

Table of Contents

The Author	3
List of Abbreviations	11
Preface	13
General Introduction	15
§1. IMMIGRATION HISTORY AND STATISTICAL INFORMATION	15
§2. OVERVIEW OF NATIONAL LEGAL INSTRUMENTS	16
I. Historical Overview	16
II. Current Applicable Legislation	19
III. Administrative and Judicial Authorities	21
§3. OVERVIEW OF INTERNATIONAL LEGAL INSTRUMENTS APPLICABLE IN ITALY	23
Part I. Border Control and Entrance	27
Chapter 1. Organization of Border Control	27
Chapter 2. Right to Enter the Country	31
§1. CONDITIONS FOR THE RIGHT TO ENTER	31
§2. ADMINISTRATIVE PROCEDURES AND DOCUMENTS	33
Chapter 3. Refusal of Entry	35
Part II. Right of Residence: General Provisions	37
Chapter 1. Short Stay	37
§1. CONDITIONS FOR SHORT STAY	37

Table of Contents

§2. ADMINISTRATIVE PROCEDURES AND DOCUMENTS FOR SHORT STAY	37
§3. LEGAL POSITION IN THE EVENT OF SHORT STAY	38
§4. POSITION OF FAMILY MEMBERS	39
Chapter 2. Residence	40
§1. CONDITIONS FOR RESIDENCE	40
§2. ADMINISTRATIVE PROCEDURES AND DOCUMENTS FOR RESIDENCE	40
§3. LEGAL POSITION OF RESIDENTS	42
§4. POSITION OF FAMILY MEMBERS OF RESIDENTS	45
Chapter 3. Long-Term Residence	48
§1. CONDITIONS FOR LONG-TERM RIGHT OF RESIDENCE	48
§2. ADMINISTRATIVE PROCEDURES AND DOCUMENTS FOR LONG-TERM RESIDENCE	48
§3. LEGAL POSITION OF LONG-TERM RESIDENTS	48
§4. POSITION OF FAMILY MEMBERS OF LONG-TERM RESIDENTS	49
Part III. Right of Residence for Special Categories of Persons	51
Chapter 1. Nationals with Preferential Treatment	51
§1. EU CITIZENS	51
Chapter 2. Students	54
Chapter 3. Researchers and Teachers	59
Chapter 4. Labour and Economic Migration	61
§1. LABOUR EMPLOYMENT	61
§2. SEASONAL WORKERS AND TEMPORARY WORKERS	63
§3. INDEPENDENT ECONOMIC ACTIVITIES	64

Table of Contents

§4. INVESTMENT ACTIVITIES	65
Chapter 5. Humanitarian Reasons	67
§1. HUMANITARIAN GROUNDS	67
§2. UNACCOMPANIED MINOR CHILDREN	69
§3. VICTIMS OF TRAFFICKING IN HUMAN BEINGS	71
§4. OTHERS	73
I. Permits for Reasons of Public Security	73
Chapter 6. Asylum	75
§1. CONDITIONS	75
I. Refugee Status	75
II. Subsidiary Protection Status	79
III. Temporary Protection Status	82
§2. PROCEDURES	85
I. Asylum Procedure	85
II. Review of the Decision Rejecting the Application for Asylum	95
III. Unaccompanied Minor Asylum Claimants	98
IV. Safe Country of Origin and Safe Third Country	100
§3. LEGAL POSITION	100
§4. POSITION OF FAMILY MEMBERS	102
Chapter 7. Others Grounds	104
§1. ELECTIVE RESIDENCE	104
§2. VOLUNTEERS	104
§3. PROFESSIONAL TRAINING	105
Part IV. Loss of Right of Residence	107
Chapter 1. When the Right of Residence Might Be Lost	107
Chapter 2. Legal and Administrative Procedures	110

Table of Contents

Part V. Sanctions	113
Chapter 1. Sanctions	113
§1. ADMINISTRATIVE SANCTIONS	113
§2. PENAL SANCTIONS	114
I. Crime of Illegal Entry and Stay	114
II. Offences Related to Removal	116
A. The Crime of Non-compliance with the Order of Removal	116
B. Violation of the Measures Imposed by the Police Commissioner	118
C. The Crime of Illegal Re-entry of an Expelled Alien	118
III. The Crime of Falsification of Documents Relating to the Stay	118
§3. DETENTION	119
§4. EXPULSION AND REMOVAL MEASURES	121
I. General Framework	121
II. Administrative Expulsion	121
III. Expulsion of EU Citizens and their Families	122
IV. Judicial Expulsion	124
A. Expulsion as a Security Measure	124
B. Expulsion as a Penalty in Lieu of Imprisonment	124
C. Expulsion as an Alternative Measure to Imprisonment	126
V. Prohibitions on Removal	126
VI. Re-entry Ban	127
VII. Removal	128
VIII. Assisted Return	131
Chapter 2. Sanctions against Persons Helping Illegal Immigrants or Residents	133
§1. HUMAN SMUGGLING	133
§2. HUMAN TRAFFICKING	134
Part VI. Legal Remedies and Procedural Safeguards	137
Chapter 1. Legal Remedies in Case of Refusal of the Right to Enter, Stay or Reside	137
Chapter 2. Legal Remedies in Case of Detention	140

Table of Contents

Chapter 3. Other Legal Remedies	141
§3. APPEAL AGAINST REMOVAL MEASURES	141
Part VII. Access to the Labour Market	145
Chapter 1. Overview of Applicable Legislation	145
Chapter 2. Conditions to Work as an Employed Person	147
§1. GENERAL CONDITIONS	147
§2. ADMINISTRATIVE RULES AND PROCEDURES	149
§3. CONDITIONS FOR SPECIAL CATEGORIES OF WORKERS	151
I. Seasonal Workers	151
II. Domestic Workers	153
II. 'Out of Quota' Entry	154
Chapter 3. Sanctions against Illegal Employment	160
§1. SANCTIONS AGAINST EMPLOYERS	160
§2. SANCTIONS AGAINST WORKERS	163
Chapter 4. Legal Remedies and Procedural Safeguards	164
Part VIII. Access to Self-employed Activities	165
Chapter 1. Overview of Applicable Legislation	165
Chapter 2. Conditions to Work as a Self-employed	166
§1. GENERAL CONDITIONS	166
§2. ADMINISTRATIVE RULES AND PROCEDURES	166
§3. CONDITIONS FOR SPECIAL CATEGORIES OF SELF-EMPLOYED	167
I. Work with Companies	167
II. Particular Jobs	168
III. Freelance Workers	168

Table of Contents

IV. Workers in Entertainment	168
V. Sportspersons	169
Chapter 3. Sanctions against Illegal Exercise of Self-employment	170
Chapter 4. Legal Remedies and Procedural Safeguards	171
Selected Bibliography	173
Index	177