



Chapter 9

Social benefits and INPS





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SOCIAL BENEFITS AND INPS

What is the single universal allowance?

The new service (introduced with Law no. 46/21 and with legislative decree 230/2021) comes into force on 1st March 2022 and is attributed to the families for each dependent minor child up to the age of maturity or to the use of certain conditions, up to 21 years of age;

In the event of a child's disability, the single allowance is recognized without age limits.

By "dependent" we mean those included in the family unit for ISEE purposes and therefore, if of adult age, children living with their parents, adult children (18-21) are considered even if they are not cohabiting as long as they are charged with IRPEF purposes (therefore with internal income of 4,000 euros), are not married, and have no children

The amount is established on the basis of the ISEE value of the family unit and the number of children.

Unlike the previous allowances to the family unit that is no longer linked to the status of worker: it is therefore also applied to self employed worker's and unemployed.

Who is eligible for the single universal allowance?

Base on the Law and the clarifications made by INPS with the circular of 9th February 2022 no.23, the check could be assigned to:

- To Italian citizens and citizens of the European Union;
- To holders of a long-term residence permit;
- To holders of a single work permit pursuant to directive 2011/98 (there of permits for family or for work or for pending employment) provided that the permit is of longer duration at 6 month
- To Non-EU family member of citizens of the European Union;
- To holders of international protection (political refugee status or subsidiary protection);
- To holders of a permit for self-employment;
- To holders of "Blue Card" (the permit of high skilled workers);
- To citizens of Algeria, Tunisia, Morocco;
- To stateless person.



It is also required that, the beneficiary be resident in Italy for the entire duration of the benefit and a resident in Italy prior to the application for at least two years even if not continuously.

There two-year residency is not required for those who have open-ended for fixed-term employment relationship lasting at least six month. (in practice, those who have an employment relationship can obtain checks even upon entering Italy).

All permit holders not included in the list are there for excluded from the new service above (e.g. holders of a permit for Asylum request, for special protection, for protection social security, for the protection of minors, etc.) will therefore no longer enjoy the support for the family even if they work, given the abolition of the allowances to the family unit and the tax deductions for dependent children.

In fact, from 1st March 2022, the following services will no longer be paid and are absorbed from the single universal allowance: birth or adoption bonus, allowance for large families with at least three minor children, family allowance, birth allowance (so-called baby bonus), tax deduction for children up to 21 years of age (deduction for children 21-24 years of age remain applied if students and those for dependent spouse).

The consequence is that, a worker for example with permit for special protection, will have from 1st March, higher loss of salary up to 200 euros per month (including family allowances and deductions) that can only obtain converting again the permit into work permit.

What is the temporary allowance?

It is the Advance of the "Single Universal Allowance" introduced by decree law n.27/2021. Found application only for a period 1/7/2021-28/2/2022 and only for people who did not received the "old" family allowance (e.g. self employed and the unemployed).

Many INPS offices believe that this service, unlike the universal allowance, does not have to be paid to family permit holders, but this interpretation is incorrect.

If anyone finds himself in this situation, he can turn to charities and associations to act in judgement and given that service even if it ceases on 28/2/2022, can always be requested by 5-year limit.

What is the basic maternity allowance?

The service (governed by Article 74 of legislative Decree 151/2001) is not absorbed by the single universal allowance.

The application must be submitted by the mother (or by the father if the only parent or custodian) to 6 month from the birth of the child or from the



actual entry into the family. Municipality of the residence within 6 month of the child adopted or in pre-adoptive foster care.

Who is eligible for the basic maternity allowance?

The allowance (which for 2022 amounts to 1.773,65 euros) is due to unemployed mothers with and within the sum of set annually by INPS (for 2022: 17.747,58 euros). It cannot be combined with the maternity allowance of dependent or self-employed women; however just in case the latter are received in a very small amount e.g. for part-time workers- it is up to for the difference.

The law provided that the allowance was paid only to holders of long term permits. The constitutional court, with the sentence of 11th January 2022, declared the unconstitutionality of art.74 above mentioned in the part which it excluded women holders of a single permit from the benefit work lasting more than 6 months. So the holders of such permit who applied promptly in the past and have not received the service, they are now entitled to have it. In addition, from 1st February 2022, the rule was amended by expressly recognizing the performance also to the holders of this permit. Therefore, they currently have the right to obtain the service:

- Italian citizens and citizens of EU countries
- Non EU-citizens holding a long term residence permits;
- Non EU-citizens who are family members of Italian or EU citizens (INPS circular no.9 of 22/01/2010)
- Holders of "single work permit" (permit for work, for pending employment and for family reasons) lasting more than 6 months.

On the basis of the constitutional principle of maternity protection (Article 31 of the constitution), however, it can be considered that mothers who have residence permits other than those indicated above can also enforce the right to benefit in case of non-recognition, therefore, we suggest to contact the patronage or associations to initiate a judgement. Proof of timely submission of the application is required: if the municipality refuses to receive the application, it must be sent by certified mail or registered letter with return notice again within 6 months.

What is the maternity allowance for atypical working mothers?

The loan (govern by Article 75 of legislative Decree 151/01) is not absorbed by the single universal allowance. It is provided directly by INPS and the application must be submitted electronically to INPS, also in this case within 6 month of birth.



Who is eligible for the maternity allowance for atypical working mothers?

It is up to working women who do not receive the ordinary maternity allowance and who have minimum contribution requirements (the worker must in fact claim three months of contribution in the period between 18 and 9 months prior to the birth, or three months of work even in previous periods provided no more than 9 months have passed between the loss of employment benefits and the date of birth).

If these contributions requirements are met, it is convenient to ask for this allowance and not the basic allowance maternity leave, because this is of a higher amount (2,143 euros). With regard to residence permits, the same issues set out above apply to basic maternity allowance.

What is the nursery school bonus (the so-called Bonus asilo nido)?

The service (governed by art.1 comma 335, L. 232/2016) is not absorbed by the single universal allowance. It is granted "for the payment of fees relating to the attendance of public and private nursery schools, as well as for the introduction of forms of support at one's home in favour of children beyond under the age of three, suffering from serious chronic diseases".

It is up to the parents of children born after 1st January 2016, but must be requested from INPS by 31st December each year. For children who attended the nursery, the bonus is paid upon presentation of documents certifying the enrolment and payment of the fees to public or private structures.

For disabled children who cannot attend the nursery due to the condition of disability (medical certificates are required), the bonus consists in the payment of a fixed sum. The maximum repayable amount varies, depending on the family ISEE, from 1,500 to 3,000 euros.

INPS initially believed that the service should be recognized with regards to only foreign citizens holders of long term permits, but the following two decisions of the court of Appeal of Milan- currently the benefit is paid to all foreign citizens regardless of the residence permit even if the law has not yet been amended. If foreign citizens without a long term permit encounter difficulties in obtaining the service, it is necessary to contact associations or patronages.



What is the birth allowance (the so-called Bonus bebè)?

The benefit is paid only for births that took place up to 31/12/2021. For births subsequently, the assignment of the single universal allowance varies according to income:

160 euros per month for 12 months for ISEE up to 7,000 euros; 120 euros a month for ISEE up to 40,000; 80 euros a month for ISEE superior. If the application is made within 90 days of the birth, the benefit starts from the birth, if proposed subsequently, it starts from the date of the application (therefore after 12 months it is no longer feasible) the law required a long-term residence permit for foreign citizens. However, both the European court of justice and the Constitutional court (judgement 11 January 2022) have the exclusion of holders of a single work permit was declared illegitimate. Therefore, who proposed request in the past and was refused the service for lack of a residence permit now obtains it by submitting a request for view to the competent INPS office and, in the event of a negative outcome, proposing judgement.

What is the birth premium?

It is an amount of 800 euros paid for births that occurred by 28 February 2022 or for mothers who have reached the seventh month of pregnancy by 31st December 2021.

For subsequent situations, the benefit is replaced by the single universal allowance. It has no income limits and no residence permit limits, therefore is entitled to all foreign citizens legally residing. The application must be submitted on the INPS portal or through patronages within one year of birth. Therefore from 31st December 2022, the service will cease definitely.

What is the allowance for family units with at least 3 children?

It is a service (regulated by art.65 L.488/98) scheduled until 28/02/2022. For the period, the subsequent one is absorbed by the single allowance. The application had to be presented to the Municipality of residence by 31st January of each year with referring to the previous year, but not for those who submitted an application by 31st January 2022. It is also paid in the month of February. Also for this service, the law initially provided for the right of only holders of permits for long term residence, but the European court of justice (judgement 21st June 2017) has considered illegitimate the exclusion of holders of single work permits. Therefore, holders of this per-



mit who have applied and who have been denied the allowance can apply to the judge within 5 years to have the allowance.

What is the allowance for family units?

The service, govern by art. 2 L.153/1988, ceases on 28th February 2022 and will be replaced by the single universal allowance check. However as arrears can be claimed within 5 years, it is possible to apply for the allowance for the past years, within this limit.

The application must be submitted to INPS, possibly on the request for authorizing the insertion of family members if resident abroad. The allowances consists of a variable amount based on income and the number of family members considering minor children (adults if students), spouse or other family members if in conditions of disability.

Who is eligible for the allowance for family units?

The check allowance is due:

- to employees (and in this case is paid through the employer);
- to unemployed holders of NASPI;
- to retired employees.

The law does not require that the family member be “Dependent” or “Co-habiting”, but it does provide for the relevant differences between Italians and foreigners depending on the place where the family member reside:

- Italian citizens can also count the family member residing abroad
- foreign citizens can count in the family unit only family members (co-habiting or not cohabitants) residing in Italy, except for the existence of specific agreements with the countries of origin.

The European court of justice, with two judgements on 25th November 2020, declared that this differential treatment is contrary to the holders of long-term residence directive and the single work permit holders directive. Therefore the holders of these two permits can now obtain, for 5 years preceding the application. The payment of the related checks to the family members residing at home or abroad. Therefore it is necessary that they present an application for authorization for the calculation of family members abroad, and the application for payment checks.

In the event of negative response from INPS, they must propose administrative appeal and then appeal to the judge, addressing to patronages and association.



What is the basic income?

The service (governed by DL 4/19 converted into L 26/19) can be requested at the Italian post offices, electronically on the portal www.redditodicittadinanza.gov.it or on INPS websites or at CAF and patronages.

The benefits start from the month following the submission of the application and is granted a maximum period of 18 months after which it can be renewed after suspension of one month submitting the new application.

Who is eligible for the basic income?

The applicant must meet a series of economic requirements (including a lower family ISEE of 9,360 euros and a family income not exceeding 6000 euros, both increased in relation to the family size); the service is compatible with the NASPI and with the performance activities working within the above income limits.

The applicant must not be subjected to personal precautionary measures and must not have been definitely convicted in the ten years preceding the request, for one of the particular crimes severity listed by the standard.

One must also be resident in Italy for as long as he receives the benefit and must have been a resident in Italy for at least 10 years of which the last two are continuous. As for citizenship, the service is recognized:

- to Italian citizens or citizens of a European Union state
- family members of Italian or EU citizens
- holders of a long stay permit
- holders of international protection
- stateless person.

Therefore, not only holders of the permits already indicated above for the check allowance are excluded (special protection, etc.) but also holders of a single work permit (family, work, awaiting occupation).

The constitution court with the sentence no. 19 of January 25th 2020 considered the requirements of a long-term permit is constitutionally legitimate. Many judgements are pending before various courts aimed at having the law declare the illegitimacy and 10 years of residence which constitute indirect discrimination to the detriment of foreign citizen.

What is the citizenship pension?

The benefit takes the name of pension citizenship if the family unit is composed exclusively by one or more members aged 67 or over. It may also be granted in case in which the member or members of the family unit aged 67 or over cohabit with one or more people under such age if they are in condition of severe disability or non-self-sufficiency as defined for the purposes of ISEE.



The pension citizenship is renewed automatically without the need to submit a new application and therefore last long as the income requirements are met.

What is the social allowance?

The service (governed by art. 3, comma 6, of L.335/1995) must be requested from INPS and is the responsibility of those who have been residing in Italy continuously for at least the last 10 years, who have reached the age of 67 and that are in possession of economic resources lower than the limits set by the law (for 2022, the maximum income is 6,075,30 euros or 12,170,60 euros with the spouse).

INPS often interprets the requirements of 10 years of presence in a restrictive way, denying the service even to those who, during the 10 years, have been absent only temporarily. In such cases, it is possible to appeal because the majority of judges do not agree with this restrictive interpretation. As for the citizenship requirements, the service is due:

- to Italian citizens or EU citizens;
- holders of long term residence permits;
- to Non-EU family members of EU citizens;
- to holders of international protection and stateless persons

All other foreign citizens are excluded, in particular holders of a single work permit. The constitutional court (sentence 50/2019) considered this exclusion legitimate. However, they are pending some judgements aimed at submitting the question to the European court of justice, with reference to the directed 2011/98 and therefore to holders of a single work permit.

The check allowance is suspended if the holder stays abroad for more than 29 days; and one year after the suspension, the service is revoked. Even in this case, however, the judges believe that any absence should be assessed on a case by case basis and therefore it is good to contact associations and patronages for an examination of the situation.

What is the unemployment benefit (NASPI and DIS-COL)?

The NASPI benefit is due to employers with an employment relationship who have involuntarily lost their employments or in the event of resignation for just cause and resignation in the year of child birth.

From 1st January 2022, the only requirement is to have 13 weeks of contributions in the last 4 years prior to the termination. The benefit decreases starting from the sixth month and last for half of the last employment relationship (e.g. if the termination occurs on a 3 year relationship, the NASPI benefits last a year and half).



The application must be submitted to INPS within 68 days from dismissal or from the end of the compensated maternity period; however, if the application is submitted after the eighth day, the treatments starts from the application. In any case, it is not due for the period covered by the indemnity notice.

DIS-COL, on the other hand, is the unemployment benefit that is due to self-employed workers registered with the separate INPS management and can reach a maximum of 12 months; in relation to the months worked in the year preceding the termination. For theses services, there are no problems as for foreign citizens because they are recognized to all workers who meet the contribution requirements.