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**From September 1 to September 30 it will be possible to regularise the position of home helpers and personal carers who:**

- **are working illegally as of 30 June 2009;**
- **have been working for at least 3 months (i.e. at least since April 1, 2009);**
- **are working at the date when the application is filed**

**Which employers are entitled to file the amnesty application?**

- Italian citizens
- citizens of a Member State of the European Union
- non-EU citizens holding a long-term stay permit
- non-EU relatives of a EU citizen holding a stay permit

**Which employees are entitled to be regularised?**

- Italians
- EU citizens
- Non-EU citizens legally staying in Italy
- Non-EU citizens, including those without a stay permit

**How and when can amnesty applications be filed?**

Amnesty applications may be filed by employers between 1 and 30 September 2009.

For Italian, EU and non-EU workers holding a stay permit that allows them to engage in subordinate employment, applications should be filed directly with INPS using a specific form, through the Contact Centre or through the on-line procedure made available by INPS.

For non-EU employees without a stay permit, or holding a permit that does not allow them to engage in subordinate employment, the application should be filed with the competent "Sportello Unico" (multi-purpose desk) through the on-line procedure.

## **NOTES**

1) [Click here](#) to download the LD-EM2009 form to file an amnesty application

2) To call the Contact Centre dial 803.164.

- The Contact Centre will answer to questions about regulatory and procedural aspects, including on individual applications, regards to both Inps and Inail, and will also provide assistance to users with disabilities.

- The Contact Centre, automatically or by operator, provides on-line information and services, acting as a "virtual desk" at the disposal of users.

- Operators are available Monday through Friday from 8 am to 8 pm and on Saturdays from 8 am to 2 pm. The automated service (also available in German in the province of Bolzano) operates on a 24/7 basis.

- The Contact Centre also provides information in 7 foreign languages (German, English, French, Arabic, Polish, Spanish and Russian) thanks to bilingual operators, to foreign workers, non-EU citizens and foreign residents.

### **The flat fee**

Employers shall pay a flat fee of 500 € per each employee for which amnesty is sought, using the F24 tax form. The fee cannot be deducted from income taxes and is non-reimbursable.

## **NOTE**

a) Click [here](#) to download the F 24 form and its instructions

## **Specific cases concerning the amnesty of non-EU workers with no stay permit or with a stay permit that does not allow them to work**

An application for the amnesty of employees for whom the employer had made a request based on immigration quotas can also be filed. This will imply the automatic waiver of the clearance request in compliance with the immigration quotas decree.

### **How many employees may be regularised?**

Each household is entitled to apply for the amnesty of a maximum of 3 employees (1 home helper and 2 carers). For home help, working hours must be at least 20 per week and the compensation must be at least equal to the welfare pay.

An employer wishing to hire a worker to help him/her or a family member of his/her (including one not in the same household) suffering from an illness or disability that affects his/her self-reliance (e.g. a carer) must produce documents proving that such lack of self reliance has been existing at least since April 1, 2009 (certificate issued by a public health office or a general practitioner).

### **Income requirements**

In the case of home help, the employer must prove to have earned in 2008 an annual income of at least 20 thousand Euro (in the case of a single-income household). Aggregate household income must amount to at least 25 thousand Euro, if there are more than one person earning an income in the same household.

### **Excluded workers**

The amnesty procedure does not apply to non-EU workers who:

- have received an order of expulsion for public safety, public order or terrorism reasons,
- have been reported, including under international treaties or agreements, as non-eligible for entering the Italian territory,
- have been sentenced, even if the judgement is not final, for crimes provided for in Rules 380 and 381 of Italian Rules of Criminal Procedure.

### **Procedure**

When a statement is filed, the Sportello Unico, subject to verifying that the amnesty is admissible, will summon the parties to sign the stay agreement and release a 209 Form, which the foreign worker will need to apply for a stay permit.

The employer shall produce a copy of his/her tax return, a medical certificate (where appropriate) attesting a limitation of self-reliance, and the receipt of payment of the flat fee.

## Effects of the amnesty

- Since the coming into force of the law and until the conclusion of amnesty procedures, all penal and administrative effects in respect of both employers and non-EU workers relating to illegal immigration and illegal employment are suspended, be they relative to financial, tax or social security aspects.
- If no amnesty application is filed by the employer, the suspension will terminate on September 30.
- If an employer files an amnesty application, as long as the amnesty procedure is pending the foreign worker may not be expelled. To this end, the employer will have to deliver to the worker a copy of the receipt of filing of the amnesty application.

**For further information and to file applications please contact the offices of CGIL or of its Patronato INCA – CGIL**