

SOCIAL RIGHTS IN DETENTION CENTER

Practical Guide for access to income support measures

**Attended by the volunteers of the different right association
Realised within the project**

“Rights in action, the network for the access to social rights”

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**The other law
Documentation Centre of prison,
deviance and marginality
Extrajudicial Consulting Center
home page: <http://www.altrodiritto.unifi.it>**

This brief guide addresses the need to provide to operators and convicts a series of practical indications for the access to the measures set out in our welfare system to support people's income and poor families by subjects retained in prison. Most of the people living in prison face dire economic conditions and with incomes below the poverty line, hence the need to ensure their access to income support measures. Access to the benefits provided by our legal system to support the income of individuals and families in need is a tool to alleviate the extreme poverty in which the thousands of Italian detainees are. The lack of knowledge of the rights and practices of the institutions for the provision of services often makes it difficult to access social rights. This short guide is designed in order to provide means of knowledge of the requirements of the law.

UNEMPLOYMENT ALLOWANCE YEAR 2013

Mini Aspi

Replaces the ordinary non-farming unemployment benefit with reduced requirements. It 's a supplied application benefit, for unemployment events occurring from 1/1/2013, in favor of employees who have lost their jobs involuntarily.

Requirements

- State of involuntary unemployment.
- At least 13 weeks of contributions (paid or payable) from working activity during the 12 months preceding the beginning of the period of unemployment. In 2013, for example, to get a week's contributions must have a minimum wage of €198.17 weekly , if you earn less in a week, daily amounts will be accumulated until you get to €198.17.

Application submission

The application may be submitted through the " Rights in action, the network for access to social rights" help desk. Apply to the help desk in order to verify the existence of the requirements. The application must be submitted within the period of two months starting from the date of commencement of the period to indemnify, which normally begins from the eighth day following the date of cessation of last employment.

The amount and terms of payment

The extent of the benefit is equal to:

- 75% of the average monthly taxable income in the last two years, if this is equal to or less than an amount established by law and revalued annually on the basis of the ISTAT (for the year 2013 amounted to €1.180,00). The amount of the benefit may not exceed a maximum limit identified annually by law.
- to 75 % of the amount fixed (for the year 2013 amounted to €1,180.00) plus the 25% of the difference between the average monthly pay tax and €1,180.00 (for the year 2013), if the average monthly wage taxable amount is higher than the above amount to be determined.

The amount of benefit may not exceed a maximum limit identified annually by law.
The payment is not monthly and is inclusive of ANF when due.

ASPI

It's an economic service established by 1/1/2013 and replaces the ordinary non-farming unemployment benefit with normal requirements. It's a supplied application unemployment benefit for events occurring from 1/1/2013, in favor of employees who have lost their jobs involuntarily.

Requirements

- **State of involuntary unemployment**

The person concerned shall make, at the Center for use within whose territory is in his home, a statement attesting to the previous occupational activity and to the carrying out of work. This requirement shall not be applied to prisoners who are exempt (under art. 19 of Law 56/87) from having to go to the employment centers for registration: the state of detention itself certifies the existence of the unemployment status. The management of the institution is obliged to communicate the state of detention to the competent employment center.

The allowance therefore is not entitled in cases where the employment relationship is terminated as a result of resignation or consensual resolution. The employee is entitled to in the event of resignation during the protected period of maternity or resignation for good cause.

- **At least two years of insurance**

Must have passed at least two years from the first payment of contribution against unemployment, the reference period is calculated by proceeding backwards from the first day during which the worker is unemployed.

- **Contributory requirement**

At least one year of contribution against unemployment in the two years preceding the beginning of the period of unemployment.

The application

The application must be submitted within the period of two months starting from the date of commencement of the period to indemnify which normally begins from the eighth day following the date of cessation of last employment.

Amount

A monthly allowance, which its duration is linked to their age of the worker, increases gradually during the three years 2013-2015 (transitional period), to be defined in the scheme with effect from 1/1/2016. The extent of the benefit is equal to:

- 75% of the average monthly taxable income in the last two years, if this is equal to or less than an amount established by law and revalued annually on the basis of the ISTAT (for the year 2013 amounted to €1.180, 00). The amount of the benefit may not exceed a maximum limit identified annually by law.
- to 75 % of the decided (for the year 2013 amounted to € 1,180.00) plus the 25 % of the

difference between the average monthly pay tax and € 1,180.00 (for the year 2013), if the average monthly wage taxable amount is higher than the above amount to be determined .
The amount of the benefit may not exceed a maximum limit identified annually by law.

Monthly allowance shall be reduced by 15% after the first six months of using and further reduction of 15% after the twelfth month of use.

The payment is done monthly and is inclusive of family allowances if entitled. The compensation may be charged:

- by fund crediting the bank account or post office or postal passbook;
- by fund transfer domiciled at the Italian Post Office at the counter of a post office falling within the ZIP code of residence or domicile of the applicant. According to the current legislation, the Public Sector can not make release payments for benefits over the net amount of €1,000.

FAMILY ALLOWANCES

Article 23 of the OP states: " Prisoners and internees who work are due to the dependents, family allowances in the extent and in the manner required by law. Family allowances are paid directly to dependents in the manner laid down in Regulation 2".

It is a service to help families with incomes below certain limits set each year by law.

Who is entitled to

For all employees, the unemployed, workers in mobility, under unemployment insurance, members of cooperatives, to retirees. From 1/1/1998 also belongs to all contract workers, for example those who are enrolled in the separate management (Law 335/1995). Excluded are self-employed and retired former agriculture self-employed workers, who instead has the old " family allowance ".

To which family members can be required

- the applicant of the check;
- the spouse not legally separated and effectively.
- children (legitimate, illegitimate, adopted, affiliates, natural, legally recognized or judicially declared, born from previous marriage of the spouse, entrusted by law) and grandchildren living against direct ascendant under the age of 18 years;
- the adult children who are unable, for physical or mental defect, in the absolute and permanent inability to engage in a fruitful work;
- brothers, sisters and grandchildren side of the applicant minors or incapacitated older, provided they are orphans of both parents and are not entitled to the survivor's pension.

Necessary documents:

- family status or family status on self-certification form provided by INPS;
- notarized statement of the spouse in which you said you do not receive income (if they are perceived to indicate the measure) or , alternatively, ISEE certificate request to a CAF;

- the spouse should also sign the application form family allowances , or can add to the notarized statement above , the following words " do not claim to perceive and did not require family allowances".

Who is entitled to

The application must be submitted to the employer (the direction of the prison) or directly to INPS territorial jurisdiction (competence is deduced from the place where he is imprisoned).

BENEFIT FOR THE FAMILY WITH THREE MINOR CHILDREN

It is a check, granted by the City but paid out by, for families with at least three minor children and who have limited income and assets.

Who is entitled to

For the Italian and EU citizens resident in Italy. It is necessary there is in the household at least one parent and three children under the age of 18 (including the minor children of the spouse and children received pre-adoptive custody) . The parent and the three children must be part of the same family registry . Children should not be in foster care with third parties.

ISE value not exceeding the limits set by the law and differently based on the number of family members listed below:

Household members	ISE Threshold	Coefficient
4	23.434,80	2.66
5	25.108,71	2.85
6	28.192,24	3.2
7	31.275,76	3.55
8	34.359,29	3.9
9	37.442,81	4.25
10	40.426,34	4.6

The application

Applications must be submitted within January 1/31/2014 for the year 2013.

For those households that, during the year 2013 are destined to lose the requirement of the presence of three minor children in the family registry, the time for the submission of the application is limited to the period of stay of all the requirements and then before completion of the 18th year of age of the child.

The application must be accompanied by the Declaration Single Substitute (DSU) containing the balance sheet and income situation of the household for the calculation of the ISE.

The monthly amount of the benefit is equal to €139.49 for the year 2013.

The amount and the economic requirements are re-evaluated annually on the basis of the ISTAT consumer price index for families of workers and employees.

The allowance shall be granted by the City and is paid by INPS.

INVALIDITY PENSION

Where?

The disability pension is initially certified by the prison doctor, who, as attending doctor, is required to complete the form for the declaration of invalidity. Later the form, together with the certificate of detention, is transmitted electronically to the office for the recognition of the disability.

Please note that the certificate must be provided free of charge to prisoners. The Legislative Decree 230 of 1999, in paragraph 6 of Article 1, stipulates that detainees are exempt from the system of sharing health care costs.

Schedule

The detainee will be subjected to a medical examination conducted by the Commission within three months from the date of submission of the application.

After that time without the visit was fixed, the applicant may submit formal notice on plain paper to the alderman of Health of the Region. This fixes the date of the visit to the Commission ASL authority within the deadline of nine months from the application.

If the reminder is presented more than six months after the date of application, the date of the visit is scheduled within 90 days.

The entire procedure must be completed within 9 months.

In the event that after the notice is not fixed medical examination, the applicant has the legal right to appeal to the Ministry of Finance (formerly the Ministry of the Treasury).

ILLNESS INCREASE DEMAND

As an alternative to the application (or even for 2004, in the case the limit of 60 days to submit has passed an administrative appeal) and you do not want to start a legal instance, you can proceed to request the new visit because of "aggravation", in order to obtain an assessment of disability greater than the one recognized by the Board of First Instance.

These questions need to be accompanied by health documents proving the modifications of the clinical pre-existing file, under penalty of exclusion of the audit.

If the aggravation is granted, and established a different degree of disability and thus to different form of economic performance will be entitled, the new economic benefits begin to be paid from the month following the date of submission of the application itself.

SOCIAL ALLOWANCE

The social pension is a form of assistance that INPS supplies to over sixty, residing in Italy, without income or with income of less than that of the social pension itself.

It is up to:

- those who have turned 65;
- actually and habitually resident in Italy for at least 10 years;
- are without income or have incomes of less than the limits established by law.

The INPS application may be submitted only electronically.