



MIGRANTS *take Care*



GUIDE TO FACILITATE THE EMPLOYMENT OF MIGRANTS IN THE CARE SERVICE SECTOR

National Guides from the various contexts that are found in the Basque Country (Spain), Germany, Greece, Italy and Northern Ireland (the UK).

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Short Introduction

This Guide is country-specific and supports care service providers with the knowledge on how to recruit migrants for care jobs. Increasing their knowledge and skills in the recruiting process and all administrative procedures connected, institutions and care service providers may empower migrants to active and legally participate in the labour market, in particular in the health and home/residential care sector. It can be accessed online in the “Migrants take Care” project website: <https://www.migrantstakecare.eu/index.php/outputs/online-handbook/>

Below the English versions of each country’s guide are put together.

This guide was developed in 2020. Laws and procedures may undergo changes in the future so it is important to review some steps of the guide and **verify the procedures** with the responsible authority.

The Basque Country (Spain): Guide to facilitate the employment of migrants in the care service sector

Legal procedure

This guide should make it easier for you to employ a migrant for a care service job. The project team has developed this step-by-step guide as a catalog of questions that you may ask when employing a migrant care worker, specially focusing non-EU citizens, who are legal or illegally staying in Spain, with or without officially recognized certificates in the care sector.

It depends on the specific situation of the migrant, which procedure and which documentation you have to apply for, obtain or hand in. Please find more specific details on the documentations and the relevant authority in the Spanish version of this guide.

Question	Answer	Checkbox
1. Does the migrant belong to an EU country?	<p>YES</p> <p>The migrant is a citizen of a Member State of the European Union or of another State that signed the Agreement on the <u>E.E.E.</u> The person is going to reside in Spain for a period of more than three months. The person must request her/his registration in the Central Register of Foreign Nationals in order to obtain the EU Certificate, which accredits the migrant as a citizen of the EU legally residing in Spain. In the case of family members: apply for the “Residence card of a family member of a Union citizen”</p> <p>How to register with the Central Register of Foreign Nationals? See step 2: Obtaining the Certificate of Registration as a European Citizen (NIE)</p>	<input type="checkbox"/>
	<p>NO</p> <p>The migrant is a non-EU foreigner; s/he must have a work permit and a Residence Card. See step 3: The migrant you wish to employ is not an EU citizen. What type of documents does the person need to be allowed to work legally in Spain?</p>	<input type="checkbox"/>
2. How to obtain the Certificate of Registration as a European Citizen (NIE)?	<p>The person needs to fulfill one of the following conditions:</p>	<input type="checkbox"/>
	2.1 The person is employed based on a job contract in Spain	<input type="checkbox"/>
	2.2 The person works as a freelancer in Spain	<input type="checkbox"/>
	2.3 The person disposes of a public or private health insurance.	<input type="checkbox"/>

	2.4 If the person does not carry out any lucrative activity, s/he needs to demonstrate that s/he has sufficient economic resources	<input type="checkbox"/>
	2.5 If the person is a student, s/he needs to be enrolled in a public or private educational center, must dispose of a health insurance and sufficient economic resources. If the person participates in the Erasmus+ programme, none of these documents is needed.	<input type="checkbox"/>
	2.6 Fill in the documentation that must be submitted to request this Certificate https://extranjeros.inclusion.gob.es/ficheros/Modelos_solicitudes/mod_solicitudes2/18-Certificado_residencia_comunitaria.pdf and present the document together with the copy of the person's passport at the immigration office or the police station	<input type="checkbox"/>
3. The migrant you wish to employ is not an EU citizen. Does the person have a residence permit?	The person needs to obtain a work and a residence permit to be allowed to work legally in Spain.	
	3.1 Yes, the person has permanent residence. You do not need a work permit.	<input type="checkbox"/>
	3.2 Yes, the person has temporary residence permit . You need to apply for a work permit. See step 6.	<input type="checkbox"/>
	3.3 No, the person has been staying irregularly in Spain. The person can obtain residence permit by reasons of entrenchment. See step 4	<input type="checkbox"/>
4. In order to obtain residence permit, what type of entrenchment should be applied for?	There are three types of entrenchments: 4.1 FAMILY ENTRENCHMENT 4.2 WORK ENTRENCHMENT 4.3 SOCIAL ENTRENCHMENT	
4.1 FAMILY ENTRENCHMENT	4.1 RESIDENCE PERMIT for FAMILY ENTRENCHMENT/FAMILY TIES 4.1 The person needs to demonstrate the family bond with the father, mother or child who has Spanish nationality. IMPORTANT: when documents from other countries are provided, they must be translated into Spanish or the co-official language of the territory where the application is submitted.	<input type="checkbox"/>
4.2 WORK ENTRENCHMENT	4.2 RESIDENCE PERMIT for REASONS OF WORK The person has been living in Spain for 2 years and has worked in an informal way. The following documents are requested: - Certificate of registration from the city hall - Documentation of the existence of labor relations - Financial resources.	<input type="checkbox"/>

<p>4.3 SOCIAL ENTRENCHMENT</p>	<p>4.3 RESIDENCE PERMIT for SOCIAL REASONS, if the person has been living in Spain for 3 years and has found a job offer. The following documents are requested: - Certificate of registration from the town hall - Pre-employment contract or job offer with a commitment of at least one year - Report stating the social integration of the applicant issued by the City Council</p>	<p><input type="checkbox"/></p>
<p>5. How to apply for the residence permit for reasons of entrenchments?</p>	<p>5.1. The person needs to fill out the following document: https://www.boe.es/notificaciones/</p>	<p><input type="checkbox"/></p>
	<p>5.2 The person has to present the document at the immigration office</p>	<p><input type="checkbox"/></p>
	<p>5.3 The granting of the residence permit is accompanied by a work authorization</p>	<p><input type="checkbox"/></p>
<p>6. How to apply for a work permit</p>	<p>6.1 The person has to present an employment contract signed by the worker and the employer</p>	<p><input type="checkbox"/></p>
	<p>6.2. The hiring employer must be correctly registered in the Social Security system</p>	<p><input type="checkbox"/></p>
<p>7. What type of documents does the person need to be allowed to legally work in the care sector?</p>	<p>To work in the social and healthcare sector, it will be mandatory to have an official qualification that certifies professional skills issued by a European administration. If the migrant person has no officially certified qualifications, s/he must apply for the validation of her/his certificates and her/his professional experiences.</p>	<p><input type="checkbox"/></p>
<p>8. How to apply for the validation of a foreign professional certificate?</p>	<p>8.1 print out the application form</p>	
	<p>8.2 obtain the registration certificate of city hall</p>	
	<p>8.3 obtain proof of work experience documents in the care sector sealed and signed by the entity in which the person worked. (certificates, titles, and experience documents must be translated into Spanish or the co-official language)</p>	
	<p>8.4 obtain copy of passport</p>	
	<p>8.5 obtain certified photocopy of title, diploma or official certificate that the title has been issued. Officially translated documentation must be previously legalized</p>	
	<p>8.6 obtain certified, legalized and officially translated photocopy of the academic record with specification of grades and time load of the subjects</p>	
<p>9. How and where to legalize the certified documents (titles, diploma etc.)?</p>	<p>In countries that have signed the <u>Hague Convention</u> (e.g. Honduras, Nicaragua, Colombia, Morocco), the legalization of documents begins with the recognition of their signatures by the academic authority of the country that issued them, and concludes with the Apostille of The Hague issued by the competent</p>	

	authorities of the country, that is, by a simplified method of legalizing documents in order to verify their authenticity. The academic documents issued in the rest of the countries have to be legalized through diplomatic channels in the following organizations and in the order indicated:	
	Legalization by the Ministry of Education of the country of origin	
	Legalization by the Ministry of Foreign Affairs of the country where the documents were issued	
	Legalization by diplomatic or consular representation of Spain in the issuing country.	
10. What is the deadline to resolve and notify the validation of the certificates?	The deadline to resolve and notify the resolution of the certificate or the title three months from the reception of the same.	


Germany: Guide to facilitate the employment of migrants in the care service sector

Legal procedure

This guide should make it easier for you to employ a migrant for a care service job. The project team has developed this step-by-step guide as a catalog of questions that you may ask when employing a migrant care worker, specially focusing non-EU citizens, who are legal or illegally staying in Germany, with or without officially recognized certificates in the care sector.

It depends on the specific situation of the migrant, which procedure and which documentation you have to apply for, obtain or hand in. Please find more specific details on the documentations and the relevant authority in the German version of this guide.

Question	Answer	Checkbox
1. Does the migrant belong to an EU country?	<p>YES</p> <p>The migrant is a citizen of a Member State of the European Union or of another State that signed the Agreement on the <u>E.E.E.</u> The person is going to reside in Germany without any registration. They (and the employer) only need there identity card.</p> <p>For a period of three months they can stay here without any permission. If they are looking for a job, they may stay here for 6 months. Then they need to have a job or are working as entrepreneurs.</p>	<input type="checkbox"/>

	They have to prove that they earn enough money and they need a health insurance.	
	NO The migrant is a non-EU foreigner; s/he must have a work permit and a Residence Card . See step 2: The migrant you wish to employ is not an EU citizen. What type of documents does the person need to work legally in Germany?	<input type="checkbox"/>
2. The migrant you wish to employ is not an EU citizen. Does the person have a residence permit?	The person needs to obtain a work and a residence permit to be allowed to work legally in Germany.	
	2.1 Yes , the person has permanent residence. You do not need a work permit.	<input type="checkbox"/>
	2.2 Yes , the person has temporary residence permit . In most cases, the residence permit includes the work permit. Possible Purposes are: <ul style="list-style-type: none"> • Vocational Education (§§ 16-17 AufenthG) • Employment (§§ 18 ff. AufenthG) • according to international law, humanitarian or political reasons (§§ 22-26, 104a, 104b AufenthG) • family junction (§§ 27-36 AufenthG) • special residence rights (§§ 37-38a AufenthG) 	<input type="checkbox"/>
	2.3 No , the person has been staying irregularly in Germany. The only way to legalize is to apply for asylum (if it has not been rejected yet).	<input type="checkbox"/>
3. What type of documents does the person need to be allowed to legally	3.1 Non-skilled Domestic or Care Worker You do not need an allowance. However, there exist some helpful vocational trainings.	<input type="checkbox"/>

work in the care sector?	<i>To work as a skilled or qualified worker in the social and healthcare sector, it will be mandatory to have an official qualification that certifies professional skills. If the migrant person has no officially certified qualifications, s/he must apply for the recognition of her/his certificates and her/his professional experiences.</i>	
	3.2 Skilled Domestic or Care Worker You need a professional qualification, but no further allowance.	<input type="checkbox"/>
	3.3 Qualified Nurse You need a professional qualification and an official recognition before starting to work.	<input type="checkbox"/>
4. How to apply for the validation of a foreign professional certificate?	4.1 Visit www.recognition-in-germany.de and use the recognition finder to identify your profession and to know exactly where and how you can apply for recognition.	<input type="checkbox"/>
	4.2 Use one of the counselling centers provided by the Network “Integration through Qualification (IQ)” for personal counselling. You will find them nearby across Germany: https://www.anerkennung-in-deutschland.de/html/en/counselling-search.php Bring these documents with you to the counselling: <ul style="list-style-type: none"> • Curriculum vitae • Certificates with a summary of subjects and grades • Proof of employment, if available (e.g. employment references or time book) • Identification (e.g. personal identification, identification card) or residence permit. • If you have already applied for a recognition procedure: Letters and notices from the competent authority. Do you already have documents translated into German? If so, bring these with you to the counselling. (Source: www.anerkennung-in-deutschland.de)	<input type="checkbox"/>
	4.3 Apply for recognition at the competent authority of the federal state where you live and (want to) work. The following documents are always necessary:	<input type="checkbox"/>

	<ul style="list-style-type: none"> • Application form or application without a specified form • Proof of identity • Evidence of your professional qualification • Evidence of the content and duration of your professional qualification • In many cases, you may be required to submit the documents. Find out which documents you need to submit in the Recognition finder or ask your counsellor. <p>Do you no longer have all the documents relating to your professional qualification? If so, you may be able to provide evidence of your professional competencies in a skills analysis. The skills analysis is available for dual training occupations, master craftsperson occupations and advanced training occupations. A skills analysis may be a:</p> <ul style="list-style-type: none"> • Work sample • Professional discussion • Trial work in a company <p>There are also other procedures in the regulated sector (all nursing professions). For example, you can complete an adaptation period or take a test. (Source: www.anerkennung-in-deutschland.de)</p>	
	<p>4.4 If you do not receive recognition, there are several options:</p> <ul style="list-style-type: none"> • You can achieve <u>recognition</u> by participating successfully in training. Please seek advice regarding this. Many training courses are free of charge. There are the following types of training: • For <u>regulated professions</u> you can complete a <u>compensation measure</u>. The compensation measure must compensate for the <u>substantial differences</u> identified in the <u>notice</u>. Following successful participation, you submit the certificate to the <u>competent authority</u> You then receive the positive notice. Normally you do not need to submit a new <u>application for recognition</u>. • For <u>non-regulated professions</u> you can complete <u>refresher training</u>. Following successful participation, you receive a certificate. You are then able to submit a <u>follow-up application</u> for recognition. You submit this with the certificate and your other documents to the competent authority. <p>(Source: www.anerkennung-in-deutschland.de)</p>	
<p>5. How and where to legalize the certified documents (titles, diploma etc.)?</p>	<p>In countries that have signed the <u>Hague Convention</u>, the legalization of documents begins with the recognition of their signatures by the academic authority of the country that issued them, and concludes with the Apostille of The Hague issued by the competent authorities of the country, that is, by a simplified method of legalizing documents in order to verify</p>	

	their authenticity. The academic documents issued in the rest of the countries have to be legalized through diplomatic channels in the following organizations and in the order indicated:	
	Legalization by the Ministry of Education of the country of origin	
	Legalization by the Ministry of Foreign Affairs of the country where the documents were issued	
	Legalization by diplomatic or consular representation of Spain in the issuing country.	
6. What is the deadline to resolve and notify the validation of the certificates?	The deadline to resolve and notify the resolution of the certificate or the title three months from the reception of the same.	

Greece: Guide to facilitate the employment of migrants in the care-service sector

Introduction

The long-term care for elderly in Greece is mainly provided by the state, by private non-profit organizations, by private profitable organizations, local authorities and the family itself, due to the cultural values found in the country. Therefore, the health care system in Greece is consisted of a mix of services.

The majority of the elderly live alone in their home or with their children. If they have special needs and health problems, they receive care mainly from the family, friends and neighbours, as the family continues to play a key role in the care of the elderly. In addition, the proportion of the elderly living in residential care institutions is traditionally very small. One of the main reasons for this is the insufficiency and the low quality of institutionalized care but also the disdain of many people to this kind of care (Koumanakos, 2015).

Due to the cultural norms, institutionalized care is not socially accepted or praised in the country. Moreover, the employment of migrant care workers has been an important part of care giving in the country, as the cheaper labour was favoured even before the austerity crisis that hit from 2009. Both of these factors lead Greek families to hire privately migrant care-workers, who can be struggling to perform many of the tasks due to the lack of training that they have received.

In this way, migrant women play a crucial role in taking care for elderly family members. In some particular cases, couples can be both working in the informal care service sector in Greek families, while being undocumented. They provide cheap service and usually adapt their daily life in accordance with the Greek family's needs.

Home Care Services remains a specialty that someone can acquire through informal vocational training. The overwhelming majority of caregivers in Greece are relatives of the family or migrants, which can be unqualified. The consequences of this can be more than serious from both ergonomic point of view and the significant risks for injuries.

Authorities, Ministry of Health and Social Solidarity

According to survey by the National Statistical Service of 2009, in Greece 229.400 people were employed in the sector of health and care services. There has been no estimation of the number of informal caregivers that are active in Greece as of 2019.

In the public sector, the Health Care budget is set annually by the Ministry of the finance, taxes account 70% of financing of the National Health System the other part comes from social security and out-of-pocket payments.

The private care-giving sector is financed by the individuals, their families or private health insurance that they might have. The costs depend on the health issues found in each individual.

Laws for care work

Specific legislative controls exist to moderate the activities of third-party payers and service providers, purchasing processes, products pricing, reimbursement policy and official certification-licensing of health care professionals. Greece has incorporated into its national legislation the EU directives related to the professional qualifications of health care personnel, medical technology and equipment, pharmaceuticals and voluntary health insurance.

Recommendation policies for empowering the migrant domestic workers require structural changes in Greek policy in order to safeguard their labour rights. Greece should adopt bilateral agreement with main countries of origine in order to prevent the abusive situations.

Recommendation policies for labour right protection set up some long term objectives

The authorities should consider revising the regulations and set some minimum requirements, including minimum wage requirements and rest days.

Regulation and legislation of the nursing profession

Currently, in the beginning of 2019, the Greek Government is passing a series of legislations as a reform of Higher Education. Most of the technological educational institutions are either upgraded to universities or are being incorporated into existing universities as new faculties. This legislation is currently under implementation, and its consequences will be more visible from 2020 onwards. For nursing, those who previously graduated from technological educational institutions will have the opportunity for top-up programs to be upgraded to university graduates, whereas existing nursing students at technological institutions when they graduate are becoming by default university graduates.

Regarding the certification processes, the diplomas provided upon graduation by the Higher Education Nursing Institutions (universities and technological educational institutes) testify to the adequacy of knowledge and nursing skills. All nurses are required to be registered by the HRBN.

The aims of the HRBN3 are to ensure the health of the population through the maintenance of nurses' professional practice. It holds the Professional Register Records and is responsible for licensing and disciplinary procedures. It is governed by a Temporary Executive Committee of 15 nurses and follows a recognition process for nursing in collaboration with the Hellenic National Academic Recognition and Information Centre (NARIC).⁴ There are also seven regional departments,⁵ each with its own structure and governance.

Regulation of other types of caregiving (apart from nursing)

many immigrants in Greece mainly woman hel greek families with the daily living as well as offering companioship to the elderly people.They do not perform medical care (nurse) Caregivers are not nurses

<https://www.ncbi.nlm.nih.gov/books/NBK545717/>

The Greek health care sector is highly regulated by the central government. There is extensive legislation controlling the activities of third-party payers and providers of services, the purchasing process and the levels of prices and reimbursement, and training and licensing of health professionals. Greece has incorporated the Eu directives into national legislation concerning professional qualifications of health personnel, medical equipment, pharmaceuticals and voluntary health insurance.

Legal Procedures

However, for the recognition of degrees e.g. that there is DOATAP .Since an immigrant has a legal residence permit and a recognized degree, he or she does have the same rights / obligations as the others. the Article 47 of Law 4604/2019 which abolished the distinction in public employment on the grounds of origin.

As an employer of migrant workers, what do I need to know more?

Procedures for the care worker to recognize documents/certificates

For Greek citizens:

1. Secondary school diplomas

for Immigrants:

1. Greek language very good level cerified from the Univerity of Aegean and Aristotelous
2. The equivalent original degree in case not study in greek school
3. translated original degree and translated of the equivalent
issued by state institution

As regards the validation of technical and vocational training qualifications acquired abroad, the competent authority in Greece is EOPPEP (National Organisation for the Certification of Qualifications and Vocational Guidance, while as regards tertiary education diplomas, DOATAP (Hellenic National Academic Recognition Information 25

A recent positive evolution towards equal opportunities in terms of labour participation was the Article 47 of Law 4604/2019 which abolished the distinction in public employment on the grounds of origin.

Center) is the responsible Organisation for the recognition of university or technological degrees that are awarded by foreign Higher Education Institutions.

Training opportunities

There is some invitation for training opportunities for trainers and trainees working in public and private health care under a range of critters.

Training opportunities are for all the residents the same procedure and the same rights with the difference that immigrants need to show (if not a Greek degree) the equivalent degree recognised by the relevant Greek institution and translated.

With respect to education level, the migrants involved in mobility schemes are of relatively low educational capital and work as unskilled or semi-skilled workers (Gemi, 2013: 27) It is worth noting that university and vocational education institute graduates belong to the group of the second or 'one-and-a-half' generations: some were students, while others completed their studies in Greece

Useful links

https://www.academia.edu/41535771/Migration_in_Greece_Recent_Developments_in_2019
<https://www.moh.gov.gr/articles/health/dieythynsh-prwtobathmias-frontidas-ygeias/drasis-kai-programmata-agwghs-ygeias>
http://www.euro.who.int/_data/assets/pdf_file/0006/419460/Country-Health-Profile-2019-Greece.pdf?ua=1
http://www.mlsi.gov.cy/mlsi/mlsi.nsf/faq_gr/faq_gr?OpenDocument
http://www.mlsi.gov.cy/mlsi/mlsi.nsf/faq_gr/faq_gr?OpenDocument#24
<https://www.equalitylaw.eu/downloads/5136-greece-ombudsman-s-special-report-2019-on-equal-treatment-84-kb>
<https://www.ncbi.nlm.nih.gov/books/NBK545717/>
http://www.euro.who.int/_data/assets/pdf_file/0006/373695/hit-greece-eng.pdf?ua=1
https://ec.europa.eu/health/sites/health/files/state/docs/2019_chp_gr_english.pdf
https://www.dianeosis.org/wp-content/uploads/2020/01/immigration_report_final.pdf
https://www.genderonline.cz/uploads/2bc5b57b6131667d20d22fdb441eaf5aae18c147_immigrant-women-in-greece.pdf
https://www.academia.edu/41535771/Migration_in_Greece_Recent_Developments_in_2019
https://www.academia.edu/41536126/Albanian_Migration_in_Greece_Understanding_Irregularity_in_a_Time_of_Crisis
https://www.synigoros.gr/resources/docs/ee_im_2019_el.pdf

Domestic work in general

Domestic work is in great demand among Greek households. Migrant workers, in particular migrant women, have been filling this need for several decades now, often under seriously exploitative terms. The procedure to recruit migrant domestic workers from abroad is highly bureaucratic and deters potential employers from registering their demand with the competent authorities. By way of illustration, in 2014, only eight work permits for domestic workers were approved in Greece. The absence of legal residence is in turn associated with inferior working conditions; the employees' expectations are lower, while fear of deportation discourages victims from reporting situation of abuse, thus cultivating a sense of impunity among employers.

A recent positive evolution towards equal opportunities in terms of labour participation was the article 47 of Law 4604/2019, which abolished the distinction in public employment on the grounds of origin.

Italy: Guide to facilitate the employment of migrants in the care-service sector

Introduction

The first collective agreement for domestic workers of 1974 sets standards that do not respect their working hours. In the last decade, Italian institutions have seen an increase of irregular workers in this sector from Ukraine, Romania, Poland and other non-EU countries such as Ecuador and Peru. At the same time, the country is facing an emergency in human resources in this sector. In particular, in 2017 the Italian government approved a new type of regulation (Law 104/92), to improve the home care service, creating a special fund to support Italian families and workers in this sector, to bridge

the gap in the national situation. In addition, in order to improve the skills of migrants with a regular residence permit and to combat illegal employment, the Ministry has begun to provide annual courses to become OSS - Operatore Socio Sanitario, the Italian professional figure required to provide home care services.

As a general picture of the employment situation, the work permits are given together with the employment contract, but cannot exceed the period of two years; the permanent stay could be guaranteed only after 5 years of regular residence; the residence permits for employment can be renewed only if the person is regularly employed for a minimum of 20 hours per week. Thus, the status of the migrant in Italy is precarious until the moment that the permanent stay is not guaranteed. This makes migrant workers more likely to accept substandard working conditions in order to maintain their legal status. The more job losses cause the migrant's return to irregularity (Castagnone et al., 2013).

What are the steps to hire a foreign worker?

1) To hire a foreign worker residing abroad, the employer must contact the Single Desk for Immigration in each prefecture and competent to issue the authorization to hire.

2) To hire a worker legally residing in Italy (non-EU or EU), the employer must proceed to the compilation and forwarding of a mandatory UNILAV Communication.

The documents that an employer requires for a regular employment contract:

- Residence permit or residence card
- Passport (if owned)
- Identity card
- Fiscal code
- Health card

Procedure for recruiting a foreign worker

Is the worker you want to hire not an EU citizen?

The entry into the territory of the Italian State for reasons of subordinate work (even seasonal) and self-employment, is possible - except for some professional profiles for which it is allowed to enter outside the quotas - only within the framework of the entry quotas annually established by the appropriate decrees of planning of entry flows for work reasons.

Non-EU worker resident abroad

The regular entry of non-EU foreign workers into Italy is subordinate:

- 1) the approval of a governmental planning decree, which sets the entry quotas for work;
- 2) at the same time, an Italian or foreign employer, who is legally residing in Italy, applies for a work permit;
- 3) the issue of the relative work permit.

In order to hire non-EU foreign workers resident abroad, an application for authorization must be submitted to the Single Desk for Immigration (SUI) of the province where the work will take place, within the quotas provided for by the specific flows decree, which establishes the maximum number of non-EU foreign citizens admitted annually to work in Italy.

In the application, the employer must guarantee accommodation, income, working hours and pay.

The application must be submitted exclusively online on the website of the Ministry of the Interior.

Issuing of work authorization

The work permit is the administrative act by which the Single Desk for Immigration (SUI) at the prefecture, authorizes the employer, who makes a request, to hire a foreign worker residing abroad. This authorisation is a necessary requirement for the issue of an entry visa for work purposes. The forwarding by an employer, Italian or foreign regularly resident in Italy, of the request for permission for the employment of a foreign non-EU worker is the time of the start of the entire procedure. The employer may submit a personal request for a work permit if there is direct knowledge between the worker and the employer or a numerical request for a work permit if the employer does not have direct knowledge of the foreigner. The latter special request is made against one or more persons registered on special lists of foreign workers.

In the request, both nominative and numerical, the employer must provide the foreigner with insurance:

- The remuneration and insurance treatment provided for by the current legislation of the national collective labour contracts of the category or in any case applicable;
- The declaration relating to the accommodation of the foreign worker;
- The commitment by the employer to pay the costs of returning the foreigner to the country of origin, if certain conditions occur.

Procedure for the issue of work permits:

- The application, sent to the SUI, is also made available to the provincial Labour Office, the police and the competent employment centre;
- If no tax code has been indicated in the application, the SUI asks the Revenue Agency to assign a provisional number code;
- The SUI convenes the employer for the delivery of the authorization (which has a validity of 6 months) and the signing of a residence contract;
- The SUI then transmits the nulla osta and the proposal for a residence contract to the competent Italian diplomatic-consular representation abroad, which issues the foreigner with the entry visa, which must be requested within six months from the date of issue of the work permit;
- The foreigner, accompanied by the employer and within 8 days of entering Italy, must present himself by appointment at the Sui to sign a residence contract for work and apply for a residence permit. Once the worker has filled in the application form for the residence permit, he must go to a post office to be sent and a receipt will be issued to him to be kept;
- At this stage, the SUI also requests the Inland Revenue to convert the provisional tax code into the final one;
- Finally, the Police Headquarters will convene the foreign worker by telephone or regular mail for the delivery of the residence permit.

In caso di lavoro domestico, la comunicazione di assunzione può essere presentata online all'INPS oppure tramite l'apposito Contact center.

Multi-year authorisation for seasonal employment

The authorisation to seasonal work with multi-year validity (up to three years) can be requested for non-EU workers who have already entered Italy to work as seasonal employees for at least two consecutive years and is essential for obtaining a visa for seasonal work and the subsequent multi-year residence permit.

The issue takes place within the limits of the entry quotas for seasonal work reserved for this hypothesis in the flow decrees issued by the Government,

The application must be sent exclusively online to the Ministry of the Interior.

The application for employment, in the case of a multi-year seasonal permit for the years following the first one, can be made by an employer even if different from the employer who obtained the three-year permit for seasonal work.

Out-of-quota entrances

Some non-EU workers can obtain entry and residence in Italy without complying with the annual admission quotas in the national territory. These are workers who carry out particular activities, generally employed on fixed-term contracts, and highly qualified workers, for whom, among other things, a simplified alternative procedure is provided for. Since 11 January 2017, special rules have also been introduced for managers, skilled workers and trainees who are posted to Italy as part of an intra-corporate transfer.

Table 1

	What	Who	Where
1	Request for authorization	Presented by the employer at the SUO	SUI of the area where the person will be hired
2	Convocation for release of authorization + signing of residence contract	SUI summons the employer	At the SUI offices
3	Transmission of authorization + proposal for a residence contract	From the SUI to the Italian diplomatic-consular representation abroad	
4	Issue of entry visa	By the Italian diplomatic consular representation abroad	
5	Entry in Italy		
6	Signature of residence contract for work	By the foreigner accompanied by the employer	By appointment with SUI
7	Request for residence permit	By the worker via postal service	
8	Delivery of residence permit	From the Police Headquarters	

Non-EU worker residing in Italy

In order to hire a worker legally residing in Italy, the employer must proceed to complete and forward a UNILAV communication.

However, not all residence permits allow for the carrying out of work activities. In fact, the worker must be in possession of a permit enabling him to work, or of a residency permit issued for one of the following reasons:

- Residence permit for a family member of a European citizen;
- Permanent residence card for a family member of a European citizen;
- Family reasons;
- Family of a minor;
- Seasonal, artistic, autonomous, subordinate work;
- Waiting for employment;
- EU residence permit

Foreigners may NOT work if they have a residence permit for:

- Tourism;
- Religious reasons;
- Medical treatment;
- Minor age;
- Business;
- Justice;
- Waiting for citizenship

The documents that an employer must request in order to conclude a regular residence contract are:

- Residence permit
- Residence card
- Passport
- Identity card
- Fiscal code
- Health card

Residence permit for asylum application

An applicant for international protection is a person who has applied for international protection and is awaiting a decision on the recognition of refugee status or another form of protection.

The application for international protection is individual and must be submitted to the Border Police upon arrival in Italy or to the Questura - Immigration Office, if already in Italy. Following photo identification, the asylum seeker will receive an appointment at the office during which Form C/3, the "Model for the recognition of refugee status under the Geneva Convention", will be filled in. The decision on the application for international protection is taken by the Territorial Commission for the Recognition of International Protection. The hearing takes place within 30 days from the submission of the application and the Commission decides within the next 3 days.

The asylum seeker may carry out any subordinate or self-employed activity, if 60 days have passed since the application for protection was submitted and the competent Commission has not yet taken a decision and the delay is not attributable to the applicant. At the moment of applying for international protection, a receipt is issued: this has the value of a provisional residence permit for asylum and is valid until the conclusion of the procedure.

However, the asylum permit is valid for 6 months and cannot be converted into a work permit.

Residence permit for political asylum

The residence permit for political asylum is issued to holders of 'refugee status' or 'person otherwise in need of international protection' and allows them to work. Refugee status" is recognised by the competent territorial commission and allows the holder to apply for a residence permit at the Questura.

The duration of the permit is nominally five years, but in fact it is of indefinite duration as renewal is automatic on each expiry date. It can be converted into a work permit, but the conversion entails the renunciation of refugee status.

Residence permit for subsidiary protection

It allows the holder to carry out any kind of subordinate or autonomous work activity. The "residence permit" for subsidiary protection is issued by the Questura (Police Headquarters) to the holder of "subsidiary protection status" by the Territorial Commission that examined the application for international protection and allows work to be carried out.

The duration of the title is 5 years. It is renewable on expiry, subject to verification by the Territorial Commission of the persistence of the causes that allowed its issue. It may be converted into a residency permit for employment reasons. Conversion entails the renunciation of subsidiary protection status.

Residence permit for humanitarian reasons

This permit allows the holder to carry out any kind of subordinate or autonomous work activity.

Warning! With the entry into force of Decree-Law No. 113/2018, no new residence permits with the wording "humanitarian reasons" will be issued. Nevertheless, permits for humanitarian reasons valid on 05/10/2018 will remain valid until they expire.

In fact, while the aforementioned Decree does not allow new issuances of this type of permit, it does not alter the characteristics of residence permits for humanitarian reasons already in circulation prior to its entry into force.

If issued as a result of the international protection procedure, the duration of the permit is two years. In other cases, it may have a shorter duration.

Warning! With the introduction of D.L. no. 113/2018, the residence permit for humanitarian reasons is not renewable with a new equivalent title. If the holder of a residence permit for humanitarian reasons does not convert it into a work permit by the expiry date, the Police Headquarters will refer the matter to the Territorial Commission. The latter, only in the case of persistent risks of persecution or torture, may request the issuance of a new residence permit for "special protection", which, although compatible with work activities, unlike the previous one is valid for one year and cannot be converted into a work permit. In fact, holders of residence permits for humanitarian reasons who do not convert them into permits for autonomous or subordinate work before they expire will definitively lose this possibility.

This type of permit, can be converted into a residence permit for employment reasons, even after the entry into force of Decree-Law no. 113/2018, but only upon expiry of the title.

The residence permit for special cases and the transitional regime

It allows you to carry out any subordinate or self-employed activity.

Warning! This type of residence permit is in fact coincident with the one for humanitarian reasons, which was repealed by Decree-Law No. 113/2018.

The issuance of the residence permit for "special cases" in a transitional regime, takes place when the competent Territorial Commission has deemed to exist "serious reasons of a humanitarian nature or resulting from constitutional or international obligations of the Italian State", with the consequent indication of the issuance of the permit for humanitarian reasons adopted before 05/10/2018, to

applicants who, on the same date, had not yet entered into possession of the residence permit for reasons related to the Public Administration.

The duration of the permit is two years. It is not renewable with an equivalent title. Upon expiry, if the holder of the residency permit has not converted it into a work permit, the Police Headquarters contacts the Territorial Commission. The latter, only in the case of persistent risks of persecution and torture, may request the issuance of a residence permit for "special protection", which is compatible with employment and valid for one year, but which cannot be converted into a work permit.

In fact, holders of a residence permit for "special cases - transitional regime" who do not convert their permit into a work permit for self-employment or employment before it expires, will definitively lose this possibility.

The special cases are:

- For "special protection": of a duration of one year, which allows work but cannot be converted into a work permit;
- for "calamity": of a duration of 6 months, which allows access to work but is not convertible into another residency permit
- for medical treatment": does not allow access to work, nor conversion
- for acts of particular civic value
- "for special cases": a) special protection; b) victims of domestic violence who denounce the perpetrator; c) particular labour exploitation upon complaint of the exploited worker who denounces the employer

Residence permit for stateless persons

According to the 1954 New York Convention, a stateless person is a person whom no State considers to be its national. The stateless person is treated in the same way as a refugee.

The duration of the title is 5 years, but is in fact indefinite, as renewal is automatic on each expiry date.

It allows the holder to carry out any subordinate or autonomous work activity. It is a permit issued to persons with 'stateless status', with certification of statelessness, obtained as a result of the pending statelessness procedure. If already in possession of a permit, the applicant for statelessness status obtains a permit for 'pending statelessness' during the procedure.

Residence permit for minors

Allows unaccompanied foreign minors to work in all cases where Italian law permits minors in general.

The expiry of the permit is linked to the date on which the holder reaches the age of majority.

On reaching the age of majority, the unaccompanied minor may be issued with a residence permit for reasons of study, access to employment, or subordinate employment or self-employment in these two cases:

- 1) When the minor has been present in Italy for at least three years and has participated in an integration project for at least two years;
- 2) Subject to the positive opinion of the General Directorate for Immigration and Integration Policies in all other cases. For the purposes of the opinion, the attendance of a course or the performance/promise of a work activity remain central.

Residence permits for STUDY/FORMATION reasons

It allows the exercise of subordinate work for a commitment that does not exceed 20 hours per week, which may be cumulated for 52 weeks, subject to a maximum annual limit of 1,040 hours. It is issued to foreigners who are authorised to enter Italy for study or training purposes, or who are enrolled in a course of study or professional training. Holders of a residency permit for study purposes are also

minors who, having come of age and regularly enrolled in a study/training course, convert their residency permit for family reasons into a study permit.

The duration of the residency permit for study purposes corresponds to the duration of the course of study or training attended, subject to an annual verification of profit. The permit is renewable. If the foreign student enrolled in a course of study in Italy receives a job offer with a commitment exceeding the limit of 1,040 hours per year, it is possible to convert this permit into a work permit, but only within the limits of the available entry quotas. The conversion procedure is managed by the Single Desk for Immigration. The permit for study reasons can also be converted for reasons of self-employment, subject to the issue by the Single Desk of the certification attesting to the existence of the requirements provided for by law, and always within the limits of the specific quotas established in the Flows Decree.

Pursuant to art. 14, par. 6, of D.P.R. 394/1999 and subsequent modifications, for those who entered Italy to attend a vocational training course, conversion is possible only after the conclusion of the training course attended.

The residency permit for study reasons may instead be converted outside of the quotas in two cases 1) by a foreigner who has obtained an academic qualification in Italy (bachelor's or master's degree, doctorate, etc.); 2) by a foreigner who is already legally residing and has come of age in Italy.

Finally, it is possible to convert a residency permit for study purposes into a residency permit for awaiting employment for students who have obtained a doctorate, a master's degree, a three-year degree or a specialised degree in Italy.

Who?	What documents should they have?	What should the employer do?	Where?	Notes
Refugee	Residence permit for holders of refugee status + Residence card Passport Identity card Fiscal code Health card	Forwarding UNILAV communication	Online at the site made available by the relevant region or autonomous province	Can be converted into a residence permit for work purposes, but entails loss of refugee status
Beneficiary of subsidiary protection	Residence permit for subsidiary protection	Forwarding UNILAV communication	Online at the site made available by the relevant	It can be converted into a residence permit

	<p>+</p> <p>Residence card</p> <p>Passport</p> <p>Identity card</p> <p>Fiscal code</p> <p>Health card</p>		<p>region or autonomous province</p>	<p>for employment reasons. Conversion entails the renunciation of subsidiary protection status.</p>
<p>Beneficiary of humanitarian protection</p>	<p>Holding a valid humanitarian permit as of 05/10/2018 until its expiry.</p>			<p>With the entry into force of Decree-Law No. 113/2018, no new residence permits with the wording "humanitarian reasons" will be issued.</p> <p>They can be converted into residence permits for work reasons but only upon expiry, otherwise the possibility will be lost.</p>
<p>Protection holder for special cases</p>	<p>Residence permit for: humanitarian reasons, special protection, disasters, medical treatment, acts of special civic value, other special cases.</p>			<p>The issuance of a residence permit for "special cases" under the transitional regime, takes place when the competent Territorial Commission has deemed the existence of "serious reasons of a humanitarian nature or resulting from constitutional or international obligations of the Italian State",</p>

				<p>resulting in the issuance of a permit for humanitarian reasons adopted before 05/10/2018,</p> <p>+</p> <p>Holders of residence permits for 'special cases - transitional regime' who do not convert them into permits for self-employment or employment before their expiry date will definitively lose this possibility.</p>
Statelessness	Residence permit for statelessness or pending statelessness			
Minor	Residence permit for minor age			On expiry, it can be converted into a residence permit for work, study or training purposes.
Student	Enrolment in a course of study or vocational training			<p>Maximum limit of 1,040 hours per year.</p> <p>It is possible to convert this permit into a work permit, but only within the limits of the available entry quotas.</p> <p>It may be converted into a work permit</p>

				<p>outside the quotas in two cases:</p> <p>1) the minor has acquired a qualification; 2) the minor legally residing in Italy has come of age.</p>
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Laws on care work/migrant workers in the care service sector

The sources of regulation of the relationship are as follows:

(a) Constitution, in particular Articles 36, 37, 38 and 40;

https://www.cortecostituzionale.it/documenti/download/pdf/Costituzione_della_Repubblica_italiana.pdf

b) Law No 339 of 2 April 1958, which applies only in the case of relationships of at least four hours a day with the same employer, supplemented by Articles 2240-2246 of the Civil Code and Royal Decree No 1825/1924 on private employment (Art. 98 disp. att. cod. civ. and Art. 21, Law No 339/1958);

https://www.cliclavoro.gov.it/Normative/Legge_2_aprile_1958_n.339.pdf

c) Articles 2094-2134 of the Civil Code for those aspects not regulated by the above provisions, since they are compatible with the special nature of the relationship (Article 2239 of the Civil Code);

<https://www.gazzettaufficiale.it/anteprima/codici/codiceCivile>

d) Law 297 of 29 May 1982 on severance pay;

https://www.gazzettaufficiale.it/atto/serie_generale/caricaArticolo?art.progressivo=0&art.idArticolo=2&art.versione=1&art.codiceRedazionale=05A09474&art.dataPubblicazioneGazzetta=2005-10-05&art.idGruppo=0&art.idSottoArticolo1=10&art.idSottoArticolo=1&art.flagTipoArticolo=0

e) Presidential Decree No. 1403 of 31 December 1971 on social security aspects;

<https://www.inps.it/Circolari/circolare%20numero%202089%20del%206-5-1989.htm>

f) collective bargaining

Procedures for the recognition of qualifications and certificates for foreigners

Foreign citizens who intend to carry out a regulated profession in Italy, continue their training or participate in a competition, must have a qualification or a professional qualification with legal value in Italy. For this reason, if they have a foreign qualification, it is possible to activate a formal recognition procedure even if it is not mandatory for all professions. If one is legally resident in Italy, it is possible to undertake or continue a training, educational or professional path.

Migrants who have already obtained a qualification abroad can activate the **recognition procedure** by sending an official request to the Italian authorities in order to have them legally recognized and to be able to take advantage of it.

To request the recognition of a qualification, it will be necessary to apply for the **Legalization of the Title** and the **Declaration of Value**:

Legalization of the Title: the qualification is an official document. Some national regulations require that official documents must be legalized in a way that ensures their authenticity. The competent national bodies where the qualification has been issued are responsible for legalisation.

Declaration of value: is a document describing a specific qualification obtained at a foreign training institution. It is written in Italian and includes all the information about the qualification obtained abroad and its value in the country where it was obtained. It is produced by the competent Italian diplomatic representation (Embassy/Consulate) where the qualification was obtained. The Declaration of Value does not give legal recognition to the qualification, but is necessary together with the procedures for the recognition of qualifications. It does not represent the legal translation of the title, i.e. the sworn translation made by a professional translator (who ensures fidelity to the original text), or others and then legalized by the Consulate. It is an official document that contains the following data:

- Surname, first name, date and place of birth of the person in charge;
- Institution under whose authority the licence was issued;
- Date of issue of the licence;
- Registration number;
- Name of the educational establishment or university where the qualification was awarded;
- Field, specialisation;
- Duration of the course of study;
- General average of the final exam;
- Current voting system;
- Qualifying profession (in case of recognition of the professional qualification)

The required documents change according to the bilateral agreements between the country of origin and Italy. For this reason, it is important to contact the appropriate Italian diplomatic missions where the qualification was obtained to ask for any information. In any case, it is necessary for the person to have the original or authentic copy of the qualification and the legal translation into Italian of the qualification.

Where? To obtain the declaration of value and request the necessary documents, you must go to the competent Italian consulate in your country of origin.

The recognition is about: Secondary School Diploma, University Degree / Academic Conservatory Diploma, PhD,

ATTENTION: the recognition of the degree is not automatic. There is an incorporation that consists in passing a number of exams established independently by each University. Moreover, the recognition of the degree is not sufficient to carry out a professional activity.

Enrolment in vocational training courses

Not all vocational training institutions require the same requirements for enrolment in courses.

- Courses for **OSS (Socio-Sanitary Operators)** are post-diploma courses, for which the title of High School is required, translated, legalized, with declaration of value. For more information, you access this link <https://www.operatorosociosanitario.net/>

- Courses for **ASA (Social Welfare Assistants)** require the qualification corresponding to the basic school, translated, legalized, with a declaration of value or an eighth grade diploma obtained in Italy. For more information, you access this link <https://www.agenfor.it/qualifiche/ausiliario-socio-assistenziale/>

To carry out some jobs it is necessary to have a university degree. Those who have a qualification in their own country for the exercise of the profession can apply for recognition to the competent Ministry, which may make the recognition of the qualification subject to passing an aptitude test. In

addition, in order to carry out certain jobs, which do not require a university degree; it is in any case necessary to request recognition of the degree from the competent Ministry.

Northern Ireland (the UK): Guide to facilitate the employment of migrants in the care-service sector

Profile of Migrant Workers in Health and Social Care

The typical migrant worker profile in Health and Social Care is Eastern European, namely Polish, Lithuanian and Romanian. This has largely been due to the expansion of the EEA in the early 2000s which enabled employers in the UK to freely recruit staff from EEA countries without the need for sponsorship/ Visa requirements.

Health and Social Care Law

There are numerous pieces of legislation which aims to safeguard Health and Social Care services in the UK. It should be noted that some legislation may vary according to the part of the UK you are working in i.e. England, Scotland, Wales and Northern Ireland. Legislation is focused on core themes including:

- Health and Safety
- Safeguarding
- Equality and Inclusion
- Human Rights
- Data Protection and Confidentiality.

European Union Workers

Individuals are eligible to work in the UK and do not need to obtain a work permit if any of the following apply:

- You are a British citizen
- You are an European Economic Area (EEA) citizen – see list below
- You are a Swiss national

EEA countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein,

Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

Individuals will also need to apply for a UK residence card or be able to prove their right to work in the UK as an EU citizen (for example, a valid UK National Insurance number).

Non-European Union Workers

What if the individual does not have the right to work in the UK?

If one of the parameters above does not apply, or the individual is not from one of the countries listed, they will need to obtain a visa and/ or work permit before finding employment in the UK.

Visas

Individuals should be able to apply for a visa via a British Overseas Mission in their own country, or the British Embassy. For more information specific to each country, please visit <https://www.gov.uk/government/world/organisations>.

For a full list of visas available, and to check if there is a need for a UK visa, please visit: <https://www.gov.uk/visas-immigration>.

It is important to remember that having a visa does not necessarily mean the individual will automatically be able to work in the UK, and they may also need a work permit in order to begin working.

Work permit

If the individual has already found a job in the UK and been accepted to work, or they have a visa but it prohibits them from working, they may need to obtain a work permit.

Individuals cannot apply for a work permit directly. Their employer in the UK will need to apply on their behalf. The length of their permit will depend on the type of work they do and the sort of permit granted.

Does the individual need to be sponsored to apply for a visa?

In order to apply for most work visas, individuals usually need to gain a job offer with sponsorship from an employer in the UK first.

However, they can apply for a Tier 5 (Youth Mobility Scheme) visa without sponsorship if the following applies:

- Want to live and work in the UK for up to 2 years
- Are 18 to 30 years old
- Have £1,890 in savings
- Have certain types of British Nationality or are from certain countries (Australia, Canada, Japan, Monaco, New Zealand, Hong Kong, Republic of Korea and Taiwan)
- Meet the other eligibility requirements
(aged 18 to 30 and a: British overseas citizen; British overseas territories citizen; or British national (overseas)).

It should be noted that the above information is correct as of the date November 2019. The United Kingdom are currently undergoing Brexit negotiations which may have a marked impact on employment procedures for European Union workers.

Recognition of Qualifications/ Certificates

Some qualifications and certificates from migrant workers are accepted by Health and Social Care organisations provided equivalency can be proven. This can be challenging as taught practices, legislation and processes often differ from country to country. Non-accredited mandatory training specific to each organisation is required for example, first aid, moving and handling, safeguarding and infection control. However, these tend to be half/ full day awareness raising sessions and often using local and Health and Social Care terminologies. This may lead to confusion and lack of understanding for migrant workers whose first language is not English and also does not afford them protected time to really digest and embed learning of often new and complex concepts.

Brexit

Terms of living and indeed working in the UK following Brexit have yet to be confirmed. Negotiations are currently at a stalemate regarding trade which has somewhat diverted from staffing of Health and Social Care. It is largely recognised that in the UK Health and Social Care is dependent on European migrant workers and a range of lobbying and negotiation activities are currently being undertaken to ensure continued European migrant workers within Health and Social Care in the UK.

Source credits and useful links:

<https://www.gov.uk/>

<https://www.nidirect.gov.uk/>

<https://www.citizensadvice.org.uk/>

<https://www.equalityni.org/Home>

<http://migrantcentreni.org/>

