



MINISTERO del LAVORO  
e delle POLITICHE SOCIALI

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DIREZIONE GENERALE DELL'IMMIGRAZIONE  
E DELLE POLITICHE DI INTEGRAZIONE



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## Regulations and Jurisprudence

Stricter rules on humanitarian reception, citizenship and detention of irregular migrants  
- [The news](#)

Financial inclusion of the weaker sections with a limited income  
The new basic current account - [The news](#)

Permit while waiting for employment - The permit is not granted if applicants register at an Employment Centre after the expiry of their residence permit - [The judgment](#)

"Bonus Affitti" ("Rent Bonus") - It is unconstitutional to set as requirement the holding of a long-term residence permit - The judgment of the Constitutional Court. [The judgment](#)

The right to work is a fundamental human right that can justify the granting of humanitarian protection - The judgment of the Court of Appeal of Trieste. [The judgment](#)

## Services, projects, opportunities

BLEND-IN - A new App providing guidance to asylum seekers newly arrived in Italy  
[The news](#)

Unaccompanied foreign minors: A Guide for job insertion  
[The news](#)

Mondinsieme: A multilingual Toolbox for managing an association - [The news](#)



- the risk of torture, that is if there are well-founded reasons to believe that the foreigner may be tortured. In evaluating such reasons, the assessment also takes into account the existence of systematic and serious violations of human rights in said State.

Therefore, with regard to **applications for international protection submitted after 5 October 2018:**

- a “special protection” residence permit is granted, if the Territorial Commission’s evaluations establish that, despite lacking the necessary conditions for international protection, there is the risk of persecution or torture. This permit:
  - is valid for one year;
  - allows to work;
  - can be renewed upon expiry if, on the basis of the Commission’s evaluations, the risk of persecution or torture is still identified;
  - cannot be converted into a work permit, not even if the holder of the “special protection” permit has an employment contract.
- whereas, the application for international protection is rejected if the Territorial Commission’s evaluations establish that there is no risk of persecution or torture. Moreover, if applicants do not lodge an appeal, they become irregular migrants, unless meeting the requirements for the granting of a different typology of residence permit.

Moreover, the decree provides for several transitory rules.

**All residence permits for humanitarian reasons valid on 5 October 2018, will remain valid until expiry.** The holders of a residence permit for humanitarian reasons valid on 5 October are allowed to convert such permit, upon expiry or before the expiry, into a subordinate work or self-employed permit, if they have an employment contract or if they meet the requirements for a self-employed residence permit.

If holders do not meet the requirements for converting the humanitarian permit into a work permit, upon the expiry of the former, the Questura will consult the Territorial Commission.

If the Commission’s evaluations establish that there is the risk of persecution or torture, a “special protection” residence permit will be granted. This permit: • is valid for one year; • allows to work; • can be renewed upon expiry if, on the basis of the Commission’s evaluations, the risk of persecution or torture is still identified; • cannot be converted into a work permit, not even if holders have an employment contract;

If, instead, the Commission’s evaluations establish that there is no risk of persecution or torture, the application for the residence permit will be rejected. Moreover, if applicants do not lodge an appeal, they become irregular migrants, unless meeting the requirements for the granting of a different typology of residence permit.

**Whereas, applicants waiting to be granted a residence permit for humanitarian reasons, following a decision of the Commission adopted before 5 October 2018 (even if not yet notified), will be granted a residence permit for “special cases.”** This permit: • is valid for two years; • allows to work; • can be converted, before expiry or upon expiry, into a subordinate work or self-employed permit, if holders have an employment contract or meet the requirements for a self-employed permit.

If the Commission's evaluations establish that there is the risk of persecution or torture, but holders do not meet the requirements to convert the residence permit for "special cases" into a work permit, upon the expiry of the former, a "special protection" residence permit will be granted. This permit: • is valid for one year; • allows to work; • can be renewed upon expiry if the Commission's evaluations establish that the risk of persecution or torture is still identified; • cannot be converted into a work permit, not even if holders of the "special protection" permit have an employment contract.

If, instead, the Commission's evaluations establish that there is no risk of persecution or torture, the application for the residence permit will be rejected. Moreover, if applicants do not lodge an appeal, they become irregular migrants, unless meeting the requirements for a different typology of residence permit



Financial inclusion of the weaker sections with a limited income  
The new basic current account

As of June 2018, banks are obliged to offer clients the possibility to open a free current account. Decree No. 70 of 3 May 2018 of the Ministry of Economy and Finance, established new rules widening the range of those who can have access to a free current account with basic characteristics.

The basic current account is an instrument addressed mainly to clients with limited financial and operational needs and has the aim to help the weaker sections of the population. The basic current account allows to carry out a fixed amount of transactions, both incoming and outgoing, against an all-inclusive yearly fee, or free of charge under specific conditions.

Italy had already anticipated this initiative in 2012. The novelties introduced by the recent decree concern the widening of the range of those who can have access the free current account. Specifically, the decree modified the minimum ISEE/EESI (Equivalent Economic Situation Indicator) level for accessing the basic current account without having to pay expenses and the stamp duty (from 8,000 to 11,600 Euros).

All consumers legally residing in a Member State of the European Union can request a basic current account, including consumers without fixed abode and asylum seekers. The current account is offered with no expenses and no stamp duty to citizens with an ISEE below 11,600 Euros (certified every year within 31 May).

[The news](#) 



**Permit while waiting for employment - The permit is not granted if applicants register at an Employment Centre after the expiry of their residence permit - The judgment**

With judgment of 2 August 2018, the Administrative Court of Emilia-Romagna ruled on the interpretation of Art. 22, paragraph 11, Lgs. D. 286/1998 (Consolidated Act on Immigration - *TU Immigrazione*) establishing that the loss of one's job does not constitute the condition for the revocation of a residence permit, regardless of the employment relationship.

Even a premature termination of a fixed-term employment relationship - which legitimates a permit with a duration equal to that of the actual employment relationship - does not cause the revocation of a residence permit. However, regulations establish that applicants must register at an Employment Centre while their residence permit is still valid.

Permits while waiting for employment are not granted, if applicants register after the expiry of their residence permit.

[The news](#) 



**“Bonus Affitti” (“Rent Bonus”) - It is unconstitutional to set as requirement the holding of a long-term residence permit - The judgment of the Constitutional Court**

With judgment No. 166 of 20 July 2018, the Constitutional Court declared the unconstitutionality of Art. 11, paragraph 13, Decree Law No. 112 of 25 June 2008 (converted, with amendments, into Law No. 133 of 6 August 2008) according to which foreigners were required to prove 10 years of residence in the State or 5 years of residence in a Region in order to have access to the house rent fund supporting needy families.

The mentioned fund was created in 1998. In the beginning, the contribution was granted to holders of a registered lease contract with a low income and a high rent. In no case did the law instituting the Fund provide for distinctions between foreigners and Italians, nor did it set requirements with regard to the duration of the residence on the national and regional territory. It only identified economic criteria for the distribution of the fund to seriously needy subjects.

Decree No. 112 of 2008 amended the law instituting the fund, laying down additional requirements only for foreign citizens. In fact, it established that the latter had to be «in possession of a certificate proving at least ten years of residence on the national territory or at least five years of residence in the same region». The Court resolved that such provision is intrinsically unreasonable.

In fact, according to the Court, the range of those benefitting from any measure can, in theory, be restricted legitimately as long as the principle of reasonableness provided for by Art. 3 of the Constitution is respected. In the case at hand, the judges declared that «ten years of residence on the national territory or five years of residence on the

regional territory» is a duration «clearly unreasonable and arbitrary». Indeed, the requirement of a ten-year residence is illogical because «such term coincides with the one necessary and sufficient to apply for Italian citizenship». Moreover, also requiring five years of residence in the same region is «disproportionate», because subjects lose all rights when changing region.

Therefore, the Court concluded that, in the future, the legislator may provide for «other rooting elements», anyway respecting the principle of “non-discrimination.”

The news 



The right to work is a fundamental human right that can justify the granting of humanitarian protection

With judgment No. 490 of 6 August 2018, the Court of Appeal of Trieste recognised the right of humanitarian protection to a Pakistan citizen on the basis of the stable employment achieved. In its resolution, the Court of Appeal referred to what established by the Court of Cassation in judgment No. 4455 of 23 February 2018. In fact, said judgment specifies that a foreigner’s social insertion cannot be the sole parameter for evaluating the granting of humanitarian protection. It can only “concur to determine a situation of personal vulnerability which must be safeguarded by granting a residence permit that protects the subject from the risk to be newly placed - due to forced return - in a social, political or environmental context, such as that of the country of origin, capable of significantly and truly endangering his/her inviolable fundamental rights.”

The judges of the Court of Appeal of Trieste evaluated the applicant’s state of employment in Italy comparing it to the situation he would have found returning to his Country of provenance. Basically, in Italy, the applicant holds a full-time permanent employment contract (40 hours per week), while in his Country of provenance he does not have a job, and in any case the latter’s labour conditions are not comparable to those guaranteed in Italy. On such basis, the granting of humanitarian protection is justified.

In granting humanitarian protection to the applicant, the judges also referred to the implementation of Art. 8 of the ECHR (European Convention on Human Rights), that guarantees the right to respect private life, and the fundamental human right to work - which the Italian Constitution under Art. 1 establishes as a founding element of the Republic.

The news 



BLEND-IN - A new App providing guidance to asylum seekers newly arrived in Italy

The APP BLEND-IN is a new digital tool that provides refugees and asylum seekers with basic information on the European Country hosting them - specifically Malta, Cyprus, Italy and Greece. The application helps users learn about their rights and opportunities, supporting them in making informed decisions, thus fostering their integration in the host Country. The APP provides information on communication, education, health, safety and work. Accessibility to such information is strengthened by its availability in various languages: English, French and Urdu, for Italy; Arabic, Pashto, Urdu, Somali Tigrinya and Russian, for the other countries.

For further details: <http://blend-in.eu/en/>

[The news](#) 



### Unaccompanied foreign minors: A Guide for job insertion

The Guide has the aim to help unaccompanied foreign minors find training-employment opportunities offered by the Italian provisions. It was realised by INTERSOS in partnership with UNICEF, within the scope of the programme “Interventions for the care, support and development of the competences of migrant and refugee minors in Italy.”

The document is divided into two sections. The first part provides minors with useful information on how to access training paths aimed at job insertion. It provides suggestions on how to find the right path, prepare the necessary documentation, search and find a regular job.

The second section, instead, provides tutors and professionals with useful information on how to realise and define the minors’ “life project” respecting their identity and higher interest.

- Read the Guide for job insertion - Section addressed to Tutors and Professionals
- Read the Guide for job insertion - Section addressed to Unaccompanied foreign minors

[The news](#) 



### Mondinsieme, a multilingual Toolbox for managing an association

This basic Toolbox gives instructions on how to manage an association, design a network and raise funds. “Mondinsieme, elements for managing an association” was created by Non Profit Network - CSV Trentino, within the scope of the project “Mondinsieme.”

The brochure is available in Italian, English, French and Arabic.

Browse the page devoted to the brochure in English, French and Arabic

[The news](#) 



**Orchestra dei Braccianti (Farm Labourers' Orchestra) at its debut: musicians, farmers, and migrants of different nationalities, joined by their common involvement in the agricultural sector**

"To fight illegal hiring of farm labourers through music" is the challenge launched by Orchestra dei Braccianti. The project, created by the association 'Terra!', involves musicians, farmers and migrants of different nationalities, joined by their common involvement in the agricultural sector. To date, the Orchestra is composed of 18 elements from Italy, France, Gambia, Ghana, Nigeria, Libya, Tunisia, India and the United States.

The Orchestra made its debut in a concert held on 9 November at Teatro Mercadante in Cerignola. The aim was to enrol further Italian and foreign musicians working in the agricultural sector, and in particular labourers living in conditions of extreme vulnerability and isolation in informal settlements.

[The news](#) 