

# A GUIDE TO PERMESSO DI SOGGIORNO

IN THIS GUIDE YOU WILL FIND INFORMATION CONCERNING THE DIFFERENT KINDS OF PERMITS, ON HOW TO APPLY FOR AND RENEW THEM, ON THE OTHER DOCUMENTS YOU NEED (RESIDENZA, CARTA D'IDENTITÀ, TITOLO DI VIAGGIO), ON SWITCHING BETWEEN DIFFERENT TYPES OF PERMIT

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## WHAT IS PERMESSO DI SOGGIORNO?

A permesso di soggiorno (permit of stay) is not an entry visa, it is not a passport, and it is not an identity card. Permesso di soggiorno **is a document** that the Italian state demands of **all foreign citizens**, that is citizens of countries that are not part of the European Union (EU).

The Italian permesso di soggiorno **GIVES THOSE WHO HOLD IT THE RIGHT TO LIVE IN ITALY UNTIL THE EXPIRY DATE OF THE PERMIT**, which then needs to be renewed. **Some permits also give the right to work regularly (with a contract), but others don't** (for example, with a permit for judicial reasons, or 'motivi di giustizia', or with a permit for medical care, or 'cure mediche', you cannot work regularly).

With a permesso di soggiorno and a document valid for travelling abroad (passport or titolo di viaggio) you can travel in Schengen<sup>1</sup> European countries without a visa, but **WITH AN ITALIAN PERMIT YOU CANNOT STAY IN OTHER EUROPEAN UNION COUNTRIES FOR MORE THAN THREE MONTHS, AND YOU CANNOT WORK REGULARLY.** IN RECENT YEARS THOUGH, IT IS INCREASINGLY DIFFICULT FOR NON-EU CITIZENS TO CROSS THE BORDERS BETWEEN EU COUNTRIES EVEN WITH THE PERMIT TO STAY. Many are stopped and sent back, sometimes very far away from the border they were trying to cross (for example Taranto).

The procedures to obtain a permit and the other documents needed are complicated, **but there are people and associations across Italy that can help you free of charge** (see our other flyer). **GIVING MONEY TO A LAWYER DOES NOT GIVE YOU THE RIGHT TO A PERMIT, SO DO NOT GIVE MONEY TO LAWYERS.**

Permits are released by **questura**, which is the main police office, in the province where you have your residence (residenza) or where you live.

However, in some cases **lawyers can help you**, for example to appeal against a negative decision. In Italy there is **gratuito patrocinio**: that is, **people without income, asylum seekers and those who appeal against an expulsion order (decreto di espulsione) can always get a lawyer free of charge.**

Permits are regulated by immigration law, which in Italy was first introduced in 1990. Through time, the law has been modified several times, and it is now known as 'legge Bossi-Fini'. This law also states that if you have criminal records you might lose the permesso di soggiorno so beware that if you are having trouble renewing your permit and you have had trouble with the law this might be the reason.

<sup>1</sup> Schengen countries are: Austria, Belgium, Czech Rep., Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, Slovakia, Hungary.

# TYPES OF PERMESSO DI SOGGIORNO

Today, according to Italian law it is very hard to get a permit before reaching Italy – you must enter with a so-called *decreto flussi*, or with a visa that can be converted into a permit. For those who enter Italy without a visa and without a permit, the only chance to obtain documents is through an amnesty (*sanatoria*), by applying for asylum, or by marrying or having a child with an Italian citizen.

## 1. APPLYING FOR ASYLUM

Refugee status is granted to **people who in their countries are in danger because of political or religious reasons** (for example because in their country there is a dictatorship and they are against it, or because they are homosexual and in their country this is not accepted). Everyone has the right to apply for asylum at least once.

An asylum application **must be submitted in the first European Union country where one is identified** (by giving the police name, surname and fingerprints). If after being identified you travel to another country and you are stopped by the police, you will be forced to go back to the first country where you were identified. If you apply for asylum in Italy, **you will be granted a permit for *richiesta asilo*, which usually lasts for six months and is renewed until you receive the answer from the commission examining your case.**

## HOW TO GET AN ASYLUM-SEEKER PERMIT (PERMESSO PER RICHIESTA ASILO)

You must go to Questura, where you will fill in a form (MODELLO C3) and give your fingerprints.

In Questura, you must bring **4 passport pictures and an address**, or *domicilio* (which is a paper with a valid address).

### THERE ARE 3 WAYS TO GET DOMICILIO:

1. **the camp** or centre where you live can give you *domicilio*
2. through a ***dichiarazione di ospitalità*** (declaration of hospitality)
3. some **associations** can give you *domicilio*.

## **YOU CAN APPLY FOR ASYLUM IN QUESTURA ON YOUR OWN, WITHOUT ASSOCIATIONS OR LAWYERS**

**After Questura**, some months will pass and **you will be called by a Commission to tell your story**, that is to explain why you escaped your country (you can speak your own language at the Commission, there will be people translating). The commission must make sure that your story is credible, in order to give you a permit.

**After some months** (unfortunately waiting times are long) **you will get an answer from the Commission.**

**You will receive a copy of the story told to the commission (questions and answers) and a copy of the verdict.**

The Commission's verdict can be **POSTITIVE** or **NEGATIVE**.

**IF IT IS POSITIVE, you will get a permit, which can be of 3 kinds:**

1. **the most common type of permit is the one for HUMANITARIAN REASONS** (MOTIVI UMANITARI). It lasts for 2 years and it is renewable or it can be converted into a work permit, if you find a work contract.

2. **PROTEZIONE SUSSIDIARIA. This kind of permit lasts for 5 years, it is renewable but it CANNOT be converted into a work permit.** Since 2014, protezione sussidiaria gives you the same rights as refugee status.

3. **ASYLUM or REFUGEE STATUS** (ASILO POLITICO – STATUS DI RIFUGIATO). **This kind of permit lasts for 5 years**, it's renewable or it can be converted into a work permit, if you find a work contract. With this type of permit you can apply for an Italian citizenship after 5 years instead of 10 years you are living in Italy.

**BEWARE! IF YOU HAVE ASILO POLITICO, IT IS NOT ADVISABLE TO CONVERT THIS PERMIT INTO A WORK PERMIT.**

THE PEOPLE WHO RECEIVE REFUGEE STATUS OR PROTEZIONE SUSSIDIARIA ARE **ALSO GIVEN A DOCUMENT REPLACING THEIR PASSPORT NAMED TITOLO DI VIAGGIO**. A titolo di viaggio is also given to people with a humanitarian permit if they cannot get it from the embassy. In this case it is necessary to bring to the questura a letter from the embassy stating this.

**IF THE COMMISSION'S VERDICT IS NEGATIVE, you will not get any permit.**

When you get a negative answer, **within 30 days of the verdict you can APPEAL** against this decision at questura. **If you live in a camp, you have only 15 days to APPEAL.** Whilst you are waiting for the

appeal's verdict, you will get a 6 months permit (**permesso di soggiorno per richiesta asilo**).  
IN ORDER TO APPEAL, YOU DO NOT NEED TO PAY A LAWYER, **THE APPEAL IS FREE (gratuito patrocinio)**.  
**IF EVEN THE APPEAL IS NOT SUCCESSFUL, OR IF YOU NEVER APPEALED, you can apply for asylum again to the Commission**, but there must be NEW INFORMATION OR EVIDENCE regarding your story, or you must have returned to your country.

## RENEWAL

To RENEW these kinds of permits, ideally before the expiry date, **you will have to go back to questura and bring an address (domicilio) within 60 days of the permesso di soggiorno's expiry date. You can get a domicilio in 5 ways:**

1. the camp where you live can give you domicilio again
2. a declaration of hospitality (dichiarazione di ospitalità)
3. Some associations can give you domicilio (or residenza)
4. **you have a rental contract** (contratto di affitto).
5. **With the papers of your appeal** (iscrizione al ruolo), **using your LAWYER'S ADDRESS.**

## 2. WORK PERMITS

There are 3 types of work permit:

1. **LAVORO SUBORDINATO (if you are employed by somebody). This permit is renewable, and it lasts for: one year if you have a fixed-term contract (contratto a tempo determinato) that lasts for at least six months; two years if you have an open-ended contract (contratto a tempo indeterminato) and it is renewable.**
2. **LAVORO STAGIONALE (seasonal labour): this permit lasts for 9 months maximum, it is not renewable but it can be converted.**
3. **LAVORO AUTONOMO (self-employed workers): this permit lasts for one or two years and it is renewable.**

There are 3 ways to obtain a work permit:

- **decreto flussi** – this is a law issued by the Italian government that establishes how many people can enter Italy every year with a work visa. This often means that **people with no papers must get out of Italy and come back in**, after applying for a visa at the Italian embassy of their country. However, in the last years the Italian government issued decreti flussi with limited quotas for specific types of work. If you hear about decreto flussi, **make sure you are well informed** before acting on it. There are many places where you can gather information **free of charge**.

- an **amnesty**, or **sanatoria** – a law issued by the Italian government, **which regularises people who are already in Italy without a permit**. The latest regularisation happened in 2012. Amnesties are not granted every year and they have costs, so if you hear about sanatoria make sure you get all the information on costs and conditions.

- **conversion of the permit** (example: from a asylum or humanitarian permit to a work permit).

## RENEWAL

The work permit must be renewed **within 60 days of the expiry date, through a kit which you can find in all post offices**.

**For permits for lavoro subordinato you must have:**

- a **work contract** – **not all types of work contracts give you the right to renew a permit: for example, with a 'contratto a chiamata'** (on-call work) or with a contract for 'lavoro intermittente' you cannot obtain or renew a work permit.

- **modello UNILAV** or, in case of domestic labour, **the declaration of start of work made at INPS (national insurance institute)**.

- **CUD**, revenue statement (dichiarazione dei redditi) or payslips (buste paga)

**For permits for lavoro autonomo you must have: dichiarazione dei redditi** (revenue statement) or other documents (latest balance, partita IVA autocertificata – self-declared VAT registration - and registration at camera di commercio).

**For all permits you will need:**

- a **rent contract OR**
- a **declaration of hospitality (dichiarazione di ospitalità) OR**
- a **cessione di fabbricato OR**
- a **residenza**

**When you lose your job or your contract is not renewed**, in questura you can ask for a permit for **ATTESA OCCUPAZIONE** (job search), that lasts for one year and **IS NOT RENEWABLE**. You cannot apply for this kind of permit if you previously had a permit for **lavoro stagionale**. When the permit for attesa occupazione expires, you can apply for a work permit provided that you have all the necessary papers.

# PERMESSO DI SOGGIORNO CE PER SOGGIORNANTI DI LUNGO PERIODO (CARTA DI SOGGIORNO)

This kind of permit is issued to those **who have had a work permit, asylum or protezione sussidiaria for at least five consecutive years** (which means you have not been out of the country for more than 6 months in a row, or for a total of 10 months in the last 5 years). It lasts **indefinitely**. To have this type of permit you must:

- have a declared yearly income of at least 5.830,76 euros (and, in case you are requesting this permit for other members of your family, a minimum income that satisfies the requirements for family reunion)
- an Italian language certificate (level A2), not needed for people with PROTEZIONE SUSSIDIARIA or POLITICAL ASYLUM

If you apply for this kind of permit having a work permit, you will also need to show **idoneità alloggiativa**, that is a certificate issued by the municipality or by the health services (ASL), which indicates the number of people that can live in your house. People with protezione sussidiaria or political asylum do not need to show the idoneità alloggiativa.

People with a humanitarian permit or temporary protection cannot apply for CARTA DI SOGGIORNO.

## 3. OTHER KINDS OF PERMIT

In Italy, there are other kinds of permit:

- **Family**
- **Study**
- **Health Care**
- **Religious**
- **Laws**
- **Permesso per motivi di protezione sociale** o per motivi umanitari per vittime di tratta o di sfruttamento lavorativo (**for those who are victims of trafficking or of severe forms of exploitation**).
- **In case of severe illnesses that cannot be treated in your country of origin**, and for which you need urgent and continuous care in Italy, you can apply for a permit for cure mediche (medical care) or for humanitarian reasons (motivi umanitari).

The permit for cure mediche is issued also to pregnant women, and renewed until the child is six months old. It is also issued to the woman's husband, provided he lives with her, for the same amount of time.

## USEFUL SUGGESTIONS:

**ALWAYS KEEP ALL YOUR PAPERS AND MAKE AN EXTRA COPY!**

**GIVING MONEY TO A LAWYER GIVES YOU NO RIGHTS TO A PERMIT TO STAY, SO DO NOT PAY LAWYERS.**

**IMMIGRANTS' CONDITIONS HAVE BECOME HARDER AND HARDER DUE TO THESE LAWS. IT IS EVER MORE COMPLICATED TO GET A PERMIT, BECAUSE THE REQUIREMENTS HAVE INCREASED AND ARE HARDER TO COME BY, AND BECAUSE PERMITS ARE OFTEN TIED TO A WORK CONTRACT. SO, MANY MIGRANTS PAY TO HAVE A WORK CONTRACT, TO HAVE INSURANCE (CONTRIBUTI), TO HAVE A HOUSE RENTAL CONTRACT, AND FOR MANY OTHER THINGS THAT ARE NECESSARY TO HAVE PAPERS OR TO LIVE IN ITALY WITHOUT A PERMIT.**

Those who have a contract, and need it to renew their permit, must accept their employer's conditions even if they do not comply with labour rights as set out in the contract, for fear of losing their job. And those who do not have a permit, do not have rights, and must accept to work only in order to survive, without being able to save money to send home, or to rent a house.

Since 1998, immigration law also established detention centres for those who do not have documents. Today, an undocumented person risks imprisonment for up to 12 months (3 if the judge states that there is no social threat or risk that this person might run away) even though they have not committed any crime, and can be forcibly sent back to their country.

- IMMIGRATION LAWS HAVE ALLOWED MANY ASSOCIATIONS, COOPERATIVES, AND INDIVIDUALS TO MAKE MONEY ON IMMIGRANTS – FOR EXAMPLE BY MANAGING DETENTION AND ASYLUM SEEKERS' CAMPS.
- IMMIGRATION LAWS FORCE PEOPLE TO FACE LONG, DANGEROUS AND EXPENSIVE JOURNEYS AND TO STAY IN CAMPS RESAMBLING PRISONS.
- IMMIGRATION LAWS ALSO HAVE EFFECTS ON PEOPLE'S PERSONAL LIVES, BECAUSE THEY MAKE FAMILY REUNION AND MARRIAGES DIFFICULT, SUCH THAT MANY IMMIGRANTS IN ITALY ARE ALONE, WITHOUT THEIR FAMILIES.
- IMMIGRATION LAWS ENCOURAGE EXPLOITATION AND LOWERS EVERYONE'S SALARIES. BUT WORKERS ARE DIVIDED AMONG THEM BY THESE VERY LAWS, WHICH ARE RACIST AND CREATE INJUSTICE AND INEQUALITY.

**NO TO RACIST IMMIGRATION LAWS, NO TO STATE RACISM!**