

# REGULARIZATION OF EMPLOYEE/WORKING RELATIONSHIPS (ART. 103 PAR. 1, LAW DECREE N. 34, 19 MAY 2020)

## INFORMATION FOR ASYLUM SEEKERS

### ? I am an asylum seeker, can I take part in the regularization procedure? -----

YES, if you meet the following requirements:

1. You are in an irregular employment situation or someone is ready to hire you;
2. You entered Italy **before 8 March 2020** and you can prove it;

*How to prove your presence in Italy:*

- through records of **fingerprinting/photographic identification** you underwent when you entered Italy;
- with the entry date **stamp on your passport**;
- with **other documents**, such as medical certificates from a public health structure, children's school certificates, personal public transportation cards, certificates issued by Police forces, SIM cards or contracts with Italian phone service providers registered under your name, documentation issued by authorised reception centres, including religious ones.

3. and you have never left the Italian territory after 8 March 2020

### ? In what sector should I be employed to take part in the regularization? -----

The **following sectors** are considered for regularization:

- a) agriculture, animal husbandry and breeding, fishing and aquatic farming and "related activities";
- b) caretaking;
- c) domestic work and support to families.

"**Related activities**" are, for example, employment in the food industry, animal food production and waste recycling.

Your contract can either be **fixed-term or permanent, full or part-time**. To make sure that your employment condition meets all the requirements, ask for help from a "Patronato" or a legal counselling help desk.

### ? Who should file the application? -----

The application should be filed by the employer for whom you already work irregularly or who is ready to hire you. The application should be submitted to the "Sportello Unico Immigrazione" (One-stop Immigration Desk) through the link: <https://nullaostalavoro.dlci.interno.it/>.

The employer will have to prove he/she has a yearly income of a certain level and will have to pay a flat-rate contribution of 500 Euros.

**Beware:** your application for regularization will not be accepted if you or your employer fall into one of the cases of inadmissibility listed in art. 103, par. 10 and par. 8 of Law Decree n. 34/2020. This is, for example, if you or your employer have been convicted for certain crimes, served with an expulsion order or are considered a threat for public order or State security.

**?** *What documents do I need for the regularization?* -----

Some information, and specifically a reference to a **valid identification document** of yours, must be included in the application.

The copy of your passport is **not necessary**, because the “residence permit for asylum application” is a valid identification document. Therefore, **you do not need to contact the authorities of your Country of origin to obtain a passport, nor you need to ask the one you have previously handed over to the Questura back.** Nevertheless, if you do not have a valid document, you may ask the Questura a “**certified copy**” of your passport, if you handed it over when you applied for asylum.

**?** *What do I have to do after the application for regularization has been filed?* -----

The “Sportello Unico Immigrazione” (One-stop Immigration Desk) will examine your request and **will call you, together with your employer, to sign the “contratto di soggiorno”** (an agreement on your employment conditions, necessary for the release of your work permit)

**Beware:** if you or your employer do not appear on the day when you are called, the application for regularization will be dismissed and the procedure closed.

**?** *To access the regularization do I have to withdraw my asylum application?* -----

**NO, it is NOT necessary.** The application for regularization will proceed at the same time as your asylum application.

**?** *When my request for regularization is accepted do I have to withdraw my asylum application?* --

**NO, it is NOT necessary.** If you decide to go ahead with your asylum procedure, you will receive a **paper version of the residence permit for work purposes marked by the letter “R”**, which will allow you to regularly stay on the Italian territory until the final decision on your asylum application. Remember that with this residence permit, **you are not allowed to leave the Italian soil.**

However, if your request for regularization is accepted and you are not interested in going ahead with the procedure for the recognition of international protection, you may withdraw your asylum application and **you will immediately obtain an electronic residence permit for work purposes.**

**?** *What do I do if my request for regularization is accepted and, then, I also obtain international protection?*

In this case, **you will have to choose** between a residence permit for international protection and a residence permit for work purposes.

- **If you choose the residence permit for work purposes**, the paper version of your document will be replaced with an **electronic one**, which will allow you **to travel outside Italy**, but **you will have to formally renounce international protection and you will have to have a valid passport**;
- **If you decide to maintain your international protection**, you have right to:

- ✓ **A five-year renewable residence permit**;
- ✓ **Travel outside Italy with a travel document** (if you are refugee) **or a travel permit** (if you are beneficiary of subsidiary protection or if there are well-founded reasons based on which you cannot request a passport from the diplomatic authorities of your Country of origin):
- ✓ **Work even in the public sector**, under the same conditions of the European Union citizens
- ✓ **Family reunification** without the need of proving that you have an income or a place to stay;
- ✓ **Welfare, education and health services**, under the same conditions that Italian citizens are entitled to

**Beware:** travel document and travel permit **are not valid** to travel back to your Country of origin.

**?** *If my request for regularization is accepted, do I lose right to my place in the reception system?*

- **Yes**, if your **yearly income in 2020 is above € 5.977,79** (€ 11.955,58 if you sum up your income to the one of your spouse).
- **No**, if your yearly income is lower than this sum.

**Beware:** you will certainly have to leave the Reception Centre if you decide to withdraw your asylum application or to renounce the protection recognised to you.

**READ CAREFULLY THIS INFORMATION LEAFLET, BECAUSE WHEN YOU SIGN YOUR WORK CONTRACT, THEY WILL ASK YOU IF YOU ARE WILLING TO CONTINUE WITH THE ASYLUM PROCEDURE OR IF YOU INTEND TO WITHDRAW YOUR APPLICATION.**

**IF YOU CONTINUE WITH YOUR ASYLUM APPLICATION, YOU WILL RECEIVE A PAPER RESIDENCE PERMIT, VALID FOR 12 MONTHS, RENEWABLE UNTIL A DECISION IS TAKEN ON YOUR ASYLUM APPLICATION.**

**IF YOU DECIDE NOT TO CONTINUE WITH YOUR ASYLUM APPLICATION, YOU WILL BE ASKED TO GO TO THE POLICE OFFICE AND WITHDRAW YOUR REQUEST, AND YOU WILL BE GIVEN A RESIDENCE PERMIT FOR WORK PURPOSES VALID TO A MAXIMUM OF 2 YEARS, RENEWABLE.**

(separate sheet)

**Statement concerning the procedure of regularization of employee/working relationships (art. 103, par.1, Law Decree N. 34, 19 May 2020) for asylum seekers**

**I, the undersigned....., born on ....., in .....,**

**I have read the information leaflet concerning the regularization procedure of employee/working relationships, for asylum seekers and declare that:**

- I want to continue with my application for international protection**
- I DO NOT want to continue with my application for international protection**

**Signature of the asylum seeker**

.....

**Date, Place:**

.....