



Living In Piedmont

A guide to services
for foreign citizens



ASSESSORATO ALLE
POLITICHE SOCIALI

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for foreign citizens



Publication by:

Francesca Prunotto
Carla Martoglio

The following have been involved in the preparation of texts:

Annamaria Avonto – ASL 21, Casale Monferrato
Daniela Baradel – INPS
Angelo Calà – Didactics Management, Fontana
Flavio Campagna – ASGI: Association for Legal Studies on Immigration
Maria Elena Coffano – Assessorship of Health, Region of Piedmont
Mariella Console – ASGI: Association for Legal Studies on Immigration
Alessia Crotta – Regional Observatory of Immigration in Piedmont (IRES)
Marta Guerra – Office for Foreign Citizens, Municipality of Turin
Caterina Pomo – UTG: Territorial Office of the Government of Turin
Manuela Spadaro – ASGI: Association for Legal Studies on Immigration
Antonella Sterchele – Assessorship of Work and Professional Training, Province of Turin.

Secretaries:

Manuela Dotto
Maria Musacchio

Graphic project:

Carlo Gaffoglio Design

Print:

Ages Arti Grafiche

Translation by the University of Turin's

Inter-departmental Language Centre for the Humanistic Faculties (CLIFU);
coordination: **Professor Marie-Berthe Vittoz.**

Sabina Kolic (Albanian); **Rachida Hamdi** (Arabic); **Roberto Pecorale** and **Ni Tianxiu** (Chinese);
Françoise Rigat and **Anne-Catherine Caron** (French); **Alice Spencer** and **Tatiana Ouroussoff** (English);
Ileana Bunget, **Roxana Vorotic** and **Clara Ghiurca** (Romanian); **Eugenia Bolchakova** (Russian); **Felisa Bermelo Calleja** and **Francisca Villen Peñalver** (Spanish).

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Antonietta Ragone – INPS
Giovanna Zincone – University of Turin
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Regional Head Office for Social Policy

Attilio Miglio, Director
Department for the Planning and Promotion of Social Welfare Initiatives

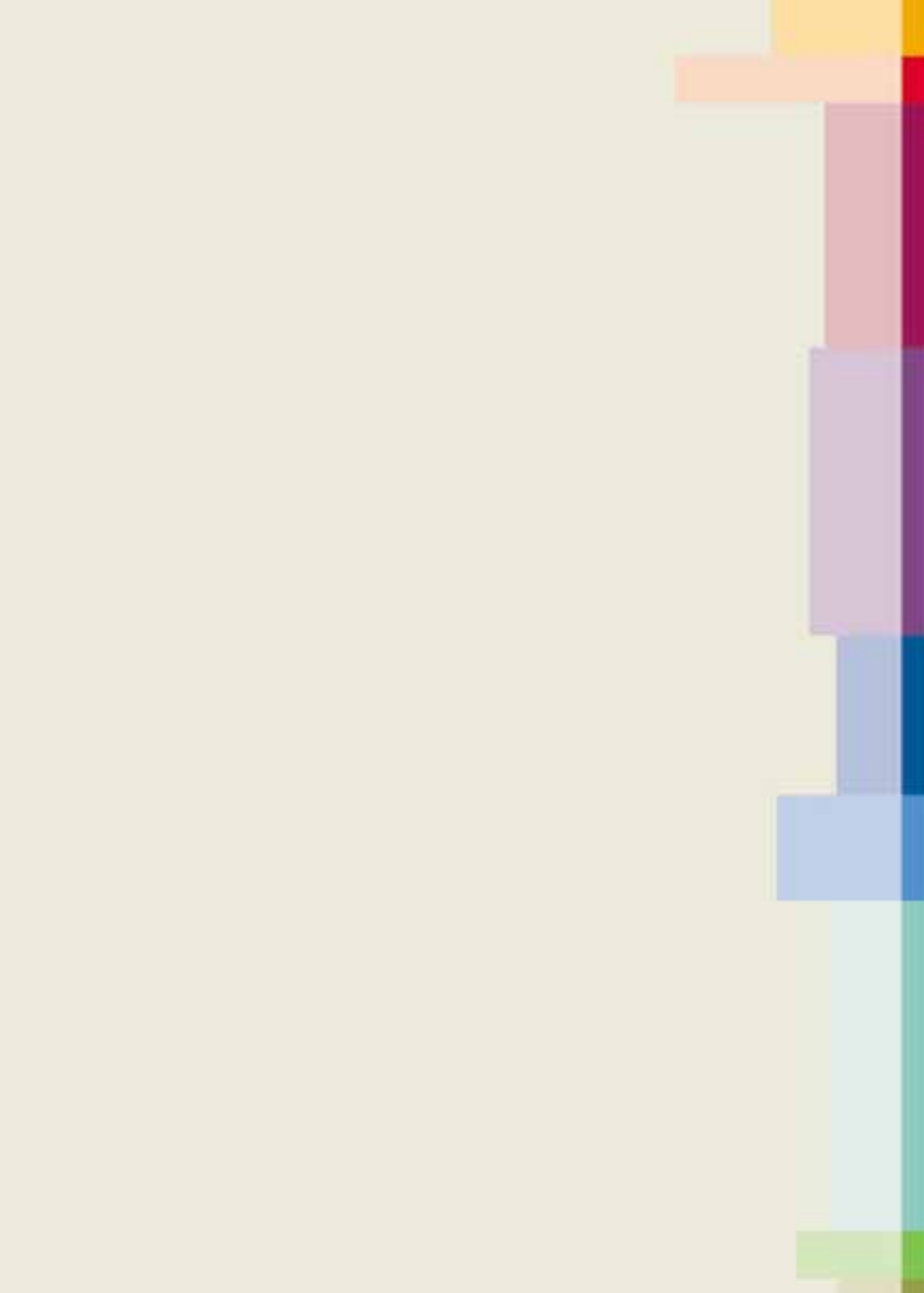
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The service guide for foreign citizens **"Living in Piedmont"** has been produced by the Borough Council Clerk's Office for Social Policies of the Region of Piedmont, in accordance with a programme agreed on between this office and the Ministry of Labour and Social Politics with the ultimate goal of activating and fulfilling projects aimed at identifying a model for the effective social integration of non-E.U. immigrants.

The Guide is available in nine languages: Albanian, Arabic, Chinese, English, French, Italian, Spanish, Roumanian and Russian.

A pamphlet containing the addresses of authorities and services for each province has been inserted in the back-cover sleeve.

The online version of the guide can be found on the Regional Observatory of Immigration in Piedmont website: www.piemonteimmigrazione.it



Italy, historically a country of emigration, has become a country of immigration in the last decades.

Today the phenomenon characterizes our society structurally, as it becomes more and more multiethnic and multicultural.

Within this scenario it is necessary and important that the institutions face the problems of integration in order to build, not only forms of peaceful cohabitation, but above all a harmonious society which offers opportunities of growth and realization for everyone.

The guide **Living in Piedmont** is intended as an instrument of information and aid for access to services for foreign citizens present in our region.

It is composed of a series of chapters which focus on and illustrate the major aspects of life in Italy and indicate the basic procedures connected to them.

Information is a key tool for the entrance and long stay of immigrants in Italy and their integration into our society, and it is therefore extremely important to make information regarding the basic rules of our system accessible to all foreign citizens.

It is for this reason that the guide is translated and published in 8 languages other than Italian: Arabic, Albanian, Chinese, English, French, Roumanian, Russian and Spanish.

Our desire is that "*Living in Piedmont: A Guide to Services for Foreign Citizens*" is not only widely-used, but above all reveals itself as a useful and efficient tool for all.

Mariangela Cotto

*Social Politics Borough Council Clerk
of the Region of Piedmont*

Enzo Ghigo

President of the Region of Piedmont

Waver

Pin



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The most useful abbreviations to know are:

A.C.I.	Automobile Club of Italy
A.S.L.	Local Health Authority (Office)
C.T.P.	Permanent Territorial Centers
INAIL	National Insurance Institution for Work-related Accidents
INPDAP	National Social Security Institution for Public Administration Employees
INPS	National Social Security Institution
I.S.E.	Economic Situation Indicator
I.S.I.	Centers for Health Information
MIUR	Ministry of University Education and Research
p.d.s.	residence permit
P.M.	Public Prosecutor
S.T.P.	visiting foreigner
T.A.R.	Regional Administrative Court of Law
T.C.M.	Monocratic Civil Court
U.R.P.	Public Relations Offices
U.T.G.	Territorial Government Office



1

Entry and Prolonged Stay



To be able to get into Italy and stay legally for a lengthy period, citizens of non-EU countries must obtain specific types of authorisation from the Italian authorities (entrance visas, residence permits, etc.)

1.1 How can one enter Italy?

Entry into Italy, except in extreme cases, can only occur through the border stations instituted for the purpose, where the foreigner – if requested – must demonstrate that he or she is in possession of the **necessary requisites in general** and of an entry visa.

What are the requisites necessary for entry?

- Purpose and conditions of stay
- Availability of sufficient means of sustenance for the duration of the stay and, unless holding a residence permit issued for work purposes, also upon return to the country of origin.

What is the entry visa?

The entry visa is the document requested from every non-EU foreign citizen¹ wishing to enter Italy for a stay exceeding 90 days in duration.

For stays of a duration inferior to 90 days, the visa is not always requested².

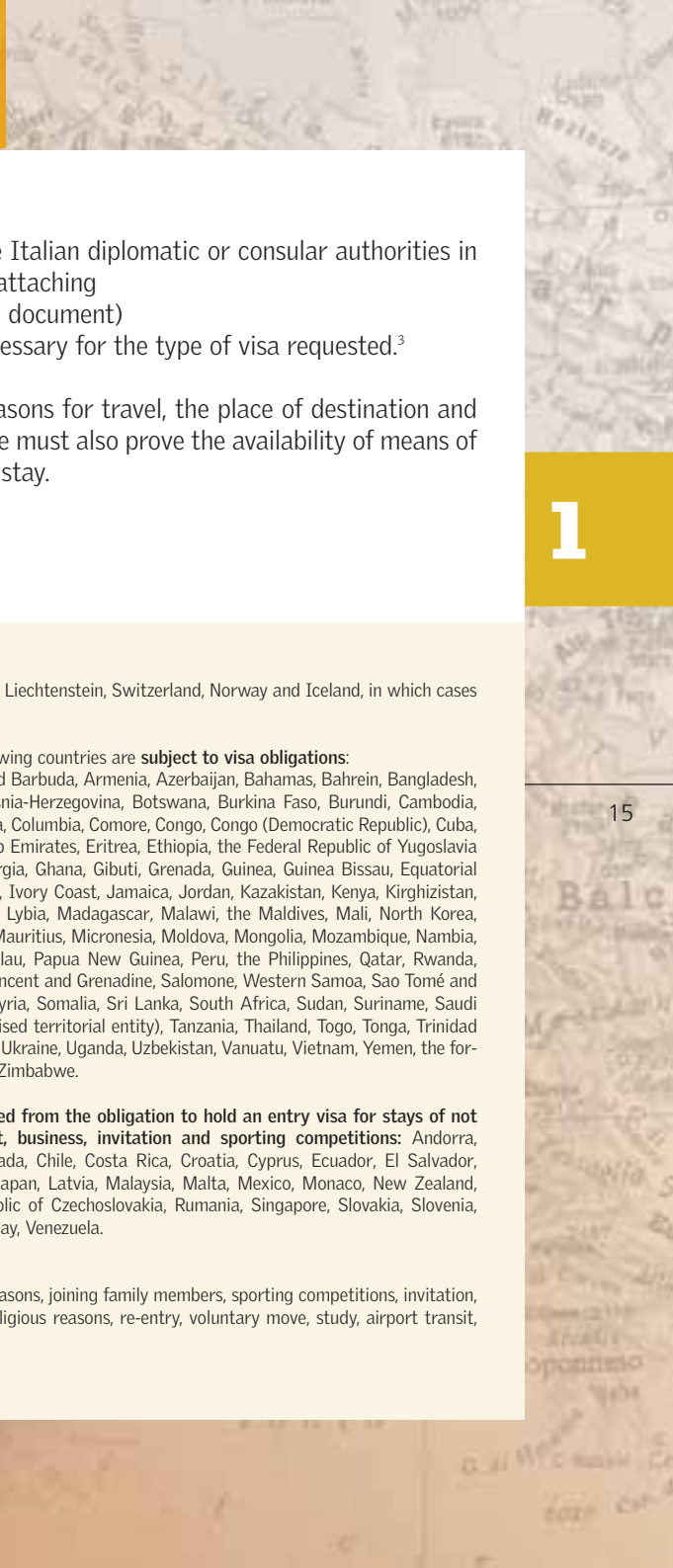
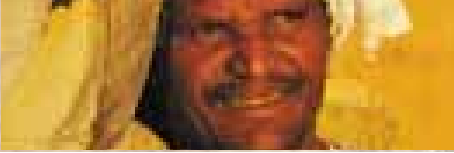
In such cases entry visas granted by diplomatic or consular authorities of other states will also be accepted.

If the request is founded upon work reasons, the visa will only be granted on the basis of the entry quota fixed in the annual decree programming migratory movement.

Immigrants already legally living in Italy, who leave the country and re-enter from their own nation, are only required to show their passport and valid residence permit.

If, instead, the residence permit has been lost or stolen, or if it has expired, a **re-entry visa** is necessary. If the document has expired it must be shown, not more than 60 days after its expiry, upon the visa request.





Where can I request a visa?

Visa requests must be made to the Italian diplomatic or consular authorities in the country of origin or residence, attaching

- Passport (or an equivalent valid document)
- The specific documentation necessary for the type of visa requested.³

The foreigner must indicate the reasons for travel, the place of destination and the means of transport used. He/she must also prove the availability of means of subsistence for the duration of the stay.

¹ With the exceptions of San Marino, Vatican City, Liechtenstein, Switzerland, Norway and Iceland, in which cases free-circulation agreements apply.

² Citizens holding regular passports from the following countries are **subject to visa obligations**: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bielorrussia, Bosnia-Herzegovina, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central Africa, Chad, China, Columbia, Comore, Congo, Congo (Democratic Republic), Cuba, Dominica, Dominican Republic, Egypt, United Arab Emirates, Eritrea, Ethiopia, the Federal Republic of Yugoslavia (Serbia e Montenegro), Fiji, Gabon, Gambia, Georgia, Ghana, Gibuti, Grenada, Guinea, Guinea Bissau, Equatorial Guinea, Guyana, Haiti, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kazakistan, Kenya, Kirghizistan, Kiribati, Kuwait, Laos, Lesotho, Lebanon, Liberia, Lybia, Madagascar, Malawi, the Maldives, Mali, North Korea, North Marianne, Morocco, Marshall, Mauritania, Mauritius, Micronesia, Moldova, Mongolia, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, Oman, Pakistan, Palau, Papua New Guinea, Peru, the Philippines, Qatar, Rwanda, Russia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadine, Salomone, Western Samoa, Sao Tomé and Principe, Senegal, the Seychelles, Sierra Leone, Syria, Somalia, Sri Lanka, South Africa, Sudan, Suriname, Saudi Arabia, Swaziland, Tajikistan, Taiwan (non-recognised territorial entity), Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, Uganda, Uzbekistan, Vanuatu, Vietnam, Yemen, the former Yugoslavian Republic of Macedonia, Zambia, Zimbabwe.

The citizens of the following Nations are **exempted from the obligation to hold an entry visa for stays of not more than 90 days, for tourism, secondment, business, invitation and sporting competitions**: Andorra, Argentina, Australia, Bolivia, Brazil, Brunei, Canada, Chile, Costa Rica, Croatia, Cyprus, Ecuador, El Salvador, Estonia, Guatemala, Honduras, Hungary, Israel, Japan, Latvia, Malaysia, Malta, Mexico, Monaco, New Zealand, Nicaragua, Panama, Paraguay, Poland, the Republic of Czechoslovakia, Rumania, Singapore, Slovakia, Slovenia, South Korea, the United States of America, Uruguay, Venezuela.

³ Types of visa: for adoption, business, medical care, diplomatic reasons, joining family members, sporting competitions, invitation, freelance work, employment, missionary work, religious reasons, re-entry, voluntary move, study, airport transit, transit, transport, tourism, working holiday.

1.2 How can one stay in Italy for a given period of time?

*The **residence permit** is a document which authorises foreigners who have entered the country legally to stay in Italy.⁴*

Where can I request a residence permit?

Residence permits must be requested from the chief of police in the place of destination⁵ **within 8 working days** of the date of arrival, attaching the following documents:

- passport (after the police have examined it it will be returned) and a photocopy of the inside of the document;
- Entry visa
- Three passport-size photographs
- A €10,33 revenue stamp
- Proof of address.

The police station will keep one copy of the application with all the documentation, whilst another will be given to the foreigner as a receipt of the request.

Foreigners applying for residence permits are subject to finger printing.

For how long is the residence permit valid?

The duration of the residence permit is based upon the entry visa and depends upon the reasons for which the visa was granted.

In any case, it cannot exceed:

- **3 months**, for visits, business trips and tourism;
- **9 months** for seasonal work. For workers who can demonstrate that they have come to Italy for at least two consecutive years to carry out seasonal work, a permit for up to three years may be granted for the duration annually of the work of the previous two years;
- **1 year** for employment on a short-term contract;
- **2 years** for employment on a long-term contract, free-lance work , or family reunions;
- **1 year** for study or training.

The residence permit for work reasons has the same duration as the residence contract.⁶





The loss of the work post (even if due to dismissal) does not necessarily mean that the non-EU worker and his / her legally present family will lose their residence permits.

The residence permit continues to permit them to stay legally on Italian soil for the remaining duration of its validity, and anyway for at least 6 months (unless the permit in question is for seasonal work).

In this period of time the foreigner has the possibility to seek another post.

How can the residence permit be renewed?

Two copies of the renewal request must be delivered to the chief of police⁷ in the province of residence, attaching the following documents:

- expired permit and passport;
- 3 passport-size photographs;
- a €10,33 revenue stamp;
- proof of address;
- proof of independent means of sustenance;
- proof of the sufficiency of such means for the duration of stay in Italy and for return to the native country;
- documents necessary for the specific type of residence permit (for tourism, for work, for family reunions etc.)

Renewal and extension are not granted for tourism purposes and in the case of long and continuous absences from Italy (for more than 6 months and, in the case of two-yearly residence permits, for more than one year).

Renewal will instead be granted in the case that the individual in question has left Italy to fulfil military obligations or for other serious and proven reasons.



⁴ Types of residence permit: tourism, family visits, business, seasonal work, studies or training, free-lance work, employment, family reasons, social protection, workers involved in performing arts, medical care, political asylum, humanitarian asylum.

⁵ See directory at end of guide.

⁶ The **residence permit for temporary employment** is stipulated between an Italian employer, or a foreign employer legally living in Italy, and a non-UE citizen employee, and is underwritten at the "Sportello Unico per L'immigrazione" of the province in which the employer is resident or has his or her legal headquarters or where the work in question will take place (see the list of addresses at the end of the guide).

⁷ See directory at end of guide.



When should renewal be requested?

The request should be made:

- 90 days before the expiry of the permit, in the case of long-term employment contracts;
- 60 days before, in the case of short-term employment contracts;
- 30 days before in the remaining cases.

How long does the renewed permit last?

The renewed permit, in general, has a duration not superior to that established upon the issue of the original document.

When can a residence permit be converted?

- The permit for free-lance work can be converted into a permit for employment and vice-versa;
- The residence permit for seasonal workers can be converted into a permit for employment, but only after the second season (see above);
- The permit for studies can be converted into a permit for work, but only within the quota of entries for work foreseen by the government from year to year;
- The permit for reasons of social protection can be converted into a permit for study or used to work, if upon its expiry the foreigner in question is working or studying.

To whom must foreign citizens show their residence permits?

Foreign citizens must show their residence permits every time that it is requested by public security officials and officers.

The forces of order may, if they consider it necessary, require further information and documentation about work, accommodation, and the income available in Italy to maintain the family.

What is the residence card?

The **residence card** is the document which permits foreigners indefinite residence in Italy.

The holder of a residence card may be expelled only for serious reasons relating to public order or national security, or if he or she is socially dangerous.



The residence card must be stamped every 10 years, and permits the holder to:

- Enter and leave Italy without needing a visa;
- Carry out any type of legitimate activity which is not reserved to Italian citizens;
- Have access to the services of the public administration.

Who can apply for the residence card?

A foreign citizen who:

- Has lived legally in Italy for at least 6 years and has a residence permit which allows for repeated renewal;
- Is married to a foreign citizen who has the residence card;
- Is under 18 and the child of a foreign citizen who has a residence card;
- The spouse, child and parents of an Italian citizen (thus also of a foreigner who has obtained Italian citizenship), or of an EU citizen resident in Italy, provided that they are living together.

Where should applications for the residence card be made?

The residence card should be requested directly at the police station.⁸

The foreign citizen should indicate in the application:

- Their anagraphical details;
- Where they have lived in the five years preceding the application;
- Their place of residence at the time of application;
- The sources of income which permit them to maintain themselves in Italy.

The following should be attached to the application:

- A copy of an identification document;
- A copy of a statement of revenue or of the last statement of income deriving from employment;
- Certificate from the judicial records office;
- Certification that the applicant is not subject to ongoing criminal proceedings;
- One passport-size photograph.

Once the presence of all these requisites has been proven, the chief of police will release the Residence Card within 90 days of application. The Residence Card

⁸ See directory at end of guide.



can be revoked in the case of conviction for penal offences of particular gravity. Residence Card holders who remain constantly in Italy can obtain enrolment at the registry office and, consequently, an **identity card**, with a validity equal to that of the residence permit, and a **fiscal code**⁹.

1.3 What are the measures taken when request for entry and residence are declined and when dealing with the expulsion of a foreigner?

*When authorisation for entry and residence is not granted to the foreign citizen, the relevant authority adopts a **procedure of rejection**. Under certain conditions, moreover, an **expulsion order** or a **decree for immediate expulsion** may be issued.*

In these cases there are several general rules which the administrative authorities must observe.

- All administrative proceedings regarding the entry, residence or expulsion of a non-EU citizen must be **in writing and justified**.

The person concerned must be presented with a written document in which the reasons for and the legal justifications which have determined the procedure are explained.

An exception to the above rule is the case of procedures refusing the entry visa, for which justification of reasons is required only in the cases of visa applications for work, family reunions, study or medical care. In the procedure it must also be clearly indicated to which **authority** appeals can be made, and under what **terms**.

- All administrative procedures concerned with the entry, residence or expulsion of a foreign person must be **translated into a language which the party concerned can understand**.

It is not necessary that the entire procedure be translated, since a summary translation is considered sufficient by law.

In the case, hence, in which translation into a known language is not possible, the procedure must be translated into French, English, or Spanish (or Arabic, where the refusal of an entry visa is concerned), with preference given to the language chosen by the party concerned.



- All administrative procedures concerning the entry, residence, or expulsion of a foreign person must be **reported directly to the party concerned**, who will be requested to sign a document of notification. Notification is valid also if the party concerned refuses to sign the relevant document. In any case, the party concerned must receive a copy of the procedure, with a full or summary translation in a known language, or in French, English or Spanish.

1.4 How does one appeal against measures taken to decline requests for entry or residence, or appeal against the expulsion of a foreign citizen?

1

The foreign party who has received notification of:

- the rejection of an entry visa application;
- the rejection of an application for a residence permit;
- an order of expulsion or of immediate ejection;

has the right **to legal representation** – that is, to appeal before a judiciary body.

In general, appeals are subject to a time-limit, which must be indicated upon notification of the expulsion procedure, and which begins from the moment in which the interested party has been informed of the measures to be contested.

The deadline for appeal is enforced **on pain of forfeiture**, which means that the appeal will be judged inadmissible if it is submitted after this date.

However, in special cases (for example, if the deadline was not indicated in the procedure, or if no translation of the procedure was given) appeals may be made even after the deadline, requesting a "deadline remission" from the judge.

In some cases, the possibility of appeal is not subject to a deadline.

As far as **legal costs** are concerned, a single payment is required for all appeals to the Regional Administrative Tribunal and to the collegiate tribunal.¹⁰

Appeals to the ordinary Tribunal against expulsion orders by the prefect of police and against procedures concerning the right to family unity are, instead, exempt from any kind of payment.

⁹ To know what the identity card and the fiscal code are, and how to get them, see Chapter Two, "Documents".

The rules are still uncertain regarding the new appeals to the Ordinary Tribunal against the procedures of the territorial commission for the recognition of refugee status, for which at the moment no type of exemption is provided for by law.

The form and the terms under which appeals may be made against rejection and expulsion procedures vary according to the type of procedure being contested.

¹⁰ See directory at end of guide.





TYPES OF APPEAL

- Appeal against the refusal of an entry visa.
- Appeal against procedures relating to the issuing, renewal and repeal of the residence permit or of the residence card.
- Appeal against the procedure of expulsion.
- Appeal against decrees for immediate expulsion from the Minister of the Interior.
- Appeal against the refusal of entry visas for joining family members¹¹.
- Appeals against procedures regarding stay in Italy for family reasons (issuing, renewal and repeal of the residence permit granted for family reasons)¹².
- Appeal against the refusal of an application for naturalisation (granting of Italian citizenship for residence of over ten or of over five years, for marriage to an Italian citizen or in the other cases foreseen by the law on citizenship).¹³
- Appeal for the recognition of the status of Italian citizen by birth or for the status of statelessness¹⁴.
- Appeal against the rejection of an application for recognition of refugee status.¹⁵
- Appeal for the recognition of political asylum, or of "constitutional" asylum according to Article 10 of the Constitution (See Chapter 10, "Refugees".)



1.5 How can appeals be made against refusal of the entry visa? (with the exception of visas for joining family members).¹⁷

Competent legal authority

The Regional Administrative Tribunal (T.A.R.) of Lazio, Rome headquarters¹⁸.

Deadline for the Presentation of Appeals

60 days after notification of the procedure.

Legal Costs

Standardised payment.

The above is not necessary if the claimant is granted free legal representation beforehand.¹⁹

Specific Information

Where the entry visa is concerned, the interested party receives notification of the rejection of the visa request from the Italian consulate in the country in which they are resident. The consular authorities themselves are obliged, if requested, to authenticate the signature at the bottom of the appeal and / or of the special letter of attorney conferred to the lawyer to propose the appeal. The letter of attorney must be sent within 60 days to the Foreign Minister at the State Legal department in Rome.

For free legal representation²⁰

¹¹ - ¹² See Chapter 6, "Family".

¹³ - ¹⁴ See Chapter 9, "Citizenship".

¹⁵ - ¹⁶ See Chapter 10, "Refugees".

¹⁷ See Chapter 6, "Family".

¹⁸ See directory at end of guide.

¹⁹ - ²⁰ See Chapter 11. "Legal Representation".

1.6 How does one appeal against measures taken to decline the issuing, renewal and repeal of residence permits or residence cards? (with the exception of visas for joining family members)²¹.

Competent legal authority.

The Regional Administrative Tribunal (T.A.R.) in the area of the police headquarters responsible for the procedure.²²

Deadline for appeal submission.

60 days after notification of the measures being taken.

Legal Costs.

Standardised payment.

Payment is not necessary if the claimant is granted free legal representation beforehand.²³

Specific Information.

Upon notification of measures being taken to repeal or to deny the issuing or renewal of the residence permit, the foreign national is ordered to leave national soil within 15 days, even though the deadline for appeal to the T.A.R. is within 60 days.

After 15 days, foreign nationals remaining in Italy may receive an expulsion order, which is delivered even if an appeal has been submitted to the T.A.R. in the meantime.

The T.A.R. can, however, suspend contested rejection procedures.

In the above case, the interested party may no longer be expelled for staying in Italy for over 15 days.

²¹ See Chapter 6, "Family".

²² See directory at end of guide.

²³ See Chapter 11. "Legal Representation".

²⁴ See directory at end of guide.

^{25 - 26} See Chapter 11. "Legal Representation".

²⁷ See directory at end of guide.

^{28 - 29} See Chapter 11. "Legal Representation".



1.7 How can appeals be made against procedures for expulsion?

Competent legal authority.

The Regional Administrative Tribunal (T.A.R.) in the area of the police headquarters which has adopted the procedure.²⁴

Deadline for the Presentation of Appeals

60 days after notification of the procedure.

Legal Costs.

Standardised payment. Payment is not necessary if the claimant is granted free legal representation beforehand.²⁵

For free legal representation²⁶.

1

1.8 How does one appeal against an immediate expulsion decree from the Minister of the Interior?

Relevant Legal Authority.

The Regional Administrative Tribunal (T.A.R.) of Lazio, Rome headquarters²⁷.

Deadline for appeal submission.

60 days after notification of the procedure.

Legal Costs.

Standardised payment. Payment is not necessary if the claimant is granted free legal representation beforehand.²⁸

Specific Information.

In these very rare cases immediate expulsion is ordered by the Home Office for reasons of public order or national security.

For free legal representation²⁹.



REPUBBLICA
ITALIANA
MINISTERO
DELLE
FINANZE



CORTE
PISCALE

COMUNE
DI
MANTOVA

REPUBBLICA

CO

CARTA

N°



2

Documents

Identity Card
Fiscal Code
Certificate of Residence
Driving Licence

2.1 What is residence?

A person's residence is the place where he or she habitually lives.¹

A non-EU citizen, over eighteen, in possession of a residence permit for over three months, is entitled to enrol at the registry office of the local council in their area.²

Where and how can residence applications be made?

Requests for residence should be made on the appropriate form to the anagraphic office of the Council³ in which the interested party intends to reside, attaching the following documents:

- A valid passport;
- A valid residence permit or residence card;
- The fiscal code;
- A registered lease contract;
- Autocertification of the number of inhabitable square metres (if it is the first application), or the payment receipt of refuse tax.

The anagraphic official gives the applicant a receipt testifying the residence application, and orders an inspection of the applicant's residence to be carried out by the municipal police force.

What happens when the residence permit or residence card is renewed?

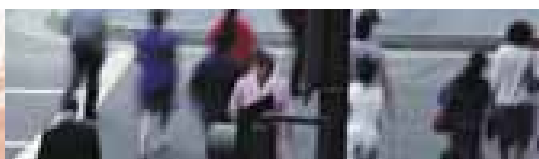
Foreign citizens enrolled at the registry office are obliged to renew their declaration of residence within sixty days of the renewal of their residence permit or residence card, by means of a direct communication with the registry office of their local council, attaching a copy of their new residence permit.

If this communication is not made, the interested party is deleted from the list of the population resident in the municipality.

What are the uses of residence registration?

Enrolment in the anagraphic registry of the population resident in a specific municipality is essential for:

- The issuing of an identity card;
- Application for public-owned accommodation;
- Access to social services.⁴



Can somebody living in a residential community request registration of residence?

It is possible to request registration of residence also if you live in a residential community (for example in a temporary hostel or in hall of residence).

In such cases the request must be underwritten by the Director of the residential establishment (for example, the hostel manager).

Who makes the declaration of residence for a family?

A declaration of residence which applies to all the components of a family can be presented by any individual component, as long as they are over eighteen.

If the individual concerned lives with another family, it is necessary that the head of that family gives consent to the change in the household.

The *household* (stato di famiglia - registered family) is composed of all the people who live in the same dwelling.

However, if bonds of family, marriage, affinity, adoption, or custody do not subsist, it is possible to request inscription into another household.

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For further information freephone

Numero Verde 800 19585

¹ One's address (*Domicilio*), instead, is the place in which a person has established the principal base for their business and interests.

² Foreigners descended from native Italian citizens, in possession of a valid residence permit, can request enrolment at the registry office, which is necessary in order to begin to apply for citizenship, regardless of the reason for and the duration of the residence permit.

³ See directory at end of guide.

⁴ For further information about social services, see Chapter 3.

2.2 What is the identity card?

The identity card (carta d'identità) is a personal identification document which can be requested by a foreign citizen under the following circumstances:

- If they are in possession of a valid residence permit;
- If they have their registered residence in Italian territory;
- If they are over 15.

The identity card, for foreign and stateless individuals legally resident in our country, has the same duration as the residence permit and cannot be used for expatriation, because it is valid only on Italian soil.

To obtain an identity card it is necessary to apply to the **Registry Office of the municipality or of the district of residence**⁵, presenting:

- 3 equal and recent passport-size portrait photographs;
- a valid document of identification, in the case of EU citizens;
- a valid passport and residence permit, in the case of non-EU citizens.

If the identity card is lost or stolen it is necessary to report the fact to the police. In order to request a new card, present a copy of the police report plus the 3 passport-size photos, a valid document, and your residence permit to the registry office.

2.3 What is the fiscal code?

The fiscal code (codice fiscale) is composed of letters and numbers, with which the Ministry of Finance identifies the individual. Everyone has a personal fiscal code.

Immediately after obtaining your residence permit you must go to the local offices of the Entries Agency of the Ministry of Finance, in order to ask for your fiscal code.

The addresses of the various branches spread out across the regional territory can be found by consulting the following website:

www.agenziaentrate.it/indirizzi/agenzia/uffici locali/lista.htm?m=1&r=piemonte

In order to obtain a fiscal code you must show:

- a valid residence permit;
- a photocopy of a valid passport.



The holder of a fiscal code may:

- be registered at the S.S.N. (National Health Service);
- be hired as an employee;
- start his or her own business;
- sign or participate in a contract (e.g. a contract of lease or sale);
- open a bank account.

If the fiscal code card is lost or stolen, a duplicate can be requested in local offices of the Entries Agency, or at the self-service booths of the Ministry of Finance, present in the public relations office (U.R.P.) of local councils and at the Prefecture in Rome, in the offices of the ministry of finance and in some post offices, shopping centres and airports.

Requests for duplicates may also be made via internet, at the website: www.agenziaentrate.it/servizi/duplicatocf/index.htm

2

For further information

www.agenziaentrate.it/servizi

⁵ See directory at end of guide.

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2.4 What is the purpose of a driving licence?

A driving licence is a qualification which permits the holder to drive a vehicle corresponding to the category for which the licence has been granted.

Application for a driving licence or for its renewal should be made to the local **Civil Motorisation and Transport Office (MCTC)**⁶.

Is it possible to drive in Italy with a foreign driving licence?

During the first year of residence, or until the registration of residence in Italy is requested, non-EU citizens⁷ who want to drive in Italy, must be prepared to show:

- their driving licence
- their international driving licence (which is an official translation of the original licence).

If non-EU citizens wish to take up registered residence in Italy or if they live in Italy for more than 1 year, they must convert their existing licence into an Italian driving licence.

The conversion is automatic if the non-EU citizen comes from one of the countries which have signed an agreement with Italy for the conversion of driving licences⁸.

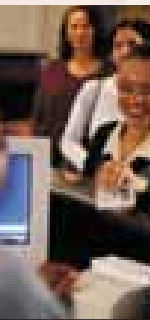
The grant of the driving licence in these cases depends upon a previous examination of the applicant, in order to check whether he or she is in possession of the requisite psychological and physical qualities established in the highway code⁹, but does not require a driving test.

Citizens from non EU countries who have not signed agreements with Italy for the automatic conversion of the driving licence must, instead, take the theory and practice exams to obtain an Italian driving licence.

Where should driving licence conversion applications be made?

The application for conversion should be made to the regional management of the Civil Motorisation Authority in the province of residence (or through the offices of the A.C.I. – Automobile Club of Italy)¹⁰, attaching the following documents:

- medical certificate granted either by an ASL (local health authority)¹¹, or by the competent health official (it is possible to organise medical check-ups via the A.C.I.);
- Certificate of residence with a €10,33 revenue stamp attached;
- Three recent passport-size photos, one of which should be signed;



- Valid foreign driving licence plus one photocopy;
- Translation of foreign driving licence, carried out by a translator who has been sworn in and authorised by the Tribunal;
- A general certificate from the penal records office with a €10,33 revenue stamp attached.

Once the application has been made and the foreign driving licence handed in (which will be sent back to the country of origin), the foreign citizen will receive an Italian driving licence without needing to pass any exam.

What happens in cases of a change of residence or address?

Whoever changes their residence or address must communicate the new municipality of residence or the new address within the same municipality to the appropriate Prefecture within 30 days.

The Prefecture will proceed to note the change of address on the driving licence.

⁶ See directory at end of guide.

⁷ Driving licences granted by states belonging to the European Union are, in fact, considered equivalent to the Italian driving licence.

⁸ **List of countries whose driving licences can be automatically converted** (updated February 2003): Algeria, Croatia, Hungary, Iceland, Lebanon, Liechtenstein, Macedonia, Malta, Morocco, Norway, the Philippines, Poland, the Principality of Monaco, Rumania, San Marino, Slovenia, South Korea, Sri-Lanka, Switzerland, Taiwan, Turkey. The list given above is subject to changes. It is hence suggested, to be aware of any variations, that interested parties contact the Ufficio della Motorizzazione of their province (see list of addresses at end of guide).

⁹ In Italy, in fact, the following are forbidden to drive:

- Those who are physically or psychologically ill, with such organic, psychological, anatomical or functional deficiencies as would impede them from driving cars or motorcycles safely;
- Those who are recognised as habitual offenders, professionally or by tendency, subject to such restrictions for their personal safety, or to preventative measures, unless they have been fully rehabilitated;
- Those who have been condemned to prison for no less than three years, when the use of the driving licence may facilitate their committing of similar crimes.

¹⁰ See directory at end of guide.

¹¹ For further information about the Italian Health Service and what ASLs are, see Chapter 4: Health and Medical Assistance.



2.5 What is auto-certification?

Auto-certification is a simple declaration, known also as a "declaration in substitution for certification", with which the citizen attests to a series of facts, states, and conditions, without having to present the relevant certification.

Auto-certification has the same temporal validity as the document which it replaces. Documents of auto-certification should be signed by the interested citizen without the necessity that the signature be authenticated.

Forms of auto-certification can be presented, also by another person, accompanied by a photocopy of the identity card of the interested party.

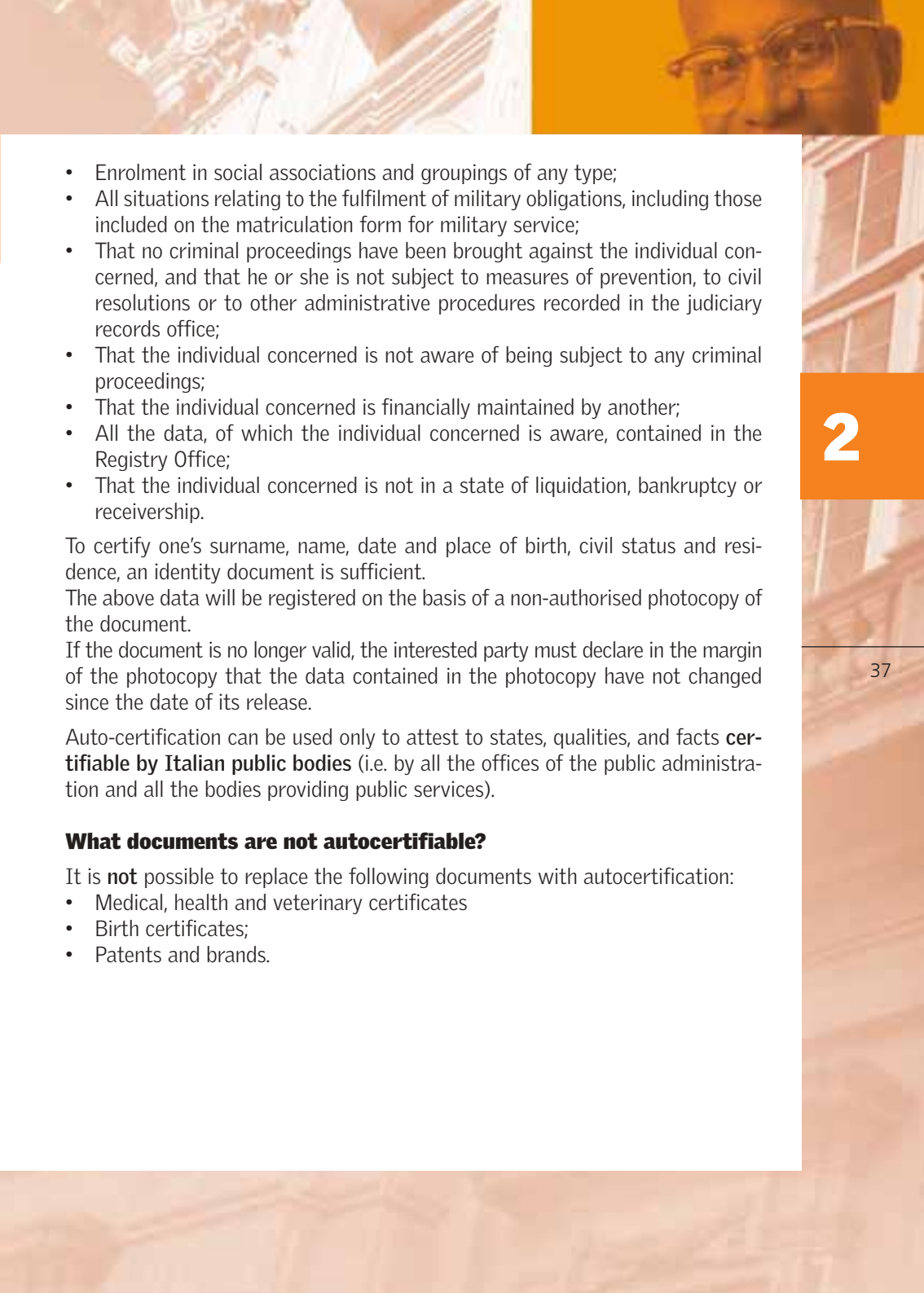
Forms of auto-certification can also be put forward by non-EU citizens legally living in Italy.

What can auto-certification be used to prove?

It is possible to auto-certify:

- Date and place of birth;
- Citizenship;
- Civil and political rights;
- Status "in vita" (living)
- The household to which one belongs;
- Marital status;
- The birth of a child;
- The death of a partner, ancestor or descendent (grandparents, parents, children, grandchildren, etc.);
- Registration in lists maintained by the public administration;
- The professional order to which one belongs;
- The possession of an academic or professional qualification;
- Income and economic situation (also in order to obtain benefits), exemption from specific tax obligations, indicating the taxes concerned;
- Possession and number of the fiscal code, of the "Partita IVA" (freelance worker's registration number) and of any other data present in the fiscal registry office;
- Status of unemployment, status as a pensioner and pension-type, status as student;
- Status as legal representative of an individual, physically, legally, as guardian, carer or similar;



- 
- Enrolment in social associations and groupings of any type;
 - All situations relating to the fulfilment of military obligations, including those included on the matriculation form for military service;
 - That no criminal proceedings have been brought against the individual concerned, and that he or she is not subject to measures of prevention, to civil resolutions or to other administrative procedures recorded in the judiciary records office;
 - That the individual concerned is not aware of being subject to any criminal proceedings;
 - That the individual concerned is financially maintained by another;
 - All the data, of which the individual concerned is aware, contained in the Registry Office;
 - That the individual concerned is not in a state of liquidation, bankruptcy or receivership.

To certify one's surname, name, date and place of birth, civil status and residence, an identity document is sufficient.

The above data will be registered on the basis of a non-authorized photocopy of the document.

If the document is no longer valid, the interested party must declare in the margin of the photocopy that the data contained in the photocopy have not changed since the date of its release.

Auto-certification can be used only to attest to states, qualities, and facts **certifiable by Italian public bodies** (i.e. by all the offices of the public administration and all the bodies providing public services).

What documents are not autocertifiable?

It is **not** possible to replace the following documents with autocertification:

- Medical, health and veterinary certificates
- Birth certificates;
- Patents and brands.





3

Social

Services

3.1 Who provides social and National Health assistance in Piedmont?

*In Piedmont the management of social and National Health services varies considerably according to the place of residence. The services may, in fact be provided by consortium groups of local councils, by individual local councils, or by the local health authorities (ASL). The bodies distributing social assistance service are called **Governing Bodies (Enti Gestori)**.*

How can one find out the exact name of the Governing Body one needs to contact?

It is necessary to contact the local council, who will indicate the nearest Governing Body.¹

Who can request social assistance?

All regular foreign citizens.

Foreign nationals without residence permits and stateless individuals are guaranteed a certain degree of initial and emergency assistance.

What are the social services offered by the Governing Bodies?

- Information of a general character from the social secretary;
- Economic assistance on the basis of the internal regulations adopted by the individual Governing Body;
- Home help in order that individuals partially or completely without self-sufficiency may stay in their families or in their homes;
- Home education services in order to help individuals, and particularly minors, who are at risk of social marginalisation;
- Services concerned with the custody of minors in association with the Judicial Authority (fostering and adoption);
- Custody of unaccompanied foreign national minors;
- Assistance of disabled and elderly people (home help, enrolment in day centres and nursing homes);
- Cultural mediation, mediation in the family, professional training courses, etc.

Not all types of Governing bodies offer the same services, and, above all, the access to these services is regulated differently from body to body.





How can one find out exactly which services are offered by the Governing Body?

Through the "List of Services" ("Carta dei servizi"), which includes all the types of service which the local body can offer, and describes the criteria needed to benefit from them.

The List of Services can be requested directly from the Governing Body or from the local council of the city.

In the event that this document is not available, it is possible to request information from the Social Secretary of the Governing Body.

3

¹ See directory at end of guide.





4

Health and

Medical
Assistance

4.1 What is the National Health Service?

The National Health Service (Servizio Sanitario Nazionale – S.S.N.) is an agglomeration of structures which take care of the health of and guarantee health care to all citizens – Italian and legally present foreigners – without any difference in treatment. Health care will be provided, in addition, to dependent family members of foreigners legally staying in Italy.

Enrolment in the National Health Service is necessary for those who wish to take advantage of the right to health care.

Registration in the National Health Service is **obligatory**:

- For those who reside and work legally in Italy;
- For those who reside legally and are listed at the employment bureau;
- For those who have requested the renewal of their residence permits for employment or for free-lance work, for family reasons, for political exile, whilst awaiting adoption or fostering, and in order to acquire Italian citizenship.

Registration in the National Health Service is **optional** (upon annual payment):

- For holders of residence permits for study reasons;
- For those legally staying in Italy as au pairs.

Where can one register for the National Health Service?

Registration takes place at the Local Health Authorities (Azienda Sanitaria Locale – A.S.L.)¹ of the area in which one lives.

The Local Health Authorities (A.S.L.) are the administrative and operative structures of the National Health Service.

What are the uses of the medical card?

The medical card (tessera sanitaria) is a document which proves registration in the National Health Service. Upon the card are indicated the name of the holder and of the family doctor (see below).

It is necessary to present the medical card in order to have access to medical services.

For how long is the medical card valid?

The validity of the medical card is equal to that of the residence permit.

For those recognised as political refugees in accordance with the 1951 Geneva



Convention the duration is unlimited. Registration will be terminated in the event that the residence permit is repealed or cancelled, or expires and is not renewed, or if an expulsion order is passed. The interested party may continue to benefit from the National Health Service upon the production of a document demonstrating a pending appeal against the above-mentioned proceedings.

What documents are necessary for registration in the National Health Service?

Some form of identification document;

- A residence permit;
- A fiscal code;
- A certificate of residence, or, in the absence of that, an auto-certification of address drawn up in the presence of an A.S.L. official.

What entitlements does registration in the National Health Service provide?

Registration entitles the individual to:

- The choice of a general practitioner - "family doctor" – or of a pediatrician;
- Specialised care and medical tests;
- The availability of the emergency services;
- Free hospital care in public hospitals and in hospitals operating within the National Health Service;
- Pharmaceutical prescriptions.

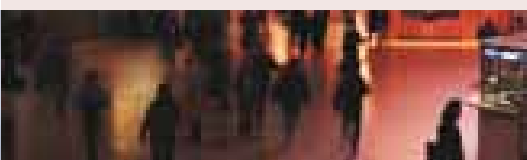
How much does it cost to register for the National Health Service?

Registration is free for:

- the unemployed with long-stay permit whose names are listed in the Database at the Unemployment Centres²;
- Refugees with a regular certificate attesting to refugee and asylum-seeker status;
- Married citizens maintained by Italian citizens;
- Minors with parents resident in Italy or with parents belonging to one of the above-listed categories.

¹ See directory at end of guide.

² See Chapter 5 "Work and Social Security".



Registration is paid for:

- Through payments made by the employer for employees with regular residence permits;
- Through the payment of a fixed annual quota for those who run their own businesses, for free-lance workers, or for students with regular residence permits.

4.2 Who has the right to a family doctor and to a pediatrician? And what services do they guarantee?

All citizens have the right to the aid of a general practitioner.

Children from 0 to 14 years old are offered the assistance of a pediatrician, if there is one present in the municipality.

Parents can opt to choose a general practitioner for their child from the age of six on.

The choice of doctor and pediatrician is made upon the release of the health card, through consultation of the list of available doctors.

The relationship between doctor and citizen is founded upon trust.

One doctor may be substituted for another from the same A.S.L. at any moment.

The family doctor and pediatrician guarantee:

- Medical examinations in the surgery and at home;
- Pharmaceutical prescriptions;
- Requests for special medical treatment;
- Certificates of ill-health for employees, for children who must be readmitted into school after illness or who need to go to nursery, infant, elementary, middle or secondary schools.

The family doctor may be contacted also for advice and suggestions as to how to look after one's health, preventing illness.

The doctor and pediatrician have office hours which they are obliged to display in the entrance to their surgeries.

All the services of the family doctor and of the pediatrician are free.



4.3 Whom should one contact for specialist care and for laboratory tests (blood tests, X-rays, etc.)?

In such cases, it is necessary to contact the booking office of the A.S.L.

Upon booking it is necessary to present a National Health Service registration card and the request for a family doctor or pediatrician.

The request is not necessary only in the case of the following types of examination:

- Dental,
- Gynaecological,
- Optical.

Booking is almost always necessary.

The place, date and time of the appointment will be indicated at the Booking Office of the A.S.L.

Specialised care and laboratory tests are carried out at public and at certain private surgeries.

For specialised examinations or laboratory tests patients are expected to pay a quota of the tax expenses, called a **"ticket"**.

Individuals falling into certain categories (those falling into low income brackets, those registered as disabled, pregnant women, etc.) may be exempt from "tickets".

For further information on this subject contact the Public Relations Office of the ASL, where it is possible to make claims or to ask questions about all subjects pertaining to the care of the user.

4

4.4 Where does one go in the event of an emergency?

*In cases of extreme urgency (accidents, and in any case where life is at risk) one may either go to the Accident and Emergency department of the hospital, or request medical assistance calling the freephone number **118**, which is in operation 24 hours a day.*

In cases of sickness, it is possible to ask one's family doctor to carry out a free home visit. A **service offering 24-hour emergency home medical care** (*Presidio di Continuità Assistenziale - guardia medica*) is active during the night (20-8.00), on Saturday afternoon (from 14.00), and on Sunday and all other holidays.

This service can also be reached by dialling the freephone number **118**.



4.5 Where does one go for medicines?

In Italy medicines are sold exclusively in pharmacies.

*Only the family doctor, the pediatrician, or the specialist doctor can prescribe medicines with a declaration written on a suitable form (**prescription**).*

In the prescription, which is then given to the pharmacist, the doctor authorises acquisition of medicine.

The pharmaceutical prescription is valid for 30 days from the date of its release.

The opening and closing hours and the holidays of pharmacies are written on a calendar prepared periodically and displayed in every pharmacy.

During the night and during holidays certain pharmacies are operative on a shift basis.

Every pharmacy is obliged to display outside the address of the nearest shift pharmacy.

4.6 What are Family and Pediatric Advisory Bureaus?³

Family and Pediatric Advisory Bureaus are concerned with caring for the physical and psychological health of the women, children, couples, and families present in every A.S.L.

What services do they offer?

- assistance to pregnant women (gynaecological examinations, prenatal preparation lessons, parenting lessons);
- assistance to women who intend to have abortions;
- gynaecological assistance with regard to illnesses related to sexuality, sterility and infertility;
- assistance to women with problems relating to the menopause;
- advice about forms of contraception;
- prevention and diagnosis of tumours of the female genitalia;
- assistance and consultation about psychological and social problems regarding the relationship between a couple or between parents and child, and regarding pregnancy, birth and sexuality;
- dealing with problems relating to separation, mistreatment and violence in the family;
- protection of the health of the child before birth, of the new-born baby and of the infant.



All the services of the guidance centres are free.
No authorisation from the family doctor is necessary – interested parties need only make an appointment (also by telephone).
These services are also available for women without residence permits.

4.7 Is abortion legal in Italy?

*Yes, in Italy there is a law (194/1974) which governs and admits the voluntary termination of a pregnancy **within the first ninety days**.*

4

Is it possible to terminate a pregnancy after the first 90 days from conception?

Yes, but only in certain cases:

- when pregnancy or birth represent a serious risk to the life of the woman;
- when the unborn baby is seen to possess malformations which place the physical or psychological health of the mother at severe risk.

Where should one go to have an abortion?

It is necessary to contact a consultancy, a National Health body, or one's family doctor.

The consultancy, National Health body or doctor must:

- guarantee the necessary medical examinations;
- evaluate, with respect for the liberty and dignity of the woman, and together with her, and with the father of the unborn child (if the woman gives her consent), the circumstances which have led her to request the termination of the pregnancy;
- make the woman aware of her rights as worker and mother;
- promote any appropriate interventions aiming to support the woman, offering her all necessary assistance, both during pregnancy and after the birth.

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³ See directory at end of guide.



If the doctor from the public advice bureau or the family doctor verifies the existence of **such conditions as to render the operation urgent**, he or she will immediately give the woman concerned a certification of urgency.

With the above mentioned certificate the woman concerned can present herself at one of the centres authorised to carry out the termination of the pregnancy.

If the request is not deemed urgent, at the end of the meeting the doctor from the consultancy or from the National Health institution or the family doctor will leave the woman with the copy of a document, which she herself has signed, attesting to her pregnancy and the request which has been made, and will invite her to wait for 7 days to think about her decision.

Once these 7 days have passed, the woman may present herself at one of the centres authorised to perform the termination of the pregnancy, producing the above mentioned document.

Who can apply for the termination of a pregnancy?

The request must be made personally by the woman concerned.

If the woman is **under eighteen**, her legal guardian should give his or her consent.

In any case, **within the first 90 days**, when:

- there are serious arguments against consulting the legal guardians;
- or when the above, although summoned, refuse to give their consent or disagree amongst themselves;

the consultancy, institution or doctor will send back a report within seven days of its request, containing also their own opinions, to the competent judge in their area.

The competent judge, within five days, having made contact with the woman and taken her situation into account, may authorise her decision to terminate her pregnancy.

In cases where the operation is deemed to be urgent, due to severe danger to the health of the under-eighteen year-old, the doctor may certify the existence of conditions justifying the termination of the pregnancy, independently of the guardian's consent and without contacting the competent judge.

This certification entitles the holder to urgent access to the requested operation and, if necessary, rehabilitation in hospital afterwards.

After **the first 90 days**, the under-eighteen-year-old is subject to the same procedures as adults, regardless of whether or not her legal guardians give their consent.

4.8 Is it possible not to legally acknowledge a child at birth in Italy?

Yes, in Italy a woman has the right to choose to give birth without her name appearing on the birth certificate (without, therefore, the child taking her surname).

In these cases, a woman has the right that her name be kept secret; and it is rigorously forbidden to those who, for administrative reasons, become aware of the name of the mother, to disclose that knowledge.

If they disclose the mother's name they commit a crime.

The tribunal, when the child has not been legally acknowledged by the mother, cannot conduct enquiries into the parentage of the child.

4.9 Where should one go for health care for children?

Health care for foreign children is guaranteed:

- by pediatricians chosen by the individual concerned in every A.S.L. (these services are open also to immigrants in an irregular state);
- by pediatric consultancies and vaccination centres.



4.10 What are the required and optional vaccinations in Italy and what are the customary preventive measures?

The required and optional vaccines are given in the following table, together with the periods in which they should be administered.

Obligatory Vaccinations			
Age	Polyomyelitis	Diphtheria Tetanus Whooping cough	Hepatitis B
3 months	●	●	●
5 months	●	●	●
11 months	●	●	●
12-15 months			
3 years	●		
5-6 years		●	
12 years			● (in 3 doses)

Optional Vaccinations		
Age	Haemophilia Influenza type B	Measles German measles (Rubella) Mumps
3 months	●	
5 months	●	
11 months	●	
12-15 months		●
3 years		
5-6 years		
12 years		● booster

Tetanus shots are recommended for adults (1 booster every 5 years after the original cycle) and also shots against viral Hepatitis B.

4.11 Where can obligatory vaccinations be obtained?

In order to carry out obligatory vaccinations one may contact the Vaccine Centre at the Pediatric Consultancy or at the Public Hygiene Service of the A.S.L. The service is free.

A certification of vaccination is requested upon entry into elementary, infant and nursery schools, in order to be admitted into school trips or to take part in athletic sports.

Child vaccinations are a safe and efficient way of obtaining the protection of the individual and the population from certain serious illnesses.

Is it necessary to undergo vaccinations when one wishes to return to one's country of origin?

The prevention of infectious illnesses is both advisable and important for those returning to their country of origin (**malaria, yellow fever, hepatitis A**).

For this prophylaxis foreigners may contact a doctor at one of the travel health-care centres or, if they are without a residence permit, at one of the I.S.I. centres (*Centri di Informazione Sanitaria* – Health Information Centres, see later) who will point them in the direction of the most appropriate structure.

4

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4.12 Do foreign citizens in Italy have the right to health care?

All foreigners in Italy have the right to essential health care.

What happens in the case of foreigners legally staying in Italy but not registered with the National Health Service?

In structures accredited by the National Health Service the following services are guaranteed in such cases:

- **urgent hospital care** (in surgeries, in day-clinics and in overnight wards), which must be paid for appropriately upon discharge;
- **non-urgent health care** and, in cases in which the patient is not admitted directly via Accident and Emergency, both admission to day surgeries and to overnight wards (for example in order to perform a tonsillectomy), **upon previous payment of the appropriate tariffs.**



Health care for those **insured by foreign institutions** is, instead, governed by the norms of international agreements.

What happens in the case of foreigners without a legal residence permit?

Basic health care is guaranteed to foreigners without foreign residence permits, or for visiting foreigners (S.T.P.).

In particular, in public and accredited private structures of the National Health Service, the following are guaranteed:

- urgent or essential care in day-surgeries and hospital wards, also if continuous, for illnesses and injuries;
- basic health care;
- care during pregnancy and maternity;
- assistance with abortion;
- health care for minors;
- vaccinations ordered by the region for the purposes of collective prevention;
- international preventive measures;
- preventive measures, diagnosis and treatment of infectious diseases;
- Free distribution of essential pharmaceutical products.

A complete cycle of treatment and rehabilitation is, in any case, offered to the sick individual.

Foreign citizens without residence permits will be given **cards with the regional code STP (visiting foreign citizen - straniero temporaneamente presente)** by the local A.S.L., which must be exhibited in order to benefit from health services.

This card is of weekly duration and may be renewed if the foreigner continues to stay on national soil.

Might a foreigner without a residence permit, in case of necessity, receive economic aid in order to receive health care?

The aid of the National Health Service to non-registered citizens is given freely to illegally present foreigners lacking sufficient financial resources, with the exception of the obligation to pay the "ticket".



The insufficient means of the individual in question is attested at the moment at which the **S.T.P.** card is released, upon the underwriting of a declaration, valid for six months.

The indigent foreigner without a residence permit is exonerated also from the costs of the "ticket" where the following cases are concerned:

- Basic health care;
- Urgency;
- Pregnancy;
- Where the subject is exonerated due to age or due to severe cases of debilitating illness.

The use of medical services by the foreigner without a residence permit will not entail any communication to the police on the part of health workers.

What are I.S.I. centres?

ISI centres are **Health Information Centres (Centri di Informazione Sanitaria)** for foreigners not registered with the National Health Service, which the Region of Piedmont has established on an experimental basis.

Visiting foreign citizens (S.T.P.) will find their access to both therapeutic and preventative aspects of the National Health Service facilitated at these centres. Assistance will also be given in related bureaucratic matters by cultural mediators.



The Health Information Centres for Immigrants (ISI Centres) active in Piedmont are listed below.

Asti ASL 19	<i>Via Orfanotrofio 15/17</i>	0141-392743
Biella ASL 12	<i>Via Don Sturzo 20</i>	015-3503681/350655
Borgomanero (No) ASL 13	<i>Viale Zoppis 6</i>	0322-848343
Bussoleno (To) ASL 5	<i>Via Tonelli 1</i>	0122-48196
Chieri (To) ASL 8	<i>Via San Giorgio 20</i>	011-94294682
Collegno (To)	<i>Via Oberdan 10</i>	011- 4017814-44
Cuneo ASL 15	<i>Via C. Boggio 14</i>	0171-450271/270
Domodossola ASL 14	<i>Corso Dissegna 29</i>	0324-491620
Novara ASL 13	<i>Via Dei Mille 2</i>	0321-374573
Omegna (Vb) ASL 14	<i>Via Mazzini 117</i>	0323-868355/166
Orbassano (To) ASL 5	<i>Viale Papa Giovanni XIII 11</i>	011-9036461/32
Torino ASL 2	<i>Via Tofane 71</i>	011-70952593/95
Torino ASL 4	<i>Largo Dora Savona 24</i>	011-2403717/12
Torino ASL 1	<i>Via San Domenico 22/c</i>	011-5663050
Vercelli ASL 11	<i>Via Crosa 4</i>	0161-593622/16









5

Work and
Social
Security

5.1 Who should one go to when looking for work?

To the employment centres¹

What services do the employment centres offer?

Employment Centres:

- They are places of contact for workers and employers;
- They offer information:
 - about the job market,
 - about employment opportunities,
 - about training offers (intern/apprenticeships),
 - about existing conditions/rules;
- They offer the possibility of carrying out training internships (or periods of training in a work environment) on the basis of conventions stipulated with employers (internships promoted by Employment Centres provide for a minimum of 3 months and a maximum of 6 months, they cannot take on the form of business dealings and no payment is foreseen).

Who is the service addressed to?

- to those who have never been employed and the long-term unemployed;
- to women who are being reintroduced into the workforce;
- to the unemployed covered by social security;
- to the disabled;
- to unemployed young people and apprentices.

What documents are necessary in order to take advantage of services provided for by the Employment Centers?

- an I.D.;
- fiscal code;
- residence permit with a valid reason for:
 - work** (subordinate, self-employed, seasonal);
 - family;**
 - political asylum;**
 - study** (this residence permit permits a maximum of 20 work hours per week);
 - family, minor age or custody** for foreign minors subject to the educational requirement;

- It is advisable to bring a translation of academic qualifications obtained abroad which has been asserted by the Magistrate's Court Titles Assertion Office.

5.2 What does Social Security cover and why is it important to contribute to it?

The social security system sees that the worker is protected in the case of given events, such as:

- illness,
- maternity,
- old age,
- physical and mental illness,
- unemployment due to dismissal.

It also provides for a series of aids to protect the worker's family.

The various social security benefits can only be used, however, by those who have paid their social security dues.

Who is obliged to contribute to social security?

For **employees** it is the employer's responsibility to make the corresponding social security contribution, in addition to paying the contractual wage.

Self-employed workers, such as tradespersons, are responsible for paying their own social security dues.

Why is it important that non-E.U. workers pay social security contributions as well?

Because a non-E.U. worker engaged in a **regular** working activity in Italy, for which periods of contributions are accredited, **has the same generally recognized worker rights**. With the necessary requirements, he/she can obtain rights to services provided for by Italian legislation.

¹ See directory at end of guide.



What are the main entities which grant social security?

INPDAP (National Social Security Institution for Public Administration Employees) which deals with the social security tutelage of public employees.

INAIL (National Insurance for Work-related Accidents) which protects subordinate workers (employees) who have an accident at work or contract a professional disease, guaranteeing them the necessary financial and health services.

INPS (National Social Security Institution) which is the main organization insuring private workers, both employees and the self-employed, and protects their rights when certain events occur, such as old age, unemployment, maternity, illness, guaranteeing them allowances in place of their salary.

To whom must one apply in order to obtain the various INPS allowances?

To the territorially-competent INPS agency according to residence/dwelling of the interested party, in the case of services paid directly by INPS.

In the case of services which are to be paid by the employer on behalf of INPS, the applications must be presented to the worker's employer and in some cases to both.

Applications can be presented by post or to the **authorized institutions**² which, by law, offer free assistance to help workers fill out their social security forms.

A list of competent INPS agencies for the place of residence / abode is available for consultation on the web site www.inps.it/AgendaSedi.

Most of the application forms for single services (including instructions for compilation and documents to include) and specific forms are available at the INPS Agencies as well as on the web site www.inps.it, under "forms".

What happens to the contributions paid to INPS when a non-E.U. worker returns to his/her country?

Contributions paid during the period of work in Italy are saved indefinitely in the INPS archives and constitute the insurance status for each worker.

This status is ready to be reactivated in the event of renewed employment in Italy, or to be used for payment of a pension.



5.3 What happens when a worker gets sick?

When a worker becomes ill sick pay is paid.

It is a financial allowance which permits the worker to receive a part of the retribution in the event of absence from work due to illness.

The first three days of illness are paid by the employer.

From the fourth day of illness, for a maximum period of 180 days a year, the burden is on INPS.

Who is eligible for sick pay?

- Dependent workers with the qualification of worker or employer in the private sector;
- the unemployed and those suspended from work (belonging to the categories above-mentioned), provided that the employment relations have finished or were suspended not more than 60 days prior to the illness.

For workers with a short-term work contract, the right to sick pay ceases with the termination of the contract.

How does one obtain sick pay?

The worker must obtain a certificate of illness in duplicate copy from their personal doctor. Within 2 days of the date of compilation by the doctor, the first copy must be sent to the worker's INPS office (the office of his/her habitual residence) and the second copy must be sent to their employer.

The certificates are checked by an optical reader, so it is crucial, when filling them out, to carefully follow the instructions printed on the certificate.

The sick worker must remain at home available for possible checks carried out by doctors from the INPS or A.S.L. during the following hours: from 10 a.m. to 12 midday and from 5 p.m. to 7 p.m.

Should the worker be absent without justification, the allowance will be revoked.

If one should have to move to an address different from the one indicated on the certificate of illness during the period in which an allowance for illness is being received, INPS and the worker's employer must be informed beforehand.

² See directory at end of guide.

Should the non-U.K.-worker wish to go abroad or to his/her native country for better medical care during their illness, they must ask INPS for authorization beforehand.

5.4 What are the services protecting maternity?

Our social security system provides for various forms of tutelage for the working mother and father:

- Allowance for maternity
- daily hourly breaks for child assistance;
- leave due to illness of child;
- maternity allowance;
- municipal maternity allowance.

Italian law also prohibits the dismissal of a woman from the beginning of her pregnancy until the baby has reached its first birthday, except for those cases where the employment relationship has ceased due to expiry of the work contract.

5.5 What is maternity allowance?

It is an allowance paid to workers absent from work due to pregnancy and confinement, replacing their regular salary.

Who is eligible for maternity allowance?

- mothers who are dependent employees
- domestic workers (maids), who have paid at least one year of contributions in the two years prior to maternity, or at least six months of contributions during the year prior to maternity leave;
- agricultural workers who have carried out a minimum of 51 days of work during the year prior to the period of compulsory leave;
- self-employed workers who have been registered in the artisans, tradespersons, or farmers' guilds prior to the period of maternity leave, and who have paid the relevant contributions regularly.



For what length of time is the allowance paid?

Maternity allowance for **compulsory leave** is paid for a maximum of **5 months**; for **optional leave**, for a maximum period of **11 months** to be used within the first eight years of the child's life.

5.6 What is compulsory maternity leave from work?

The law provides for periods in which women are not legally permitted to work during pregnancy (compulsory leave):

- during the two months prior to the expected date of delivery;
- the period between the expected date of delivery and the actual date of delivery, should delivery occur after the expected date;
- for the three months following delivery;
- the days not taken prior to delivery, should delivery occur before the expected date of delivery.

The worker can choose to continue working until the month prior to the expected delivery, and use the compulsory leave until the fourth month after delivery. This is only possible if a National Health Service gynecological specialist as well as the doctor responsible for safety in the workplace, when the employee works for a company subject to health inspections (e.g. industrial companies), certify that such a situation would not be harmful to the worker or to the unborn child.

Workers who carry out tiring or dangerous jobs and who cannot be transferred to a job with different duties, can anticipate the period of compulsory leave prior to delivery "due to risk" with the authorisation of the Work Inspectorate.

The compulsory period of leave can be extended (with authorisation of the Work Inspectorate) until the seventh month following delivery.

Allowance for compulsory leave for the three months following the actual date of delivery is granted to the dependent worker father:

³ Important: women from non-E.U. countries, whose presence on Italian territory has not been regularised, have the right to free use of some hospital services under the National Health Service (SSN: see Chapter 4. Health and Medical Assistance).

- in the event of death or serious illness of the mother;
- in the event that the mother, even if not employed, abandons the child;
- or in the event that the mother refuses to recognise the child.

In such case the father cannot be dismissed for the entire duration of the leave and until the baby has completed one year of age.

The worker also has the right to allowance for compulsory leave for the three months following the actual date of delivery in the event that:

- the baby is stillborn;
- the baby dies following delivery;
- there was a miscarriage after the 180th day of gestation (considered as delivery).

Who does one present the application for compulsory leave to?

To INPS and to the employer.

5.7 What is optional maternity leave from work?

*In the first eight years of the child's life each parent has the right to be absent from work, and receive allowance for optional leave (i.e. **family leave**).*

There is a maximum combined period of optional leave for the parents of:

- 6 months within the first year of the child's life.
- 10 months within the first eight years of the child's life.

Who is eligible for optional leave?

- mothers who are dependent employees for a total maximum period (even if not continuous) of 6 months;
- fathers who are dependent employees for a total maximum period (even if not continuous) of 6 months, extendable to 7 months in the event that the working father is absent from work for a period of at least 3 months (in this case the total maximum period of work leave for the parents, within the first



eight years of the child's life, rises to 11 months);

- a single parent (father or mother) for a total maximum period of 10 months;
- self-employed workers (farmers, artisans, tradespersons) for a total maximum period of three months, within the first year of the child's life.

Workers who carry out family and domestic services, those who work at home, and the unemployed or suspended workers are **not** eligible for optional leave.

Both parents can also take advantage of the leave at the same time.

To whom does one submit the application form for optional leave?

To INPS and the employer.

5.8 What are the daily hourly breaks for child assistance?

During the first year of the child's life the mother has the right to paid daily breaks. These breaks are of two hours per day if the work day amounts to over 6 hours a day. If the work day is less than 6 hours a day, a one-hour break is granted per day.

The father can take advantage of these breaks:

- if the father has sole custody of the child;
- in the event of the mother's death or serious illness;
- in place of the mother if she chooses not to take advantage of the benefit;
- in the event that the mother is not a dependent worker (e.g. she is a self-employed worker, free-lancer).

In the last two cases, the father cannot use the daily breaks during the mother's maternity leave.

Workers who carry out family and domestic services, those who work at home, and the unemployed or suspended workers are **not** eligible for optional leave.

Who does one submit the application form to for hourly breaks?

The mother submits the application to her employer.

The father submits the application to INPS and his employer.



5.9 Can one stay home from work if their child is sick?

Both dependent working parents have the right, alternatively, to be absent from work during each child's illness:

- until the child reaches 3 years of age;
- and, limited to 5 days a year for each parent, until the child is eight years old.

Who does one submit the application to for absence due to child's illness?

The application must be presented to the employer with a certificate from a specialized doctor from the National Health Service attached, and must certify that the other parent is not absent from work on the same days.

5.10 What is a maternity allowance?

It is a sum of money paid to the parents of a child born or adopted after July 1, 2000:

- for workers who have at least 3 months of contributions paid between 9 and 18 months prior to delivery or the child's integration into the family (in case of adoption);
- for ex-workers (unemployed), as long as nine months have not gone by between the date of loss of the right to social security and the date of birth or child's integration into the family;
- for workers who have stopped working due to resignation during the period of pregnancy, and have paid at least 3 months of contributions during the period covering 9 to 18 months prior to the child's birth.

Non-E.U. mothers must have a residence card in order to obtain a maternity allowance.

Who does one present the application to for a maternity allowance?

To INPS within 6 months from the date of birth, or adoption of the child (lateness in applying will result in loss of rights to the maternity allowance).

5.11 What is the maternity allowance granted by the city/municipality?

It is a sum of money paid for each child born (in the event of twins, two allowances are granted) or adopted after July 2, 2000:

- to mothers who do not have the right to any maternity allowance (in the event that they are granted a maternity allowance inferior to the amount of the allowance, they could be granted the difference);
- to women who live in a low-income family (in fact, the municipality maternity allowance is subordinate to the presentation of the I.S.E. attestation for the family).

Non-E.U. mothers must have a residence card in order to obtain a maternity allowance.

Who one must submit the application to for a municipal maternity allowance?

To the Municipality of residence.

5.12 What are the main services protecting the aged?

- Old-age pension;
- seniority pension;
- social allowance;
- survivor's pension (pension for family of a deceased worker).

When does one obtain an old-age pension?

It is attained when one reaches the compulsory age, which is currently 65 years old for men and 60 for women and if the taxes have been paid for at least 20 years. Dependent workers (employees) must stop working prior to receiving this pension.

When does one obtain a seniority pension?⁴

It can be obtained before reaching the pension age.

⁴ The pension system is constantly evolving. Pension age limits will soon change.



For **dependent workers** the current requirements for obtaining a pension are 35 years of paid contributions and 57 years of age.

Even if the worker has not reached the age of 57, they can obtain seniority pension if they have 37 years of regular contributions.

The worker must terminate his/her subordinate employment relationship.

For **self-employed workers** (artisans, tradespersons, farmers) the current requirements are 35 years of contributions and 58 years of age. Even if a worker has not reached the compulsory 58 years of age, he/she can obtain a seniority pension with 40 years of contributions. Self-employed workers can continue working in a **non-subordinate activity**.

What is a social allowance?

It is a financial service paid to those who have reached 65 years of age, who live in Italy on a permanent basis, and do not have an income or have an income lower than the sum of the current social allowance.

Non-E.U. citizens must be in possession of a residence card in order to obtain a social allowance.

Habitual residence in Italy is a fundamental requirement.

Those who transfer their residence abroad lose their right to this service.

What happens in the event of the insured or retired worker's death?

There is a bereavement pension, which is granted to the family members of an insured or retired worker in the event of his/her death.

This pension can be **transferred** if the deceased already had a pension (for old age, seniority or disability), or **indirect**, if the person was working at the time of death.

In this case the worker would have had to accumulate at least 15 years of taxes during any period, or to have been insured for at least 5 years of which at least 3 were paid 5 years prior to the date of death.

What rights does the non-E.U. worker have who returns to his/her country of origin on a permanent basis?

The non-E.U. citizen who returns to his/her country of origin permanently, preserves his/her matured social security rights.





At the age of 65 they can ask for payment of the matured social security even if the duration of work carried out in Italy was under the compulsory minimum period to obtain a pension.

They are paid upon request, as are all social security settlements.

The request can be presented to Italian Consulates, as well as sent by post to the INPS in Italy.

The settlement can be paid to the worker in their country of residence.

Italy has stipulated bilateral agreements with some countries⁵ in regard to social security. In these cases, particular rules may apply.

5.13 What is the main social security in the case of physical or mental illness of a worker?

- Ordinary infirmity allowance
- Disability pension
- pension for disabled civilians

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What is the ordinary infirmity allowance?

It is an allowance granted to dependent and self-employed workers, with a physical or mental illness, verified by an INPS doctor, who have paid 5 years of taxes (260 weekly payments), of which at least 3 years (156 weeks) were paid during the 5 years prior to the request for ordinary infirmity allowance.

⁵ Argentina, Australia, Bosnia Herzegovina, Brazil, Canada - Quebec, Vatican City, Croatia, Jersey and the Channel Islands, Macedonia, Monaco, the Republic of Cape Verde, the Republic of San Marino, Slovenia, Tunisia, Turkey, the United States of America, Uruguay, The Federal Republic of Yugoslavia, Venezuela.

The 1957 Italo-Yugoslav convention remains in force provisionally with The Republics of Croatia, Slovenia Bosnia Herzegovina, Macedonia and with the Federal Republic of Yugoslavia (including Kosovo), even after the Declaration of Independence of those States.

New conventions are in the process of being ratified with: Croatia and Vatican City, Chile, Morocco, The Philippines, and The Czech Republic.

Conventions are in the process of being negotiated with: New Zealand, Poland, the Republic of Czechoslovakia, Rumania and South Korea.

For information leading to the list of countries which have stipulated international agreements with Italy, and regarding the contents of these agreements, consult www.inps.it/informazioni/panoramainternazionale/. Consultation is also possible in English and French.

What is the disability pension?

It is a pension granted to dependent and self-employed workers with a physical or mental illness, verified by an INPS doctor, which makes it absolutely and permanently impossible to carry out any type of work, who have 5 years of contributions (260 weekly payments), of which at least 3 years (156 weeks) were paid during the 5 years prior to the request for disability pension.

Those who request a disability pension **cannot**:

- carry out employment as a dependent;
- be registered in a professional register;
- be registered in the lists of agricultural workers or self-employed workers (artisans, tradespersons, farmers).

What is the pension for disabled civilians?

It is a welfare financial service which INPS allocates to disabled civilians, to the blind and deaf-mute, who do not have a personal income or, if they do, it is below standard.

5.14 What services can a worker take advantage of when he/she is dismissed and finds himself/herself unemployed?

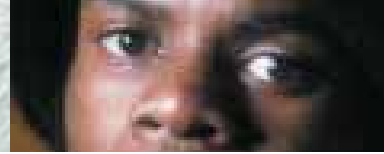
The main forms of unemployment insurance provided for by our social security system are:

- ordinary unemployment allowance;
- ordinary unemployment allowance with reduced requirements;
- particular unemployment benefits for agricultural workers;
- particular unemployment benefits for the building industry.

5.15 What is ordinary unemployment allowance?

It is an allowance due to workers who have been dismissed who:

- have at least 2 years of insurance for involuntary unemployment;
- have at least 52 weekly payments during the 2 years prior to the date of



- termination of employment relations;
- are proved to be unemployed;
- have declared their immediate availability to work to the Employment Centre territorially responsible for the area where they live.

It is **not** due to workers who resign from work voluntarily, except in the event of resignation with cause (lack of payment, sexual harassment and change of duties) or workers on maternity leave.

It is **not** due to non-E.U. workers in possession of a seasonal residence permit.

When and for what length of time is ordinary unemployment allowance paid?

Unemployment allowance is paid monthly by INPS and is due for a maximum of 6 months (180 days).

It is due for a maximum of 9 months (270 days) if on the date of termination of employment relations, the worker was 50 years old or over.

Payment terminates when the worker:

- has received payment for the total period of allowance;
- has started a new working activity;
- is paid a direct pension (old age pension, seniority pension, invalidity).

Where and when does one go to obtain ordinary unemployment allowance?

Immediately after being dismissed, the ex-worker must go to the Unemployment Centre and declare his/her state of unemployment and his/her immediate availability to work.

The request for ordinary unemployment must be presented to INPS (by post or via authorized public organizations (Patronati) which, by law, offer free assistance) as soon as possible, and not more than 68 days from the date of dismissal.

An autocertification certifying the state of unemployment and attesting the declaration of availability presented to the Unemployment Centre must be attached.



5.16 What is ordinary unemployment allowance with reduced requirements?

It is an allowance due to dependent workers who do not have the necessary requirements to obtain ordinary unemployment allowance, but who:

- have worked for at least 78 days in the preceding year; and have at least one weekly insurance contribution for involuntary unemployment before termination of the two solar years in question (the two years are calculated as preceding the last day of the solar year for which the allowance is requested).

It is **not** due to non-E.U. workers only in possession of a **seasonal residence permit**.

To whom and when does one present a request for unemployment allowance with reduced requirements?

To the INPS Agency competent on the basis of residence, from January 1st and by March 31st of the year following the one the allowance refers to.

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5.17 What is ordinary unemployment allowance for agricultural workers?

It is an allowance due to:

- workers registered in the lists of names of agricultural workers;
- those who have worked as agricultural workers on a longterm contract for part of the year;

who were dismissed, if:

- they are registered in the registers of agricultural workers during the solar year for which the allowance is being asked for (this condition does not apply, however, to workers with a short-term contract);
- they have at least 2 years of insurance covering involuntary unemployment;
- they have at least 102 daily contributions in the two years preceding the request (if they are lacking the 102 contributions, the allowance is still due if the worker has carried out work as a dependent for at least 78 days during the year the request refers to).

It is **not** due to those who resign voluntarily, with the exception of workers on maternity leave, and when the resignation results with cause (lack of payment,

sexual harassment, and change in duties).

To whom and when does one present the request for ordinary unemployment allowance for agricultural workers?

The application form should be presented to the competent INPS office by March 31st of the year following the one the allowance refers to.

5.18 What are the particular unemployment benefits for agricultural workers?

It is a special allowance paid to workers listed in the registers of agricultural workers, if:

- they are registered in the registers of agricultural workers during the solar year for which the allowance is being requested (this condition does not apply to workers with short-term contracts);
- they have at least 2 years of insurance covering involuntary unemployment;
- they have at least 102 daily contributions in the two years preceeding the request (in the absence of the 102 contributions, the allowance is still due if the worker has carried out work as a dependent for at least 78 days during the year that the request refers to);
- they have worked on a long-term contract during the year the pay refers to;
- they have carried out at least 151 days of work as a dependent or are listed in the registers of agricultural workers for 101 to 150 days during the year that the benefit refers to.

It is **not** due to those who resign voluntarily, but only in the event of dismissal (with the exception of female workers during or immediately after pregnancy).

To whom and when does one present a request for particular unemployment benefits for agricultural workers?

The application form should be presented to the competent INPS office by March 31st of the year following the one that the benefit refers to.



5.19 What are the particular unemployment benefits for the building industry?

It is a special service for workers in the building industry who have been dismissed, in the following cases:

- termination of company activity;
- completion of construction or of the individual stages of work;
- reduction of staff;

if during the two years preceding dismissal:

- they have paid at least 10 monthly contributions or 43 weekly contributions for work carried out in the building industry;
- they are registered as unemployed.

It is **not** due to those who resign voluntarily, only to those who are dismissed (with the exception of workers on maternity leave who can take advantage of this benefit even if they choose to resign).

To whom and when does one present the request for particular unemployment benefits for the building industry?

The application form should be presented to the competent INPS office within 2 years of the date of dismissal (application forms can be obtained at the INPS offices).

5.20 What are the services protecting the family?

- Allowance for the family unit;
- and the family allowance.

5.21 What is the allowance for the family unit?

It is a financial aid for families of:

- dependent workers, workers who are temporarily redundant with subsidised wages, unemployed individuals who get unemployment or transfer allowance;
- workers in socially-useful sectors;
- retired employees;

with more than one member in the family and who have an income lower than the standard of living established yearly by the law.

In the case of non-E.U. workers, only family members residing in Italy are considered.

Family members of a non-E.U. worker are considered on condition that the worker is a citizen of a state having particular agreements or conventions with Italy.

Where does one apply for allowance for the family unit?

- Those who carry out non-agricultural dependent employment must present their request directly to their **employer**;
- In all other cases (including those carrying out family and domestic services) must present their request directly to **INPS**.

5.22 What is the family allowance?

It is an allowance due:

- to self-employed agricultural workers (whether they are cultivating their own land or not);
- to retired members under specialist administration;

if the family for which the allowances are being asked depend on the worker financially;

and if the family does not exceed certain limits of income which are established yearly.

Which family members are considered to be financially dependent?

A family member who has an income from any source not greater than the annually established monthly amount.

The law establishes who is eligible for family allowances.

Where does one present a request for a family allowance?

At INPS.

5.23 Is the employer responsible for the worker's health?

The employer, or a person appointed to act on his behalf (The Safety Manager), is obliged:

- to warn the workers of risks present on the work site;
- to supply them with training in order to properly carry out their job and teach them about the safety regulations;
- to supply the worker, free of charge, with the necessary means of personal protection needed for his/her specific duties (e.g. protective head-gear for building-sites, protective glasses and masks, gloves, ear-protections, etc....) with the goal of preventing accidents and professional illness.

Who should one turn to with complaints about irregularities or dangers on the work place?

One should go to an ASL office which provides a service of prevention and safety in work environments.

The ASL inspectors assess the measures of safety on the work place and notify the Judicial Authorities of any violations.

The ASL is also informed in the event of an accident at work.

The Workers' Statute also provides for the workers' right, through their representatives, to allowance and promote the implementation of safety regulations for the prevention of accidents and professional illness.

What happens in the event of an accident or professional illness?

The Italian Constitution guarantees the right to health on the work place to all Italians and the right to sufficient means of sustenance in the event of an accident at work or a professional illness.

The law requires insurance for physical and financial damage that the worker suffers due to an accident or illness caused by work-related activities.

The **INAIL** - The National Insurance Institute for Work-related accidents and Illnesses - manages this compulsory insurance, and allocates money to insured workers who have an accident or become ill due to work activities.

In the event that the worker has an accident or becomes ill the employer must pay:

- for the entire day on which the accident occurred or the professional illness manifested itself, if the latter caused the worker's absence from his/her job;



- 60% pay for the following 3 days of absence from work, unless there are better conditions specified in the work contract.

INAIL, on the other hand, pays:

from the fourth day following the day in which the accident occurred or the illness manifested itself until clinical recovery.

What must the worker do in the event of an accident at work?⁶

- Immediately inform their employer;
- immediately present their employer with the first medical certificate and if medical care should continue, a certificate filled out by his/her personal doctor.

What must the worker do in the event of a work-related illness?

- If the worker is engaged in working activities he/she must:
- report the illness to their employer within 15 days of its manifestation;
- present their employer with the initial medical certificate and, in the event of prolonged medical care, a certificate completed by the family doctor.

The employer will send the original certificates to INAIL.

In the event that the employee is hospitalized, the hospital will send copies of the certificates to INAIL and to the employer.

- If the worker is **not** engaged in working activities:
- he/she **can** directly present a request for acknowledgement of professional illness to INAIL.

⁶ Irregular workers, including those not conforming to the norms concerning entry and residence, have the right to free health care in the outpatient clinics or public hospitals and private hospitals acknowledged by the National Health Service (see chapter 4. On Health care) in the event of an accident.

The Statute of Workers prohibits discrimination against workers on the basis of sex, race, religion, or political opinions.

Workers can go to the Unions for the defence of their rights.

Given the complexity of the social security system, workers are advised to get in touch with the public institutions to obtain services.

The law entrusts these institutions with the task of protecting and aiding workers, completely free of charge, in obtaining social security from the allocating authorities.

In order to find out more about social security, pensions and contributions consult the web sites:

www.inps.it/informazioni/ • www.inail.it/Piemonte/

or contact the Call Centres:

INPS: 164 64. • INAIL: 803888 (every day from 8 a.m. to 6 p.m.)







6

Family



6.1 Who is eligible for reuniting families¹?

Non-E.U. citizens:

- who possess a **residence card**;
- who possess a **residence permit** of a duration not inferior to one year for work-related reasons (subordinate or self-employed), political asylum, study or religious reasons.

What family members does the non-E.U. citizen have the right to bring over to join them?

- their spouse (provided that they are not legally separated);
- offspring who are minors (under 18 years of age) and whom they declare to be supporting financially (including a stepchild or child born out of wedlock), who are single or legally separated, on condition that the other living parent has given permission (the same rules apply to adopted minors or minors in custody);
- children over the age of 18 whom they support financially and who cannot effectively provide for their own support due to total infirmity on their part;
- parents they support financially who do not have other children in their country of origin or permanent residence;
- parents over 65 who do not have other children in their country of origin or whose other children cannot support them financially due to serious health problems.

What are the requirements for joining family members?

The non-E.U. citizen (with the exception of refugees) who requests that family join her/him must demonstrate the availability:

- of **adequate housing** (which conforms to the minimum parameter requirements foreseen by the regional law for public housing) and, in the case of a child under 14 years of age coming to stay with a parent, the consent of the owner of the apartment where the minor will actually live;
- of an **annual income**, earned legally, not less than:
the annual amount of the social allowance², if requesting the joining of only one family member;
double the annual amount of the social allowance, if requesting the joining of two or three family members;
triple the annual amount of the social allowance, if asking for the joining of four or more family members (to determine income, the comprehensive annual





income of family members living in the same household as the person making the request is taken into account).

To whom does one present the request for family joining?

The request for permission for family joining, along with the necessary documentation, should be presented to the appropriate **immigration desk** at the Prefecture (Territorial Government Office - UTG)³ of the place of residence, where a marked, stamped and signed copy of the request is issued.

After having checked that the requirements have been fulfilled, the office issues the requested measures.

Ninety days after the presentation of the request for permission, it is possible to obtain an entry visa directly from the diplomatic representatives and Italian Consulates, by showing copies of the marked certificates from the immigration desk at the Prefecture (Territorial Government Office - U.T.G.), which shows the date of presentation of the request and relative documentation.

What documents are needed in order to request family joining?

- An application for permission in duplicate copy;
- a revenue stamp for 10.33 Euros;
- a residence permit or residence card (in original and photocopy);
- documentation certifying availability of suitable housing for their family members which can be in the form of:
 - a rental contract (as long as it is not for transitory use or a guesthouse);
 - a commodatum contract;**(The contracts must be registered regularly);**
 - a hosting declaration by a third party or employer, with documentation showing his/her readiness to offer housing;The hosting declaration must be shown with an authentic signature and must clearly state consent to the joining of the indicated family members,

¹ The subject of reuniting families has been greatly innovated since Law 189/2002. The new provisions will be in force when the fulfilment requirements have been approved.

² To find out more about the social allowance, see chapter 5. Work.

³ See directory at end of guide.

along with indication of what portion of the housing will be at their disposal (for joining of family members under the age of 14, the written consent of the owner of the apartment must be specified in the host letter);

- the deed to an apartment;
- documentation of registration of the rental or sales contract;
- municipal certification attesting to the suitability of the housing (minimum required parameters foreseen by regional law for residential housing);
- certificate of residence;
- documentation certifying relationship, translated and authenticated by the Italian Embassy of the applicant's country of origin;
- documentation certifying work activity and income:

A) The **employee must supply:**

- The employment contract, which must include the nature of work, the duration of employment and annual salary (the communication must be endorsed by the Employment Centre and the employer's declaration must bear an authenticated signature);
- a pay slip, Form 101 or 730 (or other income-tax return);
- employment card and fiscal code;
- other integrative documentation in the event that income from work is insufficient (income from other household family members, trusts or savings).

B) The **self-employed worker must supply:**

- a licence, authorisation, registration in lists/guilds or registries (certificates of registration at the Chamber of Commerce, Artisan Guild, deed of partnership, etc.);
- Form 740 and fiscal code;
- other supplementary documentation in the event that income is insufficient (income from other household family members, trusts or savings).



6.2 How does one appeal against denial of permit and denial of entry visa for family joining?

Competent legal authority.

Monocratic Civil Court (T.C.M.) for the place of dwelling⁴.

Deadline for appeal proposal.

None.

The appeal is therefore not subject to forfeiture.

Legal costs.

Exempt.

Specific information.

Legal representation in this case is recognised for the person with the right to family unity (i.e. to the non-E.U. citizen who is applying for his/her family to join them), who is already a legal visitor in Italy.

This is why the appeal is proposed directly in Italy, at the Court of the place where the person in question resides.

If he/she accepts the appeal, the Judge can order the Italian Consulate directly to issue the visa.

If the appeal is denied, a complaint with appeal can be presented to the Court of Appeal, with an ultimate deadline of 10 days from the communication of the Judge's sentence.

For State-subsidized legal assistance (free defence)⁵.

⁴ See directory at end of guide.

⁵ See Chapter 11. "Legal Representation".



6.3 How does one appeal against measures taken with regard to residence for family-related matters (issue, renewal and revocation of residence permit for family reasons)?

Competent legal authority.

Monocratic Civil Court (T.C.M.) for the place of dwelling⁶.

Deadline for appeal.

None.

Legal costs.

Exempt.

For State-subsidized legal assistance (free defence)⁷.

6.4 What are the requirements for getting married in Italy?

The following (Italian citizens or foreigners) can get married in Italy:

- those who have reached the legal age of 18; those who have reached the age of 16 can only get married with the authorization of the Tribunal for Minors;
- those who are free from the bond of marriage. Italian law forbids marriage for those who are already married (bigamy is a crime).

To whom does one go when one wants to get married?

To the Civil State Office of the municipality of residence of either the bride or groom, which will provide for the **Wedding banns**.

These banns make the desire of the two people to get married public and are required by Italian law. They are also posted in the municipality of the groom's residence.

The request for the banns to be made public is carried out at the Civil State Office and signed in the presence of two witnesses.

The banns remain posted for 8 consecutive days and are valid for 180 days.

The wedding can be celebrated from the fourth day following the 8 consecutive days of publication of the banns.

If the bride or groom does not know Italian, the Civil State Office conducting the wedding ceremony can have the assistance of an interpreter.





What are the necessary documents?

- a valid passport or Italian identity card.
- It is **not** necessary to show your residence permit, which is, however, required in the absence of other identification.
- A declaration issued by the Consular Authorities of the citizen's or foreigner's country of origin, verifying that on the basis of local laws there are no obstacles to marriage (declaration of permission).

If the diplomatic Consular Authorities do not reply or if they convey a declaration of justified refusal, the Civil State Office must refuse the banns.

Appeal to the Civil Tribunal is permitted, in the event that the declaration of permission is refused due to foreign law provisions which are contrary to the principles of the Italian public code.

In the case of **foreign citizens with the status of political refugee**, the presentation of a declaration issued by the High Commissariat of The United Nations for Refugees located in Rome is needed in substitution of the declaration of permission.

What is the procedure for a religious marriage ceremony which is also recognized as a civil marriage?

The banns should be requested of the minister of the religion in question.

Those of the following religions can request the banns directly at the Civil State Office:

The Waldensian Church, The Israelite Community, Seventh Day Adventist Church, the Assembly of God in Italy, The Italian Waldensian Evangelical Church Unions, The Italian Lutheran Evangelical Church.

Exclusively religious weddings (those acknowledged by ministers of religions not acknowledged by the Italian State) do not have civil effects.

⁶ See directory at end of guide.

⁷ See Chapter 11. "Legal Representation".



Can a marriage celebrated in Italy be recognized overseas?

A non-E.U. citizen who gets married with a civil ceremony in Italy, must always verify that the law of his/her country of origin acknowledges that marriage to all effects, and consequently be informed about the procedures for transcribing the wedding act (i.e. acknowledging the wedding and consequent marriage) overseas.

Weddings celebrated between non-E.U. citizens in the presence of a foreign diplomatic or consular authority can only be transcribed in Italy on condition that it is foreseen by the relative conventions in force with the countries in question.

It is possible to transcribe a wedding celebrated according to Islamic rite between an Italian citizen and a citizen of Islamic religion

In order to transcribe the act of marriage it is also necessary to present an Italian translation and authentication of the act. The transcription is accepted as long as the contents of the act are not in conflict with Italian public order.

6.5 To whom does one report the birth of a baby in Italy⁸?

Babies born in Italy must be reported:

- to the **Civil State Office** of the municipality where the birth took place;
- to the **Health Administration Office of the hospital or private clinic**, which then forwards the declaration to the Civil State Office of the municipality where the birth took place.

Who can register the birth of the baby?

Either parent, a special procurator, a doctor, an obstetric nurse or any other person who was present during delivery.

What documents are necessary for the registration?

- I.D. of one parent (or both if they are not married);
- a certificate of birth issued by the hospital (when registering the birth directly at the Civil State Office).

The residence permit is not required.

If the parents have a residence permit and are resident in Italy, the act of birth



will subsequently be forwarded for transcription, to the Town Hall of the family's residence.

How soon must the birth of a baby be registered?

- Within **10 days** of the birth at the Civil State Office of the Municipality where the birth took place (by one of the two parents);
- within **3 days** of the birth at the Health Administrative Office of the hospital or private clinic.

It is possible to acknowledge a child before it is born.

In this case it is necessary to present the medical certificate issued by the family doctor or the A.S.L. to the Civil State Office certifying the pregnancy and predicted date of birth.

What names can you give the baby?

It is forbidden to give the baby the same name as his living father, as a brother or sister or forenames or family names which are ridiculous, shameful or contrary to public order.

The same rules and procedures apply for reporting **natural children** (born out of wedlock) as for **legitimate children** (born in wedlock).

Is it possible to transcribe birth acts from abroad?

Yes, they can be transcribed upon request from parents who are resident in Italy. The acts must be translated into Italian and authenticated by a competent foreign authority.

You need to go to the Office of Birth Acts of the Municipality of residence.

⁸ Remember that it is possible in Italy not to recognize a child at birth. See Chapter 4. Health and Medical Assistance.





7

**Unaccompanied
Minors**

7.1 Who are unaccompanied foreign minors?

Non-E.U. minors (non-E.U. citizens under the age of 18), who are in Italy and are not supported or represented by their parents or other legally-responsible adults who have not made a formal request for asylum.

Minors who are entrusted to adults (including relatives) who are not legal guardians or foster parents are also considered devoid of legal representation¹.

Who must the presence of a minor be reported to?

Every unaccompanied foreign minor must be reported to the Prefecture (Territorial Government Office - U.T.G.), who then conveys the report to the Committee for Foreign Minors, which decides if the minor is to return to his/her country of origin or stay in Italy.

What does the Committee for Foreign Minors do?

Having received a report about the presence of an unaccompanied minor, within 60 days the Committee for Foreign Minors orders an investigation to find the minor's family, in the country of origin or in other countries, in order to verify the preparedness of the authorities of the country of origin to assume responsibility for the minor following repatriation.

With an "**assisted repatriation**" the minor is guaranteed the necessary assistance until he/she can be reunited with his/her family or entrusted to the proper authorities of his/her country.

The minor can appeal against the ruling of repatriation, with the assistance of a legal guardian or parent (who can grant the power of attorney to a lawyer through the Italian Consulate in the country of origin)².

While waiting for the Committee's decision, the minor receives a **residence permit "for minors"**.

The minor must also be reported to the tutelary judge or to the Tribunal for Minors³, so that a person legally responsible for him/her (a **guardian**) can be assigned to him/her, and so that the minor can possibly be fostered.

Measures for the minor's tutelage must be adopted even if the Committee for Foreign Minors has not yet intervened.





The report can be made via the Municipal Office for Foreign Minors (where there is one) or through the appropriate Social Services on the basis of where the minor lives.

When the minor reaches the age of 18, he/she can be issued a residence permit for study reasons or for access to work (either as a dependent or self-employed), even if a decision has not been taken by the Committee for Foreign Minors if:

the Tutelary or Tribunal Judge for minors has assigned custody of the minor to a relative, to a community or to a family, or if a guardian has been appointed;

with the following conditions:

- that the minor has been in Italy for at least 3 years when he/she reaches 18 years of age, (i.e. has been in Italy since the age of 15);
- that the minor has been introduced into a social and civil integration project (a public institute or a private organisation, if the latter has national representation and is a registered organisation acknowledged for its activities in favor of foreign minors for at least 2 years);
- that the minor has lodgings available, is attending educational courses, or is in possession of a work contract (even if they have not actually started working).

A **residence permit for fostering** is issued (renewable when the minor reaches 18 years of age), when the Committee for Foreign Minors declares that it does not intend to proceed with repatriation, and the tutelary or Tribunal judge for minors issues a legislative measure making provision for fostering of the minor.

In any case the conversion of the residence permit at the legal age of 18 is not automatic, but several aspects are evaluated: the duration of the minor's residence in Italy, the behaviour of the minor while in Italy, the level of integration acquired, the possibility of finding work or of actually attending a study programme, etc.

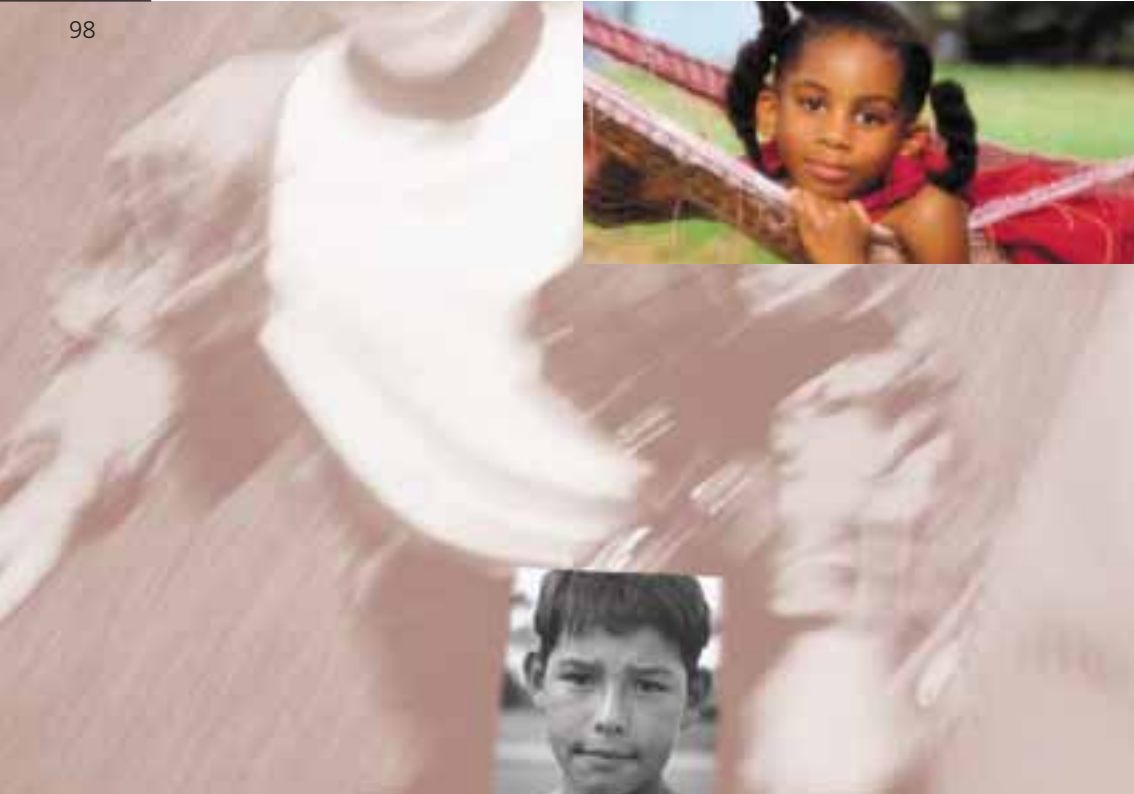
¹ Legal representation of a minor is exercised by a parent or legal guardian. A relative other than a parent who has not been named legal guardian, does not have the right to legal representation of the minor.

^{2/3} See directory at end of guide.

Besides the hypothesis outlined above, permission for a minor who turns 18 **cannot** be converted into permission for work or study, with the consequence that the minor who has just turned 18, even if studying or in possession of a work contract, risks expulsion.

What rights are guaranteed to unaccompanied foreign minors?

Rights relative to temporary stay, to health care, introduction to the scholastic process are guaranteed to unaccompanied foreign minors.









8



School

8.1 Where can children from 3 months to three years of age be taken?

There are many different possibilities:

- **Municipal or private childcare centres:**
For children aged between 3 and 36 months, meals provided, care of the child for the whole day, according to opening hours;
- **Baby parking:**
For children from 13 months to 6 years (some centres also accept unweaned babies), no meals provided, care of child for a maximum of 5 consecutive hours per day;
- **Educational and supplementary services at childcare centres:**
Offer space, play and a meeting place for children accompanied by adults.

To obtain more detailed information about these services, interested parties are advised to contact their local council.

8.2 Where can children from 3 to 5 years of age go to school?

Children of these ages go to the infant school nearest to their place of habitation. There, parents can have information about registration, the school itself, and its opening hours. Infant schools may be state, municipal, subsidised or private.

When is it necessary to register for infant school?

Applications for the subsequent academic year are made in the month of January. Children may also begin to attend school at any point in the school year, if places are available.

What documents are necessary for registration?

No documents are requested for attendance at infant schools. Information about children is provided by their parents under their own responsibility.

Is it possible to have lunch at school?

Yes. In infant schools running both morning and afternoon, with lunch at school, it is necessary to pay a proportion of school meal costs, which is established on the basis of family income.

To establish the amount it is necessary to have a fiscal code and to make available documents regarding the income of the family.

In school canteens it is possible to request alternative menus for health reasons (with a medical certificate) or for religious reasons.

8.3 Where can children from 6 to 10 years of age go to school?

Children of these ages **go to the primary school (or elementary school) nearest to their place of habitation**. There, parents can have information about registration, the school itself, and its opening hours.

Primary schools may be state, subsidised or private.

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When is it necessary to register for primary school?

A deadline for registration in the first class is established every year.

Registration for the subsequent school year usually takes place in the month of January. Upon arrival in Italy, it is necessary to register for primary education regardless of the time of year.

What documents are necessary for registration?

The documents requested for attendance at primary schools are as follows:

- Certification of the obligatory vaccinations;
- Birth certificate;
- Previous school reports, for children who have already attended school in their country of origin.

Often parents will not be asked for certification of birth and of vaccinations, since the schools in question get in direct contact with the offices where these documents are issued.

Is it possible to have lunch at school?

Yes. In primary schools running both morning and afternoon, with lunch at school, it is necessary to contribute a proportion of school meal costs, which is established on the basis of family income.

To establish the amount it is necessary to have a fiscal code and to make available documents regarding the income of the family.





In school canteens it is possible to request alternative menus for health reasons (with a medical certificate) or for religious reasons.

What books and materials are used at school?

Every school requires specific materials, which consist, for example, of a small number of exercise books, pens, pencils and colours.

The required items are purchased by the family.

In cases of severe economic difficulty assistance may be requested from the school. Text books are free and can be picked up from bookshops upon presentation of the coupons issued by the school.

Some experimental schools use particular books which are also free.

8.4 Where do children from 11 to 13 years of age go to school?

*Parents can contact the **middle school nearest to their place of habitation**. There, parents can have information about registration, the school itself, and its opening hours. Middle schools may be state, subsidised or private.*

When is it necessary to register for middle school?

A deadline for registration in the first year is established every year.

Registration for the subsequent school year usually takes place in the month of January.

Upon arrival in Italy, it is necessary to register for middle school education regardless of the time of year.

What documents are necessary for registration?

The documents requested for the attendance of primary schools are as follows:

- Certification of the obligatory vaccinations;
- Birth certificate;
- Previous school reports, for children who have already attended school in their country of origin.

Is it possible to have lunch at school?

Yes. In middle schools running both morning and afternoon, with lunch at school,

it is necessary to contribute a proportion of school meal costs, which is established on the basis of family income.

To establish the amount it is necessary to have a fiscal code and to make available documents regarding the income of the family.

In school canteens it is possible to request alternative menus for health reasons (with a medical certificate) or for religious reasons.

What books and materials are used at school?

For attendance, books are required for every subject taught.

The maximum expense for books anticipated for the first year of middle school is about 250 euros.

Families of students with a net annual family income equal or inferior to 15,000 euros can request an individual contribution for the acquisition of school books, contacting the school secretarial offices by the end of April of the preceding year.

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8.5 Where do young people from 14 years of age on go to school?

*Young people from fourteen years of age and upwards go to **secondary schools**, which comprise high schools (licei) and technical and professional institutes, with differing subjects and timetables. In order to attend secondary school it is necessary to select the type of school preferred and make direct contact with the chosen institution for enrolment and for all information.*

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How long does secondary school last?

Secondary school lasts five years and concludes with a state exam.

In professional institutes it is possible to attend 3-year courses which conclude with a professional qualification or 5-year courses which conclude with a state exam.

8.6 Are there financial grants to facilitate access to education?

The **regional grant for free educational choice** is a financial grant which the Region of Piedmont makes to families registered as resident in Piedmont (or to



independent mature students) who are at a severe financial disadvantage, and for whom the impact of school expenses for children attending primary and first and second years of secondary state, non-state and subsidised schools in Piedmont on their total income is greater.

The grant covers a part of the expenses that have been recorded by the family as stemming from registration in and attendance of the school year in progress. The grant does not cover costs stemming from school trips, supplementary professional training activities, text books, school meal expenses, transport expenses and teaching materials.

Costs sustained directly by the family for personal teachers for handicapped students are admissible.

Costs must be attested to by the school attended upon presentation of the grant application.

The application for a regional grant for free educational choice must be made via auto-certification by a parent, or an individual exercising legal guardianship (where minors are concerned, the representatives should be those individuals or legal bodies to whom the minor has been entrusted by the tribunal), or by an independent mature student, on the appropriate form issued by the Region of Piedmont.

A photocopy of a valid identity document must be attached to the form.

The applicant should accompany the application with an autocertification of the complete taxable income of the family unit.

The relevant regulations and the application form can be obtained: in the official Bulletin of the Region, on the websites of the Region of Piedmont and of the regional scholastic general management office – MUJIR (Ministry of Education, of Universities and of Research):

www.regione.piemonte.it/istruz • www.piemonte.istruzione.it;

at state and subsidised scholastic institutions;

at the local council;

or at the public relations offices (Uffici per le Relazioni con il Pubblico – U.R.P.) of the Region of Piedmont¹.



8.7 What is the minimum educational requirement?

*Young people under seventeen are obliged to participate in **forms of training and education** leading to a diploma of secondary education or a professional qualification.*

How is it possible to obtain exemption from compulsory education?

Young people who:

- are 16 or over,
- have attended school for at least 9 years

can be exempted from compulsory education in 3 ways:

- if in the school system, by attaining a diploma of secondary education;
- if in a system of professional training, by obtaining a professional qualification;
- by taking up an apprenticeship.

The skills certified as a result of any segment of scholastic education, professional training and apprenticeship constitute academic credits valid for the passage from one system to another.

Who should one contact for information about compulsory education?

Counters dedicated to compulsory education, at which information on current legislation and on possibilities for apprenticeships and professional training is available, can be found in all Employment Offices (Centri per l'Impiego).²

What documents are necessary to take advantage of the services offered by Employment Offices?

- An identity card;
- A fiscal code;
- A residence permit for reasons of family, minority, or fostering, for foreign minors subject to compulsory education;
- Documentation confirming exemption from obligatory schooling (e.g. middle school certificate).

¹⁻² See directory at end of guide.

For further information about professional training courses:

Ufficio della Regione Piemonte, Formazione professionale – Lavoro
Via Pisano, 6 • Via Magenta, 12 TORINO • Tel. 011 4321456 • 0114321549

8.8 Can adults attend school?

Yes. Adults wishing to attend school can register at the Permanent Territorial Centres (Centri Territoriali Permanenti - C.T.P.)³, which are devoted to the education of foreign citizens. They are operative in all the cities of Piedmont.

What can one learn at the C.T.P.?

The Permanent Territorial Centres offer a wide and varied range of courses. Mainly, users are offered lessons in the Italian language and pre-professional training courses.

Courses of preparation for the acquisition of the elementary and middle school certificates are offered in all C.T.P.s.

Almost all centres also offer courses in IT, Italian, foreign languages, professional orientation – some of which also organise work experience placements – personal assistance to disabled or elderly people, etc.

Many centres also offer more culturally oriented courses (from cinema to psychology, to handiwork, etc.), and preparation for young people who wish to proceed to higher secondary or university education.

Courses take place in the mornings, afternoons and evenings.

What is the minimum age for registration at the CTP?

Fifteen.

³ See directory at end of guide.

8.9 Where can one find out about university registration?

At the **University of Turin, Counter for foreign students (Sportello Studenti Stranieri)**, Via S.Ottavio 17, 10124 Torino.

Tel. 011.6703961 • Fax 011.6703962 • E-mail: stranieri@rettorato.unito.it

Opening hours of the counter:

Monday to Friday 9-11.00; Tuesday, Wednesday and Thursday also 13.30-15.00,

See website:

www.unito.it

www.unito.it/studenti/stud_stranieri/stud_stranieri.htm

At the **University of East Piedmont, Amadeo Avogadro, Registrar's Office (Ufficio Ordinamenti Didattici)**.

Tel. 0161.261524 • Call Centre 800 90 40 96

At the **Turin Polytechnic Admission's Office (Ufficio Mobilità Studenti)**, at the central headquarters of the Turin Polytechnic.

Corso Duca degli Abruzzi 24 (on the ground floor inside the Department of Hydraulics, Transport and Civil Infrastructure).

Tel. +39 011 5645930 • Fax +39 011 5646605 • E-mail: incoming.students@polito.it

Opening hours of the counter:

Monday, Tuesday, Thursday and Friday from 9 to 11.30. On Wednesday the office is closed to the public.

See website:

www.polito.it/







9

Italian

Citizenship

What does Italian Citizenship entail?

The acquisition of all the rights and duties of Italian citizens.

How can one obtain Italian citizenship?

Italian citizenship can be acquired

- automatically,
- by means of naturalisation,
- by means of marriage.

9.1 Who automatically obtains Italian citizenship?

The following are automatically entitled to Italian citizenship:

- sons or daughters of an Italian mother or father.
Descendants of Italian citizens who emigrated abroad and acquired another citizenship can request recognition of Italian citizenship if they demonstrate that none of their ancestors gave up their Italian citizenship.
Holders of a valid residence permit (of whatever duration) can ask for registration in the municipal registers and then present the documentation necessary for the recognition of Italian citizenship to the registry office.
After this, they can obtain a **residence permit for reasons of awaiting citizenship**.
Otherwise, the procedure takes place abroad, via consular representation.
- Children born in Italy to unknown or stateless parents.
- Children born in Italy to foreign parents, but only if from a State in which the law dictates that children do not adopt the citizenship of their parents (children born in Italy to foreign parents from states in which the law dictates that children born abroad adopt their parents' citizenship, even if such legislation is dependent upon individual wishes or administrative formality, do **not** automatically acquire citizenship).
- Children of unknown parentage found in Italy, if their possession of another citizenship is not proven.
- Children, whilst minors, of those who acquire or re-acquire Italian citizenship.
In such cases the possibility then exists to give up Italian citizenship once of age if they are also in possession of another citizenship.

- Minors recognised by Italian citizens or to whom relationship is declared after birth by Italian citizens.
- Minors adopted by Italian citizens.
- Foreigners born in Italy, who have resided there uninterruptedly until reaching 18 years of age, and who declare their eligibility for Italian citizenship at the registry office of their local council within a year of coming of age.
- Over-eighteen-year-olds who are legally acknowledged as or declared sons or daughters of an Italian citizen, and who declare their eligibility for Italian citizenship at the registry office of their local council or at the Italian consulate, if living abroad, within one year from such recognition or declaration.

9.2 How can one appeal against non-recognition of Italian citizenship by birth?

Competent Judicial Authority.

The competent tribunal for the area in which the authority which has issued the measure of non-acceptance is based.¹

Deadline for appeal submission.

None.

For State-subsidized legal assistance (free defence)².

¹ See directory at end of guide.

² See Chapter 11. "Legal Representation".



9.3 Who obtains Italian citizenship by marriage?

The spouse of an Italian citizen is entitled to Italian citizenship under the following conditions:

- That the marriage is valid;
- That the spouse has resided legally in Italy for at least six months, or after three years from the date of the wedding (if the marriage is still legally valid and if there are no separation proceedings underway);
- That the spouse has no previous convictions for illegal actions, or, if she or he has, that they have undergone a full process of rehabilitation;
- That there are no national security-related impediments to the spouse's acquisition of citizenship.

It is not necessary that the individual attaining citizenship via marriage give up their citizenship of their country of origin.

Applications should be presented to the Prefecture of the province of residence³.

9.4 Who obtains Italian citizenship by naturalisation?

The following groups are entitled to Italian citizenship via "naturalisation":

- Non-EU foreigners resident in Italy for 10 years or more;
- Non-EU foreigners over 18 related to Italian citizens and resident in Italy for at least 7 years;
- Refugees and stateless persons resident in Italy for at least 5 years;
- Over-eighteen year-olds adopted by Italian citizens and resident in Italy for at least 5 years;
- Citizens of EU member states resident in Italy for at least 4 years;
- Foreign citizens (whether EU or non) resident in Italy for 3 years of whom a parent or grandparent was an Italian citizen.

Applications should be made at the Prefecture (Government Territorial Office - Ufficio Territoriale del Governo – U.T.G.) of the province of residence⁴.

In cases in which criminal convictions have been brought against the individual concerned in Italy, it is advisable to request rehabilitation at the Surveillance Tribunal (Tribunale di Sorveglianza)⁴ in the province of residence before beginning the application procedure.

9.5 How can appeal be made against rejection of a request for naturalisation?

(grant of Italian citizenship because of more than ten or more than five years' uninterrupted residence, marriage to an Italian citizen and in the other cases foreseen by the laws on citizenship).

Competent judicial authority.

Regional Administrative Tribunal (T.A.R.) competent for the area in which the authority which has issued the measure of non-acceptance is based.⁶

Deadline for appeal submission.

60 days.

For State-subsidized legal assistance (free defence)⁷.

³⁻⁴⁻⁵⁻⁶ See directory at end of guide.

⁷ See Chapter 11. "Legal Representation".





10

Refugees



10.1 Who is eligible to request 'refugee status'?

Any non-E.U. citizen who fears they may be persecuted in their country due to their race, religion, nationality, belonging to a particular social group or for their political beliefs.

When should the request for acknowledgement of refugee status be presented?

The request for acknowledgement of refugee status should be presented to the police authorities upon entrance at the frontier or, after having entered, to any police headquarters².

At that point an appointment will be made for the individual in question at police headquarters (the Questura) so that the request can be officially recorded.

What documents are necessary in order to request asylum?

- An original and photocopy of any document in possession (e.g. political membership cards, newspaper articles, I.D., etc.), which can be used to illustrate one's origins and the reason for flight;
- 4 passport-size photos;
- 1 revenue stamp for 10.33 Euros.

For the police to be able to draw up a report, the asylum petitioner is obliged to respond to questions regarding their journey, the reason for flight, his/her family, an address where they can be contacted, etc.

The request for acknowledgement of refugee status can be presented even if the petitioner is not in possession of a personal document.

Can a person be detained in a reception centre after having presented a request for asylum?

A person who has presented a request for acknowledgement of refugee status cannot be detained solely for the purpose of having his/her request reviewed. Nevertheless, when the provisions of Law 189/02 are in force, petitioners for asylum may be detained at special "identification centres" in the event that:

- their nationality needs to be verified;
- aspects of the request for asylum need to be verified;
- it is necessary to establish whether or not Italy is the country competent for reviewing the request.



Leaving the Centre without a valid excuse may be considered as giving up the request of acknowledgement of refugee status.

The Centres should guarantee access to information and assistance services, as well as legal services.

The petitioner will be detained at the Centre in the event that steps have already been taken towards his/her expulsion or if the petitioner has been arrested in a condition of illegality.

In such cases the request will be reviewed briefly by the new territorial Commissions for the right to asylum³.

The non-E.U. citizen will have to be heard within 15 days, and the decision will have to be adopted within the following three days.

When is the residence permit for request for asylum issued?

If there is no order to detain the petitioner at an Identification Centre, the police headquarters issue the petitioner with a **residence permit for request for asylum** after the interview.

It is a temporary residence permit, valid for 3 months and renewable until procedures for acknowledgement have been completed.

While waiting for the renewal of the residence permit, the petitioner is given a **"coupon"** with photo, allowing the petitioner to stay in Italy legally.

In the event that the European country to review the request has not yet been established, the non-E.U. citizen receives a **"15/6/90 Dublin Convention residence permit"**, valid for 1 month and renewable.

What rights does the asylum petitioner have?

- the right to be heard personally by the Central Commission for acknowledgement of refugee status (once the provisions of Law 189/02 and its fulfilment regulations are in force, the central Commission will be replaced by a

¹ Aspects regarding acknowledgement of refugee status have been greatly innovated since Law 189 of 2002. The new provisions will come into force when the fulfilment regulations have been approved, which should also clarify the new procedures for acknowledgement.

²⁻³ See directory at end of guide.

certain number of territorial Commissions, organised by the prefectures appointed by the government)⁴;

- the right to choose the language in which he/she wishes to speak and the right to an interpreter;
- if a minor, the right to assistance from his/her guardian or from a person of her/his choice, also during the interview with the Commission;
- in the event that the petitioner is without means or lacks housing, the right to an allowance of 17.56 Euro per day, granted for a total period of 45 days to him/her and to each family member accompanying him/her;
- the right to National Health Care services, including a general practitioner, access to outpatient and specialized care and hospitalization;
- the right to housing in the welcome centres managed by the Municipalities, Prefectures or private individuals (depending on the availability of space);
- the right to circulate freely in Italy (with the obligation to communicate any change of address);
- the right to attend an Italian language course and to be involved in other activities proposed either by public or private organisations;
- for minors, the right to attend school (Italian parents are required to send their children to school until the age of 16).

Petitioners for asylum **cannot** work.

What happens after refugee status has been obtained ?

Once the certificate of acknowledgement of refugee status has been obtained from the Commission, the non-E.U. citizen receives a **residence permit for "political asylum" or "asylum concession"** (valid for a minimum of two years and renewable) from the police headquarters of the locality of permanent residence⁵.

If interested, the refugee can ask the competent police headquarters⁶ to issue a travel document, which permits him/her to travel abroad following the visa procedures required for the refugee's nationality and, within the European Community, without a visa for a maximum of three months (with the exception of work-related activities).

With the residence permit for political asylum the refugee has the following rights⁷:

- to work, including in public bodies;
- to legal representation;



- to protection of information relating to the request for asylum;
- to registration at the registry office;
- to a driving licence (if the country of origin is acknowledged by the Ministry of Transport);
- to marriage, separation and divorce;
- to access to university, treated equally to Italian students;
- to registration in the National Health Service;
- to public assistance;
- to family joining them without having to demonstrate financial availability or housing availability as is normally requested from non-E.U. citizens;
- to obtain Italian citizenship after 5 years of legal residence.

What if refugee status has been denied?

The non-E.U. citizen who has been denied refugee status loses their residence permit and receives an injunction to leave Italian territory within 15 days.

If he/she fails to adhere to the injunction, he/she may be subject to measures for expulsion or repatriation.

The denial can be contested at the Civil Tribunal or by extraordinary appeal to the President of the Republic, within 120 days of receipt of notice.

The presentation of appeal, however, is not sufficient to avoid expulsion.

The new law provides for immediate expulsion of those who receive denial of refugee status, with the exception of the possibility of asking the Prefecture for authorisation to stay in Italy to contest the decision.

Those who have received a residence permit for request for asylum may request assistance from a lawyer paid by the State (free defence) to contest the denial⁸.

⁴⁻⁵⁻⁶ See directory at end of guide.

⁷ For the following procedures it is advisable to consult the relevant chapters of the guide.

⁸ For legal assistance paid by the State (free defence) see chapter 11. Jurisdictional tutelage.

10.2 How does one appeal against rejection of a request for acknowledgement of refugee status?

Within the system currently in force:

Competent judicial authority.

Ordinary Lawcourt⁹.

Deadline for appeal submission.

None.

Legal costs.

Standardized contribution.

After the provisions of articles 31 and 32 of Law n.189/2002 are in-force:

Competent judicial authority.

Monocratic Ordinary Lawcourt¹⁰.

Deadline for appeal submission.

15 days from notice of measures for refusal of acknowledgement of refugee status adopted by the territorial commissions (when the appeal has been presented directly to the Monocratic Lawcourt);

or 5 days from communication of refusal of the request for re-examination (when a request has been submitted to the commission for re-examination of measures for refusal of acknowledgement of refugee status).

Legal costs.

Standardized contribution.

For State-subsidized legal assistance (free defence)¹¹.



10.3 How does one appeal against refusal of request for acknowledgement of political asylum, or "constitutional" asylum ex art. 10 of the Constitution?

Competent judicial authority.

Collegiate ordinary lawcourt¹².

Deadline for appeal submission.

None.

Legal costs.

Standardized contribution.

For State-subsidized legal assistance (free defence)¹³.

10

⁹ - ¹⁰ - ¹² See directory at end of guide.

¹¹ - ¹³ See Chapter 11. "Legal Representation".







11

Legal Representation

11.1 How is legal assistance (by a lawyer) guaranteed to a citizen with a low income?

Adequate legal assistance can be ensured to a low-income citizen, thanks to the "State-subsidized Free Defence Institute", in that the costs of legal assistance (of the lawyer and his/her consultants) are paid by the State.

In the event that admission is granted for free defence, the defence attorney and the technical consultant cannot request or receive any compensation or pay, other than that foreseen by the law on free defence (any other agreement is void and violation of this prohibition is considered a serious professional disciplinary misconduct).

Admission to free legal representation is valid throughout the trial process and for all related procedures.

What are the requirements for admission to free defence?

Those who have an annual personal income, resulting from the last tax declaration, of an amount not greater than 9,296.22 Euros are eligible for free defence.

If the person in question lives with his/her spouse or with other relatives, the income is calculated from the sum of the incomes attained by each family member during the same period, including the person requesting free legal representation, but the limit of income increases to 1,032.91 Euros for each household family member.

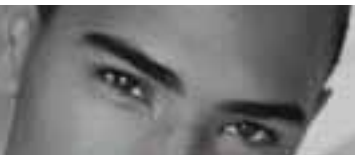
To determine the limits of income, incomes which are exempt from personal income-tax (IRPEF) or are subject to tax before receipt (substitute tax) are also taken into account.

Only the personal income tax (not those of family members) is taken into account, in the event that the interests of the petitioner are in conflict with those of the other household family members.

What does the request for admission to free representation have to include?

The request, compiled on plain white paper and written and signed by the petitioner (the signature can be authenticated by the defence attorney), must contain:

- the request for admission to free legal representation and indication of the





trial it refers to, if already pending;

- general biographical information about the interested party and their family, together with their respective fiscal codes;
- a substitutive declaration of certification on the part of the interested party, certifying the subsistence of the income conditions required for admission, with specific determination of the total income value;
- the commitment to communicate, until the trial is set, any variations relevant to income, which arose the year before, within 30 days of the expiry of one year from the date of presentation of the application or of any former communications of variations.

The **non-E.U. citizen** must include, with reference to any income produced abroad and even if no income was produced, a certificate from the competent consular authorities, attesting the truthfulness of what was stated in the request. In the event that he/she cannot obtain this certificate, he/she must replace it with a substitutive declaration of certification.

How is free legal representation regulated in criminal trials?

In a **criminal trial** the application is presented exclusively by the interested party or the defence attorney, or sent, by registered mail, to the magistrate's office responsible.

If the trial is being held at The High Court (of justice), the application is presented to the office of the magistrate who issued the contested measures.

The application can be presented by the counsel for the defence at the hearing itself.

If the interested party is detained or interned in an institute, the application is presented with receipt requested upon delivery by the director of the institute.

In the event that the individual is under arrest or under house arrest he/she must present the application to an official of the Federal Bureau of Investigation/Criminal Investigation Department.

In the above-mentioned case, the Consulate's certification (required for non-E.U. citizens) can also be shown by the counsel for defence or by an interested family member within 20 days of the date of presentation of the application.

Falsities or omissions in the substitutive declaration of certification, in the declarations, in the information and communications given are punishable by law

(one to five years imprisonment and a fine of 309.87 to 1,549.37 Euros).

The penalty is increased if the free legal representation is obtained or maintained due to the falsity or omission.

The sentence results in the revocation, with retroactive effect, and recovery at the responsible party's expense of the amounts paid by the State.

Access to free representation terminates from the moment in which the individual benefitting from the free representation names another counsel for the defence of his/her choice.

How is free representation regulated in juvenile criminal trials?

In juvenile criminal trials free representation is guaranteed by law to the juvenile assisted by the official defence counsel or by a counsel for the defence appointed by the magistrate (Public Prosecutor - P.M. - or judge).

The juvenile's family must not, therefore, present an application for use of the benefit, since the appointed counsel for the defence is paid by the State.

The family is simply asked to document the declared income.

In the event that an income higher than that declared for free legal representation is verified, the State has the right to ask the family to repay the amount paid by the State to the defence counsel.

If the family of the juvenile should decide to appoint another counsel for the defence of their choice, they must present the relevant application for access to State-subsidized free representation in accordance with the indicated forms used for common criminal trials.

How is free representation regulated in the trial against expulsion measures?

In the case of appeal against a decree of expulsion, the non-E.U. citizen is allowed legal assistance by a lawyer of his/her choice, provided with a special power of attorney issued before a consular authority, if the expulsion has already been carried out.

If the non-E.U. citizen lacks a counsel for the defence, he/she is assisted by a counsel for the defence appointed by the judge within the limits of registered counsels for the defence who are available to act as an official counsel of defence in the penal process.

In this type of trial the non-E.U. citizen is automatically granted State-subsidized free representation by law.



Therefore he/she is not required to present an application for the benefit, and issue declarations about his/her income.

As soon as the application of the appeal against the decree of expulsion is registered (upon presentation), the non-E.U. citizen is automatically granted rights to the benefit, and his/her counsel for the defence (private or public) will be paid by the State and, naturally, cannot ask the non-E.U. citizen for any payment.

How is free representation regulated in civil, administrative, accounting and community trials?

In civil, administrative, accounting and community trials, the following are eligible for free representation:

- a non-E.U. citizen who was legally residing in Italy at the time when the relationship or event subject to trial developed;
- a stateless person;
- non-profit organisations.

The application for access to free legal representation must contain **statements** useful in evaluating the undemonstrated groundlessness of the claim that they intend to prove.

The application is presented exclusively by the interested party or the counsel for defence, or sent, by registered mail, to the Council of Lawyers (Consiglio dell'ordine degli avvocati)¹.

The competent Council of lawyers is the one competent for the locality of the magistrate responsible for the pending trial, or, if the trial is not pending, that of the locality of the Magistrate informed about the application.

If the High Court of Justice, Council of State, or the unified sections or the legal central sections at the Court of finances are proceeding, the competent Council of Lawyers is that located where the magistrate has issued the contested measures.

The sanctions in the case of false declarations are the same as those applying to the penal process.

¹ See directory at end of guide.

In the 10 days following the day of presentation or received delivery of the application for access, The Council of Lawyers, having verified the contents of the application, grants free defence to the interested party temporarily if, in the same way as the required substitutive declaration of certification, the income requirements for access to the benefit exist, and if the claims the interested party intends to prove do not appear to be groundless.

A copy of the act with which the Council of Lawyers accepts or denies, or declares the application inadmissible, is forwarded to the interested party and to the magistrate.

If the Council of Lawyers denies or declares the application inadmissible, the latter can be proposed to the magistrate competent for sentence, who decides by decree.

11.2 What is meant by "equality of treatment"?

"Equality of treatment" means the absence of discrimination.

What is meant by discrimination?

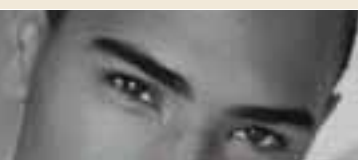
Discrimination is constituted by any behaviour which, directly or indirectly², involves a distinction, exclusion, restriction or preference based on: race, colour, national or ethnic origins, religious beliefs and practices, and which are aimed at or result in destroying or compromising the recognition, the enjoyment or practice of basic human rights and fundamental rights to freedom, in the political, economic, social and cultural fields and in any other sector of public life.

Those considered to be carrying out an act of discrimination are:

- a public official or person in charge of a public service or a person carrying out a public service, who, while working, carries out or omits acts in regard to the non-E.U. citizen which, on the sole basis of his/her condition as a non-E.U. citizen or his/her belonging to a specific race, religion, ethnic origin or nationality, discriminates against him/her unjustly;

² **Direct discrimination** takes place when, because of race or ethnic origin, a person is treated inferiorly in respect to how another person would be treated in the same situation.

Indirect discrimination refers to cases where a disposition, criterion, praxis, act, agreement or behaviour seemingly neutral, can put people from a specific race or ethnic origin in an inferior position compared to other people.





- anyone who imposes unfavorable conditions or refuses to provide services offered to the public, to a non-E.U. citizen, on the sole basis of his/her condition or his/her belonging to a specific race, religion, ethnic origin or nationality;
- anyone who illegitimately imposes unfavorable conditions or refuses to provide access to employment, housing, instruction, education or to social and social-aid services to the non-E.U. citizen who is legally present in Italy on the sole basis of his/her condition as a non-E.U. citizen or his/her belonging to a specific race, religion, ethnic origin or nationality;
- anyone who prevents, by action or omission, the practice of an economically legitimate activity carried out by a non-E.U. citizen who is legally present in Italy, on the sole basis of his/her condition as a non-E.U. citizen, belonging to a specific race, religion, ethnic origin or nationality;
- an employer or those to whom he has delegated responsibility, who perform any act or behaviour which produces a bias discriminating, even indirectly³, against workers belonging to a specific race, to an ethnic or linguistic group, to a religious faith, or to a nationality.

Harassment or undesirable behaviour, enacted for reasons of race or ethnic origin, having the goal of violating the dignity of a person or creating a climate of intimidation, hostility, degradation, humility or offence, is likewise considered discrimination.

Ordering someone else to discriminate against a person is considered to be an act of discrimination.

The following are **not** considered to be acts of discrimination:

- national regulations regarding entry, residence, access to employment, social security and assistance for citizens of third world countries and stateless people on Italian territory;
- differences in treatment within the limits of work and the practice of company activities, if the characteristics connected to race or ethnic origin of a person, constitute an essential and crucial requirement for carrying out the same activity.

³ Indirect discrimination is constituted by any biased treatment resulting in an adoption of criteria which put at a disadvantage workers of a specific race, ethnic or linguistic group, of a specific religious faith or nationality and regarding requirements not essential for the execution of work activity.



11.3 How is the principle of equality of treatment protected by the law?

You can avail yourself of the *Civil Action against Discrimination* in the event that the principle of equality of treatment has been violated within the following limits:

- access to employment, both autonomous and dependent, including criteria for selection and conditions of the contract;
- employment and work conditions, including career development, salary and conditions for dismissal;
- access to all types and levels of professional training and development, professional specialisation and requalification, including professional internships;
- affiliations and activity within the limits of worker, employer and other professional organisations and services provided by such organisations;
- social protection, including social security;
- health care;
- education;
- access to goods and services, including housing.

How does one apply for civil action against discrimination?

The request is made by means of a petition deposited, also personally, at the record office of the monocratic court in the place of dwelling at the time⁴. The court will then issue a ruling, accepting or rejecting the request.

Who has the right to act against an act of discrimination?

The following can act, and therefore take civil action against discrimination:

- the subject who suffered the discrimination;
- the registered associations or organisations operating on the behalf of immigrants; or which carry out activities for the fight against discrimination and for the promotion of equal treatment. In the latter case, an authenticated proxy appointment must be issued by public act or private correspondence to these associations or organisations by the person who was discriminated against.

What can the judge order if the request is accepted?

With the measures granting the appeal, the judge:

- can provide for compensation for damages (not only property);

- can order termination of the behaviour, or of the discriminatory act, if still in progress;
- can order the removal of the consequences of the discriminatory act;
- can order the publication of the sentence ascertaining the discrimination, at the expense of the person who discriminated against, on one occasion only in a national newspaper.

⁴ See directory at end of guide.





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