

A guide to **PERMESSO DI SOGGIORNO**

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PERMESSO DI SOGGIORNO

To live in Italy, if you are not a European Union (EU) citizen, you need a residence permit (permesso di soggiorno).

The permesso di soggiorno is a document that lasts for a period of time; when it expires it must be renewed.

With some types of permesso di soggiorno (but not all) it is possible to work regularly in Italy.

With a permesso di soggiorno you can travel without a visa in the European countries that are part of the Schengen¹ area.

In the last few years, however, it is increasingly difficult for foreigners to cross the borders, even if you have a valid permesso di soggiorno. Police can stop you and take you back.

Only with a permanent permesso di soggiorno you can live and work in another EU country.

Having the documents in Italy is difficult but there are many people and associations who can help you without paying.

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 (most are for seasonal work)**
- or with a convertible visa.

For those entering Italy without a visa and without a permesso di soggiorno, the chances of regularization are few. Mainly:

- 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, or a citizen of another European Union country who must, however, be resident in Italy.

TO WORK REGULARLY IN ITALY YOU MUST HAVE A PERMESSO DI SOGGIORNO. You cannot work with a permesso di soggiorno for tourism, business or justice.

SEEKING POLITICAL ASYLUM

WHAT YOU NEED TO DO:

1. go to a questura (police headquarters) and present your claim for political asylum. In recent years to apply for asylum you have to live in a reception center (camp);
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, or, if you don't live in a camp, you can get the address - domicilio - 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);

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, Luxemburg, Malta, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, Slovakia, Hungary.

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. A copy of the interview with the Commission must be requested afterwards;

6. for some weeks or months, **you will wait for the answer of the Commission**. You must have a six-month permesso (asylum application permit), with which you can work. 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, but only if received before the new law of March 11, 2023).

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 if you live outside a camp the appeal must be made within 30 days. 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 (**REITERATA**), 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). Sometimes it is possible to apply for asylum in a CPR

With the new law of March 2023, it becomes more difficult to apply for asylum if you come from one of these countries because they are considered "safe" countries: Albania, Algeria, Bosnia and Herzegovina, Cape Verde, Ivory Coast, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Nigeria, Senegal, Serbia, and Tunisia. With some of these countries, Italy has agreements to deport citizens.

RENEWING THE PERMESSO DI SOGGIORNO

WHEN YOUR PERMESSO DI SOGGIORNO EXPIRES, YOU HAVE TO RENEW IT OR CONVERT IT TO ANOTHER TYPE OF PERMIT.

TO RENEW ASILO POLITICO, PROTEZIONE SUSSIDIARIA AND PROTEZIONE SPECIALE you must:

- pay in a post office a 30.46 euros bulletin;
- buy a 16 euros tax stamp (marca da bollo);
- pay 30 euros for shipping costs

Some questura may also ask for a declaration of domicile, 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. From Monday to Thursdays 10:13- 16:18 . Tel: +39 333 1949470 to take an appointment).

PERMITS THAT CAN BE RENEWED BUT CANNOT BE CONVERTED TO WORK ARE: asylum request; protezione speciale (if taken after March 11, 2023); calamity; medical treatment and for justice reasons.

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
- 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.

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. 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 OR CONVERTING 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
- 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 of PERMESSO DI SOGGIORNO (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 DI SOGGIORNO ATTESA OCCUPAZIONE 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, such as living and in some cases even working in other countries of the European Union..

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:

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

EXPULSION

An **expulsion decree** is a paper that says you must leave Italy. These are the cases in which you can receive an expulsion:

- if your permesso has been revoked, refused or not renewed, so you are undocumented, and you are stopped by the police;
- if you entered Italy without passing through border control;
- if you are considered a dangerous person, even if you have no convictions.

Crimes that nullify an asylum request and result in deportation are: *sexual assault; drug dealing; residential robbery and mugging; theft (including of electricity) but only if with weapons or drugs on or near the person; and aggravated injury or threat to a public official or public servant.*

You can appeal against a DECREE OF EXPULSION WITHIN 30 DAYS FROM WHEN YOU RECEIVED IT. If you appeal you are entitled to a free lawyer (gratuito patrocinio).

IF YOU RECEIVE A DEPORTATION YOU CAN:

- be accompanied directly to the border by the police;
- receive a paper from the police headquarters telling you to leave Italian territory within 7 days;
- be imprisoned in a CPR (REMOVAL PERMANENCE CENTERS) for up to 135 days. You can be sent back to your country if there are agreements between Italy and your country.

IS VERY IMPORTANT, IF YOU DON'T HAVE A VALID RESIDENCE PERMIT AND THEY ASK FOR YOUR PAPERS, NEVER GIVE YOUR COUNTRY'S PASSPORT

THE PROBLEMS YOU HAVE WITH DOCUMENTS ARE EVERYONE'S PROBLEMS!
THAT'S WHY IN ITALY AND ALL OVER EUROPE SO MANY IMMIGRANT PEOPLE ARE FIGHTING TO
GET A PERMESSO DI SOGGIORNO AND CHANGE THESE LAWS!
OVER THE YEARS THEY HAVE ALSO HAD VICTORIES!

THE ONLY SOLUTION IS STRUGGLE,
ALL TOGETHER!

