



# REGULARISATION PROCEDURE 2020

Frequently Asked Questions

**UPDATED ON 23 JUNE 2020**

# Table of Contents

1. Who has access to the regularisation procedure? .....	3
<b>A - Regularisation to obtain a residence permit for work-related reasons</b>	
2. For which sectors can the regularisation application be submitted? .....	4
3. Which type of contract has to be signed? .....	4
4. What are the requirements for the employer? .....	4
5. What are the requirements for the employee? .....	6
6. When should the applications be submitted? Is there a limit to the number of applications that can be submitted? .....	7
7. Can third-country nationals apply for the regularisation procedure if their identity card or passport has expired? .....	8
8. What is the procedure for submitting the application? .....	8
9. How much does the application cost? .....	9
10. What kind of residence permit can be granted? For how long is the permit valid? .....	9
11. What happens after the permit expires? .....	10
<b>B - Regularisation to obtain a temporary residence permit to look for a job in Italy ("job-search permit")</b>	
12. What is the "job-search permit" about? .....	11
13. Who can apply for this permit? .....	11
14. How can one prove previous work experience? .....	12
15. When should the applications be submitted? Is there a limit to the number of applications that can be submitted? .....	12
16. Can third-country nationals apply for the regularisation procedure if their identity card or passport has expired? .....	12
17. What is the procedure for submitting the application? .....	13
18. How much does the application cost? .....	14
19. For how long is the permit valid? .....	14
20. How can you convert the permit? .....	14
21. What happens if one does not find a job before permit expires? .....	15
<b>Resources</b> .....	16
<b>Contacts</b> .....	16

## 1 Who has access to the regularisation procedure?

Article 103 of [Decree-Law No 34 of 19 May 2020](#) provides for two regularisation options:

### **A - REGULARISATION TO OBTAIN A RESIDENCE PERMIT FOR WORK-RELATED REASONS**

The employer (*i.e.* an Italian or EU citizen or a third-country national holding a EU long-term residence permit, a residence card for a family member of an EU citizen, or a permanent residence card for a family member of an EU citizen) may:

- Offer a contract of employment to a foreign worker; or
- Bring to light undeclared work in which both Italian and foreign citizens may be involved.

*N.B.* These two forms of regularisation are aimed not only at irregular migrants (*i.e.* those who never had a residence permit or whose permit has expired), but also at third-country nationals who have a “precarious” residence permit (*e.g.* for international protection, tourism or special protection), a permit that does not allow them to carry out any form of work (*e.g.* for medical treatment), or the conversion of a work permit (*e.g.* for care of a minor family member). [FAQ No 15 of the Ministry of the Interior](#) clarified that “a third-country national is not obliged to renounce his/her request for international protection. In the event the third-country national is granted international protection after obtaining the residence permit, he/she will have to opt for only one of the two permits”. (Check [Circular No 44366 of 19 June 2020](#))

### **B - REGULARISATION TO OBTAIN A TEMPORARY RESIDENCE PERMIT TO LOOK FOR A JOB IN ITALY (“JOB-SEARCH PERMIT”)**

Third-country nationals holding a residence permit that has expired on or after 31 October 2019 can apply for a six-month “job-search permit”.

## **A - REGULARISATION TO OBTAIN A RESIDENCE PERMIT FOR WORK-RELATED REASONS**

Beneficiaries: irregular migrants or holders of a residence permit

### **2 For which sectors may the regularisation application be submitted?**

The regularisation application may be submitted in relation to the following sectors:

- a) Agriculture, farming and husbandry, fisheries and aquaculture and related activities;
- b) Caretaker work, including care workers for the elderly or people with disabilities;
- c) Domestic housework in support of family needs (including housekeepers and babysitters).

The complete list of activities for which it is possible to submit a regularisation application is available in Italian [here](#).

### **3 Which type of contract has to be signed?**

According to the [Circular No 1455](#) of the Ministry of the Interior, the regularisation procedure allows for the following employment relationships to be established: open-ended or fixed-term contracts and full-time or part-time contracts. “In the case of domestic work, the monthly salary must be in line with the figures provided for in the National Collective Bargaining Agreement (*i.e. Contratto collettivo nazionale di lavoro – CCNL*), in any case it must not be lower than the minimum provided for the social allowance”.

### **4 What are the requirements for the employer?**

The employer must be an Italian or EU citizen or a third-country national holding a EU long-term residence permit, a residence card for a family member of an EU citizen, or a permanent residence card for a family member of an EU citizen. In addition, he/she must meet a certain gross income threshold, which varies according to the sector in which he/she is involved:

## Regularisation Procedure 2020 - FAQ

- In the agricultural and related sectors, it must not be lower than 30,000 EUR;
- In the domestic sector, it must not be lower than 20,000 EUR if the employer's household is composed of a single income recipient and it must not be lower than 27,000 EUR if the employer's household is composed of several income recipients. The employer's spouse and relatives within the 2nd degree of kinship may also contribute to determine the income, even if they do not cohabit.

**N.B.** *Verification of income requirements does not apply to employers suffering from pathologies or disabilities, which limit their self-sufficiency, who bring to light the undeclared employment of one worker in charge of their care. The regularisation application for personal assistance may also be submitted by a non-cohabitating family member of the beneficiary.*

*In the domestic sector, the employer is usually a natural person. However, in certain cases, it may also be a legal entity, such as a well established, non-profit community (e.g. convents, communities for people with disabilities, group homes). In the event the employer is a legal entity, the income must not be lower than 30,000 EUR per year (check [FAQ No 6 of the Ministry of the Interior](#)).*

*In the agricultural sector, the employer can be a natural person, an entity or a company with a taxable income or with a revenue, as indicated in the last tax report or a previous financial statement, that is not lower than 30,000 EUR per year. If the same employer submits regularisation applications for multiple workers, the competent Territorial Labour Inspectorate will verify the income requirement by examining the employer's economic capacity based on the number of applications (check [FAQ No 10 of the Ministry of the Interior](#)).*

An employer is excluded from accessing the regularisation procedure if he/she has been convicted (even with a non-final judgement, including plea bargains) within the last five years for one of the following offences:

- Aiding and abetting illegal immigration;
- Recruitment of persons to be exploited in prostitution;
- Exploitation of prostitution or of minors employed in illegal activities;
- Enslavement (art. 600 of the Penal Code);
- Illicit brokerage and labour exploitation (art. 603-bis of the Penal Code);

- Employment of workers without a residence permit (art. 22, paragraph 12, of [Legislative Decree No 286/1998](#)).

Employers who, during previous amnesties, did not complete the regularisation procedure (*e.g.* by not showing up to sign the residence contract) are not admitted to the procedure.

## 5 What are the requirements for the employee?

The beneficiaries of the regularisation procedure are only third-country nationals, who, regardless of whether they are regular or irregular, can prove that they have been in Italy uninterruptedly since 8 March 2020 at least.

**Third country-nationals who are regularly staying in Italy** (*e.g.* holder of a residence permit for asylum seekers) can prove that they were in the country prior to and uninterruptedly since 8 March 2020 by presenting their residence permit.

**Third country-nationals who are irregularly staying in Italy** can prove that they were in Italy prior to and uninterruptedly since 8 March 2020 by presenting one of the following: a) photographs and fingerprints records previous to 8 March 2020; b) a declaration of presence in accordance with Law No 68/2007; c) nominative and dated certificates or documents issued by public or private bodies providing public services. Useful documentation to prove one's presence in Italy prior to 8 March 2020 includes: the date stamp affixed on one's passport upon entry in the country, nominative first aid records, nominative documents of outpatient-visits or nominative transport season tickets.

[FAQs No 4 and 19 of the Ministry of the Interior](#) have further expanded the list of relevant documentation including, for example: "nominative receipts of money sent or received through banks and/or money transfer agencies, documentation from reception centres and/or shelters, including religious facilities; certificates received from diplomatic or consular representations in Italy, nominative tickets of air or sea carriers used to enter the state, even from intra-Schengen routes".

Third-country nationals cannot be admitted to the procedure if:

- They were issued an expulsion order by the Ministry of the Interior or the Prefect for “social dangerousness”;
- They have been reported and consequently refused entry or stay in the State due to international agreements and/or conventions in force in Italy;
- They have been convicted (even with a non-final judgement, including plea bargains) within the last five years of one of the following offences:
  - Offences provided for in Article 380 of the Code of Criminal Procedure (offences for which arrest in *flagrante delicto* is mandatory)
  - Offences against personal liberty;
  - Drug offences;
  - Aiding and abetting illegal immigration;
  - Recruitment of persons to be exploited in prostitution
  - Exploitation of prostitution or of minors employed in illegal activities;
- They are considered a threat to the public order and to the security of the State or of one of the countries with which Italy has signed agreements for the abolition of internal border checks and for the free movement of persons. When assessing the dangerousness of the individual, convictions, including non-final judgments, for one of the offences provided for in Article 381 of the Code of Criminal Procedure (offences for which arrest in *flagrante delicto* is optional) are taken into account.

## **6 When should the applications be submitted? Is there a limit to the number of applications that can be submitted?**

Applications must be submitted between 1 June 2020 and 15 August 2020. No limit to the number of applications has been set.

## 7 Can third-country nationals apply for the regularisation procedure if their identity card or passport is expired?

As per [FAQ No 18 of the Ministry of the Interior](#), “the application may also be submitted by indicating the details of the expired document, identity certificate or residence permit. However, upon signing the contract the foreign worker must have a valid identity document or an equivalent document that has to be submitted with the application. In the event the worker is not able to indicate the details of one of the aforementioned documents, he/she may use the receipt reporting the number and date of the residence permit application issued by the competent Police Headquarters (*i.e. Questura*)”.

[FAQ No 18 of the Ministry of the Interior](#) further specifies that “if the third-country national is not yet in possession of an identity document upon the convocation for the signing of the residence contract, the latter may be deferred for a reasonable period to allow for the integration of the missing documentation”.

## 8 What is the procedure for submitting the application?

The application must be submitted by the employer electronically, on this [website](#). It is addressed to the territorially competent (*i.e.* where the employment will take or is already taking place) *Sportello Unico Immigrazione*.

The application must include the following:

- The employer’s identification information, including the details of his/her identification document;
- The foreign citizen’s national identification information, including the details of his/her identification document;
- The foreign citizen’s declaration of presence on the Italian territory prior to 8 March 2020 on the basis of the list of documents indicated in [FAQ 5](#);
- The proposal for a residence contract provided for in Article 5-bis of the [Legislative Decree No 286/1998](#) and subsequent amendments;

- The certificate of fulfillment of the income requirements (see [FAQ 4](#));
- The declaration stating that the agreed remuneration is not lower than the one provided for in the relevant National Collective Bargaining Agreement (*i.e. Contratto collettivo nazionale di lavoro – CCNL*);
- The duration of the employment contract;
- The receipt of payment of the 500 EUR lump sum contribution (see [FAQ 9](#));
- The barcode of the 16 EUR duty stamp required for the application.

## 9 How much does the application cost?

The employer will have to pay a lump sum of 500 EUR for each worker using the [F24 form](#) which is available at bank counters, post offices and on the website of the Revenue Agency (*i.e. Agenzia delle Entrate*). In the event the employer decides to bring to light an irregular employment relationship, he/she will have to pay a lump sum contribution, in a contributory, retributive and fiscal capacity. The lump sum and the methods of payment will be determined in a subsequent decree.

## 10 What kind of residence permit can be granted? For how long is the permit valid?

With the regularisation procedure, third country-nationals can obtain a residence permit for subordinate employment, the duration of which varies according to the contract:

- If it is a seasonal contract, the permit can last up to 9 months;
- If it is a fixed-term contract, the permit usually lasts up to 1 year;
- If it is an open-ended contract, the permit lasts up to 2 years.

## 11 What happens after the permit expires?

Upon the expiration of the residence permit, a third-country national may:

- Renew the residence permit for work-related reasons if the previous contract is extended or if the third-country national is hired by a new employer (even in a different sector than those indicated in [FAQ 2](#));
- If the requirements are met, apply for a residence permit for other reasons (*e.g.* for family reasons).

## **B - REGULARISATION TO OBTAIN A TEMPORARY RESIDENCE PERMIT TO LOOK FOR A JOB IN ITALY (“JOB-SEARCH PERMIT”)**

Beneficiaries: third-country nationals whose permit has expired on or after 31 October 2019

### **12 What is the “job-search permit” about?**

The “job-search permit” is a temporary permit valid only on the Italian territory, which lasts up to 6 months from the submission of the application. It allows third-country nationals to regularly stay in Italy (and only in Italy) while looking for a job in one of the sectors indicated in [FAQ 2](#).

### **13 Who can apply for this permit?**

Third-country nationals who can apply for this permit must satisfy all the following requirements:

- They must hold a passport or an identity certificate issued by the diplomatic mission of their country of origin;
- They must have always been present in Italy prior to and since 8 March 2020 onwards;
- They must already have held a residence permit, which has expired on or after 31 October 2019 and which has not been renewed or converted in another residence permit;
- They must have carried out proven work activities in one of the sectors indicated in [FAQ 2](#) before 31 October 2019.

(Check [Circular No 44366 of 19 June 2020](#))

Third-country nationals cannot be admitted to the procedure if:

- They were issued an expulsion order by the Ministry of the Interior or the Prefect for “social dangerousness”;
- They have been reported and consequently refused entry or stay in the State due to

- international agreements and/or conventions in force in Italy;
- They have been convicted (even with a non-final judgement, including plea bargains) within the last five years for one of the following offences:
    - Offences provided for in Article 380 of the Code of Criminal Procedure (offences for which arrest in *flagrante delicto* is mandatory);
    - Offences against personal liberty;
    - Drug offences;
    - Aiding and abetting illegal immigration;
    - Recruitment of persons to be exploited in prostitution;
    - Exploitation of prostitution or of minors employed in illegal activities;
  - They are considered a threat to the public order and to the security of the State or of one of the countries with which Italy has signed agreements for the abolition of internal border checks and for the free movement of persons. Upon assessing the dangerousness of the individual, convictions, including non-final judgments, for one of the offences provided for in Article 381 of the Code of Criminal Procedure (offences for which arrest in *flagrante delicto* is optional) are taken into account.

#### **14 How can one prove previous work experience?**

Previous work experience in one of the sectors indicated in [FAQ 2](#) in a period prior to 31 October 2019 is proven by presenting the appropriate documentation, a list of which is available [here](#).

#### **15 When should the applications be submitted? Is there a limit to the number of applications that can be submitted?**

Applications must be submitted between 1 June 2020 and 15 August 2020. No limit to the number of applications has been set.

## 16 Can third-country nationals apply for the regularisation procedure if their identity card or passport has expired?

As per [FAQ No 18 of the Ministry of the Interior](#), “the application may also be submitted by indicating the details of the expired document, identity certificate or residence permit. However, upon signing the contract the foreign worker must have a valid identity document or an equivalent document that has to be submitted with the application. In the event the worker is not able to indicate the details of one of the aforementioned documents, he/she may use the receipt reporting the number and date of the residence permit application issued by the competent Police Headquarters (*i.e. Questura*)”.

[FAQ No 18 of the Ministry of the Interior](#) further specifies that “if the third-country national is not yet in possession of an identity document upon the convocation for the signing of the residence contract, the latter may be deferred for a reasonable period to allow for the integration of the missing documentation”.

(Check also [Circular No 44366 of 19 June 2020](#))

## 17 What is the procedure for submitting the application?

A third-country national must submit the “job-search permit” application at one of the qualified post offices ([here are the nearest post offices](#)) and address it to the Police Headquarters (*i.e. Questura*) of the province in which he/she resides.

The filled-in and signed application must include the following documents:

- A copy of the passport or equivalent document;
- A copy of the expired permit or of the loss/theft statement explicitly reporting the expiration date of the lost/stolen permit;
- The social security number;
- Documentation proving work experience in one of the sectors indicated ([FAQ 2](#)) before 31 October 2019 (see [FAQ 14](#));
- Documentation reporting current living address;

- The residence permit application [form](#);
- [Form No 1](#);
- The receipt of payment of the 130 EUR lump sum contribution (see [FAQ 18](#))
- The barcode of the 16 EUR duty stamp required for the application.

When submitting the application at the post office, the applicant will receive a letter of convocation to the Police Headquarters for the photographic identification procedures, and a receipt allowing him/her to legally stay in Italy and work as an employee in the sectors indicated in [FAQ 2](#). If necessary, the applicant can consult the dedicated portal and check directly there the status of his/her case and his/her convocation date.

## 18 How much does the application cost?

Third-country nationals applying for a “job-search permit” will have to pay a lump sum of 130 EUR using the [F24 form](#) available at bank counters, post offices and on the website of Revenue Agency (*i.e. Agenzia delle Entrate*). In addition, they will have to pay 16 EUR for the duty stamp and 30 EUR for the service provided by the post office’s external manager upon delivery of the receipt.

## 19 For how long is the permit valid?

The permit lasts for a maximum of 6 months starting from the submission date of the application at one of the qualified post offices. There is no minimum duration.

## 20 How can you convert the permit?

Throughout the entire validity period of the permit, the third-country national may file an application at the qualified post offices for the conversion of his/her temporary permit into a residence permit for work-related reasons.

To do so, the applicant has to prove to have had work experience in one of the sectors

indicated in [FAQ 2](#) by presenting a certificate issued by the competent Territorial Labour Inspectorate that is equivalent to the work contract or social security documentation.

## **21 What happens if one does not find a job before permit expires?**

Third-country nationals who are unable to find a job in one of the indicated sectors ([FAQ 2](#)) by the permit's expiration date might lose their right to stay in the country, unless they prove that they meet the requirements to apply for another residence permit (*e.g.* family reasons).

## **RESOURCES:** (in Italian only)

[Decree-Law No 34 of 19 May 2020, Art. 103](#)

[Decree of 27 May 2020](#) - Submission procedure for the regularisation application

[Circular of the Department for Civil Liberties and Immigration of 30 May 2020](#)

[Circular of the Department of Public Security of 30 May 2020](#)

[Decree-Law No 52 of 16 June 2020, Art. 3](#)

[Circular of the Department for Civil Liberties and Immigration of 6 June 2020](#)

[Circular of the Department of Public Security of 19 June 2020](#)

[FAQ of the Ministry of the Interior on the regularisation procedure 2020 of non-EU foreign workers \(updated on 13 June 2020\)](#)

[Reasoned guide to the regularisation procedure, Art. 103 Decree-Law No 34, Lawyer Paolo Cognini \(updated on 6 June 2020\)](#)

[Regularisation of foreign workers – ASGI \(updated on 15 June 2020\)](#)

## **CONTACTS:**

This handbook was written by Lawyer Gennaro Santoro, Flaminia Delle Cese and Paola Petrucco.

Graphic design by Andrea Colombo.

Translation by Paola Petrucco.

For more information please contact [legal@cild.eu](mailto:legal@cild.eu)

# REGULARISATION PROCEDURE 2020

FAQ

PRODUCED BY



**CILD - ITALIAN COALITION FOR CIVIL LIBERTIES AND RIGHTS**  
via Monti di Pietralata, 16 - 00157 ROME - [cild.eu](http://cild.eu) - [info@cild.eu](mailto:info@cild.eu)