

**Comments on the Farnesina Letter dated July 3, 2009, on the matter of students traveling in Italy and in other schengen countries before or after the dates of Validity for their study visas. (Updated in August 2010 after EU regulation N. 265/2010 and further information obtained from the Farnesina)**

**By Gian Franco Borio**

The Letter that the Head of the Visa Center at the Farnesina (the Italian Ministry for Foreign Affairs) sent AACUPI on July 3, 2009, answers positively to the questions and issues formally raised by AACUPI in June, and briefly explained at the LFMO on June 13, 2009, in Rome.

In brief, the key issue was raised whether US and Canadian students who are coming to Italy to attend a Program's course, and who have duly received their student visa, can also enter Italy (and/or other Schengen countries) before the date of validity of their visa and/or can stay in Italy (or travel to other Schengen countries) after the expiration of the date of validity of their visa, **for tourism purposes, and for no more than (an additional) 90 days.**

So far, the Italian Consulates have given different and incoherent answers to those students (as well to some Programs' home institutions) who have independently asked about the above issue. However, the correct legal answer was a negative one, due to the current Schengen regulations, and most important of all, to their official interpretations by the central offices at the Farnesina.

Now, thanks to the efforts of AACUPI, it seems that the Farnesina has changed its interpretation, making the whole situation much easier and more flexible for all US and Canadian students coming to Italy.

The example is included in the Farnesina letter, following AACUPI's precise example, seems self-explanatory:

- Any student (coming from the US or Canada) and having a long-stay study visa (i.e. for more than 90 days – D Visa) **Can freely stay and travel in Italy, as well as in any other Schengen country, at the end of the visa duration period, for another 90 days;**
- The same student can also enter Italy and/or travel within the Schengen area **in the 90 days before the beginning of the visa duration period, for tourism purposes**, with no automatic "waiver" of the student visa.
- Thanks to the recent EU Regulation n. 265/2010, holders of a D Visa who duly applied for the "permesso di soggiorno: in Italy but did not materially receive it, are now allowed to travel to other Schengen countries and re-enter Italy for the whole duration of the study period, with the sole passport and postal receipt ("cedolino postale") that shows the PDS application.
- However, it can happen that the immigration of Police authorities of other countries in Europe will still apply the above rules in a more restrictive way and will not allow the holder of a D visa to enter their country in the above situation. **The only possible advice is**

**to inform the students and encourage them to ask for individual information of the Consular Authorities of the country where they plan to travel, before making any final travel commitment.**

After some additional uncertain information, the Farnesina has then officially confirmed that for those students who do not have a long-stay visa, but a visa for a duration of less than 90 days (C Visa), **the overall stay in Italy (for study and tourism purposes) CANNOT exceed 90 days.**

Last but not least, the Farnesina has announced its intention to request that the Government change its current domestic visa regulations, so that student visas will not be required for those students coming from countries for which Italy has enacted the “visa-waiver” program and who are staying for less than 90 days; this would place Italy in the same position as other Schengen countries having the same regulations on student visas (such as France or Spain)