

EUROPEAN  
JOB DAYS

Work in **Italy**

# Recruitment of foreign workers already resident in Italy



Work in **Italy** for: **Non-EU nationals**



**General information to enter/stay in Italy**



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## General information to enter/stay in Italy

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## How to work in Italy?

**Citizens from non-EU countries can access the Italian labour market:**

- ➞ either directly in Italy, if already have a regular residence permit and they satisfy some other requirements provided for by law;
- ➞ or from abroad, within the framework of entry quotas established annually in accordance with the Flow Decrees (except in certain particular cases of entry outside the quotas).

# Recruitment of foreign workers already resident in Italy

In order to work in Italy non-EU citizens must possess a residence permit for employment. Foreign citizens who have a residence permit for: medical care, tourism, religious grounds, business; legal purposes may not work in Italy.

Employers who wish to recruit foreign workers residing legally in Italy must send the local Job Centre (Centro per l'Impiego) within 24 hours of the day prior to the recruitment the "UNILAV" Form for Mandatory Employment Notification.

By sending this form, to be carried out exclusively by telematic means, the employer simultaneously fulfils all the notification obligations: to the National Social Security Institute (INPS), to the National Institute for Insurance against Accidents at Work (INAIL), and other forms of social security, whether substitutive or exclusive, as well as to the Prefecture.

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In fact, the form also contains the commitments which the employer is obliged to undertake in accordance with the Consolidated Immigration Act, namely, payment of expenses for a foreigner's possible return to his/her homeland in the event of obligatory repatriation and indication of the foreigner's accommodation.

Also in the case of a domestic employment relationship, the notification sent to INPS is now valid for the purposes of fulfilling the above obligations.

For issuing/renewal of residence permits for employment, foreigners must produce together with their application, a copy of the UNILAV. During this step, the foreign citizen, in possession of the postal receipt certifying their request of renewal, may continue to work.

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## Single residence and work permit

The European Directive 2011/98/EU introduced in all EU Member States a single application procedure for the issuing of a single permit that allows foreign nationals to reside and work in the territory of a Member State, as well as enjoying a set of rights for foreign workers who are legally resident in a Member State similar to those of national workers in all areas relating to employment (working conditions, education and vocational training, social security, etc.).

The Italian legal system was already in line with the requested procedural simplification, and the consequent legislative decree of implementation introduced only some slight changes to the regulatory framework already in force.

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## Single residence and work permit

Among these was the insertion of the term "single work permit ("perm. unico lavoro") on residence permits which allow to work.

Despite allowing employment, the wording "perm. unico lavoro" is not included: on EU long-term residence permits, on permits issued for humanitarian reasons, refugee status and subsidiary protection status, study, seasonal work, self-employment and for certain special categories for which entry outside the programmed quotas is permitted.

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## Residence contract

The Residence Contract, as envisaged in Article 5 bis of the Consolidated Law on Immigration and by Article 35 of the Implementing Regulations, is an agreement between an employer and a foreign worker with which the employer shall ensure that the worker has at his/her disposal suitable accommodation and also undertakes to pay travel expenses in the event of a possible expulsion of the worker from the national territory.

The Residence Contract does not replace the employment contract but must be signed so that the residence permit for employment under contract can be issued.



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## Residence contract

In the case of a first entry into Italy for work, the Residence Contract must necessarily be signed by the parties at the One-Stop Shop for Immigration (Sportello Unico per l'Immigrazione) within 8 days from the entry of the worker in the territory of the State.

Instead, in the case of a new employment relationship, Article 2 of Leg. Dec. no. 40/2014 has provided for a repeal of the provisions of the Implementing Regulation of the Consolidated Act (Art. 13, paragraph 2 bis and art. 36-bis) which demanded that a Residence Contract be signed when renewing the residence permit for employment.

In the case of a new employment relationship, the commitments relating to accommodation and costs of repatriation are assumed through compilation of the appropriate fields of the UNILAV Mandatory Employment Notification form or, for domestic work, notification sent to INPS.

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## Residence permit for foreigner who has lost his job

In the case of dismissal or resignation (which the employer must communicate within 5 days to the One-Stop Shop and the Job Centre) a foreigner has the right to be entered on the mobility lists (with the payment of the relevant allowance) or the population lists kept by Job Centres for the remaining period of their residence permit and in any case, except in the case of residence permits for seasonal work, for a period of not less than one year or the entire period covered by income support (unemployment benefit e.g. mobility allowance) received by the foreign worker, where this is higher.

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## Foreign workers' rights

All legal foreign workers enjoy equal treatment and full equality of rights with respect to Italian workers.

Pursuant to Article 5 paragraph 9 bis of the Consolidated Immigration Act (Legislative Decree no. 286/98), pending the issuing or renewal of a residence permit, the worker can still work, with full social security rights provided that:

- ➞ he/she has requested a residence permit at the One-Stop Shop within 8 days from entry or, in the case of renewal, the request has been submitted before the expiry of the permit;
- ➞ he/she has signed a Residence Contract
- ➞ he/she is in possession of a receipt certifying the successful presentation of the request for the issuing or renewal of a residence permit issued by the competent office.

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## Foreign workers' rights

In general, the holder of a residence permit for employment:

- ➞ is entered automatically in the NHS (Servizio Sanitario Nazionale, SSN);
- ➞ can access the social housing system and the intermediary services for access to rented accommodation and subsidized credit in relation to a first home on equal terms with Italian citizens if he/she is in possession of a residence permit lasting at least two years and is engaged in regular employment or in a self-employed activity (art. 40, paragraph 6 of the Consolidated Act);
- ➞ can access study courses on a par with Italian citizens (except for the recognition of qualifications for the purposes of pursuing studies) including training and retraining courses;
- ➞ may apply for family reunification and the subsequent entry of family members if in possession of a permit lasting more than one year ([link to the information on the site of the Ministry of the Interior on reunification](#));

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## Foreign workers' rights

In general, the holder of a residence permit for employment:

- ➡ can carry out work under contract different from the one originally authorized (art. 6, parag. 1 Consolidated Act). In this case, the parties will need to sign a new residence contract for employment;
- ➡ can carry out activities of autonomous work, after acquisition of a qualification or authorization and fulfilment of other requirements with a corresponding conversion of the residence permit on expiry;
- ➡ can access the social services (art. 22, parag. 14, Consolidated Act)



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## **CHAT EURES: EURES Advisers can be contacted through EURES portal**

<https://ec.europa.eu/eures>, by accessing to the CHAT service.

For Italy, the service is available every Friday (except public holidays) from 10:30 to 12:30 (CET).

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