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# ACCESS TO RIGHTS FOR NON-EU IMMIGRANT WORKERS IN ITALY: OPPORTUNITIES AND CHALLENGES

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**Authors:**

Teresa M. Cappiali (Collegio Carlo Alberto, Italy)  
and  
Roberta Perna (Università di Torino, Italy)

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# ACCESS TO RIGHTS FOR NON-EU IMMIGRANT WORKERS IN ITALY: OPPORTUNITIES AND CHALLENGES

## Introduction

In this paper we examine opportunities and challenge for non-EU immigrants to access rights in Italy with a focus on labor safeguards, anti-discrimination and anti-exploitation measures, access to healthcare and entitlement to civic and political rights.<sup>1</sup> Most rights for non-EU immigrants are attached to immigrant status and are guaranteed almost exclusively to immigrants who have ‘regular’ long- or short-stay permit (Permesso di Soggiorno). ‘Undocumented’ or ‘irregular’ immigrants have very few formal rights. Exceptions concern protection against labor exploitation and access to basic healthcare. However, while these basic rights are formally guaranteed, there are several limitations to the concrete possibilities for immigrants to access them.<sup>2</sup>

This paper is divided as follow. It first introduces the main legislation that regulates immigration in Italy and assesses its implications for immigrants’ access to rights. It proceeds with a presentation of the conditions of access labor safeguards as well as anti-discrimination and anti-exploitation measures to protect non-EU

immigrant workers. This section also examines the role of NGOs and trade unions in guaranteeing immigrant workers’ access to their labor rights. It continues with an introduction of the criteria and conditions of access to healthcare for both ‘documented’ and ‘undocumented’ immigrants. It concludes by presenting the rights for non-EU immigrants to participate in the civic and political life of Italy.

## 1. Main Legislation on Immigration

The main legislation that regulates the entry of non-EU immigrants and their judicial status in Italy is the Legislative Decree no. 286/1998, also known as the Single Text on Immigration (*Testo Unico sull’Immigrazione*).<sup>3</sup> The Single Text was introduced on July 25, 1998 and incorporates the first comprehensive law on immigration, Law no. 40/1998 or the Turco-Napolitano Law (introduced on March 6, 1998) and its subsequent modifications introduced by numerous laws and decrees (Zanrosso 2013).

<sup>1</sup> In this contribution, we focus on the so-called ‘economic immigrants’ and, to a certain extent, on their family members. On the contrary, no attention has been paid to asylum seekers and refugees.

<sup>2</sup> In Italy, a definitional distinction exists between ‘illegal migrants’ (the so-called ‘clandestini’) and ‘irregular migrants’. The former are non-EU citizens who entered the country without a valid permit of stay, whereas the latter are those who entered with a regular permit of stay, but who prolonged their stay after the permit expired. In this paper we avoid the use of the word ‘illegal’ as many NGOs and international organizations consider it problematic because it tends to criminalize immigrants.

<sup>3</sup> The complete title of this law is *Testo Unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero* [literally: ‘Single Text of the Dispositions Concerning the Immigration Legislation and the Norms on the Condition of Foreigners’]. There were two previous attempts to manage the phenomenon of migration since the 1980s with Law no. 943/1986 and with Law no. 416/1990 (or, Martelli Law).

### Box 1/ EU Directives concerning non-EU immigrants' rights

It is also important to note that the Italian legislation on immigration has been strongly influenced by its membership in the Schengen Area and particularly by the role of Italy as external border of European Union. This influence has shaped the legislation at least since the Turco-Napolitano.

In recent years, several EU Directives have been introduced with the aim to homogenize immigration laws among EU Member States. Three of these directives deserve our attention:

(1) *The 2008/115/CE Directive* – Introduced in 2008 to regulate repatriation of 'irregular' immigrants, in Italy it was adopted by Law Decree (*Decreto Legge*) no. 89/2011 and was later converted with some changes in the Law no. 129/2011. The main issues governed by the Directive concern: (1) the obligation to return an undocumented immigrant if s/he does not leave the country voluntarily; (2) entry bans, the length of which must be based on 'all relevant circumstances of the individual case' and shall not in principle exceed five years, although longer bans are possible in cases of 'serious threat to public policy, public health or national security' (Article 11, Single Text); (3) the procedural safeguards and rights for undocumented immigrants; and (4) the grounds and conditions for detention. In the five years since its adoption, the Directive has been the subject of much litigation before the Court of Justice of the European Union, largely as regards to its detention rules.

(2) *The 2009/50/CE Directive* – Introduced to regulate the condition of entry and stay of high-skilled workers of non-EU Member States, in Italy it was adopted with the Legislative Decree no. 108/2012. Specifically, the Directive introduced the so-called *Blue Card*, which offers a one-track procedure for high-skilled non-EU citizens who have a work contract or binding job offer to apply for a work permit. The permit is valid for up to three years but can be renewed thereafter. Those who are granted a Blue Card are entitled to a series of rights, such as favorable family reunification rules and unemployment benefits.

(3) *The 2009/52/CE Directive* – Adopted by the EU in 2009 with the purpose of fighting the employment of 'irregular' immigrants in the underground economy. Italy has introduced this directive in its legislative corpus with the Legislative Decree no. 109/2012. The directive forbids hiring undocumented immigrants and imposes financial, administrative and penal sanctions to employers. Penal sanctions are mainly related to: (1) the use of labor force of minors; (2) a large number of irregular workers; (3) the reiterated use of undocumented workers and (4) if there are important forms of exploitation. However, the Directive does not foresee special 'permits' to those immigrant workers who denounce their employers. If a permit is released (in the case of minors or exploitation), the person cannot work and the permit cannot be converted in another permit.

The Turco-Napolitano Law is still the main body of legislation on immigration. With this law, for the first time, the Italian government explicitly recognized that immigration is a structural phenomenon and that the country needs immigrants, in particular to address labor force scarcities (Campomori and Caponio 2014). Overall, it represents an important attempt to: (1) regulate immigration flows and prevent ‘irregular’ immigration<sup>4</sup>, (2) facilitate immigrants’ integration, by making among others, their juridical status more permanent<sup>5</sup>, and (3) guarantee their main social and political rights (Zanrosso 2012).

Since the beginning of the 2000s, however, the Single Text has been modified in several respects by three main initiatives: Law no. 189/2002 (or Bossi-Fini Law), introduced on July 30, 2002, and Laws no. 125/2008 and no. 92/2009 (or *Pacchetto Sicurezza*, literally: the Security Package,) introduced respectively in

2008 and 2009. It has been observed that with this new legislation Italy has experienced a *securitization turn*, which has made integration of immigrants and the guarantee of their rights more difficult to achieve (Cappiali forthcoming 2017).

Below we present an overview of the main aspects of the Italian legislation on immigration and its implications for the rights of non-EU immigrants.

### 1.1 Overview of the Single Text on Immigration

The Single Text has maintained the main structure of the Turco-Napolitano Law and addresses three main areas of intervention: planning of inflows, prevention of irregular immigration and economic and social integration (Zanrosso 2012; for a summary of the main Sections of the

#### Box 2/ Content of the Single Text on Immigration

**Title I** – General Principles (Articles 1-3)

**Title II** – Provisions regarding entry, stay and expulsion from the territory of the State (Articles 4 -20)

**Title III** – Disciplines concerning labor (Articles 21-27)

**Title IV** – Right to family reunification and protections for minors (Articles 28-33)

**Title V** – Provisions regarding access to healthcare, education, housing and participation to public life and social integration (Articles 34-46)

**Title VI** – Final norms (Articles 47-49)

*Note:* The last changes to the document were made on July, the 7<sup>th</sup> and October, the 29<sup>th</sup> 2016.<sup>6</sup>

<sup>4</sup> As far as the first point is concerned, the law mandated the expulsion of undocumented immigrants living in the country and created the Centers of Temporary Detention (CPT – *Centri di Permanenza Temporanea*) for all foreign citizens who could not be expelled immediately for various reasons.

<sup>5</sup> The Turco-Napolitano Law made a considerable effort to stabilize the integration processes for immigrants working in the country, promoting greater social and economic inclusion. Among other things, it mandated measures to facilitate the transformation of temporary status into a more stable status by introducing a long-stay permit (*Carta di Soggiorno*). Immigrants who had lived in the country for a long time and held permits of stay could access a more stable status and thus have access to all social rights than Italians. Also the long-stay permit was an important improvement towards greater economic inclusion as it gave immigrant workers more rights as well as bargaining power as their status in Italy would not depend on their permit anymore. Furthermore, the Law improved the processes of family reunification by creating a specific sponsoring program for family members living and working in Italy (Zanrosso 2012, 100).

<sup>6</sup> The complete document in Italian can be found at the following page: <http://www.altalex.com/documents/codici-altalex/2014/04/09/testo-unico-sull-immigrazione>.

Single Text, see Box 2). First, the Law regulates the reasons and conditions under which a non-EU immigrant is allowed in the country and may acquire residence permits and work permits (or working visa) as well as the requirements and the procedures to obtain them (see Title II; for a summary of the main types of permits to stay for immigrant workers and their family, see Appendix 1). In addition, the Single Text regulates access to the labor market and defines labor safeguards and protection mechanisms against discrimination of non-EU immigrants (Title III). After regulating immigrants' right to family reunification (Title IV), it introduces regulations concerning several aspects of immigrants' rights living in the country, including access to healthcare, education, housing and participation to public life and social integration. It concludes with the definition of non-EU immigrants' political and civic rights (Title V).

### 1.1.1 Conditions for entry and access to specific occupations

The Single Text regulates the conditions for entry and access to specific occupations for non-EU immigrants (Title II and III). The number of immigrant workers allowed to enter in Italy is determined using a 'quota system', which establishes the number of immigrants allowed to enter by main categories of employment each year. This system of annual quotas is updated every three years. The entry quotas are made public by the government and are determined by the needs of the labor market, through the Decree Flows (*Decreto flussi*).<sup>7</sup> These quotas are defined by the local and regional labor offices and employers' associations in each province and are elaborated on the basis of the indications offered by the Minister of Labor and Social Policies, which accounts for the occupational situation and the number of immigrants registered as unemployed at the employment lists in the country.

It is important to note that employers play an important role in the process of hiring immigrant workers. They are required to go to the Unified Desk for Immigration (Sportello unico per l'immigrazione), the local office in charge of the hiring processes for immigrants, and submit a request with a proposal of a permit of stay for dependent labor (Article 22, Single Text). If the employer does not know the employee yet, s/he can ask for a list of possible employees that is based on bilateral agreements previously stipulated by the Italian government (Article 22, Single Text)<sup>8</sup>.

There are different categories of entry for non-EU immigrants who want to work in Italy (see Appendix 1 for more details). Below we present the main work permits available under the quota system and the main criteria to obtain them.

(1) Permit for dependent work: This permit allows working for Italian and immigrant employers. The duration of this permit depends on the length of the job contract and it cannot be longer than one year for fixed-term contracts or two years for permanent contracts. This contract can be renewed at the Unified Desk for Immigration before it expires and allows doing any dependent job (Article 22).<sup>9</sup>

(2) Permit for seasonal work: This permit allows working for employers that run seasonal activities, such as in the agricultural and touristic sectors. This permit lasts not less than 20 days and no more than 9 months. It cannot be renewed. After the second season, the immigrant worker holding a permit for seasonal work can ask to convert his/her permit with a permit for dependent work at the Unified Desk for Immigration. The request can be done without returning to one's country (Articles 24 and 25).

<sup>7</sup> See the official page of Italian Ministry of the Interior at <http://www.interno.gov.it/it/servizi-line/procedure-flussi> (Accessed April 5, 2017). It is important to note that immigrants can also obtain a permit in Italy through the family reunification program. However, family reunifications are exempt from the planned quotas. Immigrants who have held a permit to stay for dependent or self-employment work, study or religious reasons for at least one year, or who hold a residency card (*Carta di Soggiorno*) can apply for reunification with: a) a husband or wife, b) dependent children, or c) dependent parents (for more information on the procedures concerning family reunification, see Appendix 1).

<sup>8</sup> These bilateral agreements, stipulated by Italy and other non-EU countries, regulate inflows by assigning a certain number of quotas for immigrant workers who want to go to Italy from that specific country (Article 21[5], Single Text).

<sup>9</sup> For more information, see: <http://www.interno.gov.it/it/temi/immigrazione-e-asilo/modalita-dingresso/sportello-unico-immigrazione>.

(3) *Permit for seasonal, pluri-annual work*: This permit can be given to immigrant workers who have worked in the country as seasonal workers for at least 2 years. This permit can be released each year for 3 years. To renew the contract it is sufficient a confirmation of the employment relation by the employer, independently from the publication of the number of quotas for seasonal jobs (Articles 24 and 25).

(4) *Permit for self-employment*: This permit can be given to immigrants who want to exercise an autonomous work. The only limitation is that the activities one wants to do should not fall within the ones reserved for Italian or EU citizens. The person needs to demonstrate that s/he has enough financial resources to exercise his/her activity (Article 26).

### 1.1.2 The role of regional and local authorities and of civil society organizations

The Italian legislation on immigration is characterized by important regional and local variations in terms of integration policies' implementation and access to social and political rights (Campomori and Caponio 2013).<sup>10</sup> It indicates that the municipalities must contribute in the formulation and implementation of immigrant integration policies and foresees a strong collaboration between regions and municipalities. The first are expected to assume the role of planning the areas of interventions and the second the role of formulating and implementing specific services and projects following the areas of interventions indicated by the regions (Campomori and Caponio 2014). The Single Text also focuses on formalizing and reinforcing the networks and collaborations between the state and stakeholders at the national, regional and local levels. The Law also creates an instrument of coordination between public and private actors at the local level: the Territorial

Councils for Immigration (*Consigli Territoriali Immigrazione*) (Article 3 [6] and Article 42).<sup>11</sup> It is an organization coordinated by the Prefects (*Prefetti*) with the task of analyzing needs and promoting interventions at the local level. The members of the Councils include the local administration, organizations of employers and the associations that work in favor of immigrants, such as trade unions, non-profit organizations and immigrant associations. There have been also attempts to involve immigrant associations active in the territory, although often with little success (Mantovan 2007).

Moreover, there has been an expansion of the role of local civic actors in policy implementation, consultation and decision-making, as a response of state's devolution of social policies to third sector. In particular at the local level church-based groups, trade unions, neighborhood associations and other non-governmental organizations have come to play a crucial role in the system of service provision, consultation and decision-making (Caponio 2006). More recently, immigrant organizations have been playing some role in these processes, although it has been observed that Italian organizations often tend to overshadow the role of these associations (Caponio 2005).

The Single Text gives an important role to third sector, which is encouraged to collaborate with regional and local authorities as well as immigrant associations in the definition and development of activities concerning education for immigrants and their children (Articles 38 and 39), shelters and rights to housing (Article 40)<sup>12</sup> and measures for social assistance (Article 41).<sup>13</sup> Furthermore, the Law also promotes social integration by providing information on rights, duties and opportunities, trainings for social workers and immigrants and the use of intercultural mediators to facilitate the interaction of immigrants in the host society (Article 42).

<sup>10</sup> The law establishes Annual Regional Plans, which indicate the goals to pursue on immigrants' integration at the Regional level, the interventions to realize in order to achieve them, their instruments and in what time to realize them, the costs and resources to deploy.

<sup>11</sup> *De facto*, over the years, they have become marginal in the process of immigrant integration policymaking. See the page on the official website of the Italian Ministry of the Interior for more information: <http://www.prefettura.it/roma/contenuti/4927.htm> (Accessed April 5, 2017).

<sup>12</sup> This right is guaranteed to immigrants who hold a long-stay permit or *Carta di Soggiorno* or who hold a permit that last at least 2 years and have a regular job (Article 40 [6]).

<sup>13</sup> Immigrants who hold a long-stay permit or a permit of stay that last at least one year, as well as minors who are attached to their permits, have the same rights of Italian citizens to receive social assistance not only in terms of services, but also economic support.

## 1.2 The Bossi-Fini Law and the Security Package

As mentioned earlier the Bossi-Fini Law and the Security Package marked an important securitization turn in the approach to immigration adopted by Italy. It has been observed that these laws focused on issues of 'public security' rather than integration, and prioritized the fight against irregular migration (Caponio and Graziano 2011). This was done by reinforcing migration control at the borders and increasing control within the Italian territory (Triandafyllidou and Ambrosini 2011). Reflecting the idea of applying a 'zero tolerance' policy to those who break Italian laws by entering or staying in the country 'illegally,' the Bossi-Fini Law mandated the navy to tighten control of the coast to prevent 'illegal' immigration to the South of Italy, and required each immigrant entering the country to be fingerprinted. It also increased control over the Italian territory by reinforcing the power of the prefecture and the police (Ambrosini 2013b). Additionally, the Bossi-Fini Law increased sanctions against undocumented immigrants who had been expelled from the country: it extended the prohibition to enter the country after expulsion from 5 to 10 years (Article 14). At the same time, it formally left unchanged the norms related to the integration policies (Zanrosso 2012). De facto, however, they annulled many initiatives proposed by the Turco-Napolitano Law to facilitate 'regular' entrance and access to long-stay permit and obscured some crucial integration issues addressed in that law (Zanrosso 2012: 102).

Some of the main interventions introduced by the Bossi-Fini Law concern Title II of the Single Text, which focuses on "The Dispositions about Entrance, Stay and Removal from the Territory of the State." The main changes are the following:

(1) Non-EU immigrants can enter the country only if an employer has made a specific request for workers in one of the newly created local immigration centers and can no longer get a visa to immigrate to Italy to seek jobs,

but have to already have a job before their arrival.

(2) To this purpose, the Law introduced the 'stay contract for dependent work' (*Contratto di soggiorno per lavoro subordinato*), which stipulates that the duration of a stay permit must coincide with that of a job contract and, on termination of the latter, the immigrant worker is required to leave the country (Article 5-bis). Therefore, with this provision, a work permit can be granted only if the person has a job and a place of residence and if the employer can guarantee return passage if the person loses that job.

(3) The Law abolishes the legal entry mechanism known as 'sponsorship'. By this mechanism, the Turco-Napolitano Law established that prospective immigrant workers were allowed to enter the country for one year in search of employment, if Italian citizens, immigrants with valid permits, NGOs or regional and local institutions could act as 'sponsors', by guarantee coverage of her/his daily expenses as well as the costs of her/his potential return to the country of origin. Therefore, since the Bossi-Fini Law the sponsorship of immigrants without a job contract before their arrival is no longer possible.

(4) The Law made more precarious immigrant workers' status by reducing the permit of stay from two years to one year for the first issue and from four to two for its renewal. When the working permit expires, immigrants had six months to find a job. If they did not find one, they must leave the country immediately.<sup>14</sup> It has also extended the time required before applying for a long-term permit of stay (*Carta di Soggiorno*) from five to six years (Article 9). Furthermore, the Bossi-Fini Law has modified Title III of the Single Text, which focuses on the "Discipline of Labor." In particular, the new Law requires that an employer who wants to hire an immigrant worker must choose from a list compiled by the Italian embassy of prospective immigrants living still in their countries and seeking to enter Italy for work purposes (Article 22[3]).

<sup>14</sup> The six-month requirement has been extended to one year in 2012.

In addition to the changes mentioned above, the Security Package adopted in 2008 and 2009 introduced the *felony of illegal entry and stay*, punishable with a fine of 5,000 to 10,000 euros (Article 10-bis [1]). The Law also reinforced the mandate of the police at the borders to stop 'irregular' immigrants from entering the country and introduced new measures to ensure the prompt expulsion of those found in an 'irregular' situation (Article 10-bis [2-5]). Furthermore, internal control has been increased, as immigrants are expected to show their permit of stay or resident permit on all occasions (Zanrosso 2012: 117-118).

The current Italian legal framework on immigration has important negative repercussions for the rights of both 'regular' and 'irregular' immigrants living and working in the country. In the following section, we present a summary of the main implications of these laws for the rights of non-EU immigrants in Italy.

### **1.3 Implications of the Italian legislation on immigration for non-EU immigrants' rights**

Many academic studies and reports by NGOs and trade unions have shown that the Italian legislation negatively affects the rights of non-EU immigrant workers and their families. Inspired by a greater focus on the issues related to security and repression of 'irregular' immigration (Caponio and Graziano 2011), the legislation has negative consequences on the rights of both 'regular' and 'irregular' immigrants. We summarize the main aspects below:

(1) The Italian legislation on immigration has been criticized for its role in producing 'institutionalized irregularity.' Scholars have highlighted that it is not only difficult to obtain permanent legal status, but in some cases 'irregularity' is

produced by this same legislation. Ankica Kosic and Anna Triandafyllidou (2005: 12) explain, for instance, that there is a gap between the planned legal quotas and the demand for foreign labor. Combined with immigration pressure from non-EU countries, this factor contributes to produce a large number of 'undocumented' immigrants. The problems date back to the Turco-Napolitano Law. Quoting Zincone, Fasani (2009: 16-17) explains that "the lack of adequate possibilities for legally accessing the Italian labor market – '*... the policy of closing the front door of legal entry, while keeping the back door of illegal entry half open...*' (Zincone 1998) – has played a major role in increasing undocumented stocks and flows." Later on, in spite of its attempt to end 'irregularity,' the Bossi-Fini Law has not been able to solve this problem. On the contrary, it has been observed that the close link between residence and work established by the Bossi-Fini Law, as well as the mismatch between the quotas and labor demands, has continued to produce irregularity until today (Triandafyllidou and Ambrosini 2011: 264).<sup>15</sup>

(2) By shortening the permit of stay and raising the requirements to obtain the work permit, the Bossi-Fini Law has resulted in the reinforcement of the bureaucratic burden, which makes immigrants "subjects of the administration" (see also Caponio et al. 2012: 3). Caponio et al. (2012: 4) explain that the delay (up to one year) of the release of the permit of stay for one year creates the paradoxical situation of the release of permits that need to be renewed again, because they have expired (or soon will). This means that immigrants are at the mercy of bureaucracy to keep a regular status in the country. In turn, this has socio-economic repercussions. Even though immigrants have a receipt that shows that they have applied for the documents, many doors are closed to them. Without a permit, one cannot be hired or ask for a subsidy or social benefit. What is more,

<sup>15</sup> Since the legislation in Italy has made the regulation of inflow very difficult, immigrants attempt to regularize once in the country through mass regularizations, or amnesties. Kosic and Triandafyllidou (2005: 9) note that annual quotas "have often been used by undocumented immigrants who resided and worked in Italy to obtain legal status." They explain that the mass regularization were adapted "to reality through a circular that allowed for undocumented immigrants workers to apply for a [...] permit from within Italy, provided their employer was willing to undertake the complicated bureaucratic procedures" (*Ibid.*). However, as Calavita (2005b: 413) stresses, these mass regularizations do not solve the problem of irregular migration either. For this reason, the high presence of undocumented immigrants has led to repeated regularization programs.

while waiting for the permit of stay, immigrants are 'suspended': they are not allowed to work in the Schengen Area (which is their right for up to three months) and cannot go to their country of origin to see family and friends (Caponio et al. 2012: 4). The authors also point out that the Law makes it more difficult for 'regular' immigrants to access basic services because social workers are not well prepared and kept up-to-date about administrative changes, and thus are not able to give basic information on this matter. The real problem is that it is impossible for those who work in the public administration in Italy "to keep up with the incredible number of norms, circulars, and explicative notes that are used to govern a structural element [...] with a perspective of temporariness and planning exclusively connected to the execution of a job" (Caponio et al. 2012: 5).

(3) The legislation reinforces the economic marginalization of immigrant workers. Giovanni Cannella (2010: 41-45) underscores that the precarious juridical status of non-EU workers in Italy has effects not only on irregular immigrants, but on regular immigrants as well. The strong link between the permit of stay and permit of work established by the Bossi-Fini Law contributes to make immigrant workers more vulnerable because they can be easily blackmailed and exploited by their employers.

(4) Through the construction of immigrants as a 'threat' and as 'criminals,' immigrants in Italy are exposed to extensive *racialization, criminalization and inferiorization*. This context makes immigrants with different statuses very vulnerable and exposes them to stigmatization processes. As a matter of fact, immigrants' presence in the country is ambiguously justified only for some categories of workers, in particular domestic workers (the so-called *Colf e badanti*), and thus most other immigrant workers are not considered worthy of staying in Italy (Meli and Enwereuzor 2003: 23). As a consequence, while the current legislation constructs 'regular' immigrants in Italy mainly in economic- utilitarian terms, it restricts family reunifications and limits the conditions under which immigrants can reside in the country or ask for a long-stay permit (Pastore 2010: 66).

(5) The current legislation also affects the possibilities of immigrants to access healthcare. Although the Bossi-Fini Law did not directly modify the articles addressing healthcare for immigrants in the Single Text, it introduced several 'pathogenic elements' affecting immigrants' health (SIMM 2002). By exposing immigrants to blackmailing and labor exploitation and precarious life, the Law has harmful effects on their health conditions more generally. By favoring 'irregularity,' the Law puts immigrants' health at risk, given that a person's legal status has been recognized as a central "determinants of immigrants' health" (Rechel et al. 2013). Moreover, by restricting the criteria for family reunification, the Law interferes with long-term migratory projects, affecting immigrants' emotional stability and having a negative effect on their mental and psychological health status. Finally, the Security Package established that health professionals had the duty of reporting undocumented migrants to the police. This proposal triggered a national mobilization organized by health professionals, associations, NGOs, trade unions and several Regions and municipalities, named 'Io non denuncio' (literally: 'I do not report'), leading to the withdrawal of the article from the text of law. Nevertheless, the proposal created an environment of fear and suspicion among undocumented migrants, reducing their trust towards the healthcare system and, thus, limiting their concrete accessibility to healthcare.

Finally, the financial crisis that started in 2008 has added a further burden to the already-difficult situation faced by non-EU immigrants. Not only have they been the first to lose their jobs – and with them their housing and their permit to stay – but more than ever they are considered as a threat to Italian society and thus are exposed to many forms of institutional discrimination, racism and exploitation. In order to prevent the increase of undocumented immigrants due to unemployment, in 2012 the Italian government adopted the Law no. 92/2012, which extends from six months to one year the period within which those immigrants who have lost a job may stay in Italy to find a new employment. Once an immigrant loses her/his job, s/he has 40 days to enroll at the Employ-

ment Office (*Centro per l'Impiego*) and to ask for a temporary permit of stay (*Permesso di soggiorno per attesa occupazione*) at the Police Headquarter (*Questura*).

It is also important to note that major securitarian interventions have been usually proposed and adopted by right-wings governments, including the Northern League (*Lega Nord*), the Italian xenophobic, anti-European and populist party. Since 2013, the country has been governed by a left-wing majority, whose interventions have been less tough towards immigrants, even though no changes in the Bossi-Fini Law have been proposed.

However, a recent change in the left-wing leadership on December 2016 seems to be accompanied by a new securitization turn. Two new interventions on immigration and security have been adopted on April the 12<sup>th</sup>, 2017 with the so-called Minniti-Orlando Decrees. Although it mainly focuses on asylum issues, the first intervention aims to substitute the 6 existing CIE (*Centri di Identificazione ed Espulsione* – Centers for the Identification and Expulsion of undocumented immigrants), which currently have a maximum total capacity of 600 persons, although often overcrowded, with 18 smaller CPR (*Centri di Permanenza per il Rimpatrio* – Centres of Stay before Repatriation), each one with a capacity of 100 persons, situated far from urban centers and close to airports. The aim of the government is to speed up the procedures of deportation. The second intervention focuses on security issues. Specifically, it strengthens the power of Majors and introduces the so-called '*diaspo urbano*,' a mechanism that allows Majors to remove – in coordination with the Prefect and the police – people from the territory in cases of repeated illegal conducts (including illegal ambulant sales, abusive parking valets, illegal occupation of public soils and properties). Hence, the securitization and criminalizing approach towards immigration – and irregular migration in particular – seems to still represent the main, or even unique point of concern of Italian national interventions on immigration.

## 2. Labor Safeguards and Anti-discrimination and Anti-exploitation Measures

### 2.1 Discrimination and exploitation in the Italian labor market

In Italy, labor discrimination, exploitation and violations of the rights of immigrant workers are widespread (Allasino et al. 2013; Amnesty International 2012; IOM 2010; Ragusa 2011). It has been observed that a true segregation system of the workforce is in place as most immigrant workers are confined to the lowest ranks of the labor markets (Calavita 2005). According to the OECD (2014: 20- 22), in 2012, between 31% and 40% of the regular immigrant population working in Italy were employed in non-qualified, semi-qualified and low-paid jobs, in contrast to around 15% of native Italians. If we look at specific labor sectors, immigrants are highly concentrated in agricultural, building and housekeeping activities, as well in street trading, small-scale manufacturing and urban services (OECD 2014). In 2012, 57% of immigrant workers with valid work permits were mainly employed in the service sector, 29.6% in the industrial sector and 8.5% are employed in the agricultural sector. In the service sector, they are mainly employed by private citizens as caregivers and domestic workers, and by enterprises such as restaurants and hotels. In the industrial sector, they are mostly employed in construction and manufacturing (OECD 2014: 20). Between 7% and 8% of immigrants are also self-employed in small enterprises (OECD 2014).

These types of jobs are often highly demanding in terms of labor intensity and are usually carried out in plants that have usually performed low productivity and growth rates. For all these reasons, employers are often keen to boost their profits by hiring immigrants who can be paid less than 'native' Italian workers. Furthermore, these jobs are less protected and unionized, and this exposes immigrant workers to high levels of abuse and exploitation by employers (Adler, Tapia and Turner 2014). Finally, these jobs contribute to the informal economy and this

makes it easier for employers to hire undocumented immigrants. Italy has among the largest informal economies in Western Europe and both documented and undocumented immigrants participate in it extensively (Reyneri 2001).<sup>16</sup>

Reversing these trends appears particularly difficult since employers have advantages in hiring immigrants in the underground economy and since immigrant workers can be easily blackmailed because of the legislation, which barely protects them. When employers are given the occasion to regularize their workers, many of them prefer not to do so, and some would prefer to fire their workers before helping them regularize. As Emilio Reyneri (2001) explains, that for many employers the only

means to reduce costs is to employ workers on an irregular basis. He adds that employers save important amount of money by not having to pay social security contributions and income taxes. Furthermore, irregular work affords greater flexibility in terms of time schedule and firing workers. In that context, the underground economy persists also because the risk of repercussions and sanctions for employers has often been low in Italy (Barbagli et al. 2004: 15).

Recent research shows that that employment in the underground economy has worsened in recent years, as a result of the financial crisis that started in 2008 (Allasino et al. 2013). In Italy between 2008 and 2010, the unemployment rate among immigrant workers increased from 6.9% to 13% (Salis 2012: 9). These trends have made immigrants more vulnerable and have increased their employment in the underground economy. Several NGOs and trade unions have denounced the high level of exploitation occurring in the underground economy in Italy in recent years (IOM 2010; Amnesty International 2012).

## **2.2 Legal tools against discrimination and labor exploitation**

The Single Text establishes the rights of non-EU immigrants in the Italian labor market as well as aspects concerning their protection against

forms of discrimination and exploitation (Titles III). However, in order to understand how immigrant labor rights can be protected – as Reyneri (2001: 31) highlights – one needs to bear in mind that immigrants can find themselves in at least three different situations: (1) immigrants hold a valid permit to stay for working reasons and hold a regular job contract; (2) immigrants hold a valid permit to stay for working reasons but are hired in the underground economy; and (3) immigrants are undocumented and they are hired in the underground economy. While there are relevant formal measures to protect immigrant workers with regular work permits, there are few safeguards for undocumented workers and the family members. First, anti-discrimination measures in the labor market are generally applied only to regularly residing immigrants. Second, while measures against exploitation are formally guaranteed to undocumented immigrants as well, those who denounce *de facto* have very little protection and in most cases they risk deportation.

Non-EU immigrants with regular work permit have the right to equal treatment with Italian workers under the same labor condition. The Single Text establishes the main guarantees for immigrant workers in Italy, referring specifically to employment in Article 2 (Paragraph 2). This article recalls explicitly the ILO Convention no. 143 of June 24, 1975 on the rights of immigrant workers and their families and which provides for equal treatment and full equal rights for immigrant workers. The Single Text also makes explicit reference to the Italian Constitution on this point establishing “equal treatment and full equality of rights with respect to Italian workers” (Article 2[2]). The Law also extends the same labor safeguards to female immigrant workers.

The Single Text explicitly guarantees protection against discrimination in Articles 43 and 44. In the first, discrimination is defined as “any behavior which directly or indirectly causes differentiation, exclusion, restriction or preference on the grounds of race, color, ancestry, national or ethnic origin, religious practices and beliefs, having the aim or effect of destroying or hindering the

<sup>16</sup> Employment in the underground economy is pervasive not only among undocumented immigrants from non-EU countries, but also among EU citizens, such as the Romanians working in the construction sector (OECD 2014).

recognition or exercise – under equal conditions – of fundamental human rights in the political economic, social and cultural fields as well as in other public sector”. The same Article also refers to Article 15 of the Italian Statute of Workers (Statuto dei lavoratori), stating the prohibition of direct and indirect forms of discrimination with respect to employment relations<sup>17</sup>. Indirect discrimination in the labor sector is defined as “any prejudicial treatment deriving from the adoption of requirements which produce a more than a proportionate disadvantage to workers of a given race, ethnic or linguistic group, religion or citizenship and which are not essential for doing the work”. In case immigrant workers suffer discrimination, Article 44 foresees the possibility to undertake civil action. Immigrant workers can appeal to the judge who can issue an order in which s/he can intimate the end of this behavior and impose the obligation to adopt adequate provisions aiming to remove discriminatory behaviors. The employer can be asked to indemnify the non-pecuniary damage (Danno non patrimoniale). When collective discriminations take place, actions can be taken with the support of local trade unions (on the role of trade unions, see below). In this case, employers are obliged by the judge to plan the removal of any form of discrimination.<sup>18</sup>

Furthermore, for those immigrants who have a permit of stay, but work in the underground economy, it is possible to denounce the employer and to ask for arrears, holidays and employment leaves. Employers who hire non-EU immigrant workers are obliged to communicate the employment relation to the Employment Office (*Centro per l'Impiego*) or, if it is a domestic work, at the INPS (*Istituto Nazionale di Previdenza Sociale*). Employers who are denounced for irregular hiring go through a penal process and have to pay an administrative fine. However, in order to avoid paying taxes, many employers actually decline to communicate the employment relations to the authorities or prefer to employ immigrants in the underground

economy. In most cases, employers opt to hire undocumented immigrants. Moreover, it is very rare that immigrant workers actually denounce their employers, especially in times of economic depression, in which is particularly complicated to find jobs. In addition, as mentioned earlier, the Italian legislation has become particularly restrictive towards immigrants who do not have a job, making the chance that immigrant workers denounce their employer unlikely (Cannella 2010).

Undocumented immigrants are allowed to denounce their employer, if they are victim of exploitation. In practice, however, they run a high risk, because they cannot ask for a permit of stay if they have an irregular occupation. What is worse, they can be denounced by Italian authorities and deported, as Article 10-bis of the Single Text postulates that undocumented immigrants can be denounced for the felony of ‘illegal stay’. In a few exceptional circumstances, immigrant workers can ask for a ‘permit of stay for social protection’ (*Permesso di soggiorno per motivi di protezione sociale*). This permit can be released by the Questura when there are “situations of violence or of serious exploitation of immigrant” and in case of “concrete dangers for his/her safety” (Article 18, Single Text). These cases concern mainly immigrants’ attempts to escape criminal organizations and protection measures apply in particular to forms of sexual exploitation of women forced to prostitution. In this case, women are given the chance to remain in Italy attending processes of reinsertion in the labor market. With a Circular of the Minister of the Interior (August 4, 2007) the measures of protection of Article 18 of the Single Text have been extended to immigrants who are victims of violence and exploitation in the labor market more generally. The most common cases are forms of exploitation “particularly serious,” such as in the case of the so-called phenomenon of ‘*Caporalato*’, that is, of illegal employment in the agricultural sector. On October 29th, 2016 a specific law on this topic has been introduced

<sup>17</sup> Commonly known as the Statute of workers, the text that regulates the rights of workers in Italy is Law no. 300/1970.

<sup>18</sup> It is also important to note that the law establishes the role of Regions on these matters. In order to apply effectively anti-discriminatory protection for non-EU immigrant workers, in collaboration with local authorities and the third sector, Regions are expected to activate information centers, observatories and legal assistance for immigrant workers who are victim of discrimination. This is often done in collaboration with immigrant associations and volunteering organizations (Article 44[12]).

<sup>19</sup> For the text of the Law, see: <http://www.gazzettaufficiale.it/eli/id/2016/11/3/16G00213/sg>

(Law no. 199/2016) to contrast the underground economy and the exploitation of immigrants in the agricultural sector and to offer more guarantees for the protection of exploited immigrant workers in that activity.<sup>19</sup> However, other forms of non-violent exploitation, such as the irregular employment of domestic workers that are low paid or who do not have holidays, are in most cases excluded from legal protection.

### **2.3 The crucial role of non-governmental organizations and trade unions**

In Italy, trade unions and non-governmental organizations play a crucial role in protecting the rights of immigrant workers as initiatives to prevent and fight discrimination and racism in the workplace are mostly fragmented and are rarely guaranteed by public authorities (Pinto and Enwereuzor 2002). Non-governmental organizations focus more frequently on the general themes of immigrant workers and their families' rights than on issues related to the labor market. Nonetheless, their work is very important in supporting immigrant workers with the renewal of their work permits and in helping them find their way in the complex bureaucratic procedures (Ambrosini 2013b). NGOs are also crucial immigrant advocates and can play a key role in fighting against institutional discrimination perpetuated by local administrations and public workers (Ambrosini 2013a; Guariso 2013). Trade unions, however, are the best placed to protect immigrant workers' rights and to struggle against discrimination in the Italian labor market. Several studies have documented how trade unions have played a crucial role in the integration of immigrants in Italy (Mottura and Pinto 1996). They have not only worked to protect immigrants as workers, but to a certain extent they have played a crucial role in advocating for the improvement of immigrants' rights more generally (Mottura 2000; Mottura et al. 2010).

With regard to labor safeguards, Italian trade unions have mostly focused on guaranteeing immigrant workers' rights as 'rights of workers.' As a matter of fact, the main activities of trade

unions concern the definition of collective contracts that focus on protecting individual rights of workers more generally. Therefore, their approach does not focus on defending specific immigrant workers' rights in the workplace (Pinto and Enwereuzor 2002). Nonetheless, guided by practical considerations, trade unions have gradually adopted ad hoc measures and services at the local level to address the specific needs of immigrant workers (*Ibid.*). They have negotiated, for instance, contracts that protect the rights of immigrant workers in sectors where they are mostly concentrated, such as domestic work, cleaning enterprises and catering companies. Moreover, they have helped immigrant workers organize in the workplace. At the local level, in some cases trade unions have managed to create internal consultative bodies in the enterprises (the *Rappresentanza Sindacale Unitaria – RSU*). These bodies are usually composed of representatives of the companies and of the workers and aim at improving the conditions of immigrant workers. They make recommendations on the specific conditions of immigrant workers employed in the company and are able to negotiate agreements to improve the conditions of immigrant workers in the workplace. These agreements are negotiated informally by the trade union's representatives within a given enterprise and therefore they can vary from one enterprise to the other.

Other initiatives promoted by trade unions that regard specific conditions of immigrant workers include: (1) the promotion of social integration (e.g. housing and immigrant status); (2) the provision of language courses and/or vocational training; (3) the negotiation of special permissions to employers for religious festivities; (4) the insurance of equal opportunities for immigrant workers who belong to disadvantaged categories; and (5) the offer of information to immigrant workers in different languages (Pinto and Enwereuzor 2002). Additionally, trade unions provide information and other support services to immigrant workers. They usually offer consultancy services regarding labor rights and rights more generally and produce information materials.

**Box 3/ List of main trade unions and NGOs**

CGIL: Italian General Confederation of Labor (*Confederazione Generale Italiana del Lavoro*)

CISL: Italian Confederation of Trade Unions (*Confederazione Italiana Sindacati Lavoratori*)

UIL: Italian Labor Union (*Unione Italiana del Lavoro*)

CUB: Unitary Base Confederation (*Confederazione Unitaria di Base*)

USB: Base United Unions (*Unione Sindacale di Base*)

ACLI: Association of Italian Christian Workers (*Associazione Cristiana Lavoratori Italiani*)

Caritas

ANOLF: Beyond Frontiers National Association (*Associazione Nazionale Oltre le Frontiere*), which is affiliated to CISL

APICOLF: Italian Professional Association of Domestic Workers (*Associazione Professionale Italiana Collaboratori Familiari*), which is linked to Caritas and to Catholic parishes

### 3. Entitlement and Access to Healthcare

In Italy, healthcare is considered a public responsibility, pursued through a regionalized tax-based National Health Service (*Servizio Sanitario Nazionale – SSN*) that provides universal coverage free-of-charge at the point of access. Specifically, at the national level, the Ministry of Health defines the triennial National Health Plans (*Piani Sanitari Nazionali – PSN*), in which national goals and priorities on healthcare are identified, including the so-called Essential Levels of Care (*Livelli Essenziali di Assistenza – LEA*), i.e. minimal levels of healthcare that must be guaranteed free-of-charge across the territory.<sup>20</sup> Then, each Region is responsible for the organization and management of its Regional Health Service (*Servizio Sanitario Regionale – SSR*) and the administration of healthcare services through the definition of triennial Regional Health Plans (*Piani Sanitari Regionali – PSR*), which determine national goals and priorities according to specific terri-

torial peculiarities, health needs and resources. At the local level, each SSR is structured in several local health authorities (*Aziende Sanitarie Locali – ASL*), that is, public health organizations whose competence is to satisfy the population's health needs and demands. They provide healthcare directly – through facilities or services rendered by public hospital and territorial departments – or indirectly – through agreements with accredited private providers. The health structures that are part of each SSR differ in relation to the type of service provided. Accordingly, primary care is usually provided by General Practitioners, Pediatricians (age 0-14) and self-employed and independent physicians working under a government contract. Secondary and tertiary care is delivered mainly by public structures, which provide outpatient and inpatient services. Along with state-driven structures, private for-profit organizations also provide healthcare treatments, although they are still little developed in the country.

The main text of reference on immigrants' eligibility to healthcare services in Italy is the

<sup>20</sup> Each Region can provide higher levels of care than the ones defined by the LEA, as long as it guarantees their financial coverage.

Single Text (Articles 34-36) as updated by the 2012 State-Regions Agreement<sup>21</sup>, the latter constituting the most important, comprehensive and detailed text on EU and non-EU immigrants' access to healthcare in Italy to date. Specifically focusing on non-EU immigrants, their possibility to access public healthcare in Italy depends on the legal/administrative status of the person. While non-EU immigrants with a regular permit of stay (or waiting for the renewal of a valid permit of stay) are entitled to the same rights and duties as Italian citizens with reference to healthcare services (Article 34, Single Text), undocumented immigrants are entitled to 'urgent care' and 'essential care'. The Circular letter no. 5/2000 of the Ministry of Health defines 'urgent care' as health services that cannot be deferred without endangering the life or damaging the person's health, being usually provided through emergency departments. 'Essential care' includes diagnostic and therapeutic health services related to non-dangerous illnesses in the immediate and short term, but that over time could cause greater damage to the person's health or put her life at risk (complications, chronic illnesses or aggravations of previous illnesses and diseases).

Nevertheless, the formal content of the Italian legislation on non-EU immigrants' access to healthcare should not create any illusion. Although the legislation may appear almost inclusive, as it guarantees the right of non-EU immigrants to healthcare like for Italian citizens and it affirms that also undocumented immigrants may access 'urgent and essential care', the wide room for maneuver attributed to both Regional authorities in the definition and implementation of healthcare interventions for immigrants and to health providers highly jeopardizes the national formal policy on immigrants' health and, concretely, affects the enactment of immigrants' right to healthcare in the country (Perna 2017). In addition, as mentioned earlier, the Bossi-Fini Law and the Security Package, as well as the following securitarian interventions to immigration in the country, have introduced sev-

eral 'pathogenic elements' affecting immigrants' health and created an environment of fear and suspicion that hinders immigrants' concrete and daily possibility to access healthcare and receive appropriate health treatments.

### 3.1 How to access healthcare. Opportunities and challenges

Four main categories of entitlement to healthcare exist in Italy in relation to the legal condition of a non-EU immigrants: (1) 'foreign citizens with a regular permit of stay', whose registration with the SSN may be either mandatory or voluntary; (2) 'foreign citizens regularly present in Italy for less than three months'; (3) 'foreign citizens present in Italy on an irregular basis'; (4) 'Foreign citizens holding a permit of stay for healthcare purposes'. Below we explain which are the conditions for the access to healthcare services in relation to these four categories.

(1) *Foreign citizens with a regular permit of stay* – Similarly to Italian citizens, immigrants with regular permit receive a health card (*Tessera Europea Assicurazione Malattia* – TEAM) at the moment of registration and have the right to choose a General Practitioner and a Pediatrician (for individuals of age 0-14) (See Box 5). To obtain health assistance, registration at the ASL of residence is required (that must be done after a person register at the local Registry Office for Residents – *Anagrafe Residenti*). In case the immigrant is not registered as resident yet, registration should be performed at the ASL of abode ('abode' refers to the address indicated in the permit of stay).

Enrolment in the SSN has the same time validity of the permit of stay. However, registration with the SSN can be either mandatory or voluntary in relation to the immigrant's specific permit of stay.

*Mandatory registration* means that the person has the duty to register with the SSN. In these cases, healthcare coverage is extended to the

<sup>21</sup> Conferenza Permanente per i rapporti tra lo Stato e le Regioni e le Province autonome di Trento e Bolzano, December 20, 2012. 'Accordo, ai sensi dell'articolo 4 del decreto legislativo 28 agosto 1997, n. 281, tra il Governo, le Regioni e le Province autonome di Trento e Bolzano sul documento recante: «Indicazioni per la corretta applicazione della normativa per l'assistenza sanitaria alla popolazione straniera da parte delle Regioni e Province autonome»'. <http://www.gazzettaufficiale.it/eli/id/2013/02/07/13A00918/sg> (Accessed April 4, 2017).

### Box 5/ The General Practitioner and the Pediatrician, the Doctor on Duty and the emergency room

General Practitioners (GPs) and Pediatricians must be chosen by the immigrant among a list available at the ASL of residence/abode at the moment of registration with the SSN.

Along with making diagnoses and prescribing the most suitable treatments in relation to a person's health needs and condition, GPs and Pediatricians are also in charge of providing:

- Employee's medical certificate in case of absence from work for illness;
- Medical certificate for readmission to school;
- Prescriptions for specialist and diagnostic examinations;
- Requests for non-emergency hospital admission;
- Prescription of medicines.

Each GP or Pediatrician has an outpatient department where she guarantees free-of-charge general primary care at fixed days/hours to people registered with the SSN.

When GPs or Pediatricians are not available (e.g. during the night, holidays) and in cases of emergency, it is possible to contact the Doctor on Duty (*Guardia Medica – Servizio di continuità assistenziale*) to receive medical advices and in-home examinations when needed. In case of emergency requiring immediate interventions, it is possible to go to the emergency room of the closest hospital (*Pronto Soccorso*) or call the Italian emergency phone number 118.

dependent family members of the person (see Appendix 2). This type of registration concerns dependent and self-employed immigrants working on a regular basis and their family members (also in the case of family reunification, except for over-65 immigrants who entered in Italy after November 5, 2008, which are entitled to voluntary registration), immigrants who hold a '*carta di soggiorno*' and immigrants who have applied for the Italian citizenship (for a detailed list of the categories of immigrants falling into this type of coverage, see Appendix 2).

Immigrants with a permit of stay for more than 3 months but whose situation does not fall within the cases indicated above, such as students or over-65 family members who entered in Italy for family reunification after November 2008, can apply for voluntary registration at the ASL of residence/abode. This type of registration requires a yearly income-based payment and can be extended to dependent family members.

It is valid for a calendar year (January 1<sup>st</sup> – December 31<sup>st</sup>) and cannot be split up. Students and au pairs are entitled to a lump sum, set annually by the government (in these cases, dependent family members are not included) (See Appendix 3). In case a person does not apply for voluntary registration with the SSN, s/he is required to pay a private health insurance. Nevertheless, private health insurances cover all potential health risks at very high prices, while cheap premiums do not provide coverage for a wide range of health treatments. This means that, in case a person suffer from an illness that is not covered by her/his private insurance, s/he must pay the full cost of the treatment received.

*(2) Foreign citizens regularly present in Italy for less than 3 months* – Immigrants that are regularly present in the country for less than 3 months (e.g. visa for tourism and business purposes) and cannot be registered with the SSN are guaranteed 'urgent care' and 'planned care'

(Article 35, Single Text)<sup>22</sup>. As far as ‘urgent care’ is concerned, they are provided immediately, while payment of the total cost of the treatment provided is required at the moment of the person’s discharge from the hospital. ‘Planned care’, which includes those health services and treatments that are not carried out in a situation of emergency, is provided after the payment of the full cost for the treatment. Each Region defines the tariffs of the healthcare treatments provided out of the SSR coverage.

(3) Foreign citizens present in Italy on an irregular basis – Non-EU immigrants present in the country on an irregular basis are entitled to ‘urgent care’ and ‘essential care’ through a specific system called STP – *Straniero temporaneamente presente* (Temporarily Present Foreigner), consisting of a short-term anonymous Regional code (named STP code), valid for six months and renewable (see Appendix 4 for more details). The code is assigned to the person when s/he access healthcare services for the first time (Article 35, Single Text). The STP card is accepted throughout the national territory, and it is used by ASL and health providers both for obtaining reimbursement for the healthcare services provided (by the Ministry of Health or the Home Ministry, according to the type of treatment provided) and for all prescriptions allowed by the Regional prescription drugs formulary.

Moreover, Article 35 of the Single Text affirms that continuative healthcare is also guaranteed to undocumented immigrants, in the sense of providing patients with a complete therapeutic and rehabilitative cycle relating to the possible elimination of the disease. Finally, preventive care programs that safeguard individual and collective health are also guaranteed.

When applying for registration, immigrants in such condition are not required to show any

residence permit. Moreover, the code may be issued also in the case a person does not have any document providing her identity. In this case, s/he will be registered on the basis of information she provides at the point of first access. Doctors and health professionals are proscribed to report foreign citizens present in Italy on an irregular basis to the police when they access health structures (except when the medical report is compulsory, on the same grounds for Italian citizens)<sup>23</sup>.

Although affirming that, as a general rule, there is no principle of providing free health services to non-registered citizens, Article 35 of the Single Text states that services shall be provided free-of-charge to immigrants in condition of irregularity when they lack sufficient economic resources. Co-payments (the so-called ‘tickets’) have to be paid on the same basis as Italian citizens, according to the principle of non-discrimination. Nevertheless, the person may ask for co-payment exemption when in condition of economic indigence<sup>24</sup>. In particular, immigrants present in Italy on an irregular basis are exonerated from co-payments on the same basis of Italian citizens in relation to the following treatments:

- (a) social protection in case of pregnancy and motherhood, on the same basis of Italian citizens;
- (b) protection of minors, according with the Convention of the Rights of the Child of 20th November 1989;
- (c) vaccinations programs as provided by Regional regulations and collective prevention campaigns;
- (d) international prophylaxis measures;
- (e) prophylaxis, diagnosis and treatment of infectious diseases.

<sup>22</sup> Exceptions to this rule concern foreign citizens originating from countries with which Italy has signed specific bilateral agreements, such as Argentina, Australia, Brazil, Bosnia-Herzegovina, Croatia, Principality of Monaco, Macedonia, Montenegro, Serbia, Republic of San Marino, Tunisia, Vatican City. In these cases, immigrants are required to provide specific forms from their country of origin, indicating the extent of healthcare coverage guaranteed by their social protection system.

<sup>23</sup> For instance, these include cases of crimes against human lives (e.g. willful murder, manslaughter, unintentional homicide, incitement or help to suicide, infanticide) and crimes against physical integrity (e.g. malicious voluntary lesions from beating, maltreatment, fights, abuse of means of constriction).

<sup>24</sup> The condition of economic indigence is stated and self-certified by the immigrant when she is given her STP code, though a declaration valid six months drafted according to a specific form provided in the Circular Letter no. 5/2000 of the Ministry of Health.

(4) *Foreign citizens holding a permit of stay for healthcare purposes* – Non-EU immigrants who explicitly want to move to Italy to receive medical treatments can apply for a specific permit of stay, called ‘Permit of stay for healthcare purposes’ (Permesso di soggiorno per cure mediche). A foreign citizen applying for a permit of stay for healthcare has to pay the total amount of the cost of that treatment (Article 36, Single Text). Once the needed documentation has been submitted, the permit of stay will be issued to the person after her entry in the country, and it will be valid for the stated duration of the treatment. During the stay, the person and her partners cannot work. Once that specific treatment has finished, she must leave the country, with no possibility of renewing the permit of stay or changing it for another kind of permit. Moreover, it does not allow the person to ask to become enrolled in the SSN, not even by paying a voluntary insurance. For a detailed description of the procedure to be carried out and the documents needed to apply for such permit, see Appendix 5.

### **3.2 Regional differences in healthcare policies for non-EU immigrants**

In Italy, healthcare policies for immigrants are characterized by a high degree of variation due to the decentralized structure of the National Health Service, which is composed by 21 Regional Health Systems. According to a 2010 survey conducted by Geraci and colleagues (2010), in 2010, 16 Regions included immigrants’ health in their programs, with various references in the text or even a specific section. On the contrary, 4 Regions (Veneto, Friuli-Venezia Giulia, the Autonomous Province of Bolzen and Calabria) paid no or minimal attention to immigrants’ health in their Regional Health Programs, meaning that in these Regions no specific policy goals and interventions were defined in relation to the immigrant population’s specific health needs and demands.

Concerning the provision of instruments to facilitate immigrants’ access to healthcare structures, almost all Regions defined information guidelines and booklets to provide information

to non-EU immigrants on their right to healthcare in Italy and on how to access healthcare services. Likewise, the most part of Regions formally acknowledged in their Regional Plans the importance of cultural and linguistic mediation services (even though they have not necessarily implemented them in their Regional Health Systems). At the same time, however, only 5 Regions adopted specific guidelines to provide concrete indications to health operators, health structures and hospitals (Veneto, Umbria, Lazio, Puglia and Sicilia) and only 8 Regions have promoted health staff trainings on intercultural competence (Liguria, Emilia-Romagna, Toscana, Umbria, Marche, Lazio, Puglia and Sardegna). This means that, in spite of official discourses, immigrants’ integration in the healthcare system is still perceived as a responsibility of the immigrant patient, given that few interventions have promoted cultural diversity in the Italian public healthcare structures.

Moreover, as far as the extent of healthcare coverage for non-EU immigrants and undocumented immigrants in particular is concerned, some Regions have extended the services provided to this group of immigrants when compared to the provisions indicated by the 1998 Single Text on Immigration. For instance, in 2016, 3 Regions over twenty guaranteed a GP also to undocumented immigrants (Toscana, Umbria and Puglia). However, for what concerns Puglia in particular, this practice is usually carried out only in the province of Foggia. In the other provinces, including Bari, the registration of undocumented migrants to a GP is quite rare, while they may access healthcare through 25 targeted public health departments present in the regional territory. On the contrary, the situation is better for what concerns children, as they are registered with a Pediatrician on a regular basis across the Regional Health System in Puglia.

At the opposite end, in Lombardia and Molise, undocumented immigrants can access public or accredited private structure for emergency care, while other provisions were mainly delegated to NGOs and voluntary associations operating in these regional territories (NAGA 2016; Merotta 2011). Specifically concerning Lombardia, in 2016 only 2 public health departments existed

to provide healthcare services to undocumented immigrants (one in Milano and one in Brescia), while other provisions were mainly delegated to the 13 voluntary health structures operating in the region. In Milan, among the most important ones are the NAGA<sup>25</sup> and the Opera San Francesco (OSF)<sup>26</sup>. Moreover, for what concerns children, in Lombardia they are not entitled to be formally registered with a Pediatrician. Nevertheless, they can access a Pediatrician's department and receive free-of-charge health services on spot.

In between these two opposing Regional approaches, in Lazio 55 targeted public health departments provide healthcare services to undocumented immigrants, with the support of some relevant voluntary organizations (such as the Caritas in Rome)<sup>27</sup>. For what concerns undocumented children, their possibility to be registered with a Pediatrician depends on they having a Fiscal Code (*Codice Fiscale*). If this is not the case, undocumented children may access healthcare services through the targeted public health departments mentioned above.

As it clearly emerges, in spite of the adoption of the 2012 State-Regions Agreement, which aimed at promoting higher homogeneity across the country and introduced important novelties (such as the right of children to be registered with the SSN and to a Pediatrician regardless of their legal status; the preventive issue of the STP code to undocumented immigrants in order to improve their participation to preventive care programs), its adoption by Regions has been quite fragmented and delayed in time.

### **3.3 Policies to facilitate non-EU immigrants' access to healthcare**

In Italy, some instruments to facilitate immigrants' access to healthcare can be found,

including training courses for healthcare providers on cultural competence, mediation and translation services, and translated information materials in several languages<sup>28</sup>. Moreover, specific programs have been also introduced by the Ministry of Health to target the health needs of specific sub-groups of the immigrant population and improve health literacy among immigrants (e.g. programs to improve pregnant women' health, to reduce abortion rates and contrast female genital mutilation practices, to lower the impact of HIV, TBC and sexual transmitted diseases, to reach 100% vaccination coverage among immigrant children, to reduce of on-the-job accidents). Nevertheless, all these tools are not compulsory. Each Region and each health structure may invest at various degrees on the provision of those instruments to facilitate immigrants' access to healthcare. Hence, tools to improve accessibility are fragmented and poorly effective in reaching all employees that operate at the front-line of the healthcare system.

As monitored in the Health Strand of MIPEX<sup>29</sup>, immigrants may encounter difficulties in producing the required documentation for registration (IOM 2016). Moreover, access to healthcare may depend on discretionary judgments, particularly for what concerns STP (NAGA 2016; Perna 2017). This is because the responsibility to define 'urgent and essential care' is in charge of medical/administrative staff members, which have to interpret, evaluate and assess health-related criteria for entitlement in each individual case. Moreover, in several cases immigrants have been forced to provide an identity document to be registered regardless of the national indication, the incomppliance of which has resulted in refusal. This discretionary power may potentially hinder immigrants' access to healthcare.

<sup>25</sup> See the NAGA's website at: <http://www.naga.it/index.php/attivita.html>.

<sup>26</sup> See the OSF's website at: <http://www.operasanfrancesco.it/OSF/cosafacciamo/poliambulatorio.cfm>.

<sup>27</sup> See the Caritas Roma's website at: <http://www.caritasroma.it/attivita/nel-territorio/sanita/>.

<sup>28</sup> See, for instance, 'InformaSalute' ([http://www.salute.gov.it/portale/documentazione/p6\\_2\\_5\\_1.jsp?id=118](http://www.salute.gov.it/portale/documentazione/p6_2_5_1.jsp?id=118)) or 'Salute: un diritto per tutti' ([http://www.salute.gov.it/portale/documentazione/p6\\_2\\_5\\_1.jsp?id=203](http://www.salute.gov.it/portale/documentazione/p6_2_5_1.jsp?id=203)), online booklets provided by the Ministry of Health for several groups and languages.

<sup>29</sup> See: <http://www.mipex.eu/italy>

### 3.4 The role of civil society organizations in protecting undocumented immigrants' rights to healthcare

Healthcare in Italy is mainly provided by state-driven structures. Nevertheless, specialized NGOs and civil society organizations are often involved in the provision of healthcare services out of the SSN, in particular concerning vulnerable groups of immigrants (women, victims of violence or smuggling, asylum seekers, unaccompanied children, undocumented immigrants).

This is particularly relevant for what concerns those immigrants who are present in Italy on an irregular basis. According to the 1998 Law's Executive Decree (DPR no. 394/1999, Article 43), each Region has "to identify the most appropriate ways to guarantee the access to healthcare for temporary present foreigners, through public and accredited private hospitals and, possibly, in collaboration with NGOs and voluntary associations". Indeed, the implementation of healthcare policies is frequently undertaken with the support of private non-profit organizations (Ambrosini 2015; Pasini and Merotta 2011). Among the NGOs concerned, the most important at the national level are Caritas, Croce Rossa, Emergency, Medici Senza Frontiere and the Comunità di Sant'Egidio, which have many centers all over the country and operate both as advocacy actors and as healthcare providers for the most vulnerable groups of the immigrant population. At the regional and local levels, organizations such as the Naga and the Opera San Francesco in the city of Milano, the Biavati in Bologna, the Caritas in Rome, the Salesians of Santa Chiara in Palermo, are well-known actors operating in this field. For the most relevant organizations operating in Lombardy, Lazio and Puglia, see the ones cited in the previous paragraph.

More generally, however, the level of CSOs' involvement and formal responsibility highly vary across the country, also in relation to Regional approaches to immigrants' health. For instance, in Emilia-Romagna, public-sector actions and structures have a central role in providing health services to immigrants present on an irregular

basis. Here, NGOs have a marginal role in terms of direct provision of services, while may participate as advocacy actors (Merotta 2011). On the contrary, in Lombardy, the Region has traditionally played a minimal role in immigrant health policymaking, and few Regional laws or resolutions have been adopted. Consequently, religious and humanist CSOs play a leading role in the local-level provision of health services for immigrants and in raising awareness concerning their right to healthcare (Ambrosini 2015).

## 4. Entitlement and Access to Civic and Political Rights

The Italian legislation guarantees several civic and political rights to non-EU immigrants. While formal political rights, such as voting and running for elections, are attached to acquisition of formal citizenship (Cappiali 2015; Kosic and Tryandafillidou 2005), non-EU immigrants residing in Italy have a wide range of options to take part in the political and civic life of the country, especially at the local level. Italy's legislations on this matter has been influenced by the 1992 *Convention on the Participation of Foreigners in Public Life at the Local Level of the Council of Europe* (CoE). Adopted with the aim of encouraging the active participation of foreign residents in the life of the local communities and of developing their prosperity by enhancing their opportunities to participate in local public affairs, the Convention "applies to all persons who are not nationals of the Party and who are lawfully resident on its territory" (Council of Europe 1992).

The Convention is made up of three fundamental parts. First, Chapter A stipulates that foreign residents should be granted the right of "freedom of expression, assembly and association," including the right to form trade unions. Second, Chapter B encourages the creation of Consultative Bodies at the local level, who should be elected by immigrants at the local level or appointed by immigrant associations. Finally, Chapter C invites national authorities to grant foreign residents the right to vote in local

elections and stand for election in municipal elections after five years of lawful and habitual residence in the host country. Moreover, it encourages the government to inform foreign residents about their rights and obligations in relation to local public life.

Italy ratified the 1992 Convention with the Law no. 203 of March 8, 1994 and explicitly recognized most of its aspects in the Turco-Napolitano Law in 1998, except for what concerns the right to vote and run for elections (Mantovan 2007). Therefore, non-EU immigrants in Italy are entitled to several political and civil rights at the local level. Moreover, the effective access to rights is often supported by political and social actors who invest in promoting participation, including local administrations, political parties, trade unions, church- and lay-based organizations (Cappiali 2015). Therefore, immigrants' participation and their ability to make a difference in the local environment often depend on the incentives offered by local actors (Ibid.). However, the opportunities offered by these actors vary from place to place. As a matter of fact, while in some cities many opportunities for participation are available, in others they are very limited (Caponio 2005). For this reason, given the variations and importance of platforms created in each city, it is important to evaluate case by case which actors in the city are best placed to encourage immigrants' active participation (Cappiali 2015). Below we present some of the main political and civic activities in which immigrants can be involved in Italy.

(1) *Participation in trade unions* – The number of immigrant workers enrolled in the trade unions in Italy is very high and is gradually increasing (Mottura et al. 2010). There is also a considerable number of immigrant workers elected or appointed as representatives or delegates of the trade unions at different levels (Cappiali 2015). Unionization and participation in the political and union activities of these organizations is mainly the result of these organizations' investment on migration issues (Mottura et al. 2010).

(2) *Participation in Consultative Bodies* – In many cities, immigrants are allowed to participate in elective or appointed bodies that have

been created in many municipalities to represent the interests of the immigrant communities. Some of these bodies have worked better than others. Nonetheless, they have been criticized for exercising social control rather than allowing immigrant communities to have a voice in the city (Cappiali 2015). Moreover, most of them have been based on the mistaken assumption that immigrant associations represent the immigrant communities, which is very rarely the case (Candia and Carchedi 2012).

(3) *Civic Participation* – Immigrants can participate at the individual level in the Italian volunteering sector and at the collective level through the creation of their own associations. Local authorities and civil society organizations often encourage immigrants' civic participation by creating platforms and intercultural centers that allow immigrant associations to meet with each other and have a voice in the city (Cappiali 2015). It is also important to note that in many situations, immigrant associations are prevented from becoming strong actors because of processes of cooptation (Candia and Carchedi 2012). Several studies have highlighted that immigrant organizations are often weak and struggle to become visible, make claims and shape local policies (Caponio 2005; Mantovan 2007). Tiziana Caponio (2005: 940) has identified the presence of a "crowding-out effect," that is, a process by which Italian associations leaves little space for the development of immigrant associations and thus limits 'the space' in which these latter can develop and thrive. Moreover, one the authors of the report (Cappiali 2016b) shows that civil society organizations often adopt paternalistic or instrumental approaches and thus prevent immigrant groups to have a voice. Despite this, many immigrant groups have sought to associate and participate in the life of the cities where they reside, and in some local contexts they have been able to make their voice heard and even shape to some extent local policies (Cappiali 2015).

#### 4.1 How to create an association

In Italy, non-EU immigrants have the same rights of Italian citizens to create associations.

An association is considered a juridical instrument with which a group of people can pursue its social and solidarity goals. An association can be created for several reasons, from the promotion of sport, cultural and religious activities to attempts to help people who are in need. Three types of non-profit associations can be legally created: (1) volunteering organizations, which focus on activities of solidarity; (2) associations of social promotion, which focus on activities that have are socially useful; and (3) social cooperatives, which manage socio-sanitary or educational services and other activities that aim at helping people with disadvantages to enter in the labor market.

To create any of these associations it is necessary that its President is more than 18 years old. Members of the association can be two or more. Associations can also work for public authorities and obtain some funding. In order to do so, they have to sign up in the main regional register related to their specific typology. These registers are: (1) the Regional Register of the Volunteering Associations (Registro regionale delle associazioni di volontariato), (2) the Regional Register of the Associations of Social Promotion (Registro regionale dell'associazione di promozione sociale), and (3) the Regional Register of Social Cooperatives (Albo regionale delle Cooperative sociali). In most cases, associations can also register to the portal of the third sector in the city and region where they are active. In order to receive information and support to create an association, it is possible to refer to a main organization, the CESVOT, which usually offers consultations.<sup>30</sup>

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<sup>30</sup> For more details, see Candia and Carchedi 2012 and visit CESVOT website: <http://www.cesvot.it>.

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# APPENDIXES

## Appendix 1. Main types of permits to stay for immigrant workers and their families (Single Text, updated on April 2017)<sup>31</sup>

(1) Work reasons
Dependent work – determined and undetermined (Article 22)
<p>An employer who wants to hire non-EU foreigners living outside Italy must submit, after verification of the unavailability of employees already present in the national territory, to the <i>Sportello Unico per l'Immigrazione</i> of her/his residence, or where his/her company has its legal headquarters, or where the worker will perform the job, an application including: (1) personal application for work authorization (<i>nulla osta</i>); (2) documents proving availability of suitable accommodation for the foreigner in accordance with regional regulations; (3) proposed residence agreement (<i>Contratto di soggiorno</i>) containing the essential elements of the agreement and the employer's commitment to pay for foreign citizen's return journeys to their countries; and (3) the employer's commitment to notify the <i>Sportello Unico</i> of any changes regarding the work relationship (termination of work relationship, change of working place, etc.).</p> <p>If the employer does not personally know the worker, s/he can – by submitting the above- mentioned documents – apply for work authorization of one or more people registered in the employment lists at the Italian diplomatic or consular representations of those countries with which Italy has signed ad hoc bilateral agreements. Within 60 days from the application and after obtaining a positive opinion from the Questura and the Provincial Labor Office, the <i>Sportello Unico</i> releases the <i>nulla osta</i> and sends the documents to the Italian Embassy/Consulate by e-mail. The authorization for dependent work is valid for 6 months from the date of issue, during which the worker must come to Italy and sign the contract at the <i>Sportello Unico</i>.</p> <p>Once the foreign worker has received the work authorization from the employer, s/he must apply for an appointment with the Italian Embassy or Consulate in his/her country of origin. The Embassy/ Consulate to which all the documents have been sent notifies the person of the proposed contract and issues him/her an entry visa within 30 days. Within eight days after entering Italy, the worker must go to the <i>Sportello Unico</i> that issued the work authorization to sign the residence contract and submit an application for the residence permit.</p>

<sup>31</sup> For detailed information on these and other types of permit of stay and procedures, see the English guidelines of the Home Ministry: [http://www.poliziadistato.it/statics/40/0554\\_initaliainregola\\_english.pdf](http://www.poliziadistato.it/statics/40/0554_initaliainregola_english.pdf).

### Seasonal work (Articles 24 and 25)

An employer who wants to hire non-EU foreigners living outside Italy in the agricultural and touristic sectors must submit a nominative application at the Sportello Unico of her/his residence. When possible, the same rules set out in Article 22 apply. Within 20 days, the Sportello Unico releases the seasonal work authorization (also a pluri-annual one), corresponding to the duration of the seasonal work. If within 20 days the Sportello Unico does not refuse the employer's application, the application should be interpreted as accepted if: (1) the application concerns a foreigner who has been already a seasonal employee of the same employer during the 5 years preceding the request; and (2) the foreigner has been regularly hired by the employer and has respected all prescriptions indicated in his/her previous permit of stay.

The seasonal work permit allows working for no more than 9 months in a period of 12 months. At the end of the 9 months, the foreigner must go back to his/her country of origin.

The seasonal worker who has been authorized to work in Italy at least once during the 5 preceding years and who, at the end of the 9 months, has regularly gone back to his/her country of origin, has a right to precedence for returning to Italy and being employed as seasonal worker at the dependence of the same employer over those who have never performed the same seasonal work.

If the seasonal worker has been regularly employed for at least 3 months and receives a job offer for a dependent work (both determined or undetermined) can request at the Sportello Unico the conversion of the seasonal work permit into a dependent work permit.

Employers have permission to hire a seasonal worker up to three years if the worker can demonstrate that s/he has come to Italy for seasonal work for two years consecutively. For this purpose, the foreigner is given a pluri-annual seasonal work permit (Nulla osta pluriennale).

Due to the short validity of seasonal job contracts and to their specificities, seasonal foreign workers are entitled to the following forms of mandatory assistance and social protection: (1) old-age, survivors' and invalidity insurance; (2) insurance against job accidents and occupational diseases; (3) mandatory registration with the public healthcare system (see Appendix 2); (4) maternity insurance.

The contributions concerning the old-aged, survivors' and invalidity insurance are transferred to the Social Security Institute of the foreigner's country of origin. However, in case the foreigner comes back to Italy, s/he may re-activate the previous contributive status.

### **Self-employment (Article 26)**

Non-EU foreigners can perform an autonomous job in Italy in all sectors except for the ones that are strictly reserved to Italian or EU citizens by law. They must demonstrate to have: adequate resources to carry out the business; the needed requisites to perform the activity according to the Italian legislation; a document issued by the competent authority no more than 3 months before the application certifying that there are no impediments to the release of the work authorization or license.

The worker must demonstrate to have an appropriate accommodation and a year income higher than the minimum one defined by the Italian law to be entitled to healthcare co-payment exemptions. Within 120 days, and after verifying these criteria and once received the work authorization from the Italian Foreign Ministry, Home Ministry and Labor Ministry, the Italian Embassy/Consulate issue the visa, in which the specific economic activity to be performed by the foreigner is indicated. The foreigner must enter the country within 180 days from the issue of the visa.

### **Entrance to work for particular case (Article 27)**

For the entry of specific categories of workers (such as managers and highly-specialized workers of companies with a legal address in Italy; university professors who have been called to hold an academic position in Italy; interpreters and translators; domestic workers who have a regular job contract of at least one year with an Italian citizen residing abroad and who move to Italy to continue that job; journalists working as correspondents officially accredited in Italy and regularly employed by a foreign press service; foreigners practicing any type of professional sporting activity in Italian sport societies under the terms of Law no. 91/1981), it is sufficient that the employer sends a communication to the Sportello Unico including the job contracts, which in turn verifies the criteria for the foreigner's access.

### **Voluntary activities (Article 27-bis)**

The Labor Ministry, the Home Ministry and the Foreign Ministry annually define quotas for voluntary visas. Within this quota, foreigners from 20 to 30 years old may enter Italy for voluntary activities after providing: (1) their belonging to the responsible organization (religious organizations, non-governmental organizations or social promotion associations, which may be legally registered and formally recognized in Italy); (2) a convention stipulated with the organization on the activities to be performed and related facilities, including coverage of travel and accommodation expenses; (3) the payment of a health insurance and a third party liability insurance for the foreigner by the organization. The application procedure for the permit is in charge of the organization.

### **Scientific research (Article 27-ter)**

Entry for more than 3 months in Italy beyond quotas can be granted to foreigners who hold a Master or an equivalent higher education degree and are registered in a specific list defined by the Education Ministry. They must have been selected by an Italian research institute in relation to a convention between the researcher and the institute which specifies the period within which the research must be conducted, the available resources, the coverage of the expenses for the return of the researcher to her/his country of origin, a health insurance for the researcher and her/his family members. The application procedure for the permit is in charge of the research institute.

### EU Blue Card – High-skilled workers (Article 27-quater)

Entry for more than 3 months in Italy beyond quotas can be granted to high-skilled workers (they must possess a certified higher education degree and high-skill qualification) who want to work as dependent workers for an Italian society.

The application procedure for the permit is in charge of the employer, who has to submit to the Sportello Unico: (1) a job offer with a duration of no less than one year, also indicating the proposed retribution; (2) the certification of the higher education degree and high-skill qualification of the foreigner. Within 90 days, the Sportello Unico issues the work authorization and the foreigner will receive a permit of stay for work with the phrase 'Carta blu UE'.

During the first two years since the issue of the permit, the high-skilled worker must perform the job indicated in the contract. Changes of employer be notified to the Territorial Labor Office, which have to authorize them. Foreigners holding a EU Blue Card are entitled to the same rights and duties as Italian citizens, except for what concerns the access to the labor market during the first two years since the issue of the EU Blue Card. Family reunification is guaranteed independently from the duration of the permit of stay for work.

## (2)

### Family reunification (Articles 28 and 29)

A non-EU citizen, holder of a EC Long-Term Residence Permit or of a residence permit for dependent work, self-employment, asylum, study, family or religious reasons, valid for at least one year, can apply for family reunification.

The family members concerned are: (2) the spouse; (2) children under 18, even if they are the spouse's children or they born out of wedlock, unmarried or separated parents' children, provided that the other parent, if existing, gives his/her consent; (3) dependent children over 18, in case they cannot provide for their keep due to serious health conditions resulting in permanent inability to earn their living; and (4) dependent parents who have not adequate family support in the country of origin or provenance.

Application forms for family reunification shall be submitted to the competent Sportello Unico with the necessary documentation proving that the applicant possesses adequate accommodation and a minimum income to guarantee for his/her family members lives. The family member must submit to the Italian Consulate in his/her country of residence supporting documentation concerning the family relationship, his/her status of minor or health conditions. If all requirements are satisfied, the Sportello Unico issues the authorization for family reunification within 90 days from the application.

Within 8 days from the arrival in Italy, the family member is required to go to the Sportello Unico where the authorization was issued to apply for a residence permit. Failing to comply, the family member will be considered as illegally staying in the Italian territory.

A residence permit for family reasons entitles the holder to work as dependent or self-employed workers, to education and to mandatory registration with the public healthcare system (except for relatives older than 65 years who entered Italy after November 5, 2008, who are entitled to voluntary registration with the SSN, as shown in Appendix 2 and 3).

Relatives accompanying a foreigner holding an entry visa must comply with the same procedure and submit the same documents as for family reunification.

**(3)****Study reasons**

If a foreigner wants to study in Italy for more than 90 days, s/he has to apply for a Schengen Visa (if s/he intend to stay up to 90 days) or a national visa (if s/he wish to stay more than 90 days but less than 180 days) at the Italian Embassy/Consulate in her/his country of residence. Once in the country, the person has to apply for a student residence permit within 8 days of her/his arrival at any post office.

Documents required to apply for a student residence permit in Italy: (1) a specific application form, which can be obtained at any post office; (2) a photocopy of a valid travel document, that must be valid throughout the entire period of stay in Italy; (3) a copy of an health insurance plan; (4) a copy of the statement certifying the studies the foreigner will be taking in Italy; and (5) the statement issued by the Italian Embassy/Consulate along with the visa for Italy. In order for a student residence permit in Italy to be granted, the foreigner will need to prove having at least € 417.30 per month.

**(4)****EC residence permit for long-term residents (before: 'Carta di soggiorno') (Article 9)**

A non-EU immigrant can apply for the EU residence permit for long-term residents if s/he has been legally and continuously resident in Italy or in another EU Member State for five years. The application can be submitted also for the spouse, minor children, dependent children over 18 who have permanent inabilities, and dependent parents. Along with identity documents, the application must include a copy of the person's income tax statement bearing evidence that s/he has a minimum income higher than the social allowance (except for domestic workers and caregivers, who should provide INPS payment receipts. In case the person asks for the EU residence permit for long-term residence for family members, s/he has to provide that her/his annual income is sufficient to maintain all the family members. If you apply for two or more children aged under 14, our annual income must be twice the annual amount of the social allowance (*Assegno Sociale*). The EC long-term residence permit entitles the immigrant to: (1) enter Italy without a visa; (2) work; (3) enjoy social benefits and services; (4) participate in local political life.

## Appendix 2. Mandatory registration to healthcare

Legal condition	Documentation needed and duration of coverage
Foreign citizens waiting for the issue of the first permit of stay for work or for family reunification	<ul style="list-style-type: none"> <li>- Receipt of the formal request for the permit of stay;</li> <li>- Identity document;</li> <li>- Fiscal code (self-certification);</li> <li>- Address of residence/abode.</li> </ul> <p>DURATION: Temporary coverage from the date of entrance to the expire of the permit of stay (extended to dependent relatives)</p>
<ul style="list-style-type: none"> <li>- Dependent work (also seasonal), self-employment and registration with the employment office</li> <li>- Family reunification (except for over-65 entered after 05/11/2008, entitled to voluntary registration)</li> <li>- Political and humanitarian asylum (also application), international or subsidiary protection, statelessness</li> <li>- Citizenship application</li> <li>- Non-EU relatives of EU citizens enrolled to the SSN</li> <li>- Unaccompanied children</li> </ul>	<p><i>If the person has a valid permit of stay:</i></p> <ul style="list-style-type: none"> <li>- Copy of the permit of stay;</li> <li>- Identity document;</li> <li>- Fiscal code (self-certification);</li> <li>- Address of residence/abode;</li> <li>- Registration with the employment office (if the person is unemployed).</li> </ul> <p>DURATION: Temporary coverage from the date of entrance to the expire of the permit of stay (extended to dependent relatives)</p> <p><i>If the person is waiting for the renewal of the permit of stay:</i></p> <ul style="list-style-type: none"> <li>- Receipt of the formal request for the renewal of the permit of stay;</li> <li>- Identity document;</li> <li>- Fiscal code (self-certification);</li> <li>- Address of residence/abode.</li> </ul> <p>DURATION: Coverage extended until the delivery of the renewed permit (extended to dependent relatives)</p>
<ul style="list-style-type: none"> <li>- Pending adoption</li> <li>- Fostering</li> </ul>	<ul style="list-style-type: none"> <li>- Identity document of the parent;</li> <li>- Fiscal code of the minor;</li> <li>- Family status (self-certification);</li> <li>- Documentation certifying the adoption/fostering procedure.</li> </ul> <p>DURATION: Permanent coverage from the date of entrance</p>
<ul style="list-style-type: none"> <li>- Pending regularization or formalization of previous informal work</li> </ul>	<ul style="list-style-type: none"> <li>- Identity document;</li> <li>- Documents certifying the formal request for regularization/formalization</li> </ul> <p>DURATION: Temporary coverage until the delivery of the permit of stay</p>
<ul style="list-style-type: none"> <li>- Holders of <i>Carta di soggiorno</i> and long-term residents</li> </ul>	<ul style="list-style-type: none"> <li>- <i>Carta di soggiorno</i> or receipt of formal request for it;</li> <li>- Fiscal code (self-certification);</li> <li>- Address of residence (self-certification)</li> </ul> <p>DURATION: Permanent coverage (extended to dependent relatives)</p>
<ul style="list-style-type: none"> <li>- Detainees and inmates</li> </ul>	<ul style="list-style-type: none"> <li>- Certification from the penitentiary institution/court ruling;</li> <li>- Fiscal code</li> </ul> <p>DURATION: Temporary coverage during the period of detention</p>

### Appendix 3. Voluntary registration to healthcare

Legal condition	Documentation needed and duration of coverage
<ul style="list-style-type: none"> <li>- Students and <i>au pairs</i></li> </ul>	<ul style="list-style-type: none"> <li>- Copy of the permit of stay, or receipt of formal request for first permit/renewal of permit, or declaration of presence (for periods shorter than 3 months);</li> <li>- Identity document;</li> <li>- Fiscal code (self-certification);</li> <li>- Address of residence/abode (self-certification);</li> <li>- Receipt of the payment of the registration fee (lump sum).</li> </ul> <p>DURATION: Temporary coverage for a calendar year, not divisible (extendable to dependent relatives under payment of additional fees)</p>
<ul style="list-style-type: none"> <li>- Religious staff;</li> <li>- Permit for elective residence;</li> <li>- Reunified relatives older than 65 years (entered after 05/11/2008);</li> <li>- Employees of international organizations addressed in Italy;</li> <li>- Staff of diplomatic/consular missions;</li> <li>- Workers who are not obliged to pay the IRPEF to Italy;</li> <li>- Participants to volunteer programs;</li> <li>- Researchers staying in Italy for scientific research purposes;</li> <li>- All other categories not entitled to mandatory registration.</li> </ul>	<ul style="list-style-type: none"> <li>- Copy of the permit of stay, or receipt of formal request for first permit/renewal of permit, or declaration of presence (for periods shorter than 3 months);</li> <li>- Identity document;</li> <li>- Fiscal code (self-certification);</li> <li>- Address of residence/abode (self-certification);</li> <li>- Receipt of the payment of the registration fee.</li> </ul> <p>DURATION: Temporary coverage for a calendar year, not divisible (extended to dependent relatives)</p>

## Appendix 4. Access to healthcare for undocumented immigrants

Legal condition	Duration and extent of coverage
<p>- Temporary Present Foreigners (undocumented immigrants)</p>	<p>WHERE: The Code may be issued by ASL, hospitals, Hospital Trusts and University Polyclinic hospitals (depending on Regional decisions)</p> <p>HOW: Registration of the identity information (identity documents, expired permits of stay, visa, or provided by the person her-self).</p> <p>PAYMENT: participation to costs through co-payments (“tickets”).</p> <p>Exemption from co-payments in the cases of:</p> <ul style="list-style-type: none"> <li>- primary care (direct access without advance reservation or medical prescription);</li> <li>- pregnancy and motherhood;</li> <li>- collective health;</li> <li>- pathology;</li> <li>- age (younger than 6 years and older than 65 years, under the same conditions for Italian citizens).</li> </ul> <p>BUT: in case of “economic indigence” (self-declaration), co-payment exemptions may be attributed by the health provider. The co-payment exemption is only valid for the specific, single treatment needed by the person</p>

## Appendix 5. Access to healthcare for those holding a permit of stay for healthcare purposes

Legal condition	Document required and duration of coverage
<p>- Permit of stay for healthcare purposes</p>	<p>DOCUMENTATION TO BE ASKED FOR AT THE ITALIAN EMBASSY OR CONSULATE IN THE PERSON'S COUNTRY OF ORIGIN</p> <ul style="list-style-type: none"> <li>- declaration of the health structure where the person will be treated;</li> <li>- receipt of the deposit paid to the health structure, amounting to 30% of the total cost of the treatment;</li> <li>- certification attesting the financial means of the person guaranteeing her capacity to pay the health treatment she will receive and to provide for herself and her partner(s) full board and lodging and travel expenses.</li> </ul> <p>THE PERSON WILL NOT BE REGISTERED WITH THE SSN.</p> <p>The permit of stay will last for the presumed duration of the treatment and can be renewed only in case of prolonged therapeutic needs (to be formally certified). It cannot be changed for another kind of permit. At the end of the treatment, the person must leave the country.</p>