a legal resident in Italy, that offers his/her own availability to host you during your stay in Italy;
- medical insurance with coverage of at least € 30,00.

What is required in order to obtain a visa for study reasons?

- The application form, together with a recent photo;
- a passport that is valid for at least 90 days following the expiration of the visa, with photocopies of the pages where your personal data is written;
- more than 14 years of age (if you are a minor between the age of 14 and 17 years old, you need certificate of consent from both parents or all legal guardians, translated and legalized);
- for academic courses or professional training, the certificate proving that you are enrolled in the course or in the cultural activity that you intend to attend;
- sufficient economic means for self-maintenance;
- an insurance policy to cover all health expenses;
- availability of a housing situation;
- round-trip airplane ticket (for Schengen visas: see below), or a one-way ticket and proof of that you have the economic means for repatriation (for national visas: see below);



- documentation regarding the employment situation and salary of parents for any students who are their legal dependents and the contact information of the parents;
- payment of the consular fees.

To whom can a visa for study reasons be issued?

The visa for study reasons can be issued to foreigners who want to attend university courses, for study and for professional training at recognized, or at least qualified, institutes, and to foreigners who develop cultural and research activities.

In addition, the following categories can enter and stay within the national territory for study reasons:

- foreigners who are over 18 years old and are admitted to secondary schools or vocational education/training in Italy;
- foreigners who are admitted to professional training or training internships (tirocini formativo) within the number established in the “entry quotas”, which is defined every year by the Ministry of Labour and Social Policies;
- foreigners who are under 18 but over 15 years old and have adequate supervision and living conditions;
- foreigners who are over 14 who participate in study exchange programmes or cultural initiatives approved by the Ministry of Education Ministry of Education, University and Research or by the Minister for Cultural Assets and Activities.

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. Should it be the area of residence, you will have to demonstrate that you possess a valid residence permit in the country in which you are requesting the visa (i.e., in the country where you reside, in this case).

How can I legally reside in Italy with a visa for study reasons?

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

There are 2 types of Visas 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 upon entry or at the local Office of the Chief of Police (Questura) 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.

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.

Can I obtain this visa without knowing the Italian language?

No: it is necessary to have a basic understanding of the Italian language, which is usually verified through an interview in Italian at the offices of the Diplomatic Consular Representative.

What is required in order to obtain a visa for medical treatment?

- A declaration from the selected hospital, indicating the type of care;
- the date of the 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;
- enough resources for final payment of all of the expenses;
- a ticket for the trip;
- for medical care authorized within humanitarian interventions: authorization from the Ministry of Health or from the specific Regional Deliberative Assembly.



What is required in order to obtain a visa for religious reasons?

You can avail of this visa if you are a religious person that participates in religious demonstrations or practices religious, pastoral or ecclesiastical functions. The requirements are:

- documents that prove your religious status;
- documents guaranteeing the religious character of the demonstration in which you are taking part;
- a ticket for your trip;
- financial means for self-maintenance or, if the expenses of your stay are paid by a religious corporate body, a declaration on the subject from the same corporate body.

What is required in order to obtain a work visa?

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.

What is required in order to obtain a family re-unification visa for my partner living abroad?

For family re-unification, you must have a legal permit to stay of at least one year in duration and you must present a request for a nulla osta at the Central Immigration Desk and prove that you have:

- sufficient economic means, using your income tax statement for proof;
- suitable lodging, demonstrated by a certificate declaring that your housing is suitable. You must present both “il certificato di conformità” issued to you by the Municipality where you reside and “il certificato di idoneità igienico-sanitaria” issued by the ASL (the Public Health Corporation) in your area.

Note: the nulla osta is not necessary for foreign relatives of Italian citizens or citizens of the European Union.

For which relatives may I request a family re-unification 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 disability at 100%;
- your parents if they are your legal dependents and do not have adequate family support in the country of origin/or country where they are arriving.

Family re-unification is not possible for a spouse or parent when the family member for whom the re-unification is being requested is married to a foreign citizen, legally residing in Italy.

Family re-unification is, however, allowed for the biological parent of a child that legally resides in Italy with the other parent provided that the child is a minor. The biological parent must demonstrate that he/she meets the minimum income and housing requirements.

The Central Immigration Desk grants the “nulla osta” within 180 days following the request.

Which documents are required for family re-unification?

- A request for “nulla osta” for family reunification (this indicates that there are no reasons that would preclude the right to enter Italy) needs to be presented at the Central Immigration Desk;
- your passport and a photocopy of your passport;
- your Permit to Stay and a photocopy of your Permit to Stay;
- photocopy/photocopies of the passport/s of the relative/s who you wish to bring to Italy for family re-unification;
- a declaration from your employer specifying the type of employment relationship you have (subordinate, part-time, etc.) and your monthly salary;
- a photocopy of your employer’s legal photo Identity Card;
- your lease (rental contract), or the deed of the house where you live. If you live at your employer’s house, your employer will have to declare the wish to indefinitely house your family members;
- civil status certificate;
- the availability of housing that complies with the hygienic-sanitary requirements.



sites, as well as being suitable for habitation, as demonstrated by the opinion of hygienic-sanitary suitability issued by the ASL responsible for the area and by the certificate of suitability for inhabitation released by the Municipality. The agreement of the owner of the home in which the child will reside is sufficient in the case that a child who is younger than 14 years of age is seeking to join a parent;

- your yearly income, which must not be below the limits established by the law.

Note: the following documents demonstrating the family relationship:

- your marriage certificate, translated by the local Italian Diplomatic Consular Representative if you are requesting re-unification with your spouse;
- the birth certificate of the child, translated by the local Italian Representative, and, in the case that one of the parents does not reside in Italy, a declaration of assent to the expatriation;

must be presented, together with the “nulla osta”, directly to the Italian Consular Representative.

If a certificate released by the competent foreign authority does not exist, 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 (deoxyribonucleic acid) test to be carried out at the expense of the interested parties.



your stay in italy
your stay in italy

Permits to stay

What is the Permit to Stay?

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

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 or when you entered a Schengen state (except in cases 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), and the request must be made:

- at select post offices, utilizing the kit made available through the post offices, “Patronati”, and select city hall
- in case you are requesting a Permit to Stay for one of the following reasons, then you may do so directly with the Police Commissioner (Questore della Provincia) of the province in which you find yourself
- political asylum (request - release)
- medical treatments
- athletic competitions
- legal reasons
- the integration of a minor
- unaccompanied minor
- humanitarian reasons
- request for status as a stateless person (release)
- working vacation
- for family members in the case of a marriage between a foreign citizen and an Italian citizen (art. 19 D. Lgs. 286/98)
- residency card for family members of an Italian or EU citizen.

Note: If this is your first request for a permit to stay for subordinate employment or family reunification, then the application will be provided by the Central Immigration Desk (which has already issued the necessary “nulla osta”).



The Central Immigration Desk will give you the application, along with the kit that has to be sent via the post office, when you sign the residency contract.

Which documents do I have to present in order to obtain a Permit to Stay?

Your passport and entry visa. You will be given a form which you should fill out with the following information: your personal data and the personal data of any of your children who are minors and accompanying you, the place and the reason for your stay in Italy. You must also attach 4 passport-sized photos to the request. The Offices of the Chief of Police will keep a copy of all the documents. Instead, another copy will be delivered you 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 when you should be able to collect your finished Permit to Stay.

Warning: Foreigners who request a Permit to Stay are subjected to fingerprinting and must bring photographs.

What is the Integration Agreement?

It is an agreement between the immigrant and the Italian State that defines the steps to be taken to improve the immigrant's life in Italy. This Agreement, which will be signed in the coming months, establishes the objectives to be achieved during the period for which your Permit to Stay is valid, each of which provides you with credits.

The stipulation of the Agreement represents a necessary condition for the release of the Permit to Stay. A complete loss of the credits will result in the revocation of the Permit to Stay and expulsion from the country. Exceptions are granted to individuals who have a Permit to Stay for asylum, requested asylum, subsidiary protection, humanitarian reasons, or family reasons, or have an EC Long-term Residence Permit or Residency Card as a foreign family member of an EC citizen.

How long does the Permit to Stay last?

It depends on the type of Permit to Stay you possess.

A Permit to Stay for work/employment reasons:

The duration of the residence permit is the same as that of the “contract to stay”



(or work contract) stipulated between an Italian employer or foreign employer legally residing in Italy and a foreign worker. Nonetheless, it cannot exceed:

- a total of 9 months if you have one or more contracts for seasonal employment;
- 1 year if you have a fixed-term contract for subordinate employment;
- 2 years if you have an open-term contract for subordinate employment;
- 2 years if you have a contract for self-employment.

Permits to stay for other reasons:

The duration of the Permit to Stay coincides with the duration of the entry visa and nonetheless cannot exceed:

- 1 year according to the duration of the academic course that you are attending; the permit is renewable year by year for multi-year classes (classes lasting more than one year);
- the duration necessary to complete the procedures for the granting or recognition of: acquiring Italian citizenship; the condition of being a stateless person; political refugee status; emigration to another country from Italy;
- A pre-defined duration based on the documented necessities for all other cases.

Warning: if you prove (by means of a passport or other document that shows the date of departure from Italy following the end of the previous stay for seasonal employment) that you have come to Italy for at least 2 years consecutively to carry out seasonal employment activities, in the event that you have been carrying out the same type of work for the same employer, your employer can request that you be issued a multi-year permit.

The release of a “nulla osta” for multi-year employment (valid for a period of up to 3 years) occurs within the limits of the annual entry quotas for seasonal employment. The “nulla osta” for multi-year employment gives you the advantage of being able to enter Italy for three consecutive years in order to carry out, always for the same period of time (at most nine months) a pre-established type of seasonal employment with a pre-established employer without having to follow the procedure regulating entry flows each year. You will, on the basis of the multi-year “nulla osta”, be given a permit to stay for multi-year seasonal work. This, however, still requires you to request a visa to enter the country each year from the appropriate diplomatic representative or consulate at which time you will need to present the proposal for a contract to stay for seasonal work prepared by the intended employer. Furthermore, every year, within 8 days after entering Italy, you



must go to the Central Immigration Desk in order to sign the contract to stay for employment reasons.

How can I renew my Permit to Stay?

You must present a request for renewal to the Office of the Chief of Police of the Province in which you have live at least sixty days before it expires. Renewal is subject to verification that the conditions necessary for renewal and other conditions provided for by the law have been met.

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.

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 an 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) for your extended absence from the country.

I have a Permit to Stay for tourism. Can I renew it?

Yes, but only for serious motives, such as humanitarian reasons or due to constitutional and international obligations.

Can I 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 quotas regulating the number of non-European Community citizens who can enter the country each year for “subordinate” or self employment expressly reserved for foreign citizens:

- in case of “subordinate” employment, you must present documents verifying the existence and type of 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.

If you have completed a doctoral or masters degree in Italy, then, upon expiration of your Permit to Stay for study reasons, you may sign-up on the list of persons seeking employment with the Registry at the Municipality for a period not to exceed twelve months. You may also request a conversion to a Permit to Stay for employment reasons.

Warning: minors who come of age or receive a university degree in Italy are not limited by the quota system in applying to convert their permits to stay.

Can I convert my Permit to Stay for seasonal employment into a Permit to Stay for fixed-term or open-term “subordinate” employment?

- Yes, if you have performed seasonal work under a contract the year before and you are entering Italy for the second time;
- if it is your first stay in Italy, then you can change employer during the 9 month duration of the permit to stay but only as a seasonal employee; at the end of your work relationship, you must return to your country and then you can request “the right of precedence” for the following year.

Can I use my Permit to Stay for “subordinate” employment, 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. For example:

- the Permit to Stay for “subordinate” employment (not seasonal) allows you to carry out self-employment activity or to work as a partner as part of a cooperative;
- the Permit to Stay for self-employment allows you to carry out subordinate employment activity, on the condition that you carry out the communications required by law, using the unified form; in this case the employer must also communicate this fact to the Central Immigration Desk in the Territorial Office of the Government - the Prefecture (la Prefettura) by sending the “contract to stay” (or work contract) for “subordinate employment” reasons;
- the Permit to Stay for family re-unification or for entry to join a worker allows you to carry out subordinate or self-employment activity;
- the Permit to Stay for study reasons or professional training allows you to carry out a subordinate employment activity for no more than 20 hours per week, also cumulatively for 52 weeks; nonetheless, this activity must not exceed 1,040



hours per year. This Permit to Stay can be converted into a Permit to Stay for employment reasons, as long as the request falls within the limits of the established annual quota for permits to stay for employment reasons.

If you have completed a doctoral or masters degree in Italy, then, upon expiration of your Permit to Stay for study reasons, you may sign-up on the list of persons seeking employment with the Registry at the Municipality for a period not to exceed twelve months. You may also request a conversion to a Permit to Stay for employment reasons.

Warning: the quotas do not apply to minors who come of age in Italy or foreign students who receive a university degree in Italy and then wish to convert their permit to stay.

Can the authorities revoke my Permit to Stay or deny me a permit?

Your Permit to Stay can be revoked if you end up not having the necessary prerequisites required by law in order to stay in Italy, unless serious motives exist: for example, humanitarian motives or other motives determined by constitutional or international obligations.

What can I do if they revoke my Permit to Stay or deny me a permit?

Within 60 days from when you receive the decree, you can file an appeal at the local “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.

I have a Permit to Stay for study reasons. Can I convert it into a Permit to Stay for self-employment?

Yes. On the condition that there are places available in the quotas established by the Influx Decree (decreto flussi), that the undertaking of this self-employment activity is not forbidden by law, that you meet the requisites and that you have the necessary economic means and housing situation.

Warning: the quotas do not apply to minors who come of age in Italy or foreign students who receive a university degree in Italy and then wish to convert their permit to stay.

I have a Permit to Stay for “subordinate” employment and I want



to start a self-employed activity: do I have to convert my permit into a Permit to Stay for self-employment?

No, you can directly carry out the self-employed activity. During the renewal of the Permit to Stay the foreigner can request a Permit to Stay for self-employment.

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 the public school);
- you can join and/or create an association);
- you can join a labour union).

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.

Do I need to pay a fee to have my Permit to Stay issued or re-



newed?

The request for the issuance or renewal of a Permit to Stay must be accompanied by the payment of a fee, which ranges between a minimum of € 80 and a maximum of € 200. There is no fee for the issuance or renewal of a Permit to Stay for asylum, a request for asylum, subsidiary protection, or humanitarian reasons.

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 six months.

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 € 5000 to € 10,000.

EC Long-Term Residence Permit (a long-term Permit to Stay)

What is the EC residence card?

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

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 (excludes permits for studying, professional development, asylum, temporary protection, humanitarian reasons);
- you are a foreigner who is the spouse, child (if still a minor) or parent (cohabitating with their child) of an Italian citizen or of a citizen from a Eu-



- European Union Member State residing in Italy;
- you are a foreigner who is the spouse; unmarried child (if still a minor), even if you are the child of the spouse or were born out of wedlock, on the condition that the other parent agrees; dependent child who is a legal adult but not capable of providing for yourself due to health reasons; or a legally dependent parent who does not have adequate family support in the country of origin/or country from which you are arriving, of a foreign citizen who already has an EC Long-Term Residence Permit who can demonstrate that he/she can have a sufficient source of income to support you;
- you pass an Italian language test.

The request for the issuance must be made using the available kit at the Postal Services. It can also be requested at the Town office or at the trade unions that offer such service.

Where can I request it?

At the Office of the Chief of Police (Questura) in the area where you reside. You may also present a request for the issuance of an EN residence permit on behalf of your spouse and/or of your children if they are minors and they live with you.

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.

Is the EC Long-Term Residence Permit renewable?

Yes, upon request by the interested party; new photographs must be provided.

Which documents do I have to present to obtain an EC residence card?

You have to make a request, using the form provided by the Ministry of Interior Affairs. In the request you will have to specify:

- 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);
- your current place of residence;
- 4 identical passport-sized photos;



- Permit to Stay + photocopy;
- passport + photocopy;
- a photocopy of your Italian tax code (Codice Fiscale);
- a certificate of your criminal records and of those of the people who are your legal dependents;
- a copy of your most recent income tax statements or of the CUD form (the Single Certification of “levelled and assimilated” Income from Subordinate Employment activity);
- a civil status certificate or self-certification;
- an Italian revenue stamp.

In addition:

If you are a subordinate worker:

- The employer’s declaration (be the employer an individual or a firm) + a photocopy of the identity document of the employer or person signing on behalf of the firm;
- a photocopy of your last few pay checks;
- 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 self-employed:

- A photocopy of the certificate of registration at the Chamber of Commerce, Industry and Craftsmanship, or of registration in other registers or bulletin-boards (for example, the national register of lawyers, etc.), and the original for examination;
- the original and a photocopy of your VAT registration number (partita IVA) for examination;
- a photocopy of your income tax statement from the previous year and of your general tax statement and social security payments.

Which documents must I present in order to obtain the EC residence card for my relatives?

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



- the marriage certificate or certificate proving that the person is your husband/wife and that the child is of minor age (foreign certificates are to be translated and authenticated by the Italian consulate authority);
- the availability of a suitable lodging, proven by the certificate issued by the appropriate ASL (the Local Public Health Corporation) responsible for the area and by the Municipality, verifying that the lodging is adequate in hygienic-sanitary terms;
- your annual income, which should not be inferior to the parameters established by the law.

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

- 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;
- you can access services and assistance from the public administration;
- 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; beginning January 1st 2009, you can receive social 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.

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 de-



nied 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.

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

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

Italian citizenship

How can I acquire Italian citizenship?

Automatically: on the basis of being a descendant of an Italian citizen, recognition of maternity or paternity prior to coming of legal age, and, in some exceptional cases, due to being born in Italy.

By choice if you were born in Italy and have legally resided in Italy, without interruption, since birth, then you may request citizenship between the ages of 18 and 19.

On request:

- **by marriage** with an Italian citizen if you have either legally resided in Italy for at least two years after the marriage or legally resided abroad for three years after the same date. This is provided that there has not been an annulment or dissolution of the marriage and that there has not been a change in your civil status. The time requirements are reduced by half if the you have children together or in the case of the adoption of the child(ren) of either spouse.
- **on the basis of residency**
 - if you were born in Italy and have legally resided in Italy for at least three years;
 - you are the child or grandchild of someone who is an Italian citizen by birth and have legally resided in Italy for at least 3 years;
 - if you are of legal age, have been adopted by an Italian citizen, and have



- legally resided in Italy for at least 5 years following the adoption;
- if you have provided services, including services carried out abroad, to the Italian State for at least 5 years;
- you are an EU citizen and have legally resided in Italy for at least 4 years;
- you are a stateless person or refugee and have resided in Italy for at least 5 years;
- you are a non-EU citizen and have legally resided in Italy for at least 10 years.
- The acquisition of Italian citizenship does not require you to renounce your current citizenship unless this is expressly called for by the law of the country issuing your current citizenship.

Do I need to pay a fee for the issuance of the citizenship?

All requests for the acquisition, reacquisition, renouncement, or concession of citizenship are subject to the payment of a fee of € 200.

The Schengen Area

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.

And what can I do in 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 autonomous);
- study and professional development;
- 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.

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

You can travel between Schengen states while in the process of renewing your Permit to Stay and on the condition that you show evidence of having applied for a renewal of your permit by presenting the following documents:

- 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.

Warning: The Ministry of Interior periodically issues circular letters - available on the website www.interno.it - that announce the periods during which it is possible to travel between Schengen states pending the renewal of the Permit to Stay by presenting the documents listed above.

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 unless you have authorization from the competent Ministry; you can exit and enter Italy showing a copy of the form issued by the Central Immigration Desk to apply for a Permit to Stay and copy of the receipt released at the moment the application is received.



employment
employment

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 contract);
- self-employment.

A salary or “retribuzione” 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 “contratti collettivi di lavoro” (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.

Subordinate employment

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.

What is a “contract to stay” (contratto di soggiorno) for subordinate work?

It is the contract that regulates the work relationship between an employer and an employee who is a non-European Community citizen (extracomunitario). The contract to stay for subordinate work contains 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, and represents the valid entitlement to have a Permit to Stay issued for the employee.



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.

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” (or “mansioni”) and are specified in the employment contract.

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.

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.

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 competing with the employer.



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 (for lay-offs, resignations and completion of work contracts);
- other compensations.

What are the main personal rights of a subordinate worker?

- The right to physical integrity and health (weekly and daily rest, vacations, 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.

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.).

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.

What is an open-term employment (*lavoro a tempo indeterminato*)?

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.



What is a fixed-term employment (lavoro a tempo determinato or a termine)?

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.

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.).

Must 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.

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

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 (libro matricola), 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 there is a trial period;
- the placement, level and qualifications attributed to the worker;



- how much the salary will be;
- how many paid vacation days there are;
- what the working hours are;
- warning period/due notice in case of dismissal/resignation.

What is the maximum duration of the fixed-term contract?

There is no maximum duration.

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 (la gratifica natalizia, also called the tredicesima mensilità) and to the other typical bonus (the quattordicesima mensilità) only if provided for, to the dismissal pay (trattamento di fine rapporto) and to every other treatment or benefit that the enterprise applies to its workers who have open-ended contracts.

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 admitted:

- 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.

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.

However, some limits exist, beyond which the employment relationship be-



comes an open-term employment relationship (requiring an open-term contract).

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:

- you must wait at least 10 days after the 1st contract ends, if the 1st contract lasted up to 6 months;
- you must wait at least 20 days after the 1st contract ends, if the 1st contract lasted for more than 6 months.

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

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

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

Yes, but if your employer has not respected the deadlines indicated above, the new employment relationship is considered to be an open-term contract (a tempo indeterminato).

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 (giusta causa).

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

You request to be reimbursed for the damage and you may ask to have your job back if the employer has more than 15 employees.

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 and which would be taken directly from the last paycheck.



THE TRAINING INTERNSHIP (TIROCINIO FORMATIVO)

What is a training internship (tirocinio 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 that can last from a minimum of four months to a maximum of two years. The internship is not a situation where a person is hired, it does not give life to an employment relationship: it serves to orient you and to give you experience. In addition, the activities carried out during the internship are valued as training credit and you can put them in your curriculum vitae.

I am young! So can I do an internship? If so, for how long?

Yes, if you have finished the compulsory education period and you belong to one of these groups:

- students who go to secondary school: maximum duration, 4 months;
- unemployed workers (including those enrolled in the unemployment lists for people who have been dismissed - le liste di mobilità): maximum duration, 6 months;
- students from state vocational schools and professional training classes: maximum duration, 6 months;
- university students: maximum duration, 12 months;
- disadvantaged people (disabled, drug-addicted, alcoholic, etc.): maximum duration, 12 months;
- handicapped people: maximum duration, 24 months.

As an intern do I have the right to a salary?

No, as a trainee you are only temporarily inserted in the labour market; therefore the law does not provide for any salary for the activities that you carry out. However, your employer is free to decide whether to reimburse your expenses, pay you a benefit, a prize, a scholarship, etc.

Warning: If you are in Italy with a valid Permit to Stay (e.g., for study reasons), then you can engage in a training internship and do not need to fall within the number established in the “entry quotas”. If instead you are abroad, then you do not need a nulla osta for employment in Italy, but you must apply for the issuance of an Entry Visa for study reasons directly from the the Italian Consulate or Embassy in your country after the training project prepared by the pro-



ponent and host of the internship activity is approved by the competent Regional offices of the Region where the internship activity is to take place. The number of Visa that can be issued yearly is set every year.

Para-subordinate employment

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 carrying out.

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

A Permit to Stay for self-employment.

Self-Employment

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.

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).



SELF-EMPLOYMENT WITH A VAT REGISTRATION NUMBER (PARTITA IVA)

Where can I go to get a VAT registration number?

Go to the local Office of Entrances (Agenzia delle Entrate), within 30 days following the beginning of the work activity or the founding of the association/company. Obtaining a VAT registration number is free.

SPECIAL TERMS FOR STARTING A SELF-EMPLOYMENT ACTIVITY

How can I benefit from tax breaks or special terms?

You can benefit from them thanks to the following laws:

Legislative decree 185/2000

This law foresees tax breaks for adult residents, without employment during the 6 preceding the date in which the request is presented, who propose projects related to the start of a self-employment activity (individuals, in the form of micro-business or franchising) in the sectors of the production of goods, the supply of services and of commerce.

Instead, the following activities are not conceded any tax breaks:

- Production and marketing of agricultural products;
- transportation (of commodities for a third party and of more than 9 people).

You can find further information on the web site: www.sviluppoitalia.it.

Law 215/1992

This law was created to for facilitate the foundation and development of female enterprises in different sectors:

- agriculture;
- manufacturing;
- commerce, tourism and services.

To request this assistance (and tax breaks), you must present the following documents:

- The assistance application form, with the data and information regarding the enterprise and the investment program;
- The technical file (scheda tecnica) with the detailed description of the proposed initiative and the related economic-financial data;
- Certificate of registration at the register of businesses at the local Chamber of Commerce.



You can find further information on the web site: www.215.it.

Law 488/1992

Law 488 favours the firms in the productive, services, building, tourist and commercial sectors that want to put some investment programs into effect. All the investments in durable, material and immaterial goods that the firm will have to put into effect can be financed, beginning from the day following the date in which the request is presented.

You can find further information on the web site: www.legge488.it.

Regional and Provincial devices

These are legal tools passed autonomously by Regions and Provinces to finance projects and initiatives on a local level. For further information you can go to the informative counters and the Internet sites of the Regions and Provinces.

How to access the labour market in Italy

How can I access the labour market in Italy?

In two ways:

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

Warning: it is important to consider one's family situation, e.g., if you are a non-European Community citizen who is married to the child of a European Union citizen, you immediately have access to the labour market and it is not necessary to follow the procedures for requesting a "nulla osta" for employment in Italy. In fact, citizens who fall into this category have immediate access to employment in Italy. In this case, it is still always necessary to obtain a Permit to Stay (or an EC long-term residence permit) but it is not a necessary condition for accessing the labour market.

FOR THOSE WHO ARE ALREADY IN ITALY

To work in Italy do I need to have a Permit to Stay?

Yes, to be able to work in Italy, you must have a Permit to Stay, issued for one of the followings reasons:

- subordinate employment;



- self-employment;
- family reasons and family re-unification;
- political asylum;
- social protection;
- study and professional training (in this case you can work for a maximum of 20 hours per week for 52 weeks and a maximum of 1,040 hours a year);
- awaiting employment (the Permit to Stay for “awaiting employment” is issued in the case that the foreigner is enrolled with the Employment Centres - Centri per l’Impiego)
- assistance for minors (parents who assist sick children).

Instead, you cannot work if the Permit to Stay is for:

- tourism;
- religious reasons;
- medical treatment;
- minors (under 18 years old- minore età);
- 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 Permit to Stay 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.

ENTRY FROM ABROAD

How can one 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” (quote d’ingresso) established by the Decrees for Influx (decreti sui flussi), which determine the maximum number of non-European Community 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 if not within the limits of the quotas (continue reading about subordinate employment and on page 40 for self-employment).



How can one enter Italy for subordinate employment?

Through an employer in Italy who wants to hire foreign workers who are still residents abroad for subordinate employment, with a fixed-term, open-term or seasonal contract.

According to Italian law, the following people can enter Italy (for self-employment and subordinate employment) “outside” the quotas (when all the places reserved for foreign workers by the government for that year have already been assigned):

- highly specialized managers/staff;
- foreign language university lecturers;
- 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 with 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, following an agreement signed between the foreigner and the organization.

The following categories can enter Italy only for subordinate employment:

- “family collaborators” who have already been carrying out full-time domestic labour, abroad and for at least one year, for Italian citizens or European Union citizens who were residing abroad but who have moved 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;
- workers employed by employers, individual people or juridical people, 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” (contratto di appalto) stipulated be-



- tween the worker and the aforementioned individual or juridical people;
- workers employed by circuses or shows travelling abroad;
- artistic/technical staff who work on lyrical, theatrical, concert or ballet shows;
- dancers/artists/musicians who will be employed in places of entertainment (night-clubs, pubs, bars, dance-halls, etc.);
- artists who will be employed by musical, theatrical and film businesses, in radio and television businesses and by public organizations for cultural and folkloristic demonstrations;
- sporting professionals;
- journalists/correspondents who are officially accredited and employed by press agencies or broadcasters;
- people who carry out research or occasional work in an exchange setting, that is, people working as “au pairs”;
- professional caregivers hired at public and private health structures.

I know an employer who wants to hire foreign workers: what is the procedure that this employer has to follow?

The employer, either an Italian or a foreign citizen legally staying in Italy, must submit a nominative application to the Central Immigration Desk (lo Sportello Unico per l'immigrazione), responsible for the whole procedure related to the hiring of subordinate foreign workers for fixed-term and open-term periods, established within in the Prefecture - the Territorial Office of the Government in the province where you reside or in which the employer's enterprise has its legal centre or rather, the province where the work activity will take place. The document must contain a nominative application for the “nulla osta” for the job - if he has already identified a specific worker - or a numerical application - if he does not directly know the worker he can request a nulla osta for one or more people enrolled in the lists, which are available with the Italian Diplomatic Representative or Consul, where the names of and information regarding those foreigners who are seeking employment in Italy.

The request must include:

- The personal data of the employer, of the owner or of the legal representative of the business, the business name, and the address of the headquarters and of the workplace;



- if it is a nominative application, the personal data of the foreign worker who you intend to hire, including the address of their residence abroad and, if it is a numerical application, the number of workers to be hired;
 - the fiscal and insurance compensation, as foreseen by the law;
 - the commitment to provide housing with the required habitability and sanitary-hygienic qualifications, or that meets the requirements established in the “testo unico” (compilation text);
 - a declaration of your commitment to communicate every change regarding the employment relationship;
 - a declaration of your commitment to pay the expenses of the repatriation.
- According to the newly adopted computerized procedure you do not need to attach a document to the application. The stay contract proposal is included in the application submitted via the internet at the Central Immigration Desk.

And what happens then? How long will I wait?

- The Central Immigration Desk communicates the request to the local Employment Centre in the province where the person applying has their residence, home or legal headquarters, with the exception of nominative requests for seasonal workers;
- the Provincial Employment Office (DPL), through the appropriate Centre for employment, verifies, within 20 days, the availability of national workers, European community workers or foreign workers already in possession of a Permit to Stay and communicates the data obtained both to the Central Immigration Desk and to the employer;
- the Police Headquarters (la Questura) verifies the means of subsistence, regarding the foreign worker or the employer, and reasons why the nulla osta cannot be issued;
- the Central Immigration Desk, after receiving information from the Provincial Employment Office (DPL) regarding the applicable contract conditions, the company's financial capacity and quotas, as well as an opinion from the Police Headquarters, calls the employer for the issuance of the nulla osta, valid for no more than 6 months (from the date in which it was issued), within 40 days of the presentation of the request;
- at this point, the foreign worker has to present a request for a visa to the consular offices in his/her country of origin. The Consulate communicates the de-



- tails of the proposed work/stay contract to the foreigner and, within 30 days following the request, issues the entry visa and the information regarding their tax code (codice fiscale). Once the visa is obtained, the worker can enter Italy;
- within 8 working days from the date of entry in Italy, the foreign worker goes to the local Central Immigration Desk, which examines the documentation and delivers the certificate of the assignment of a tax code (codice fiscale) to the worker. The foreign worker signs the work residency contract, without making any changes to or placing any conditions on this contract, which is then held in reserve at the same Immigration Desk;
 - the Central Immigration Desk also has the foreign worker sign the application form for the Permit to Stay, which is then sent to the appropriate police headquarters (la Questura), by means of the kit that is available at the Postal Services.

Attention: you may work and take advantage of all rights - registry enrolment, change of residence, release and renewal of an identity card, enrolment in the National Health Care System, release of an tax identification number, sickpay, maternity leave, income allowances, to the same extent as those who are awaiting the renewal of their permit to stay - even if you are awaiting the release of your first permit to stay, given that you have submitted your application for the release of a permit to stay at the Central Immigration Desk within 8 days of your entry into the national territory and that you have signed your contract to stay. You will have to present a copy of the request for the permit to stay given by the Central Immigration Desk and the receipt from the Postal System that attests to the submission of the request.

Warning: the employer is obligated to communicate with the Central Immigration Desk within 5 days after any of the following events:

- the hiring of a new worker;
- the date when the employment relationship ends (in case the employment relationship is interrupted);
- the change of the location of the headquarters where the foreign worker works (in case of a transfer).
- The employer is obliged to submit the required communication about the hiring of a new worker to the Employment Office, at least one day before start of the work activity. Following the adoption of this single communication, the communication at the Employment Office is also valid for reg-



istering register the worker at the INPS and INAIL. Only in the case of domestic employment should the communication be made to INPS by means of the appropriate form, which can be downloaded from www.inps.it.

How does one enter in Italy for seasonal employment?

The employer has to follow the same procedures used for subordinate employment. The Central Immigration Desk issues the authorization no later than twenty days following the date on which the request from the employer to hire the foreign worker is received. In these cases the *nulla osta* issued is valid for a minimum of 20 days to a maximum of 9 months with effect from the date of the signing of the residency contract.

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 work in Italy over other citizens from your country who have never legally entered Italy for employment reasons.

How does one enter Italy for self-employment?

Yes, 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 Community citizens.

Attention: the categories of autonomous workers who may enter Italy are determined in conjunction with the immigration flows decree. 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.

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

If you intend to carry out self-employed activity in Italy that is not sporadic, and if you enter in the quotas established by the current immigration flows decree (*il decreto flussi*) for self-employment activities, you must present the following documents to the appropriate local police headquarters in or-



der to have the official stamps placed on your provisory nulla osta so that you can enter the country:

- a declaration certifying that no obstacles exist that should impede the appropriate administration from issuing the authorization /qualification for the visa permitting the work activity;
 - a declaration regarding the parameters for the work activity, released by the Chamber of Commerce or by the appropriate professional association responsible for the area where the self-employment activity must be carried out, or a certificate from the appropriate professional association regarding the parameters for the work activity and the availability of the financial resources necessary for carrying out the work. These parameters are based on whether the person requesting the visa has access to, in Italy, a sum that is not less than the capitalization, for a year, of a monthly income equal to or greater than the monthly welfare payment;
 - a declaration of liability, to be presented to the local Employment Supervisor of the region where the activity will be carried out (in the case of entry on the basis of a project contract);
 - a declaration from the person who has commissioned the job from you, insuring a remuneration superior to the minimum amount required to cover health expenses;
 - a copy of the most up-dated budget of the business, as recorded at the Registry of Businesses;
 - the availability of adequate lodging;
 - a “nulla osta” from the responsible Offices of the Chief of Police (Questura).
- If you live abroad, then you may delegate (the letter of delegation must be translated and notarized) a person that you trust to request the necessary documents. After having obtained the certificate demonstrating the availability of the funds necessary to carry out the activity, you can request the entry visa for self-employment from the Diplomatic or Consular authorities responsible for the nation where you are a citizen or the nation where you legally reside. The entry visa is issued 120 days following the presentation of the request and must be used within 180 days.

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. Exceptions



exist for cases in which the entry visa is not for employment, family re-unification or for study reasons, and the visa is refused for safety reasons or due to a public order.

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, in the same way that a dependent worker must do by sending the Kit that is available from the Postal Services.

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

Yes, any kind of continuous (non occasionale) 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.

How long does the Permit to Stay last?

The Permit to Stay lasts for a maximum of 2 years.

Can the Permit to Stay be renewed?

Yes, on the condition that the foreigner can produce the documents that attest to the income from the work activity carried out while the Permit to Stay for self-employment was valid.

Beginning and ending an employment relationship

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 the worker is;
- who the employer is;



- where the job is carried out;
- how long the job will last;
- how long the trial period will last;
- what the working hours are;
- the placement, level and qualifications attributed to the worker;
- how much the salary is;
- how many paid vacation days there are;
- under what conditions the employment relationship can be interrupted.

Warning: during the hiring process, the employer cannot ask you any questions regarding your political and religious opinions, whether you are pregnant or whether you are HIV positive (the principle of non-discrimination).

HOW TO END AN EMPLOYMENT RELATIONSHIP

HYPOTHESIS 1: RESIGNATION

How does one resign from work?

You must always respect the warning period (give notice a certain number of days/weeks before leaving the workplace, generally this period is agreed on at the beginning of employment), you have to present your resignation in writing form, using a letter, with 2 copies of the letter, generally containing:

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

Is it absolutely necessary that I respect the warning period/advance notice?

The warning period is established at the beginning of the employment relationship, or is established in the applicable collective contract. If you do not respect it, you will have to pay an indemnity corresponding to the value of the salary that you would have received for the length of the warning period.

Can the employer refuse the warning period/advance notice?

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



In case of serious breach of contract made by the employer (just cause) am I obliged to respect the warning period nonetheless?

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

Hypothesis 2: dismissal

If I work at a small-sized firm and I am unjustly dismissed, do I have the right to a reimbursement?

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.

If I work in a large-sized firm and I am unjustly dismissed, do I have the right to a reimbursement?

Yes, in large-sized firms (with more than 15 employees in the same area or with more than 60 employees altogether), the worker, in case of illegitimate dismissal, has the right to be reinstated in the place of employment and to be paid a reimbursement equivalent to at least 5 months of their salary.

What do I have to do in order to contest the dismissal?

You have to present a written document that clarifies your wish to contest the dismissal, for example, a request made by you for the obligatory procedure of conciliation to be carried out.

Within which deadlines do I have to contest the dismissal if I believe it to be illegitimate?

If you believe your dismissal is illegitimate, you have to contest it within 60 days following when you receive the communication of your dismissal; otherwise you lose the right to the protection guaranteed by the law.

Can the employer dismiss me for behaviour/acts committed outside the work relationship and environment?

The employer can dismiss you only if this behaviour/these acts are closely connected to your working duties.

In which cases is dismissal without notice admissible?

Only when a just cause exists and is provable; that is, an act so serious that it cannot permit the employment relationship to continue, even temporarily.



Employment Offices

What are the Employment Offices and what are they for?

The Employment Offices (i Servizi per l'impiego) are public structures that have replaced the old Jobcentres (gli uffici di collocamento). They were created to help bring together requests and offers for employment and to facilitate the entry in the job market for people at risk for unemployment.

How can I access these services?

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

- a registry card, with your complete personal data and that of your family, your title of study (i.e., academic degrees obtained) and your employment status;
- a professional card, or scheda professionale (which used to be called the “employment card” - libretto di lavoro), with the information about your training and professional experience, your availability to work and the certificates regarding your professional skills.

JOB “HUNTING”, OR LOOKING FOR A JOB

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.

How can I have my state of unemployment recognized?

You have to go in person to the Employment Offices (Servizio per l'Impiego) in the city in which you live, and make a declaration (self-certified) in which you attest to:

- any work activities carried out in the past (if they exist);
- the immediate availability to carry-out a work activity.

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.



In fact, based on the “Testo Unico” (compilation text) on immigration, you have the right nonetheless to look for a job, as an unemployed person, for a period of no less than 6 months (therefore even after your Permit to Stay has expired). If you have not found a new job within this period, you must leave the country.

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 for Italian workers. Therefore, just as Italian workers do, you too can contact:

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

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

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

- reception, information and orientation for people looking for employment;
- intermediation between job requests and offers;
- consultation for firms.

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

You can go to the headquarters of the Employment Offices in the Province where you reside, or use the Internet to consult the web site of the Province or the Employment Office.

What are Employment Agencies (Agenzie per il Lavoro)?

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



Can workers and businesses exchange job offers and applications without using middlemen?

Yes, through the Job Exchange (la Borsa Lavoro): a computer system for the exchange of job applications and offers, accessible and available both to workers and businesses. Therefore, these workers and businesses can insert new candidacies or requests for personnel, directly and without an intermediary. For information, see the site **www.welfare.gov.it**



Usare la testa, si deve.



Evitare la croce, si può.



IO LAVORO SICURO.

SICUREZZA. DOVERE ASSOLUTO, DIRITTO INTOCCABILE.

La sicurezza è un diritto che ogni datore di lavoro ha l'obbligo di garantire ai suoi lavoratori. E tu lavoratore pretendi gli strumenti di protezione, usali sempre, e denuncia chi mette a repentaglio la tua vita. Perché gli incidenti li puoi evitare, a te e agli altri.



Per saperne di più vai su www.iolavorosicuro.it



IO LAVORO SICURO.

10 PUNTI FERMI PER LA SICUREZZA SUL LAVORO.



CON IL PATROCINIO DI



Ministero del Lavoro, della Salute e delle Politiche Sociali

Pagina a cura dell'*INAIL*
e
PUBBLICITÀ PROGRESSO



❶ **WE ARE ALL RESPONSIBLE FOR SAFETY AT WORK.**

The regulations in force are for an organised system for the prevention of accidents and for safety at work, which requires the active participation of workers and the co-operation of all parties involved (**employer, prevention and protection service, workers, qualified doctor, workers' safety representative**).

❷ **WORKING ILLEGALLY IS NOT SAFE.**

People who work illegally cannot receive the appropriate education and training. Their work history cannot be traced and therefore it is impossible to check whether or not all measures to protect them have been put in place.

❸ **THE RISKS OF THE WORKING ENVIRONMENT AND INDIVIDUAL WORK OPERATIONS MUST BE IDENTIFIED AND ASSESSED IN ADVANCE.**

Employers (with the aid of the "Prevention and protection service") assess the risks relative to the workplace and the duties carried out by workers, informing them of the risks to which they are exposed. In this way **workers** know the risks involved in their work activities and the correct methods for using instruments, tools and machines for their work.

❹ **MEASURES MUST BE TAKEN TO ELIMINATE OR REDUCE RISKS.**

Employers must adopt the necessary safety measures to prevent accidents and injuries in the workplace, including organised and management initiatives. Where a work-related risk cannot be eliminated, employers must reduce it as far as possible.

❺ **WORKERS HAVE A RIGHT TO TRAINING, WHICH EMPLOYERS MUST PROVIDE.**

Employers must provide workers with training which should relate to the workplace and the duties to be performed. In particular training must be supplied in the following cases:

- when a worker is hired;
 - when a worker is transferred or changes duties;
 - when new work equipment is introduced, or workers use new hazardous substances or preparations.
- Training must be repeated on a regular basis, and in any case when the risks change or new risks arise.

❻ **ALL NECESSARY SAFETY INDICATIONS MUST BE PRESENT AND DISPLAYED CORRECTLY IN THE WORKPLACE.**

Employers must use safety signs whenever risks are present which cannot be avoided or sufficiently limited. Employers must ensure that workers are informed about and trained relative to the meaning of the signs and how they should behave. Safety signs may be divided as follows:

- red prohibited signs (indicate danger);
- blue mandatory signs (indicate the correct action or behaviour);
- yellow or orange warning signs (indicate the need for caution, attention);
- green rescue and aid signs (indicate doors, exits, routes, materials, positions);
- fire-fighting signs (indicate the places where fire-fighting materials and equipment are located);
- gesture signs (help guide people for certain operations).

❼ **EMPLOYERS MUST PROVIDE WORKERS WITH SUITABLE PERSONAL PROTECTIVE EQUIPMENT (PPE), WHICH WORKERS ARE OBLIGED TO USE.**

PPE is equipment intended to be used and kept by workers in order to protect them against risks threatening their health and safety at work: the types and characteristics vary depending on the type of work carried out and the relative risk. The most widely used PPE is: helmet, safety belt, shoes with steel toe caps and puncture-proof sole, gloves, specific garments according to requirements (to protect against bad weather, fire-resistant, luminous, etc.), goggles, masks providing various levels of protection for the airways depending on the substances present in the workplace, visors, ear defenders.

PPE must be made available by employers.

Employers must provide workers with the necessary training for correct use of PPE.

Workers must use PPE, and must not modify it on their own initiative, as this may endanger their health and safety and that of others.

❽ **WORKERS MUST KNOW IN ADVANCE WHO TO CONTACT IN AN EMERGENCY AND HOW TO BEHAVE.**

Workers must know the names of **first aiders**, of **emergency managers** and people responsible for the prevention of fires, the name of the "**prevention and protection service representative**" and the "**qualified doctor**". Workers must be informed about and receive training on how to behave if danger arises and in an emergency.

❾ **NOBODY SHOULD ENDANGER THEIR OWN LIFE OR THE LIVES OF OTHERS WITH IRRESPONSIBLE BEHAVIOUR.**

As well as being required by law, correct behaviour by employers and workers will help to improve general safety conditions. Workers must also be familiar with and follow all procedures to avoid endangering themselves and others. Everyone is responsible for avoiding accidents and injury.

❿ **SAFETY CONDITIONS IN THE WORKPLACE AND THE EFFECTIVENESS OF PROTECTION MEASURES MUST BE CHECKED REGULARLY.**

If all workers must observe safety conditions at work and employers are obliged to ensure that such conditions exist. Checks of compliance with safety regulations, aiming to protect health and safety in the workplace (regular medical visits, legal compliance of machinery and equipment, training, signs, suitable personal protective equipment, etc.) represent a right which can and must always be exercised.

welfare and
insurance system
welfare and
insurance system

INPS and INAIL

All citizens, and therefore also foreigners that work in Italy, are guaranteed the means suitable for the necessities of life in case of injury, illness, disability, old age and “unintentional unemployment”. The subjects appointed to carry out these functions are INPS and INAIL. The two institutes provide services such as pensions, indemnities and benefits for people who have experienced accidents, illness, and loss of employment due to age limits or disability. The welfare services also cover family members after the death of an insured worker. Foreigners can also receive Welfare benefits for illness and for injuries at the workplace.

What is INPS?

The National Institute for Social Welfare (INPS) provides insurance for almost all dependent workers in the private sector, the majority of self-employed workers, and some workers in the public sector.

The main activity consists in the settlement and payment of pensions that are welfare-related and assistance-related.

Welfare-related payments are:

- the old age pension (pensione di vecchiaia);
- the pension for seniority (pensione di anzianità);
- the pension for deceased person's living family members (pensione ai superstiti);
- the pension for people with disabilities (pensione di inabilità);
- benefits for people with disabilities (l'assegno di invalidità);
- the pension according to the international accord for work carried out abroad.

Assistance-related payments are:

- welfare benefits (assegno sociale);
- nuclear family/child benefits (assegno per il nucleo familiare);
- civil invalids (invalidità civile).

In addition, INPS provides income support services (unemployment benefits, illness benefits, maternity benefits, income support, mobility support and payments at the conclusion of employment) and it provides medical exams for the certification of disabilities and the inability to work.

While renewing your Permit to Stay or waiting to be issued the Permit to Stay for the first time, you have the right to exercise legal and regular working ac-



tivity and take advantage of all the associated rights (sickpay, maternity leave, income allowances) provided that you can show the documents that provide evidence that you have asked for the renewal or issuance of the permit according to law (copy of the expired Permit to Stay and copy of the receipt of the application in the case of a renewal, or copy of the application form issued by the Central Immigration Desk and copy of the receipt that the application has been submitted, in the case of the issuance of the permit for the first time).

What is INAIL?

INAIL is the National Institute for Insurance against Injuries at the Workplace and Occupational Disease. It manages the mandatory insurance, in defence of the worker, against accidents at the workplace and occupational diseases. In particular, INAIL takes care of:

- guaranteeing economic, health and supplementary (integrative) services;
- providing information and training, for the small and medium businesses, regarding accident/illness prevention in the workplace;
- ensuring the rehabilitation and the re-insertion of workers.

The welfare and assistance system

EMPLOYMENT TAXES (CONTRIBUTI)

How are employment taxes calculated?

INPS is able to manage the services it must provide by collecting taxes. The methods of calculating, the amount of the taxes to be paid, the subjects required to pay and the terms regulating the payment of the taxes due are different according to whether one is a dependent employee or self-employed.

To whom must the employment taxes be paid?

- To INPS (the National Institute for Social Welfare) for welfare services;
- to INAIL (The National Institute of Assistance for Accidents/Injuries at the Workplace) for insurance against accidents at the workplace and occupational illness.

In addition, other organizations and funds exist for the Welfare coverage of



specific categories of workers (for example, the National Institute of Welfare for Employees of the Public Administration, INPDAP).

Which periods are automatically included in contributions to the retirement pension?

The periods credited on request by the person involved are:

- military service;
- maternity and postpartum;
- illness and injury;
- community service (servizio civile);
- unpaid leave related to labour unions;
- unpaid leave while acting as a publicly elected official.

Those periods that are automatically accredited are:

- paid unemployment;
- income assistance;
- “mobility”;
- tuberculosis.

What is supplementary welfare (la previdenza integrativa or previdenza complementare)?

Supplementary welfare is a form of voluntary welfare savings account that support the so-called obligatory welfare allowing the worker to have a future pension compensation that better satisfies his/her living needs. In fact, using the allocation of a supplementary welfare service, the income of the retired worker is increased.

PENSION

Who has the right to a pension?

All workers who do paid work as employees, regardless of their sex and nationality. Employers must pay employment taxes for their workers' pensions.

When does the pension accrue?

- The old age pension (pensione di vecchiaia) is obtained when the required age is reached, which is currently 65 years old for men and 60 years old



for women, and it is required that you have paid employment taxes for 20 years. In the employment tax system the old age pension is obtained when the required ages are reached which are currently 57 years old, both for men and women, 5 years total of employment taxes must have been paid, as long as the amount of the pension is not less than the amount of the welfare benefits plus 20 per cent. This minimum is not applicable for workers who are at least 65 years old;

- the pension for seniority can be obtained before having reached the age required for retirement. Currently you must have paid 35 years of employment tax and be at least 57 years old in order to receive the pension for seniority. If you are not yet 57 years old, you can obtain the pension for seniority if you have paid 38 years of employment taxes.

How is the pension calculated?

- In the compensation system (sistema retributivo), the amount of the pension is calculated in correlation to two elements: compensation is calculated based on the average of the weeks of compensation preceding the effective date of the pension and the number of years of employment taxes you have paid;
- In the employment tax system the amount of the pension is correlated to the amount of employment taxes paid, duly re-evaluated.

Can I request to retire in advance?

Yes, if the employment relationship ends for health reasons. In this case it is possible to request the pension for disability and disability benefits.

Warning: early retirement can be requested only by people who have an EC long-term residence permit.

What do pensions include?

The pensions distributed by the INPS include the basic pension, the assistance for nuclear families (“child benefits”) if they apply, and the “thirteenth month” (a bonus of the same value as one month’s salary which subordinate employees should receive once a year).

The pensions distributed by public corporate bodies other than the INPS include the basic pension, the special integrative indemnities, additional payments for the spouse and each child and parent who is legally dependent (if



applicable), and “the thirteenth month”.

What is the pension for a deceased person's living family members (*pensione ai superstiti*)?

It is the pension to which, after the death of an insured or retired worker, is given to those who have the right to it. Living family members (of a certain category) will receive:

- the reversibility pension if the deceased person was already retired;
- an indirect pension if the person was carrying out work activities at the moment of their death. In this case, the deceased must have paid, at any period of their life, at least 15 years of employment taxes, or else have been insured for at least 5 years, 3 of which were paid during the 5 years preceding the death.

PEOPLE WHO ARE UNABLE TO WORK

What is the pension for people who are unable to work (*la pensione di inabilità*)?

It is a pension for dependent and self-employed workers affected by a physical or mental illness who have paid employment taxes for a period equal to 5 years (260 weeks of employment taxes), of which at least 3 years (156 weeks) were paid during the 5 years preceding the request for the pension for people who are unable to work.

The physical or mental illness must be certified by the doctors at INPS and must be of such a nature that it makes it absolutely and permanently impossible to carry out any work activities.

What are the “ordinary disability benefits” (*l'assegno ordinario di invalidità*)?

These are benefits that are paid to dependent workers and self-employed workers who are affected by a physical or mental illness who have paid employment taxes for a period equal to 5 years (260 weeks of taxes), of which at least 3 years (156 weeks) were paid during the 5 years preceding the request for disability benefits.

The physical or mental illness must be certified by the doctors at INPS and must be of such a nature that it permanently reduces the working skills to



below one third, affecting the usual work activities of the employee. The ordinary disability benefits are awarded even if one continues to work.

What do I have to do to have my disability legally recognised?

You have to make a request at the Local Public Health Corporation (Azienda Sanitaria Locale or ASL) responsible for the area where the person has their residence. If the state of health or the handicap that has led to the disability gets worse, the interested party can present a request for recognition of the new condition to the ASL.

Are there different degrees of disability?

Yes, based on the degree of disability recognised by INPS you have access to different types of benefits, such as:

- monthly assistance benefits or compensation for an assistant (provided by INPS). This benefit can be issued to foreigners who have a legal Permit to stay that is not episodic or of short duration;
- exemption from paying for “tickets” for health care/medicine (granted by the ASL);
- a discount on public transport tickets (to be requested from the local transportation authorities);
- a handicap parking permit that allows them to park their automobile in the reserved zones (to be requested from the STA, the Office for People with Disabilities (Ufficio Invalidi), in the district where you reside);
- prostheses and aids.

UNEMPLOYMENT BENEFITS

What happens when a person is unemployed?

INPS pays unemployed workers benefits when they are dismissed and when they resign, on the condition that they have paid at least 2 years of employment taxes, of which at least one year was prior to the dismissal/resignation. The question must be presented within 68 following the end of the employment relationship and the sum of money will be paid for a maximum period of 180 days.

The department of redundancy pay (cassa integrazione guadagni), at the



INPS, manages the services owed to the worker in case of:

- job suspension;
- industrial restructuring or “re-conversion”;
- business crises in the sector (in this case the indemnity cannot be paid for more than two years).

OTHER FORMS OF ASSISTANCE: BENEFITS

What are the nuclear family benefits or “child benefits” (*assegno per il nucleo familiare*)?

They are a sum of money intended to help workers or retirees to affront the burden of expenses created by a nuclear family. Nuclear family benefits vary according to the number of members of the family and to the gross income. Only those who have legally dependent family members have the right to these benefits. INPS provides the money for the benefits.

What are welfare benefits (*l'assegno sociale*)?

Welfare benefits are a sum paid to people who meet certain requisites:

- they must be older than 65 years old;
- their income from the last year must be non-existent or below the minimum wage established by law;
- if they are foreign citizens, they must have an EC long-term residence permit or political refugee status;
- they must have their residence in Italy.

Starting January 1st 2009, you can receive social allowances provided you have legally stayed in Italy without interruption for a minimum of ten years.

Attention: it is necessary to actually reside in Italy in order to receive these benefits. The benefits will be suspended if you are outside of the country for more than one month unless this is due to a demonstrated and serious health issue. The benefits will be revoked if, one year following the suspension of the benefits, the continuing existence of the condition has not been verified.

What are the maternity benefits granted by the Municipality?

It is a payment intended to help women that do not receive other indemnity for their maternity leave or have received a sum inferior to that established by



law. In this last case, the workers on maternity leave will receive the difference between what they have been paid and the sum established by law.

Can a foreigner citizen request maternity benefits?

Yes, if she has the an EC long-term residence permit or has applied for an EC long-term residence permit. In this last case, the check will be suspended until she has obtained the Stay Card.

When must the request be presented?

Within six months following the birth of the child. Also, should the child be entrusted to a family that is applying to adopt it (affido preadottivo) or if the child is already adopted, the request must be presented within six months following the pre-adoption/adoption, on the condition that the minor has not yet turned 6 years old. If it is an international adoption, the maximum age of the minor rises to 18 years of age.

Warning: the benefits can be requested by a foreign citizen, even if the minor was not born in Italy or is not a citizen of a European Union member state, as long as the minor is enrolled in writing on the EC long-term residence permit of one of his/her parents.

The Insurance System

What is an injury/accident (infortunio)?

An injury is the diminution of the working ability of a person, provoked by a violent cause while carrying out one's work activity.

How does my employer insure me against accidents and illness?

Yes. Employers must insure their employees through INAIL against physical and economic harm resulting from injuries and illnesses sustained during work activities; this exonerates the employer from the civil responsibility that result from such harm.

Warning: instead, if the harm is recognized as being the employer's responsibility due to a violation of the norms of prevention and hygiene, the exemption is not applied.



How much does INAIL insurance cost?

The insurance is free for the worker and must be paid entirely by the employer. At the beginning of the work activity, the employer must present the “work activity report” (la denuncia di esercizio) and pay the premium for risks related to the work activity.

Which workers can be insured by INAIL?

- The “subordinate” or self-employed workers that use cars, instruments, systems or who work in organized environments in which such equipment is used;
- housewives, but only for the permanent harm leading to a disability that is equal or greater to 33%.

What do I have to do if I am injured?

Report the injury, following this procedure:

- immediately inform the employer;
- present the first medical certificate (as soon as you have obtained it) to the employer and, if the medical care should continue, present the medical certificate from the medical care-provider or from INAIL;
- go, as soon as you are in the physical condition to do so, to the INAIL office nearest to you in order to continue the medical treatment and to have the medical-legal certificate issued.

If my employer has not insured me and I have an accident or contract an occupational disease, what happens?

You have the right to the INAIL services in any case, even if your employer has not insured you.

Which types of accidents are covered by INAIL insurance?

Accidents that happen during work and fit the following categories:

- they must have had a violent cause;
- they must have provoked death, permanent or temporary disablement that led to an absence from work longer than three days.

Accidents “in itinere”, that is, those which happen during journeys between the worker’s residence and the place where they work. The conditions for coverage for these types of accidents (and therefore right to receive the in-



demnity) are as follows:

- they must have happened while travelling on a pre-defined route;
- (otherwise) the means of transport used must have been arranged or authorized by the employer.

As a worker, what are my duties?

- To follow the instructions related to your task;
- to report any danger (to the executive, person responsible, etc.);
- to respect and not remove any signs of danger;
- to undergo sanitary controls/medical examinations.

As a worker, what are my rights?

- Not to continue to work/not to begin work in case of serious and immediate danger;
- to distance yourself from the workplace or dangerous zone in case of serious and immediate danger;
- to undergo medical examinations for reasons related to professional risks.

What must be written in the injury/accident report?

- The worker's personal data and the information regarding the accident and injury: causes and circumstances, day and hour, etc.;
- the data related to the employees' income during the 15 days preceding the date of the accident;
- any possible lack of hygiene and/or of prevention measures;
- the witnesses present during the event;
- the type of injury and the location where the injury was sustained.

What is an occupational disease? Is it different from an accident/injury?

An occupational disease, unlike an accident, is provoked by harmful circumstances that accumulate over time and reduce the working ability of the person affected.

I have an occupational disease, what do I have to do?

If you are still working, you must:

- report the illness to your employer within 15 days following the beginning of the disease;



- present the first medical certificate to your employer and, if you have to continue the treatment, the certificate filled out by the physician taking care of you.

If you are no longer working, you must:

- present the request of recognition of the occupational disease to INAIL.

What does INAIL do if I am injured at work or I contract an occupational disease?

INAIL provides economic and health services to workers who sustain an injury at the workplace or contract an occupational disease.

In which cases am I entitled to economic services?

- Salary not paid (temporary compensation - indennità di temporanea);
- reduction or loss of ability to work (recognition of a state of permanent disability) per events prior to 25 July 2000;
- impaired psycho-physical well-being and the financial consequences (biological damage) for events beginning on 25 July 2000 or later.

In case of death due to an accident at the workplace or an occupational disease, the income is paid to the living family members.

What is temporary compensation and how much is it?

It is a reimbursement for unpaid salary, which INAIL pays the worker beginning on the fourth day following the day in which the accident occurred or the occupational disease manifested itself, and ending once clinical recovery is declared.

Temporary compensation corresponds to 60% of the average salary until the 90th day of absence from work, following which date it increases to 75% of the average salary.

Illnesses not directly resulting from work are the responsibility of INPS.

If the accident or occupational disease has not been reported, can I still benefit from INAIL's services?

Yes, within 3 years following the day when the accident took place or the disease manifested itself: you must make the report of the accident yourself, or go to an authorized local Legal Aid organization.



What is the recognition of the degree of permanent disability?

After the recovery, INAIL invites the injured worker to be examined by a legal physician (medico-legale) in order to verify and establish the degree of permanent disability resulting from the accident or to the occupational disease:

For events that happened before 25 July 2000:

- if the degree of certified disability is between 11 and 100% the worker has the right to the compensation;
- if the degree of certified disability is below 11%, the worker does not have the right to compensation unless the condition subsequently worsens.

For events that happened beginning on 25 July 2000 or later:

- if the degree of psycho-physical disability is below 6% the worker does not have the right to any reimbursement;
- if the degree of disability is equal or superior to 6% and below 16%, the worker has the right to compensation for biological damage;
- if the degree of disability is equal or superior to 16%, the worker it has the right to compensation, out of which one share is for the biological damage and one share is for the financial consequences of the disability.

What can I do if the state of my health worsens?

You can ask INAIL for the degree of disability to be revised, within these deadlines:

- within 10 years following the date of the injury at the workplace;
- within 15 years following the date of the manifestation of the occupational disease;
- without time limits if affected by silicosis or asbestosis.

You will have to be examined by a legal physician (medico-legale) in order to confirm, increase or decrease the degree of your disability.

What do the health services include?

- The medical, surgical and physical treatments needed in order to aid the person's recovery, provided for free of charge by the National Health Care System and by INAIL's clinics;
- the medical rehabilitative treatments and prostheses, if necessary, for the maximum possible recovery of psycho-physical well-being and of the lost ability to work.

To obtain services and to receive free assistance, you can also ask the institutions (i Patronati) for advice and social assistance.



THE EMPLOYER'S DUTIES IN CASE OF THE INJURY OR OCCUPATIONAL ILLNESS OF AN EMPLOYEE

What is Law 626 and what does it involve?

Legislative decree 626 of 1994, known as “the law on the safety at the workplace”, establishes the norms regarding hygiene and safety of workers in their workplaces. It is the first decree created in order to identify, appraise, eliminate, prevent and limit the risks in work environments, thereby guaranteeing maximum safety.

What are the employer's duties?

- To inform the workers;
- to provide regular maintenance of the machineries;
- to make sure the rules are respected.

What do I have to do if one of my employees has an accident/is injured?

- Present a report to INAIL and the Police Authorities, using a specific form within two days following the day when you receive the news;
- send the original medical certificates to INAIL;
- pay the employee in full for the day when the accident happened and 60% of their usual daily salary for the three days following the day of the accident.

In case of hospitalisation, the hospital will send a copy of the certificates to INAIL and to the employer.

Warning: when the accident results in death, the employer has to file the report, using a telegraph (or a fax), within 24 hours following the accident.

What must I do if one of my employees contracts an occupational disease?

- Present a report to INAIL within 5 days;
- send the original medical certificates to INAIL.



the registry
the registry

General information

What is the Registry (“Anagrafe”)?

The Registry is a register in which the personal data of the people who live in a Municipality (“Comune”) are recorded.

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

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, while waiting for a stable arrangement.

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 principal centre of his/her business and affairs.

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 can go to the registry office of the Municipality where you reside.

When should enrolment in the registry be 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.



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.

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 a foreign 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.

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 health care card;
- application to enter to a public residential housing accommodation (public housing or “case popolari”).

Can a reception centre (centro di accoglienza) 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”.

Is it obligatory to renew one's enrolment in the registry? 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.



When do I have to communicate variations in my abode to the Office of the Chief of Police (la “Questura”)?

For foreign residents, any variation of their abode is communicated by the Office of the Registry to the appropriate Office of the Chief of Police (“Questura”). 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 Office of the Chief of Police within 15 days from the change.

Requesting enrolment in the Registry

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

It is the request 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.

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.

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.

How can I request 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 declaration of registration.

If you transfer yourself from one Municipality to another you must go in person to the Offices of the Registry in the Municipality where you want to establish the new residence.

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 relocation to the family members.



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 present your request to register your residence.

How long does it take to register changes of residence?

Foreign citizens have to ask to be enrolled in the Registry within 90 days from the date of their entrance in Italy.

Foreign citizens have to ask to change their Residence in the Registry within 20 days following their transfer.

What documents do I have to present?

- A valid passport;
- a tax identification;
- a Permit to Stay valid for more than one year (if it is the first Permit to Stay the person has been granted, the permit must be valid for more than 3 months). If the Permit to Stay is in a renewal phase, then you can present the expired Permit to Stay together with the receipt for the renewal application (provided either by the Office of the Chief of Police, Questura, or post office).

According to the Municipality in which you live, the following may also be required:

- a birth certificate written in Italian or authentic and valid certificates issued by the authorities of the country of origin that attest to your civil 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 also have to bring the declaration issued by the high Commissariat of the United Nations.

Warning: following the registration and/or the change of residence the Municipality will send a group of Urban Police Officers (Vigili Urbani) to check and verify your presence in the new residence, a control which is essential for the completion of the procedure. In case you change residence, before you go to the Municipality, you ask the Office of the Chief of Police located in the area you are going to reside in to register your new residence on



your Permit to Stay. If you have an Italian driver's license, you have to update the residence on this document. 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.

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

They are free.

Registry services

Which of the registry's services and of the civil status services do foreign residents have access to?

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

- birth;
- residence;
- historical registry (shows how long you've been a registered resident in that Municipality);
- unmarried status;
- family/civil status;
- life (certifying that you are alive);
- vaccinations;
- 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 must be in agreement with one another.

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 is valid for 5 years; it is not valid as a document to leave the country.

Warning: the Identity Card issued by the Mayor 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.



When can I request the Identity Card?

For the first time it is issued: at any moment.

For the renewal: 180 days before its expiration.

Where can I request the issuance/renewal and which documents do I have to present?

You have to present yourself in person in the Town Hall, at the Office of Identity Cards.

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

- three identical and recently taken frontal passport-sized photos, without any head covering;
- citizens from the European Union have to present a valid document of identification and the Stay Card;
- non-European-Union citizens have to present their passport and Permit to Stay; if the Permit to Stay is being renewed, one can present the expired Permit along with the receipt for renewal (issued by the Office of the Chief of Police or the post office).

The application form is to be purchased at the district's cashier's window, which must be filled out. An administrative fee must be paid.

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 expired, in the following cases:

- theft;
- loss;
- wear and tear.

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:

- statuses and personal qualities; agreed upon or attested to by the Public Administration;
- facts which can be certified or attested to by public Italian subjects, with exceptions established by specific laws.



What is legalization?

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

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.

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 (i.e., if your religion is not recognised, you need to marry once according to your tradition and a second time in the Town Hall).

In 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 wedding announcement), which must be requested from the Office of Civil Statuses in the Municipality where you reside, as recorded in the Registry. 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.

Which documents must be presented?

- The Permit to Stay, or the declaration of presence (when it is not mandatory to make a declaration of presence, it is sufficient to exhibit the page in the passport on which the stamp of the Border Police is visible);
- the "nulla osta", 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 in the foreign country;
- for foreign citizens residing in Italy, the certificate attesting to their unmarried state and their residence certificate, (both issued by the town hall) with an official stamp (bollo);
- the passport or personal identity document;
- the birth certificate, issued by the Country of origin, translated and legalized, only if the nulla osta contains data related to your birth, paternity or motherhood.

Warning: at the pledge the presence of two witnesses with valid documents



is required (in the case they are foreigners they must show a valid Permit to Stay). Should the foreigner be a resident in Italy, the certification related to residence is issued by the office of the Municipality where he/she is resident.

OTHER SOCIAL SERVICE OFFICES OF THE MUNICIPALITY

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 can go to this office, whether they are Italian or foreign. The social assistants help people who encounter difficulties during their entry and their integration in Italy and they offer useful information on:

- home assistance for elderly people, for minors, and for people with handicaps;
- economic support for families and individuals;
- housing assistance;
- inserting minors in residential structures;
- national and international adoption;
- reserved parking spaces for disabled people;
- discounts for public transportation;
- authorization for access to town soup-kitchens and/or night shelters, etc.

What are educational services?

In every Municipality there is an Educational Services Office that offers information about the following services:

- restaurant services (cafeteria) at school;
- summer, winter and school recreational centres;
- certificates of attendance to the town day-care centres and nursery schools;
- enrolment in the day-care centres;
- enrolment in nursery schools, etc.

What are the cultural, sporting and leisure time services?

In every Municipality, there is an office of Cultural, Sporting and Leisure Time Services that deals with promoting, organizing and to carrying out cultural and sporting initiatives within the Municipality. It offers information about the following services:

- sport centres in the Municipalities;
- summer recreational centres;
- enrolment in the Membership Registers of Cultural, Sporting and On-lus (volunteer) Associations, etc.



lodging
lodging

Guaranteeing lodging

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 (“Centro di Accoglienza”).

I am hosted by relatives/friends, what are my obligations?

It is not you but those who act as hosts who have obligations. Whoever, with any title, gives lodging to or hosts foreigners in his/her own house, is required to inform the police authorities (also called the Polizia di Stato or “PS” - Act of communication of building transfer) when:

- one lends or gives the gratuitous use of an immovable property or part of it to a foreigner;
- one surrenders ownership of an immovable property to a foreigner; communication of the property seller and buyer’s personal data is required;
- one even partially surrenders an immovable property to be used as lodging, if this property is located in the territory of the Italian state.

Does this obligation regard all citizens/firms?

Yes, with the exception of the Sacred College and the Diplomatic or Consular Body/Staff, every citizen or association, private or public, must inform the Police authorities when they are providing lodging for or are hosting foreigners, even if the foreign people being hosted are relatives, friends, etc.

How do I have to carry out this communication?

The communication has to happen in writing within 48 hours, or through a recorded-delivery letter with notice of receipt, to the local Police authorities responsible for the area.

Warning: those who do not abide to the obligation of communicating the provision of an accommodation to a foreign citizen will be subject to a sanction (payment of a fee).

To whom do I have to send the communication?

- To the Offices of the Chief of Police (Questura) if in a Municipality that is a capital of a province;
- to the Police station or to the Town Hall if in any other Municipality.



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;
- the title of the person or association to whom the immovable property has been transferred for housing use, for example, in rent, on gratuitous loan, in ownership, etc.; or simply the declaration of hospitality without intention to profit.

Warning: Law 94/2009: anyone who provides lodging - against payment - or rents an immovable property to a foreign person who does not have a Permit to Stay, or has an expired Permit that has not been renewed, is punishable with a prison sentence of six months to three years. Once the sentence is confirmed (when all appeals have been exhausted), the immovable properties is confiscated unless the owner is someone unconnected with the crime.

Leasing a house

What is the procedure for leasing a house?

One must sign a lease contract. With this contract the person who puts a house up for rent, that is, the landlord, grants it to others for a predetermined period on the condition that they pay a pre-determined sum on a periodic basis (the rent fee). The person who rents the property, that is, the tenant, pays the lease to the landlord usually monthly. The sum due as lease is adjusted every year on the basis of the ISTAT index and increases of an amount corresponding to 75% of such index.

What is the cautionary deposit ("la caparra")?

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 cautionary deposit 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.



The rental contract

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 lease must be paid.

The two main type of contracts regulated by the Law 431/98 are:

- 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 Town Hall/Municipality, a discount or zeroing of the municipal property tax (ICI).

Is registering the rental contract compulsory?

Yes, by law the landlord must register the rental contract at the Registry Office (“Ufficio del Registro”) within 30 days from the signing of the contract. The registry tax is equal to 2% of the lease due in a year. Half of the cost of 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 the announcements that they publish regarding this kind of assistance. Your application is evaluated based on your income and the percentage of the cost of the rent out of the income.

Warning: if the contract is not registered it is not valid as proof that you have suitable housing; without this proof of suitable housing you cannot renew your Permit to Stay.



Purchasing a house

Can I purchase an apartment?

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 for Italian citizens. Others, however, may only purchase a residence 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.

Which documents do I have to sign in order to purchase a house?

- A purchase offer (proposta di acquisto della casa), 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 (a part of the total price);
- 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 obligatory;
- 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 (notary deed, or “rogito notarile”), and in the presence of the seller and the buyer, and is written in the due public form.

What is a 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, or “ipoteca”, described below). If your income is not sufficient to pay the mortgage instalments, the bank requires a guarantee (fidejussion) 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 (ipoteca) 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 that 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 the banks.

Warning: if you are thinking of taking out a mortgage (asking for a loan), check with the bank to make sure you are informed about all the requisites for obtaining the loan of the sum that you need before making a purchasing offer (proposta di acquisto della casa).

What are the conditions required by the bank in order to obtain a loan or a mortgage?

Before the bank will grant you a loan or a mortgage, it requires the following guarantees:

- your income tax statement;
- the automatic payment of the applicant's salary to his/her bank account (in some cases this is not obligatory);
- personal security or property guarantees.

What must be specified in the contract for accessing a loan/mortgage?

The main conditions that are specified in the loan/mortgage contract are:

- within how much time the money will be returned (from 5 to 30 years), taking into consideration the age of the person making the request;
- what interest rate will be applied (there is a law establishing the maximum interest applicable and forbids the application of a usury rate); 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 the payment rate is and the reimbursement plan (how often the payments must be made); the rate to be paid must be tolerable in relation to the level of income of the person making the request;
- the amount of the penalty for advance closure of the mortgage.

Who writes the contracts related to mortgages and the house?

Both the “buying and selling” (compravendita) contract for the house and the contract for the management of the loan/mortgage must be drafted and registered by a notary.



What taxes and expenses will I have to face at the moment when I purchase the house?

- Registry tax (imposta di registro, with facilitated conditions for those who are buying a house for the first time);
- if the real estate is bought from a business you also have to pay the Vat Registration Tax (Imposta sul Valore Aggiunto or IVA);
- mortgage tax;
- cadastral tax;
- the expenses for the notary regarding the two contracts: the buying and selling (compravendita) contract and the contract for the management of the mortgage.

What expenses do I have to face as an owner or tenant of a house?

You must pay the bills for the use of the services provided to you (the gas bill, the electricity bill, the water bill, the heating bill, the telephone bill 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.

Reception Centres (Centri di Accoglienza)

What are the reception centres (or Centri di Accoglienza)?

The reception centres are structures that guarantee a series of social 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 briefest possible time.

Can I enter the reception centres?

Only if you are a foreigner with a legal Permit to Stay for reasons of actual or prospective employment and family, but do not have the possibility of finding a house on your own.

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 unusual emergency (established by the mayor);
- foreigners who have permits to stay for tourism, study, business, medical treatment and other types of “brief duration” permits.

Is the lodging at the reception centres free?

It may be free or subject to the payment of a rental fee.

Do I have any obligations when I am a guest in a reception centre?

Yes, rules of the reception centre must be respected.

PUBLIC RESIDENTIAL HOUSING

What is public housing?

It consists of houses that are built with public funds and belong to public agencies, designated for residence.

Who has access to the public residential housing?

Italian citizens as well as foreign citizens with a Permit to Stay, of at least two years, who are regularly employed or self-employed or have an EC Long-term Residence Permit. Access to housing is also allowed to individuals with refugee or subsidiary protection status.

Note: the availability of housing in accordance with the plan for increasing public housing (art. 11, L 133/2008) provides for measures to increase the amount of housing designated for certain categories defined as “disadvantaged”. This includes low-income legal immigrants provided that they have been residents in Italy for at least 10 years or residents in a specific region for at least 5 years.

In addition, in order to meet the minimum requirements of the national fund for supporting access to local housing and benefit from rent subsidies, immigrants have to have been a resident in Italy for at least 10 years or resident in a specific region for at least 5 years.

What are the procedures for accessing public residential housing?

Those people who want to reside in public housing (so called “case popo-



lari”) must present the request to the Municipality where they reside, written on the appropriate form that is available at the Town Hall, via recorded-delivery letter. For information contact the Office of Public Relations or the Municipal Housing Office.

What is a building co-operative?

A building co-operative is a corporate body that works to construct or purchase residences designated for the partners that take part in the co-operative. A house in a co-operative is generally advantageous because the co-operatives make use of special tax breaks. For this reason it is necessary that the partners meet established requisites (residence in the Municipality, low income, not owning other property, etc.).

Can I take part in a building co-operative?

Yes, foreign citizens can take part in a building co-operative.

health
health

Enrolling in the National Health Care System (SSN)

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. The foreign citizens residing in Italy, with a legal Permit to Stay, have the right to the health care assistance insured by the National Health Care System (SSN), with equal treatment compared to Italian citizens. The health care assistance covers, in addition to those who are enrolled, the family members who are legal dependents and legally staying in Italy.

Where do I go to enrol?

Enrolment takes place at the Local Public Health Corporation (ASL) of the territory in which you have your residence or, if you have not declared your residence, according to the area in which the address that appears on your Permit to Stay is found.

What is the Local Public Health Corporation (ASL)?

The Local Public Health Corporation is a collection of hospitals, doctors' offices, family planning clinics and offices that, in a local government context (for example in a province), that provides for the health of the population. At the ASLs, it is possible to request to be enrolled in the National Health Care System (SSN) and to choose one's personal general practitioner (or family doctor).

Can I enrol in the National Health Care System (SSN)?

Enrolment in the National Health Care System is compulsory for foreign citizens who own:

- an EC long-term residence permit;
- a Permit to Stay for subordinate employment;
- a Permit to Stay for self-employment;
- a Permit to Stay for enrolment in the job-placement lists;
- a Permit to Stay for family reasons;
- a Permit to Stay for political asylum;
- a Permit to Stay for humanitarian asylum;
- a Permit to Stay for expected adoption;
- a Permit to Stay for foster care;
- a Permit to Stay for acquiring citizenship.

Those foreigners who are waiting for the renewal or issuance of the Permit



to Stay do not lose the right to be enrolled, or if they are not enrolled, they can still enrol themselves.

Family members also have the right to enrolment if they are legal dependents.

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 enrol in the SSN under the same conditions as Italian citizens, provided they have a Permit to Stay for political asylum that is still valid.

Foreign children who are minors and whose parents are enrolled in the S.S.N. are insured, from the moment they are born, the same treatment as Italian enrolled minors.

When is enrolment in the National Health Care System not allowed?

One cannot be enrolled if one's Permit to Stay is not renewable or in case of expulsion, unless the person is able to provide evidence that an appeal has been made against the same expulsion.

What documents do I have to present in order to enrol myself in the National Health Care System?

- A valid Permit to Stay; if the Permit is being renewed, then you can present the expired permit along with the receipt for the renewal (issued by the Office of the Chief of Police or the post office);
- a certificate of residence (or declaration of regular abode as written on the Permit to Stay);
- tax code;
- a declaration in which one takes on the responsibility of communicating any variation of their own status.

In addition:

- the unemployed people who are enrolled in the Employment Offices have to self-certify that they are enrolled in the Employment Agency;
- those 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.



How long does enrolment in the National Health Care System last?

Enrolment is valid indefinitely for the entire length of the period of validity or of renewal of the Permit to Stay or the EC long-term residence permit.

When does enrolment in the National Health Care System stop?

Enrolment in the National Health Care System stops:

- if the Permit to Stay expires, unless the request for renewal or the renewed Permit to Stay are exhibited;
- 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 SSN 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 SSN obligatory).

What documents and social-health services do people enrolled in the National Health Care System have access to?

- The health care card;
- the selection of a family physician and a paediatrician for one's children;
- general medical examinations in clinics and medical examinations with specialists;
- medical exams at home;
- hospital admittance;
- vaccinations;
- the blood exams, x-rays, ultrasound, etc.;
- prescriptions for medicine;
- certificates and legal-medical services;
- rehabilitation assistance, prostheses, etc.

The Health Care Card

What is the health care card?

It is the document issued by the A.S.L. that demonstrates that you have en-



rolled in the SSN. It is essential in order to access the available health services. The name and surname of the person who is enrolled as well as the name of the general practitioner are written on the card.

What do I do if I lose my health care card?

You must go to the competent local authorities, report the loss and then request a duplicate from the ASL to which you belong.

National Health Care Services

Who is the general practitioner (or family physician)?

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 medicine, analyses and exams with specialists;
- she/he recommends hospitalization if necessary;
- she/he supplies certificates.

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.

How do I choose a family physician and family paediatrician?

The person enrolled in the SSN can choose the family physician and the family paediatrician for their children who are between 0 and 14 years old and have the right to have a physician specialized in paediatrics.

At the office that issues the health care card it is possible to consult a list of available physicians. The name of the family physician is then printed on one's personal health care card.

Are the certificates that are issued by the family physician and the family paediatrician free?

The following certificates are free:

- 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 to be used for insurance practices;
 - a certificate to be used for the request for the recognition of a person's status as a disabled person.

Can I revoke or replace my family physician at any moment?

Yes, by filling out a special form; at the same time you must also choose a new physician.

How does one have an examination with a specialist?

To have an exam with a specialist, it is necessary to visit and obtain a special request for the specialist from the family physician first. With the family physician's request and the health care card in hand, you must go to the office of appointments at the ASL in order to book an appointment for this special health service. These services can also be carried out at doctors' offices and at private laboratories if they are covered by the insurance.

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 ticket for medicine does not have to be paid by:

- disabled people who are 100% disabled (disabilities are measured in 3 levels), civil invalids with a disability above the 2/3rds level, or invalids who receive government assistance in order to pay for nursing or other help due to a disability, blind people and deaf/mute people;
- victims of terrorism and organized crime;
- patients subjected to painful therapies;
- welfare recipients;
- retirees with the minimum pension, who must be more than 60 years old.

For services from medical specialists, the following are exempt from paying the ticket:

- welfare recipients and any of their legally dependent family members;



- unemployed people, retirees who receive the minimum pension rate and are older than 60 years-old;
- people with a disability above the 2/3rds level, or invalids who receive government assistance in order to pay for nursing or other help due to a disability;
- people injured at the workplace and all categories of citizens who are exempt from working 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:

- procedures for the early diagnosis of the tumours (mammography, pap tests, etc.);
- services aimed at protecting maternity, for example, analysis, ultrasound, etc.;
- services for promoting blood, organ and tissue donations, and non-obligatory vaccinations for children under 14 years old.

How do I obtain exemption from paying tickets?

By presenting the request to the ASL, accompanied by a certificate from a medical expert or hospital physician, your health care card, and your tax code. The ASL then issues a card that permits multiple prescriptions for up to a maximum of 6 portions of the medicine required for the pathology.

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.

What are the emergency services?

In the cases of serious urgency (accidents, injuries and any situation where a life is in danger) you can reach the Emergency Room (Pronto Soccorso) of a hospital or request medical services by dialling the free telephone service, “118”, that works 24 hours a day.

Is hospital assistance free?

Hospital services are free for all those who are enrolled in the National Health Service system. The financial law 2006 provides that from 1 January 2007 it is necessary to pay a for a ticket on emergency room services that are not classified as urgent (code white or “codice bianco”).

What is the “doctor on duty” (la guardia medica)?

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.



Is nursing assistance included in the National Health Care System?

Currently this type of assistance is not included 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.

Can health examinations and treatments be imposed?

Only in the cases provided for by the law (“Obligatory Sanitary Treatments”) but always with respect for the dignity and civil rights of the individual. 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.

Can anyone oppose an obligatory health treatment?

The person who is submitted to the treatment, or who has a stake in the situation, can present the Court with an appeal against the provision (corroborated by the tutelary Judge) for hospitalization.

What happens if the hospitalized citizen is foreign or stateless?

The provision must be communicated to the Ministry of the Interior and to the consulate of the Country to which the in-patient belongs or with which she/he is affiliated. The Prefect takes care of the communication.

What are the family planning clinics (consultori familiari)?

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 it is possible to enter the clinics for access to these services by appointment. The service is also available to foreigners.

The professionals in the 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.

You can go to the family planning clinics for the following services:

- consultations and examinations regarding contraception;
- for assistance during pregnancy;



- for courses in preparation for giving birth;
- consultations, examinations and certificates for the voluntary interruption of a pregnancy (IVG);
- periodic gynaecological check-ups;
- prevention of female tumours;
- consultation and assistance during menopause;
- paediatric assistance;
- obligatory (and recommended) vaccinations;
- counselling regarding social and psychological problems.

Where can I find the family planning clinics?

In the telephone directory, under “Aziende sanitarie locali” (Local Health Offices) for those clinics that are public and under “Consultori” (Clinics) for those that are private.

Are there any other local social sanitary services I can access?

Yes, the Local Rehabilitation Units (Unità territoriali di riabilitazione, UTR) and Mental Health Centres (Centri di igiene mentale, CIM).

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.

Are compulsory vaccinations free?

Yes.

Under which circumstances can one be asked to present a certificate of vaccinations?

- When enrolling in elementary school;
- when enrolling in nursery school;
- when enrolling in a day-care centre,
- when enrolling in the summer recreational centres, for taking part in competitive sports activities, etc.

Who can voluntarily enrol in the National Health Care System?

Non-European Union 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:

- stipulating an insurance policy with an Italian or foreign insurance institute, as long as the policy is valid in Italian territory;
- by voluntary enrolling in the National Health Care System after paying the minimal annual fee in proportion to the declared income.

The following have the right to voluntary enrolment in the Health Care System (paying an annual fee):

- students;
- au pairs, as defined by the European Accord of Strasbourg of November 24th, 1969 (ratified with law n.304, 18 May, 1973);
- religious people;
- people with permits to stay for elective residence who do not carry out any work activity;
- accredited foreigners who work in the Embassy in Italy;
- all other people who are not required to enrol and are not listed above.

Which documents must I present in order to voluntarily enrol in the National Health Care System?

- A valid Permit to Stay; if the Permit is being renewed, then you can present the expired permit along with the receipt for the renewal (issued by the Office of the Chief of Police or the post office);
- a certificate of residence (or declaration of current abode as seen on the Permit to Stay);
- your tax code;
- a receipt demonstrating that you have paid.

Those who have to produce a further certification include:

- students (self-certification of enrolment in the course of study);
- foreigners working as au pairs (a declaration of the status of the foreigner working as an au pair).

What do I have the right to if I do not have a valid Permit to Stay?

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 been 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 social protection during pregnancy and motherhood;
- vaccinations;
- interventions for international prophylaxis;
- prophylaxis, diagnosis and care of infectious diseases;
- activities aimed at protecting mental health.

Temporarily Present Foreigners (STP)

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.

When an illegally present foreign citizen (STP) in Italy goes to the health structures, she/he is not reported to the police authorities, except in the cases in which the law obliges the health structures to report them.

Can I access health services if I do not have the money to pay the ticket?

If the foreign citizen does not have enough money, she/he will only pay a part of the ticket (a share of the fee).

A foreign citizen who is totally without money (a situation of indigence) 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.

What services do I have a right to, even if I do not have the money to pay the ticket?

As is true for Italian citizens, the illegally present foreigner (STP) in a state of indigence (complete poverty) is exempt from paying the ticket in the following cases:

- first level health services;
- emergencies;
- state of pregnancy;
- pathologies that are exempt from payment;
- subjects who are exempt due to their age or because they are affected by a serious disability.



education
education

The right and duty to receive education and vocational training

In Italy there is a right and duty to receive education and vocational training that starts at 6 years old.

The national education system consists of public and private schools. The compulsory school encompassed two study itineraries: 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 itineraries of the second cycle allow university access.

Day-care (or the “Crèche”)

At what age can I enrol my children in day-care?

Children can be enrolled once they have turned three months old and until they are 3 years old.

How long does day-care last?

3 years.

Who manages day-care?

The Municipalities or private organizations.

How do I enrol my children in a municipal day-care centre?

You have to present 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 sanitary problems. A classification list (graduatoria) is then created 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 municipality specific regulations.



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. You can ask the school board directly for information regarding enrollment in these schools.

Nursery School

Beginning at what age can I enrol my children in Nursery School?

Children can be enrolled if they will turn three years old before April 30 of the year of enrolment.

How long does Nursery School last?

3 years.

Who manages Nursery School?

The Municipalities, the State and private proprietors.

Where should I go to enrol my children in a Nursery School work?

Go to the Department of the Scholastic Services of the Municipality to which you belong in order to enrol your child in the municipal Nursery School; in all other cases, go to the reception office of the school that you are interested in. Enrolment in public schools is based on a classification list (graduatoria).

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.

The first cycle

PRIMARY SCHOOL

Beginning at what age can I enrol my children in primary school?

Enrolment is compulsory when the child is 6 years old and optional once



the child is 5-and-a-half (children turning 6 before April 30 of the scholastic year of reference can enrol).

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 the revision of these laws.

How long does primary school last?

5 years.

Where should I go for further information?

Go to the Education Office that is responsible for the territory where you reside to get information about the public schools, or go to the Town hall in the Municipality where you reside, or go to private schools.

SECONDARY SCHOOL

What is it?

It is the schooling itinerary that follows primary school.

How long does it last?

3 years.

Where should I go for further information?

Go to the Education Office that is responsible for the territory, or to the Town hall in the Municipality, or go to private schools.

The second cycle

What is it and what is it for?

The second cycle includes high schools and vocational education/training. All of the options, can lead to University.

Attention: 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 in-



form people of the changes and orient the students. All relevant information can be obtained online at www.pubblica.istruzione.it

Is it possible to pass from one itinerary to another?

Yes, and it is also possible to change focus (or “major”) within the same itinerary, using the teaching initiatives offered by the school; in fact, beginning when the students reach 15 years of age, different methods of learning are provided for:

- full-time study;
- alternation between school and a job with a training internship in a cultural, social and productive setting, even with the possibility of an experience abroad;
- apprenticeship.

SECONDARY SCHOOLS/HIGH SCHOOLS

How many types of high school exist in Italy?

Artistic, Classical, Socio-Psico-Pedagogical oriented, Linguistic, Scientific. High school is divided in a two-year period, followed by a three-year period.

How long does high school last?

5 years.

Do I have to take an examination at the end of high school?

Yes, there is a state examination at the end of the 5th year. It is required in order to enrol in university, in advanced artistic, musical or dance training, in advanced technical and vocational education/training (IFTS, see below).

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 courses are: 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 educational trajectories end with a state examination and allow access to higher education (university, AFAM, IFTS).

VOCATIONAL EDUCATION/TRAINING (IFP)

What is it and what is it for?

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 employment world.

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 dance 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).

University

How is the University structured?

University is structured in two levels and in any department the student can achieve a:

- a first-level degree after a three years academic course (Laurea);
- a second-level degree after an additional two years course (Laurea specialistica).

Who can enrol in university?

Anyone who has an “A level” Diploma issued by a secondary school (high school) or a professional qualification, can go to University to obtain a degree.

How can I enrol in university?

Access to Italian Universities is open to the following categories:

- citizens of European Union member states wherever they may be residents or



- citizens of non-European Community states who are Italian residents are in a completely equal position to Italian citizens as far as enrolment is concerned;
- foreign citizens already present in Italy must possess a valid Permit to Stay;
 - foreign citizens residing abroad must obtain a Visa for Study reasons.

What academic qualifications are necessary for enrolment in university?

Qualifications achieved after a scholastic period of at least 12 years. If the period is inferior to 12 years, the students must present, in addition to the original diploma from their secondary studies, an academic certificate that attests that they have passed all the necessary exams:

- for the first year of university studies, if the student has attended their local school system for eleven years;
- for the first two years of university studies, if the student has attended their local school for ten years.

When and where do I have to present the request to enrol?

The request for enrolment 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).

Which documents do I have to present to enrol myself?

Your title of study, legally recognised/translated by the appropriate Italian Diplomatic Representative.

How many places in the Universities are available 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**.

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 “certificate of competence” in the Italian language issued by the Third University of Rome (“La Terza Università degli Studi - Roma 3”), or from the Perugia and Siena “Universities for Foreigners”;
- certificates issued abroad regarding your level of competence in the Italian language.

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:

- have passed a test of profit during the first year of study and at least two tests per year in the following years;
- the Permit to Stay can be renewed with only one test of profit should there be documented proof of serious health problems.

However, renewals cannot be issued for more than three years past the legal duration of the academic program (corso di studio).

I have come to Italy to enrol in university. Can I change degree course?

Yes, with the approval of the university.

Can I request additional renewals of my Permit to Stay in order to achieve a specialization (Masters, etc.) or a research doctorate (PhD etc.)?

Yes.

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.

Can I receive a scholarship or other economic assistance?

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. In addition, the Regions can allow free admission/tuition to foreign students in conditions of particular economic distress, if opportunely documented.

Advanced professional training (IFTS)

What purpose does it serve?

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 employment world.

Who manages advanced professional training?

IFTS professional training is managed by the Regions according to a three-year plan. The planning of the education provision for the years 2007-2009 is currently underway. More information about the courses offered by the Region are available on the website

http://www.pubblica.istruzione.it/dg_post_secondaria/figure_nazionali.shtml or <http://www.bdp.it/ifts/2003/home.php>

How much does it cost to attend a professional training course?

Attendance of courses is free; in some cases, a reimbursement is even offered, calculated on an hourly basis.

What requisites must I have in order to be admitted to a professional training course?

- A good level of knowledge of the Italian language;
- To have a high school diploma or a four-year vocational education/training certificate (IFP, see above).

Legal recognition of your academic qualifications

I would like to continue my 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 making the request, you must attach the following documents:

- a photocopy of the high school diploma that has been translated and legalized and the declaration of value (dichiarazione di valore) 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 examinations you have completed (i.e., a "transcript"), translated and legalized;
- a description of each examination/course you completed;
- a photocopy of your identity document or Permit to Stay.

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 request.

Recognition of professional titles

I have a professional qualification. What do I have to do to have my title recognized in Italy?

You must submit a request to the responsible ministry.

How long does it take to have a professional title recognized?

Within thirty days from when the request is received, the responsible Ministry will check the completeness of the documentation presented for the request.

Within four months from the presentation of the request or its possible integration, the Ministry responsible will issue a decree recognizing the title with a decree, if the title has been recognized.



I am a doctor/nurse. To whom do I have to go in order to have my title/academic degree recognized in Italy?

For all titles/degrees in the field of nursing and medicine, the Ministry of Health, is responsible for recognition procedures.

I am a lawyer/accountant/biologist/chemist/agricultural economist/geologist/engineer/psychologist/work consultant/surveyor/journalist/agrarian or industrial expert. To whom do I have to go in order to have my title/academic degree recognized in Italy?

The Ministry responsible for recognizing these professional titles is the Ministry of Justice.

I am a consultant for industrial property/commerce mediator. To whom do I have to go to have my title/academic degree recognized in Italy?

The Ministry responsible for recognizing these titles is the Ministry of Economic Development.

I am a teacher. To whom do I have to go to have my title/academic degree recognized in Italy?

The Ministry responsible for recognizing these professional titles is the Ministry of Education, University and Research.



safeguard
of individual rights
and discrimination
safeguard

of individual rights
and discrimination

Safeguard of individual rights

Can a foreign citizen bring a case to court in the case that his/her individual rights are violated?

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.

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.

How is the Italian Justice 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.

Who is the Justice of the Peace (giudice di pace)?

The Justice of the Peace is an 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.

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 situated in Rome. To the Civil Court for family-related issues (e.g., family reunification).

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.

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 choosing. You will be granted free legal aid (*gratuito patrocinio*) 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 10.628,16 euros (September 2009).

I have been denounced of a crime but I do not know anyone who is a 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 (*gratuito patrocinio*), then you must pay the lawyer an honorary fee at the usual fare.

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.

Discrimination

I have heard that there is a law against discrimination. But how exactly does the law define 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.



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.

I am a victim of discrimination but am afraid of the consequences of denouncing 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.

I am a victim of discrimination in my work place. What can I do?

The trade unions can file a case in court to defend the victims of discrimination in case of collective discrimination by an employer.



income tax
statements
income tax
statements

General information

The income tax statement is a document through which the state learns about the activities you receive compensation for and establishes the amount of the taxes that you must pay.

The income tax statement must be presented by everyone who has had an income during the preceding year, including entrepreneurs and self-employed professionals with a VAT Registration Number, even if they have not received any income. The income tax statement is to be submitted by filling out the forms made available every year by the Department of Revenues (Agenzia delle Entrate). The forms to be filled out differ depending on whether it is an individual or a company that is presenting the income tax statement. Individuals (persone fisiche) must use the Unique Form (modello Unico), or the 730 form if they are subordinate employees, contract workers or pensioners. Other forms are the 770 form (to be filled out by the employer) and the “Red” for pensioners.

What are income tax statements for?

For the foreigners this is especially important for:

- the application for an EC long-term residence permit;
- the application for family re-unification;
- the renewal of the Permit to Stay;
- the application for citizenship.

This form is also important when:

- one needs credit from the bank;
- one needs to purchase something in instalments;
- one needs to rent a house;
- one needs to clarify his/her own tax status with the Ministry of Finance.

CUD

What is the CUD?

The CUD (la Certificazione Unica dei redditi di lavoro Dipendente) is the Single Certification of Income from Subordinate Employment activity (redditi equiparati e assimilati). The following information must be inserted in the CUD:

- the income from the preceding year;
- the “ritenute” (deductions made directly by the employer before paying the salary), deductions (deduzioni) and detractions (detrazioni);



- the Public Welfare, retirement and National Insurance information related to taxes paid to INPS and INPDAP;
- the amount of the Public Welfare, retirement and National Insurance taxes that the worker must pay and has paid or still has yet to paid to the same Welfare, retirement and Insurance authorities.

The employers or public or private organizations that allocate retirement payments must deliver the certificate, in duplicate, to the employed or retired taxpayer, or to whomever receives an income that is equal or similar to that received by a subordinate employee.

The 730 form (Modello 730)

For whom is the 730 form worthwhile?

Subordinate employees and pensioners should present their income tax statement using the 730 Form. In this case your employer or retirement fund authorities (ente pensionistico) or the Centre for Fiscal Assistance (Caaf) that you have been in touch with are the people who will forward your income tax statement for submission to the financial administrations.

For people that have legally dependent family members (husband/wife, children) even if the children are not residents in Italy.

What are the advantages of the 730 Form?

It is easier to fill in and it is not necessary to make any calculations. If you have paid more money than necessary, the reimbursement will be included in your pay check, or in your pension instalment for July.

If instead you have paid too little, the sum of your debt to the tax authorities will be directly deducted from your pay check or from the pension instalment.

Which documents do I have to present?

- The income tax statement from the preceding year;
- cadastral inspections (evaluation of property);
- certificates of incomes from subordinate employment, work as a consultant/contract work (lavoro di collaborazione), occasional self-employment, capital income, etc.;
- receipts and invoices related to deductible and deducible expenses (medical expenses, interest rates that you have paid to pay back a loan for buying your main house, funeral expenses, veterinary expenses, life and accidents insurance, vol-



untary donations, compulsory Social Security taxes, taxes for domestic employees, donations to political parties, to religious institutions, or to an Onlus, expenses for interventions during hospitalization or expenses for interventions to renovate an estate building, etc);

- certificates of direct payment.

Which incomes are declarable?

- Income from subordinate employment (e.g., salaries, wages);
- income considered to be the same type as those from subordinate employment;
- income from real estate (land or building properties);
- income from capital, e.g., dividends, interest;
- income from self-employment (e.g., professional fees) for which a VAT registration number (or Partita IVA) is necessary;
- some income from sources other than those mentioned above;
- some income that are subject to separate taxation.

How should a declaration be made?

The 730 Form must be presented already filled out to one of the Centres for Fiscal Assistance (Caaf) or to the employer or to the retirement fund authorities (i.e. social security authorities). All tax documentation (the documents related to the deductible (deducibile) or deductible (detraibile) expenses) should be preserved for at least 5 years since the administration can request to see it for verification.

People who do not present the income tax statement within the expiration date cannot receive reimbursements for the past years. If they have not paid their taxes, sanctions will be applied from 120% to 240% of the unpaid taxes.

What can I do if I make an error?

If you realize you to have made errors when filling out the forms, you can rectify the situation by presenting an “integrative declaration” (dichiarazione integrativa). You have to use a 730 Form on which you will check the box “integrative 730 “, and present it, within the established deadlines, to an authorized centre for tax assistance.

The Unique Form (Modello Unico)

Where should the Unique Form be used?

Individuals must use the Unique Form:



- at the bank or the post office, if the form is filled out on paper; this method is reserved for subjects who do not have a VAT Registered Number (partita IVA);
 - using the Internet; both for people who are obliged by law to use the Internet and for those who decide to use the Internet for own convenience.
- The same terms apply to partnerships of people (“società di persone”) also apply to individuals.

Who has to use the Unique Form?

- People that do not have a CUD and can not present a 730 form;
- the people who have or have had more than one job (for example, people that do two jobs simultaneously, or who worked for a few months of the year in one firm, then other months in another firm);
- depending on the level of their income, people who were legally employed the previous year but this year do not work anymore;
- domestic cleaning people and care-givers (for children, elderly people, people with disabilities, etc.).

Which documents must one present?

- The income tax statement from the previous year;
- the personal data and tax codes of any legally dependent family members;
- the CUD from the previous year;
- receipts with the withholdings accounted for, etc.;
- documents related to the deductible (deducibile) or deductible (detraibile) expenses.

Which documents do domestic cleaning people and care-givers have to present?

- A the employer's income tax statement for the previous year;
- the taxes paid by the employer for the worker to the INPS (bollettini);
- paid receipts from IRPEF;
- rental contract;
- documents related to the deductible (deducibile) or deductible (detraibile) expenses.

Can I have a discount on my taxes?

Yes, for some expenses (the so-called “deducible and deductible expenses”) the State grants a discount on the taxes:

- medical expenses, receipts for medicine, eyeglasses, invoices from dentists and other health expenses;



- scholastic tuition;
- insurances: life, automobile, etc.;
- welfare taxes, taxes paid to the INPS for domestic cleaning people;
- interest rates for mortgages.

What is the Irpef account?

It is the amount that you have to pay as an advance for the income taxes for the year in progress. To ascertain whether it is due or not in your case, it is necessary to refer to the tax calculated in the income tax statement from the previous year.

How can I resolve any errors made?

If, at end of the year you realize that you have paid a deposit inferior to the amount owed, you can legalize your situation by using the so-called form for “self-correction of miscalculations” (so called “ravvedimento operoso”). With this form, you pay the amount of money missing and, in addition, a penalty fee equal to 6% of the amount owed and an interest rate for each day following the date when the money should have been paid (the number of days you are late in making the payment). The total sum must be paid within the deadline for the presentation of the income tax declaration for the year in which you did made the mistake and not pay the due sum (e.g. payment not made in 2005, presentation of the self-correction form before the October 31, 2006). If this deadline is passed, the sanction rises to 30% of the unpaid sum, in addition to the interest rates.

Where can I find the CUD, the 730 form and the Unique form?

You can download it free of charge from the Internet site of the Ministry of Economy and Finances (il Ministero dell’Economia e delle Finanze) or from the website of the Office of Revenues (l’Agenzia delle Entrate).

The 770 Form (Modello 770)

What is the 770 Form?

The 770 model is presented only by those who pay remunerations. It does not concern those who perceive an income. It is typically the form used by the employer to declare the wages and salaries paid of whatever kind and the “ritenute” (withholdings). Since 2002 this kind of income tax statement form (also known as the “substitute for taxes” or “sostituto d’imposta”) has



been divided in two, distinct and separate tax statements:

- the simplified 770, which contains the withholdings taken from the salaries of employees, self-employed workers and occasional or continuous collaborators (independent contractors). This tax statement cannot be made using the Unique form and must be presented on a separate form;
- the ordinary 770 is used for declaring other withholdings (ritenute), such as those for dividends distributed to companies. In this case it is possible to use the Unique Form.

Where can I present the 770 form?

Only on the internet, directly or through an authorized intermediary. The declaration is considered to have been delivered the day in which it is transmitted via Internet to the Office of Revenues (l'Agenzia delle Entrate). The declaration cannot be presented at banks and post offices, nor can people who are outside Italy send it via registered mail/recorded delivery post.

Where can I find the 770 Form?

You can download it for free from the internet site of the Ministry of Economy and Finances (il Ministero dell'Economia e delle Finanze) or from the website of the Office of Revenues (l'Agenzia delle Entrate).

Red, ICI and ISEE

What is the "Red"?

The Red is a tax statement form that must be presented by retirees who receive additional retirement and welfare services as well as a pension from the INPS based on the level of their income. It is a tool that is used to determine whether the retiree is entitled to such services.

What is the ICI?

It is a tax applied to tax payers who own agricultural estates, building sites and real estate; this tax must be paid to the Municipality in which the real estate is situated. As of 2008, tax payers are exempt from paying the ICI tax for their main residence.

What is the ISEE (Situazione Economica Equivalente)?

It is the certificate of the income of the nuclear family and is necessary in order to access social services/tax breaks supplied by Public Agencies (Enti Pubblici) (family/child benefits, maternity benefits, etc.).



banking
banking

Banking services

Which banking services could be useful for me?

Generally the services in high demand are: a savings book (or “bank book”/libretto di risparmio), a bank account (which is necessary in order to have a check book, a automatic teller machine - ATM card, and/or a credit card), money transfers, loans and mortgages (see also page : purchasing a house).

What is a savings book (libretto di risparmio)?

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 or “portatore” (the person exhibiting the savings book at the service window is entitled to deposit or withdraw money). The accrued interests are calculated and added to your account once a year.

I have to open a savings book (or “bank book”), how do I do this?

You choose the bank where you want to open the savings book and go there, bringing with you:

- your tax code;
- your Permit to Stay.

Some banks may also require:

- your pay check;
- your certificate of residence.

What is a bank 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” (me medesimo) 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.

I need to open a bank account, how do I do this?

You choose the bank where you want to open the account and go there, bring-



ing with you:

- your tax code;
- your Permit to Stay.

Some banks may also require:

- the residence certificate (but this is no longer required by law);
- a guarantee from another Foreign or Italian client who the bank knows well;
- an income tax statement;
- an initial deposit in your account.

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.

What is an Automatic Teller Machine card (“Bancomat”)?

The Automatic Teller Machine card is a magnetic card that you can request to your bank if you have an account with them. The Automatic Teller Machine card is the national credit card and can be used in all the automatic teller machines in the country (and in some European machines as well) for cash withdrawal. In addition, many supermarkets and shops accept it when you are paying for purchases (Point of sale - POS).

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).

What is a money transfer (“bonifico bancario”)?

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 trans-



actions varies from one bank to another.

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 2%).

Which documents does the bank require?

The documents required vary from one bank to another but in general they are the following:

- a Permit to Stay;
- a tax code (codice fiscale);
- a form on which you have to write your personal data, the amount that you want to transfer and the name(s) and the country of the recipient(s).

Attention: if you turn to a Money Transfer agency to send money, then you should remember that you have to show your Permit to Stay, otherwise the owner of the agency will provide your name to the police within 12 hours, indicating that you did not show a Permit to Stay.



other services
other services

Introduction

In this section you can find useful information regarding the Tax Code (“Codice Fiscale”) and about driving and vehicles.

The tax code is a “code” that identifies individuals in an unambiguous/definite way in relation to the payment of income taxes and other taxes. You must have it in order to work and to access a number of important services.

In the section about driving and vehicles you will find useful information about how to have your driving licence recognized in Italy/converted into an Italian driving licence and some information about the laws that regulate the circulation of cars in Italy.

The Tax Code (Codice fiscale)

What is the Tax Code?

The tax code contains the personal data (the name, date and place of birth) of the individual. It is issued for free by the local office of the Department of Revenues of the Ministry of Economy and Finances (Ufficio locale dell’Agenzia delle Entrate) and it is needed in order to identify individuals for tax purposes.

Warning: for those foreign citizens who enter Italy for employment reasons, the consulate authorities issue the tax code at the same time that they issue the entry visa.

How can I obtain it?

You must have:

- a valid Permit to Stay; if the Permit is being renewed, then you can present the expired permit along with the receipt for the renewal (issued by the Office of the Chief of Police or the post office);
- a photocopy of your passport;
- a valid identity document.

With these, you can go to the local office of the Department of Revenues (“Agenzia delle Entrate”) and fill out a form, the tax code card will be mailed directly to your home. For newborns, the birth certificate or the relevant self-certification made by the parent is sufficient.

What is the tax code used for?

- For enrolling in the National Health Care System;



- to be hired as subordinate employees;
- to begin an self-employed activity;
- to conclude various contracts;
- to open a bank account at the bank or at the post office.

What if I lose the tax code card?

You can ask for a duplicate at the same local office of the Department of Revenues or:

- at one of the self-service video terminals at the local office of the Department of Revenues;
- on the Internet website www.agenziaentrate.it.

After a few days of waiting, the new card will arrive by priority mail at your home.

Warning: if you change your residence, you have to go to the local Department of Revenues to communicate your new data, with an identity document that demonstrates your new residence or else you have to fill out a self-certification form.

Driving and vehicles

Can I drive in Italy with my licence from another country?

If you have a driving license issued by a State that does not belong to the European Union, you can drive during the first whole year of residence in Italy. If the licence or the driver's permit is written in languages other than Italian, it must be accompanied by an official translation in Italian language or by an equivalent document. It is necessary to request a conversion to receive an Italian license at the end of your first year of residency in Italy, as your driver's license is no longer valid in Italy. Driving without the conversion constitutes the crime of driving without a license. For licences issued by European Union Member States it is possible to request the conversion or the recognition of the validity of the foreign license.

The conversion means that you will be given an Italian license to replace the foreign one. If you obtain recognition, a special sticker will be sent to you that you will then have to apply to your licence.

Warning: the driver's licence obtained by a foreigner in Italy does not constitute a valid identity document; therefore, he/she must always exhibit his/her passport and Permit to Stay.

What are the terms regulating the validity of a driver's licence?

The driver's licence is valid:



- for 10 years for people between 18 and 50 years old;
- for 5 years for people over 50 years old;
- for 3 years for people over 70 years old.

Warning: you must always have the license with you when you drive: the police have the right to confiscate your automobile if you are found without the license.

Do I have to pass an exam in order to convert a foreign licence into an Italian one?

If you reside in Italy and you have a licence issued by a European Union Member State or by a non-European Union State with which Italy has specific agreements, you can have a license equivalent to the Italian license, without taking any other examinations. To learn whether you have to take the exams or not, you can contact the Civil Motorization Office (Motorizzazione Civile) of the nearest principal town.

Where does one request conversion and/or recognition of a foreign licence?

The request for conversion and/or recognition can be made at the peripheral Offices of the Department of Ground Transport of the Ministry of Infrastructure and Transport within one year of your date of residency.

Which documents must I present for the conversion and/or recognition of my foreign licence?

- Your passport;
- your Permit to Stay;
- your Italian identity document (the Identity Card);
- the original version of the foreign license, still valid and a photocopy of the same document (with a sworn translation and/or declaration by the consulate, obligatory for licences that correspond to the B category or higher, with your signature legalized at the Prefecture);
- your residence certificate (self-certification can be made);
- 1 medical certificate written on revenue stamp paper (carta da bollo), (the medical exam must take place at the ASL, or at a driving school) issued no more than 6 months prior to the date in which the request for conversion/recognition is made;
- a self-certification statement that you have not been convicted of any crimes;
- 2 recent passport-sized photos on a light background and with no head-



covering, printed on photographic paper (non-thermal paper).

And if I do not have a licence or if my licence is not recognized?

To obtain a license you must go to the Office of Civil Motorization or enrol yourself in a Driving School and pass the theoretical and practical exams. To enrol yourself in a Driving School you must have:

- a passport;
- a Permit to Stay;
- a residence certificate;
- 1 photo.

How can I obtain a new copy of my licence?

If the licence is lost, ruined or stolen, within two days following the verification of this fact, you must report the problem to the police and fill out a form which must have an authenticated photograph attached to it (with your signature on the back of it). The police will then provide you with a provisional driving permit that is valid for 90 days. Once provisional license is issued, even if you find the original again, it is no longer valid.

Can I drive in Italy with my car?

According to the Italian law, the automobiles that are registered abroad can circulate in Italy for one year, if they are imported temporarily. If you have Residence in Italy (obligatory for anyone who stays in Italy for more than one year), you have to register the automobile that you have imported to Italy at the PRA (Public Automobile Registry).

Can I purchase an automobile once I have settled in Italy?

To purchase an automobile, foreigner citizens, whether or not they are from the European Union, must possess the following documents:

- a tax code;
- a Permit to Stay;
- a residence certificate.

Do I have to insure my automobile in Italy?

The stipulation of an insurance policy is obligatory in these cases:

- if you have your residence in Italy and you have brought your automobile from your country to Italy;
 - if you have the Residence in Italy and you have purchased your automobile in Italy.
- Go to an Insurance agency in order to insure your automobile.



associations
associations

Freedom of association

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:

- found an association;
- belong to an association;
- not to belong to an association or to end any memberships in an association.

Creating an association

What activities can an association carry out?

Any type of activity that is not in opposition to the criminal laws.

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.

What is required in order to enrol oneself in the National Registry of Associations?

The associations of “national character” can be enrolled: that is, those associations that carry out activities in at least 5 Italian regions and 20 Italian provinces.

How is an association founded?

It is founded by a group of people that meet for social, cultural, relief, and/or environmental purposes, etc.

Warning: 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 kept under observation.

Which are the necessary elements for building 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.

How is an association founded in writing?

An Association Contract must be written.

The Association Contract is divided in 2 separate documents that nonetheless form a single act, and they are:

- the Statute;
- the Founding Act.

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.

What is the founding act?

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.

What must be written in the statute?

- The name and address of the headquarters of the association;
- it must be specified whether or not it is non-profit;
- the social, mutual assistance or solidarity goals;
- the requirements in order to become a partner of the association;
- the norms regulating the behaviour of the partners;
- directions regarding the assets and liability and the revenues;



- the association's administrative organizations bodies (the executive council, the assembly, etc.);
- the norms for the operation of the association's decision-making bodies (particularly, of the executive council and the assembly, and the methods of constituting these bodies, of convening a meeting and making deliberations);
- the duration of the fiscal year and terms for creating statements/accounts regarding the fiscal year;
- methods for disbanding the association.

When is it a public act and when is it a private act?

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.

What are the advantages of drawing up the contract in public or in private?

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 Juridical Person.

What are “recognized” associations?

They are associations 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 Juridical Person.

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.



What is the procedure for recognizing associations?

The interested parties have to present a request, undersigned by the founder, with the founding act 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.

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.

What can one do if the association is not recognized?

If the recognition of an association is denied, an administrative appeal can be presented.

Can an association have a Tax Code?

Yes. It is necessary to inform the Office of the Direct Taxes of the “birth” of this new association. The Office will then issue a tax code.

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);
- stipulating rental contracts;
- asking for contributions and/or refunds for expenses from institutions;
- paying fees, salaries, etc.



Some types of associations

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.

Which activities are considered to be useful to society or “social promotion associations”?

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.

What is a volunteer organization?

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.

What is a Non-Governmental Organization (NGO)?

It is a type of organisation that operates 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 (NGO's) are regulated by law n. 49/87.

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.

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.

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