

UPDATE - VOLUNTARY AMENDMENT

OCTOBER 4, 2012

Evidence of the presence in Italy at 31 December 2011

On October 4, the Attorney General has expressed an important advice on the question of documents issued by public bodies proving the presence of foreign workers in Italy at 31 December 2011 for the purpose of regularisation.

1. Public bodies include “public and private institutions, also those owned by corporations at local level, which for their institutional mission or by proxy carry out a public function or service”.

Therefore such documents are accepted: medical certificates from public structures, school registration certificates, individual public transports cards, expulsions, sanctions, fines, police documents; telephone cards of Italian operators (Tim, Vodafone, Tre, Wind...), documents by authorized centres and religious orders shelters and any other documentation issued by bodies providing services and/or perform public activities for foreigners not dwelling regularly in Italy.

2. Documents issued by diplomatic or consular offices in Italy are also valid.

3. Entrance stamps by Schengen countries authorities on the passports of foreign workers may also prove partially valid, as they testify presence in the Schengen area.

These documents should be presented jointly to minimal evidence as of point 1.

In the last days, other questions were also clarified:

Accommodation:

The hospitality declaration or the “cessione di fabbricato” of the apartment or room for foreigners has to be presented to the police station within 48 hours after presenting the application for voluntary amendment.

The cessione di fabbricato form can be retrieved on the official website of the State Police. The declaration can be sent by certified mail (raccomandata) to local police station.

At time of convocation at the Sportello Unico the foreign worker who does not live with the employer should show evidence of availability of accommodation (rent contract, hospitality declaration, cessione di fabbricato ...) and should supply a certificate of proof of suitability of accommodation of his/her house.

Agricultural work

For the employers of the agricultural sector there are now easier terms and conditions.

Further explanation can be found in the Faq 12, 36 and 37, employers and workers – agricultural sector, on the website of the Ministry of Interiors : www.interno.it

For work relationships in the agricultural sector the one-year fixed term as of national contract, amount to 160 workdays in one year and a guaranteed minimum of 10 days a month.

For agricultural employers (also in case of employers of domestic work who have an income from agriculture) it is possible to sum up not only agricultural income but also economic indexes resulting from the VAT declaration, considering the volume of business net of purchase, the IRAP declaration or the European contributions duly certified by the bodies which supply them.

Communications

In the procedure of voluntary amendment, the Sportello Unico per l'Immigrazione shall send all communications to both the employer and the worker.

Identity document of foreign worker

In order to pay the contribution, using the F24 form, and to pay to voluntary amendment an expired passport or a photocopy of it are also valid.

An asylum seeker who has no passport can insert the numbers of the receipt of the asylum application.

At time of convocation of the worker at the Sportello Unico passport is required (or other equally valid document).

Domestic work

There are non-profit stable communities, who have family characteristics, who are considered as physical individuals and therefore can establish a domestic work relationship.

Are domestic employers: religious communities, the army barracks, foyers and shelters, rehabilitation communities etc. For stable communities the minimum income required is 30.000 euros.

Dependent work

An official document issued by Inps has made clear that the check of the DURC certificate (fiscal regularity of the enterprise) will concern only the worker for whom the voluntary amendment is processed.[See Circolare INPS 113/2012 and 118/2012].

Equally, like Inps, also Inail and the Casse Edili, will check the regularity of the contributions for pension and social security only for the worker for whom the voluntary amendment is processed.

For all information

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