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Assessorato al Terzo Settore Accoglienza Integrazione
Direzione Sicurezza Sociale
Consiglio Territoriale per l'Immigrazione - Firenze

Immigrazione La normativa

Luigi Mughini / Anna Zucconi

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Testi: Avv. Luigi Mughini, Associazione Progetto Arcobaleno Onlus

Anna Zucconi, Caritas Diocesana di Firenze

Coordinamento: Giuseppina Bonanni, Ufficio Immigrati, Direzione Sicurezza Sociale, Via Verdi 24, Firenze, tel. 055 2769791, e-mail immigr@comune.fi.it

Responsabile Comune Network: Maria Siponta De Salvia

Coordinamento editoriale Comune Network: Marta Cavini

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ACQUISITION OF ITALIAN CITIZENSHIP

(Acquisto della Cittadinanza Italiana) pag. 6

MEDICAL CARE NON EU CITIZENS

(Assistenza Sanitaria) pag. 15

RESIDENCE PERMIT

(Carta di Soggiorno) pag. 20

PERSONAL DATA REGISTRATION AND OBLIGATIONS OF HOSTS

(Discriminazione per motivi razziali etnici, nazionali e religiosi) pag. 25

PERSONAL DATA REGISTRATION AND OBLIGATIONS OF HOSTS

(Iscrizione anagrafica e obblighi dell'ospitante). pag. 27

SELF-EMPLOYMENT

(Lavoro Autonomo) pag.28

SEASONAL EMPLOYMENT

(Lavoro Stagionale) pag. 31

ENTRY FOR EMPLOYMENT

(Lavoro Subordinato) pag. 34

MARRIAGE

(Matrimonio) pag.. 38

SAFEGUARD OF PERSONS AT RISK

(Protezione Sociale). pag. 40

UNITING FAMILY MEMBERS, VISA FOR ACCOMPANYING FAMILY MEMBERS AND PERMIT FOR FAMILY REASONS

(Ricongiungimento Familiare). pag. 42

ENTRY VISA AND STAY PERMIT FOR STUDY

(Visto d'ingresso e permesso di soggiorno per studio). pag. 46

USEFUL ADDRESSES

(Indirizzi Utili) pag. 49

Legenda

ASL	Azienda Sanitaria Locale
CCIAA	Camera di Commercio, Industria, Artigianato e Agricoltura
CCNL	Contratto Collettivo Nazionale di Lavoro
CONI	Comitato Olimpico Nazionale Italiano
CPC	Codice di Procedura Civile
CPP	Codice di Procedura Penale
D.Lgs.	Decreto Legislativo
DM	Decreto Ministeriale
DPCM	Decreto del Presidente del Consiglio dei Ministri
DPL	Direzione Provinciale del Lavoro
DPR	Decreto del Presidente della Repubblica
MIUR	Ministero dell'Istruzione dell'Università e della Ricerca
U.T.G.	Ufficio Territoriale del Governo
Reg.	Regolamento d'attuazione al Testo Unico
Siast	Servizio Integrato Assistenza Sociale Territoriale
SSN	Servizio Sanitario Nazionale
STP	Straniero temporaneamente presente
SUI	Sportello Unico per l'Immigrazione
T.U.	Testo Unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero
TAR	Tribunale Amministrativo Regionale
URP	Ufficio Relazioni con il Pubblico

ACQUISITION OF ITALIAN CITIZENSHIP

(ACQUISTO DELLA CITTADINANZA ITALIANA)

1) AUTOMATIC ATTRIBUTION

The following people are automatically Italian citizens:

- the child of a father or mother who are Italian citizens
- anyone born in Italy¹, if both parents are unknown or displaced persons², or if the child does not take the citizenship of the parents, according to the law of the country they belong to
- the child of unknown parents, found in Italy, if there is no proof of any other citizenship
- a foreign citizen adopted as a minor by an Italian citizen³

Minors who are children of people who acquire or reacquire Italian citizenship, if they live together, acquire Italian citizenship, but, once adults, can waive it if they possess another citizenship.

2) BY APPLICATION

2.a) A foreign citizen or displaced person whose father or mother or at least one grandparent were Italian citizens by birth, becomes an Italian citizen:

- if he carries out active military service⁴ for the Italian state and declares beforehand⁵ the desire to acquire Italian citizenship;
- if he works⁶ in a public occupation in the service of the Italian state⁷, in Italy or abroad, and expresses the wish to acquire Italian citizenship.

2.b) A foreign citizen born in Italy and who has resided legally without interruption until coming of age, becomes an Italian citizen, if he expresses the wish to become an Italian citizen within the following year.

If he is unable to demonstrate uninterrupted legal residence since his parents omitted to legalize his position, or they only did so a long time after his birth, a foreign citizen born in Italy can ask to acquire citizenship only if the following conditions exist⁸:

- his birth, in Italy, was lawfully and swiftly reported to the registry office to be registered
- at the moment of his birth, his parents were lawfully resident with valid stay permits and were registered at the registry office
- the parents' situation remained unchanged for the period under consideration, or at least until the child did not acquire his own permit.

A foreign citizen, born in Italy, who interrupted his period of residence before 18 years of age is not eligible.

Documents necessary:

- birth certificate;
- certificate of Italian citizenship by birth of the father or the mother or one of the grandparents;
- documentation relative to the legal residence (for acquisition according to point 2b)

Relevant authorities:

The declaration of citizenship (point 1) and the declarations of intention and swearing oath (point 2 a-b) are made before the registrar of the town or city where the person resides or where he intends to reside or, in the case of residence abroad, before the diplomatic or consular authority of the place of residence.

2.c) Naturalization⁹

Persons eligible:

Citizenship can be awarded to:

- a) a foreign citizen whose father or mother or one of the grandparents was Italian by birth, or the person was born in Italy and, in both cases, has lawfully lived in Italy for at least 3 years;
- b) a foreign citizen whose father or mother or one of the grandparents was Italian by birth: he can become an Italian citizen if, upon turning 18 years of age, he has been living lawfully and without interruption for at least 2 years in Italy and declares, within a year of becoming 18, to want to become an Italian citizen;
- c) a foreign citizen, over 18 years of age, adopted by an Italian citizen, who has lawfully lived in Italy for at least 5 years since the adoption;
- d) a foreign citizen who has worked for at least 5 years, even abroad, in the service of the Italian state;
- e) a citizen of an EU member country if he has been lawfully living for at least 4 years in Italy;
- f) a displaced person or political refugee who has been living lawfully in Italy for at least 5 years;
- g) a foreign citizen who has been living lawfully for at least 10 years in Italy.

The conditions set out for the above applications must remain until the swearing of oath before the registrar of the town or city of residence or, abroad, before the diplomatic or consular authority in the foreign place of residence.

Relevant authorities and necessary documents:

The application, addressed to the President of the Italian Republic, including the documents as listed below must be presented to the Prefect's Office¹⁰ in 4 copies:

- 1 application with a revenue stamp for €14,62 and 3 ordinary applications
- 1 original + 3 photocopies of every document included

The application consists of a form that must be filled in. It can be collected from the Prefect's Office of the place of residence of the applicant or can be downloaded from the internet site¹¹.

Documents to be included:

- 1) full birth certificate, translated into Italian and authenticated by the relevant diplomatic or consular authorities or, if not available, certificate issued by the diplomatic or consular authorities of the country of origin indicating the full personal details of the applicant (name, surname, date and place of birth) and the father's and mother's names;
- 2) historical certificate of residence¹² with a revenue stamp of €14,62 (this can be replaced by a personal declaration);
- 3) certificate of family status with a revenue stamp of €14,62 (this can be replaced by a personal declaration);
- 4) criminal certificate¹³ of the country of origin and any other countries of residence relating to past crimes, translated into Italian and authenticated by the diplomatic or consular authorities (this can only be replaced by a personal declaration in the case of EU members);
- 5) general certificate of the Criminal Records Office from the chancellery of the State Attorney's Office¹⁴ (with a revenue stamp of €14,62). It can be replaced by a personal declaration.
- 6) copy of tax return form 740 or 101 regarding the 3 years prior to the application or a certificate issued by the Inland Revenue Office about the income declarations in the 3 years prior to the application. The endorsement of form 740 must be carried out by the inland revenue officer where the original model was deposited;

- 7) declaration of waiver of right to protection of the Italian diplomatic and consular authorities with regard to the authorities in the country of origin. A special form for the purpose can be collected at the Prefect's Office¹⁵.
- 8) declaration of authorisation for the authorities in the country of origin to issue all the necessary information that may be requested about the applicant by the Italian diplomatic authorities accredited to the country of origin. A special form for the purpose can be collected at the Prefect's Office¹⁶.

For foreign political refugees or displaced persons:

- the criminal certificate is replaced by an affidavit from the Magistrate's Court, in which the person must declare that they do not have any convictions or are undergoing any trials in the country of origin;
- the birth certificate is replaced by an affidavit carried out before the magistrate of the place of residence of the applicant, containing a sworn witnessed declaration which states the name, surname, profession, and residence of the person in question and his parents if known, the place and date of birth, citizenship and the causes for which the birth certificate cannot be produced as well as the circumstances relating to the knowledge each witness has of such declarations;
- the criminal certificate of the country of origin is replaced by the original or an authenticated copy (from the relevant City office) of the document which recognises the person as a refugee or displaced person.

2.d) Marriage to an Italian citizen¹⁷

Persons eligible:

A foreign citizen or displaced person, married to an Italian citizen, if the marriage has not been dissolved, annulled or terminated in its civil aspects and if there is no legal separation, can ask for Italian citizenship when:

- a) he has been living lawfully in an Italian town or city for at least 6 months or
- b) three years have passed from the date of the marriage

Objections:

The existence of serious prosecutions and confirmed problems of security for the country.

The issuing of a decree of refusal is denied when from the date of presentation of the application, with the accompanying documentation, 730 days have passed. The preclusive effects of the sentence are ceased by the reinstatement, whereas the rejected application for reasons of national security, can be put forward after 5 years.

Relevant authorities and documents necessary:

The application, addressed to the President of the Italian Republic, including the documents as listed below must be presented to the Prefect's Office¹⁸ in 4 copies:

- 1 application with a revenue stamp for €14,62 and 3 ordinary applications
- 1 original + 3 photocopies of every document included

The application consists of a form that must be filled in. It can be collected from the Prefect's Office of the place of residence of the applicant or can be downloaded from the internet site¹⁹.

Documents to be included:

- 1) extract of marriage certificate from the marriage register, issued by the Italian town or city where the act was registered or recorded;
- 2) full birth certificate, translated into Italian and authenticated by the relevant diplomatic or consular authorities or, if not available, certificate issued by the diplomatic or consular authorities of the country of origin indicating the full personal details of the applicant (name, surname, date and place of birth) and the father's and mother's names;

- 3) criminal certificate of the country of origin and any other countries of residence relating to past crimes, translated into Italian (this can only be replaced by a personal declaration in the case of EU members)
- 4) historical certificate of residence with a revenue stamp of €14,62 (this can be replaced by a personal declaration)
- 5) certificate of Italian citizenship of spouse (with revenue stamp for €14,62 or replaced by an affidavit²⁰ signed before the person accepting the application)
- 6) general certificate of the Criminal Records Office from the chancellery of the State Attorney's Office (with a revenue stamp of €14,62). It can be replaced by a personal declaration
- 7) certificate of family status with a revenue stamp of €14,62 (this can be replaced by a personal declaration)
- 8) declaration pledging to communicate any changes in dwelling-place or residence to the Prefect's Office²¹.

Time necessary and procedure

The authority that receives the application immediately sends a copy to the Home Office. Within 30 days it forwards the documentation, if complete and in order, along with its observations and the report from the police headquarters²². If the application or documentation is incomplete or incorrect the applicant is invited within 30 days to rectify the situation, according to the authority's guidelines, and the procedure is suspended until this is done. The Home Office then seeks the opinion of the Council of State. If its opinion is favourable, the Home Office issues the authorisational decree which must be signed by the President of the Republic. The decree is forwarded to the Prefect's Office which gives it to the applicant. **The deadline for the procedure is 730 days from the presentation of the application.** The ministerial decree is immediately sent to the authority which received the application. This body then notifies the applicant within 15 days²³. **A foreign citizen who has been granted citizenship must swear oath in the town or city of residence within 6 months of the notification of the decree.**

If the decree for acquiring citizenship is not issued or the application is rejected regarding a foreign citizen or displaced person married to an Italian citizen, this person loses the right to obtain citizenship once the 730 days have passed.

3) RECOGNITION OF CITIZENSHIP OF FOREIGN CITIZENS OF ITALIAN EXTRACTION²⁴

The descendant of an Italian citizen²⁵ can be considered Italian, even if the person was born abroad and has always lived there.

Applications of recognition of Italian citizenship must be addressed to the Mayor of the Italian town or city of residence²⁶, or the Italian Consul of the area in which the foreign applicant of Italian origin lives.

The following documents must be included:

- 1) birth certificate of Italian forebear who emigrated abroad, issued by Italian town or city of birth;
- 2) birth certificates of all the direct descendants, including the person seeking Italian citizenship with official Italian translations
- 3) marriage certificate of Italian forebear who emigrated abroad, with official Italian translation if the marriage took place abroad;
- 4) marriage certificates of all the direct descendants, including the parents of the person seeking Italian citizenship;
- 5) certificate issued by the relevant authority of the foreign country of emigration, with an official Italian translation, demonstrating that the Italian forebear, who emigrated from Italy, did not acquire the citizenship of the country he emigrated to before the birth of the ascendant of the applicant;

- 6) certificate issued by the relevant Italian consular authority demonstrating that neither the direct ascendants nor the person seeking Italian citizenship have ever waived their citizenship according to art. 7 of Law 13th June 1912, n. 555²⁷.
- 7) Residence certificate.

The application, presented in Italy, must be drawn up on legal paper and the accompanying certificates, when issued in Italy by the Italian authorities, must conform with the current regulations regarding stamps. Certificates issued by foreign authorities must be on ordinary paper and authenticated where appropriate, unless this is not required according to international conventions ratified in Italy. These documents must be accompanied by an official Italian translation which, if they are exhibited in Italy, must be drawn up on stamped paper. The mayor, having checked the legitimacy of the claim put forward for Italian citizenship on the basis of "*iure sanguinis*", orders the civil status acts to be registered and to proceed to the issue of the certificate of citizenship.

People originally from Italian lands in the former Austro-Hungarian empire who emigrated abroad before 16th July 1920, and their descendants, can obtain recognition of Italian citizenship upon making a declaration, before 21st December 2005, to the registrar in the town or city they live in or intend to make their residence, or before the diplomatic or consular authorities of the place of residence, if resident abroad²⁸.

IMPORTANT:

Details in the Italian and foreign documents must be exactly the same and, given that in the examination of the correct nature of the documentation produced, reference will be exclusively made to the details deducible in the foreign documentation produced (original birth certificate, passport, criminal certificate of country of origin and/or of subsequent residence) these must comply with the certificates issued by the Italian authorities (residence, marriage, stay permit, family status, certificates of pending suits and criminal records), even if the names in the regulations of the country of origin are different from those of Italy²⁹.

Any eventual variances in the documentation can be rectified with a declaration in which the consular authority of the country of origin states that the different details refer to the same person, indicating the correct ones and clarifying the reasons for the differences in the certificates³⁰. If there are variances in the place of birth, the consular certificate must state the clarifications.

Translation and authentication of documents:

The documents in points 1 and 4 must be **translated** into Italian by the Italian embassy or consulate in the country which issues the document, or by an official translator, or by the embassy or consulate of the person's country in Italy and **authenticated** at the Italian embassy or consulate in the state which supplies the certificate.

If the documents are issued by the following countries they can be **authenticated with apostils** from the relevant authority in the country which issues the document³¹:

Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Bosnia-Herzegovina, Botswana, Brunei, Bulgaria, Columbia, Cyprus, Czech Republic, Domenica, El Salvador, Estonia, Fiji, Grenada, Honduras, Hong Kong, Israel, Japan, Kazakhstan, Latvia, Lesotho, Liberia, Lithuania, Macao, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Namibia, New Zealand, Netherlands, Niue, Norway, Panama, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Serbia and Montenegro, Seychelles, South Africa, Suriname, Switzerland, Swaziland, Tonga, Trinidad and Tobago, Ukraine, United States of America and Venezuela.

The same documents are **exempt from authentication** and apostils by the Italian diplomatic authorities is issued by the following countries:

Austria, Belgium, Croatia, Denmark, Finland, France, Germany, Greece, Hungary, Irish Republic, Liechtenstein, Luxembourg, Macedonia, Netherlands, Norway, Portugal, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and United Kingdom.

Foreign citizens born in Kosovo: the administrative certificates issued by UNMIK (United Nations Mission in Kosovo), in principle, do not require authentication by the Italian consular authority in Pristina, which, where necessary, can proceed to authenticate them in terms of certifying the origin and the genuine nature of the signature of the compiler³².

The "Department for safeguarding the interests of the Republic of Iraq" at the Italian embassy in Sudan is responsible for **the issue of documents to Iraqi citizens**³³.

4) LOSS OF ITALIAN CITIZENSHIP

4.a) According to waiver

A citizen who possesses, acquires or reacquires a foreign citizenship does not lose Italian citizenship, unless the foreign regulations provides for the automatic loss of the citizenship when voluntarily acquiring or reacquiring another citizenship. He can, however, waive the Italian citizenship, if he lives or establishes his residence abroad³⁴. The following conditions must exist in order to waive Italian citizenship:

- possession of another citizenship
- maintenance or transfer of residence abroad.

The loss will ensue on the day following the declaration of waiver by the person affected.

4.b) According to the Convention of Strasbourg³⁵

The convention states that citizens, resident abroad, of the contracting states (Austria, Belgium, Denmark, France, Irish Republic, Luxembourg, Netherlands, Norway, Spain, Sweden, and United Kingdom) lose their previous citizenship if they voluntarily acquire or reacquire the citizenship of one of the countries which has signed and ratified the convention: they cannot be authorised to maintain their previous citizenship.

Consequently, an Italian citizen resident abroad who voluntarily acquires the citizenship of one of the contracting countries (including the United Kingdom, Irish Republic and Spain which have only agreed to the article of the convention on military obligations in the case of multiple citizenship, and Germany, which no longer adheres to the convention), loses his Italian citizenship.

The Convention of Strasbourg also deals with the cases of citizenship of minors, in accordance with that of the parents³⁶.

Furthermore, Italy has ratified the Second Protocol of amendment to the Convention of Strasbourg of 1963, also signed, to date, by France and the Netherlands. On the basis of this agreement, when a citizen of one of the contracting parties acquires the nationality of another contracting party where he was born and lives, or has habitually lived before 18 years of age, each of these parties can allow him to keep his original citizenship. In the case of marriage between two citizens of different contracting parties, each of the parties can allow the citizen who freely acquires the nationality of the spouse to keep his original citizenship.

4.c) According to waiver for any person who acquired/reacquired citizenship as a minor³⁷

Any person who acquired Italian citizenship as a minor, since one parent with whom he lived acquired or reacquired citizenship, can give it up (with no time limit) once they are 18 years of age, as long as they still possess another citizenship.

4.d) According to waiver or sanction by an adopted person following the annulment of the adoption

A person over 18 years of age in possession of another citizenship (even if living in Italy) can waive his Italian citizenship following the **annulment of adoption for facts attributable to the adopter. The waiver must occur within a year of the annulment**³⁸.

12 The annulment of adoption through a misdeed of the person adopted, leads to the automatic loss of the citizenship acquired by the latter in virtue of the adoption, as long as he has another citizenship or reacquires it³⁹.

Citizens who waive Italian citizenship as at points c) and d), can subsequently acquire it only after naturalization as at point 2, paras. c) and d).

4.e) Loss through sanction⁴⁰

The loss of citizenship also regards the following cases

- non-compliance with an order from the Italian government to leave a public occupation or public office which the citizen has accepted from a foreign state or public body or an international body which does not include Italy; non-compliance with an order to cease military service for a foreign country;
- acceptance of public office or military service for a foreign country, or voluntary acquisition of the citizenship of the country in question, during a period in which Italy is at war with the country.

In the above-mentioned cases, in the case of sanctions, the loss of citizenship does not depend on the possession of another citizenship and, in the second case, the citizenship cannot be reacquired.

5) REACQUISITION OF ITALIAN CITIZENSHIP

The following can regain Italian citizenship⁴¹:

- a person carrying out active military service for the Italian state who declares beforehand that he wants to reacquire Italian citizenship;
- a person who accepts or has accepted a public occupation in the service of the Italian state, in Italy or abroad, and declares that he wants to reacquire Italian citizenship;
- a person who declares that he wants to reacquire Italian citizenship and has established or establishes his residence in Italy within a year of the declaration;
- a foreign citizen (who was an Italian citizen) who a year after establishing his residence in Italy, does not expressly waive, in the same terms, the reacquisition of Italian citizenship. Only in this instance will the reacquisition be automatic: however, the law allows for the possibility of waiver by the person in question in order to safeguard his wish;
- a person who has lost Italian citizenship for not complying with the order to abandon a job or position accepted from a state or foreign public body or international body, or military service for a foreign country, and declares that he wants to reacquire citizenship, on condition that his residence has been established in Italy for at least two years and demonstrates that he has abandoned the job or position held or military service carried out.

¹Ships listed in the Italian maritime registers and aircraft in the National Aeronautic Register, flying the Italian flag, are "territories of the Republic". This is in the cases in which, on the basis of international law, they are subject to Italian regulations and out of reach of a foreign law. For ships, this circumstance is valid when they are sailing outwith territorial waters.

²The State Department can certify the stateless nature of a person, upon receiving the application of the person in question, along with the birth certificate and documentation regarding the residence in Italy and every suitable document that demonstrates their stateless nature (D.P.R. 572/93, art. 17)

³A minor becomes an Italian citizen when the adoption is registered, but retroactive to the date of declaration (art. 34 point 3 of Law n. 476 of 1998). In order to acquire Italian citizenship, at least one of the two adoptive parents must be Italian at the moment the judicial adoption measure, either Italian or foreign, comes into force. Instead, if one of the adoptive parents is a foreign citizen and takes Italian citizenship after the adoption, the change to that of the minor occurs by communication of right.

⁴"Active military service is held to have been carried out by any person who fulfilled compulsory military service in the Italian Armed Forces or in an equivalent service, on condition that it was fully carried out, unless the lack of completion depends on circumstances beyond the person's control recognised by the relevant authority" - D.P.R. 572/93, Regulation of the of the Law as at note 1, art. 1, comma 1b).

⁵In order for the law to have effect, the person in question must declare beforehand that he wants to cease military service in order to receive Italian citizenship.

⁶The declaration cannot be made once the public occupation has ceased.

⁷Except the cases in which the law specifically demands the existence of a public occupation, any person who has had a dependent working relationship paid by the State is considered to have been in the service of the State" - D.P.R. 572/93, art. 1, para.1c).

⁸Opinion of the Council of State, Section 1, of 6.11.1996

⁹Foreign citizens who intend to acquire Italian citizenship are no longer asked for a redemption certificate as regards their original citizenship (D:M: 7.10.2004)

¹⁰In the cases as at point d), the application is presented to the Italian consular authority in the country of residence (D.P.R. 362/94, art. 1, para. 1).

¹¹<http://www.prefettura.firenze.it/indiceserv.htm>

¹²Three, four, five, seven, ten years, depending on the cases: if there have been more than one town or city of legal residence, a historical certificate of residence must be presented for each one.

¹³If the regulations of the country of origin do not include the issue of such a certificate, an affidavit must be produced. In it the person must declare that they have no previous convictions and no pending suits in the country of origin; in this case, the declarant must also produce a certificate issued by the relevant consular authority which states that the country of origin does not have criminal certificates.

¹⁴Procura della Repubblica di Firenze, Viale S. Lavagnini 31, tel.: 055 2404629

¹⁵The form can be downloaded from internet from the Prefect's Office website (see note 11).

¹⁶See note 15

¹⁷The requirement for acquisition of citizenship is that in a specific historical period the actual circumstances and juridical conditions as in points a) or b) occurred together (cf. Council of State opinions n. 2487/1992 of 30.11.1992 and n. 347/1993 of 17.5.1993). Therefore the modifications which occurred after that period (dissolution of the marriage because of divorce from the Italian spouse or the death of the spouse; transfer of residence abroad - if in order to acquire citizenship the requisite of residence in Italy for 6 months of marriage was required - etc) are irrelevant, even if, in theory, they are prior to the presentation of the application.

¹⁸In the cases as in point b), the application can also be presented to the Italian consular authority in the country of residence (D.P.R. 362/94 art. 1, para. 1).

¹⁹see note 11

²⁰Form available from Prefect's Office in Florence or from <http://www.prefettura.firenze.it/indiceserv.htm>

²¹See note 20

²²In order to check the existence of the elements necessary to identify the existence of a legitimate desire to alter the original citizenship or acquire Italian citizenship, the police headquarters must also supply the following particularly important details (these can also be gained from interviews with the applicant): the person's level of assimilation of the culture and national integration; degree of knowledge of Italian and the fundamental principles which our regulations are based on; formation of the family of the person in question and level of integration in Italian society with particular reference to the spouse, work carried out by adult family members and the payment of the relevant taxes and contributions; details of minors in the family as regards the observance of scholastic obligations set down by law; details of a possible request for Italian naturalization by some of the person's family members (State Department - Circular n. K.60.1/86 of 7.11.1996)

²³D.P.R. 362/94 arts. 4 and 5

²⁴State Department - Circular n. K.28 of 8.4.1991

²⁵Female Italian citizens who married after 1st January 1948 and female Italian citizens whose spouse lost his Italian citizenship after 1st January 1948, are recognised with uninterrupted possession of Italian citizenship, if they express such a wish. Such recognition can also occur as regards direct descendants. The offspring of women who, although they married after 1st January 1948, have been unable to express the above-mentioned wish, are considered Italian citizens, when this wish is manifested (State Department - Circular n. K.60.1 of 8.01.2001).

²⁶Descendants of Italian citizens, in possession of a valid stay permit, are registered without taking into consideration the duration and title of the permit (State Department Circular n. 28 of 23.12.2002).

²⁷"Except for special provisions to be drawn up with international treaties, an Italian citizen born and resident in a foreign country, of which he is considered a citizen by birth, maintains his Italian citizenship, but once over 18 years of age or emancipated, can waive it".

²⁸Law 379/2000, art. 1 - "Provisions for the recognition of Italian citizenship of persons born and previously resident in the lands which belonged to the Austro-Hungarian Empire and their descendants", - State Department - Circular n. K.78 of 19.02.2001

²⁹Convention of Monaco of 5.9.1980 - Law 31.05.1995, n. 218, art. 24, para. 1

³⁰The person in question must be invited to make the necessary corrections to the Italian documentation in compliance with the details in the foreign documentation, within a reasonable period of time (at least 4 months) - State Department - Circular n. K.60.1/86 of 7.11.1996.

³¹Hague Convention, 5.10.1961 on the abolition of the authentication of foreign public certificates

³²State Department - Circular n. 51/2004 "Foreign citizens born in Kosovo: validity of documents and certificates issued by UNMIK"

³³Note n. 303/346415 of 29.07.2004, on the basis of Amendment n. 16, published on 1.12.2003 by the Provisional Coalition Authority

³⁴Law 91/1992, art.11

³⁵Convention of Strasbourg of 6.05.1963 on the reduction of cases of multiple citizenship and military obligations in the case of multiple citizenship, ratified with Law 4.10.1966, n. 876, and the Second Protocol of the amendment to the Convention of Strasbourg of 14.12.1994, n. 703 (ratified by Italy and France on 24.3.1995 and by Italy and the Netherlands on 20.8.1996).

³⁶Art. 1, point 3; art. 2

³⁷Law 91/1992, art.14

³⁸Law 91/1992, art. 3, para. 4

³⁹Law 91/1992, art. 3, para. 3

⁴⁰Law 91/1992, art. 12

⁴¹Law 91/1992, art. 13

MEDICAL CARE NON EU CITIZENS

(ASSISTENZA SANITARIA)

Registration with the National Health Service (SSN) guarantees full medical care under the same conditions and the same rights as Italian citizens, as regards the contributory burden, the assistance provided in Italy by the National Health Service and the period of validity. Rehabilitative and prosthetic care are also guaranteed under the same conditions as Italian citizens.

1) COMPULSORY NATIONAL HEALTH SERVICE REGISTRATION

Persons entitled:

Foreign citizens either in possession of a stay permit (permesso di soggiorno) or who have applied for the renewal of their stay permit for one of the following reasons:

- employment
- self-employment
- awaiting employment
- family reasons
- political asylum
- humanitarian reasons
- application for asylum¹
- expected adoption
- temporary custody
- acquisition of citizenship
- religious reasons²

Medical care is also extended to **family dependants** living lawfully in Italy (if they are not in possession of a stay permit which allows them health care in their own right) and is guaranteed from birth for children.

Foreign seasonal workers can register with the Health Authority of the town or city which issues their stay permit and will be covered for the duration of their employment.

Registration with the National Health Service **is not obligatory for the following categories of foreign workers³**, who are not obliged to pay tax on income of physical persons for work carried out in Italy:

- executives or highly specialised members of companies which have their offices or branches in Italy
- executives or highly specialised members of representative offices of foreign companies which have their main office in a member state of the World Commerce Organisation
- executives of main offices in Italy of Italian companies or companies of another European Union member state
- employees who are regularly paid by their employers, either physical persons or corporate bodies, resident or with offices abroad and directly paid by them, who have been temporarily transferred from abroad to work for either physical persons or corporate bodies, Italian or foreign, resident in Italy, in order to carry out certain services set down in a contract stipulated between the resident physical persons or corporate bodies or with offices in Italy and those resident or with offices abroad
- officially accredited journalists in Italy who are employees of and regularly paid by foreign daily or periodical press, or by radio or television stations

- foreign citizens in possession of a stay permit for business.

These citizens are obliged to insure themselves against the risk of illness, accident and pregnancy by means of a special insurance policy with an Italian or foreign insurance company, valid in Italy, or by registering with the National Health Service. Family dependants can also be included. The annual contribution for registration is €387,34.

Foreign citizens with a stay permit issued for **tourism or health treatment** cannot register with the National Health Service and will have to pay the entire cost of any health care received.

Place and requisites for registration

At the Health Authority District Offices (*Distretto Socio Sanitario*) of the town or city of residence or of the town or city where the person effectively lives (indicated on the stay permit⁴).

REGISTERED RESIDENCE IN ITALY IS NOT NECESSARY

The following documents are required to apply for registration:

- stay permit (or the application receipt if the permit is being renewed)
- if the applicant is unemployed: certificate demonstrating registration in the employment lists.

Duration of the registration

The registration does not expire during the period of renewal of the stay permit.

The registration expires if the permit is not renewed, or if it is revoked, annulled or the person is asked to leave the country which will be communicated by the police headquarters to the health authority, except if the person in question provides documentation demonstrating an appeal against the above-mentioned measures.

After registration a Healthcare Certificate is issued which entitles the holder to the following either free of charge or upon payment of a Ticket⁵:

- general medical examinations at the doctor's surgery and examinations with specialists
- medical examinations at home
- hospitalization
- vaccinations
- blood tests, x-rays, scans, etc.
- medicines
- rehabilitative and prosthetic care, etc.

If the Health Card is stolen or lost the holder must go to the office where the registration was carried out and fill out a declaration form. A duplicate card is immediately issued.

2) VOLUNTARY REGISTRATION WITH THE NATIONAL HEALTH SERVICE

Persons eligible

Foreign citizens who are holders of stay permits valid for more than 3 months for reasons different from those listed above. These citizens are, however, expected to insure themselves for illness, accident and pregnancy in one of the following ways:

- **insurance policy** valid in Italy with an Italian or foreign insurance company (people are advised to check the kind of services covered by the policy)
- **registration with the National Health Service by paying an annual contribution** of €387,34. The registration is also valid for dependents except for:

- foreign citizens holders of **stay permits for study**: students can take out an insurance policy (see above) or register voluntarily with the National Health Service subject to payment of a contribution of €149,77 (if they have dependants the contribution is €387,34);
- foreign citizens engaged as **au pairs**, who can take out an insurance policy (see above) or register voluntarily with the National Health Service subject to payment of a contribution of €219,49.

Place and requisites for registration:

At the Health Authority District Offices (*Distretto Socio Sanitario*) of the town or city of residence or of the town or city named on the stay permit⁶.

REGISTERED RESIDENCE IN ITALY IS NOT NECESSARY

The following documents are necessary for registration:

- copy of the insurance policy or receipt of health service contribution
- stay permit valid for more than 3 months (or less if the person is a student, awaiting asylum or an au-pair).

Duration of registration

The registration must be renewed each year and **expires on 31st December**. The annual contribution must be paid in its entirety no matter when registration is carried out during the year.

Foreign citizens holders of a **stay permit for less than 3 months** and, therefore, not enrolled in the National Health Service, are guaranteed healthcare services upon full payment of the relevant fees. These fees are decided by the regions and provinces with special autonomous powers.

Foreign citizens with forms demonstrating the right to healthcare are exempt, provided they are from one of the countries with which Italy has a **bilateral agreement or treaty**: *Australia, Argentina, Bosnia-Herzegovina, Brazil, Cape Verde, Croatia, Macedonia, Monaco, Republic of San Marino, Serbia-Montenegro, Tunisia and Switzerland*.

They are issued with a **“health card”** by the relevant health authority which covers healthcare equal to that of Italian citizens (excluding only choice of family doctor and pediatrician).

3) FOREIGN CITIZENS WITHOUT A STAY PERMIT AND REQUESTING ASYLUM IN THE TEMPORARY RESIDENCE CENTRES OR IDENTIFICATION CENTRES – STP CARD (TEMPORARILY PRESENT FOREIGN CITIZEN)

Foreign citizens who are not holders of stay permits and those requesting asylum in the Temporary Residence Centres or Identification Centres are nonetheless covered for:

- outpatient and hospital services considered urgent or essential, even if of a permanent nature for illness and accident. Besides urgent treatment which cannot be postponed without endangering the life or the health of a person, essential treatment is also guaranteed for illnesses considered not immediately dangerous but which if left untreated could damage the health or pose a risk to the life of a person (for example, illnesses such as diabetes, heart diseases, lung diseases, hypertension).
- The following areas in particular are safeguarded:
 - preventive medicine
 - pregnancy and maternity care

- health care for minors
- vaccinations
- international prevention schemes
- prevention, diagnosis and treatment of infectious diseases

These services are provided without any expenses charged to patients who declare a lack of sufficient economic funds.

According to Italian law, **if a foreign citizen whose position is irregular as regards his staying in Italy seeks access to medical facilities no information is given to the police** except for cases linked to crimes.

Application for an STP CARD

A foreign citizen whose position is irregular can go to the Health Authority⁷, even without an identity document, and request a health card with an STP regional code. This card is valid for 6 months, renewable if the person remains on national territory and can be used to receive outpatient and hospital health care.

4) HEALTHCARE FOR PRISONERS⁸

Foreign citizens in prison, in semicustody or subject to alternative measures, are registered with the National Health Service without taking into consideration whether or not they have a valid stay permit. During their period of confinement they have the same rights to treatment as free citizens and are exempt from payment of any healthcare received.

MEDICAL CARE EU CITIZENS

1) EUROPEAN UNION CITIZENS RESIDENT IN ITALY⁹

Foreign citizens of European Union countries¹⁰, resident in Italy, are obliged to register with the National Health Service with the same rights as resident Italian citizens. They must register with the local Health Authority and will be covered, including dependants, for the duration of the validity of their stay permit or residence permit.

2) TEMPORARY STAY IN ITALY FOR REASONS NOT RELATED TO WORK¹¹

A citizen of a European Union country, of the European Economic Area¹² or Switzerland who, during a temporary stay in Italy, needs urgent (or unexpected) medical care, can receive assistance free (apart from payment of a ticket) from public health service structures or private structures operating within the National Health Service.

To this end, the Department of Health has created a special booklet which is issued by the Health Authority to all those who possess a “European Health Insurance Card” (which from 1st June 2004 replaced the E111 form and similar forms).

This book called a *“libretto modulare”* (module booklet) is valid throughout Italy, and carries instructions explaining how to obtain assistance in National Health Service surgeries and hospitals or in private structures operating an agreement.

If, for any reason, it is impossible to use the “European Health Insurance Card”, citizens can ask to be reimbursed when they return to their own country. This possibility exists thanks to a special community rule which allows, only for urgent cases, the right to reimbursement on the basis of the tariffs of the country of the temporary stay. In order to be reimbursed, citizens must present receipts of payment and medical documentation.

CERTIFICATE OF HEALTH

The certificate of health (LISA) for people working with foodstuffs (preparation, transformation, manufacture, packaging, storage, transport, distribution, handling, sale or supply, including dispensing of foodstuffs) **was abolished** in Tuscany on 19th January 2004. Instead, the role of training and updating workers in the food sector is considered fundamental and therefore these workers are compelled to attend training courses¹³, thus enabling them to increase their knowledge of hygiene and behaviour norms which are necessary to guarantee health and safety regarding foodstuffs.

The Health Authority must issue a certificate of health for anyone working in the food sector in other regions where this certificate is still obligatory.

The City of Florence¹⁴ has also abolished the certificate for barbers, hairdressers and beauticians. The Health Authority along with the relevant associations provides training courses for people working in these sectors.

DECLARATION OF THE BIRTH OF A CHILD IN ITALY

The declaration of a birth is compulsory and the child must be registered in the city registry office.

Persons affected

The declaration can be carried out by:

- one of the parents
- a person acting as a proxy for one of the parents
- a doctor, midwife or any person who was present at the birth.

Whoever makes the declaration must respect the mother's wish if she wants to remain anonymous.

Time required and procedure:

The declaration of birth can be carried out:

- within 3 days of the birth:
- at the hospital or clinic¹⁵ in which the child was born and is accepted by the director¹⁶ or a person who represents him or
- within 10 days of the birth at one of the following places:
 - the registry office¹⁷ in the town or city in which the child was born
 - the registry office in the town or city of residence of the parents if it is not the same as the place of birth
 - the registry office in the town or city of residence of the mother, if it is not the same as the place of birth and the parents are resident in different places
 - the registry office in the town or city of residence of the father, if it is not the same as the place of birth, when the parents are resident in different places and agree to register it there.

Necessary documents:

- **for everyone:** passport
- **when recognising a child born out of wedlock¹⁸:** declaration from the parents' embassy or consulate which demonstrates that, in accordance with private international law, there is an authorisation (nulla osta) according to the national law of the parents' country
- **foreign parents who intend to give the child the surname set down by their national law:** consular or embassy declaration which demonstrates the exact surname of the child according to the laws of the country of the parents

¹ Those seeking asylum and detained in Identification Centres are excluded.

² Law 23 December 1999, n. 488, art.42 para. 6:

"From 1st January 2000 enrolment in the Fund at para. 1 is extended to priests and ministers of religion who are not Italian citizens and are in Italy in the service of Italian dioceses and churches or recognised non-Catholic organisations (*), besides Italian priests and ministers of religion working abroad in the service of Italian dioceses and churches or recognised non-Catholic organisations". (*) Agreements approved by law according to art. 8 of the Constitution: Churches represented by the Waldensian Church, Union of the 7th Day Adventist Christian Churches, Assemblies of God in Italy (ADI), Union of Jewish Communities in Italy (UCEI), Christian Evangelical Baptist Union of Italy (UCEBI), Evangelical Lutheran Church in Italy (CELI).

³ Art. 27, para. 1, letters a), i), and q) of consolidated act.

⁴ According to article 6, paras. 7 and 8 of the consolidated act: "7...in any case the dwelling of a foreign citizen is considered habitual also in the case of documented hospitality for more than 3 months at a reception centre. The office communicates the enrolment or change to the relevant police headquarters. 8. Apart from the cases mentioned in para. 7, foreign citizens who reside in Italy must communicate any changes to their habitual dwelling place within 15 days of any changes to the head of police of the area".

⁵ **The following categories are exempt from the payment of tickets:**

1) exemption because of age and limited income

The beneficiary can obtain exemption from tickets for specialist services, instrumental and laboratory diagnoses and for physiotherapy services, if he/she belongs to one of the following categories:

- children below 6 years of age or pensioners over 65 years of age, belonging to a family in which the annual income does not exceed €36.152;
- pensioners over 60 years of age on the minimum pension, whose gross income does not exceed €8.263, if alone (widows/widowers, separated, bachelors/spinsters) and €11.362 if they have a dependant spouse. The income of pensioners over 60 years can increase by €516 for every child who is still a dependant;
- unemployed people registered with the employment office (excluding those awaiting their first job), whose gross income does not exceed €8.263 if single (widows/widowers, separated, bachelors/spinsters) and €11.362 if they have a dependant spouse. These incomes can increase by €516 for every child who is a dependant;
- family members of unemployed people who belong to one of the above categories;
- or family members dependants of basic pensioners.

2) Exemption for those over 65 years

Exemption from medicines is granted to those who have reached 65 years of age and belong to families whose gross income does not exceed €8.263 if the person is single (widows/widowers, separated, bachelors/spinsters), and €11.362 if the person has a dependant spouse.

3) Exemption for disability

All persons with certified disabilities are exempt from tickets for specialist services, instrumental and laboratory diagnoses, physiotherapy services and medicines.

4) Exemption for chronic ailment

Any person who has a specific ailment, tumour or awaiting an organ transplant is exempt from the payment of tickets for specialist services, instrumental and laboratory diagnoses, and physiotherapy services related to the ailment. Medicines, however, must be paid for.

5) Exemption for pregnancy

Pregnant women are exempt from the payment of instrumental and laboratory diagnoses and specialist services according to a special protocol for pregnant women and the safeguarding of pregnancy (Law by Decree 10.9.98 – G.U. n. 245 of 20.10.98).

In order to be awarded exemption status in the case of **chronic ailment, disability or organ transplant**, it is necessary to go to the district office and ask for a special certificate to show to the family doctor and the Health Authority. The following documents are necessary:

- declaration of a specialist in a public facility who confirms the ailment; or documents that demonstrate the state of disability
- health card
- fiscal code

In the case of **pregnant women**, their doctor must indicate the right to exemption on the authorisation.

⁶ See note 4.

⁷ For Health Authority local office addresses consult the "Guide to Services" of the City of Florence Immigration Service. (www.comune.firenze.it)

⁸ D.Lgs. 22.06.1999, n.230.

⁹ Department of Health, minister's decree 18/03/1999.

¹⁰ Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Irish Republic, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom.

¹¹ Reg. (EEC) n. 631/2004.

¹² Iceland, Liechtenstein, Norway.

¹³ Regional Law 12.05.2003, n.24 – hygiene regulations for food industry staff.

¹⁴ Civil Code decree 66/17 of 24.02.2003.

¹⁵ Law n. 127/1997, art. 2.

¹⁶ The director must transmit the declaration within ten days of receiving it to the registrar in the town or city of residence of the parents of the child or, if they are resident in different places, to the town or city of residence of the mother.

¹⁷ For the City of Florence: Palazzo Vecchio, Piazza della Signoria: "Births and Citizenship Office" – room 1. Open: weekdays 08.30 – 13.00.

Foreign citizens who do not understand Italian must be accompanied by an interpreter. The service is free.

¹⁸ Unmarried parents.

RESIDENCE PERMIT (CARTA DI SOGGIORNO)

A residence permit is a document which **allows a foreign citizen to stay in Italy for an unlimited period of time.**

Persons entitled

Foreign citizens living lawfully in Italy for at least 6 years, holders of stay permits for a reason which consents an unlimited number of renewals.

Relevant authorities and requirements

Application must be made to the police headquarters of the town or city where those entitled live. The following information must be provided on two copies of the form:

- full personal particulars
- the place/places in which the foreign citizen has resided in Italy in the previous 6 years
- place of residence
- sources of income¹, including any disability pension, specifying the total amount

The following documents must be included with the application:

- copy of stay permit
- copy of passport or equivalent document, or identity document issued by the Italian authorities, indicating nationality, the date (or year) of birth and place of birth
- copy of income tax return for previous year or CUD form provided by the person's employer for the previous year, indicating an income which is not inferior to the annual welfare payment
- judicial register certificate² and certificate indicating any current prosecution³ to be obtained from the Law Court
- 4 photographs (passport size)⁴
- revenue stamp for €14,62

FAMILY MEMBERS

The residence permit can be requested for a spouse and children under 18 years of age living with the applicant.

Whereas the requirement regarding the length of stay (6 years) only affects the applicant, the so-called head of the family, the following documents must be produced also for family members for whom the residence permit is being requested and/or their registration on the residence permit of the applicant:

- full personal particulars
- copy of stay permit
- copy of passport or equivalent document, or identity document issued by the Italian authorities, indicating nationality, the date (or year) of birth and place of birth
- 4 photographs for every family member (passport size)⁵

The following must be included with the application:

- **documents attesting the relationship** (marriage, birth certificates, etc) issued by the authority of the country of origin, translated into Italian and authenticated by the Italian consulate, except documents issued according to the 1961 Hague Convention (documentation is not necessary in the case of a minor who has entered Italy with a visa for uniting family members)

- **documentation proving the availability of accommodation** which complies to the minimum criteria of the regional law as regards public housing⁶
- copy of a registered ownership contract or lease
- copy of a contract for free accommodation
- demonstration of suitability of accommodation:
 - certificate of suitability issued by council office (original)
 - certificate of suitability in terms of health and hygiene conditions issued by the local health authority (original)

If the head of the family is in domestic service and receives board and lodging, a declaration of hospitality from the employer which includes the other family members and the employer's certificate of family status are sufficient.

If the request is for a son/daughter **under 14 years**, who has arrived following one of the parents, the consent of the proprietor of the accommodation in which he/she will live is sufficient.

- **documentation demonstrating income** (for the year preceding the application) **no lower than the annual welfare** payment if the insertion of one family member is requested, double the amount of the annual welfare payment if two or three members are to be inserted, three times the amount if four or more members are to be added. The income is considered to be that earned by all members of the family who live together and are not dependents. (include copies of the tax returns and CUD forms of the family members)
- **judicial register certificate** of spouse⁷ and/or children over 14 years⁸
- **certificate indicating any current prosecution** of spouse⁹ and/or children over 14 years¹⁰

If the residence permit is requested by a foreign spouse or foreign parent living with an Italian citizen or with a citizen of an EU country resident in Italy, details regarding accommodation are unnecessary. Income will be demonstrated by including a copy of the CUD form or Modello Unico (demonstrating the income for the previous year) of the Italian or EU spouse.

The foreign applicant must indicate on the form, besides his/her own details, those of the spouse and child/children with whom he/she lives.

In the case of marriage with an Italian or European Union citizen, the requirement of the time passed in the country is no longer considered and the residence permit can be applied for and obtained immediately, allowing for the necessary bureaucracy involved.

In the case of foreign minors of an Italian citizen or a citizen of an EU member state resident in Italy living with the family, the residence permit must be requested by the person who has parental authority.

Issue of the residence permit

The police headquarters issues a receipt, indicating the day on which the permit will be ready. The receipt is by no means a substitute for the residence permit, which is in any case issued within 90 days of the application, subject to investigating the conditions indicated (among which: the absence of current prosecutions and the absence of convictions).

What happens if it is denied or revoked?

The foreign citizen can place an appeal with the Regional Administrative Court (TAR) within 60 days. The extradition of a foreigner who is the titleholder of a residence permit can only take place for serious reasons of public order.

2.2 Validity of a residence permit

The residence permit is a personal identity document for no more than five years from the date of issue or the date of renewal. Renewal is based on application by the permit holder who must supply new photographs.

Advantages of a residence permit:

The foreign citizen can:

- enter Italy without a visa
- carry out any legal activity apart from those expressly forbidden to foreigners by law or only reserved for Italians
- have access to services and benefits provided by the public authority
- take part in local public life, participate in elections when allowed by the local authority regulations.

DISCRIMINATION FOR RACIAL, ETHNIC, NATIONAL AND RELIGIOUS REASONS

(DISCRIMINAZIONE PER MOTIVI RAZZIALI, ETNICI, NAZIONALI E RELIGIOSI)

Persons concerned

- any person, whether Italian or of foreign nationality, who considers him/herself discriminated against in the exercise of a right, access to a service or occupation, on the basis of race, colour, ascendants or national or ethnic origin, citizenship, linguistic group, religious beliefs and observances
- associations and bodies, which carry out work in the sphere of discrimination and the promotion of equal treatment, enrolled in a special register¹ with the Council of Ministers (Department of Equal Opportunities)
- local bodies of the major trade union organisations represented nationally.

Discrimination

The "Fulfilment of directive 2000/43/CE for equal treatment among people regardless of race or ethnic origin"² decree contains the provisions regarding the accomplishment of equal treatment towards people regardless of race and ethnic origin, providing measures necessary to ensure that the differences of race or ethnic origin are not the cause of discrimination, also from a viewpoint that takes into consideration the different impact which the same forms of discrimination can have on women and men, as well as the existence of forms of racism of cultural and religious character.

In principle, equal treatment means the absence of any direct or indirect discrimination because of race or ethnic origin. Such a principle excludes the practice of direct or indirect discrimination.

- **direct discrimination** is when, because of race or ethnic origin, a person is treated less favourably than another person is, was or would be treated in the same situation;
- **indirect discrimination** means when an apparently neutral regulation, criterion, procedure, act, pact or a form of behaviour can place a person of a certain race or ethnic origin at a particular disadvantage compared to other people.

Harassment or, in other words, undesired forms of behaviour, is also considered a form of discrimination, carried out for reasons of race or ethnic origin, with the aim or the effect of wounding the dignity of a person and creating an intimidating, hostile, degrading, humiliating and offensive atmosphere.

People who carry out discrimination:

- a public officer or a person assigned a public service or a person operating a service of public necessity who, in performing his duties, carries out or omits acts which are not provided for by law with regard to an Italian or foreign citizen, only because he is foreign or belongs to a particular race, ethnic group or nationality
- anyone who imposes less favourable conditions or refuses to supply goods or services offered to the public to a foreigner only because he is foreign or belongs to a particular race, ethnic group or nationality
- anyone who illegally imposes less favourable conditions or refuses to allow access to an occupation, accommodation, education, training or social and welfare services to a foreigner living lawfully in Italy only because he is foreign or belongs to a particular race, ethnic group or nationality
- anyone who prevents, by actions or omissions, the carrying out of a legally undertaken economic activity by a foreigner living lawfully in Italy only because he is foreign or belongs to a particular race, ethnic group or nationality
- an employer or his representatives whose actions or behaviour, directly or indirectly, discriminate against workers only because they belong to a particular race, ethnic or linguistic group, religious confession or nationality.

¹ The remuneration of priests by the Catholic Church is considered "income comparable to that of subordinate employment" (State Department. Department of Police – Central Headquarters of Immigration and Border Police, Circular, 24 May 2005).

² Florence Law Court, P.zza S. Firenze, 5.

³ State Attorney's Office, Viale Spartaco Lavagnini, 31.

⁴ In place of multiple photos, the foreign citizen can be asked to be photographed by special computer-based equipment in the office.

⁵ See note 4.

⁶ For parameters, see information sheet on visas and permits for family reasons.

⁷ See note 2.

⁸ Florence Juvenile Court, Via della Scala, 79.

⁹ See note 3.

¹⁰ See note 8.

2.4 Relevant authorities

- Court of Justice of the town/city where the person concerned is living, by lodging a petition which is subsequently examined by the judge who has the power to order that the discriminatory behaviour be ended and adopt every other suitable measure to remove the effects of the discrimination. If he considers the petition well-founded, the judge can condemn the person responsible for the discriminatory act to compensation for damages, either concerning property or so-called moral damages
- Regional Centre for observation, information and legal advice (*Centro Regionale di osservazione, di informazione e di assistenza legale*) for the victims of discrimination on racial, ethnic, national or religious grounds.

Time required

In urgent cases the judge prepares a motivated decree, making, where necessary, brief enquiries. In such a case, he establishes, with the same decree, the appearance in court before him of the two parties within 15 days, and immediately fixes a deadline of maximum 8 days for the notification of the appeal and the decree. At this hearing, the judge confirms, modifies or revokes the measures set out in the decree by means of an ordinance.

The National Office for Racial Antidiscrimination (UNAR)³ has been set up at the Council of Ministers – Department for Equal Opportunities. Besides compiling an annual report for Parliament and the President of the Council of Ministers on the work carried out and promoting studies, research, training courses and exchanges, in collaboration with the associations and bodies enrolled in the register, with the other non-governmental organisations operating in the same sphere and with the institutes specialised in gathering statistical data, also for drawing up guidelines in the battle against discrimination, it has the task of:

- supplying assistance, in jurisdictional and administrative proceedings undertaken, to people who feel they have been affected by discriminatory behaviour
- carrying out enquiries, with respect for the prerogatives and functions of the judicial authority, to ascertain the existence of discriminatory phenomena
- promoting the adoption, by public and private bodies, especially the associations and bodies enrolled in the register, of specific measures, including plans of positive measures, directed at avoiding or compensating disadvantageous situations linked to race or ethnic origin
- spreading as much knowledge as possible about the current instruments of safeguard also through acts aimed at awakening public opinion on the principle of equal treatment and carrying out information and communication campaigns
- compiling recommendations and opinions on questions connected to discrimination of race and ethnic origin, besides proposals for the modification of the current regulations

Complaints can be filed with **UNAR** by phoning **freephone 800 90 10 10⁴, available 7 days a week from 10.00 to 20.00 in Italian, English, French, Spanish, Arabic, Russian, Rumanian, or Mandarin or via internet⁵.**

¹ The associations and bodies in the list are also allowed to act in cases of collective discrimination, where those affected by the discrimination are not immediately and directly identifiable.

² Legislative Decree 9.07.2003, n.215 - G.U.n. 186 of 12.08.2003.

³ Department for Equal Opportunities, via Barberini, 38 – 00187 Roma – tel. 06 42153488 06 42153261, www.pariopportunita.gov.it – email antidiscriminazioni@pariopportunita.gov.it

⁴ The contact centre is run by UNAR and the association ACLI, which has a network throughout the country; it can rely on a consultancy and technical assistance service provided by a group of experts in the main centre and in 5 large areas, namely Padua, Milan, Rome, Naples and Catania.

⁵ See note 3.

PERSONAL DATA REGISTRATION¹ AND OBLIGATIONS OF HOSTS

(ISCRIZIONE ANAGRAFICA¹ E OBBLIGHI DELL'OSPITANTE)

The registration of personal data² is carried out

- for births³, at the registry office of the city or town of residence of the parents or mother if the parents are registered in two different places
- when the parents are unknown, at the registry office where the person to whom the child has been given in custody is registered
- for judicially declared existence
- for change of residence from another city or town or from abroad declared by the person in question, or checked by the registrar⁴, taking into account the provisions relating to persons without fixed abode⁵ (who are considered to be resident in the town or city in which they dwell or otherwise in the town or city of birth⁶), as well as when the person is not registered in any registry office.

Foreign prisoners are registered in the town or city where the prison is situated, since their presence in Italy is determined by the existence of a sentence which compels them to stay there⁷. If the registration is not carried out by the prison director, the task falls to the registrar (see note 4).

Transfers due to reasons linked to a trial cannot influence the place where a prisoner is registered, nor can such a person be considered without fixed abode.

Prisoners awaiting trial⁸ cannot request to register a change of residence nor can this be carried out officially.

Foreign citizens registered must renew the declaration regarding their established dwelling-place within 60 days of the renewal of their stay permit. (The registration does not expire during the renewal of the stay permit).

Foreign citizens with a residence permit must renew the declaration regarding their established dwelling-place within 60 days of the renewal of their residence permit. The registrar will update their information and transmit this to the head of police.

People who cannot be traced and have therefore been removed from the list and who subsequently reappear must register again.

The dwelling-place of a foreign citizen is considered to be established also as regards cases of documented hospitality for more than three months in an immigration reception centre. If the registrar checks the existence of the established dwelling-place, the duration of the stay permit or similar, given that this must be valid at registration, cannot prevent registration⁹.

Enrolments, changes¹⁰ or cancellations are communicated to the police headquarters for the area in question. Any changes in abode, if registration has not been carried out¹¹, must be communicated by the foreign citizen to the area police headquarters within 15 days.

Procedure

Application must be made by a member of the family who is over 18 years of age.

For first-time registration or change of residence¹² the following is necessary:

- valid passport (for EU citizens the identity card of their country is sufficient) or identity card issued by another Italian town or city
- valid stay permit (if first issue it must be valid for at least three months)

- original documents about the civil status of the applicants (marriage, divorce, widowhood, etc.). These can include:
 - originals issued by the state in which the event took place, accompanied by an Italian translation of the foreign text
 - authenticated originals issued by the relevant authorities of the state in which the event took place which are then subject to a sworn translation at the Magistrate's Court¹³
 - a declaration, containing all details, issued by the person's consulate or embassy, with an authenticated signature from the relevant Prefect's Office
- if the applicant possesses an Italian driving licence and/or vehicle logbook, a form must be filled in when making the application.

IMPORTANT

The information on the identity document and the information on the stay permit must be identical. The information about civil status cannot be authenticated without presenting the relevant original documents.

For a change of address¹⁴ the following is necessary:

- valid identity document (passport or identity card)
- valid stay permit (of all persons changing address)
- if the applicant possesses an Italian driving licence and/or vehicle logbook a form must be filled in when making the application.

Enrolment, change of residence and change of address are only carried out once the police have ascertained that the applicants actually live in the dwelling indicated. If this proves to be the case, the date the residence or change enters into effect will be the date on which the application was presented at the registry office.

Any person who registers or changes residence or address must make a declaration to the tax office as regards the tax on solid urban waste. The relevant form can be collected at the registry office.

The registration is cancelled

- when residence is transferred to another town or city or abroad, or when a person without fixed abode moves to another area
- for ascertained untraceableness following the outcome of a general census, or when the person cannot be traced following repeated controls and for failure to renew the declaration regarding habitual address within a year of the expiry of the stay permit or residence permit. The foreigner is notified and invited to rectify the situation within 30 days.

Identity cards, except in those cases in which international conventions or agreements state differently¹⁵, are not valid for expatriation and do not legitimize the sojourn of foreigners in Italy in place of a stay permit or in place of a stay permit which has expired.

OBLIGATIONS OF HOSTS AND EMPLOYERS

Any person, for whatever reason, who provides accommodation or gives hospitality to a foreign citizen or a displaced person, even if this person is a relative or relative by marriage, or for any reason engages this person in their service or cedes to this person ownership or the use of real estate, whether rural or urban, located on State territory must communicate this in writing to the local police authority within 48 hours.

The communication must include, besides the particulars of the person making the declaration, the particulars of the foreign citizen or displaced person, details of their passport or identity document, the exact location of the premises ceded or in which the person is staying, being given hospitality or is working and the reason for which this communication is necessary and a photocopy of the stay or residence permit of the foreign citizen.

Any violations of the current regulations are subject to an administrative sanction in the form of the payment of a fine ranging from €160 to €1100.

¹ Comune di Firenze, Ufficio Anagrafe (City of Florence Registry Office) – Via dei Leoni, 5. Mon to Sat: 08.30 – 13.00; Thurs: 08.30 – 18.30.

² Important: if immigration, change of residence or change of address involves an already-existing family (in other words, living in the same dwelling-place and already registered), the declaration must also be signed by an adult member of the already-existing family, besides the person requesting the registration or change of address. If the application is for registration at a boarding-house or a hotel, a declaration on headed paper of the owner must be produced which explicitly authorises the applicant to register with the hotel or boarding-house.

³ Minors do not need to be included in the reason of stay of one of the parents in order to register the minor since this is automatic from birth (State Department Circular n. 32/2004 – registration of minors born to lawfully resident foreign citizens).

⁴ According to D.P.R. 30th May 1989, n. 223 and Law 24th December 1954, n. 1228, if the registrar ascertains a change of residence from another town or city or from abroad of a person who is not registered or has not communicated any changes (new family, changes in the family or those living together, changes to the nominee on the family file or the person responsible for those living together, or changes in professional or academic qualifications) the person in question is invited to clarify his/her situation.

⁵ According to the ordinance of the Mayor of Florence n. 2005/00474 of 13.06.2005, any person who is without fixed abode but habitually lives within the city of Florence, can declare their fixed abode to be in Via L. Lastrucci (former town house) or accede to the procedure "residence as the key to social integration of persons without fixed abode", as set out in the above-mentioned ordinance.

⁶ Law 24th December 1954, n. 1228, art.2.

⁷ State Department – note protocol 200502093-15100/4208 of 19th April 2005 "Registration of foreign prisoners".

⁸ D.P.R. 30th May 1989, n. 233, art. 8 para. 1c.

⁹ The State Department (circular n. 28 of 23/12/2002) has ordered that with regard to registration, if an applicant has a valid stay permit the length of its validity and type must be left out of consideration. Clearly, the registrar cannot fail to check the existence of the habitual dwelling-place, which will be evaluated in its entirety also by an evaluation of the stay permit. In other words, if the registrar ascertains the existence of the habitual dwelling-place, the extent of validity of the stay permit or similar, given that it must be valid when applying to register, cannot prevent registration. The registrar cannot refuse an application for registration from a person who is in possession of a (valid) stay permit of limited duration (e.g. for tourism, study, etc.) and which leads to presume the lack of existence of the requisite of the habitual dwelling-place; the subsequent controls and all the elements that the registrar is obliged to obtain will contribute to form the conviction and support the acceptance or rejection of the registration application (www.piemmenews.it).

¹⁰ Any change of address can only be carried out at the offices in Palazzo Vecchio, Via dei Leoni, 5.

¹¹ Consolidated Act – art. 6, para. 7: "Registrations and changes of foreign citizens lawfully living in Italy are carried out respecting the same conditions as Italian citizens with the procedures set out in the regulations. In any case the dwelling-place of a foreign citizen is considered habitual also as regards cases of documented hospitality for more than three months in a reception centre. Any registrations or changes are forwarded to the relevant police headquarters" and para. 8: "Apart from the cases as in para. 7, foreign citizens who reside in Italy must communicate any changes in abode to the relevant head of police within fifteen days".

¹² Registration coming from abroad or another town or city.

¹³ Magistrate's Court: Piazza San Martino, 2 – tel. 055 264271.

¹⁴ Transfer from one apartment to another within the same town or city.

¹⁵ Austria, Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Irish Republic, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom.

SELF-EMPLOYMENT (LAVORO AUTONOMO)

1) ENTRY VISA FOR SELF-EMPLOYED WORKERS

Persons eligible

Foreign citizens who intend carrying out an industrial, professional, artisan or commercial activity in Italy, or form companies or partnerships or hold a position in a company.

Procedure

A foreign citizen who wants to carry out self-employed work must request a declaration from the relevant public authorities, that there are no reasons which prevent the issue of the title of qualification or authorisation, upon consideration of the criteria and procedures necessary for the issue of this document. This can also be done by proxy.

Within the immigration quota limits, established annually by prime-ministerial decree, a foreign citizen can obtain an entry visa for self-employed work upon production of the following documents at an Italian consular or diplomatic authority:

- 1) a declaration stating that there are no reasons impeding the granting of the qualifying title or authorisation necessary to carry out the chosen self-employed activity in Italy;
- 2) a declaration of the reference indicators regarding the availability of the necessary financial resources to carry out the chosen self-employed activity, issued by the Chamber of Commerce¹ of the area in which the self-employed activity must be carried out, or by the relevant professional association. These indicators are based on the applicant having, in Italy, a sum which is not lower than the annual capitalisation of a monthly amount equal to the welfare allowance (this declaration is also necessary for activities which do not require any qualifying title or authorisation).

Application and issue of authorisation

The declaration referred to at point 1, together with a copy of the application and the documentation produced for its issue, and the certificate of the Chamber of Commerce as in point 2, must be presented to the relevant police headquarters for the temporary authorisation for entry. This can also be done by proxy. The temporary authorisation is attached to the declaration within 20 days of the date it is received, after checking that there are no reasons as to why the foreign citizen should not enter and stay in Italy for self-employment. The declaration, with the authorisation, is issued to the applicant or the proxy.

Application for entry visa

The declaration, certificate and authorisation, dated not more than 3 months previously, must be presented to the relevant diplomatic or consular authority for the issue of the entry visa along with:

- documentation demonstrating the availability of suitable accommodation in Italy
- documentation which demonstrates an annual income from legal sources superior to the minimum required by law for exemption from healthcare contributions

The diplomatic or consular authority, after checking the necessary prerequisites on the basis of the regulations and documentation presented, issues the visa within 30 days, expressly indicating the activity to which it refers, along with a certificate declaring the existence of the necessary prerequisites for a stay permit for self-employment. This information is forwarded to the State Department, INPS (*National Institute of Social Insurance*) and INAIL (*National Institute for Insurance against Industrial Injuries*). The visa must be used within 180 days of its date of issue.

Application for stay permit

Within 8 days of arriving in Italy, a foreign citizen must go to the relevant police headquarters to apply for a stay permit for self-employment.

Documents necessary:

- copy of passport with entry visa
- 4 photographs
- 1 revenue stamp for €14,62
- certificate declaring the existence of the necessary prerequisites for a stay permit for self-employment, issued by the Italian diplomatic or consular authorities

The stay permit for self-employment is valid for two years and can be renewed.

2) CONVERSION OF STAY PERMIT FOR STUDY OR PROFESSIONAL TRAINING INTO STAY PERMIT FOR SELF-EMPLOYMENT²

A foreign citizen in possession of a valid stay permit for study or professional training can ask for it to be converted into a stay permit for self-employment.

Application for authorisation

The application, on a special form³, must be sent to the Immigration Office at the Prefect's Office of the province of residence of the applicant.

The following documents must be included

- copy of valid stay permit for study
- copy of valid identity document
- copy of the necessary documentation for the self-employment to be carried out as indicated in the following list:

Free-lance workers

- declaration issued by the authority in charge of granting the qualification, licence, authorisation or receiving notice of the commencement of the activity, or by the bodies in charge of supervising the professional associations;
- documentation of an annual income which is not lower than the annual welfare allowance.

Entrepreneurs, shopkeepers and artisans

- registration with the Chamber of Commerce of the province where the activity will be carried out;
- photocopy of VAT number;
- declaration issued by the authority in charge of granting the qualification, licence, authorisation or receiving notice of the commencement of the activity;
- documentation of an annual income which is not lower than the annual welfare allowance.

Holders of contracts for services, consultancy, etc.

- enrolment certificate of the company, which has existed for at least 3 years, for which the service is given in the Registry of Companies (Chamber of Commerce certificate);
- copy of the last balance sheet of the company (in the case of a capital company) deposited with the Register of Companies, or the last tax return (in the case of a partnership or individual concern) which demonstrates that the extent of the earnings or income guarantee payment;
- work contract, which guarantees the self-employed worker a sum which is greater than the annual welfare allowance.
- copy of the declaration of responsibility sent to the relevant provincial employment headquarters which demonstrates that, given the contract drawn up, the work will not be dependent employment.

Sportsmen and athletes

- named declaration of approval issued by CONI (Italian Olympic Games Committee);
- documentation of an annual income which is not lower than the annual welfare allowance.

SEASONAL EMPLOYMENT (LAVORO STAGIONALE)

1) ENTRY VISA FOR SEASONAL EMPLOYMENT

Persons affected

Foreign workers resident abroad, whom the Italian or foreign employers duly residing in Italy, intend to engage for seasonal work. The request can also be presented by the trade associations on behalf of their associates. In this case the authorisation (*nulla osta*) and the proposal of a contract must be signed by each employer. The applications for engaging employees must be presented in the sphere of the entry numbers established by the annual prime-ministerial decrees.

If a seasonal worker has complied with the conditions indicated in the stay permit for seasonal work and has returned to his country of origin upon expiry of the permit, he has priority to re-enter Italy the following year for seasonal work over other citizens of his country who have never entered Italy properly for reasons of work.

A foreign citizen who demonstrates that he has been in Italy at least two years consecutively for seasonal work can be issued, when the employment is repeated, a multi-year permit for this work for up to three years, valid for the annual period corresponding to that of the previous two years with only one measure. The relative entry visa is issued each year.

On the basis of the multi-year authorisation for seasonal work, the entry visas for the years following the first are conceded by the consular authorities, upon showing the proposal of the contract for seasonal work, transmitted to the worker by the employer, who is also responsible for forwarding a copy to the relevant immigration office.

Relevant authorities

The application for the authorisation to employ someone must be presented at the Immigration Office at the Prefect's Office (*prefettura – Ufficio Territoriale del Governo*) of the province of residence, where the company has its registered office, or where the work will be carried out, even in the case of various short-term jobs grouped together to be carried out on behalf of different employers¹. If the worker is employed in more than one location, the place where he/she will work most must be indicated.

Application Procedure

- Application for authorisation for work which can be
 - **by name**
 - **numerical** → only when there are special lists of foreign workers at the Italian diplomatic or consular authorities²
- **group presented by more than one employer who intend employing the same worker for the maximum period allowed for seasonal work**
- **for more than one year** (*maximum 3 years*) → *it must be for a foreign worker who has worked seasonally for two years running, certified by a passport or equivalent document which demonstrates the date of departure from Italy at the end of the previous stay for seasonal work.*

The employer must present

- suitable documentation pertaining to the accommodation arrangements for the foreign worker³
- the contract proposal with the relevant conditions
- declaration pledging to pay the return expenses of the foreign worker to the country of origin
- declaration pledging to communicate any variation to the employer-employee relationship.

The following must be included:

- personal declaration of registration of the company with the Chamber of Commerce for the activities for which the registration is required;

30 Partners, company directors

- copy of the memorandum of the company;
- enrolment certificate of the company, which has existed for at least 3 years, in the Register of Companies (Chamber of Commerce certificate);
- declaration of the legal representative of the company which guarantees an income greater than the annual welfare allowance for the partner who is giving his services or for a person who holds social positions;
- copy of the last balance sheet of the company (in the case of a capital company) deposited with the Register of Companies, or the last tax return (in the case of a partnership or individual concern) which demonstrates that the extent of the earnings or income guarantee payment;
- copy of the declaration of responsibility sent to the relevant provincial employment headquarters which demonstrates that, given the contract drawn up, the work will not be dependent employment.

Artists, dancers, people in show business

- work contract with the authenticated signature of the administrator (or the licence-holder of the concern or of the manager or legal representative) which guarantees the self-employed worker an income which is greater than the annual welfare allowance;
- suitable professional certificates which attest the activity;
- registration certificate of the company which stipulates the contract in the Register of Companies;
- copy of the last balance sheet of the company (in the case of a capital company) deposited with the Register of Companies, or the last tax return (in the case of a partnership or individual concern) which demonstrates that the extent of the earnings or income guarantee payment;
- copy of the declaration of responsibility sent to the relevant provincial employment headquarters which demonstrates that, given the contract drawn up, the work will not be dependent employment.

University language assistants

- declaration from the university or higher education and research establishment, whether public or private, declaring the person in possession of the necessary professional prerequisites for the job;
- documentation of an income which is not lower than the annual welfare allowance;
- certificate from the provincial employment headquarters stating that the contractual plan does not represent dependent employment.

Translators and interpreters

- qualification or professional certificate of translator or interpreter, stating the languages requested, issued by a state school or public body or similar institute, according to the current legislation in the country of issue, endorsed by the relevant diplomatic or consular authority;
- documentation of an income which is not lower than the annual welfare allowance;
- certificate from the provincial employment headquarters stating that the contractual plan does not represent dependent employment.

Issue of authorisation and stay permit

If the entry numbers cannot permit entry or the necessary prerequisites for self-employed work are not met, the Immigration Office informs the foreign citizen of this situation. Otherwise, he is summoned for the issue of the certificate declaring that the prerequisites have been met, after which the office undertakes the application for a stay permit for self-employed work, informing the foreign citizen of the date on which it can be collected.

¹ Chamber of Commerce, Piazza dei Giudici, 3, tel.: 055 27951

² Applications can only be made in the sphere of the entry numbers set out annually by prime-ministerial decree.

³ The application form can be collected at the Immigration Office or downloaded from <http://www.welfare.gov.it/Sociale/immigrazione+ed+integrazione/modulistica+assunzioni+e+ricongiungimenti.htm>

- declaration of the social security and tax position to demonstrate, according to the type of company, the employment and income capacity of the employer
- the proposal of an open-ended, fixed or seasonal contract, either full or part-time and for no less than 20 hours per week.

If the employer intends to recover the expenses for providing accommodation, deducting from the monthly salary a sum no more than one third of the total, the deduction must be clearly written in the contract proposal which will determine its extent.

Issue of authorisation

The immigration office immediately communicates the application to the relevant employment centre which checks within 5 days the availability of Italian, EU or non-EU workers for the seasonal employment offered. In the case of a negative answer from the employment centre or confirmation of the authorisation request from the employer or, in any case, if 10 days have passed without any contact from the employment centre, the immigration office issues the authorisation taking into consideration the right of precedence. In any case it is issued within 20 days of receiving the request from the employer.

Entry visa application

Once the worker is informed of the issue of the authorisation by the employer, he must apply for an entry visa to the relevant diplomatic or consular authorities.

The diplomatic or consular authorities communicate the contract proposal to the worker and issue, once the necessary security checks have been carried out, the entry visa, including a fiscal code, within 30 days of the date of application. The foreign citizen is informed that he must **go to the Immigration Office within 8 days of entering Italy to apply for a stay permit.**

2) STAY PERMIT FOR SEASONAL EMPLOYMENT

The stay permit is valid for a minimum of 20 days and a maximum of 9 months.

A foreign citizen who demonstrates that he has been in Italy at least two years consecutively for seasonal work can be issued, when the employment is repeated, a multi-year permit for this work for up to three years. The relative entry visa is issued each year.

A foreign citizen with a stay permit for seasonal employment valid for less than 30 days is exempt from the obligation of being photographed and having his fingerprints taken.

Social security and healthcare

Foreign citizens in possession of stay permits for seasonal work are subject to the following forms of obligatory social security and healthcare, according to the regulations in force in the various sectors:

- insurance for disability, old age and survivors;
- insurance for accidents at work and occupational illnesses;
- insurance for illness;
- insurance in the case of pregnancy.

In the place of contributions for dependancy benefits and insurance against involuntary unemployment, the employer is obliged to pay a contribution to the National Institute of Social Insurance (INPS) equal to the amount of the same contributions and based on the conditions and procedures established for these.

Contributions can be transferred to the institute or insurance body of the country of origin⁴ and does not affect the possibility of reconstructing the contribution position in the case of a worker who subsequently returns.

Workers can **register with the National Health Service** for the duration of the period of employment at the health authority office of the town or city indicated on the stay permit.

¹ There can only be one authorisation for seasonal work (minimum 20 days – maximum 9 months) for more than one employer for the same foreign worker for different periods of work throughout the season. It can be requested by the employers, also jointly, and is issued to each one. Further authorisations are allowed, even from different employers as long as they are within the maximum specified period.

² Information regarding the lists can be obtained at the provincial employment centres or on the site www.welfare.gov.it

³ Accommodation arrangements must conform to the minimum parameters set out in the regional law for public housing. The worker needs to present the receipt demonstrating the application for the certificate of suitable housing, and the documentation of the actual availability of housing, at the Immigration Office, after his arrival in Italy. The document demonstrating the existence of the criteria regarding the suitability of accommodation must be presented when renewing the stay permit.

⁴ INPS, circular n. 45 of 28.02.2003, Law 30th July 2002, n.189. "Pension treatment for repatriated non-EU workers".

ENTRY FOR EMPLOYMENT (LAVORO SUBORDINATO)

1) ENTRY VISA

Persons affected

Any foreign worker resident abroad with whom an Italian or foreign employer lawfully living and resident in Italy intends to install an open-ended or fixed working relationship. Applications can only be presented in the sphere of the entry numbers established by annual prime-ministerial decree.

Relevant authority

The application for the authorisation to employ someone must be presented at the Immigration Office at the Prefect's Office (prefettura – Ufficio Territoriale del Governo) of the province of residence, where the company has its registered office, or where the work will be carried out. The Immigration Office responsible for issuing the authorisation is, in any case, that of the place in which the work will be carried out; therefore, the office that receives the application must forward it to the relevant one if necessary, and duly inform the employer.

Application procedure

The employer must present the following to the Immigration Office:

- named request for the authorisation to work;
- suitable documentation pertinent to the housing arranged for the foreign worker;
- the proposal for the contract with the relative conditions;
- the undertaking of the payment on the part of the employer of the return expenses of the foreign citizen to his country of origin;
- declaration pledging to communicate any variation concerning the employer-employee relationship.

The following documents must be included:

- personal declaration of registration of the company with the Chamber of Commerce for the activities for which the registration is required;
- declaration of the social security and tax position to demonstrate, according to the type of company, the employment and income capacity of the employer;
- the proposal of an open-ended, fixed or seasonal contract, either full or part-time and for no less than 20 hours per week, and, in the case of domestic work¹, a monthly salary not lower than the minimum welfare allowance.

The employer can recover the expenses for providing accommodation, deducting a sum which must not exceed a third of the total from the monthly salary, unless it is a working relationship for which the corresponding national contract establishes the salary taking into consideration that the worker is staying in accommodation put at his disposal by the employer.

The application is forwarded to the police headquarters and the provincial employment headquarters which carry out the necessary checks and communicate their opinion as regards the issue of the authorisation to the Immigration Office.

The disposition which regards checking the economic situation is not applied to an **employer who suffers from a chronic ailment or disability** which limits his independence and who intends employing a foreign worker to help him.

Numerical applications

If the employer does not know personally the foreign citizen he can ask, by presenting the documentation pertinent to the contract, housing and repatriation expenses, the authorisation for work for one or more persons enrolled in the lists at the Italian diplomatic or consular authorities.

The lists of foreign workers seeking employment in Italy are compiled and updated each calendar year, and divided into those seeking open-ended, fixed or seasonal employment. They correspond to the order of presentation of the enrolment applications at the diplomatic or consular authorities.

Lists of workers of Italian origin

Every diplomatic or consular office also has a list of workers of Italian origin on the part of at least one parent as far back as three generations in direct line of ascendancy, resident in non-EU countries. These lists of workers seeking employment in Italy are compiled and updated in the same manner as the lists in the paragraph above.

Issue of authorisation

If the application contains amendable irregularities or the documentation is incomplete, the Immigration Office invites the employer to resolve the situation. In such cases, the date on which the authorisation for employment is granted is the date on which the situation is resolved.

The Immigration Office forwards the requests of the employers to the relevant employment centre. After 20 days, if no application has been made by an Italian, EU or non-EU worker, the centre informs the Immigration Office of this situation. If instead applications have been made, the employment centre informs the Immigration Office and the employer. If other resident workers are available, the employer must inform the Immigration Office and the employment centre within 4 days whether or not he intends to confirm the request for authorisation. In the meantime the application is suspended.

If the employment centre replies in the negative or if there is clear confirmation of the request for the authorisation by the employer – or, in any case, 20 days have passed without any information forthcoming from the employment centre – the Immigration Office, after seeking the opinion of the head of police as to whether there are any impediments regarding the foreign worker or the employer, calls the employer for the authorisation and signing of the contract, which is prepared by the Immigration Office on the basis of the employer's proposal in the application. The Immigration Office sends the documents, including a fiscal code, to the consular offices. **The authorisation for employment is valid for a period of up to 6 months from the date of issue.**

Entry visa application

Within these 6 months, the foreign worker, informed of the issue of the authorisation on the part of the employer, must apply for an entry visa to the relevant diplomatic or consular authorities.

The diplomatic or consular authorities inform the foreign worker of the work contract proposal and issue, once the necessary security checks have been carried out, the entry visa, including a fiscal code, within 30 days of the date of application. **The foreign citizen is informed that he must go to the Immigration Office within 8 days of entering Italy to apply for a stay permit.**

1.1) ENTRY FOR EMPLOYMENT – SPECIAL CASES

a) The procedure for the issue of the authorisation for work for workers in the special categories listed in the Consolidated Act on immigration in article 27, letters a), b), c), d), e), f), g), i), r) and r-bis) is the same as above. The authorisation is issued outside the entry numbers established by the annual prime-ministerial decrees.

b) For workers belonging to the special categories listed in the Consolidated Act on immigration in article 27, letters l), m), n) and o), the applications must be presented at the *General Headquarters of the Labour Market - National Employment Office for Showbusiness Workers*, which is responsible for the issue of the relevant authorisation, and not at the Immigration Office.

c) For foreign workers carrying out any kind of professional sporting activity at Italian sports clubs², the authorisation for work is replaced by the named declaration of approval which is issued by CONI.

3b The authorisations and the declarations for workers as at points b) and c) will be communicated by the relevant offices to the Immigration Office in order to draw up the contract proposal: for showbusiness workers, that of the province where the company has its registered office; for sportsmen, that of the province where the club has its main office. In these cases, the Immigration Office is only responsible for signing the contract proposal and issuing the stay permit.

2) STAY PERMIT

Contract proposal stipulation and stay permit issue

A foreign citizen who enters Italy with a visa for employment must go to the Immigration Office which issued the authorisation within 8 days to sign the contract proposal for work, without making any modifications or changes, upon demonstrating proof of the effective availability of accommodation³, and a declaration pledging to pay the return journey expenses to the country of origin.

Documents necessary:

- Copy of passport with entry visa
- 4 photographs
- 1 revenue stamp for €14,62

Upon signing a contract proposal, the Immigration Office ensures that the foreign worker signs the form for a stay permit. The information is then forwarded to the police headquarters which will issue the permit. Besides the receipt for presenting the stay permit application, the worker is also given two copies of the contract, one of which he must give to the employer. The foreign citizen will be informed by the Immigration Office when to go to the police headquarters to be photographed and have his fingerprints taken.

Duration of stay permit for employment

The stay permit has the same duration as the contract, and in any case cannot exceed:

- one year, in relation to a short-term employment contract (*contratto di lavoro subordinato a tempo determinato*);
- two years, in relation to an open-ended employment contract (*contratto di lavoro subordinato a tempo indeterminato*).

Renewal of a stay permit

The application must be made to the head of police of the province in which the foreign citizen is dwelling:

- 90 days prior to the expiry date for stay permits for work with open-ended contracts;
- 60 days prior to the expiry date for stay permits for work with short-term contracts;
- 30 days prior to the expiry date for all other cases.

What happens if the worker is unemployed?

The loss of a job is not a reason for revoking the stay permit of a lawfully residing worker and his family members.

When a foreign worker loses his job, according to the current regulations for **collective dismissal**, the company that engaged him must communicate the situation to the Immigration Office and the employment centre within 5 days to allow the foreign worker enrolment in the lists and economic assistance in his favour.

The employment centre will register the foreign citizen in the employment lists for the period corresponding to the remaining validity of his stay permit. In any case, the total period is no shorter than 6 months.

When the dismissal falls within the current laws on **individual dismissal**, or in the case of **resignation**, the employer informs the relevant Immigration Office and the employment centre within 5 days. If the foreign worker wants to register his unemployed status, he must **go within 40 days of the end of the employment to the employment centre** and return the declaration for the previous activity as well as declaring his immediate availability for another job, showing his stay permit.

The worker is registered in the employment lists for the remaining valid period of the stay permit, and in any case, unless it is a stay permit for seasonal work, for a period of no less than **6 months**.

When a foreign worker has the right to remain on State territory after the limit established on his stay permit for employment, he can apply to the police headquarters for a **stay permit while "awaiting employment"** for a period of up to 6 months from the enrolment date in the employment lists.

What happens if the stay permit while "awaiting employment" expires?

According to current regulations, the foreign citizen must leave the country unless he is in possession of a new work contract or he is entitled to a stay permit for another reason.

Variations in the employer-employee relationship and renewal of stay permit

For working relationships already installed with non-EU workers without the conclusion of a contract and for new working relationships, a work contract proposal must be signed, drawn up on a special form⁴, which must be sent to the Immigration Office by registered post which will stamp the receipt and return it.

When the stay permit is renewed, the foreign worker must go to the police headquarters with the necessary documents and the return receipt of the above-mentioned registered letter with the Immigration Office stamp.

The renewal of a stay permit for work depends on the existence of a work contract, and a declaration from the employer declaring the availability of accommodation for the worker, according to the minimum standards set out by regional law for public housing.

Disabled workers or refugees

In the case of a foreign citizen lawfully resident for reasons of employment or for a reason which allows employment, who has been declared disabled, enrolment in the separate lists for the individual categories of disabled people, is the equivalent of enrolment in the employment lists. These lists are kept at the Provincial Employment Offices and also include refugees who are unemployed and who are seeking a job suited to their working skills and abilities.

Welfare and social security rights in the case of repatriation

In the case of repatriation a non-EU work maintains his welfare and social security rights matured and can enjoy them independently of a mutual agreement in force upon the accrual of the requisites provided by the regulations in force **on reaching 65 years of age**.

If the person dies before the age of 65, the survivors are not entitled to the pension in consideration of the fact that it only comes into effect upon reaching 65 years of age.

If the person dies after the age of 65, the survivors are entitled to the pension under the conditions of the current regulations for workers in general⁵.

¹ The economic capacity of a domestic work employer is valid if his annual net income is equal to at least twice the annual payment of the worker to be employed, increased by the relevant contributions. The minimum income requested can also be reached by combining the incomes of immediate relatives not living with the person or, of other persons legally held to help on the basis of personal declarations.

² Letter p) of art. 27 of the Consolidated Act.

³ The first time he goes to the Immigration Office, the worker must present the receipt demonstrating the application for the certificate of suitable housing and documentation of the effective availability of housing. The document showing the existence of the suitability parameters for housing must be presented upon renewal of the stay permit.

⁴ <http://www.welfare.gov.it/Sociale/immigrazione+ed+integrazione/modulistica+assunzioni+e+ricongiungimenti.htm>

⁵ INPS, circular n. 45 of 28.02.2003, "Law 30th July 2002, n.189. Pension treatment for repatriated non-EU workers".

MARRIAGE (MATRIMONIO)

Persons eligible

All citizens, whether Italian or foreign, including those not resident or domiciled and without stay permits.

Relevant authority

Registry office of the city or town of residence

Publications Office (when at least one member of the couple is resident)

Documents necessary

- valid identity document: passport or similar document recognised as equivalent
- authorisation (*nulla osta*)¹ for marriage which can be issued by:
 - a) either the consulate or embassy in Italy of the country of origin (inquire as to the procedure for the authorisation at the consulate or embassy). The signature of the Consul or Ambassador must be authenticated² by the Prefect's Office³
 - b) or the authority of the country of origin in accordance with the regulations of the foreign country, translated into Italian and authenticated by the Italian authority in the same country (consulate or consular department of the Italian embassy)
- birth certificate: if the citizen is resident or domiciled in Italy, he/she is subject to the publication of the banns. The birth certificate can be issued as at points a) or b) and, if drawn up on an international form (multilingual) is exempt from authentication (if the *nulla osta* includes details about the parents, a birth certificate is unnecessary)

A minor of more than 16 years of age but less than 18, must obtain a measure for admission to marriage by the Juvenile Court with a certificate of the Court of Appeal.

Political refugees must present:

- certificate issued by the United Nations High Commission in Rome (tel. 06 802121: phone for appointment)
- copy of attested affidavit compiled in the presence of two witnesses at Court
- travel document demonstrating status as a political refugee
- valid identity document

If the foreign citizen does not understand Italian perfectly he must be assisted by a translator or interpreter over 18 years of age in possession of an identity document, both when requesting the publication of the banns and during the marriage ceremony.

Foreign citizens living in Italy for at least one year, who have married on Italian territory an Italian citizen or a citizen of a European Union Member State, or a citizen of another country with regular documents, will be issued a stay permit for family reasons by the police headquarters. Except in the case of the birth of offspring, this stay permit will be immediately withdrawn if it is ascertained that the couple did not effectively cohabit after marriage.

If the requirements for a stay permit for family reasons are lacking, a **stay permit for other reasons** can be issued if the requirements exist and if the person involved presents such a request.

¹ The authorisation must indicate there is no impediment to marriage according to the laws of the country of origin, surname, name, date and place of birth, citizenship, residence, domicile and single status. In the case of a divorcee or widow the date of the dissolution of the marriage is also necessary. In the case of a divorcee or a widow of less than 300 days the authorisation of the Court of Justice is needed. (N.B. If the citizen is enrolled at the registry office of an Italian town or city, he/she should indicate residence in that place; if the citizen is not enrolled at any registry office in Italy he/she should indicate the foreign town or city of residence).

² The following countries are exempt from authentication: Austria, Belgium, Bosnia-Herzegovina, Cyprus, Croatia, Czech Republic, Denmark, France, Germany, Great Britain, Greece, Irish Republic, Liechtenstein, Luxembourg, Macedonia, Moldova, Norway, Netherlands, Poland, Portugal, Serbia-Montenegro, Slovenia, Spain, Sweden, Switzerland and Turkey.

³ Prefect's Office (Prefettura) in Florence: Via A. Giacomini, 8 – tel. 055 27831.

SAFEGUARD OF PERSONS AT RISK (PROTEZIONE SOCIALE)

Persons affected

Foreign citizens who are the victims of a violent situation or serious exploitation in which concrete risks for their safety can arise, resulting from an attempt to escape their predicament, are granted a **stay permit for 'humanitarian reasons'**. This protects them from the violence and conditioning of the criminal organisation and allows them to participate in a social integration and assistance programme.

Procedure

The proposal for a stay permit for reasons of safeguard is carried out by

- the social services of the local authorities or associations, bodies and other organisations enrolled in a special register with the Board of the Council of Ministers, Department of Social Affairs, in an agreement with the local body and therefore qualified to carry out assistance and social safeguard programmes for foreigners, which have identified situations of violence or serious exploitation towards the foreign citizen in question.
- the State Attorney in those cases in which prosecution has begun relating to episodes of violence or serious exploitation involving a foreigner who has made relevant declarations.

Once the proposal has been received and the existence of the conditions checked (the gravity and recent nature of the danger and the relevance of the contribution offered by the foreign citizen to contrast the criminal organisation so as to identify or arrest those responsible), the police headquarters will issue a stay permit for humanitarian reasons.

Essential requirements

- the opinion of the State Attorney, when the above-mentioned prosecution has begun and the attorney has omitted to formulate the proposal or the proposal does not indicate the gravity of the danger and the degree to which it is relevant to the present
- the assistance and social integration programme relevant to the foreigner, in accordance with the regulations of the Interdepartmental Commission for the realisation of the programme
- the foreigner's consent to the programme, following a warning of the possible consequences due to suspension of the programme or behaviour which is incompatible with the aims of the programme
- the acceptance of the commitments connected to the programme by the person in charge of the facility where the programme will be carried out.

This stay permit for humanitarian reasons is valid for 6 months and can be renewed for one year¹, or for the longest period necessary for reasons of justice

- **is withdrawn** if the programme is abandoned or for behaviour which is incompatible with the aims of the programme, reported by the State Attorney or, where competent, by the social service of the local body or, in any case, ascertained by the head of police, or if any of the conditions which justified its issue are no longer respected
- **allows access** to welfare services and study, enrolment in the employment lists and the carrying out of employed work, taking into consideration the minimum age requisites
- **allows employment**² (subject to being on the registry list or, if the employment has already begun, subject to communication from the employer to the Provincial Employment Headquarters) and **self-employed work** (if the prerequisites or conditions set out in the current regulations for self-employment exist, as well as work in the form of a working member of a cooperative

- **upon expiry**, if the holder is working, will be replaced by a stay permit issued for the activity effectively carried out (employment/self-employment) for the length such a permit is issued for
- **can also be converted** into a stay permit for study if the holder is enrolled in a recognised course of studies.

Upon renewal, a new stay permit is issued for the activity effectively carried out.

The stay permit for humanitarian reasons (safeguard of persons at risk) **can also be issued**, upon release from prison, also on the basis of a proposal by the State Attorney or the supervising judge at the juvenile court, to **a foreigner who has finished serving a sentence inflicted for crimes committed when a minor** and has provided concrete proof of participation in an assistance and social integration programme.

¹ Foreigners allowed a stay permit for safeguard reasons upon renewing their permit are not asked to demonstrate that they have means of subsistence or other assets or accommodation.

² Reg. art.14, para. 1 c).

UNITING FAMILY MEMBERS, VISA FOR ACCOMPANYING FAMILY MEMBERS AND PERMIT FOR FAMILY REASONS (RICONGIUNGIMENTO FAMILIARE)

A) VISA FOR UNITING FAMILY MEMBERS AND ACCOMPANYING FAMILY MEMBERS

Persons entitled

Foreign citizens lawfully living in Italy, in possession of residence permits or stay permits (for employment, self-employment, asylum, study and religious grounds) valid for not less than one year, can ask to be united with the family members listed below resident abroad or already in Italy and holders of stay permits for other reasons.

Applications for an entry visa for family reasons can be made for:

- a spouse from whom the applicant is not separated;
- dependant minors, including the children of only one of the couple or children born out of wedlock, who are not married or legally separated on condition that the other spouse, if living, has given consent; minors who are adopted, in custody or under guardianship are considered as children
- dependant children of age, who cannot objectively support themselves due to their state of health as complete invalids
- dependant parents who do not have other children in the country of origin
- parents over 65 years whose other children cannot support them for documented serious health reasons;

Entry is also allowed for:

- the natural parent of a minor lawfully living in Italy, who must demonstrate within a year of entering the country that he possesses the requisites for uniting family members;
- a family member following an Italian or EU citizen with whom it is possible to be united as family members.

Authorisation procedure

The application¹ for the authorisation to unite family members (in two copies) must be sent by registered post to the **Immigration Office at the Prefect's Office**² of the area where the applicant lives.

Before sending the documents, it is best to go to one of the information points³ to ensure that the necessary documents for the procedure are correctly included.

The Immigration Office will summon the foreign citizen to ensure that the documents necessary for the application are presented. There must be two copies of each document, one copy of which will be stamped and returned to the applicant.

The following must be included:

- a) copy of residence permit or stay permit
- b) copy of valid passport or equivalent document
- c) copy of valid passport or equivalent document of those seeking to be united
- d) revenue stamp for €14,62
- e) documents demonstrating a legal **available annual income** which is no lower than
 - the annual welfare allowance if the application is for **one family member**
 - twice the annual welfare allowance if the application is for **two or three family members**
 - three times the annual welfare allowance if the application is for **four or more family members**.

The total of the annual incomes of the family members living with the applicant is taken into consideration when calculating the income.

If a person has been working for less than a year and the worker does not have a tax return declaration, the employer's declaration must include the estimated annual income of the worker.

- Employees: last income tax return, communication to Department of Labour or INPS, last pay packet or authenticated photocopy of pay ledger, declaration from employer of present employment (two copies of each document). If the person has been working for less than a year and the worker does not have a tax return declaration, the employer's declaration must include the estimated annual income of the worker.
 - Domestic workers: last income tax return, or if not in the person's possession, communication of employment to the employment centre/INPS, receipt of payment of social insurance contributions for the three months prior to the presentation of the application, declaration of employer stating present working relationship.
 - Self-employed workers:
 - Individual concern – certificate of registration with the Chamber of Commerce, photocopy of VAT number, photocopy of council licence where applicable, income tax return with the presentation receipt (if the activity was set up more than one year before) or an accountancy report compiled by a chartered accountant of the entire working period (if the activity has been set up for less than a year).
 - Company – recent Chamber of Commerce certificate of the company, photocopy of VAT number, tax return and receipt (if the company was set up more than one year before) or an accountancy report compiled by a chartered accountant of the entire working period (if the company has been set up for less than a year).
 - Project work – photocopy of the project contract indicating the duration of the services given and the payment, declaration of the client of the current nature of the project contract, separate management declaration to INPS, photocopy of tax return.
 - Working associate – Chamber of Commerce certificate of the cooperative, photocopy of VAT number, declaration of president of the cooperative indicating the current nature of the working relationship, photocopy of register of associates, tax return.
 - Free-lance workers – registration with professional association, tax return and receipt.
- f) documentation proving the **availability of accommodation**, which complies to the minimum criteria of the regional law governing public housing⁴. The applicant must obtain a certificate from the city council demonstrating that the prerequisites have been met, or a certificate from the local health authority indicating the suitability in health and hygiene conditions of the accommodation. In the case of a child under 14 years accompanying one of the parents, the consent of the proprietor of the accommodation in which the child will live is required.
 - g) documentation indicating **kinship**, minors and the family status;
 - h) **uniting dependant parents**: certificates issued by local authorities or private bodies, demonstrating the economic conditions in the country of origin of the parent, appraised and endorsed by the consular authority in the light of local criteria;
 - i) **uniting parents over 65 years of age**: if any other children are unable to support them for serious health reasons, this must be documented by certificates issued, at the applicant's expense, by the doctor nominated by the Italian diplomatic and consular authorities relevant to the country of origin of the family members with whom the applicant wishes to be reunited.
 - j) **uniting adult disabled children**: certificates issued by local authorities or private bodies, demonstrating the economic conditions in the country of origin of the person, appraised and endorsed by the consular authority in the light of local criteria; certificates of the state of health which implies total disability issued, at

the applicant's expense, by the doctor nominated by the Italian diplomatic or consular authorities relevant to the country of origin of the family members with whom the applicant wishes to be reunited.

All the foreign documentation, regardless of the country of origin and following any checks held necessary, must be 'endorsed' - with a special stamp - by the diplomatic or consular authorities. Otherwise the documentation cannot be taken into consideration as regards the issue of the authorisation.

When the **authorisation** is for **accompanying family members**, the foreign citizen can use a special proxy and the documentation must include:

- photocopy of a document of the person who will act as proxy
- proxy in favour of an Italian or foreign citizen lawfully living in Italy to present the application for the authorisation for accompanying family members, drawn up by the foreign citizen who has already obtained a visa for the reasons indicated above, - signed - on a special form available at the diplomatic and consular authorities - before the consulate functionary.

Issue of authorisation

Within 90 days of presenting the application, the Immigration Office issues the authorisation or the denial of the authorisation and informs the consular authorities. If after 90 days the authorisation is not forthcoming, the relative of the applicant can obtain an entry visa from the Italian diplomatic or consular authorities in the country of origin, after showing a copy of the papers signed by the Immigration Office, with the date of application and relative documentation. The authorisation must be used within 6 months of the date it is issued by the Immigration Office. When the visa is issued, the foreign citizen is informed that he must go to the Immigration Office within 8 days of his arrival in Italy.

Issue of visa

The consular authorities issue the entry visa within 30 days of the application and inform the Immigration Office of its issue.

Any person supplying false information or presenting false or counterfeit documents will automatically be reported to the Italian judicial authorities and the authorities in the country of origin. The application will be held inadmissible.

Protection of interests

The applicant can place an appeal with a single judge at the Court of Justice of the place in which he lives if the authorisation for uniting family members or the permit for family reasons is denied, or against other measures of the administrative authorities as regards the right to uniting family members. The judge who admits the appeal can grant the issue of the visa even in the absence of the authorisation. The deeds of the proceedings are exempt from stamp duty, registration fees and any other fee.

B) PERMIT FOR FAMILY REASONS

Persons entitled

- foreign citizens who enter Italy on a visa for uniting family members;
- foreign citizens who enter Italy on a visa for accompanying family members;
- foreign citizens living lawfully in Italy for at least one year who have married in Italy either an Italian citizen or a citizen of an EU country or a foreign citizen lawfully living in the country;
- foreign family members lawfully living in Italy, with the requisites for being reunited with an Italian citizen or an EU citizen resident in Italy, or with a foreign citizen lawfully living in Italy. In this case the family member's permit is converted into a stay permit for family reasons. The conversion can be requested within a year from the date of expiry of the document for stay previously possessed by the family member. If this citizen is a refugee, a valid stay permit on the part of the family member is not necessary;

- a foreign and/or natural parent, of an Italian minor resident in Italy. In this case the stay permit is issued without considering whether the applicant has a valid claim to stay, on condition that the parent applying has not been deprived of his parental authority (*patria potestà*) according to Italian law⁵.

What does a stay permit for family reasons permit the holder to do?

- access to welfare services
- enrolment in courses of study and professional training
- enrolment in employment lists
- employment or self-employment, taking into consideration the minimum age requisites for work.

Validity of permit

A stay permit for family reasons has the same duration as a stay permit of a foreign family member, in possession of the requisites for uniting family members, and is renewable together with the latter.

A foreign citizen who is united with an Italian citizen or an EU citizen will be issued a residence permit.

In the case of the death of a family member in possession of the prerequisites for being reunited, and in the cases of legal separation or dissolution of marriage, or a child who cannot obtain a residence permit upon his 18th birthday, the stay permit can be converted into a permit for employment, self-employment or study, taking into consideration the minimum age requisites for work. The person in question, if in possession of the prerequisites, must apply to convert the stay permit at the relevant police headquarters⁶.

¹The application form for the authorisation for uniting family members or accompanying family members can be downloaded from the Area Immigration Committee (www.uta.firenze.it) or collected from the information points (see list on website) or from Infopoint Migranti, Via Verdi, 24, tel.: 055 2769792/9797/9601, Mon, Tues, Thurs, Fri: 09.00 - 13.00 and Tues, Thurs: 15.00 - 17.30.

² Immigration Office, Prefettura - Ufficio Territoriale di Governo, Via A. Giacobini, 8 - 50132 Firenze.

³ For information and appointments to check documents (for residents of Florence, Fiesole and Vaglia): Infopoint Migranti, Servizio di Prenotazione Unica, tel.: 055 2769791 - 055 2769786, Mon, Tues, Thurs, Fri: 09.00 - 13.00 and Tues, Thurs: 15.00 - 17.30.

⁴ Minimum criteria established by law for public housing in the Region of Tuscany (L.R. 20th December, 1996, n. 96):

apartment size in square metres	suitable for no. of people
30m	1 person
45 m	2 people
55m	3 people
65m	4 people
75m	5 people
95m	6 or more people

With resolution n. 700 of 4.07.2005 the Tuscan Regional Council has established that housing suitability cannot be granted to more than two persons per room, except in particular situations which must be justified. 'Room' means all the rooms in a dwelling-place except the kitchen when it is smaller than 14 square metres and bathrooms as set out in ministerial decree 5.07.1975.

⁵ Subjects not living together are not denied the issue of the permit and the right to family unity also prevails over that connected to the public order regulations related to immigration which forbids the renewal of the stay permit for persons considered a danger to society (Civil Court of Cassation, Section 1, sentence n. 2358 of 4.02.05).

⁶ Council of State, sentence n. 767 of 28.02.2005.

ENTRY VISA AND STAY PERMIT FOR STUDY (VISTO D'INGRESSO E PERMESSO DI SOGGIORNO PER STUDIO)

Persons entitled

- 1) The following people may enter Italy for study, according to the conditions set out in the decree of the Foreign Office as regards foreign citizens:
 - people over 18 years, who want to attend full-time further education or technical-professional courses of a specified length, after checking that the courses they want to attend are compatible with the education they have received in the country of origin and that they have sufficient economic means (for the journey and stay), as well as the validity of the enrolment or pre-enrolment in the course to be attended in Italy;
 - people between 14 and 18 years, whose parents or guardians, resident abroad, intend them to attend courses of study at national state or equal secondary schools or institutes or academic institutions, in the sphere of exchange programmes and cultural initiatives approved by the Foreign Office, the Education, University and Research Department or the Arts and Culture Department. Apart from these cases, the entry of minors over 15 years for study is allowed if they meet the prerequisites at letter a). Besides, measures which adequately protect the minor must exist and the school programme to be followed in Italy must meet with the effective formative and cultural requirements of the beneficiary.
- 2) Foreign citizens in possession of scholarships awarded by authorities¹, foreign governments, recognised Italian foundations and cultural institutions or by international organisations, according to the regulations established by interdepartmental decree.
- 3) Foreign citizens wishing to carry out scientific studies who, upon request by the above-mentioned bodies and for reasons of pre-eminent interest for Italy, intend to carry out cultural activities or advanced research in Italy, and do not belong to one of the categories regarding entry for special work. The same visa applies to any accompanying spouse or minors, according to the regulations established by interdepartmental decree.

Appropriate authority

The application for an entry visa must be made to the Italian diplomatic or consular authorities in the country of origin or responsible for the place of residence of the foreign citizen.

University admission

By 31st December each year, the universities decide the number of places to set aside for foreign students for the following academic year².

Admission, however, depends on the numbers the universities can accommodate and an entrance exam.

Upon application foreign citizens must provide the following information

- full personal details and those of any accompanying family member
- details of passport or other official travel document
- intended destination
- reason and length of stay

The following documents must be included

- passport or other official travel document

- documentation about the aims of the stay
- accommodation arrangements
- availability of sufficient economic means for the journey, duration of the stay, and return to country of origin. This includes scholarships, loans and housing provided by public authorities or other public or private Italian bodies, or for which the authorities themselves or the other bodies declare will be given to the foreign student. Professional and trade union associations, and voluntary bodies and associations active in the sphere of immigration for at least three years can give security if the financial and organisational conditions comply to the regulations³
- a declaration of the validity of the foreign secondary school qualifications, issued by the relevant Italian diplomatic or consular authorities. This declaration must provide information on the scale of values and the assessment system which the grade or comment on the education certificate refers to.

Stay permit application

Within 8 days of their arrival in Italy, foreign students must go to the police headquarters of the town or city where they intend to stay and apply for a stay permit.

Renewal of stay permit

- the permit can be renewed if the student passes one exam in the first year of his/her course and at least two exams in the following years
- for duly documented serious health reasons or for circumstances beyond the person's control, the stay permit can be renewed if a student has only passed one exam. The number of possible renewals remains the same.
- it cannot be issued for more than three years beyond the duration of the course of study
- it can be renewed for specialisation qualifications or research doctorates, for the entire duration of the course, and renewable for one further year.

University entry for foreign citizens already resident in Italy

Foreign students may attend university courses with the same conditions as Italian students if they possess a residence permit or stay permit for

- employment
- self-employment
- family reasons
- political asylum and humanitarian reasons
- religious grounds.

Foreign citizens lawfully living in Italy for at least one year and in possession of a secondary school leaving certificate from an Italian school or equivalent if from abroad, and foreign citizens, wherever they are resident, who possess a secondary school leaving certificate from Italian schools abroad or foreign or international schools in Italy or abroad, which are the object of bilateral agreements or special regulations and satisfy the general conditions required for entry for study purposes may also attend university.

Conversion of stay permit for study into stay permit for employment

A foreign citizen in possession of a valid stay permit for study or professional training, who intends to apply to convert the permit into a stay permit for employment, must send an application⁴ to the relevant office to check the entry numbers for employed work, attaching the contract signed by the employer.

The office will forward the application to the Provincial Employment Headquarters which will check the entry numbers and inform the office of the situation. If positive, the office will call the applicant to sign the contract

48 and the application for the stay permit for employment and will inform the applicant of the date on which the permit can be collected.

For employment regarding the current year, **a check on the entry numbers is not carried out** when converting the stay permit of foreign citizens lawfully residing in Italy who turn 18, nor in the case of foreign citizens who have gained a degree or specialisation after attending courses of study in Italy. In these cases, in fact, the number of stay permits for study or training converted into stay permits for employment will be subtracted from the entry numbers set out in the decrees for the following year.

A foreign citizen who has a valid stay permit for study or for professional training can apply to **convert** this permit into a **stay permit for self-employment**⁵.

USEFUL ADDRESSES
(INDIRIZZI UTILI)

OFFICE	ADDRESS	TEL. / FAX	OPENING HOURS
BIRTHS AND CITIZENSHIP UFFICIO NASCITE E CITTADINANZE	Comune di Firenze Palazzo Vecchio Piazza della Signoria	Tel. 055 2768294 Fax 055 2616753	Monday to Saturday 8.30 - 13.00
REGISTRY OFFICE CITIZENSHIP UFFICIO STATO CIVILE	Comune di Firenze Palazzo Vecchio Piazza della Signoria	Tel. 055 2768278 Fax 055 2616753	Monday, Wednesday and Friday 8.30 - 13.00
REGISTRY OFFICE MARRIAGE MATRIMONIO	Palazzo Vecchio Piazza della Signoria	Tel. 055 2768518 Fax 055 2768378	Monday to Saturday 8.30 - 13.00
REGISTRY OFFICE CHANGE OF RESIDENCE CHANGE OF ADDRESS UFFICIO ANAGRAFE	Comune di Firenze Palazzo Vecchio Via dei Leoni, 5	Tel. 055 2768249 Fax 055 2616903	Monday to Saturday 8.30 - 13.00 Thursday 8.30 - 18.30
REGISTRY OFFICE IDENTITY CARD (Also at local offices) UFFICIO ANAGRAFE	Comune di Firenze Palazzo Vecchio Piazza della Signoria	Tel. 055 2768376 Fax 055 2768372	Monday to Saturday 8.30 - 13.00
HEALTH AUTHORITY NATIONAL HEALTH SERVICE REGISTRATION AZIENDA SANITARIA	District 1 Borgo Ognissanti 20	Tel. 055 2285500	Monday to Saturday 8.00 - 12.00 and one afternoon a week 14.30 - 16.30
	District 2 Viale G. D'Annunzio 29	Tel. 055 6264822	
	District 3 Via di Ripoli 96	Tel. 055 6583706	
	District 4 Lungarno Santa Rosa 13	Tel. 055 2285649	
	District 4 Via Canova, angolo via Chiusi	Tel. 055 2285406	
	District 5 Viale Morgagni 33	Tel. 055 2285319	
District 5 Via dell'Osteria 8	Tel. 055 32241		
PREFECT'S OFFICE CIVIL RIGHTS, CITIZENSHIP, LEGAL POSITION OF FOREIGN CITIZENS, IMMIGRATION AND ASYLUM PREFETTURA AREA DIRITTI CIVILI, CITTADINANZA, CONDIZIONE GIURIDICA DELLO STRANIERO, IMMIGRAZIONE E DIRITTO D'ASILO	Via A. Giacomini 8	Tel. 055 27831	Tuesday, Wednesday, Thursday 9.00 - 11.00 Thursday 14.00 - 16.00

¹ as in art. 1, para. 2, of law by decree 30th March 2001, n. 165: "public authorities means all state authorities, including all institutes and schools and educational institutions, public corporations and authorities, regions, provinces, town and city councils, mountain area communities and their cooperatives and associations, universities, public council housing bodies, all chambers of commerce and their associations, all national, regional and local non-economic public bodies, the authorities, corporations and bodies of the national health service".

² For information about the number of places available and the university pre-enrolment and enrolment conditions, contact the diplomatic or consular authorities or the Foreign Students' Office, Piazza San Marco 4, Florence, tel. 055/2757229 – fax 055/275768. E-mail: ustr@adm.unifi.it. Opening times: Mon, Wed, Fri: 09.00 – 13.00; Tues, Thurs: 09.00 – 10.30.

³ D.P.R. n.394/1999 as modified by D.P.R. 334/2004, arts. 52,53, 54.

⁴ Applications can only be made in the sphere of the entry numbers established by the annual decrees issued by the Prime Minister.

⁵ See 'Self-employment' point 2.

**PREFECT'S OFFICE
IMMIGRATION OFFICE
SPORTELLO UNICO PER
L'IMMIGRAZIONE**

Via A. Giacomini 8 Tel. 055 27831

**CITY OF FLORENCE
INFOPOINT MIGRANTS
INFOPOINT MIGRANTI**

Via Verdi 24
Ingresso anche da Via
Pietrapiana 53
Tel. 055 2769791
Fax 055 2769602

Monday, Tuesday, Thursday,
Friday
9.00 – 13.00
Tuesday and Thursday
15.00 – 17.30

**CITY OF FLORENCE
HOUSING SERVICE
COMUNE DI FIRENZE
SERVIZIO CASA**

Viuzzo delle Calvane 3
Tel. 055 3282483
– 055 3282469
Fax 055 3282472

Tuesday and Wednesday
8.30 – 13.00
Tuesday and Thursday
15.00 – 17.00

**FLORENCE CHAMBER OF
COMMERCE
CAMERA DI COMMERCIO**

Piazza dei Giudici 3
Tel. 055 27951
Fax 055 2795259

Monday to Friday
8.30 – 12.00

**HEALTH AUTHORITY
HEALTH AND
HYGIENE OFFICE
UFFICIO IGIENE E SANITÀ
PUBBLICA**

Via di San Salvi 12
Tel. 055 6263608
Fax 055 6263629

Monday to Friday
9.00 – 12.00

**UNIVERSITY OF FLORENCE
FOREIGN STUDENTS' OFFICE
UNIVERSITA' DEGLI STUDI
SEGRETERIA STUDENTI
STRANIERI**

Piazza San Marco 4
Tel. 055 2757229
Fax 055 275768

Monday, Wednesday and
Friday 9.00 – 13.00
Tuesday and Thursday
9.00 – 10.30

**FLORENCE LAW COURT
TRIBUNALE DI FIRENZE**

Piazza San Firenze 5 Tel. 055 210308

**STATE ATTORNEY'S OFFICE
c/o FLORENCE MAGISTRATE'S
COURT
PROCURA DELLA REPUBBLICA
PRESSO PRETURA DI FIRENZE**

Viale Spartaco
Lavagnini 31
Tel. 055 33930

**FLORENCE JUVENILE COURT
TRIBUNALE PER I MINORENNI DI
FIRENZE**

Via della Scala 79 Tel. 055 267295

**FLORENCE MAGISTRATE'S
COURT
PRETURA DI FIRENZE**

Piazza San Martino 2 Tel.: 055 264271