

A guide to PERMESSO DI SOGGIORNO

IN THIS GUIDE YOU CAN FIND
INFORMATION ABOUT PERMESSI DI
SOGGIORNO AND RESIDENZA.

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The “Permesso di soggiorno” (permit of stay, in short 'permesso') is a document that the Italian State demands of all foreign citizens, that is citizens of countries which are not part of the European Union, who want to live in Italy. The permesso di soggiorno grants those who hold it THE RIGHT TO LIVE IN ITALY UNTIL THE EXPIRY DATE OF THE PERMESSO, which needs to be renewed periodically.

The permesso di soggiorno is not the entry visa, it is not the passport or the ID card. Some permesso di soggiorno also grant those who hold them the right to work regularly, but others don't.

You are allowed to **WORK REGULARLY WITH THE FOLLOWING** TYPES OF PERMESSO DI SOGGIORNO:

humanitarian reasons/special cases/special protection, subsidiary protection, political asylum, work reasons, self-employed work reasons, family reunification, calamity, civic valour.

SOME TYPES OF PERMESSO DI SOGGIORNO CANNOT BE CONVERTED INTO A PERMESSO FOR WORK REASONS:

for asylum application, special protection, calamity, medical treatment, judicial reasons.

With a valid permesso di soggiorno and a document (passport or “titolo di viaggio”, a travel document), you can travel without a visa in the European countries that are part of the Shengen¹ agreement.

WITH AN ITALIAN PERMESSO DI SOGGIORNO YOU CAN STAY IN OTHER EU COUNTRIES FOR A MAXIMUM OF 3 MONTHS AND YOU CANNOT WORK.

ATTENTION! IN THE LAST FEW YEARS, IT IS INCREASINGLY DIFFICULT FOR FOREIGNERS TO CROSS THE INTERNAL BORDERS OF THE EUROPEAN UNION, EVEN IF YOU HAVE A VALID PERMESSO DI SOGGIORNO. Many are stopped and sent back, sometimes back to places that are very far away from the border.

The things that need to be done to obtain a permesso di soggiorno and the other documents (residence/residenza and passport) are complicated, but there are many people and associations throughout the country which can help you without the need for you to pay their services.

GIVING MONEY TO A LAWYER DOES NOT GET YOU A PERMESSO DI SOGGIORNO, SO DO NOT PAY LAWYERS. IN MANY CASES, THE ITALIAN STATE PAYS LAWYERS FOR PEOPLE WHO CANNOT AFFORD IT. IF YOU NEED A LAWYER AND YOU DON'T HAVE ENOUGH MONEY, ALWAYS ASK FOR **GRATUITO PATROCINIO**.

¹ These are the countries that are part of the Shengen agreement: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, Slovakia, Hungary.

TYPES OF PERMESSO DI SOGGIORNO

To have a permesso di soggiorno BEFORE you get to Italy (it is very difficult):

- you must enter the country through a “**decreto flussi**” for seasonal work (since 2011 there has been no decreto flussi for OTHER, non-seasonal, types of work).
- or with a convertible visa.

For those entering Italy without a visa and without a permesso di soggiorno, the only possibilities to get documents are:

- an amnesty for undocumented migrants (but the last time this happened was 2012).
- or **seeking political asylum**,
- or marrying or having a child with an Italian citizen.

SEEKING POLITICAL ASYLUM

WHAT YOU NEED TO DO:

1. go to a questura (police headquarters) and present your claim for political asylum. However, in the last few years, people are forced to live in a camp (centro d'accoglienza) to do it.

2. in the camp, or in the questura, you will have to **answer some questions** about your life and your journey to Europe (MODELLO C3).

3. **in the questura you must register your fingerprints, bring 4 passport photos and an address (domicilio)**. The address can be the address of the camp where you are living. Otherwise, you can get an address (domicilio) through some associations or through a declaration of hospitality (dichiarazione di ospitalita'). WITH THE NEW LAW ASYLUM SEEKERS (WITH THE 6 MONTHS PERMIT) CANNOT GET A RESIDENZA (residence), so they cannot get A CARTA D'IDENTITA' (ID card).

4. **the questura should give you a paper, which is a permesso di soggiorno that lasts 6 months**, while you are waiting to be interviewed by the commission. With this permesso you can get a work contract!

5. **after some weeks or months the questura will call you to do your interview in the commission** (every questura and commission have different waiting times). In the commission, you tell your story, why you escaped from your country and above all why you cannot go back. You have the right to have a translation into your mother tongue, and you must receive a transcript of the interview.

6. **for some weeks or months, you will wait the answer of the commission**. You will receive a 6-months permesso di soggiorno while you wait for the answer.

The commission's answer can be **POSITIVE** or **NEGATIVE**.

If it is **POSITIVE**, you will receive one of the following permits:

1. **PROTEZIONE SUSSIDIARIA** (subsidiary protection): it lasts 5 years, you can renew it or convert it into a permesso di soggiorno for work reasons.

2. **ASILO POLITICO - STATUS DI RIFUGIATO** (political asylum - refugee status): it lasts 5 years, you can renew it or convert it into a permesso di soggiorno for work reasons. It is easier for you to eventually obtain citizenship (you can ask it after 5 years, rather than 10).

3. with the new law, the permesso di soggiorno for humanitarian reasons (2 years) **WILL NOT EXIST ANYMORE**. Instead, the commission can now grant a permesso di soggiorno for "SPECIAL PROTECTION", which lasts 1 year. With this permit, you can have a work contract, but you **CAN'T** convert this special protection permit into a permit for work reasons.

If the answer of the commission is **NEGATIVE** (you are not granted any permesso di soggiorno):

Within 30 days you may **APPEAL** against the decision of the commission. To appeal, you need a lawyer. If you are living in a camp, you must file your appeal within 15 days from the decision of the commission.

While you are waiting for the decision of the appeal, you will receive another 6-months permesso di soggiorno. The average waiting time before the final decision of the appeal are very long (around 18 months or 2 years).

THE NEW LAW HAS ALSO CHANGED THE RULES TO GET A LAWYER WITHOUT PAYING (GRATUITO PATROCINIO):

- IF YOU LOSE THE APPEAL, YOU SHOULD PAY THE LAWYER.
- IF YOU WIN THE APPEAL, YOU DON'T NEED TO PAY THE LAWYER.

ATTENTION! If you filed your asylum claim, or your appeal, BEFORE the 5th of October 2018:

- 1) If they gave you the 2-year permit, but you still haven't withdrawn it, they will give you a permesso di soggiorno "per casi speciali" (special cases), which lasts 2 years. **WITH THIS PERMESSO YOU CAN HAVE A WORK CONTRACT, AND YOU CAN CONVERT THIS PERMESSO INTO A PERMESSO DI SOGGIORNO FOR WORK REASONS, BUT YOU CAN ONLY DO THIS WITHIN THE 2 YEARS IT LASTS.** IF YOU DON'T CONVERT IT INTO A PERMESSO FOR WORK REASONS, WHEN IT EXPIRES THE COMMISSION WILL DECIDE IF THEY WILL GRANT YOU A PERMESSO FOR SPECIAL PROTECTION (1 year, you can work, but you can't convert it into a permesso for work reasons any longer).
- 2) If you they still hadn't decided, they can give you: political asylum, subsidiary protection, or a new permesso which lasts either 1 or 2 years. Or no permesso at all.

IF ALSO THE APPEAL FAILS, OR IF YOU DIDN'T APPEAL, you can present a new claim for asylum, but you must have **NEW ELEMENTS OR INFORMATION** about your story, or you must have returned to your country in the meantime.

ATTENTION! If you present a second claim for asylum after having received negative results, and there are no new elements or information you can be deported from Italy, or you can be forcefully taken to a CPR (Centro di Permanenza per il Rimpatrio, a detention centre for migrants that they are trying to deport).

To RENEW your permesso di soggiorno:

POLITICAL ASYLUM and SUBSIDIARY PROTECTION, you need:

- 1) residenza (residence)
- 2) dichiarazione di ospitalità (declaration of hospitality)
- 3) domicilio, an address that some associations can provide.

And you also need to pay 30,46 euros in a post office, and 16 euros to buy a “marca da bollo” (tax stamp).

TRAVEL DOCUMENTS (TITOLO DI VIAGGIO OR PASSAPORT)

If you have a permesso di soggiorno for **POLITICAL ASYLUM**, the questura will also give you a document like a passport, called “titolo di viaggio”.

To have it you must bring:

- 2 passport size photographs;
- photocopy of the residence permit;
- document of the Commission which recognize refugee status or subsidiary protection;
- receipt of payment in Euro 42.22 mail on c / c 67422808 to " Ministero dell' Economia e delle Finanze – Dipartimento del Tesoro ";
- previous travel document, even if expired or issued by other Police Headquarters;
- certificate of residence.

If you have a permesso di soggiorno for **SUBSIDIARY PROTECTION** or for **SPECIAL CASES**, the questura will give you a titolo di viaggio ONLY if it impossible for you to get your embassy to give you a passport of your country. In this case, your country's embassy must give you a letter that you will bring to the questura to get a titolo di viaggio.

NEW RULES ABOUT THE RENEWAL OF A PERMESSO DI SOGGIORNO FOR HUMANITARIAN REASONS

The new law (decreto Salvini) changed the rules for the permesso di soggiorno for **HUMANITARIAN REASONS**. This permesso di soggiorno DOES NOT EXIST ANY LONGER.

Now, if you have a permesso di soggiorno for humanitarian reasons, when your permesso expires you can convert it into a permesso for work reasons (as an employee or as self-employed). To convert your permesso, you must have:

1. a work contract or a commercial activity
2. a real residence document (not a 'fictitious' one, which is the document invented to give residence to homeless people)
3. the passport given to you by your country/your contry's embassy.

IF YOU NEED TO RENEW YOUR PERMESSO FOR HUMANITARIAN REASONS, BUT YOU DON'T HAVE A WORK CONTRACT, OR IF YOU HAVE ALREADY PRESENTED A RENEWAL APPLICATION WITHOUT GIVING THEM A WORK CONTRACT, THE COMMISSION CAN DECIDE TO GIVE YOU A PERMESSO DI SOGGIORNO FOR SPECIAL PROTECTION, WHICH LASTS 1 YEAR AND CANNOT BE CONVERTED. IF THE COMMISSION REFUSES TO GIVE YOU A PERMESSO DI SOGGIORNO, YOU CAN APPEAL.

ATTENTION! IF YOU HAVE A PERMESSO DI SOGGIORNO FOR POLITICAL ASYLUM (REFUGEE STATUS) IT IS NOT CONVENIENT FOR YOU TO CONVERT IT INTO A PERMESSO FOR WORK REASONS!

RESIDENCE

To get a document of **residence** (residenza) as homeless, an official document of residence attesting a 'fictitious' address as your residence, you need to go to the comune (municipality) where you live, bringing:

- a valid permesso di soggiorno
- your codice fiscale (tax code, similar to a national insurance number)
- a valid passport
- 4 passport photos

To have the identity card you have to pay 22,21 euro.

To get this type of residenza you **DON'T NEED** to be living in a house, and you don't need a rent contract.

ATTENTION! With the new law, people who have a permesso di soggiorno that lasts 6 months cannot have any residenza document any longer.

PERMESSO DI SOGGIORNO FOR WORK REASONS

There are 2 types of permesso di soggiorno for work reasons:

AS AN EMPLOYEE (LAVORO SUBORDINATO): 1 or 2 years, renewable.

AS A SELF-EMPLOYED PERSON (LAVORO AUTONOMO): 1 or 2 years, renewable.

There are 3 ways to get a permesso di soggiorno for work reasons:

- **a decreto flussi**, which is a law, issued by the Italian government, deciding how many people, with a visa, can enter the country every year to work. However, in the last few years, the Italian state has allowed very small numbers of people to enter the country to work through this system. If you hear people talking about a decreto flussi, gather as much information as possible before doing anything. There are many places where you can get this sort of information for free.

- a **sanatoria** (an amnesty for some undocumented migrants), which is a law that regularises people who are already in Italy without a permesso di soggiorno. The last sanatoria happened in 2012, and nobody knows if and when another one will happen. If you hear people talking about a sanatoria, gather information about its costs and its conditions.
- **converting your permesso di soggiorno** (for example: converting you permesso di soggiorno for humanitarian reasons into a permesso di soggiorno for work reasons).

RENEWALS

You need to renew your permesso di soggiorno within the 60 days after its expiry, with a kit that you can find in any post office.

To renew your PERMESSO DI SOGGIORNO FOR WORK REASONS AS AN EMPLOYEE (LAVORO SUBORDINATO), you need:

- a **work contract**. However, not any work contract is sufficient, your work contract must show at least 20 hours a week, and at least 6 months long, or anyway you must earn at least 5889 € a year.
- the **UNILAV** form, or otherwise, for domestic work, the official statement that your employee gave to INPS (the social security service) testifying the beginning of your working relationship.
- the **CUD** (income and tax certificate issued by your employer), dichiarazione dei redditi (tax return) or your pay slips.

To renew your PERMESSO DI SOGGIORNO FOR WORK REASONS AS A SELF-EMPLOYED PERSON (LAVORO AUTONOMO), you need:

your dichiarazione dei redditi (tax return), or other documents (your last financial statement, partita IVA autocertificata [self-certified VAT registration] and registration Chamber of Commerce), and you must have earned at least 8.263, 31 € in the last year.

For the renewal of both types (lavoro autonomo and lavoro subordinato), you need:

- a rent contract, OR
- a declaration of hospitality, OR
- a “cessione di fabbricato” (transfer of the exclusive right to use a building, or part of it), OR
- a residenza (residence document).

If you lose your job and your contract isn't renewed, you can ask, in questura, for a permesso di soggiorno while “**WAITING FOR EMPLOYMENT**” (“attesa occupazione”), which lasts 1 year and IS NOT RENEWABLE.

To get a permesso di soggiorno while waiting for employment, you need to go to the jobcentre

(Centro per l'Impiego) to sign up to the job seeker's list. When the permesso while waiting for employment expires, you can apply for a permesso di soggiorno for work reasons, if you have a work contract (and the other necessary documents).

DEPORTATIONS

You might receive a **deportation order** (decreto di espulsione), that is a paper saying you must leave Italy. You can receive a deportation order in the following cases:

- If your permit has been revoked, refused or not renewed, so you are without documents, and you are stopped by the police.
- If you entered Italy without passing through a control at the border.
- If you are considered a dangerous subject, even if you have never been convicted of a crime.

Moreover, with the **new law, there now are more crimes that nullify your asylum claim and result in a deportation order.**

These crimes are: sexual violence, drug trafficking, home invasion burglary, mugging, theft (even of electricity) but only if you have weapons or drugs on you or nearby, grievous bodily harm or threatening a public official or a public servant.

You can **APPEAL AGAINST A DEPORTATION ORDER WITHIN 30 DAYS FROM THE DAY YOU RECEIVED IT.** If you appeal, you have the right to a free lawyer (gratuito patrocinio).

IF YOU RECEIVE A DEPORTATION ORDER, YOU COULD:

- Be escorted to the border by the police;
- Receive a paper by the questura, telling you to leave the country within 7 days;
- Be imprisoned in a CPR (CENTRI DI PERMANENZA PER IL RIMPATRIO, a detention centre for migrants that they are trying to deport) for 6 months and then you can be sent back to your country if your country and Italy have a deal about repatriations.

IT IS VERY IMPORTANT, IF YOU DON'T HAVE A PERMESSO DI SOGGIORNO AND THEY ASK YOU YOUR DOCUMENTS, THAT YOU NEVER GIVE THEM YOUR COUNTRY'S PASSPORT.

THE PROBLEMS YOU HAVE WITH YOUR DOCUMENTS, ARE THE
SAME PROBLEMS EVERYBODY IS FACING!
FOR THIS REASON, MANY MIGRANTS IN ITALY ARE FIGHTING TO
GET PERMESSO DI SOGGIORNO, AND OVER THE YEARS THEY
HAVE ACHIEVED SIGNIFICANT VICTORIES!

THE ONLY SOLUTION IS A POLITICAL STRUGGLE,
ALL TOGETHER!