

Italian government has implemented the European law (directive 2009/52ce) that establishes harsher fines and punishments towards the employers who enroll foreign citizens staying illegally in Italy.

Fines will be harsher:

1. If the employer has more than three workers,
2. If he enrolls minors;
3. If he exploits them when at work;
4. If there's a particular exploitation of labour (art. 603-bis of the Penal Code), that is working conditions where violence, threatens, extremely low wages and extremely heavy work-shifts compared to the law standards.

If a foreign citizen reports to the police his employer and he keeps on cooperating with police and judges during the penal proceedings, he may be granted a 6 months permit of stay, renewable for one year.

Further details will be available at the end of October when the Government should issue a new decree to enforce this directive.

Provisional rule/ voluntary amendment

The Government following the proposal of Minister Riccardi and with the approval of the Parliament established a temporary rule to let employers avoid harsh fines and to let non EU workers be regularised.

Applications may be submitted from September 15 to October 15.

Who can apply:

- 1 Italian employers**
- 2 resident EU employers**
- 3 non EU employers owning a long-term permit of stay.**

Employers need to report an annual income not lower than a threshold which will be established within 29 August by means of a decree. In 2009 the minum annual income was equal to 20.000 €

Who can't apply:

- 1. whoever has been condemned for offenses related to aid and abet of illegal immigration, smuggling of minors and prostitutes.**
- 2. whoever has been condemned for exploitation of labour**
- 3. employers who didn't fulfil some previous regularisation process except those who weren't responsible for its failure.**

Work contract

Working relationship should have started at least three months before application , that means not after may the 9th 2012 and should be still active at the time of application. Every kind of full-time work (at least 36 hrs/week) can be regularised (agriculture, commerce, factories, construction..). For domestic work it is also possible to regularise part-time work (at least 20 hrs/week).

Payments due

1. 1000 € to be paid within October the 14th , before submitting the application. Most probably contributions can be paid from the beginning of September.

2. Contributions for **at least 6 months** previous to regularisation. For example for domestic work (25 hrs/week) due contributions will be around 650 € Contributions fees depend on work typology. Contributions payment receipt should shown when summoned to sign the contract, there fore not before December 2012, most probably during year 2013.

Who can be employed:

Non EU citizens already in Italy before December 31, 2011. Presence in Italy should be certified through documents released by public offices as STP cards for foreigners temporarily present in Italy issued by hospitals and local health units (ASL), medical prescriptions and certifications from hospitals, entrance stamps on passports without exit stamp, expired permissions of stay, expulsion decrees, expired identity cards, fines reporting name and date, study certificates issued by public schools and universities, individual bus subscriptions, train tickets reporting name and date, fiscal codes. People having a permit of stay not allowing work may also be employed: study, religious reasons, request of political asylum, refusal of political asylum.. Further information on the kind of proofs which will be accepted will be available with the issue of the Decree at the end of August.

Who can't be employed:

1. Non EU citizens with an expulsion due to public order or security reasons.
2. Whoever is responsible of any crime with a sentence longer than 3 years.
3. Whoever had an expulsion in other countries of the Schengen Area.

Points 2 and 3 should be evaluated individually.

How to apply

Application should be submitted trough the website of the Ministry of Interior from 15 September. When submitting the application it will be useful to have a photocopy of the worker (passport) and of course of the employer together with the receipt of the 1000 € payment,

Rome, 28.07.2012

For any information please contact: gentidipace@santegidio.org tel. 3342585284