

chapter 2

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. Lacking an entry visa, a residence permit is issued for the following reasons: non-deportability, social protection, international protection seekers and international protection (status of refugee and status of subsidiary protection), as well as for humanitarian reasons.

What types of residence permits are there?

The main residence permits are granted for the following reasons: tourism, visits, business, study or training, seasonal work, autonomous work, subordinate work, workers in the show business, family reasons, social protection, medical treatments, international protection seekers, international protection.

How long does a residence permit last?

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

- more than 1 year for a fixed-term employment contract;
- more than 2 years for a permanent employment contract;
- 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. In such case, the period of validity is indicated for each year, which is established on the basis of the annual duration enjoyed during the last year of the previous two;
- more than 2 years for autonomous work.

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

- more than 3 months for tourism, visits, business;
- more than 2 years for family reunification
- 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 office

- pre-established Post Office 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, missions, 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 issues 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 are then convened through a recorded delivery letter for the taking of fingerprints and the handover 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:

business, medical treatments, humanitarian reasons, international protection application, minors, justice, granting of the status of stateless person, minor's 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 is then 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.

Applications are subject to the payment of a contribution established in an amount comprised between a minimum of €40 and a maximum of €100 depending on the type of residence permit, except for residence permits for international protection seekers, international protection and humanitarian protection.

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

- a. foreign citizens applying for international protection;
- b. foreign citizens enjoying social protection;
- c. foreign citizens granted residence for extraordinary reception measures due to exceptional events;
- d. foreign citizens applying for Italian citizenship or for the status of stateless person.

How to apply for the renewal of a residence permit?

Applications for the renewal of a residence permit must be submitted within and not beyond 60 days after the permit's expiry, to the following office

- pre-established Post Office 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, missions, 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 in order to ascertain that the requirements which allowed the original issue are still met.

Applications for renewals of residence permits are subject to the payment of a contribution established in an amount comprised between a minimum of €40 and a maximum of €100 depending on the type of residence permit, except for residence permits for international protection seekers, international protection and humanitarian protection.

The duration of a renewed residence permit does not last more than the term established for the previous 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 relevant suitability for staying in Italy and returning 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. tourism, once the original term (ninety days) has expired and lacking serious reasons, linked to humanitarian reasons;
- 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 the relevant 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, similarly to residence permits for humanitarian reasons and minors' integration, allow to carry out both subordinate work and autonomous 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 must a residence permit be shown?

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

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 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 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, the foreign citizen must leave the national territory within 15 days. If the foreign citizen does not comply with said term and remains in Italy, a deportation order may be issued, even if in the meantime the foreign citizen lodged an appeal with the TAR.

Upon the claimant's request, the TAR can suspend the enforceability of the rejection. In such case, the foreign citizen cannot be deported for staying in Italy after the term of 15 days.

Which residence permits can be converted?

The residence permits that can be converted are as follows:

- without restrictions as to quotas:
 - a. subordinate work, into autonomous work or elective residence;
 - b. autonomous work, into subordinate work or elective residence;
 - c. all permits, into a residence permit for family reasons;
 - d. for family reasons, into subordinate work or autonomous work, study, awaiting employment, healthcare or medical treatments and elective residence;
 - e. humanitarian reasons, into subordinate work or autonomous work;
 - f. humanitarian reasons for social protection or for public security, into subordinate work or autonomous work and study;
- within quotas:
 - a. study or training, into subordinate work or autonomous work;
 - b. seasonal work, into subordinate work from the very 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 language 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, humanitarian reasons, family reasons, EU residence permit for long-term residents, residence card for a Non-EU family member of an EU citizen, and with regard to foreign citizens that exercised the right to family reunification

What is an 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 its updating every five years. It is issued within 90 days from application.

What requirements must be met to be granted an 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. 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 below the amount of the social allowance. 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 an EU residence permit for long-term residents?

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

- holders of a residence permit for study or vocational training reasons;
- holders of a residence permit for temporary protection and humanitarian reasons;
- international protection seekers;
- holders of a residence permit for voluntary work, diplomatic reasons or special missions;
- holders of a visa or a short-term residence permit;
- foreign citizens considered a danger to public order or to the State's security.

The periods of residence relating to residence permits mentioned under numbers 1, 2, 3 and 4 are nonetheless kept into account in calculating the five-year period.

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

Applications must be submitted to pre-established Post Office 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 allowance;
7. photocopy of a hospitality statement or house transfer or registered rent or sale contract;
8. residence certificate and 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:

- to enter Italy without a visa and freely move on the State's territory;
- 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;
- to make use of welfare services, national insurance, as well as healthcare, educational and social services;
- 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 to 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 an EU residence permit for long-term residents is rejected?

Rejections must be reasoned and notified to foreign citizens. Against the Questura's 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 an 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 an EU residence permit for long-term residents to family members?

- Regular residence for at least 5 years on the Italian territory;
- Availability of a sufficient income (also obtained by summing the incomes of cohabiting family members) according to the criteria established for family reunification
- 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. Against rejections, it is possible to lodge an appeal with the ordinary Court in the place where the applicant resides.

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, that is if it is an ordinary residence permit or an 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 a period not exceeding 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 is necessary to apply for a visa and a residence permit according to the procedures of the host Country.
- Foreign citizens holding an 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 to apply 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 holds a degree issued by a higher educational institute certifying the completion of a post-secondary educational path lasted at least three years and the acquisition of the relevant degree.

These regulations are extended also to workers with professional-technical qualifications. Holders of an 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 an EU residence permit for long-term residents by 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 granted 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

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.

Following the entry into force of D.L 113/2018 (converted into Law No. 132/2018), the residence permit while awaiting international protection does not allow to register with the Registry Office and constitutes an identity document. Asylum seekers have access to the services supplied to them on the territory in their place of domicile.

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 relevant 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 certificate 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

