



FEDERAZIONE NAZIONALE LAVORATORI AGROINDUSTRIA

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**OBJECT: Brief note /Scheme for regularising migrant WORKERS IN ITALY**

The scheme for regularising migrant workers includes issues raised by FLAI. Our mobilisation was the synthesis of all this, both with the appeal launched from the beginning of the health emergency and supported by a wide range of associations, organisations, civil society personalities and citizens, and with the tenacious work that FLAI has been carrying out for years with the unions to combat labour exploitation and gangmastering in the agricultural sector. Despite some limits, the regularisation scheme is an important starting point that provides opportunities to a wide range of migrant workers. We should reflect on the fact that this scheme could mark a reversal of trend, which could trigger a process of discontinuity in the approaches followed by Italy on immigration in recent years. According to the scheme, two separate channels for regularisation are envisaged and this is already a novelty compared to the previous ones. Furthermore, the scheme tackles some crucial problems with which FLAI is confronted on a daily basis at local level, such as the informal rural settlements and ghettos, an issue that has been strongly raised by our union since the beginning of the health emergency. There are two channels for regularising migrants:

- **the first concerns the regularisation of undeclared workers with a request submitted by the employer in favour of the migrant,**
  
- **the second takes place upon the initiative of the migrant (*alone, without the help of any employer*). In this case, the person concerned must have held a Stay Permit expired since October 31, 2019 and not renewed.**

The first regularisation channel is open both to migrants already subject to photo-dactyloscopic surveys before March 8, 2020 and to those simply present in Italy by the same date. This is of fundamental importance because, in case of an employer willing to regularise the employment relationship, this can benefit some categories of migrants whose stay conditions are precarious, have changed or may change over time, such as migrants who arrived with an entry visa and remained in the country after its expiry, asylum seekers, applicants for international protection whose application was rejected, as well as holders of Fixed-term Stay Permits.

The second regularisation channel concerns the migrant with a Stay Permit expired since October 31, 2019 and not renewed. In this case, the person concerned can apply for a six-month *Temporary Stay Permit* as from the date of submission of the application and valid only for the national territory. Within the 6 months of duration of the *Temporary Stay Permit*, if the person concerned signs an employment contract or is able to provide documentation proving that he/she is working in one of the sectors indicated, the *Temporary Stay Permit* is converted into an "ordinary" *Stay Permit* for work reasons, lasting at least one year and renewable according to the procedures provided for by law.

In addition to care work, assistance and support for family needs, the sectors concerned by the regularisation are the following: *agriculture, breeding, animal husbandry, aquaculture, fishing and related activities*. ***This reference to "related activities" is of extraordinary importance because it has a great potential for broadening the range of regularisation beneficiaries.*** The application for regularisation submitted by the employer to the *One-Stop Shop for Immigration* is subject to a flat rate contribution of 500 euros. Conversely, the migrant with a Stay Permit expired since October 31, 2020 who applies for the Temporary Stay Permit shall pay 130 euros.

It should be mentioned that there has been an evolution in the framework of criminal and administrative penalties imposed on the employer with migrant workers waiting for regularisation and not in compliance with contracts (*crime of exploitation*).

The scheme also tackles the issue of informal rural settlements due to the coronavirus emergency. The *State* and the *Regions* shall now take action on ghettos by stepping up the implementation of the *Three-Year Plan against Exploitation (2020-2022)* to identify urgent measures both to ensure adequate housing conditions and to fight against exploitation

and gangmastering. Furthermore, the *Italian Red Cross* and the *Civil Protection Department* have joined the *Working Group on gangmastering*. Finally, 900 temporary-agency workers are expected to be hired for 6 months, in view of completing the regularization process in a short period of time. The scheme is certainly welcome considering the lengthy procedures and time schedules recorded with previous regularisations that lasted years.

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