

#IHAVETHERIGHT

Texts to be used in the leaflet (updated on 22 May 2018)

Side 1 – For me and my family

I have the right to authenticate a photograph or a document	You can certify that the person being photographed is you, or that the copy of a document conforms to the original
I have the right to register at the population registry of the Municipality where I live	By registering you can have a residence, an identity document and exercise some fundamental rights
I have the right to ask for permission to marry	If you are a foreigner, your country must declare that you are eligible to marry. If you are a refugee, UNHCR can do it for you
I have the right to ask for family reunification	You have a right to have your family live with you
I have the right to authenticate the translation of a document	The oath of the interpreter gives the translation the same legal value of the document that has been translated
I have the right to have the documents to obtain citizenship	If you have been a refugee and have resided in Italy legally for 5 years, you can apply for the Italian citizenship

Side 2 – for my work

I have the right to obtain recognition of my educational qualification	If you are a refugee or have been granted subsidiary protection, your qualification may be recognized even if you do not have the original or a copy of the degree or diploma
I have the right to open up a new business	For a new activity in agriculture, commerce, production or handicraft, you can register in the Companies' Register at the Chamber of Commerce
I have the right to join a company	To carry out a business activity with others, you can set up a company with them, or buy a share of an existing company
I have the right to confer a power of attorney	With a notarial deed you can delegate another person to enter into contracts or perform acts on your behalf, even abroad

#Ihavetheright ... to have a photograph or a document authenticated

For some legal or administrative procedures it is necessary to authenticate your photograph, hence, to show that it accurately portrays your person (for instance a certificate in which your name is connected to your image); in such cases you can go in person, with your valid identity document and with the photograph, at a notary or at the Municipality: the **notary** (or the public official in charge of the Municipality) will attach the photograph to a document in which he/she will declare that the image in the photograph corresponds to your face, indicating all your biographic data.

There are cases, then, in which it is necessary to provide the original copy of a document (a contract, a diploma, a medical certificate etc.).

If you need a true copy of the original and the document has been issued in Italy, you will have to address the office or the person who has issued it: for example, if the document is a diploma, the school or the university where you have studied; if the document is a family status certificate, the Municipality where you are resident; if the document is a notarial deed, at the **notary** who has drafted it.

If you carry with you an original document, or the copy of an original document, in some cases it just suffices a true copy of the document, which is already in your possession: in these cases, you can bring it to a notary or to a registrar (at the Tribunal) or to a municipal secretary (at the Municipality) and ask them to certify that the copy of that document is in conformity with the document that you have exhibited. **This applies also if you have with you the original or a copy of a document that has been issued in your Country of origin.**

If the authenticated photograph or the copy of the document have to be used abroad, it could be necessary- depending on the country- a legalization or an Apostille: depending on the case, it is provided by the Prefecture or the Public Prosecutor's Office and it is used in order to prove that the person who has authenticated the photograph or the document is a public official who is authorized to do so.

#Ihavetheright ... to register at the Population Register of the Municipality in which I live

If you hold a regular residence permit, you have the right to **request the registered residence at the Municipality in which you are living. Once you have obtained the residence, you can request the identity card** and you will be entitled to a series of social welfare and health services; You will be able to ask for the assignment of a public house; you will be able to take an exam for a driving license (or convert your foreign driving license); finally, you will be able to register at the National Health Service.

The registration at the population register is one of the requirements for requesting of the Italian citizenship.

In order to register yourself, you have to make an application at the population register of the Municipality in which you habitually live, providing your residence permit or the request made to issue it or to renew it.

If you are a refugee, if you are a beneficiary of subsidiary protection, if you have a residence permit on humanitarian grounds and even if you are an asylum seeker already granted with a residence permit, you have the right to enroll at the register even in absence of a valid passport.

You can request the registration of your nuclear family together with your registration: the verification of the family links will be based on your residence permit.

Your registration has to take place within 2 days from the application. Your residence will be effective from the day of the registration. If you do not receive any communication or requests on behalf of the Municipality within 45 days, the registration will be final.

The place of residence is the place where you have your habitual stay, that is, the place in which you stay permanently, and in which you intend to continue living. It is not necessary that the house that you live in has specific dimensions or certain characteristics. You can apply for the residence even if you are a guest of other persons (relatives, friends, your employer).

If you stay in a reception center, you have the right to be registered at the register nearest to the address of the center.

Even if you do not have a place to stay (for example if you sleep at the station or on the streets), in some cases you can apply for the residence if you prove that you live in the territory of the Municipality in a permanent way (in this case you will be registered as homeless person).

Remember that if you have a habitual residence in the territory of a Municipality, the registration at the population register is also your duty.

#Ihavetheright ... to ask for permission to marry

A foreigner who wishes to marry in Italy must give the civil registrar a declaration of the competent authority of his/her Country of origin which demonstrates that, according to the law of that country, there are no impediments to marriage (so-called "nulla osta").

Those who have been recognised as refugees in Italy, however, cannot turn to the authorities of their country of origin. Therefore, the Ministry of the Interior (Department for Internal and Territorial Affairs), in its circular n° 1 of 12 January 2022, has provided that holders of refugee status, recognised in Italy in accordance with the Geneva Convention of 28 July 1951, may request the Civil Registrar of the Municipality where they reside, or where they wish to marry, to publish their marriage. In order to do so, they will only have to present, with reference to their own civil status, **a substitute declaration in accordance with Presidential Decree n° 445/2000, authenticated by the civil registrar, in which the interested party declares, under their own responsibility, their own free status.** This declaration may be made by completing the forms available at municipal offices.

This procedure only applies to holders of refugee status.

If you are an asylum seeker /beneficiary of subsidiary protection/ granted with national (ex. special) protection and you cannot or do not want to contact the authorities of your Country of origin, you can ask the registrar of the Municipality of residence for the publication of the wedding by presenting a notorious deed signed in the Tribunal or before a **notary** or a substitutive declaration of *affidavit* - as in the previous point a) - with a written statement, where you clarify the reasons why you cannot provide the permission issued by the authorities of your Country.

If the registrar rejects the request for the publication of the marriage, you can appeal to the Court, asking the judge to ascertain that there are no impediments to the marriage and therefore to order the registrar to proceed anyway with the publication of the wedding.

#Ihavetheright ... to hold the documents for family reunification

If you hold the refugee status or you are granted with subsidiary protection, you have the right to reunify with your family.

You can therefore request to live together with:

- your adult spouse, not legally separated from you;
- the minor and unmarried offsprings- yours, your partner's or of both- even if born out of wedlock;
- the minor persons that you have adopted or those that have been legally placed under your foster care or those for whom you have been assigned a guardian (with the consent of the parents, if they exist);
- the adult offsprings, if they are under your care and they are disabled;
- your parents, if they are under your care and they do not have other offsprings in the country of origin, or the parents that are older than 65 years of age, if the other offsprings cannot take care of them.

If you are a refugee or a beneficiary of subsidiary protection, unlike what is required for other foreigners, it is not necessary that you show a certain income or that the house in which you live has certain characteristics.

Often, if you are a refugee or beneficiary of subsidiary protection, you do not have official documents with you that prove your family links or other situations related to family ties. In some of these hypotheses, the notary can help you in producing acts that can replace official documents.

#Ihavetheright ... to authenticate through an oath the translation of a document

If you need the translation of a document that has the same legal value of the original, the interpreter must take an oath that the original text and the text produced by him/her in a different language have the same meaning.

This applies when: a) a document drafted in Italy in the Italian language is translated into another language in order to be used in Italy; b) the same Italian document is translated into the language of a second Country in order to be used in the territory of this second Country; c) a document drafted abroad in a foreign language is translated into Italian in order to be used in Italy.

The interpreter can take the oath before the Registrar of the Tribunal, before a Justice of the Peace or a **notary**. The interpreter must not have a personal interest in the content of the act, namely he/she must not benefit or be disadvantaged from it. It is not obligatory for the interpreter to be enrolled in the list of the experts kept at the Tribunal.

When the translation of a document needs to be used in the territory of a State different from the one in which the document has been drafted, the translation must also be provided with legalization or Apostille: this is provided, according to the circumstances, by the Prefecture or the Public Prosecutor's Office and proves that the interpreter has taken an oath before a public official properly authorized.

#Ihavetheright ... to have the documents in order to obtain the citizenship

If you are a recognized refugee, after 5 years of continuous residence you can obtain the Italian citizenship out of “naturalization”. In all other cases, (subsidiary protection, other residence permits) the time of residence required is instead 10 years.

In order to obtain the citizenship, you have to lodge an application to the Prefecture of the place where you live. The application consists in a single document, in which you have to indicate your complete biographic data (including the place and date of birth and the data of your parents) and you will have to declare that: you have not committed any crimes; you have a sufficient level of integration; and that your nuclear family is economically self-sufficient.

Furthermore, if you are a refugee, being unable to address the authorities of your Country of origin, you can replace the birth certificate and the criminal record with a notarial deed or an authenticated declaration. The **notary** can help you in these cases; alternatively, you can address the Municipality of your residence or the Tribunal.

The exam of your practice should be completed within 24 months, which can be extended to a maximum of 36 months, but the application remains valid even if this term is exceeded. If the exam is concluded positively, you will be granted the citizenship with a Decree of the President of the Italian Republic, and you will have to take an oath of commitment to the Republic and the Constitution before the Mayor of the Municipality in which you have your residence.

#Ihavetheright ... to obtain the recognition of my educational qualification

In general, foreign persons who wish to assert a foreign educational qualification in Italy need to provide a “declaration of equivalence of qualification” (“dichiarazione di valore in loco”). This is a document drafted in the Italian language issued by the Italian diplomatic Representation in the Country of origin of the person concerned, which indicates: the nature of the institution that has issued the qualification; the value of this title in the country in which it has been issued; the conditions for the enrollment at the course of studies which is completed with that qualification and the duration of the course itself.

The Italian law provides for the application of the same rules for the refugees and the beneficiaries of subsidiary protection that apply for the recognition of diplomas, certificates and titles obtained abroad by the Italian citizens,

The refugees and the beneficiaries of subsidiary protection often do not carry the certificates confirming their qualifications and moreover they have interrupted their relations with the Country of origin. In these cases, the Italian law allows for the recognition of the qualification even in absence of the certificate.

Therefore, if you are a refugee or a beneficiary of subsidiary protection and you want to assert your university degree in Italy, it suffices to have an identity document, to provide the decision from which the refugee status or the subsidiary protection result, and sign a declaration replacing the certification (which you can have authenticated at the Municipality or at a notary) that contains:

- the description of the qualification obtained, the year in which it was obtained, the Country in which the University is placed;
- the programme of studies, the list of the taken exams with the grades and the final mark.

If you are a refugee (or a beneficiary of subsidiary protection), you are a university student not yet graduated and you want to proceed with your studies in Italy, the declaration substituting the certification must indicate the course of studies in which you are enrolled, the year of enrollment, the exams taken already and the marks reached in each exam.

If you are a refugee (or a beneficiary of subsidiary protection), you have a diploma from a secondary school and you want to be enrolled at the University in Italy, the substituting declaration must indicate the diploma that you have obtained and at which school, which subjects you have studied and with what mark you have graduated.

The law then provides that every university or training institute shall have an autonomous system of evaluation, validation and accreditation that allows for the recognition and the equilization of the qualifications also through dedicated exams to verify the validity and the skills that you have self-certified.

#Ihavetheright ... to open up a new business

If you want to carry out an activity in production, commerce, handicraft or agriculture without associates, you can become a private entrepreneur: you are the only holder of the activity, but you can have co-workers or employees and your relatives can collaborate with you. It is not necessary to invest a minimum sum of money.

Apart from a valid identity document and a Tax Identification Number (codice fiscale), you have to request a VAT Identification Number at the Italian Revenue Agency (Agenzia delle Entrate) and register yourself at the Companies' Registry of the Chamber of Commerce of your city, paying an annual enrollment fee.

You can find all information on www.dirittoannuale.camcom.it/cada-new/IT/dira-int.htm.

Some kinds of activities require also an authorization by the Municipality or the Public Health Authorities: in order to find information, you can ask at SUAP (Sportello Unico delle Attività Produttive) of the Chamber of Commerce, to which you have to announce the commencement of your activity. In order to find out more, you can connect to www.impresainungiorno.gov.it/web/l-impresa-e-il-comune/scia-contestuali-a-comunica

When you open up a business, you have to pay your contributions at INPS in order to receive a pension when you will not work anymore; and to INAIL in order to safeguard yourself and persons working with you in case of injury.

All the performances can be followed in a telematic way, sending a Single Communication ("Comunicazione Unica") at the Companies' Registry.

For clarifications, you can click www.starweb.infocamere.it/starweb/index.jsp

#Ihavetheright ... to join a company

If several people want to set up a business activity together or participate with other people in an existing business activity, the right instrument for doing so is the company. If you have a residence permit **that meets all the requirements prescribed by law** - based on the checks carried out by the notary in charge of drawing up the deed - you are entitled to join a company..

You can participate in a company from the moment it is established, or you can join it later by purchasing a share in its capital.

Setting up or joining a company requires the deed and advice of a notary, who will give you all the information you need to make the right choice, in accordance with the law.

#Ihavetheright ... to confer a power of attorney

If you have to carry out a legal act and you cannot or you do not want to do it independently and in person, you can designate another person to do it for you, through a power of attorney. The person in charge called "procuratore", will be your legal representative, meaning that he/she will act in your interest and in your name: the effects of the accomplished act will be produced directly at you. The power of attorney, which can also be called "proxy", can be used to perform a single act or in order to perform more than one acts or in order to perform any act in the name and on behalf of the person represented.

In order to grant a power of attorney to another person, you can address a **notary** with your valid identity document, the complete data of the person in charge and information on the act that the legal representative can perform by representing you. The signature of the power of attorney will not prevent you to conclude the respective act yourself in any case.

If the power of attorney drafted by the italian **notary** needs to be used abroad, it has to be legalized or endowed *with* Apostille, if it is translated into italian and if it is filed with an italian notary.

The legalization and the Apostille are provided by the Prefecture, according to the circumstances, and by the Public Prosecutor's Office and they serve to demonstrate that the proxy has been produced by a public official duly authorized and that it is signed in front of him/her.