

Frequently Asked Questions
About Visas and *Permessi di soggiorno* for Study in Italy
Excerpts taken from AACUPI document released June 30 2014

Please note that all visa, permit and declaration obligations are strictly personal, and only the individual is liable, under Italian law, to observe them or face the consequences.

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1. What is the difference between a visa and a *permesso di soggiorno* (stay permit)?

A visa grants the holder permission to enter a given country, in this case Italy, for the purpose specified in the visa, in this case, for study, beginning no earlier than the visa's start date, and permitting its use (to enter Italy, or to re-enter, if it is multiple-entry) only until its expiration date. Visas can only be issued outside Italy by the Italian Consulate with jurisdiction over the individual and it must be inserted in the passport before entering Italy. Otherwise, the individual implicitly enters Italy as a tourist or on business, the only two reasons allowed for entering Italy without a visa (under the visa-waiver program). See the Italian Foreign Ministry's website (www.esteri.it/visti/index_eng.asp) for details.

The *permesso di soggiorno*, or stay permit, allows the individual to remain in Italy for the purpose and period of time covered by the visa. Once the individual has entered the country, the visa has served its purpose and is no longer valid, except for determining the length of time for the initial stay permit. The stay permit is issued by the local Questura and can be renewed indefinitely, upon presentation of the appropriate documentation, as long as the stay is continuous and the purpose has not changed. See the Questura website (www.portaleimmigrazione.it) for details.

2. Does one have to have a visa to enter Italy?

If the purpose of entering Italy is to study or work, for more than 90 days, a study or work visa is necessary. Holders of passports from states that have a visa waiver arrangement with Italy, can enter Italy without a visa, if they are staying for reasons of study, tourism, or business for less than 90 days.

3. What is a study visa and what does it allow the holder to do?

A study visa is issued to any individual who demonstrates that he or she is going to Italy in order to study in a program that is recognized by the Italian Foreign Affairs Ministry as a legitimate educational enterprise.

When a student applies for a study visa, therefore, the institution provides a notarized letter that certifies that the individual is participating in the institution's program in Italy and gives the dates during which the student will be studying there. The Italian Consulate requires the applicant to submit that letter and then uses it to determine two important elements: the date on which the study visa begins (which represents the earliest date on which the holder can legally enter Italy under that visa), and the number of days for which the visa is valid. The first element will be used at the border to determine whether the individual can enter Italy; the second will be used by the local authorities to regulate how long the student can legally stay in Italy. It is very important that each student be sure to have the passport stamped by the passport control official upon entry into Italy or into any country that is part of the Schengen area. Both the beginning and end dates as stated in the visa should always be kept in mind when making travel arrangements.

4. How does one apply for the *permesso di soggiorno*, or stay permit?

John Cabot University offers assistance with the Permit to Stay process during Orientation through a third party provider, Eduservices.

The following are the Italian government tax fees – please be aware that a service fee will be applied at Orientation.

- €16.00 for the revenue stamp, to be placed on the application form;

- €27.50 (plus €1.25, charged by the post office) for the special additional cost of having the permit in electronic format (required of all foreigners); receipt of payment must be included with each application;
- €30.00 for processing the application, payable directly to the *Sportello Amico* at the time of making the application;
- the application must also include proof of insurance coverage

As part of Law 94/2009, the Italian Parliament also approved a surcharge, to be levied on all first-time and renewal applications for *permessi di soggiorno* or *carte di soggiorno* (the latter in the case of employees). The amount ranges between €80.00 and €200.00, as follows:

- €80 for a stay permit whose duration does not exceed 1 year;
- €100 for a stay permit whose duration is between 1 and 2 years;
- €200 for stay permits in special cases, such as for faculty work permits and long term EC permits.

As part of the application, the Questura also asks for a photocopy of the Visa letter to the Italian Consulate from John Cabot University (the letter certifies that the individual has been accepted for study in Italy), to prove that it was seen by the local consular official; it is, therefore, essential to possess the letter which bears the original stamp. The letter itself may, in fact, be a photocopy of the original.

For periods of less than 90 days, the Italian Consulate cannot and will not accept applications for a visa to study, since they do not involve the consequent application for a *permesso di soggiorno*.

5. Can one apply for an Italian visa from another country?

By law and in theory, anyone in possession of valid documentation in his or her country of study can be considered a resident of that country for immigration purposes; hence, a student in Greece or France should be able to apply for an Italian study visa from the Italian Consulate in Greece or France. In practice, however, students have often been denied study visas for Italy. The surest way is to return to the country of origin and apply for a study visa from there, keeping in mind that the usual limitations regarding Schengen-area travel apply.

6. What kind of visa should the applicant request?

There are two kinds of visa that concern student applicants: Type C and Type D. The Consulate determines which kind of visa is to be issued. Type C visas can only be issued if the number of days in the letter certifying the program's length is less than 90 and the student is not a citizen of a country that participates in the visa-waiver program with Italy. Type D visas are and must be issued for stays of more than 90 days. The long-stay visa which also has short-term value (Type D+C) is normally only issued to individuals whose country of citizenship does not participate in a visa-waiver program with Italy.

All of the above is true regardless of what the purpose of the visa is. Both Types C and D should be issued for study purposes in the case of students.

Please note that, as of June, 2014, C visas will be given only to students coming from countries that do not have a visa-waiver agreement with Italy.

7. What are the differences between a multiple-entry visa and a single-entry visa?

Multiple-entry visas allow the holder to enter, leave and re-enter Italy an unlimited number of times during the visa period of validity. A single-entry visa allows the holder to enter Italy, but only once. If the individual has been issued a stay permit, that document takes precedence over the visa; but, in the absence of a stay permit, the multiple-entry visa may be the only way to re-enter Italy legally, especially from a non-Schengen area country.

8. What is a Schengen visa? What is the Schengen area?

The so-called Schengen visa, or Type C visa, allows the holder to be in any of the countries that adhere to the Schengen Treaty, which abolishes passport and customs limitations on travel between those states. The Schengen area countries, as of 30 June 2014, are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Liechtenstein, Luxembourg, Monaco, The Netherlands, Portugal, San Marino, Spain, Sweden, Iceland, Norway, Slovenia, Estonia, Latvia, Lithuania, Poland, The Czech Republic, Slovakia, Hungary, Malta, Switzerland and the Vatican City.

9. If a student has a Type C (Schengen) visa, or can take advantage of the visa-waiver provision, as he or she is staying for less than 90 days, are there any unavoidable limitations?

First, the visa takes effect upon first entry into the Schengen area. It cannot be extended by leaving the area and then re-entering it. Second, a Type C visa cannot be renewed or extended. The individual must leave the Schengen area and return to his or her country of origin. A new Type C visa normally cannot be issued more than once in a six-month period.

More generally, students cannot stay for more than 90 days in the Schengen area, for whatever purpose, as they must leave the area and/or go back home by the end of that period; if anyone stays after the 90th day, he or she violates the law on immigration and can be repatriated, severely fined and barred from coming back to the Schengen area up to 10 years.

10. If a student has a Type C (Schengen) visa or is exempt from needing a visa, what are his or her obligations after arriving in Italy?

The holder of a Type C visa or a visa-exempt person is obliged to file a Declaration of Presence with the local police. The individual can never request or be issued a *permesso di soggiorno* upon arrival in Italy on the basis of anything but a Type D visa.

If the individual enters Italy from a non-Schengen country, the Declaration of Presence consists of the stamp placed in the passport at the point of entry by the border police.

If the individual enters Italy from a Schengen country (even via a mere change of flight), then he or she must file a Declaration of Presence form with the local police.

If the individual stays in a hotel or similar facility upon arrival, this obligation is met when the lodging makes its nightly report to the local police about its residents; neither the program nor the student is obliged to do anything further. The individual should, however, request a copy of the initial report as proof that his or her stay has been duly registered, and that copy should be carried at all times.

11. If a student has a Type D (National) visa, what are his or her obligations after arriving in Italy?

From the Ministry of Foreign Affairs website:

“All aliens who enter Italy legally, including those who are not required to hold a visa, must comply with the rules governing the stay of aliens in Italy, and are required to report their presence on Italian territory to the local Central Police Station (‘Questura’) of the province in which they are staying within 8 working days from the date of entry, and apply for a residence permit (‘permesso di soggiorno’) pursuant to article 5 of Law 286/1998. Aliens requesting this residence permit are required to be fingerprinted.

“It is this residence permit (‘permesso di soggiorno’) alone, which is issued for the reason and for the period indicated on the visa, which authorises an alien to stay in Italy.

“Under Schengen rules, the residence permit issued by the Questura police authorities (or the diplomatic or service identity card issued by the Ministry of Foreign Affairs) to holders of a long-stay visa, permits aliens, unless express limitations are imposed, to enter and leave the Schengen area and travel freely for a period of not more than 90 days in any 6-month period within territories of the other Contracting States, provided that they hold a currently valid national passport or equivalent travel document. Nevertheless, all aliens are required to report their presence to the police authorities in the territory of any other Schengen states within 3 working days of entry.”

Please note: holders of Type D visas can never satisfy this obligation by filing a Declaration of Presence instead of an application for a *permesso di soggiorno*.

12. What about students who would like to travel before or after their study in Italy?

The time specified on the visa for study purposes is very strictly interpreted when it comes to Type C, or Schengen area, visa holders, or visa-exempt individuals: i.e., no more than a total of 90 days is allowed, for whatever reason. Italy, as a signatory country of the Schengen Treaty, cannot change that limitation.

Under Article 1, Section 2, of European Union Rule N. 265/2010, which went into effect on April 5, 2010, however, foreigners who hold Type D, or National, visas, are also guaranteed the right of free circulation within the Schengen area, even if they have not yet received the actual stay permit, as long as they are able to show that they have duly applied for said permit. The *assicurata*, or temporary permit to stay, should therefore, be sufficient to allow that individual to re-enter Italy, from outside the Schengen area, provided he or she has a multiple-entry visa, or to freely travel within the Schengen area.

The Ministry of Foreign Affairs has agreed to allow holders of Type D visas for study purposes to begin their travels before the initial date of their study program. In practice, this means that the virtual start date (and the start of the 8-day period in which to request the permit – see FAQ 11 above) will be the date on which the study visa begins. Entry to other countries, whether part of the Schengen area or not, will be on the basis of the passport alone.

13. If a student enters Italy without the proper documents, what are the legal consequences to the individual?

As of August 8, 2009, Law 94/2009 had made being an illegal immigrant in Italy a crime. This is true for anyone who enters Italy for study or work purposes and does not request and secure the related entry visa, or, even if he or she enters Italy with the visa, does not file either the declaration of presence or the application for the stay permit, as needed. This crime is punishable with a monetary fine of from 5,000 to 10,000 euros, and the foreigner can also be immediately repatriated; the related criminal proceedings will take place in front of the Justice of the Peace (“*Giudice di Pace*”) and should be relatively quick. He or she may also be banned from entering Italy for up to ten years.

By its Law n. 67 of April 28, 2014, the Italian Parliament has delegated the Government to issue, within 18 months, a new criminal regulation of the above situation, that will

“downgrade” the situation of an illegal immigrant to a mere administrative offence, with no criminal consequences (save for the cases of illegal immigrants not complying with administrative orders, such as repatriation decrees or the like).

As on June 30, 2014, no such new regulations have been issued, yet, so the legal consequences of any illegal immigrant in Italy remain the same as before, for the time being.

14. What do the words printed on the visa mean?

An Italian visa contains all of the information regarding the individual to whom it has been issued, as well as that concerning its own applicability. In short, the visa can be used between the dates specified in letters d and e below, and the number of days the individual can stay after that initial entry is given in letter h.

- a) VISTO means VISA, i.e. permission to enter the Republic of Italy.
- b) IXXXXXXXX is the number of the visa.
- c) VALIDO PER indicates the geographical area for which the Visa is valid.
- d) DAL shows the first date on which the visa can be used to enter Italy or the Schengen area, depending on what is shown in c.
- e) AL indicates the last date on which the visa can be used to enter Italy or the Schengen area, depending on what is shown in c.
- f) TIPO DI VISTO contains the letter of the visa type that has been granted (see FAQs 6, 8 and 11 above).
- g) NUMERO DI INGRESSI specifies how many times the visa can be used in order to enter Italy. If the visa says MULT, that means it can be used any number of times (see FAQ 7 above).
- h) DURATA DEL SOGGIORNO provides the number of DAYS for which the individual is authorized to remain in Italy after the individual’s first entry into Italy or the Schengen area, depending on what is shown in c.
- i) RILASCIATO A gives the name of the Italian consulate that issued the visa, IL gives the date on which that consulate issued it.
- j) The NUMERO DI PASSAPORTO is that of the individual, and it should correspond to that of the passport to which the visa has been affixed. The same applies for the COGNOME, NOME field.
- k) ANNOTAZIONI will contain the reason – possibly including the Italian legal references that justify it – for which the individual is authorized to enter Italy or the Schengen area, depending on what is shown in c. STUDIO means Study, LAVORO means Work, etc.

The two strips at the bottom of the passport contain the same information, but in “machine-readable” format.