

PROCEDURE FOR THE EMERGENCE OF LABOR RELATIONS AND REGULARIZATION

Art.103 paragraph 2 of Law Decree n.34 of 19/05/2020

INFORMATION SHEET FOR EU CITIZENS/ITALIANS

PERIOD AND LIMITS ON LAW ENFORCEMENT

FROM 1 JUNE 2020 TO 15 JULY 2020

There is no limit to the number of persons who can access the emergence procedure, therefore having the requirements it is possible to access the application for regularization throughout the period provided.

WORKING SECTORS

TO WHOM THE EMERGENCE/REGULARIZATION PROCEDURE IS RESTRICTED

1. Agriculture, livestock and animal husbandry, fishing and aquaculture and related activities;
2. Personal assistance for themselves or members of their family, even if not cohabiting, suffering from pathologies or disabilities that limit their self-sufficiency;
3. Domestic work to support family needs.

REQUIREMENTS CONCERNING THE EMPLOYMENT STATUS

THE EMERGENCE PROCEDURE MAY BE ACTIVATED IF

It is decided to regularize the position of a worker already in force in one of the three sectors of employment concerned but currently without a regular employment contract.

WHAT HAPPENS DURING THE EMERGENCE / REGULARIZATION PROCESS

- a. The worker can immediately perform the work in one of the three work sectors involved in the emergence procedure;
- b. Criminal and administrative proceedings resulting to the entry and irregular stay in the territory of the State at the expense of the foreign national shall be suspended.

WHERE TO SUBMIT THE APPLICATION

The employers referred to in art. 1, who intend to declare the existence of an irregular employment relationship with Italian nationals or EU Member States, submit an electronic application to INPS on the appropriate page available at website <https://www.inps.it>

WORKER REQUIREMENTS

The application for emergence may only concern **foreign nationals who are present on Italian territory before 08 March 2020 and without ever having left the national territory after that date.**

The proof of such presence on the territory can be proved through:

1. Photodactyloscopic measurement (photosignalling) to which the citizen must have undergone before 8 March 2020;
2. Presence Declaration made prior to 08 March 2020 by the foreign national who has entered the country for short periods. This statement is made by the foreign national by the following ways:
 - a) Foreign nationals from *Schengen countries* must have made a declaration of presence to the Official Police in charge (Questore) of the province in which they are located within 8 days of entering Italy;
 - b) Foreign nationals from *non-Schengen countries* must have fulfilled the obligation of declaration of presence by presenting themselves at the border crossing points and must have the uniform Schengen stamp affixed to their travel document/passport.
3. Certifications and Documentations with specified date and coming from public bodies.

The worker shall not be subjected to the emergence procedure if:

1. He is a holder of an expulsion order ordered by the Minister of the Interior (Art. 13 co. 1 D.lgs 286/1998) or ordered by the Prefecture for "perilousness" (Art. 13 co. 3 lett. c D.lgs 286/1998);
2. Has been convicted, even if not definitive, for one of the offences provided for in art.380 of the Code of Criminal Procedure for offences against personal liberty or offences related to drugs, aiding and abetting illegal immigration and emigration or for crimes aimed at the recruitment of persons for prostitution or the exploitation of prostitution or of minors to be employed in illegal activities;
3. Has been issued a warning for the purposes of non-admission in the country;
4. Whether he is deemed a threat to public order or State security.

In order to have access to the emergence procedure, the employee must have a passport or equivalent title.

EMPLOYER REQUIREMENTS

The employer can be an **Italian citizen or an EU citizen, who is solely the holder of an EC Residence Permit for Long Term Residents** (ex Residence Card) as per art. 9 of Legislative Decree 286/1998.

The employer must prove that he has the economic capacity to hire the worker; the relative income limits will be established with a specific Ministerial Decree.

To activate the emergence/regularization procedure, the employer will have to pay a flat-rate contribution of EUR 500 for each worker relating to the costs of procedure.

The employer will then have to pay an additional lump-sum payment as remuneration, contributions and taxes. This amount will be established by a specific Ministerial Decree.

The employer CANNOT file an application for emergence if he has been convicted, even if not definitive, in the last 5 years for:

1. Aiding and abetting illegal immigration to Italy and from Italy to other countries;
2. For offences aimed at the recruitment of persons for prostitution or exploitation of prostitution or of minors to be employed in illegal activities;
3. For the offence of imposition or maintenance of a condition of servitude or slavery;
4. For illicit intermediation and exploitation of labour (Art. 603 bis Penal Code);
5. For having employed workers without a residence permit (Art. 22 co. 12 Legislative Decree 286/1998).

WHAT HAPPENS AFTER THE SUBMISSION OF THE APPLICATION

For the completion of the emergence procedure, INPS and the National Labour Inspectorate define the agreements finalized to the implementation of operational synergies and sharing of necessary data.

In the event of a positive outcome of the verifications carried out by INPS and the National Labour Inspectorate, the employers ensure completion of the formalities and the social security payments relating to the workers concerned by the emergence, according to the indications that INPS will provide with special circular.