

## Entering Italy

Foreign nationals who wish to enter Italy must:

- enter through an official border crossing point;
- hold a valid passport or equivalent travel document authorizing them to cross the border;
- hold an entry or transit visa, if required;
- produce documents justifying the purpose and conditions of the intended stay;
- not be listed in the Schengen Information System as an inadmissible person;
- not be subject to measures involving expulsion or be the subject of alerts issued for the purpose of refusing entry - also on the basis of international agreements or conventions currently in force in Italy - as considered to be a threat to public order, national security, and international relations;
- not be considered to be a threat to public order or national security of Italy or one of the countries which signed the agreement for the abolition of internal border controls and free movement of persons;
- have sufficient means of subsistence to cover their intended stay and return to their country (showing a return ticket is sufficient proof). This is not required in case of work permits; not be convicted of one of the offences under Article 380, paragraphs 1 and 2 of the Criminal Procedure Code, i.e. drug offences, sexual offences, arranging and facilitating illegal immigration into or from Italy, recruiting individuals for prostitution or exploitation of prostitution or underage kids to be involved in illegal activities;
- not be convicted, by final judgement, of a copyright related offence or one of the offences under Articles 473 and 473 of the Penal Code;
- no longer be subject to a previous expulsion order having obtained a special permission by the Minister of the Interior to return to Italy before the re-entry ban has expired or having had the entry ban lifted by the competent authorities (Prefettura).

Foreigners seeking to enter Italy are subject to checks by border, customs, currency, and health authorities.

If all of the above requirements are not met, entry may be refused at the border, even if a valid entry or transit visa is held. If the foreigner is present in Italy, he/she can no longer remain, unless from an assessment of the single case it comes out that this person is entitled to acquire a right of residence. For example, a leave to remain as an immediate family member of a person legally residing in Italy can not be automatically refused on the basis of above-cited convictions. As a matter of fact, every decision that involves a member of the family has an impact also on the others, especially in the presence of underage children. Hence, before refusing to grant a residence permit, it is necessary to carefully check the personal situation of the foreigner and his/her family members.

Foreigners who stay in Italy for **visits, business, tourism or study** for periods not exceeding 3 months are **not required to apply for a residence permit**. Instead, they **must report their presence** in the country, following one of the procedures mentioned below:

- aliens arriving from a non -Schengen country must report their presence to the border authorities and obtain a Schengen stamp in their travel document on the day of arrival. This stamp is considered the equivalent of the declaration of presence;

- aliens arriving from countries which apply the Schengen Agreement must report their presence to the local Questura (central police station in the province) filling out the relevant form (dichiarazione di presenza), within 8 days of their arrival; for those staying in hotels or other reception facilities the registration form submitted to the hotel management upon check-in, signed by the foreign guest on arrival, constitutes the declaration of presence. The hotel will provide a copy of this form to the foreign guest who can show it to police officers, if requested.

As of August 8, 2009 a new bill (Law no. 94 of 15 July 2009) makes it a **crime to enter or stay in Italy illegally**. Therefore, foreign nationals caught entering or staying in Italy without permission commit the offence of illegal immigration, which is **punishable by a fine ranging from 5,000 to 10,000 Euros**. They are **brought before the Justice of the Peace** (Giudice di Pace) and repatriated. Hence, the Questore, after having expelled or rejected the foreigner, informs the Justice of the peace who passes a non-suit decision.