

European Union citizens

Every citizen of the European Union has the right to move and reside freely in Italy or within the territory of another Member State other than that of which he/she is a national. Different formalities are required depending on the length of stay (exceeding three months or shorter stay). Restrictions on the right of free movement and residence can be placed only on grounds of public policy, public security or public health. That being the case, the Union citizen is expelled. This measure can be imposed even if the conditions governing the exercise of the right of residence are no longer fulfilled.

Similar provisions also apply to family members who accompany or join the EU citizens, namely:

- the spouse;
- the registered partner, with whom the Union citizen has concluded a registered partnership on the basis of the legislation of a Member State, if the legislation of the host Member State treats registered partnerships as equivalent to marriage;
- the direct descendants (i.e. children, grandchildren, etc.) who are under the age of 21 or are dependants and those of the spouse or registered partner;
- the dependent direct relatives in the ascending line (i.e. parents, grandparents, etc.) and those of the spouse or registered partner.

Furthermore, without prejudice to any right to free movement and residence the persons concerned may have in their own right, Italy, in accordance with national legislation, facilitates entry and residence of the following persons:

- any other family members (i.e. siblings, cousins, aunts and uncles and other relatives), irrespective of their nationality, who in the country from which they have come, are dependants or members of the household of the Union citizen having the primary right of residence, or where serious health grounds strictly require personal care by the Union citizen;
- the partner with whom the Union citizen has a durable relationship, duly attested.

Right of residence for up to three months Union citizens have the right of residence in Italy for a period of up to three months without any conditions or formalities other than the requirement to hold a valid travel document (i.e. identity card or passport). These provisions also apply to family members accompanying or joining the Union citizen, who are not nationals of a Member State, provided that they are holders of a valid passport or an entry visa where required, or a valid residence card as family member of a Union citizen. EU citizens and their family members can report their presence in Italy in different ways (see appropriate section).

Right of residence for more than three months Union citizens have the right of residence in Italy for a period of longer than three months if they:

- are workers or self-employed persons in Italy;
- have sufficient resources for themselves and their family members not to become a burden on the social assistance system during their period of residence and have comprehensive sickness insurance cover, or any other equivalent means;
- are enrolled at a private or public establishment for the purpose of following a course of study, including vocational training and have sufficient resources for themselves and their family members not to become a burden on the social assistance system and a comprehensive sickness insurance cover;
- are family members accompanying or joining a Union citizen who has the right to reside in Italy for more than three months.

Reporting your presence Union citizens or their family members, depending on the length of their stay, can report their presence to a police office, filling out the relevant form (pdf 44 Kb). If they decide not to report their presence, they will be deemed to stay in Italy for a period exceeding three months, unless proven otherwise. Hence, EU citizens who intend to stay for less than three months are not subject to the obligation of reporting their presence or to any other formalities.

If they do not report their presence in Italy, they must be able to prove that they have not stayed in Italy for longer than three months.

In case they cannot provide any evidence of their entry, they will be deemed to stay in Italy for a period exceeding three months.

If they decide to report their presence, they need to follow the procedures set forth in the relevant decree by the Minister of the Interior. Until the decree is issued, they can report their presence to the local police office, filling out the relevant form.

Registration with the Anagrafe (Register Office) EU nationals who wish to stay in Italy for a period exceeding three months should register with the Anagrafe (Register Office) of the municipality of residence. The following documents must be included with your application:

- a) if employed or self-employed: evidence of your activity;
- b) if studying, training or staying for reasons other than work: proof of maintenance, calculated according to the Italian minimum annual social security allowance in relation to the number of dependent family members (a self-certification is accepted); proof of sickness insurance to cover health care costs; evidence of your university course (only if studying);
- c) if family member of an EU citizen, national of another member country without autonomous right of residence: proof that you have a family link with the EU citizen or that you are a dependent relative (self-certification is accepted).

You will receive a receipt certifying that you have applied for registration to Anagrafe. Family members without autonomous right of residence must provide:

- valid passport or any other equivalent travel document bearing an entry visa, if required;
- proof of family relationship with the EU citizen and, if required, proof of being a dependent on the EU citizen;
- receipt certifying that the EU citizen applied for registration to Anagrafe.

EU citizens who applied for a residence permit before April 11, 2007 can register with the Anagrafe submitting the receipt issued by the Police Headquarters (Questura) or the Post Office (Poste Italiane) and self-certification of the requirements of the new legislation.

EC Long-Term Residence Permit (carta di soggiorno) for foreign family members of EU citizens For stays longer than 3 months **family members of EU citizens who are not EU nationals** can directly apply for the EC Long-Term Residence Permit (carta di soggiorno) for family members of EU citizens at the local Questura or through the Post Office (using the application kit with a yellow stripe). Designated municipal offices and other authorized offices (Patronati) are available to help applicants fill out the application forms, which must then be sent through the Post Office.

The following documents must be attached to the application:

- photocopy of passport or other current and valid equivalent document, with visa, if required;
- certificate issued by the authority in charge in the country of origin or provenance proving family relationship and, if required, proof that the applicant is a dependant or a member of the household of the EU citizen or that serious health grounds strictly require the personal care of the family member by the EU citizen having autonomous right of residence;
- EU citizen's receipt of application for registration with the Anagrafe;
- 4 passport size photos;
- if the request is submitted by the EU citizen's unmarried partner, proof of the existence of a durable relationship with the Union citizen.

The EC residence permit for long term residents (carta di soggiorno) is valid for five years. Holders of the carta di soggiorno are allowed absences for a period not exceeding six months a year, or up to 12 months for a serious cause (e.g., pregnancy, maternity, serious illness, study, etc.) without affecting its validity.

Permanent right of residence EU citizens can apply for a permanent residence card after they have lived in Italy for a continuous 5 year period.

The application must be submitted before the expiry date of the residence permit to the Questura in the place of residence.

The Municipality of residence will issue a relevant certificate at the request of the applicant. Family members of an EU national are eligible to permanent residence if they have lawfully lived in Italy with their EU family member for a continuous 5 year period. In this case they can apply for a permanent residence card. If you have lived outside Italy for a continuous 2-year period you lose your permanent resident status. EU nationals and their family members, who are self-employed or subordinate workers, are not required to wait five years to acquire a permanent resident status in case of retirement, permanent incapacity to work, work in another EU member country. Applications to become a permanent resident can be submitted to the Questura (Police Commissioner) in the place of residence directly or through the Post Office. Designated municipal offices and other authorized offices (Patronati) are available to help applicants fill in the application forms, which must then be sent through the Post Office.