

SEPTEMBER 2022

Anti-Discrimination Handbook

Frequently Asked Questions

Basic income (RdC)

All-inclusive family allowance (AUU)

Family allowance (ANF)

Basic maternity allowance

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Opening a current bank account

Access to housing

Access to Employment





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L.A.W. - Leverage the Access to Welfare - is a project by [ASGI](#) and [Medi Study Centre Genoa](#) which, since February 2022, has promoted equal access to social welfare in Italy through a legal and socio-economic approach to ensure the correct application of Italian and European anti-discrimination legislation.

For more information: <https://www.asgi.it/progetto-law/>

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FAQ – Frequently Asked Questions:

REDDITO DI CITTADINANZA

(BASIC INCOME, RdC)

September 2022

Basic Income (“reddito di cittadinanza”, RdC) is a measure to combat poverty that provides economic support for reintegration into the world of work and social inclusion. For families that include only people aged 67 or older (or younger but in a condition of severe disability) it is called a Citizenship Pension.

For more detailed information about how the amount is calculated, how to submit an application and how the benefit is paid, see the pertinent [ASGI information sheet](#).

Requirements

To obtain Basic Income, certain requirements must be met (1) of an economic nature, (2) citizenship or residence permit, and (3) residence.

- **Economic requirement** - The maximum ISEE limit to access Basic Income is **9,360 euros**, to which other limits must be added concerning income, assets and property.
- **Citizenship requirement or residence permit** - Basic Income can be obtained by **Italian citizens, EU citizens, family members of EU citizens and non-EU citizens holding long-term residence permits**. INPS, on its [institutional website](#), also acknowledged the entitlement of holders of international protection.

The Constitutional Court ([sentence no. 19/2022](#)) has declared the requirement for a long-term EU residence permit to be legitimate. **Inasmuch**, Basic Income is not available to **holders of a single work permit and other residence permits (except for holders of international protection)**.

- **Residence requirement** - Italian and foreign citizens alike must reside in Italy for the entire duration of the benefit, and **have resided in Italy for at least 10 years, the last two of which continuously, at the time of submitting an application**.

It suffices to be **effectively resident in Italian territory even if you are not registered with the registry office** ([note no. 3803 dated 14 April 2020 by the Ministry of Employment and Social Policies](#)). For periods of non-registration with the registry office, documents must be available certifying regular stay (e.g. INPS contribution statement, previous residence permits, medical and work documents, rent agreements) and presented to the Local Council of residence, which must then notify INPS that it has ascertained proof of effective residence.

To be eligible for Basic Income, you must be in possession of **all** the foregoing requirements.

The questions

1. I would like to apply for Basic Income but I do not have a long-term residence permit nor a permit for international protection. Can I submit an application just the same?

No. You are not entitled to Basic Income so we advise against presenting an application. The Constitutional Court ([sentence no. 19/2022](#)) confirmed the residence permit required by law. Consequently, holders of a single work permit and other residence permits (except permits for international protection) are excluded from Basic Income.

2. I received Basic Income despite not being in possession of the required residence permit and it was revoked for "not meeting the citizenship requirement". What can I do?

If you did not actually have the required residence permit, you will have to return the sum received (see answer 1). You can ask to repay in instalments. If you ask for repayment in instalments, it is important to state that the request does not constitute an admission of debt. Contact the ASGI Anti-Discrimination Service for more information.

3. What can I do if I do not have the money to repay and I can't pay in instalments?

If you think you cannot repay, do not ask for repayment in instalments. INPS may initiate executive action against you (foreclosure) and may suspend the payment of any other benefits (e.g. single allowance for children) until the debt is settled. We discuss this in more depth in answer 8.

4. I would like to apply for Basic Income but I have not resided in Italy for 10 years. Can I still apply?

Yes. The legitimacy of the ten-year residence requirement is currently being examined by the Constitutional Court as well as the EU Court of Justice. If one of these two Courts (or both) deems the requirement illegitimate, it will be eliminated for everyone. Consequently, if you have all the other requirements (income, residence permit, etc.) except for 10 years of residence, it is advisable to present an application in any case: if the ten-year residency requirement were to lapse, you would be entitled to receive the arrears. The application must be submitted via certified e-mail (PEC) declaring the effective duration of residence. In this way, you will avoid making a false statement, by ticking boxes for requirements that you do not actually possess (as happens if you submit the online application using the forms prepared by INPS).

5. I would like to apply for Basic Income. I have lived regularly in Italy for at least 10 years but I have been registered with the Registry Office for less than 10 years. Can I still apply?

Yes. The [note n. 3803 dated 14 April 2020 issued by the Ministry of Employment and Social Policies](#) indicates that it suffices to verify the ten-year residence requirement by presenting documents detailing effective residence in Italy. When making the application, additional documentation must be attached proving periods of living in Italy (social security account statement, rent and work contracts, medical documents, old residence permits, payment of bills, enrolment of children at school, train season tickets, etc.). If you are unable to attach this documentation through the online procedure, we recommend attaching it by sending a certified e-mail (PEC) to the INPS office in your area.

6. I received Basic Income despite not having resided for 10 years in Italy at the time of application. I then received a refund request from INPS. What can I do?

ASGI believes that the ten-year residence requirement constitutes indirect discrimination against foreign citizens and is contrary to the Constitution. As you can see in answer 4, the decisions of the Constitutional Court and European Court of Justice on this matter are pending. If the decision decided on the illegality of this requirement, the sum you received no longer has to be refunded to INPS. We therefore suggest that you do not return the sum requested by INPS until the two decisions mentioned above are announced, which is expected to take place by next year. If, however, you receive a "tax bill" (see answer 8), you should contact a lawyer immediately because an appeal must be made within 40 days.

7. I had been legally residing in Italy for 10 years when I applied, but INPS revoked Basic Income by claiming that I "did not meet the ten-year residency requirement". What can I do?

Verification of the residence requirement is the responsibility of the Local Council of residence at the time the application is made. Applicants should contact their Local Council to clarify the reasons why ten-year residence in Italy has not been certified.

If residence recorded in the **Registry Office** is less than 10 years, it will be possible to present documents that attest to **effective** stay in the intervening period (e.g. previous residence permits, medical and employment documents, rent contracts, bills, etc.) and request the Local Council to adjust the duration of residence on the GePI platform (as indicated in [note no. 3803 dated 14 April 2020 issued by the Ministry of Employment and Social Policies](#)). Following rectification by the Local Council, INPS should resume payment of Basic Income. If the Local Council does not accept the documentation presented, you can contact the ASGI Anti-Discrimination Service.

8. I was not entitled to receive Basic Income and received a refund request from INPS, but I cannot afford to return the money. What's going to happen?

INPS will probably notify you of a "tax bill" and can then proceed with foreclosure (of part of the salary, any money in a bank account, etc.). However, if the claim made by INPS is based on illegitimate assumptions (e.g. because you actually met the 10-year effective residence requirement, or because the request is based on not meeting the ten-year requirement currently being examined by Constitutional and European Courts) we certainly suggest that you should challenge the bill. An appeal must be made within 40 days from the notification and it is therefore necessary to contact a lawyer immediately.

9. I applied for Basic Income through a Citizen's Bureau and was not informed that I did not meet the requirements. Am I still responsible for the situation? Can I make a claim against the Citizen's Bureau?

Unfortunately, the responsibility lies with the person who made the declaration even if they were unaware of the requisites needed to submit an application.

However, the Citizen's Bureau is still required by law to provide assistance correctly and consequently also to provide all useful information for the successful outcome of the application (for which it receives a contribution from the State): if you can prove that the Citizen's Bureau acted with gross negligence by providing completely incorrect information, you can claim compensation. However, be careful: you must have evidence of their negligent assistance.

10. I received news of criminal proceedings against me because I obtained Basic Income by declaring a requirement that I did not actually meet. What should I do?

You should contact a trusted lawyer immediately. If the false declaration concerns the 10-year residence requirement, it is possible to obtain the closure of the complaint or acquittal based on the unlawfulness of the requirement, as has already occurred in several instances.

FAQ - Frequently Asked Questions:

ASSEGNO UNICO UNIVERSALE (ALL- INCLUSIVE FAMILY ALLOWANCE, AUU)

September 2022

The all-inclusive family allowance (“assegno unico universale”, AUU) is a measure providing economic support for households assigned **for each dependent child up to the age of 18 or (if students or low-income workers) up to the age of 21; children with disabilities are covered without age limits.** The sum varies from 50 to 175 euros per month and changes depending on the number of children and the economic status of the family, calculated on the basis of the ISEE valid at the time of application.

For more information about situations in which children are considered to be dependent on the applicant, the calculation of the amount, methods of submitting applications and compatibility with other AUU measures, see the pertinent [ASGI information sheet](#).

Requirements

In order to receive the all-inclusive family allowance, residence and residence permit requirements must be met.

1) **Residence requirement** - you must:

- be **resident** in Italy at the time of application and for the entire duration of the Allowance (each application is valid only for one year and must be renewed thereafter): you cannot receive the AUU if you reside outside Italy.
- **have been resident** in Italy, prior to the application, for at least 2 years, even if not continuous. This is not required for people who, at the time of application, have a permanent or fixed-term employment relationship of at least 6 months.

2) **Residence permit requirement** - in accordance with Article 3 of Italian Legislative Decree 230/21 which established this measure, the following are entitled to the AUU:

- Italian and EU citizens or their family members (even if they are non-EU citizens)
- Non-EU citizens with long-term permits (settled status)
- Non-EU citizens holding a **single work permit** (i.e. family, employment) authorizing work for periods **of more than** 6 months
- Non-EU citizens with permits **for research** authorized to stay for periods longer than 6 months

The [INPS circular no. 23 dated 9 February 2022](#) then extended the service to:

- Holders of **international protection (refugees and holders of subsidiary protection)**
- Stateless persons
- Blue Card Holders
- Holders of permits for **self-employment**
- Workers from Algeria, Morocco and Tunisia under bilateral EU agreements with these countries.

With its [message dated July 25, 2022](#), INPS has further extended the list of entitled persons to the following permits:

- **Permit for seasonal work** lasting at least 6 months
- **Permit for assistance of minors** as per Article 31, paragraph 3, of the Consolidated Legislation
- **Permit for special protection** as per Article 19, paragraphs 1, 1.1 and 1.2 of the Consolidated Immigration Legislation

- **Permit for special cases** issued pursuant to Articles 18 (severe exploitation) and 18 bis (domestic violence) of the Consolidated Immigration Legislation (in our opinion the permit for severe labour exploitation as per Article 22 paragraph 2 quarter should also be considered as included)

All other residence permits (for pending employment, asylum request, study, elective residence and a number of others) are excluded.

However, the exclusion of the permit for pending employment is completely wrong. This permit falls within the type of the single work permit and therefore must be accepted in order to obtain the allowance, if the permit lasts for more than 6 months.

The questions

1. I would like to apply for the AUU but I have a permit for pending employment. What can I do?

INPS believes that this permit does not entitle holders for the AUU.

ASGI however believes that the exclusion of this permit is illegitimate.

If you meet the other requirements and have this permit, we advise you to apply, declaring your effective residence permit. The application will be rejected but it will be possible to appeal by contacting the ASGI Anti-Discrimination Service or another organization that provides support for migrants.

In any case, the problem can only exist for one year, since the permit for pending employment must necessarily be converted within 12 months (except for an extension in particular cases), into a work or family permit. As soon as the permit has been converted, it will be possible to apply for AUU and obtain the allowance.

2. My AUU application is on hold because my residence permit is being renewed and the receipt is not being accepted. Am I entitled to the AUU even before the new permit is issued?

Yes. INPS issued [message 2951 dated 25 July 2022](#) clarifying that the renewal request also entitles the holder to receive the allowance provided that the other requirements are met.

If any INPS office, in violation of the indications contained in Message no. 2951, insist on refusing the application presented during the renewal phase, we suggest that you contact the ASGI Anti-Discrimination Service or trade union bureaux.

3. I have received a request to refund Basic Income that I cannot afford to pay and now my application for the AUU has been suspended. What can I do?

If Basic Income was suspended for a reason that can be contested (see the FAQs about Basic Income), it is advisable to contact the ASGI Anti-Discrimination Service or other associations to evaluate possible legal action.

4. I have a child resident abroad with the other parent: am I entitled to the AUU for these family members?

No. As regards spouses, this is because they are no longer considered to be a family member for the purposes of the AUU, which is only paid for dependent children. As regards children, because - unlike the situation previously for family allowances (ANF) - the criterion of cohabitation applies. The [INPS circular no. 23 dated 9 February 2022](#) specifies that, for the time being, children considered for the purposes of the AUU are **exclusively** those included in the ISEE and therefore must be cohabiting.

In this regard, however, the circular announces that INPS will conduct further investigations: it therefore cannot be excluded that new information will appear in the future.

FAQ - Frequently Asked Questions:

ASSEGNO AL NUCLEO FAMILIARE (FAMILY ALLOWANCE, ANF)

September 2022

The exclusion of foreign workers with family members residing abroad from the Family Allowance (ANF) was declared illegitimate by the EU Court: it is now possible to claim arrears.

Requirements

Until 28 February 2022, it was possible to receive the family allowance (ANF): this support measure was only acknowledged to employees, pensioners and persons entitled to NASPI (unemployment benefit) based exclusively on family ties (spouse and under-age children and, under certain conditions, also other family members) and the overall income of the family nucleus, even if family members were not co-habiting.

Family members residing abroad were therefore included in the family unit. However, this rule was not applied to foreign workers, who could only include family members residing in Italy.

This difference in treatment between Italian and foreign workers was declared illegitimate by the EU Court which - with two sentences dated 25.11.2021 - obliged Italy to apply to foreigners, **provided they hold a long-term permit or a single work permit**, the same treatment applied to Italians, acknowledging family allowance (ANF) even in relation to family members residing abroad (e.g. in the country of origin, as is often the case).

With [circular no. 95 date 2.8.2022](#), INPS aligned with these sentences and acknowledged the possibility of requesting family allowance arrears for all foreign workers, and also indicated the required documents.

The questions

1. My spouse and children are resident abroad. I have never applied for family allowances for them and I know that this benefit has now been abolished. Is there anything I can do about the past?

Yes. You can request arrears for the 5 years prior to the application, for payments due up to 28.02.2022 This may entail rather significant sums of money.

For example, for a worker with a gross annual salary of 25,000 euros, with wife and two children residing abroad without income, the amount is 1,956 euros for each year, equal to 9,780 euros for all the 5 years that can be requested (if the conditions are the same for all 5 years); if the income is lower or there are more children, the amount increases. To calculate the amount due, see the website <https://www.irpef.info/calcolo-assegno-nucleo-familiare>.

2. I would like to ask for Family Allowance arrears for my spouse and children residing abroad. Is a self-declaration sufficient that they have no income in the foreign country and that the only income of the family is mine?

No, that is not enough. The [INPS circular no. 95/2022](#) requires that documents from the foreign state must be presented to prove family ties as well as income (or the absence of income of family members abroad). The documents must be issued by "competent authorities" in accordance with the rules of the country of origin and therefore either by a local authority (in this case they must be translated and authenticated by the Italian Consular authority in the foreign country) or by the

Consular authority in Italy of the foreign country (in this case they must be legalized through the Prefecture).

Certified income statements must cover all the years for which Family Allowance payments (ANF) are requested.

If your Country does not issue income statement documents, we recommend that you contact the ASGI Anti-Discrimination Service or the trade union bureaus to evaluate possible legal action.

3. Am I entitled to the Family Allowance for periods prior to 28.02.2022 when I was not in work?

Yes, but only for the periods when you received unemployment benefit (“NASPI”).

4. I work and reside in Italy but my spouse lives abroad. I no longer qualify for the all-inclusive family allowance because it no longer concerns a spouse: am I no longer entitled to any help for my spouse?

Yes, you are entitled to the Family Allowance. Based on [INPS circular 95/2022](#), you can still receive the Family Allowance, if the family only comprises your spouse and therefore you can apply even if your spouse resides abroad, **as well as for the period after 28.02.2022**. If you have children, however, the Family Allowance is no longer valid as of 01.03.2022.

FAQ - Frequently Asked Questions:

ASSEGNO DI MATERNITÀ DI BASE (BASIC MATERNITY ALLOWANCE)

September 2022

The basic maternity allowance, also known as the "local council maternity allowance", is a benefit that supports mothers on the birth of each child or entry into the family of an adopted minor or in pre-adoptive foster care, when the maternity allowance for female employees is not applicable.

The application must be made within 6 months of birth. Generally speaking, it must be presented **by the mother**. However, even the **father** may be entitled to the allowance if the child has been entrusted to him exclusively or if the mother has died.

For more information about the amount, the methods for submitting an application and compatibility with other basic maternity allowance measures, see the pertinent [ASGI information sheet](#).

Requirements

To obtain the maternity allowance, mothers must meet the following requirements:

- 1) **Residence requirement** - Must be **resident** in Italy.

- 2) **Citizenship or residence permit requirement** - The following categories are entitled to basic maternity allowance:
 - Italian citizens
 - EU citizens or their family members (even if they are non-EU citizens)
 - Holders of a long-term residence permit (settled status)
 - Holders of a single work permit authorising employment for periods longer than 6 months
 - Holders of a research permit valid for periods longer than 6 months
 - Holders of permits for asylum and subsidiary protection (even if these permits are not included in the list published on the INPS website; see question 2)

- 3) **Economic requirement** - You can obtain the allowance based on the income limits defined each year by INPS: for 2022, the maximum ISEE income is **17,747.58 euros**.

The questions

1. I have a residence permit that entitles me to the allowance but the Local Council does not want to accept my application, claiming that I am not entitled to it. What can I do?

Local Councils may make mistakes, not the least because of the confusing legislation issued in the past. It is therefore important to insist on making the application, by sending a certified email (PEC) or registered letter to the Local Council and the competent INPS office within 6 months of birth. If the application is rejected or there is no answer, the possibility of taking legal action can be evaluated by contacting the ASGI Anti-Discrimination Service or other associations that work to support migrants.

2. Do asylum or subsidiary protection permits entitle people to obtain basic maternity allowance?

Yes, even if these permits are not listed on the INPS website. If you have one of these permits, make an application to the Local Council and if the allowance is refused, contact the ASGI Anti-Discrimination Service or a Citizen's Bureau.

3. My residence permit is not one of those that entitle me to basic maternity allowance. Can I still apply?

Yes. Even if you have a residence permit that does not entitle you to basic maternity allowance (such as special protection or assistance for minors), you can still apply **but a court judgement in your favour will be necessary to ascertain your entitlement.** You can contact our Anti-Discrimination Service or a Citizen's Bureau.

FAQ - Frequently Asked Questions:

BONUS ASILI NIDO (NURSERY BONUS)

September 2022

The nursery bonus is a partial refund of the fees paid for **authorized public and private children's nurseries**. For children under the age of three suffering from serious chronic diseases, the amount is paid even if the child does not attend the nursery.

For more detailed information about how the amount is calculated, how to submit an application and the necessary documentation, see the pertinent [ASGI information sheet](#).

Requirements

Following [sentence no. 633/2021](#) of the Milan Court of Appeal, the nursery school bonus must be ensured without a residence permit limitation: **all legally resident foreign citizens** are entitled to it.

The question

1. I am legally resident in Italy but my application for the bonus was rejected because of the type of permit. What can I do?

We recommend that you contact the ASGI Anti-Discrimination Service or a Citizen's Bureau. You should send a letter to INPS to assert your rights and then evaluate the possibility of taking legal action.

FAQ - Frequently Asked Questions:

OPENING A CURRENT BANK ACCOUNT

September 2022

A current bank account is indispensable for safe-keeping of personal savings, receiving salary and social benefit payments, as well as various operations, such as bank transfers. The service is provided by banks or the Post Office.

Opening a **basic current account** is a fundamental right of **everyone legally residing in the European Union, including homeless people and asylum seekers** (Article 126-noviesdecies of the Consolidated Banking Legislation).

For more information, refer to the relative [ASGI information sheet](#).

Requirements

To open a basic current account, you must show your **tax code** (even if only numeric) and an ID document. It is not necessary to have an identity card: **a residence permit or the renewal receipt with a photograph is sufficient** (Article 19, paragraph 1, letter a) Italian Legislative Decree 231/2007). Any request for further documentation, such as a residence certificate or employment contract, is illegitimate.

The questions

1. I am an asylum seeker and was refused opening a current account because I do not have an identity card. Am I entitled to open a basic current account?

Yes. This refusal is illegal. A [circular dated 19 April 2019 issued by the Italian Banking Association](#) (ABI) and an [internal communication by Poste Italiane](#) acknowledge that a **residence permit for requesting asylum** and a **receipt** certifying presentation of the request for international protection are valid identification documents (Article 4, paragraphs 1 and 3, Italian Legislative Decree 142/2015) and are to be considered appropriate for identifying the customer for the purpose of opening a basic current account.

We recommend printing the ABI or Poste Italiane information and the [text of Article 126-noviesdecies](#) of the Consolidated Banking Legislation and then go to the bank or post office to request opening a basic current account.

If this is refused, you can contact the ASGI Anti-Discrimination Service to receive more information, schedule the sending of a letter and possibly evaluate the possibility of taking legal action.

2. I am an asylum seeker and was refused opening a current account because I have a numerical tax code. Am I entitled to open a basic current account?

Yes. The refusal is illegitimate. A [circular dated 19 April 2019 issued by the Italian Banking Association](#) (ABI) acknowledges the validity of numerical tax codes for the purpose of opening a basic current account.

We therefore recommend that you follow the approach suggested in the previous answer (1).

3. I have a valid residence permit or a renewal receipt but I cannot open a basic current account. Am I entitled to open an account?

Yes. The renewal receipt duly certifies that you reside in the local area. It must be accompanied by a photograph or an old residence permit with a photograph. A tax code is also required in order to

certify tax domicile in Italy. If you are unable to open a current account with this documentation, we recommend that you contact the ASGI Anti-Discrimination Service to receive more information and consider the possibility of legal action.

4. Can I open a basic current account even if I do not have an employment contract?

Yes.

5. I submitted all the documentation required to open a basic bank account, but I was refused or my request was suspended for weeks without a clear reason. How should I proceed?

We recommend that you contact the ASGI Anti-Discrimination Service to receive more information and to evaluate the possibility of legal action.

FAQ - Frequently Asked Questions:

ACCESS TO PUBLIC HOUSING

September 2022

Public housing (ERP, "case popolari") are apartments at subsidized rents made available to people with limited incomes.

Local Councils publish regular announcements which define the criteria for access and attribution of scores. The requirements included in these announcements vary from Region to Region and very often even between Local Councils in the same Region.

Requirements

Access to ERP housing is open to Italian and EU citizens and citizens of non-EU countries with long-term EU residence permits or permits valid for at least for two years; in the latter case, proof must be provided demonstrating due employment or self-employed work.

In general, access criteria may be as follows:

- maximum permitted income (usually measured on the ISEE form);
- no ownership of property in Italy or abroad;
- residence in the Region for a given number of years prior to the application (this requirement has been declared unconstitutional: see question 2 below);
- no abusive occupation of property.

Variable criteria also define the **score** assigned to everyone in the ranking. This usually involves the number of children, the inclusion of elderly or disabled people in the family unit, the existence of an eviction order, living in unhealthy accommodation, and often also the duration of residence in the Region or Local Council that issued the announcement (the latter criterion was declared illegitimate by the Constitutional Court: see question 3).

To know the applicable access and scoring criteria, check the announcement issued by your Local Council.

The questions

1. The Local Council asks for a certificate testifying that no property is owned in the country of origin. Is this a legitimate request?

No. The Constitutional Court has declared this request envisaged by regional law in Abruzzo to be illegitimate ([sentence no. 9/2021](#)). Following this ruling, almost all Local Councils and Regions are modifying their announcements and regulations and no longer require these documents. However, if you come across a Local Council that insists on making this request, we suggest you contact the ASGI Anti-Discrimination Service or tenant unions (e.g. SICET, SUNIA).

2. Some Regions envisage a requirement of previous residence in the Region for a given number of years (usually 4 or 5). What can I do if I do not yet meet this requirement?

This requirement (which is usually envisaged in regional laws) is also illegitimate. The Constitutional Court ([sentence no. 44/2020](#)) declared the 5-year requirement to be illegitimate with reference to regional law in Lombardy, while other regional laws (Liguria) are also currently being examined by the Constitutional Court; Tuscany has eliminated this requirement.

If you are in a Region that has not yet eliminated this requirement, you can contact the ASGI Anti-Discrimination Service or the tenant unions (e.g. SICET, SUNIA) to assess possible legal action.

3. I was admitted to the ranking but was overtaken by people who were not in a situation of particular need, simply because they had been resident in the Region for a long time and thereby obtained a higher score. Can I complain about the ranking?

Yes. The Constitutional Court, with [sentence no. 9/2021](#), declared that it is unconstitutional to attribute a disproportionate score to longer residence alone to the extent that it exceeds considerations of necessity (number of children, economic situation, disability, etc.).

We therefore advise you to contact the ASGI Anti-Discrimination Service or tenant unions to begin legal action.

FAQ - Frequently Asked Questions:

ACCESS TO PRIVATE HOUSING

September 2022

Access to private accommodation is regulated by lease contracts (rent). It is a contract whereby a landlord grants an apartment to a tenant for a specified period of time on payment of a sum of money (rent).

The questions

1. Searching for property ads on the internet or c/o real estate agencies, I found ads with the following content: "We do not rent to foreigners" or "we only rent to Italian citizens". Is this legitimate?

No. Access to housing on the private market must take place in conditions of equality for Italian and foreign citizens alike; inasmuch, real estate agencies cannot share messages from private individuals which exclude foreigners.

If you come across such advertisements, you can contact the ASGI Anti-Discrimination Service or tenant unions to consider possible legal action.

2. If I go directly to private landlords, can they refuse to rent the accommodation because I am a foreigner?

No. Private owners can always decide who they wish to rent their property to. However, they cannot state in advance that they will not rent or sell to a foreigner or someone of a certain ethnic origin, or a certain skin colour. So, for example, a sign such as "for rent only to Italians" is always illegitimate, even if displayed directly by the owner without the mediation of an agency. If there is no sign but the contract was refused for the same reason, such conduct is still illegitimate but it is always difficult to demonstrate it. So it is important to collect evidence (witnesses or recordings) for legal action to be possible.

FAQ - Frequently Asked Questions:

EMPLOYMENT

September 2022

Several International Conventions as well as the Italian Constitution itself guarantee that legally residing foreign citizens have the right to identical employment conditions as Italians. An employer cannot refuse to hire a person because he is foreign, nor can he pay a lower salary than Italians or impose longer hours, etc: in short, employment conditions must be the same in every respect.

The questions

1. I am waiting for my residence permit to be renewed. Can I work by showing the receipt?

Yes. If you have a receipt (the so-called "striscetta") for renewing your residence permit, you are legally resident in the territory and have the right to employment. You can also be duly employed with a permanent contract.

If your contract is about to expire and your employer refuses to renew it because you only have the receipt, you can contact the ASGI Anti-Discrimination Service or a trade union bureau.

2. If I lose my job, do I also lose my right to stay?

No. Your residence permit continues to be valid until it expires.

When it expires, if you do not have a job, you will be able to obtain a "seeking employment" permit having a maximum duration of 12 months (which can be extended if the family unit still has an income).

3. I am an asylum seeker waiting for the so-called "yellow" permit to be issued. Can I work?

Yes. Pursuant to Article 22 of Italian Legislative Decree 142/2015, asylum seekers can work 60 days after the issue of the so-called "named certificate", i.e. the provisional document with a photograph issued after the application for international protection has been formalised.

If an employer refuses to hire you because you have a temporary permit, you can contact the ASGI Anti-Discrimination Service or a trade union bureau.

4. I do not have Italian citizenship. Can I take part in an open competitive exam for employment in public administration?

Yes, but only if you have a long-term permit or permit for international protection (political refugee or holder of subsidiary protection) or if you are a family member of an EU citizen. In other cases (e.g. if you have a single work permit), you cannot take part in an open competitive exam (Article 38 of Italian Legislative Decree 165/01). Also refer to the answer to the next question (5).

If you find an announcement for an open competitive exam that does not include the foregoing residence permits, you can report it to the ASGI Anti-Discrimination Service.

N.B.: Certain public posts (for example, magistrates, military) can only be given to Italian citizens.

5. I have a single work permit and would like to take part in an open competitive exam for nurses to be employed in the local hospital. Can I take part?

Yes, the "Cura Italia" decree envisages until 31.12.2022 (excepting further extensions) that health facilities "involved in the COVID emergency" employment of health personnel must be open to all foreigners who have a residence permit that allows them to work and consequently also to holders of work or family permits.

Even if this possibility is valid until 31.12.2022, you can still submit an application for an open competitive exam for permanent employment.