

Introduction

This publication, that is part of the LEADER + Community Initiative 2000-2006, is going to promote and enhance the resources of the rural areas and the economic local system.

CO.G.A.L. Monte Poro - Serre Vibonesi's D.L.P. (Development Local Plan), contains a special measure "to improve the quality of life", with the goal to stem the continuing depopulation of the rural areas.

Within the framework of the Community Initiative LEADER + for rural development, the Local Action Group is implementing a new project to "develop some innovative and advanced services" aimed at favouring social inclusion of persons at risk.

CO.G.A.L. Monte Poro - Serre Vibonesi still focuses its attention on weak and disadvantaged target groups. In the past time similar initiatives were carried out such as:

- the "Desert II project" within the Community Initiative YOUTH - START aimed at helping youths aged under 20 years old to enter the labour market;
- the "employment project" within the Community Initiative "EQUAL" based on equal opportunities, occupability, adaptability and social enterprises.

In few words, this project, within the LEADER + Program, gives a big contribution to the creation of "Public Utility" services; and therefore it has the following special objectives

- assessment and recognition of rural people's needs; planning of

innovative services in favour of weak and disadvantaged target groups;

- *organization of a new offer system that will focus on peculiar activities for people at risk of social exclusion;*
- *awareness raising and involvement of the key actors and entities to implement activities for the above mentioned groups (such as toxicodependents, immigrants, long-term unemployed, persons of the penal area).*

Furthermore, CO.G.A.L. by means of this project, will carry out seminars, communication campaigns and other activities with the involvement of private and public institutions, enterprises and actors of the civil society.

PAOLO PILEGGI

Chairman of CO.G.A.L. Monte Poro-Serre Vibonesi

Entry Visa

Each person entering Italy must possess an entry Visa, a document granted by the consulate of country of origin.

It is based on the Schengen agreements which have eliminated the borders among the European Union countries constitute the "Schengen Space". In this space, the entry visa permits the free circulation inside this space.

The perimeter of the Schengen Space that limits the external boundaries, is constituted by the following countries:

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxemburg, Holland, Portugal, Spain, Sweden, Island, Norway.

The conditions for visa's issue are provided by the Ministry of Foreign Affairs, in collaboration with other administrative and ministries: Ministry of Internal, Ministry of Labour and Welfare, Ministry of Justice, Ministry of Health, Ministry of Productive Activities and Ministry of Regional Affairs.

Visa type C is valid for a single entry for a maximum duration of 3 months.

Visa C allows entry to stay for a maximum of 3 months for the following reasons:

- tourism
- business
- study
- family reasons
- training
- sports event
- religious
- medical treatment
- mission
- invitation
- independent work
- employee work

The Visa may be renewed after six months from the last visa issued.

People wanting a Visa for longer duration will be issued a type D that is issued for a period of more than 90 days, allowing the holder to stay on the national territory for the period indicated on the permit of stay.

The visa D can be obtained for the following reasons:

- adoption
- training
- sports activities
- religious
- medical treatment
- residence
- diplomatic

- employee work
- independent work
- mission
- family reunification
- re-entry
- study

The visa D allows entry any other Schengen country for a period of no more than 90 days every 6 months, and the holders should declare their presence within 3 days to the Police Authority

Visa with a shorter duration can also be type A or type B, visa A is for airport transit while type B grants entry for a period not longer than 5 days.

The application for the visa's issue must contain:

- personal data and, where applicable, of relatives (family dependants, parents);
- the passport data or equally valid document with enclosed copy;
- the place where applicant is going;
- the duration of stay;
- the purpose of trip;
- the type of transportation used;
- sustenance means for the entire duration of stay including the return trip to the country of origin;
- housing situation.

The visa is denied by written grounds when the applicant hasn't the requirements or results convicted for crimes sited in article 380

Penal Procedure Code. Those who are previously deported or rejected, or not allowed to enter in accordance with international agreements subscribed by Italy - for grave national security and public order reasons - can't come to Italy.

ENTRY AND STAY

Entry into Italian territory is granted to those who have a valid passport or equivalent valid document.

Entry is denied to those who haven't funds to stay in Italy and for the return to their own countries.

The means of sustenance are defined by directive issued by the Ministry of the Internal Affairs.

Foreign citizen entering Italy legally must request the permit of stay, within 8 week days from arrival, at local police station.

The permit is the only paper which authorizes the permanence on National Territory.

The application must include:

- personal information and, where applicable, those of dependants;
- the place where the applicant is going to stay;
- the reason of stay;
- passport or equivalent document.

The permit of stay can't be longer than:

- 3 months, for a visit, business and tourism;
- 6 months, for seasonal work or 9 months in particular sectors requiring this extension;
- 1 year for study or training; this permit can be renewed every year;
- 2 years for independent work, employee work and for family reunions;
- the specific necessities documented for all other authorized cases.

A permit of stay may be otherwise issued, for:

- political asylum;
- migration to another country until the end of the necessary procedure;
- the acquisition of Italian Citizenship or stateless status to those who have the permit for other reasons - during the procedure for grant;
- reasons of justice, requested by the abiding justice department;
- humanitarian reasons for extreme severity of humanitarian character or the result of constitutional and/or international obligations;
- residence in Italy for those awaiting pension;
- integration of minor, reviewed by Minor's Committee.

Whoever demonstrates to have entered Italy for two consecutive years for seasonal work **will be** issued with due indication of the validity for each specified year. The holder of a 3-years permit must

present himself at the border outside of the Schengen Space at the end of the validity of the permit each year.

To pick up the permit of stay, the applicant must show to have fulfilled the obligation to have health insurance requirement and to have stipulated a contact with an Italian or foreign company valid in Italy or with the National Health Service.

The permit's holder, who has left Italy and wants to re-enter, must show a passport and the permit of stay at the border check. If the permit has expired, for not more than 60 days, he has to request a re-entry visa; if the permit has been lost or stolen, he has to request the entry visa.

PERMIT OF STAY - RENEWAL -

The renewal of the permit, must be requested before expiration and not more than 60 days after, otherwise, the applicant must demonstrate that the renewal was not possible during that period.

For the permit of stay, for workers with no time limit, the request must be presented at least 90 days before the expiration; for the permit with time limit, the renewal must be requested 60 days before the expiration; in all other cases, 30 days before are sufficient.

The renewal is subject to the conformities of the immigration laws.

A renewal is issued if the applicant demonstrates:

- means of economic sustenance in accordance with applicable laws;
- housing situation.

The duration of the permit will not be superior of the original permit.

The permit no longer than 90 days can't be renewed for some serious reasons of humanitarian character or resulting from constitutional or international obligations.

On the renewal the applicant is subject to taking photo and finger-print.

The receipt proving the submitted application must be shown to A.S.L. as condition to keep on the registration in N.H.S.

The immigration police, waiting for the result of the procedure of consultation with other countries, can issue only a permit for 6 months valid on the national territory.

DENY AND REVOCATION

The permit of stay can be denied or revoked for lack of requirements.

Requirements are:

- a) possession of a valid document;
- b) not existence of notice from other Schengen states;
- c) entry visa;
- d) evidence of means of subsistence;
- e) absence of social danger for the national and international public order and safety;
- f) condemnation for crimes committed cited by article 380 CPP.

The permit of stay is denied or revoked by means of written correspondence which allows 15 days to leave voluntarily national territory. To absence of that, this will proceed to the obligation expulsion paper.

To contest denial or revocation of the permit of stay, appeals are admitted at the T.A.R. (Regional Court of Justice).

EMPLOYEE CONTRACT FOR WORK VISA

The employee contract is prepared by Italian employers with current legal status in Italy.

The works contract must contain:

- employer's guarantee of hospitality (housing) in accordance with the applicable public housing laws (not necessarily at employer's home);
- employer's commitment to provide for the necessary costs employees return-trip back to the country of origin.

An employer (Italian or foreigner with legal status) who intends to employ a foreign citizen, must apply at the specific and only representative for immigration of provincial residence or legal address of the business.

The request must be in the form of a current application form, available at the provincial residence office, and must contain these elements:

- The employer's personal data or those belong the legal representative of the business. This includes the name of the business, office's address and any other work -pertaining sites;

- Employer's personal information including his residency abroad whereas in a numeric case (request for various people), the employer may file a request for all the workers together;
- Compensation and insurance in accordance with the applicable laws;
- Employer's guarantee, by signed declaration, to provide hospitality - housing in accordance with the applicable public housing laws and Employer's commitment to provide for the necessary costs for employee's return trip back to the country of origin;
- Employer's commitment to report any change which concerns the working relationship with the foreign employee.

The request must be accompanied by:

- a self-signed declaration of current registration with the Chamber of Commerce, Industry, Hand-crafts;
- a self-signed declaration of employment economic capacity by means of providing fiscal and insurance-related status;
- the request for an employee work-visa for indefinite, temporary, seasonal, being either full or part time work but not less than 20 hours per week and in case of domestic work a wage not less than 439 euro per month.

If the employer intends to withhold from employee wages a sum, which may be equal to not more than one third, as compensation for housing the employee, employer must indicate specifically this fact in all its entirety in the request. In the case of national collective contracts, the employer may not withhold this sum.

The specific representative of immigration verifies the regularity of the documents, making sure that nothing is missing, then produces a "nulla osta" within the limits of the quota numbers, and sends the documentation to the Italian Consulate in the employee's country of origin.

Authorization and the "Nulla Osta" are issued within 40 days from the employer's request. The Consulate in the employee's country then verifies and produces the visa.

If either the employer or employee is found to have been reported to the police or arrested for a crime referred to articles 380 and 381 of the C.P.P. the "nulla osta" is not granted except in cases of not been convicted.

The authorization with the "nulla osta" must be presented at the consulate and with then issue a work visa within 30 days of presentation, and than used to enter the country within 6 months of issue.

Loss of employee status does not constitute reason for revoking the permit of stay, whoever loses their job has the right to keep the permit for not less than 6 months.

Workers without permit of stay are punished with 3 - 12 months imprisonment with a fine of 5000 euro for every illegal worker.

The permits can be:

- short term
- long term
- seasonal

Inscription in the list remains valid for 12 months and may be renewed.

To obtain work authorization for workers on a list, the employer must apply at the Provincial Direction of Work, which may be numeric or nominative.

ENTRANCE AND PERMIT FOR INDEPENDENT WORK

Whoever intends to enter Italy to perform a professional activity or any sort of independent work, must request a specific visa at the Italian Consulate in the country of origin or residence. The applicant must demonstrate adequate economic resources and necessary documentation, licenses, registration in the Chamber of Commerce, depending on the type of business. This includes, where required by Italian law, a Statement from the competent authority, issued within 90 days of request, which nothing to their knowledge may hinder or interfere with the necessary licensing for the type of business the applicant intends to perform.

The independent work visa is issued within limits of a specific yearly quota.

A foreigner in possession of an independent work visa must request for the permit of stay within 8 days from entering Italy.

The initial permit is valid for 2 years.

Irrevocable condemnation for law violation pertaining to copyright and referring to in articles 473 and 474 of the Italian Penal Code constitute for revocation of the permit to stay and immediate expulsion.

CONVERSION

A permit of stay issued for: independent work or employee work and family reasons can be used for all the activities not reserved for Italian citizens, even without conversion. Those who hold the permit of stay for an employee can perform independent work, but he has to acquire the authorization or the fulltime certificate and can be partner a of co-operative. The permit of stay for family reasons allows employee and independent work.

The permit of stay for study or training allow an employee work for a maximum of 20 hours a week, even for 52 weeks but respecting the restriction of 1040 hours for year. This type of permit can be converted, before its expiry as permit for work, within the limit of yearly quota.

A permit of stay issued for: family reunions, for accompanying a worker with proper visa, humanitarian reasons, integration of minors, allows the holder to legally work as an employee or independent.

A permit of stay for employee work, independent work, and family reasons may be converted to a permit of residence.

OBLIGATIONS FOR WHOM ACCOMMODATES A FOREIGN CITIZEN

Whoever accommodates a foreigner or a stateless person, even though is a relative, must give written communication within 48 hours to the local police.

RESIDENCE CARD

The residence card can be requested by:

- people regularly living in state territory for at least six years holder of a permit for a reason that allows for unspecified number of renewals. The residence card, which is permanent, can be requested also by married foreigners or their dependants or parents who lived with an Italian citizen or with a citizen of one of the State of the European Union holding Italian residence.

This kind of card can be denied for persons awaiting trial or conviction, even if not definitive, for one of crimes sited in articles 380 and 381 of C.p.p. The residence card can be obtained if the applicant has been rehabilitated and can be revoked, in case of conviction, for the same crimes. If this card has been revoked it is possible to obtain the permit of stay.

To contest denial or revocation of residence card appeal is admitted at T.A.R.

The residence card allows entry without a visa, use of services and every activity apart from those which are reserved for Italian citizens and, if allowed by the law for, the possibility to vote in the administrative elections.

HUMANITARIAN DISPOSITION

The permit of stay for social protection reasons is granted to the foreigners who want to escape criminal organizations and the Province Police Department Chief deems the co-operation given by the foreigner considerable to contrast the organization. This type of

permit lasts for 6 months, and it is renewable if necessary. It is denied in case of incompatible behaviour of the holder or of the end of the condition that has justified the initial issue. This permit includes access to services, to work, to study and is convertible in permit for work or study.

The permit for motive of social protection can be proposed by:

- Social Services with the local agency or association or other organisations with the local agency;
- the District Attorneys office in case of beginning of a penal procedure relative to violence or exploitation of that foreigner who has co-operated.

PERMIT OF STAY FOR PEOPLE WHO CAN'T BE EXPELLED

It is prohibited to expel people:

- minor age, 14 years of age with the parental permit or the governs if it is left in minor age and immediately informed in the Country of Minors.
- Family reasons for foreigner's relatives up to 4° degree or married with an Italian
- Medical treatment to pregnant woman six month after delivery
- Humanitarian motives to those people that cannot be expel, for one of the following reasons, race, sex, language, citizenship, religion, political opinion, personal or social conditions.

In case of natural disaster or government conflict, the Government can temporarily adopt measures of protections for the fugitives coming from the interested zone.

REJECTION, CONTROLS, SANCTIONS TO THE ILLEGAL IMMIGRATION

The police will reject foreigners who arrive at the border without requirements for entry, even after being temporarily admitted for having assistance, apart from the asylum seekers, refugees. The empowerment and co-ordinations of border controls are actuated in concurrence with other interested countries.

The aiding and abetting of illegal immigration is punishable by 1-3 years' imprisonment and a fine of 15000 Euro. In case of profit, association with other people, entry for more than 5 persons, exploitation purpose, the penalty is aggravated by the 4 -15 years' imprisonment; whoever aids the permanence of foreign, in order to take profit of his illegal status, is also punishable. The rescue and humanitarian assistance to the foreigners in need do not amount to a crime.

The air, sea and land carrier is obliged to check the qualification of the documents held by the foreigners and to report about to the police, otherwise is sanctioned. Police is endowed with ample possibility of inspection on means of transportation - and in case of foreigners' rejection, they have the burden to transport the foreigner to the state of origin or of departure immediately.

EXPULSION

Administrative expulsion

A foreigner can be expelled in the following cases:

- for public order and safety of the State, it is ordered by the

Minister of Internal Affairs and the foreigner is accompanied immediately to the border;

- for irregular entry; decided by the Prefect; the foreigner is accompanied immediately to the border if he hasn't any kind of personal identification and the Prefect deems there is danger that this person will not leave Italy; in other cases, or in the case when the foreigner enter Italy before the implementation of the law 40/98, a warning notice is issued to leave Italy within 15 days of the noticer;
- those who remain in the territory of the state without requesting the permit of stay, or those who have been denied or whose permit has expired over 60 days and have not requested the renewal without justified motiver;
- whoever belongs a mafia organisation or is involved in criminal traffic, endangering minors, health, security and the public tranquillity.

Whenever it is not possible to immediately effectuate the expulsion or rejection because it is necessary to rescue or identity and nationality verification, the foreigner is held in a centre for temporary permanence and assistance.

When expulsion is not possible, the Local Police Department Chief files an order for the foreigner to leave the territory within 5 days of notification. Violation of this order will result in imprisonment for 1-4 years. When the expulsion is because of a permit of stay expired longer than 60 days without having requested for a renewal, violations are punished with arrest from 6 months to one year. In any case, police authorities proceed to the new adoption of expulsion

where violations are punished by imprisonment for 1-5 years in the first case mentioned and 1-4 years in the second case.

Appeals against the expulsion ordered by the Minister of Interior are accepted at the T.A.R. in Lazio, Rome Branch. Any other order of expulsion may be appealed at the judge of peace within 60 days of notification. When the expulsion consisted of being transported to the border, the appeal is filed through the diplomatic representative at the Italian Consulate.

Whoever has been expelled cannot re-enter Italy for 10 years, beginning from the date of departure. Some special authorizations, issued by the Ministry of Interior, do exist but not before the minimum of 5 years.

Expulsion as security measure

A judge may order for expulsion of a condemned foreigner, even to the first degree, for one of the crimes cited in articles 380 and 381 of the C.P.P. if found socially dangerous.

Expulsion as means of substitution for detention

A judge may order expulsion as an alternative to penal detention within a limit of 2 years. This expulsion is ordered for a foreigner sentenced for not negligent offences or when a judge inflicts a penalty on request and there aren't the conditions for a suspended sentence. The expulsion may not be for a period inferior to 5 years.

DETERMINATION OF ENTRANCE QUOTA

The government fixes the criteria for the determination of the quota by a programmatic document drawn every three years. The Prime Minister, after heard the opinions of Ministries concerned and the competent Parliamentary Commissions, defines the yearly quota for work permits and issues a decree. The entries for family reunions are not included on the quota. The decrees for the quota establish the numbers reserved to people coming from countries with whom Italy has made bilateral agreements. These agreements may also establish quota for seasonal workers through a system of lists constituted in Italian Diplomatic and Consulate representative where people can register.

In establishing the quota, the decrees take into account the countries who have signed agreements for re-admission of its own citizen who are subject to the current laws of expulsion and foresee restrictions for countries which do not collaborate.

Reserved quota are assigned to workers of Italian origin who have at least one parent up to three generation who is Italian. The lists for these reserved quota are available to applicants at the Italian consulate.

The decrees are formulated on the basis on data about employment wanted, and shared for regions and provinces and processed by registry office of Ministry of Labour and Welfare.

In each province, at the Territorial Governmental Office a specif-

ic office for immigration is responsible for the entire procedure of hiring foreigner employee.

Whoever wants to work as independent for a company or an Institute in Italy must present a "declaration of responsibility" at the Italian Consulate addressed to Provincial Direction of Labour. A legal representative of the company or Institute must present the declaration and must state that the type of work is strictly independent and foreign worker will not be an employer.

FAMILY REUNION

The re-union may be requested by the holder of residence card or of a permit of stay with a duration not less than 1 years for:

spouse, underage children even adopted or in case of foster care, disabled sons of age and/or unable to work, parents who don't have other sons in their country of origin and are unable to work.

To do this request, except in case of refugee, applicants must demonstrate the following:

- a housing situation in accordance with the Regional relative public housing Laws;
- an annual income, legally earned, which is not less than the minimum allowance of social security. In cases where unification is for than one person, the income must be doubled for 2 or 3, tripled for 4 or more.

A natural parent may enter Italy with his underage son who is in possession of a permit of stay even if the aforementioned require-

ments are not presented immediately but within a year of the request.

The residence card holder's relative or the permit of stay holder's relative who enters with them is allowed to enter when he has requirements.

Moreover, Italian or E.U. citizens' relatives entering with them are allowed to enter when the re-union is possible.

Whoever has a permit of stay for family reasons cannot request the re-union with other family members.

The "nulla osta" for re-union must be applied at Immigration specific office at Territorial Government Office where the applicant lives.

The documents to present are:

- copy of the permit of stay or of the residence card;
- documents referring to income;
- documents referring to housing in accordance with regional pertaining laws with certificate issued by technical municipality office;
- documents proving relationship, minority and state of family; these documents must be legalized by Italian consular authority in the country of origin.

The family member entering Italy with visa for family reunion must request the permit of stay and its duration will be the same of relative's permit.

This kind of permit allows: the access to Health National Service, the admission to employment registry office, to study, to work as employer or independent and can be converted for study or work reasons.

This kind of permit can be for brief duration when the visa is of type C issued for a visit to relatives.

The dependant is registered in the permit or card of one or both the parents until is 14 years old with the same legal status. When the dependant is 14 years old a permit of stay will be granted until 18 years old.

HEALTH SERVICE

Health Assistance is granted to foreigners legally staying. The law guarantees the same treatment of that for Italian citizens as concerns the compulsory charges and the assistance given by NHS (National Health Service).

The permit of stay holders and those who are applying the renewal of permit for work, unemployment, family reasons, political asylum, awaiting adoption, awaiting citizenship, are obliged to register at National Health Service. The registration must be done at the Local Health Agency (A.S.L.) in the area where they live.

Health service is also granted to dependants family members legally staying.

Foreigners legally staying who are not in the above-said categories must stipulate an insurance contract with an Italian or recognized in Italy company or can voluntarily register in NHS where they live. The insurance is against a risk of illness, accident, and maternity. Voluntary inscription to NHS can be requested by:

- the permit of stay for study holders;
- the holder of permit of stay au pair referring to concerning European Agreement.

Foreigner registered in N. H.S. do not have to renew the registration every year but are automatically cancelled when lose the requirements. For yearly registration a sum must be paid that is established by the Ministry of Health.

Foreigners legally staying who are not registered in NHS must pay the health care.

The foreigners without permit of stay may receive the urgent treatment or the continuously treatment for illness and injury. The use of medical structure do not involve the denounce to the police authority.

ENTRY AND PERMIT OF STAY FOR MEDICAL TREATMENT

A foreigner who intends to have medical treatment in Italy together his accompanist may have a specific entry visa and the respective permit of stay.

In order to issue visa for medical treatment it is necessary to present documents proving available funds for medical expenses or an insurance policy.

The permit of stay for medical treatment is issued with a previous payment of a part of the cost for the treatment or with the range of the international co-operation program in the humanitarian field. The permit of stay for medical treatment has the same duration of the treatment and is renewable until the proved therapeutic necessities.

ENTRY AND PERMIT OF STAY FOR STUDY

To obtain the entry visa for study it is necessary:

- a pre registration to a course of study;
- an adequate economical guarantee;
- an insurance policy or registration to S.S.N.

The diplomatic and consular authority grants the visa for study for test of admission to the university and for attending preliminary courses of Italian language; it will be issued on the bases of the means of sustenance valuation. The means of sustenance may come from education grant or from a guarantee given by private or public agencies.

The visa for study allows the issue of a permit of stay for study for one year. The permit of stay is renewable to the students passing at least one examination in the first year of the course, and at least two examinations in the years after. The permit of stay cannot be issued for more than 3 years beyond the duration of the course of study. Otherwise, the permit may further be renewed for the specialization and doctoral research.

Every year, on December 31st the universities establish the maximum number of foreign students admitted in courses of study for the next academic year by means of decree issued by the Ministry of Foreign Affairs and the Ministry of Education.

EDUCATION AND PROFESSIONS

All the minors even though those who do not hold the permit of stay have scholastic obligation.

The minors without permit of stay are registered with a condition. The condition does not prevent to achieve educational qualifications.

Schools and associations may organize courses of Italian language for underage and adults, training for teachers and intercultural activities.

The foreigners holding professional qualifications recognised in Italy may register in the professional guilds or in lists of special institutes at competent ministries in the limit of quota restriction.

He who regular of permit of stay in Italy for least 5 years will have the priority with respect to others foreigner.

HOUSING AND SOCIAL ASSISTANCE

Foreigners with legal permanence in Italy may be hosted temporarily in *reception centres* and social lodges and can live in a public housing *buildings*.

Any foreigner whose permit of stay has computed one full year or is holder of permanence card has the right with the social assistance under the same conditions as the Italians.

MEASURES AGAINST THE DISCRIMINATION

Against discriminatory act by private institutions or Public Administration it is possible to propose legal action before the Court in order to stop the discriminatory behaviour immediately. The judge may order the end of behaviour which excludes or restricts people on the bases of criteria of race, ethnic, religion, nationality and which compromises the exercise of fundamental liberties in any sector of public life.

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