

## law on the immigration

LEGISLATIVE DECREE 25 July 1998, no. 286.

Combined text of measures governing immigration and norms on the condition of foreign citizens.

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### SECTION I

#### GENERAL PRINCIPLES

Art. 1

(Context of application)

(Law no. 40 of 6 March 1998, art. 1)

omitted

6. The regulations of implementation for the present unified text, referred to hereinafter as the regulations of implementation, are issued under the provisions of articles 17, paragraph 1, of Law no. 400 of August 23, 1988, following a proposal by the Prime Minister, within 180 days of the date on which Law no. 40 of March 6, 1998 goes into effect.

Article 3

(Migration policies)

(Law no. 40 of March 6th 1998, article 1)

1. The Prime Minister, having received the opinion of interested ministers, as well as the National Council on the Economy and Labor, the Permanent Council on Relations between the Central State, the Regions and the Independent Provinces of Trent and Bolzano, the State-City and Independent Local Government Bodies Conference, the national organs and associations most active in providing assistance and favoring the integration of immigrants, plus the organization's of workers and employers representing the largest number of people on a national level, prepares every

three years a planning documents on policy regarding immigration and foreigners in the territory of the state, with this plan to be approved by the government and sent to parliament. The pertinent parliamentary commissions express their opinion within 30 days of receiving the planning document. The planning document is issued, taking into account the opinions received, under a decree of the President of the Republic, and it is published in the Gazzetta Ufficiale of the Italian Republic. The Minister of Interior Affairs presents an annual report to Parliament on the results achieved through the measures implementing the present planning document.

2. The planning document indicates the actions and initiatives which the Italian State, eventually acting in cooperation with the other member states of the European Union, as well as with international organizations, community institutions and non-governmental organizations, intends to carry out with regard to immigration, if necessary through the establishment of accords with the countries of origin of the immigrants. The document also indicates the measures of an economic and social nature to be taken regarding foreigners living in the territory of the State in terms of subject matter which to not have to be governed by law.

3. The document also stipulates the general criteria for the determination of entry flows into the territory of the State, and it outlines the public initiatives designed to favor family relations, social insertion and cultural integration of foreigners residing in Italy, with respect for the diversity of the cultural identities of these individuals, assuming there is no conflict with the law, and it also stipulates whatever tool is necessary for a positive return of the immigrants to their countries of origin.

4. In one or more decrees issued by the Prime Minister, having first received the opinions of the interested ministers and parliamentary commissions, formulation is made, on an annual basis, and in accordance with the criteria and other indications contained in the planning document referred to under paragraph 1, of maximum quotas for the number of foreigners to be allowed to enter the territory of the State for salaried employment, eventually to meet demands of a seasonal nature, or for self-employment, with consideration being given to measures of family reunification and temporary protection, as eventually stipulated under the provisions of article 20. Entry visas for salaried employment, eventually on a seasonal basis, and for self-employment are issued within the limits of the above mentioned quotas. Should the annual planning decrees not be published, the quotas shall be set in accordance with the last decrees published, under the provisions of the present unified text for the preceding year.

5. Within the context of their respective areas of authority and budget allotments, the regions, provinces, municipalities and other local government entities adopt measures contributing to the pursuit of the objective of eliminating obstacles which, in practice, impede full recognition of the rights and interests granted to foreigners within the territory of the State, in particular as regards housing, language and social integration, with respect for the fundamental rights of the human individual.

6. In a decree issued by the Prime Minister, to be adopted in concert with the Minister of Internal Affairs, territorial councils are established for immigration, with the members of these bodies to include representatives of the responsible local branches of of the State, the region, local government bodies and organizations and associations active in aiding and assisting immigrants, plus organizations representing workers and employers, with the tasks of the councils being to analyze the needs of immigrants and promote initiatives to be implemented on a local level.

7. In the initial application of the measures of the present article, the planning document referred to under paragraph 1 is prepared within 90 days of the data on which Law no. 40 of March 6, 1998 goes into effect. The same document indicates the date within which the decrees referred to under paragraph 4 are to be adopted.

8. The outline of the planning document referred to under paragraph 7 is sent to Parliament in order to obtain the opinion of the commissions with responsibility for such matters, which are to express their opinions within 30 days. At the end of this period, the decree is issued, even if the opinion has not been received.

omitted

## SECTION III

### RULES GOVERNING WORK

#### Article 21

(Setting entry flows) (Law no. 40 of 6 March 1998, article 19; Law no. 943 of 30 December 1986, article 9, paragraph 3, plus article 10; Law no. 335 of 8 August 1995, article 3, paragraph 13)

1. Entry into the territory of the State for the purpose of salaried employment, including seasonal and self-employed work, takes place within the entry quotas stipulated under the decrees referred to in article 3, paragraph 4. These decrees also set aside, on a preferential basis, quotas reserved for nation not belonging to the European Union, and with which the Ministry of Foreign Affairs, acting in concert with the Ministry of the Internal Affairs and with the Ministry of Labor and Social Security, has signed accords designed to regulate entry flows and procedures for reentry. Within the context of these agreements, special accords can be stipulated governing flows for seasonal labor with the corresponding national authorities responsible for labor market policy in the countries of origin.

5. The agreements or bilateral accords referred to under paragraph 1 may stipulate that foreign laborers who intend to enter Italy for the purpose of salaried employment, including seasonal work, must register themselves on special lists, identified under these the same agreements, specifying their job titles or working responsibilities, as well as the other prerequisites indicated in the regulations of implementation. The aforementioned agreements may also stipulate procedures for the keeping of lists, and for the subsequent sending of the these lists to the offices of the Ministry of Labor and Social Security.

6. Under the agreements or accords referred in the present unified text, the Minister of Foreign Affairs, acting in agreement with the Minister Of Labor and Social Security, may establish integrated projects for the reentry of non-European workers in their countries of origin, assuming that the conditions for such initiatives exist, and that appropriate guarantees are provided by the governments of the countries of origin; as an alternative, approval may be given to requests presented by public and private organizations intending to prepare similar projects, eventually for other countries as well.

7. The regulations of implementation call for procedures under which an annual computerized registry is to be established on the supply and demand for salaried labor supplied by foreign workers, in addition to which steps are to be taken to establish a connection with the archives organized by the National Social Security Institute (I.N.P.S.) and with the central police headquarters.

8. The spending generated by the present article is calculated at 350 million lira a year, beginning in the year 1998.

#### Article 22

(Salaried employment for set and indeterminate periods of time)

(Law no. 40 of 6 March 1998, article 20; Law no. 943 of 30 December 1986, articles 8, 9 and 11, Law no. 335 of 8 August 1995, article 3, paragraph 13)

1. An Italian employer or foreign employer legally residing in Italy and intending to establish in Italy a relationship of salaried employment for a set or indeterminate period of time with a foreigner whose official place of residence is abroad,

must be present to the local office of the Ministry of Labor and Social Security with jurisdiction over the territory a request for a work permit in the name of individual in question. In cases in which the employer is not directly acquainted with the foreigner, a request may be made for labor permits for one or more individuals registered on the lists referred to under article 21, paragraph 5, with these individuals selected according to the criteria stipulated under the regulations of implementation.

2. At the same time as the request for a work permit is presented, the employer must exhibit appropriate documentation indicating the manner in which the foreign worker is to be housed.

3. The local office of the Ministry of Labor and Social Security issues the permit, in accordance with the numerical, quantitative and qualitative limits stipulated under article 3, paragraph 4, and under article 21, having first controlled that the conditions offered to the foreigner by the employer are no less advantageous than those stipulated under the relevant national collective-bargaining labor contracts.

4. For the purposes of paragraph 3, the local office reports to the Ministry of Labor and Social Security, on a monthly basis, the number and type of permits issued, based on the classification categories adopted under the decrees referred to in article 3, paragraph 4, specifically indicating the permits issued to residents of nations not belonging to the European Union and subject to reserved quotas.

5. The permit for salaried employment must be utilized no later than six months from its date of issue.

6. In addition to the provisions of article 23, with regard to entry in Italy for reasons of employment, workers from nations not belonging to the European Community must bear a visa which has been issued by the Italian consulate in their country of origin or stable residence following presentation by the worker of the work permit, accompanied by the provisional authorization issued by the local police headquarters.

7. The police headquarters supplies to the INPS, by means of telematic connections, registry information regarding non-European workers to whom residence permits have been issued for the purpose of employment, or who are otherwise suited for access to employment; the INPS, based on the information received, establishes a "Registry Archive for non-European Workers", to be made available to all the other branches of the Public Administration; the exchange of information shall take place on the basis of a specific convention to be drawn up between the relevant branches of the Public Administration.

8. The employer must also exhibit to the local office of the Ministry Of Labor and Social Security with jurisdiction over the territory a copy of the labor contract drawn up with the foreigner.

9. Loss of employment does not represent a valid motive for rescinding the residence permit of non-European workers or their family members residing on a legal basis. A foreign worker who possesses a residence permit for salaried employment, but loses his or her job, or resigns, maybe be entered on the employment placement lists for the period of residual validity of his or her residence permit, or, in any event, unless the residence permit was issued for seasonal employment, for a period of no less than a year. The regulations of implementation stipulate the procedures for notification of the provincial labor board, including the steps to be taken to enter the worker on the employment placement list, with priority to be given to new non-European workers.

10. Employers who have in their employ workers not in possession of the residence permit contemplated under the present article, or in possession of a residence permit which has expired or been revoked and nullified, are punished with arrest for a period of from three months to a year, or with a fine ranging from two million to six million lira.

11. In addition to the measures stipulated for seasonal workers under article 25, paragraph 5, in the event that non-European workers return to their country of origin, they retain the pension and Social Security rights accrued, which they may benefit from regardless of whether an accord of reciprocity is the effect. Non-European workers who have ceased their working activities in Italy and leave the national territory are entitled to request, in instances in which the matter is not regulated by international agreements, settlement of the benefit contributions shown to have been paid in their favor under obligatory pension plans, augmented by 5% per year.

12. The functions of institutes of welfare and social assistance referred to under the Legislative Decree no. 804, issued by the Provincial Head of State on 29 July 1947, plus subsequent modifications and additions, are extended to non-European workers engaged in regular employment activities in Italy.

13. Italian and non-European workers may request acknowledgement of titles of professional training acquired abroad; in the absence of specific agreements, the Ministry of Labor and Social Security, having received the opinion of the Central Commission for Employment, stipulates the conditions and procedures for the recognition of qualifications in individual cases. Non-European workers may also participate, under the provisions of the president unified text, in all the training programs, courses and re-qualification programs held in the territory of the Republic.

## Article 23

(Establishment of a guarantee for access to employment)

(Law no. 40 of 6 March 1998, article 21)

1. Italians citizens or foreign citizens residing on a legal basis in Italy and intending to serve as guarantors for the entry of a foreigner, in order to allow that foreigner to enter the labor market, must present, within a 60 days of the publication of the decrees referred to under article 3, paragraph 4, a specific request, bearing the name of the individual in question, to the police headquarters of the province of residence; the resulting entry authorization represents the precondition to the issue of an entry visa. The party making the request must demonstrate that he or she can effectively provide the foreigner with lodging, covering the cost of sustenance and health care for the duration of the residence permit. The authorization for entry is granted on the condition that the other prerequisites for entry are met, under the stipulated quotas and based on the procedures indicated in the decrees of implementation for the planning document, with regard to entry for employment; the authorization must be utilized within six months from the presentation of the request. With this authorization it is possible to obtain, following entry on the employment placement lists, a residence permit for a years' time, for the purpose of entering the labor market.

2. The parties eligible for establishing the guarantees referred to under paragraph 1 include the regions, local government bodies and professional and union organizations, as well as volunteer organizations and associations which have been active in the immigration sector for least three years and which meet the financial and organizational prerequisites stipulated under the regulations to be adopted in a decree issued by the Minister of Social Solidarity, acting in concert with the Minister of Internal Affairs and the Minister of Labor and Social Security. These same regulations may contemplate the formation of a list of the organizations and associations eligible for establishing the aforementioned guarantee, as well as the procedures for the keeping this list.

3. Presentation of a guarantee for access to employment is allowed under the procedures indicated in the implementation regulations, which stipulate, in particular, the maximum number of guarantees which a given party may provide in the course of a year.

4. Following a period of 60 days from the publication of the decrees referred to under article 3, paragraph 4, within the limits and according to the procedures stipulated under those decrees, entry visas for placement on the labor market are to be issued at the request of workers of residing abroad and entered on the lists kept for this purpose at Italian diplomatic posts and consulates, with ranking based on the seniority of the individual's presence on the list. The regulations of implementation stipulate the prerequisites for obtaining the visa referred to under the present paragraph.

## Article 24

(Seasonal employment)

(Law no. 40 of 6 March 1998, article 22)

1. An Italian employer, or a foreign employer who resides on a legal basis in Italy, or professional associations acting on behalf of their members, which intend to establish in Italy a salaried employment relationship on a seasonal basis with a foreign citizen must present to the local office of the Ministry of Labor and Social Security with jurisdiction over the territory a request bearing the name of the individual in question. In cases where the Italian employer or the foreign employer legally residing in Italy or the professional associations are not directly acquainted with the foreign citizen, the request can be made with regard to one or more individuals entered on the lists referred to under article 21, paragraph 5, and selected according to the criteria stipulated under the regulations of implementation.

2. The local office of the Ministry of Labor and Social Security issues the authorization, in accordance with the right of precedence accrued, no later than fifteen days from the date on which the employer's request has been received.

3. Authorizations for seasonal employment may be valid from a minimum of twenty days to a maximum of six months, or of nine months in sectors requiring a similar extension, which would correspond to the duration of the seasonal work called for, or eventually regard work crews employed for briefer periods by a number of different employers.

4. Seasonal workers who have respected the conditions indicated in their residence permits, and have returned to their countries of origin upon expiration of the permit, are entitled to precedence, as regards their return to Italy in the following year for the purposes of seasonal employment, over citizens of the same country who have never legally entered Italy for the purpose of employment. In addition, the residence permit for seasonal employment may be converted into a residence permit for salaried employment for a set or indeterminate period, assuming that the underlying conditions for such an act are present.

5. The regional employment commissions may draw up with those union organizations which represent the largest number of workers or employers on the regional level, or with the regional governments, or with local government bodies special agreements designed to favor access by foreign workers to the positions of seasonal employment identified. These agreements may identify economic and regulatory treatment, which, in any event, can prove no less advantageous than the treatment contemplated for Italian workers, as well as measures to ensure appropriate on-the-job conditions for workers, plus eventual direct or indirect incentives for the activation of incoming and outgoing flows and complementary measures regarding lodging and hospitality.

6. Employers who have in their employee, for work of a seasonal nature, one or more foreigners lacking residence permits, or whose permits have expired, been revoked or been nullified, are punished under the provisions of article 22, paragraph 10.

## Article 25

(Social Security and Assistance Treatment for Seasonal Workers)

(Law no. 40, article 23 of 6 March 1998)

1. Considering the limited duration of the contracts, as well as in their specific nature, foreigners holding residence permits for seasonal work are subject to application of the following forms of obligatory pension and social assistance treatment, in accordance with norms in force in the relevant sectors of activity:

- a) insurance for disability, old age and survivors;
- b) insurance for on-the-job accidents and job-related illnesses;
- c) insurance against illness;
- d) maternity insurance.

2. In place of the benefit payments for family assistance checks and for insurance against involuntary unemployment, the employer is required to pay to the National Social Security Institute (INPS) a contribution equal to the amount for these same benefit payments, based on the same conditions and procedures stipulated for such payments. The resulting funds shall be allocated for initiatives of social assistance favoring the workers referred to under article 45.

3. The decrees implementing the planning document lay down: the prerequisites, venues and procedures for the initiatives referred to under paragraph 2.

4. With regard to the benefit payments referred to under paragraphs 1 and 2, application is made of the reductions in Social Security costs contemplated for the sector in which the working activity is performed.

5. Benefit payments referred to under paragraph 1, letter a), are subject to application of the provisions of article 22, paragraph 11, regarding the transfer of these payments to the social security institute of the worker's country of origin, or, in instances where such matters are not regulated by international accords or conventions, payment of the funds shall be made to workers who leave the territory of the State. Workers are entitled to restore their benefit payment positions, should they make a subsequent entry.

## Article 26

(Entry and residence for self employment)

(Law no. 40 of 6 March 1998, article 24)

1. The entry into Italy of foreign workers from countries which do not belong to the European Union, when these workers plan to perform in the territory of the State a non-occasional, self-employed activity, may be permitted, on the condition that the performance of such activities is not reserved under the law for Italian citizens or for the citizens of one of the member nations of the European Union.

2. In any event, foreigners intending to perform, in Italy, industrial, professional, crafts or commercial activities, or who wish to establish share companies or individual companies or hold corporate positions must also demonstrate that they have at their disposal adequate resources for performance of the activities which they plan to undertake in Italy; and that they meet the prerequisites established under Italian law for the performance of the activity in question, including, when required, the prerequisites for entry on professional roles and registers; and that they possess certification from the pertinent authorities, dated no more than three months earlier, declaring that there are no motives obstructing issue of the authorizations or licenses contemplated for performance of the activity which the foreign citizen intends to carry out.

3. Workers not belonging to the European Union must always demonstrate that they possess proper lodging, and an annual income, generated by legitimate sources, at a level higher than the amount contemplated under the law for exemption from participation in health-care spending, or they must present a corresponding guarantee provided by Italian organizations or individuals, or by foreign parties legally residing in the territory of the State.

4. Any norms which are contemplated under international accords in force with Italy, and which to prove to be more advantageous, remain in effect.

5. Diplomatic or consular posts, once it has been confirmed that they possess the prerequisites indicated in the present article, and once authorizations have been acquired from the Ministry of Foreign Affairs, the Ministry of Internal Affairs and whatever Ministry is responsible for the activity which the foreign citizen intends to carry out in Italy, issues an entry visa for self-employed work, expressed indicating the activity to which the visa refers, within the numerical limits stipulated article 3, paragraph 4, and under article 21.

6. The procedures referred to under paragraph 5 are performed in the manner stipulated under the implementation regulations.

7. An entry visa for self-employed work must be issued within one hundred and twenty days of the date in which the request is presented, together with the pertinent documentation, and it must be utilized within one hundred and eighty days of the date of issue.

## Article 27

(Entry for work in special cases)

(Law no. 40 of 6 March 1998, article 25; Law no. 943 of 30 December 1986, article 14, paragraphs 2 and 4)

1. In addition to the instances of entry for employment referred to under the proceeding articles, authorized within the quotas stipulated under article 3, paragraph 4, the implementation regulations govern special procedures and terms for the release of work permits, entry visas and residence permits for salaried employment for each of the following categories of foreign workers:

- a) executives or highly specialized personnel employed by companies with headquarters of branch offices in Italy, or by the representation offices of foreign companies whose main site of activity falls in the territory of one of the member nations of the World Trade Organization, or executives of a major Italian office of an Italian company or a company from another member state of the European Union;
- b) university lecturers in exchange or mother-tongue programs;



- c) university professors or researchers meant to hold an academic position or carry out research activity for compensation at a university or an educational or research institute operating in Italy;
- d) translators and interpreters;
- e) domestic employees who have worked full-time abroad for the least one year for Italian citizens, or for foreigners from one of the member nations of the European Union, in cases where the employers decide to move to Italy, and exclusively for the purpose of continuing the relationship of domestic employment;
- f) individuals who, having been authorized to reside in the country for the purpose of professional training, perform temporary periods of instruction at the facilities of Italian employers, eventually carrying out activities which fall under the category of salaried work ;
- g) workers who are employed by organizations or enterprises operating in Italian territory, and who have temporarily been admitted, at the request of the employer, to perform specific functions or tasks for limited or set periods of time, with the obligation of leaving Italy when these tasks or functions have been completed;
- h) maritime workers employed to the degree, and under the procedures, stipulated in the regulations of implementation;
- i) salaried employees who are regularly paid by employers, either individuals or organizations, which reside or are headquartered abroad, and from whom they received their retribution directly, in cases where the employee is temporarily transferred from foreign countries to work with individuals or organizations, be they Italian or foreign, residing in Italy, for the purpose of performing in Italian territory specific services stipulated under a contract draw up between the aforementioned individuals or organizations residing or headquartered in Italy and other individuals and organizations residing abroad, in accordance with the provisions of article 1655 of the Civil Code and with Law no. 1369 of 23 October 1960, as well as International norms and those of the European Community;
- l) workers employed with circuses or shows that travel abroad;
- m) artistic or technical personnel for opera, theatrical, concert or ballet performing groups;
- n) dancers, artists and musicians employed at entertainment establishments;
- o) artists employed by theatrical or cinematographic enterprises, or by radio or television broadcasters, be they public or private, or by public organizations, as part of cultural or folklore initiatives;
- p) foreigners meant to perform any type of professional sports activity with Italian sports enterprises, under the provisions of Law no. 91 of 23 March 1981;
- q) news correspondents officially accredited in Italy and regularly compensated by organs of the daily or periodic press, or by foreign radio or television broadcasters;
- r) individuals who, based on the norms of international accords in force in Italy, perform in Italy research activities or occasional work under programs of young people's exchange or young people's mobility, or as individuals employed on an "au pair" basis.

2. As an exception to the provisions of the present unified text, non-European entertainment workers may be hired by employers to perform tasks tied to the creation of production and entertainment events, following specific authorization granted by the special office for the placement of entertainment workers, or by the local sections of this office, which are to release their authorization after first receiving the opinion of the Department of Entertainment, as well as the

provisional authorization of the provincial authority for public safety. This authorization is issued, unless it is destined for artistic personnel or for personnel to be utilized for periods of no more than three month, before the non-European worker enters the national territory. Non-European workers authorized to perform activities of salaried employment in the entertainment sector may not change the sector of activity or the job qualifications under which they were hired. The Minister of Labor and Social Security, acting in concert with the government authorities responsible for tourism and entertainment activities, stipulates the procedures and the modes for the issue of the authorization contemplated under the present paragraph.

3. Measures which call for possession of Italian citizenship as a prerequisite to the performance of certain activities remain in effect.

4. The regulations referred to under article 1 also contain norms for the implementation of international conventions and accords governing the entry and residence of foreign workers employed by diplomatic posts or consulates, or by organizations governed under international law and headquartered in Italy.

5. The entry and residence of border workers from countries that do not belong to the European Union are governed by the specific provisions contemplated in international accords in force with the bordering nations.

## Article 30

(Residence permits for family motives)

(Law no. 40 of 6 March 1998, article 28)

1. In addition to cases in which a residence card is issued or renewed, a residence permit for family motives is issued:

- a) to foreigners who have entered Italy under an entry visa for family reunification, or have accompanied a family member under an entry visa issued for one of the instances contemplated under article 29, or under an entry visa for reunification with a minor child;
- b) to foreigners who have been legal residents for another motive for at least one year, and have entered into matrimony in the territory of the State with an Italian citizen or with a citizen of one of the member nations of the European Union, or with a foreign citizen legally residing in Italy;
- c) to a foreign family member who legally resides in Italy, and who meets the requisites for reunification with an Italian citizen or with a citizen of one of the member nations of the European Community residing in Italy, or with a foreigner legally residing in Italy. In such cases the residence permit of the family member is converted into a residence permit for family motives. The conversion may be requested within a year of the date on which the original residence document possessed by the family member expires. Should the citizen in question be a refugee, then the requirement of possession of a valid residence permit on the part of the family member is waived;
- d) to the foreign parent - including parents of children born out of wedlock - of an Italian minor residing in Italy. In such cases, the residence permit for family motives is again issued regardless of possession of a a valid residence document, on the condition that the parent making the request has not been deprived of the his or her parental prerogatives under Italian law.

2. The residence permit for family motives provides the holder with access to services of assistance, as well as registration for courses of study or professional training, registration on employment placement lists and the right to perform salaried or self-employed worker, assuming that the minimum age requirements for the performance of such work are met.

3. The residence permit for family motives is valid for the same period of time as the residence permit for the family member who met the prerequisites for reunification under the provisions of article 29, and it can be renewed at the same time as the residence permit of the latter.

4. Foreigners who are reunited with an Italian citizen, or with a citizen of a member nation of the European Union, or with a foreigner holding the residence card referred to under article 9, are presented with a residence card.

5. In the event of legal separation or the termination of the marriage bond, or, in the case of a child who cannot obtain the residence card, upon reaching the age of eighteen, the residence permit may be converted into a permit for salaried employment, for self-employment or for study, assuming that the age requirements for the performance of such working activities are met.

6. Against refusal to issue authorizations for motives of family reunification or refusals to issue residence permits for family motives, and against other measures issued by the administrative authorities regarding the right of family reunification, the interested party may present an appeal to the administrative magistrate for the area in which he or she resides. Having heard the interested party, the judge shall act under the procedures described in article 737, plus the following articles, of the Code of Civil procedure. A decree accepting the appeal can order the issue of the visa, even if no authorization has been received. The documents for such procedures are exempt from tax stamps, registration fees and all other duties. The expense of application of the present paragraph is calculated at 150 million lira per year, beginning from 1998.

## SECTION II

### MEASURES REGARDING INSTRUCTION AND THE RIGHT TO STUDY AND ENGAGE IN A PROFESSION

#### Article 37

(Professional activities)

(Law no. 40 of 6 March 1998, article 35)

1. Foreigners who legally reside in Italy and possess the legally recognized professional qualifications required for the performance of professional activities are permitted - as an exception to the measures required Italian citizenship - within the year from the date on which Law no. 40 of 6 March 1998 goes into effect, to enter themselves on professional rolls or councils, or, in the case of professions which have no rolls, to register themselves on special lists to be established by the pertinent ministries, in line with the measures contemplated under the regulations of implementation. Registration on the aforementioned rolls or lists is a necessary precondition to the exercise of professions, even in the case of salaried employees. This waiver of the regulations is not extended to foreigners who have been admitted in excess of the entry quotas for courses leading to diplomas, university degrees or specialized titles, unless authorization is received from the government of their home country.

2. The procedures, conditions and time limits for authorization to engage in professional activities, and for recognition of titles meeting authorization requirements but not yet recognized in Italy, are stipulated under the regulations of implementation. The measures governing recognition of professional titles are to be determined by the pertinent ministries, acting in concert with the Ministry of University Affairs and Scientific and Technological Research, having first

heard the opinions of the professional orders and associations involved.

3. The foreigners referred to in paragraph 1, beginning from the expiration of the period of time contemplated therein, may enter themselves on roles, councils and special lists, in accordance with the quotas stipulated under article 3, paragraph 4, and based on the maximum employment percentages established in conformity with the criteria stipulated under the regulations of implementation.

4. In the case of salaried employment, equal treatment with Italian citizens in terms of compensation and social security benefits is guaranteed.

## SECTION IV

### MEASURES REGARDING SOCIAL INTEGRATION, DISCRIMINATION AND THE ESTABLISHMENT OF A FUND FOR IMMIGRATION POLICY

#### Article 42

(Measures of social integration)

(Law no. 40 of 6 March 1998, article 40; Law no. 943 of 30 December 1986, art. 2)

1. The state, regions, provinces and municipalities, within the scope of their own responsibilities, and eventually in collaboration with associations of foreigners, as well as organizations which habitually operate in a favor of foreigners, possibly in collaboration with the authorities, or with public and private bodies of their countries of origin, are to favor:

- a) activities undertaken in favor of foreigners residing in Italy on a legal basis, with objectives including the offer of courses on their language and culture of origin by foreign schools and cultural Institutes operating legitimately in the Italian Republic under the provisions of Decree no. 389, issued by the President of the Republic on April 18, 1994, plus subsequent modifications and additions;
- b) the spread of whatever information contributes to the positive introduction of foreigners into Italian society, in particular with regard to the rights and responsibilities, the various opportunities for integration and for personal and community growth offered by the branches of Public Administration and by associations, as well as the possibility for positive reentry in their countries of origin;
- c) knowledge and optimization of the cultural, recreational, social, economic and religious expressions of foreigners who reside in Italy on a legal basis, as well as any other information initiative regarding the causes of immigration or the prevention of racial discrimination and xenophobia, eventually including the collection at scholastic or university libraries of books, periodicals and audiovisual materials produced in the original language of the countries of origin of foreigners residing in Italy, or materials imported from these countries;
- d) the holding of conventions with associations properly entered in the register referred to under paragraph 2 in order to employ within their own structures foreigners holding residence cards or residence permits valid for no less than two years, with these foreigners to serve as cultural mediators facilitating relations between the various branches of the Public Administration and foreigners belonging to different ethnic, national, linguistic and religious groups;

e) the organization of training courses, inspired by criteria of coexistence within a multi-cultural society and on the prevention of discrimination, as well as xenophobia and racism, aimed at the operators of public organizations and offices, as well as private organizations, who habitually deal with foreigners or who bear significant authority in the area of the Immigration.

2. For the purposes indicated in paragraph one, a register of associations selected according to the criteria and prerequisites contemplated under the implementation regulations is established by the Office of the Prime Minister &ndash; Department of Social Affairs.

3. In addition to the initiatives promoted by the regions and by local government bodies for the purpose of identifying, through the participation of foreign citizens, initiatives suitable to eliminating the obstacles with prevent effective exercise of the rights and duties of foreigners, a national coordinating body is established under the auspices of the National Council of Economics and Labor. The National Council of Economics of Labor, within the framework of its own tasks and responsibilities, also carries out studies and promotes activities designed to favor the participation of foreigners in public life, plus the circulation of information on the application of the present unified text.

4. In the interests of obtaining observations from the national associations most active in providing assistance and in aiding with the integration of immigrants, as per article 3, paragraph 1, and in order to establish the connection with the territorial councils indicated under article 3, paragraph 6, in addition to examining issues regard the condition of foreign immigrants, an Advisory Commission on the Problems of Foreign Immigrants and their Families is established under the auspices of the Office of the Prime Minister, being presided over by the Prime Minister and by another member of the Cabinet. The members of the Advisory Board, to be appointed with a decree of the Prime Minister, include:

- a) no less than six representatives of the associations and bodies present in e organization referred to under paragraph 3;
- b) no less than six representatives of non-European workers, designated by the associations representing the largest number of such workers in Italy;
- c) no less than four representatives designated by the national labor confederations;
- d) no fewer than three representatives designated by national employers' unions in different economic sectors;
- e) seven experts designated, respectively, by the Ministry of Labor and Social Security, by the Ministry of Public Education, the Minister of Internal Affairs, the Ministry of Foreign Affairs and the Ministry of Finance, plus the departments of social solidarity and equal opportunity;
- f) four representatives of local government bodies, with two to be designated by the regions, one by the National Association of Italian Municipalities (ANCI), and one by the Union of Italian Provinces (UPI);
- g) two representatives of the National Council of Economics and Labor (CNEL).

5. For each full member of the Advisory Board, an alternate member is appointed.

6. The regions retain their right to establish, in analogy with the provisions of paragraph 4, letters a), b), c), d) and g), and in accordance with the areas of responsibility they have been assigned under the Constitution and the laws of the State, regional advisory boards on the problems of non-European workers and their families.

7. The implementation regulations stipulate procedures for the establishment and operation of the Advisory Board referred to under paragraph 4, as well as the territorial councils.

8. The participation in the Advisory Boards referred to under paragraphs 4 and 6 of the members indicated in the present article, as well as the participation of the alternate members, is offered free of charge, with the exception of reimbursement for any travel expenses of members who are not employees of the Public Administration and do not reside in the municipality in which the aforementioned bodies are headquartered.

## Article 46

(Commission for integration policies)

(Laws no. 40 of 6 March 1998, article 44)

1. A Commission for Integration Policy is to be established under the auspices of the Prime Minister's Office - Department for Social Affairs.

2. This commission is responsible for drawing up for the Government, in part to fulfill the obligation of informing Parliament, an annual report on the state of implementation of integration policies in addition to formulating proposals for the upgrading of these policies, at the same time supplying the responses to queries raised by the government regarding policies on immigration and intercultural affairs, as well as initiatives against racism.

3. The commission is composed of representatives from the Department of Social Affairs of the Prime Minister's Office and from the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Ministry of Labor and Social Security, the Ministry of Health and the Ministry of Public Education, plus a maximum of ten experts with highly qualified experience in terms of the social, legal and economic analysis of immigration problems, all appointed in a decree issued by the Prime Minister, after first having received the opinion of the Minister of Social Solidarity. The Chairman of the Commission is selected from among university professors holding the role of expert in the aforementioned subject; the candidate selected is placed on leave from the university system and assigned to the Prime Minister's Office. Representatives of the Permanent Conference on Relations between the State, the Regions and the Independent Provinces of Bolzano and Trent can be invited to participate in the sessions of the Commission, along with representatives of the Conference on State-City Relations and Local Government Bodies, plus individuals from other branches of the Public Administration involved in the individual topics examined.

4. The Decree referred to in paragraph 3 determines the organization of the Commission's secretariat, which is established under the auspices of the Department of Social Affairs, in addition to stipulating the reimbursements and compensation due to the members of the commission and to the experts whose services the commission calls on in the performance of its duties.

5. Within the limits of the annual budget allocation provided for the operations of the Commission under the decree referred to in Article 45, paragraph 1, the Commission may assign the performance of studies and research efforts to public and private institutions, or to research groups or individual researchers through agreements approved by the Commission and signed by its Chairman, in addition to purchasing publications or materials necessary to the performance of these tasks.

6. To fulfill its assigned responsibilities, the Commission may draw on the assistance of all the branches of the State Administration, including those regulated under autonomous measures, as well as public organizations, the regions and local government bodies.