

A guide to PERMESSO DI SOGGIORNO

FOR MORE INFORMATION

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We are the Campagne in Lotta Network, and with these pages we want to disseminate useful information on residence permits and residency.

PERMESSO DI SOGGIORNO

The permesso di soggiorno (permit of stay, in short “permesso”) is a document required by the Italian State for all citizens of countries that are not part of the European Union and who wish to live in Italy. The permesso di soggiorno GIVES THE RIGHT TO LIVE IN ITALY UNTIL THE PERMISSION EXPIRES, which must then be renewed.

The permesso di soggiorno is not an entry visa, it is not a passport and it is not an identity card. Some permesso di soggiorno also give the right to work with a regular contract, but others do not.

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 Schengen¹ area.

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.

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.

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 (sanatoria) for undocumented migrants (last sanatoria ended on 15th of August 2020);
- or **seeking political asylum**,
- or marrying or having a child with an Italian citizen.
- apply for permesso protezione speciale at the questura

You are allowed to **WORK REGULARLY WITH THE FOLLOWING TYPES OF PERMESSO DI SOGGIORNO**: protezione speciale, protezione sussidiaria, asilo politico, lavoro subordinato, lavoro autonomo, ricongiungimento familiare (motivi di famiglia), valore civile.

SOME TYPES OF PERMESSO DI SOGGIORNO CANNOT BE CONVERTED INTO WORK PERMITS: richiesta di asilo, calamità, cure mediche, motivi di giustizia, protezione speciale (questura)

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

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 di 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 through some associations or through a declaration of hospitality (dichiarazione di ospitalità);
ATTENTION: YOU DO NOT HAVE TO PAY FOR THE DOMICILIO OR FOR THE DECLARATION OF HOSPITALITY!
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 (starting from the third month);
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 must have a six-month permesso (asylum application permit), with which you can always work, after two month. If the six-month residence permit expires, you have to go to the questura to renew it, until you get the answer from the commission. To renew this permit you need a domicilio.

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

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

1. **ASILO POLITICO – STATUS DI RIFUGIATO** (is 5 years, you can renew or convert it into a permesso di soggiorno for work reasons).
2. **PROTEZIONE SUSSIDIARIA** (is 5 years, you can renew or convert it into a permesso di soggiorno for work reasons).
3. **PROTEZIONE SPECIALE** (is 2 years, you can renew or convert it into a permesso di soggiorno for work reasons).

ATTENTION! YOU SHOULD ONLY CONVERT THIS PERMIT INTO A PERMESSO FOR WORK REASONS ONLY IF YOU HAVE AN OPEN-ENDED EMPLOYMENT CONTRACT! WHEREAS ASILO POLITICO HARDLY EVER CHANGES INTO A WORK PERMIT!

If the answer of the commission is **NEGATIVE** you are not granted any permesso di soggiorno. But you can **APPEAL** against the commission's decision within 30 days. 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 is very long (around 18 months or 2 years). **YOU DON'T HAVE TO PAY A LAWYER TO APPEAL BECAUSE THERE IS FREE LEGAL AID (GRATUITO PATROCINIO).**

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). They can also decide to have you apply for asylum in the CPR.

REQUEST FOR PROTEZIONE SPECIALE AT QUESTURA

Protezione Speciale can be obtained in two ways:

- by applying for asylum (see above)
- by applying at the questura

Warning! You do not need a lawyer or an association to make this application. You can do it yourself without paying.

To ask for the Protezione Speciale you must:

1. go to the questura where you are domiciled.
2. at the questura you have to fill in a form with questions about your life in Italy
3. bring a domicile and any documents that can prove that you have lived in Italy for a few years, e.g:
 - old work/training contracts and pay slips
 - promise of employment
 - Italian and vocational training courses
 - old rental contracts or declarations of hospitality
4. pay a tax stamp of €80.46 at the post office
5. pay a 16 euro revenue stamp

RENEWING THE PERMESSO DI SOGGIORNO: ASILO POLITICO, PROTEZIONE SUSSIDIARIA AND PROTEZIONE SPECIALE (with asylum application)

To renew these permessi you must:

- you need to pay 30,46 euros in a post office;
- 16 euros to buy a tax stamp (marca da bollo)

Some questura may also ask for a domicilio, an address that some associations can provide.
YOU DON'T HAVE TO PAY!

(For those who have to renew in Foggia, this is the association where you can take up domicilio: **Baobab** - viale Candelaro 90, Foggia. Mondays and Thursdays 10:13- 16:18 . Tel: +39 333 1949470 to take an appointment).

TRAVEL DOCUMENTS (TITOLO DI VIAGGIO - PASSPORT)

If you have a permesso di soggiorno for **ASILO POLITICO**, 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 permesso di soggiorno;
- 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".

When you **renew the TITOLO DI VIAGGIO**, the previous travel document must also be brought, even if it has expired or has been issued by another questura.

If you have a permesso di soggiorno for **PROTEZIONE SUSSIDIARIA** or for **PROTEZIONE SPECIALE (with asylum application)**, 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.

RESIDENZA

To get a document of **residenza** (residenza senza fissa dimora or residenza fittizia) 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! People with a six-month residence permit can also have residenza!

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; the last flow decree was issued in 2011. 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**, which is a law that regularizes people who are already in Italy without a permesso di soggiorno. The last regularization, also won thanks to the struggles, ended on August 15 2020. If you hear about a sanatoria, find out how much it costs and what needs to be done.
- **Converting your permesso di soggiorno:** for example converting your permesso di soggiorno for protezione speciale into a permesso di soggiorno for work reasons.

RENEWING THE PERMESSO DI SOGGIORNO FOR WORK REASONS

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**. Your work contract must show at least 20 hours a week, and at least 6 months long, or anyway you must earn at least 6.085,43 € a year.
- the **UNILAV** form, or otherwise, for domestic work, the official statement that your employer 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 auto certificata [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 - PERMESSO ATTESA OCCUPAZIONE**, which lasts 1 year and IS NOT RENEWABLE.

To get a permesso di soggiorno ATTESA OCCUPAZIONE, you need to go to the job centre (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).

PERMESSO DI SOGGIORNO UE PER SOGGIORNANTI DI LUNGO PERIODO (EX CARTA DI SOGGIORNO) - EU LONG-TERM PERMIT (FORMER CARTA DI SOGGIORNO)

This permit is for INDETERMINED (no end) time, it does NOT have to be renewed, but every 5 years it must be updated. Many things are possible with this permit.

To apply for this permit you must have:

- Permit in Italy for at least 5 years
- Residenza

- Income not less than 6,079.45 euros
- A2 certificate for the Italian language
- Passport
- Casellario giudiziale (criminal record certificate)
- Certificato dei carichi pendenti (certificate of pending charges)

To apply for this permit you have to fill yellow Postal Kit at the post office. You have to pay:

- marca da bollo 16 euro
- the postage for the envelope, 30 euros
- for the permit in electronic format 30.46 euros

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 STRUGGLE PAYS OFF

From September 2015 until today, the immigrant laborers of the province of Foggia, the Plain of Gioia Tauro and the province of Cuneo have made many demonstrations.

These demonstrations have brought victories: many people took permesso di soggiorno.

For those with a permesso di soggiorno, it is possible to have a residence certificate in all the municipalities of the province of Foggia.

The destruction of many ghettos has been blocked (in Puglia, Calabria, Piemonte), because the institutions do not give houses.

The last amnesty- SANATORIA (June-August 2020) was the result of years of struggle.

THE ONLY SOLUTION IS TO FIGHT,

ALL TOGETHER!

**DOCUMENTS, HOUSES
AND CONTRACTS FOR EVERYONE!**