

**Guide to new procedures
regulating the right of residence for
communitarian citizens and their
family members**

Edited by Paolo Fasano

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Preface

This multilingual guide represents one of the products scheduled by the Community Initiative Project **Equal M.O.B.I.L.I.** (Basic orientation models for working placement of young immigrants) – protocol no. IT-G2-EMI-019 rif. PA 2004-0307/RER (action 1), rif. PA 2004 0333/RER (action 2).

The project has been presented by **Consorzio Formazione & Lavoro** (Bologna) and has been approved within the Employability thematic field. Its main objective is to promote an adequate and enhance insertion of young immigrants in the labour market and this has been pursued through the experimentation of innovative practises on the themes of recognition of qualifications and non-formal competencies of foreign citizens, in the territories of Ravenna, Savignano sul Rubicone and Imola which are the 3 Municipalities partners of the project.

After the legislative decree 30/07, which regulates the movement and the stay of EU citizens and their family members in our country, had come into force, we thought it would have been useful to realize a guide able to represent a reference point for final users, that is EU citizens and their family members, as well as for Municipalities, since Register Offices have now to issue the residence certificate.

The guide has been translated in 6 languages, that is to say English, French, Spanish, Romanian, Polish and Bulgarian, and it wants thus to address the needs of east-European citizens, whose already strong presence in our territory is still increasing after Countries such as Rumania and Bulgaria joined the European Union.

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Introduction

In Italy, the legislative decree n. 30/07²⁴ is in force as of April 11th 2007 and it regulates the movement and the stay of EU citizens²⁵ and their family members in our country.

The communitarian citizen staying for periods shorter than 3 months is not submitted to any formality. As concerning longer periods as well as for the first 5 years of stay, the new discipline provides a clear separation between the communitarian worker and his family members on one side, and communitarian citizens staying for other reasons on the other side (students, tourists, etc.). The former, as we shall see, has the right of residence and they have immediate access to the social assistance system in the same conditions of Italian citizens; the latter, instead, in order to reside legally, must guarantee an autonomous ability of maintenance and healthcare to ensure they do not become a burden on the social assistance system of the host member state. After 5 years of legal stay, the citizen obtains the right of permanent residence, without being submitted to any conditions.

This body of legislation represents the attempt to conjugate two of the founding principles of the European Union, such as the right of people and firms to move freely, with the one concerning the sustainability of member countries' welfare systems. The non-homogeneity of welfare states at the European level can contribute to determine huge population movements from new member countries to the founding countries, with relevant social and economic consequences. Hence the directive 2004/38/CE calls for necessity to avoid EU citizens could become an excessive burden for the social assistance system of the host member state, providing for the chance to expel the citizen in the case the above-mentioned situation occurs.

The decree brings many other innovations to the general framework which governed the entry and the residence of foreign citizens in Italy during the last 10 years. The EU citizen will no longer need to go to the Police Headquarters in order to request the residence permit, but from now on he will have to go to the Register Office of the commune of residence which will deliver the certification of regularity of the stay. Except for seasonal worker, the certification of residence will not have an expiry date, but the loss of requirements will involve the loss of the right of residence. Previously, the residence permit issued by the Police Headquarters represented in itself the presupposition for the access to certain services, at the same level as the Italian citizen. The system which is going to establish itself wants the Boards (Enti), such as Local Health Office, Social Services or Municipality's Lodging

²⁴ It acknowledges the Directive 2004/38/CE on the right of Union citizens and their family members to move and reside freely within the territory of the Member States.

²⁵ Citizens from Switzerland, San Marino and from all the countries members of the European Economic Area – EEA (Norway, Iceland and Liechtenstein) – are treated as equivalent to EU citizens.

Office (Ufficio Casa del Comune) to check autonomously the possession of the requisites the EU citizen needs to have in order to reside legally.

**EU CITIZEN STAYING FOR A PERIOD OF UP
TO 3 MONTHS**

1. THE EU CITIZEN STAYING IN ITALY FOR UP TO 3 MONTHS

The EU citizen can reside in Italy for a period not exceeding three months without being subject to any conditions or any formalities other than the requirement to hold a valid identity document, delivered by the authorities of his country.

He must exhibit, if requested by Italian authorities:

- **a valid identity document** (passport or identity card valid for expatriation, issued in his country of birth)

2. EXTRA EU FAMILY MEMBERS

With the definition of “family members”, we mean the spouse²⁶, the direct descendants who are under the age of 21 or are dependants and those of the spouse; the dependent direct relatives in the ascending line and those of the spouse.

Extra EU family members accompanying the EU citizen maintain the same right, provided that they have a valid passport and they arrived in Italy with a regular entry visa.

Extra EU family member does not need to go to Police Headquarters²⁷, but he has to exhibit when requested by the National Authority for Public Security:

- **valid passport;**

- **entry visa issued by the Italian Consulate Representation in the country of provenance²⁸.**

3. OTHER EXTRA EU FAMILY MEMBERS OR PARTNERS

Other extra EU family members (neither spouse, nor dependent direct descendants and dependent direct relatives in the ascending line, nor the spouse's ones) can enter Italy with a visa for residence of choice only if they are in one of the following situations:

- they are dependent or they cohabit with the EU citizen who has the right of residence:

- serious health problems force the EU citizen to assist them personally;

²⁶ The decree refers also to the registered partner, but it specifies “in respect of the conditions laid down by the legislation of the host Member State”.

²⁷ In the writer's opinion, art. 6, paragraph 2 of decree 30/07, where it provides for EU citizens' extra EU family members not to be submitted to any condition or formality, except the entry visa, for stays up to 3 months, deviates from the short stays' new discipline which imposes to the extra EU citizen the declaration of presence.

²⁸ In the writer's opinion, the demonstration of the degree of relationship with appropriate documentation having legal value in our country corrects the lack of entry visa.

- it's about the partner with whom the EU citizen has a durable relationship, duly attested by the EU citizen State.

In this case, the extra EU family member or partner must be in possession of:

- **valid passport;**
- **entry visa for residence of choice issued by the Italian Consulate Representation in the country of provenance.**

4. SOCIAL ASSISTANCE SERVICES

The EU citizen and his family members do not have the right to national assistance services during the first 3 months of stay, except that this right is automatically recognized by virtue of the activity practised or by other laws.

5. HEALTHCARE SERVICES

The EU citizens who are in Italy for tourism, or for stays shorter than 3 months, do not have the right to be registered to the National Health Service. Seasonal workers holding a regular contract of employment and holders of E106 form with 3 months validity represent an exception. The others, unless they hold TEAM (European Health Insurance Card), must pay the full fees of the services received.

The citizens having TEAM or any other Form delivered by their country of origin have the right to health insurance services to be charged to their country of origin, according to the modalities laid down by the respective law certificates. If the EU citizen is not in the possession of the aforementioned certificate, the Local Health Office will demand the certificate to the State of origin. In the lack of this conditions, the payment of the health insurance service will be requested directly to the patient²⁹.

²⁹ It is good to mention that for the 2007 it is envisaged the extension for the use of the STP code for urgent and essential treatments, though continuative, to Rumanian and Bulgarian citizens who already possessed it by 31st December 2006. For everybody else, instead, it is not possible anymore to obtain the STP code. Anyway, the healthcare services which are urgent and unable to be deferred are guaranteed also to people resulting not assisted by the country of provenance and being in indigence, but ASL (Local Health Service) reserves the right to promote recovery actions against the competent States.

EU CITIZEN STAYING FOR MORE THAN 3 MONTHS

1. THE STAY IN ITALY FOR A PERIOD LONGER THAN 3 MONTHS

After 3 months from the entry, the EU citizen must request to the Register Office of the Commune where he resides the registration and the issue of a certificate of residence.

If he resides in Italy as a worker or if he is a worker's family member, he must furnish to the Register Office documentary evidence of the work activity or of the family relationship, besides the one of the habitual residence. In the other cases of stay (student, tourist, etc.), he must demonstrate he has sufficient economic resources not to become a burden on the social assistance system and have comprehensive sickness insurance cover in the host Member State.

The status of owner of the right of residence can be demonstrated with every mean of proof in compliance with regulations.

2. THE DOCUMENTATION CERTIFYING THE DEGREE OF RELATIONSHIP

In order to have a legal value in Italy, the documents delivered in the country of origin and attesting the degree of relationship must be translated in Italian language and authenticated by the Italian Consulate Representation of the country of origin or of provenance, or they must be authenticated according to The Hague Convention of 1961. Alternatively it is possible to present an ad hoc certification issued by the Consulate Representation of one's country in Italy, translated in Italian language and averred by the Prefecture or, for the Member States, it is also possible to produce a multi-lingual certificate according to Paris Convention of 1956.

3. MEDICAL INSURANCE POLICY FOR OF THE REGISTRATION AT THE REGISTER OFFICE

In Italy, the EU worker and his family members have the health expenses covered by the National Health Service, in the same way of Italian citizen.

The EU citizen who is staying for studying or for professional training, or other reasons, must have comprehensive sickness insurance cover valid for at least a year, or as long as the duration of the class or training course, if these are shorter than a year. This documentation must be produced in order to be registered and to obtain the certificate of residence.

In order to be registered, also E106, E120, E121 (or E33), E109 (or E37) forms satisfy the requisite of the sickness insurance cover.

On the contrary, the European Health Insurance Card (TEAM) issued by the country of provenance does not substitute the healthcare policy.

4. THE DOCUMENTATION REGARDING ECONOMIC RESOURCES

The registration of the EU student or of people staying not for working reasons is submitted also to the possession of sufficient economic resources not to become a burden on the social assistance system.

This requirement must be satisfied according to the following table:

Minimum economic resources³⁰	Number of family members
Euro 5.061,68	Applicant + a family member
Euro 10.123,36	Applicant + two or three family members
Euro 15.185,04	Applicant + four or more family members

Table 1

The demonstration of economic means can be carried out both through the production of the needed documents (pension certificate, individual income tax return, cash or documents of credit, bank guarantees, savings accounts, bank statement), and a substitutive declaration, according to art. 46 and 47 of the presidential decree n. 445, 28 December 2000.

The self-declaration must supply detailed information in order to allow the carrying out of checks, also per sample, by the side of competent offices on the effective availability of economic resources. The failure of this availability consents the expulsion of the EU citizen from the national territory.

5. THE DOCUMENTATION TO PRESENT IN ORDER TO OBTAIN THE REGISTRATION AT THE REGISTER OFFICE AND THE RELEASE OF THE CERTIFICATE OF RESIDENCE

5.1 THE DEPENDENT WORKER

In order to be registered and to be given the certificate of residence, the dependent worker must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid identity document (passport or ID card valid abroad);**
- 2) **tax code released by Tax Income Agency;**
- 3) **habitual dwelling declaration;**
- 4) **Italian driving licence if existing³¹;**

³⁰ In the calculation of the total resources, possible incomes or resources of family members living together with the citizen must be considered.

- 5) log book or number plate of the vehicle matriculated in Italy;
- 6) latest pay-packet or deposit receipts of INPS deductions for the household staff (as an alternative, current contract of employment containing INPS and INAIL identification numbers, hiring letter, employer declaration, hiring communication at Employment Centre)³²;
- 7) authorization³³ (nulla osta) issued by the Counter for Immigration at Prefecture, if it is about a neo-communitarian citizen (Rumanian or Bulgarian) entering in Italy for the first time and employed in sectors different from the ones here listed:
 - seasonal work;
 - agricultural, hotel and tourism;
 - domestic service, care and assistance;
 - building;
 - metal and mechanical;
 - managerial and high qualified;
 - fishing and maritime
 - entertainment industry.

5.2 THE SEASONAL WORKER

Those who want to stay in Italy only for a definite period in order to carry out a seasonal work activity can ask to be registered to the temporary population register at the Register Office.

In this case, the registrar will issue a certificate of temporary registration valid for a year.

In any case, the seasonal worker must produce to the Register Office of the Comune where he is temporarily living the following documents:

- 1) **ongoing contract of employment (as an alternative, hiring letter, employer declaration, hiring communication at Employment Centre);**
- 2) **passport or ID card valid abroad;**

³¹ It is good to mention that EU citizens residing in Italy can use their driving licence in order to move about all the Italian territory with no time-limits (provided that their driving licence is still valid) without been obliged to turn it into the Italian one.

³² Neither the law nor the Home Office circular letters state a week time-table, a duration or a minimum income for the work relationship, insofar as the contract of employment accounts for the awarding of the status of worker with all the protections and warrantees provided for by EU law and international conventions.

³³ After the registration, the neo-communitarian citizen employed with the authorization by the Counter for Immigration can change his job without the new employers have to demand again a new authorization, even if he is employed in sectors different from the ones listed at the point 8 of this paragraph.

- 3) tax code released by Tax Income Agency;**
- 4) temporary registration application.**

The seasonal worker will then be cancelled from the register within the maximum term of a year from the date of registration.

In the case soon after the seasonal worker decides to establish his habitual dwelling in the commune, he will have to produce again all the documents in order to demonstrate to still possess the requirements provided for the law.

5.3 THE INDEPENDENT WORKER

5.3.1 WITH VAT CODE³⁴:

In order to be registered and to be given the certificate of residence, the independent worker must produce to the Register Office of the Commune where he lives the following documents:

a) If he is enrolled in the Chamber of Commerce or in the Handicraft Businesses Register

- 1) valid identity document (passport or ID card valid abroad):**
- 2) tax code released by Tax Income Agency;**
- 3) habitual dwelling declaration;**
- 4) Italian driving licence if existing;**
- 5) log book or number plate of the vehicle matriculated in Italy;**
- 6) receipt of the registration to the Chamber of Commerce or to the Handicraft Businesses Register or the business profile information (visura camerale). As an alternative to the registration to the Handicraft Businesses Register, it is possible to produce the INAIL registration.**

b) If he is enrolled in Professions Registers

- 1) valid identity document (passport or ID card valid abroad):**
- 2) tax code released by Tax Income Agency;**
- 3) habitual dwelling declaration;**
- 4) Italian driving licence if existing;**
- 5) log book or number plate of the vehicle matriculated in Italy;**

³⁴ The EU citizen must supply documentary evidence of the ongoing work to the registrar, if he wants to demand the registration as a EU worker, according to art. 7. par. 1 – legislative decree 30/07. As concerns independent work, this is possible for instance through the exhibition of the VAT code or the registration to the Chamber of Commerce, Industry, Craft Trade and Agriculture or to the Registers, etc. In few provinces, the Chamber of Commerce, Industry, Craft Trade and Agriculture, the Tax Income Agency and Professions Orders do not issue these certifications if the residence does not exist already. We are waiting for precise directions by competent Ministries.

- 6) receipt of the registration to the Professions Register or Register's certificate.

c) If he is a self-employed person who do not need to enrol in any Register

- 1) valid identity document (passport or ID card valid abroad);
- 2) tax code released by Tax Income Agency;
- 3) habitual dwelling declaration;
- 4) Italian driving licence if existing;
- 5) log book or number plate of the vehicle matriculated in Italy;
- 6) awarding certificate of VAT code issued by Tax Income Agency.

5.3.2 WITHOUT VAT CODE:

In order to be registered and to be given the certificate of residence, the independent worker must produce to the Register Office of the Commune where he lives the following documents:

a) If he is a collaborator in a family-run firm

- 1) valid identity document (passport or ID card valid abroad);
- 2) tax code released by Tax Income Agency;
- 3) habitual dwelling declaration;
- 4) Italian driving licence if existing;
- 5) log book or number plate of the vehicle matriculated in Italy;
- 6) lawfully stipulated memorandum (atto d'impresa) of the family-run firm (as an alternative, registration to social security lists; INAIL registration);
- 7) business profile information (visura camerale).

b) If he is a worker with an atypical contract of employment (contract work, term employment contract, etc.) or in partnership

- 1) valid identity document (passport or ID card valid abroad);
- 2) tax code released by Tax Income Agency;
- 3) habitual dwelling declaration;
- 4) Italian driving licence if existing;
- 5) log book or number plate of the vehicle matriculated in Italy;
- 6) contract work or term employment contract or contract of association registered at the Tax Income Agency, as an

alternative employment preventive communication by the Centre for Employment;

7) pay-schedule, if existing.

c) If he is associate in a partnership or in a corporation

- 1) **valid identity document (passport or ID card valid abroad);**
- 2) **tax code released by Tax Income Agency;**
- 3) **habitual dwelling declaration;**
- 4) **Italian driving licence if existing;**
- 5) **log book or number plate of the vehicle matriculated in Italy;**
- 6) **lawfully stipulated memorandum of the partnership/corporation, as an alternative copy of the registration receipt to social security lists or copy of INAIL registration receipt of the associate or business profile information (if already existing) complete with all the members names.**

5.4 WHAT HAPPENS IF YOU LOSE YOUR JOB

The accidental loss of work allows to keep the worker status. It is thus possible to keep the status of worker when:

a) One is temporarily disabled to work following up an illness or an injury.

In this case in order to be registered and to be given the certificate of residence, the worker must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid identity document (passport or ID card valid abroad);**
- 2) **tax code released by Tax Income Agency;**
- 3) **habitual dwelling declaration;**
- 4) **Italian driving licence if existing;**
- 5) **log book or number plate of the vehicle matriculated in Italy;**
- 6) **medical certificate, exhibits, INAIL accident report, etc.**

b) One is unwillingly unemployed (dismissal, end of a temporary contract of employment, etc.) after having carried on a work activity in Italy for more than a year and is looking for a new employment.

In this case in order to be registered and to be given the certificate of residence, the EU citizen must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid identity document (passport or ID card valid abroad);**
- 2) **tax code released by Tax Income Agency;**
- 3) **habitual dwelling declaration;**

- 4) **Italian driving licence if existing;**
- 5) **log book or number plate of the vehicle matriculated in Italy;**
- 6) **unemployment status certificate issued by the Employment Centre (declaration of preparedness to the carrying out of a working activity) or self-certification of the unemployment status specifying the date and the competent Employment Centre;**
- 7) **documentary evidence of the unwilling unemployment status (dismissal letter, temporary contract of employment and last pay-packet, or self-declaration of the working relationship cessation, etc.)**

c) One is unwillingly unemployed at the end of a temporary contract of employment inferior to a year, or has lost his job during the first 12 months of stay in Italy and is now looking for a new job. In this case, the status of dependent worker is maintained for the period of a year.

In order to be registered and to be given the certificate of residence, the EU citizen must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid identity document (passport or ID card valid abroad):**
- 2) **tax code released by Tax Income Agency;**
- 3) **habitual dwelling declaration;**
- 4) **Italian driving licence if existing;**
- 5) **log book or number plate of the vehicle matriculated in Italy;**
- 6) **unemployment status certificate issued by the Employment Centre (declaration of preparedness to the carrying out of a working activity) or self-certification of the unemployment status specifying the date and the competent Employment Centre;**
- 7) **documentary evidence of the unwilling unemployment status (dismissal letter, temporary contract of employment and last pay-packet, or self-declaration of the working relationship cessation, etc.)**

d) One is attending a vocational training course.

In this case, the maintenance of the status of worker requires the existence of a link between the previous job and the training course attended.

In order to be registered and to be given the certificate of residence, the EU citizen must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid identity document (passport or ID card valid abroad):**
- 2) **tax code released by Tax Income Agency;**
- 3) **habitual dwelling declaration;**

- 4) **Italian driving licence if existing;**
- 5) **log book or number plate of the vehicle matriculated in Italy;**
- 6) **certificate of registration to the vocational training course;**
- 7) **documentation attesting the link between the working activity previously carried out and the training course (issued by the training institute).**

5.5 THE EU CITIZEN POSSESSING A RESIDENCE PERMIT STILL VALID

In this case, the Register Office of the Commune where he lives verifies only the habitual dwelling since the possession of residence requirements is already documented by the still valid residence permit.

In order to be registered and to be given the certificate of residence, the citizen must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid residence permit**
- 2) **passport or ID card valid abroad**
- 3) **tax code released by Tax Income Agency;**
- 4) **habitual dwelling declaration;**
- 5) **Italian driving licence if existing;**
- 6) **log book or number plate of the vehicle matriculated in Italy**

5.6 THE EU CITIZEN WHO IS ALREADY RESIDENT

In this case the Register Office of the Commune where the citizen resides will go on only to the verification of the possession of stay requirements. In order to be given the certificate of residence, the citizen must produce to the Register Office the following documents:

- 1) **passport or ID card valid abroad**
- 2) **documentation attesting the working activity (as indicated in the previous paragraphs).**

5.7 THE EU CITIZEN WHO APPLIED FOR THE RESIDENCE PERMIT

If the EU citizen had already applied for the residence permit, he can self-certificate the possession of the requisites required by legislative decree 30/07. In this case, in order to be given the certificate of residence, the citizen must produce to the Register Office the following documents:

- 1) **passport or ID card valid abroad**
- 2) **residence permit application's receipt;**
- 3) **self-certification of the existence of stay conditions required by decree 30/07.** The verification of these conditions will be

performed by sample by the Municipality, using the documentation possessed by the Police Headquarters.

5.8 THE EU CITIZEN WHO IS ALREADY RESIDENT AND HAVE A DOCUMENT OF RESIDENCE STILL VALID

In this case, the Register Office of the Commune where he resides does not need to verify neither the habitual dwelling nor the stay requirements. In order to be given the certificate of residence, the citizen must produce to the Register Office the following documents:

- 1) valid residence permit;**
- 2) passport or ID card valid abroad.**

5.9 THE STUDENT

In order to be registered and to be given the certificate of residence, the student must produce to the Register Office of the Commune where he lives the following documents:

- 1) valid identity document (passport or ID card valid abroad);**
- 2) tax code released by Tax Income Agency;**
- 3) habitual dwelling declaration;**
- 4) Italian driving licence if existing;**
- 5) log book or number plate of the vehicle matriculated in Italy;**
- 6) certificate of registration to a public or private institute, recognized by the law in force;**
- 7) comprehensive sickness insurance cover³⁵ lasting a year or at least the duration of the class or of the vocational training course , if these last less than a year;**
- 8) sufficient economic resources not to become a burden on the social assistance system, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.**

5.10 THE CITIZEN STAYING FOR OTHER REASONS

In order to be registered and to be given the certificate of residence, the citizen must produce to the Register Office of the Commune where he lives the following documents:

³⁵ Foreign students who come in Italy in order to attend a class (i.e. Erasmus) can register to Local Health Services by fulfilling the E106 form.

- 1) valid identity document (passport or ID card valid abroad);
- 2) tax code released by Tax Income Agency;
- 3) habitual dwelling declaration;
- 4) Italian driving licence if existing;
- 5) log book or number plate of the vehicle matriculated in Italy;
- 6) comprehensive sickness insurance cover lasting at least a year³⁶;
- 7) sufficient economic resources not to become a burden on the social assistance system, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.

5.11 THE CITIZEN STAYING FOR RELIGIOUS REASONS

In order to be registered and to be given the certificate of residence, the EU citizen staying for religious reasons must produce to the Register Office of the Commune where he lives the following documents:

- 1) valid identity document (passport or ID card valid abroad);
- 2) tax code released by Tax Income Agency;
- 3) habitual dwelling declaration;
- 4) Italian driving licence if existing;
- 5) log book or number plate of the vehicle matriculated in Italy;
- 6) declaration of the person responsible for the Religious Communion, attesting the nature of the task held and the undertaking of board and lodging costs. The declaration must be approved by the Episcopal Administration or by the equivalent Religious Authority in Italy;
- 7) declaration of the person responsible for the Religious Communion attesting the undertaking of healthcare expenses or of the medical insurance policy.

5.12 THE MINOR NOT ACCOMPANIED

EU minors who are on the national territory and are not accompanied by parents or by who wield the parental authority are registered on the base of the decision of the Juvenile Judicial Authority which has minor's custody or guardianship.

³⁶ European pensioners and their family members holding a pension in another EU State but residing in Italy have the right to register to the National Health Service by fulfilling the E121 (or E33) form.

The registration will be seen by the guardian or by who has the minor's custody subject to presentation of Tribunal's measure.

6. THE LACK OF STAY REQUIREMENTS

If during the registration process it is found out that the conditions for a stay longer than 3 months do not exist, the Register Office adopts a measure of rejection of the registration against which it is possible to appeal to the Tribunal according to art. 8 of legislative decree n. 30/2007.

EU CITIZEN'S FAMILY MEMBERS

1. THE EU CITIZEN'S FAMILY MEMBER

With the definition of “family members”, we mean the spouse³⁷, the direct descendants who are under the age of 21 or are dependants and those of the spouse; the dependent direct relatives in the ascending line and those of the spouse.

The Italian State facilitates the entry and the residence also for other family members fairly with the European Union principle which aims to preserve the EU citizen durable relationships as well as the ones of physical or financial dependence. The general rule concerns the fact that the family member follows the legal condition of the EU citizen who has the right of residence in Italy. Therefore the EU worker's family member can immediately register to the National Health Service and assert the right to social and welfare services, while the student's family member³⁸ must have a comprehensive sickness insurance cover and the entire family unit must dispose of sufficient economic resources³⁹ not to become a burden on the social assistance system.

2. THE EU WORKER'S EU FAMILY MEMBER

In order to be registered and to be given the certificate of residence, the family member must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid identity document (passport or ID card valid abroad);**
- 2) **tax code released by Tax Income Agency;**
- 3) **habitual dwelling declaration;**
- 4) **Italian driving licence if existing;**
- 5) **log book or number plate of the vehicle matriculated in Italy;**
- 6) **a document having legal value in Italy attesting the degree of relationship and, when requested, the condition of dependent family member.**

3. THE EU STUDENT'S EU FAMILY MEMBER

In order to be registered and to be given the certificate of residence, the family member must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid identity document (passport or ID card valid abroad);**
- 2) **tax code released by Tax Income Agency;**

³⁷ The decree refers also to the registered partner, but it specifies “in respect of the conditions laid down by the legislation of the host Member State”.

³⁸ For the first 5 years of stay, after which he will obtain the permanent right of residence.

³⁹ According to table 1 of paragraph 4 of the previous charter.

- 3) habitual dwelling declaration;
- 4) Italian driving licence if existing;
- 5) log book or number plate of the vehicle matriculated in Italy;
- 6) a document having legal value in Italy attesting the degree of relationship and, when requested, the condition of dependent family member;
- 7) comprehensive sickness insurance cover lasting a year or at least the duration of the class or of the vocational training course, if these last less than a year;
- 8) sufficient economic resources for the entire family unit not to become a burden on the social assistance system, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.

4. THE EU FAMILY MEMBER OF THE EU CITIZEN NEITHER WORKER NOR STUDENT

In order to be registered and to be given the certificate of residence, the family member must produce to the Register Office of the Commune where he lives the following documents:

- 1) valid identity document (passport or ID card valid abroad);
- 2) tax code released by Tax Income Agency;
- 3) habitual dwelling declaration;
- 4) Italian driving licence if existing;
- 5) log book or number plate of the vehicle matriculated in Italy;
- 6) a document having legal value in Italy attesting the degree of relationship and, when requested, the condition of dependent family member;
- 7) comprehensive sickness insurance cover lasting at least a year;
- 8) sufficient economic resources for the entire family unit not to become a burden on the social assistance system, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.

5. THE EXTRA EU FAMILY MEMBER

The extra EU family member must request to the Police Headquarters of the district where he lives the "Residence permit for family members of Union

citizens" which lasts 5 years. Its issue is for free⁴⁰. It is thus not necessary to use the ELI2 system for requesting the residence permit through post offices, but it is enough to produce to the Police Headquarters⁴¹ the following documents:

- 1) **valid passport;**
- 2) **a document having legal value in Italy attesting the degree of relationship and, when requested, the condition of dependent family member;**
- 3) **entry visa issued by the Italian Consulate Representation, if requested⁴²;**
- 4) **4 passport-size photographs;**
- 5) **certificate of the EU citizen's registration request.**

6. OTHER EU FAMILY MEMBERS OR PARTNERS OF THE EU CITIZEN

Other EU family members (neither spouse, nor dependent direct descendants and dependent direct relatives in the ascending line, nor the spouse's ones) can stay in Italy if they are in one of the following situations:

- they are dependent or they cohabit with the EU citizen who has the right of residence:
- serious health problems force the EU citizen to assist them personally;
- it's about the partner with whom the EU citizen has a durable relationship, duly attested by the EU citizen State.

In this case in order to be registered and to be given the certificate of residence, the family member must produce to the Register Office of the Commune where he lives the following documents:

- 1) **valid identity document (passport or ID card valid abroad);**
- 2) **tax code released by Tax Income Agency;**
- 3) **habitual dwelling declaration;**
- 4) **Italian driving licence if existing;**
- 5) **log book or number plate of the vehicle matriculated in Italy;**
- 6) **documentary evidence of the EU citizen's State attesting the degree of relationship or the durable relationship (registered in the same State) and having legal value in Italy;**
- 7) **self-declaration of the status of dependent family member or live-in partner, or self-declaration attesting the existence of**

⁴⁰ Except the repayment of the costs of printing and materials used for the document.

⁴¹ The extra EU citizen who is not an EU citizen family member is obliged to present himself to the Italian Authorities (Counter for Immigration or Police Headquarters) within 8 days from his entry.

⁴² In the writer's opinion, the presentation of the documentary evidence (having legal value in Italy) of the degree of relationship with the EU citizen corrects the lack of entry visa.

- serious health problems causing the need of the EU citizen personal assistance;
- 8) comprehensive sickness insurance cover lasting at least a year;
 - 9) EU citizen's self-declaration about the disposal of sufficient economic resources for him and for the family member or the live-in partner, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.

7. OTHER EXTRA EU FAMILY MEMBERS OF PARTNERS OF THE EU CITIZEN

Other extra EU family members (neither spouse, nor dependent direct descendants and dependent direct relatives in the ascending line, nor the spouse's ones) can enter and stay in Italy with a visa for residence of choice only if they are in one of the following situations:

- they are dependent or they cohabit with the EU citizen who has the right of residence:
- serious health problems force the EU citizen to assist them personally;
- it's about the partner with whom the EU citizen has a durable relationship, duly attested by the EU citizen State.

In this case the family member must produce to the Police Headquarters of the district where he lives the following documentation in order to apply for a residence permit for residence of choice:

- 1) **valid passport;**
- 2) **a document having legal value in Italy attesting the degree of relationship and, when requested, the condition of dependent family member;**
- 3) **entry visa for residence of choice issued by the Italian Consulate Representation;**
- 4) **4 passport-size photographs;**
- 5) **certificate of the EU citizen's registration request.**

8. THE ITALIAN CITIZEN'S FAMILY MEMBERS

In respect to the Italian citizen's family members who do not have the Italian citizenship, the laws here illustrated account only if more favourable.

In the writer's opinion, the proved degree of relationship with an Italian citizen determines for the foreign citizen, both EU and extra EU, a better condition in our legal system, since the Italian citizen's constitutional right to

the family unity comes into play. This principle finds full application in the Unifying Text on Immigration (legislative decree 286/98)⁴³ and it could be extended also to Italian citizen's EU family members in the light of art. 1, c. 2 of legislative decree 286/98 which establishes the applicability of the laws regarding extra EU citizens to EU citizens, if more favourable.

Therefore, in the presence of the habitual dwelling, we think the EU citizen is to be registered and be given the certificate of residence even in the absence of the aforementioned documentation regarding the job and the disposal of economic resources. In fact, in this case the registrant must take into account not only the EU citizen's right of residence but also the Italian citizen's constitutional right to the family unit and this one prevails also to any inadequacy of administrative documentation.

⁴³ Art. 30, c. 1, letter d), of legislative decree 286/98 provides for the issue of the residence permit to the foreign parent, also the natural one, of an Italian minor "also leaving aside the possession of a valid residence title", while art. 19, c. 2, letter c), establishes that the foreigner staying illegally on the national territory can not be expelled if he is an Italian citizen's family member (within the 4th degree) or live-in partner. In this case the Police Superintendent issues a residence permit for family cohesion (art. 28, presidential decree 394/99 and following modifications).

RIGHT OF PERMANENT RESIDENCE

1. THE CERTIFICATE OF PERMANENT RESIDENCE

After a five-years period of uninterrupted legal residence, the citizen acquires the right of permanent residence⁴⁴. In this case the EU citizen requests to the Commune where he lives the issue of a certificate attesting his right of permanent residence. He must produce to the registrant only the documentation attesting the five-years period of uninterrupted legal residence:

- 1) **valid identity document (passport or ID card valid abroad);**
- 2) **residence permit, if existing**
- 3) **certificate of residence;**
- 4) **permanent residence application.**

In order to calculate the five-years period, also the period of legal residence before the legislative decree came into force must be considered. In this case the effective date coincides with the date the residence title (residence permit or certificate) possessed by the person concerned acquires validity.

The residence continuity is not interrupted by:

- absences not exceeding altogether six months per year;
- absences longer than 6 months due to military service;
- absences up to 12 consecutive months due to relevant reasons, such as pregnancy and maternity, serious illness, studies or vocational training or job.

The right of permanent residence is lost following to absences longer than two consecutive years.

2. THE PERMANENT RESIDENCE PERMIT FOR EXTRA EU FAMILY MEMBER OF EU CITIZENS

The family member who does not have a Member State citizenship acquires the right of permanent residence if he resided legally for a period of five consecutive years in the national territory together with the EU citizen.

He is given by the Police Headquarters the "Permanent residence permit for family members of Union citizens".

Residence's interruptions not exceeding two consecutive years do not affect the permanent residence permit's validity.

⁴⁴ As concerns workers who stopped their working activity in Italy and are in particular conditions (advanced in years, permanent working inability, etc.), art. 15 of legislative decree 30/07 provides for the possibility to acquire the right of permanent residence before five-years of uninterrupted legal residence.

SUMMARY TABLE OF DOCUMENTS REQUIRED FOR THE REGISTRATION AT THE REGISTER OFFICE AND THE ISSUE OF THE CERTIFICATE OF RESIDENCE

REGISTRATION/ CERTIFICATE	TPOLOGY	DOCUMENTS
Residence certificate/ one-year period registration to Registry Office	Seasonal worker	<ul style="list-style-type: none"> - ongoing contract of employment (as an alternative, employer declaration, hiring communication at Employment Centre); - passport or ID card valid abroad; - tax code released by Tax Income Agency; - temporary registration application.
Residence certificate/ registration to Registry Office	Dependent/seasonal worker	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - latest pay-packet or deposit receipts of INPS deductions for the household staff (as an alternative, current contract of employment containing INPS and INAIL identification numbers, employer declaration, hiring communication at Employment Centre); - authorization issued by the Counter for Immigration at Prefecture, if it is about a neo-communitarian citizen (Rumanian or Bulgarian) entering in Italy for the first time and employed in particular sectors
Residence certificate/ registration to Registry Office	Independent worker with VAT code	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - receipt of the registration to the Chamber of Commerce or to the Handicraft Businesses Register or the business profile information.
Residence certificate/ registration to Registry Office	Self-employed person with VAT code and enrolled to Professions Registers	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle

		<p>matriculated in Italy;</p> <ul style="list-style-type: none"> - receipt of the registration to the Professions Register or Register's certificate.
Residence certificate/ registration to Registry Office	Self-employed person with VAT code who does not need to enrol to Professions Registers	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - awarding certificate of VAT code issued by Tax Income Agency.
Residence certificate/ registration to Registry Office	Self-employed person without VAT code and collaborator in a family-run firm	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - lawfully stipulated memorandum of the family-run firm (as an alternative, registration to social security lists; INAIL registration); - business profile information.
Residence certificate/ registration to Registry Office	Self-employed person without VAT code and with an atypical contract of employment or in partnership	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - contract work or term employment contract or contract of association registered at the Tax Income Agency, as an alternative employment preventive communication by the Centre for Employment; - latest pay-schedule, if existing.
Residence certificate/ registration to Registry Office	Self-employed person without VAT code and associate in a partnership or in a corporation	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - lawfully stipulated memorandum of the partnership/corporation, as an alternative copy of the registration receipt to social security lists or copy of INAIL registration receipt of the associate or business profile information (if already existing)

		complete with all the members names.
Residence certificate/ registration to Registry Office	Worker's family member	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - documentation having legal value in Italy attesting the degree of relationship.
Residence certificate/ registration to Registry Office	Worker disabled to work following up an illness or an injury	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - medical certificate, exhibits, INAIL accident report, etc.
Residence certificate/ registration to Registry Office	Unwillingly unemployed after having practised on a working activity in Italy for more than a year	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - certificate of registration to the Employment Centre; - documentation about the working relationship involuntarily stopped (dismissal letter, temporary contract of employment and last pay-packet, or self-declaration of the working relationship cessation, etc.)
Residence certificate/ one-year period registration to Registry Office	Unwillingly unemployed at the end of a temporary contract of employment inferior to a year, or has lost his job during the first 12 months of stay in Italy	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - certificate of registration to the Employment Centre; - documentary evidence of the unwilling unemployment status (dismissal letter, temporary contract of employment and last pay-packet, or self-declaration of the working relationship cessation, etc.)
Residence certificate/ registration to Registry	Ex-worker attending a vocational training course	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income

Office		<p>Agency;</p> <ul style="list-style-type: none"> - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - certificate of registration to vocational training course; - documentation attesting the link between the working activity previously carried out and the training course (issued by the training institute).
Residence certificate/ registration to Registry Office	EU citizen possessing a residence permit still valid	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - valid residence permit.
Residence certificate	EU citizen already resident	<ul style="list-style-type: none"> - valid residence permit; - documentation attesting the independent or dependent working activity
Residence certificate/ registration to Registry Office	EU citizen who applied for the residence permit	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - residence permit application's receipt; - self-certification of the existence of stay conditions required by decree 30/07.
Residence certificate	EU citizen already resident and possessing a residence permit still valid	<ul style="list-style-type: none"> - valid residence permit; - passport or ID card valid abroad.
Residence certificate/ registration to Registry Office	Student	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - certificate of registration to a public or private institute, recognized by the law in force; - comprehensive sickness insurance cover lasting a year or at least the duration of the class or of the vocational training course, if these last less than a year; - sufficient economic resources

		not to become a burden on the social assistance system, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.
Residence certificate/ registration to Registry Office	Member of the family of a student or an EU citizen staying for other reasons	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - documentation having legal value in Italy attesting the degree of relationship; - comprehensive sickness insurance cover lasting a year or at least the duration of the class or of the vocational training course , if these last less than a year; - sufficient economic resources not to become a burden on the social assistance system, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.
Residence certificate/ registration to Registry Office	Other EU family members or partners of an EU citizen	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - documentary evidence of the EU citizen's State attesting the degree of relationship or the durable relationship (registered in the same State) and having legal value in Italy; - self-declaration of the status of dependent family member or live-in partner, or self-declaration attesting the existence of serious health problems causing the need of the EU citizen personal assistance;

		<ul style="list-style-type: none"> - comprehensive sickness insurance cover lasting at least a year; - EU citizen's self-declaration about the disposal of sufficient economic resources for him and for the family member or the live-in partner, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.
Residence certificate/ registration to Registry Office	Citizen staying for religious reasons	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - declaration of the person responsible for the Religious Communion, attesting the nature of the task held and the undertaking of board and lodging costs. The declaration must be approved by the Episcopal Administration or by the equivalent Religious Authority in Italy; - declaration of the person responsible for the Religious Communion attesting the undertaking of healthcare expenses or of the medical insurance policy.
Residence certificate/ registration to Registry Office	Citizen staying for other reasons	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - comprehensive sickness insurance cover lasting at least a year; - disposal of sufficient economic resources not to become a burden on the social assistance system, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank

		statement, savings account, bank guarantee, etc.
Residence certificate/ registration to Registry Office	Those who draw pension in another EU State/family member	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - E120 form or - comprehensive sickness insurance cover lasting at least a year; - disposal of sufficient economic resources not to become a burden on the social assistance system, according to the parameters indicated by the table at paragraph 4, chapter II. This can be proved also through self-certification, pension certificate, documents of credit, bank statement, savings account, bank guarantee, etc.
Residence certificate/ registration to Registry Office	Pensioner in another EU State/family member	<ul style="list-style-type: none"> - passport or ID card valid abroad; - tax code released by Tax Income Agency; - habitual dwelling declaration; - Italian driving licence if existing; - number plate of the vehicle matriculated in Italy; - E121 or E33 form; - pension certificate.
Permanent residence certificate	EU citizen who has been staying legally for at least 5 years	<ul style="list-style-type: none"> - passport or ID card valid abroad; - residence permit, if existing; - residence certificate; - permanent residence application.

**MEDICAL ASSISTANCE TO EU CITIZENS
AND TO THE MEMBERS OF THEIR FAMILIES**

At the moment, the EU citizen taking advantage of the medical assistance in Italy must be in one of the following situations if he does not want to pay directly and entirely the services he uses:

- be registered to the National Health Service;
- be insured in a EU State;
- have a private insurance.

1. THE REGISTRATION TO THE NATIONAL HEALTH SERVICE

The EU citizen staying in the national territory for period longer than 3 months, can register for free to National Health Service in the following cases:

1. he is an EU worker in Italy or a family member of an EU worker⁴⁵. Or he is involuntarily unemployed and he can prove it;
2. he already has a permanent residence certificate;
3. he has one of the following EU forms: E106, E109 (or E37), E120, E121 (or E33);
4. he adheres to a social protection programme, according to art. 18 of legislative decree 286/98;
5. he is an Italian citizen's family member.

1. The EU worker and his family members have the healthcare expenses covered by the National Health Service, as Italian citizens have. With the documentation of the working activity and of the degree of relationship, they can thus register for free to the National Health Service, for a year or for the length of the contract of employment if it is shorter than a year, and receive from the Local Health Agency the health insurance card, in addition to been assigned to a general practitioner.

2. The EU citizen who already has the permanent residence certificate is entitled to register with no time limit to National Health Service, in the same conditions of the Italian citizen. The registration is not submitted anymore to any condition of work or of family relationship.

3. Forms issued by the Country of origin which allow the registration to the National Health Service are:

E106 form:

- as concerns workers transferred in Italy on behalf of an European firm whose head office is outside Italy. The registration will be yearly, renewable

⁴⁵ When we talk about family members who can be registered to National Health Service, we mean the spouse, the direct descendants who are under the age of 21 or are dependants and those of the spouse; the dependent direct relatives in the ascending line and those of the spouse.

year per year, once the real persistence of the working activity has been ascertained.

- as concerns foreign students who are in Italy in order to study (i.e. Erasmus). The registration to Local Health Service has an expiry date linked with the duration of the studies;

E120 form:

- as concerns people asking pension in another EU State (and the members of their family too), but who resides in Italy. They are entitled to be registered to National Health Service and to choose their general practitioner;

E121 form (or E33 form):

- as concerns pensioners and the members of their family, who draw pension in another EU State but resides in Italy. They are entitled to be registered to National Health Service and to choose their general practitioner;

E 109 form (or E37 form):

- as concerns family members of a foreign worker employed in another Member State, who reside in Italy (it is valid also for the student). They are entitled to be registered to National Health Service and to choose their general practitioner.

4. The humans trade victims who have been admitted to assistance and social integration programmes, as provided for by art. 18 of legislative decree 286/98, can register to the National Health Service for period corresponding to the duration of the programme, just presenting a certification released by the Police Superintendent or a declaration by the Agency or Association which manage the assistance and social integration programme.

2. THE EU CITIZENS WHO ARE INSURED IN ANOTHER EU STATE

The citizen in possession of the European Health Insurance Card (TEAM) or another form issued by their Country of origin are entitled to obtain the healthcare services to be charged to their Country of origin according to modalities defined by respective certificates of law. In the case the EU citizen does not have the aforementioned certificate, the Local Health Office will demand the certificate to the Country of origin. In the lack of this conditions, the payment of the healthcare service will be requested directly to the patient.

Pregnant women who are not registered to National Health Service can use the European Health Insurance Card (TEAM) in order to take advantage for

free of the healthcare assistance⁴⁶. In order to give birth is also possible to use the E112 form by:

- women who want to give birth in the Member State where the husband resides;
- women, married or not, who want to go back to their Country of origin in order to be helped by their families;
- women holding scholarships who give birth during the period while they are carrying out their researches abroad.

3. THE PRIVATE INSURANCE

The private insurance does not entitle to the registration to National Health Service but it covers all healthcare expenses if it is translated in Italian and it presents the following requisites:

- it is valid in Italy;
- it envisages the whole cover of healthcare risks;
- it lasts one year and it specifies the date of beginning and the expiry date;
- it specifies possible family members covered and their degree of relationship;
- it specifies modalities and formalities to follow in order to apply for the repayment.

⁴⁶ It is good to mention that for the 2007 it is envisaged the extension for the use of the STP code for urgent and essential treatments, though continuative, to Rumanian and Bulgarian citizens who already possessed it by 31st December 2006. For everybody else, instead, it is not possible anymore to obtain the STP code. Anyway, the healthcare services which are urgent and unable to be deferred are guaranteed also to people not assisted by the country of origin and in indigence, but ASL (Local Health Service) reserves the right to promote recovery actions against the competent States.

SUMMARY TABLE OF DOCUMENTS REQUIRED FOR THE REGISTRATION TO NATIONAL HEALTH SERVICE

REGISTRATION	TIPOLOGY	DOCUMENTS
registration for periods shorter than 3 months	Seasonal worker	- Contract of employment
registration for periods longer than 3 months	Seasonal worker Dependent worker	- Contract of employment attesting the working relationship and the duration; - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	Independent worker	- Certificate of registration to Chamber of Commerce, Industry, Handicrafts and Agriculture or certificate of VAT code awarding or certificate of registration to a Register. - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	Worker's family member	- Documentation attesting the degree of relationship - Certificate of the application at the Register office (optional) - Residence permit (if extra EU) - Documentation about the working activity of the EU citizen of whom he is a family member
registration for periods longer than 3 months	Unwillingly unemployed person	- Certificate of registration to the Employment Centre - Documentation about the working relationship stopped involuntarily - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	Ex-worker attending a vocational training course	- Certificate of registration to a vocational training course - Documentation about the working relationship stopped - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	Italian citizen's family member	- Certificate of the application at the Register office (optional) - Certificate of dependant family member (if required) - Residence permit (if extra

		EU)
registration for periods longer than 3 months	Student	- E106 form - Certificate of registration to a vocational training course or to a class - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	Transferred worker/unemployed person's family member	- E106 form - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	People asking pension in another EU State/family member	- E120 form - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	Pensioner in another EU State/family member	- E121 or E33 form - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	Family member of an EU citizen working in another EU State	- E109 or E37 form - Certificate of the application at the Register office (optional)
registration for periods longer than 3 months	Humans trade victims who have been admitted to assistance programmes according to art. 18 of legislative decree 286/98	- Police Superintendent's declaration or declaration of the agency or association managing the social assistance programme
registration with no time limit	EU citizen who has been staying legally for at least 5 years	- Permanent residence certificate

Legend:

INAIL Istituto nazionale per le assicurazioni contro gli infortuni sul lavoro - Italian worker's compensation authority

INPS Istituto nazionale della previdenza sociale – Italian social security authority

SSN Servizio sanitario nazionale – National health service

AUSL or ASL Azienda di unità sanitaria locale – Local health service

SUI Sportello unico per l'immigrazione – Counter for immigration

CCIAA Camere di Commercio, Industria, Artigianato e Agricoltura – Chamber of commerce, industry, handicrafts and agriculture

TEAM tessera sanitaria europea – European health insurance card

CIP Centro per l'impiego – Employment centre