



Press Release of 25 January 2022

FOREIGN NATIONALS: THE REQUIREMENT OF A LONG-TERM RESIDENCE PERMIT AS A PREREQUISITE FOR ELIGIBILITY FOR CITIZENS' INCOME IS NOT UNREASONABLE

Citizens' income [*reddito di cittadinanza*] is not a simple initiative aimed at combatting poverty but pursues various and more nuanced objectives in the fields of active employment policy and social integration. Since its temporal horizon is not short in duration, the prerequisite of holding a right of stable residence in Italy is not entirely unrelated to the rationale underlying the benefit.

This is an extract from [judgment no. 19](#) filed today (author Daria de Pretis), by which the Constitutional Court ruled in part inadmissible and in part unfounded certain questions raised by the Employment Division of the Court of Bergamo concerning the legislation applicable to citizens' income which, amongst the various prerequisites stipulated in order to establish eligibility for this benefit, requires that foreign nationals must "hold a long-term resident's EU residence permit" (Article 2(1)(a), no. 1 of Decree-Law no. 4/2019).

The Court of Bergamo had disputed the provision insofar as it prevents citizens' income from being awarded to the holders of the single work permit provided for under Article 5(8.1) of Legislative Decree no. 286/1998 or a residence permit with a validity period of at least one year as provided for under Article 41 of Legislative Decree no. 286/1998, on the grounds that it violated Articles 2, 3, 31, 38 and 117(1) of the Constitution, the last-mentioned provision in relation to Article 14 ECHR and Articles 20 and 21 of the Charter of Fundamental Rights of the European Union. The referring court had argued that, since citizens' income has the status of an essential benefit – aimed at satisfying the primary needs of the individual – any discrimination between Italian citizens

and lawfully resident foreign nationals must be unconstitutional. The referring court also objected that there was no reasonable correlation between the requirement of holding a long-term residence permit and the situations of need for which the benefit was established.

The Court declared both objections to be unfounded.

Citizens' income does not amount merely to a benefit aimed at satisfying a primary need of the individual, but rather promotes more complex active employment policy goals, including personalised assistance in incorporation into the world of work as well as social inclusion. The temporal nature and conditional status of the benefit, i.e. the need for it to be associated with precise commitments made by recipients, are related to this predominant characteristic. Within this context, the Court recalled that the Republic has the task, when implementing the constitutional principles laid down in Articles 2, 3 and 38(1) of the Constitution, of guaranteeing, through the adoption of the necessary measures, the right of each individual to dignified living conditions and to minimum subsistence income; however, the Court is not entitled, even by the constitutional significance of this task, to "convert" in line with this objective a measure to which the legislator has ascribed different goals.

The Court therefore held that, considering the duration of the benefit (18 months, with a possibility for renewal) as well as the result pursued (social inclusion and integration into employment), the legislator did not act unreasonably in exercising its discretion to reserve the measure for foreign nationals with a permanent right of residence in Italy.

Rome, 25 January 2022