



Chapter 2

Residing in Italy





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RESIDING IN ITALY

What is a residence permit?

A residence permit is the document that authorises Non-EU citizens to regularly reside in Italy and that, as a rule, implies the legal entry in the territory. In the absence of entry visa and in derogation of the norms regarding entry and stay permit, a residence permit is issued on inextricable grounds by the submission of an application for international protection or recognition for international protection (in the form of refugee status and subsidiary protection status), special protection, or requirements for a residence permit for special cases, medical treatment, calamity, act of a particularly civil importance, and for family reasons through family members up till the second generation or a spouse to an Italian citizen.

What types of residence permits are there?

The main residence permits are granted for: tourism, visits, international affairs, study or training, seasonal work, self-employment, dependent work, family reasons, medical treatment, asylum request, international protection, special protection, special case, calamity, acts of particular civil importance and religious purposes, EU blue-card, EU long term residence permit.

How long does a residence permit last?

If a residence permit is issued **for work reasons**, the duration is equal to that of the employment relationship, and anyway it cannot last:

- a) more than **1 year** for a fixed-term employment contract;
- b) more than **2 years** for a permanent employment contract;
- c) more than **9 months** for seasonal work. Foreign citizens that prove to have come to Italy at least two consecutive years for seasonal work, and if the work is repetitive, can be granted a long-term permit, up to three years. Said permit will indicate the period of validity for each year, which will be adapted to the annual duration enjoyed in the last year of the previous two;
- d) more than **2 years** for autonomous work.

If a residence permit is issued **for reasons different from work**, the duration is equal to the one established by the entry visa, if required, and anyway cannot last:



- e) more than **3 months** for tourism, visits, business;
- f) more than **2 years** for family reunification;
- g) less than the period established to attend an educational or training course, also long-term, duly certified (notwithstanding the annual evaluation of the foreign citizen's profit). It can be extended for another twelve months after the completion of the training path.

Where to apply for a residence permit?

Applications for a residence permit must be submitted within **8 working days** from entering Italy, to the following offices:

- **pre-established Post Offices** through specially provided forms, with regard to permits for the following reasons: adoption, foster care, awaiting employment, awaiting the re-granting of citizenship, autonomous work, subordinate work, seasonal work, family reasons, religious reasons, mission, EU residence permit for long-term residents, elective residence, scientific research, study, apprenticeship, vocational training, tourism, residence permit conversion. Applications must be submitted in an open envelope. The post office employee will verify that the envelope contains all documentation required. After certifying the foreign citizen's identity through a passport or other equivalent document, said employee will issue a receipt which, shown together with the citizen's passport or equivalent document, proves the legitimacy of the residence. Foreign citizens submitting application through the Post Office will be convened through a delivery message at the time of sending the kit and subjected to digital fingerprints and the consignment of the residence permit.
- **Immigration Office at the Questura of the province** where the foreign citizen is residing, with regard to permits for the following reasons: international affairs, medical treatment, special protection, calamity, act of particular civil importance, special cases, request for international protection, minor, grounds for justice, statue for statelessness, minor integration, cohesion with a foreign citizen.
- **Single Desk at the Immigration Office of the province** where the foreign citizen is residing, with regard to permits for family reunification and subordinate work. Said office will take care of preparing the application for the first issue of the first residence permit, which will then be sent to the foreign citizen by mail.



What documentation is required when applying for a residence permit?

When applying for a residence permit, the following documentation must be submitted:

- 1) passport or other equivalent document showing the applicant's nationality, date and place of birth;
- 2) tax code;
- 3) entry visa if required;
- 4) documentation proving the current abode (residence certificate or hospitality statement);
- 5) documentation proving the availability of the necessary means of support to return to the country of provenance, except for residence permits for family and work reasons;
- 6) four passport-size photographs;
- 7) documents relating to the specific residence permit.

The documents mentioned under numbers 1) 2) and 3) are not required from:

- a) Applicants for international protection;
- b) beneficiaries for special protection or applicants on special case permit;
- c) foreign citizens granted to stay for extraordinary reception and measures for exceptional events
- d) Applicants for Italian citizenship or status for statelessness.

The request is subject to payment of a contribution equals to:

- 40 euros, for residence permits lasting over three (3) months duration and less or equals to one year;
- 50 euros, for residence permits lasting over one year but less or equals to two years;
- 100 euros, for residence permits for management officers or highly skilled personnel (articolo 27, comma 1, lettera a), 27-quinquies, comma 1, lettera a) e b) e 27-sexies, comma 2 del decreto legislativo, 25 luglio 1998, n.286 "referenced legislation"
- 100 euros, for issue of EU long term residence permit.

The following are excluded from the payment of such contributions:

- minors (children) under the age of 18;
- minors including children of the spouse or children born out of wedlock;
- an individual who enters in Italy to receive medical treatments and their companion;
- applicants for the issue and renewal of residence permit for asylum, for asylum request, for subsidiary protection and special protection (of which are required 16 euros purchase for a revenue stamp).

In addition to these amount are:



- contributions of 30.46 euros for printing the residence permit in electronic format
- the purchase of a 16 euros revenue stamp
- the payment of 30 euros to the operator of the postal office in cases where the application is to be forwarded by a postal kit.

How to apply for the renewal of a residence permit?

Applications for the renewal of a residence permit must be submitted **with-in and not beyond 60 days after the permit's expiry, to the following offices:**

- **pre-established Post Offices** through specially provided forms, with regard to permits for the following reasons: adoption, foster care, awaiting employment, awaiting the re-granting of citizenship, autonomous work, subordinate work, seasonal work, family reasons, religious reasons, mission, EU residence permit for long-term residents, elective residence, scientific research, status of stateless person, study, apprenticeship, vocational training, tourism, international protection, family, residence permit conversion.
- **Immigration Office at the Questura** of the province where the foreign citizen is residing, with regard to all other typologies of residence permits.

Renewals of residence permits are subject to verifications concerning the meeting of the requirements that allowed their original issue.

The request is subject to payment of a contribution equals to:

- 40 euros, for residence permits lasting over three (3) months duration and less or equals to one year;
- 50 euros, for residence permits lasting over one year but less or equals to two years;
- 100 euros, for residence permits for management officers or highly skilled personnel (articolo 27, comma 1, lettera a), 27-quinquies, comma 1, lettera a) e b) e 27-sexies, comma 2 del decreto legislativo, 25 luglio 1998, n.286 "referenced legislation"
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The following are excluded from the payment of such contributions:

- minors (children) under the age of 18;
- minors including children of the spouse or children born out of wedlock;
- an individual who enters in Italy to receive medical treatments and their companion;
- applicants for the issue and renewal of residence permit for asylum, for asylum request, for subsidiary protection and special protection (of which are required 16 euros purchase for a revenue stamp)

In addition to these amount are:



- contributions of 30.46 euros for printing the residence permit in electronic format
- the purchase of a 16 euros revenue stamp
- the payment of 30 euros to the operator of the postal office in cases where the application is to be forwarded by a postal kit

The duration of a renewed residence permit **does not last more than the one established for the first issue**, except for several cases (for example: the duration of a residence permit for subordinate work depends on the duration of the employment contract).

What documentation is required when applying for the renewal of a residence permit?

When applying for the renewal of a residence permit, the following documentation must be submitted:

- 1) residence permit in expiry;
- 2) passport or other equivalent document showing the applicant's nationality, date and place of birth;
- 3) tax code;
- 4) documentation proving the current abode (residence certificate or hospitality statement);
- 5) documentation proving the availability of the necessary means of support and their suitability to stay in Italy and return to the country of provenance, except for residence permits for family and work reasons;
- 6) three passport-size photographs;
- 7) documents relating to the specific residence permit (tourism, work, family reunification...).

Which residence permits cannot be renewed?

Some residence permits cannot be renewed. Specifically, residence permits issued for the following reasons and under the following conditions:

- a) issue for tourism reasons**, after the original period of validity (ninety days) has elapsed
- b) university studies**, when studies have gone beyond the third supplementary year;
- c) at any title**, when foreign citizens **interrupt** their stay in Italy:
 - for **more than 6 months**, in the event of an annual residence permit
 - for **more than half of the permit's term**, if the original residence permit was at least biennial, unless the stay was interrupted due to the need to fulfil military obligations or to other serious and proven reasons;



d) **at any title**, when failing to meet the income requirements established for a legal stay in the State's territory or due to a **criminal sentence** for crimes banning entry in Italy and lacking any new elements justifying its renewal.

What does a residence permit allow to do?

Residence permits allow to carry out the activities for which they are issued. It is possible to carry out activities different from those for which they are issued, without having to convert them and with the same duration, in the following cases:

- residence permits issued for autonomous work, subordinate work and family reasons can be used for other activities as provided for by law. In particular:
 - a) residence permits issued for subordinate work (not seasonal work) allow to carry out autonomous work and vice versa;
 - b) residence permits issued for family reasons, like those for special protection, special cases and minor integration, these allows the access of either subordinate and self-employed work.
 - c) residence permits issued for study or training reasons allow to carry out subordinate work for not more than 20 hours a week, without prejudice to the annual limit of 1,040 hours.

When is it required to show the residence permit?

Foreign citizens must show their residence permit every time they are requested by public security officials.

Besides, foreign citizens must show their residence permit in order to be issued licences, authorisations, to carry out enrolments and in other cases in the foreign citizens' interest, with the exception of the following cases:

- a) temporary sport and recreational activities;
- b) access to healthcare for foreign citizens not registered with the SSN (National Health Service);
- c) compulsory educational services.

What to do if a residence permit application is rejected?

If an application for family reunification or for a residence permit for family reasons is rejected, foreign citizens can lodge an appeal, **in accordance with laws on family unity**, with the Section specialised in immigration, international protection and freedom of movement of EU citizens. Said Section is present at every Court where there is a Court of Appeal. The appeal must be lodged in the place where the Administration that issued the rejection



tion has its seat. If an application for a residence permit is rejected by the Questura, the appeal must be lodged with the **Regional Administrative Court (TAR)** in the place where the Questura that issued the rejection has its seat **within 60 days from relevant notification**.

The claimant is required to pay justice expenses, in particular a unified contribution (€ 300.00). Whereas, the claimant is not required to pay said expenses if admitted to legal representation at the State's expense.

Upon the rejection of a residence permit application, foreign citizens **must leave the national territory within 15 days**. If foreign citizens do not comply with said term and remain in Italy, a **deportation order** may be issued, even if in the meantime the foreign citizens lodged an appeal with the TAR. Upon the claimant's request, the TAR can suspend the enforceability of the rejection. In such case, foreign citizens cannot be deported for remaining in Italy after the term of 15 days.

Which residence permits can be converted?

The following cases are in case of conversion of the residence permit:

- **without restriction of quotas:**

- a) subordinate employments, self-employment or elective residences;
- b) self-employment, subordinate work or elective residences
- c) each permit issued for family reasons;
- d) family reasons, in subordinate or self-employed work, study, waiting for occupation, health emergency or medical cure and elective residence;
- e) special protection and special cases for serious labour exploitation, in subordinate or self-employed work;
- f) special cases for social protection or victims of domestic violence, in subordinate or self-employed work and study;
- g) for acts of particular civil value, in subordinate or self-employed worker
- h) reason for study, in which the holder have obtained a university degree in Italy or a doctorate and awaiting employment, a subordinate or self-employed worker

Other residence permits are also convertible for reasons for employment, subordinate or autonomous:

- i) for calamities;
- j) for elective residence in favour of the foreign citizen in holder of pension received in Italy;
- k) For the acquisition of citizenship or status for statelessness in favour of a foreign citizen who previously was a holder of a permit for another reason except for asylum request;
- l) for professional sports activities at Italian sports Clubs;
- m) for work in particular cases only if issued to those who have entered Italy through the share of "decreto flussi" decree as artistic and technical personnel for shows opera, theatrical, concert or ballet, as well



as dancers and artist or musicians to be employed at entertainment venues;

n) for religious reasons;

o) for minor assistance:

p) for medical treatment issued to foreign citizens who are in serious psychological conditions or resulting from serious pathologies such as to cause significant damage to their health in case of return to their country of origin or provenance.

- **within quotas:**

a) reasons for study or training before the end of the course of study, in subordinate or autonomous work;

b) seasonal work, in subordinate work from the first season.

What is the Integration Agreement?

The **Integration Agreement** is a document that foreign citizens between 16 and 65 years of age are required to sign when applying for a residence permit. It lasts at least one year. With said Agreement, foreign citizens undertake towards the Italian State to achieve specific integration objectives through language, civil and social courses, to be carried out during the period of validity of the residence permit.

Foreign citizens **are required to sign** the Agreement in order to be granted a residence permit. When signing the Agreement, foreign citizens are given **16 credits**, that can be increased by acquiring specific knowledge (A2 Italian level, the fundamental principles of the Constitution, civil life in Italy) or by carrying out various activities. In order to remain on the national territory, foreign citizens are required to achieve **30 credits in two years**.

Credits can be decreased if foreign citizens commit criminal, administrative and tax offences.

Foreign citizens who are not required to sign the Agreement are:

a) unaccompanied minors, minors in foster care or in ward

b) victims of human trafficking or exploitation

What happens if foreign citizens lose the total amount of credits?

The **total loss of credits** leads to the revocation of the residence permit and **deportation**, with the exception of residence permits issued for international protection, international protection seekers, **special protection**, family reasons, EU residence permit for long-term residents, residence card for a Non-EU family member of a EU citizen, and with regard to foreign citizens that exercised the right to family reunification.



What is a EU residence permit for long-term residents?

The EU residence permit for long-term residents is a residence permit that has validity in Europe and that provides freedom to move and work in all Member States.

It is a permanent permit, notwithstanding the updating every ten years. It is issued within 90 days from application.

What requirements must be met for the issue of a EU residence permit for long-term residents?

In order to be granted an EU residence permit for long-term residents, the following requirements must be met:

- a) regular residence **for at least 5 years** on the national territory. Foreign citizens' **absence** from the territory does not interrupt the term mentioned under letter a) and is included in the calculation of said period when it lasts less than 6 consecutive months and does not exceed the total amount of 10 months during the five-year period;
- b) an **income**, which must not be less than the amount of the social cheque. For international protection holders, the period of residence is calculated starting on the date of the application.

The issue of the residence permit is subject to the applicants' passing of an **Italian language test**, with the exception of children under 14 years old, persons affected by serious limitations in their learning skills, international protection holders and those who can prove to have reached an A2 Italian language level (through university courses, courses organised by the Provincial Centres for Adult Learning (CPIAs), by attending lower and upper secondary Italian schools, enrolling at University or following a Master's degree).

Who cannot apply for a EU residence permit for long-term residents?

EU residence permits for long-term residents cannot be applied for by:

- a) holders of residence permit for study or vocational training reasons;
- b) holders of residence permit for temporary protection, for medical treatment and holders of permit for special cases, for calamities, acts of particular civil value, for special protection;
- c) international protection seekers or special protection;
- d) holders of residence permit for voluntary work, diplomatic reasons or special missions;
- e) holders of visas or short-term residence permits;



f) foreign citizens dangerous for public order or for the State's security. The periods of residence relating to residence permits mentioned under numbers a), b), c), and d) are nonetheless kept into account for calculating the five-year period.

How to apply for a EU residence permit for long-term residents and what documentation is required?

Applications must be submitted to pre-established Post Offices through specially devoted forms. The documentation required is as follows:

- 1) photocopy of the entire valid passport or equivalent document;
- 2) photocopy of the residence permit;
- 3) photocopy of tax code;
- 4) certificate issued by the judicial register and a document certifying any registration of criminal proceedings;
- 5) certificate stating the availability of a fit accommodation, if the application is submitted also for family members;
- 6) photocopy of the documentation certifying the availability of an income not below the annual amount of the social cheque;
- 7) photocopy of the hospitality statement or of the house transfer or of the registered rent or sale contract;
- 8) residence certificate and a family certificate, if the application involves also family members;
- 9) four passport-size photographs.

What rights are granted by the EU residence permit for long-term residents?

Besides what established for foreign citizens regularly residing on the State's territory, holders of an EU residence permit for long-term residents are allowed:

- a) to enter Italy without a visa and freely move on the State's territory;
- b) to carry out subordinate work (without having to enter into a residence contract) and autonomous work, notwithstanding any work legally reserved to citizens or prohibited to foreigners;
- c) to make use of social assistance services, national insurance, as well as healthcare, educational and social services;
- d) to participate in the local public life.



What causes the revocation of the EU residence permit of long-term residents?

EU residence permits for long-term residents are revoked:

- a) if acquired by fraud;
- b) in case of deportation;
- c) if foreign citizens become a danger for public order or the State's security;
- d) if foreign citizens are absent from the European Union for 12 consecutive months;
- e) if foreign citizens are absent from Italy for 6 years;
- f) if the EU residence permit for long-term residents is issued by another Member State of the European Union;
- g) if the status of refugee or of subsidiary protection is terminated or revoked, in the presence of specific conditions.

If the EU residence permit for long-term residents is revoked, a different type of residence permit may be issued, if foreign citizens meet the relevant requirements and have not been deported.

What to do if a foreign citizen's application for a EU residence permit for long-term residents is rejected?

Rejections must be reasoned and notified to foreign citizens. Against the Questura rejection to issue the residence permit, it is possible to lodge an appeal with the **Regional Administrative Court (TAR)** in the place where the Questura that issued the rejection has its seat **within 60 days from the relevant notification**.

Is it possible to apply for a Non-EU residence permit for long-term residents for family members?

It is possible to apply for an EU residence permit for long-term residents also for the following dependant family members:

- a) **spouse** not legally separated and not under 18 years old;
- b) **under-age children**, also of the spouse or born outside of marriage, not married, as long as the other parent, if living, gives relevant consent. Minors adopted or in foster care or in ward are equalled to natural children;
- c) **dependent children of age** if for objective reasons they cannot take care of themselves due to health conditions entailing total invalidity;
- d) **dependant parents**;
- e) **parents over 65 years old**.



Which requirements must be met in order to extend a EU residence permit for long-term residents to family members?

- a) Regular residence **for at least 5 years** on the Italian territory;
- b) Availability of a **sufficient income** (also obtained by summing the incomes of cohabiting family members) according to the criteria established for family reunification;
- c) Availability of a **fit accommodation** in accordance with specific requirements; international protection holders are excluded.

What to do if an EU residence permit for long-term residents requested for family members is rejected?

Rejections must be reasoned and notified to foreign citizens.

In case of refusal of the rejection, it is allowed for an appeal to the ordinary court, a specialised section for immigration where the authority that issued the provision is based.

How to move to another EU country?

In order to move from Italy to another EU Member State specific requirements must be met, which differ depending on the type of residence permit held by the foreign citizen. Specifically, if it is an **ordinary residence permit** or a EU residence permit for long-term residents issued in Italy.

- Foreign citizens holding an ordinary residence permit (with the exclusion of permits issued for medical treatments, international protection seekers and for reasons related to justice) are allowed to move to another EU Member State without a visa for **not more than 90 days** for reasons related to tourism, business, study, sports events, scientific events. Whereas, if foreign citizens want to work or live in another EU Member State for more than 90 days, it will be necessary to apply for a visa and a residence permit according to the procedures of the host Country.
- Foreign citizens **holding a EU residence permit for long-term residents** are allowed to freely reside, study and work in another EU Member State for periods lasting **also more than 90 days**. However, the host State may require to prove the availability of adequate financial resources, a fit accommodation, health insurance and other conditions depending on the reason of the stay.



Who is eligible for an EU Blue Card?

Highly qualified foreign workers who have been allowed to work on the national territory are granted a special residence permit called “EU Blue Card” after signing a residence contract for work reasons.

Foreign citizens considered highly qualified workers are those who possess a degree issued by a higher educational institute certifying the completion of a post-secondary educational path lasted at least three years and the achievement of the relevant degree.

These regulations are extended also to workers with professional-technical qualifications. Holders of a EU Blue Card are allowed to enter and reside on the national territory for more than three months, outside the quotas, and carry out paid work on behalf of and under the management of third parties.

Besides, it is possible to apply for a EU residence permit for long-term residents proving:

- a) to have resided regularly and uninterruptedly for 5 years in the European Union as holders of the EU Blue Card issued by another Member State;
- b) to have held the “EU Blue Card” issued in Italy for at least 2 years.

By meeting the abovementioned requirements, all holders of the EU Blue Card are issued an EU residence permit for long-term residents with the wording **“Former holder of an EU Blue Card”**.

What is a tax code and when is it issued?

A tax code is a code composed of letters and numbers unequivocally identifying natural persons and other subjects for tax and administrative purposes.

After being granted a residence permit, foreign citizens can apply for a tax code submitting application to the local offices of Agenzia delle Entrate (Italian Tax Authority) of the Ministry of Finance.

For the tax code to be issued, it is necessary to show a valid residence permit and the photocopy of a valid passport.

A tax code is required, for example, in order:

- a) to be registered with the SSN (National Health Service);
- b) to be hired as dependent worker;
- c) to begin an autonomous work;
- d) to enter into any type of contract (e.g. lease, sale);
- e) to open a bank account.

How to register with the Registry Office?

L’iscrizione nelle liste anagrafiche della popolazione residente in un comune italiano costituisce il presupposto per l’esercizio di diritti fondamentali.



Foreign citizens residing in Italian cities and towns must register with the Registry Office in order to exercise their fundamental rights.

In order to register, foreign citizens must meet the requirement of habitual abode - that is the permanent presence in a specific city or town with the will to stay and establish their residence in that place - and must hold a valid residence permit. For international protection seekers hosted in reception structures, the latter represent the place of habitual abode, provided that foreign citizens supply documented evidence to have been living in said structures for more than 3 months.

Registration with the Registry Office allows:

- a) to register with the National Health Service (SSN - Servizio Sanitario Nazionale);
- b) to access welfare services and benefits or facilitations granted by the municipalities;
- c) to exercise the right to participate in the local administration as provided for by the municipal statutes;
- d) to be granted an identity document and personal data certificates;
- e) to be granted an Italian driving licence.

What is a self-certification?

Self-certifications are simple statements through which a person, under personal, civil and criminal liability, declares a series of facts, statuses and conditions, certified in public acts, without having to submit relevant certificates. They must be signed by the party involved, without having to attest the signature. Their validity has the same term of the act replaced.

Are foreign citizens allowed to submit self-certifications?

Foreign citizens can submit self-certifications of statuses, facts and qualifications that can be certified or attested by Italian public subjects.

Foreign citizens are not allowed to self-certify:

- statuses, facts and qualifications that Italian authorities cannot certify because referred to events occurred abroad. In such cases, foreign citizens are required to submit certificates and documents issued by the competent authorities of the foreign State, legalised by the Italian Embassy or Consulate with relevant annexed translation into Italian and a statement declaring that the translation corresponds to the original documents.

Examples:

- a) birth certificates for births occurred abroad;
- b) wedding certificates for weddings celebrated abroad;
- c) criminal certificates relating to events occurred abroad;



d) income statements for income produced abroad.

All the above is not applied to international protection holders and international protection seekers, who instead can submit self-certifications.

- statuses, facts and qualifications relevant for procedures regulated by immigration laws (issue and renewal of residence permits, family reunification).

Examples:

- a) family certificate indicating the family member's relationship;
- b) family certificate indicating the family unit;
- c) accommodation fitness.