

Frequently Asked Questions
About Visas and *Permessi di soggiorno* for Study in Italy
in AACUPI Programs as of 26 March 2010

First, 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. As the employer of record, the AACUPI program may, however, be required to provide appropriate documentation, either to the Italian consulate or to the local Italian authorities.

Given the slowness in processing applications for the residence permit once a student has arrived in Italy, **AACUPI strongly advises all its member institutions** to send a registered letter to the local Questura, listing the program's students and specifying their date of arrival, once again sending a letter at the end of the program listing those students that have left and, hence, will be unable to be fingerprinted or to pick up their permits.

1. What is the difference between a visa and a *permesso di soggiorno* (stay permit)?
2. Does one have to have a visa to enter Italy?
3. What is a study visa and what does it allow the holder to do?
4. How does one apply for the *permesso di soggiorno*, or stay permit?
5. Can one apply for an Italian visa from another country?
6. Is there a so-called "AACUPI Procedure"?
7. What kind of visa should the applicant request?
8. What good does it do to have a multiple-entry visa instead of a single-entry visa?
9. What is a Schengen visa? What is the Schengen area?
10. If a student has a Type C (Schengen) visa, are there any unavoidable limitations?
11. If a student has a Type C (Schengen) visa, what are his or her obligations after arriving in Italy?
12. If a student has a Type D (National) visa, what are his or her obligations after arriving in Italy?
13. What about students who would like to travel before or after their study in Italy?
14. How does an AACUPI program handle the letter of invitation for one of its visiting faculty members?
15. Do AACUPI programs have to get work visas for ALL their visiting faculty members?
16. If a student or faculty member enters Italy without the proper documents, does the AACUPI program have to worry about any legal consequences?
17. If a student or faculty member enters Italy without the proper documents, what are the legal consequences to the individual?
18. What do the words printed on the visa mean?

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 only until its expiration date. Visas can only be issued outside Italy (normally in the US or Canada) by the Italian Consulate with jurisdiction, 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-waver program). See the Italian Foreign Ministry's website (www.esteri.it/visti/index_eng.asp) for details. See also **FAQ 18 below**.

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 whatever duration, a study or work visa is necessary. The only reason allowed for US and Canadian passport holders (or holders of passports from other nations that have a visa-waiver arrangement with Italy) is in the case of visit to Italy for tourism (hence, no credits involved) or business, and, even in these cases, for less than 90 days (see **FAQ 14 below**).

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. Please note that language schools, as such, are not deemed such an enterprise for visa purposes.

When a student applies for a study visa, therefore, the institution provides a notarized letter from the Vice President for academic Affairs, or the equivalent official, which 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 (see **FAQ 9 below**). The stamp

and the type of visa issued (C or D) will determine what sort of procedure the program must follow to ensure that the student's stay in Italy is legal. Consequently, both the beginning and end dates as stated in the visa should always be kept in mind when making travel arrangements (see **FAQ 13 below**).

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

Students have to apply at a post office which has a *Sportello Amico*, which means it is able to process the applications. In some jurisdictions, the post office employee will also set, at that time, the first appointment for fingerprinting and photo submission.

Currently, the costs involved are:

- €14.62 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 for having the permit in electronic format (required of all foreigners); receipt of payment must be included in each application;
- €30.00 for processing the application, payable directly to the *Sportello Amico* at the time of making the application;
- The applicant must also include proof of insurance coverage in the application, an additional cost which may have to be met by the program.

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 dt soggiorno* (the latter in the case of employees). The amount, which can range between €80.00 and €200.00, is to be set by the Minister of the Economy in an implementation decree; the Minister has not yet done so, and, until the decree is issued, the old charges remain in effect.

As part of the application, the Questura also asks for a photocopy of the letter to the Italian

Consulate in the US or Canada from the home institution (the letter certifies that the individual has been accepted for study in the institution's Italian branch), to prove that it was seen by the local consular official; it is, therefore, essential to have a copy of that letter which bears the original stamp.

In the case of Type C visas, however, since they do not involve applying for *apermesso di soggiorno*, the Italian Consulate will not stamp the letter or return it to the student.

Since Italian Consulates have not been consistent in their policies regarding the return of any other original documents that they may have required, AACUPI strongly urges its members to make copies of anything submitted with the visa application beforehand. Please note that, with the exception of the aforementioned letter in the case of Type D visas, the Italian Consulate is under no obligation to return any of the documentation submitted to it.

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. Is there a so-called "AACUPI Procedure" for requesting student and/or work visas?

Institutions that are members of AACUPI have been conceded the right to submit the applications of participants in its program to the Consulate that has jurisdiction over the home institution, whether or not it would normally have jurisdiction over the individual student. To benefit from this, it is normally necessary to submit the applications in bulk from the office of the individual at the home institution charged with processing them. AACUPI strongly advises making contact with the relevant Consulate early on, if such a rapport does not already exist. To facilitate this process, once a year AACUPI sends a list of its member institutions, along with the contact information for the individual in the US or Canada responsible for liaison with the Italian Consulate for visa related matters.

7. What kind of visa should the applicant request?

The main categories of visas, according to the Ministry for Foreign Affairs website, are:

"1. Uniform Schengen Visas (USV): valid for all the Contracting Parties' territories; [for AACUPI students] they are short-stay visas [,,] (type C), valid for up to 90 days, for single or multiple entry.

"2. Limited Territorial Validity visas (LTV): these are only valid for the Schengen State whose representative issued the visa [...].

"3. Long stay or 'national' (NV) Visas, which are only valid for visits that are longer than 90 days (type D), with one or more entries, in the territory of the Schengen State whose diplomatic representative issued the visa, and to transit through the territory of other Schengen States for a period of not more than five days,

"4. Long stay or "national" visas which also have the value of short-term visas."

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. In that case, however, the Consulate can only issue a Type C visa. 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,

number 4 above) is normally only issued to individuals whose country of citizenship does not participate in a visa-waver 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.

8. What good does it do to have a multiple-entry visa instead of 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.

9. 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 15 March 2010, are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden, Iceland, Norway, Slovenia, Estonia, Latvia, Lithuania, Poland, The Czech Republic, Slovakia, Hungary, Malta and Switzerland.

10. If a student has a Type C (Schengen) visa, 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.

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

The holder of a Type C visa 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 a Type C visa. If the individual enters Italy from a non-Schengen country, that Declaration 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 flight transfer), then he or she must file a specific Declaration of Presence form with the local Questura.

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.

See **Studio Borio Newsletter N. 105 of Spetember, 2007**, for details about the short-stay, or Type C, visa and the Declaration of Presence.

12. 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 authorizes 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 the application for a *permesso di soggiorno*.

13. 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, visas: 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.

As for the Type D, or National visa, students may request an extension of their permit for up to 90 days to Visit Italy as a tourist. The Schengen limitation of 90 days, but this time divisible and only applicable to visits to Schengen-area countries outside of Italy, still applies, but should not pose any problem.

If the individual holds a Type D visa and has regularly made application for the stay permit with the local Questura, the *assicurato* should be sufficient to allow that individual to re-enter Italy, provided he or she has a multiple-entry visa. After 90 days have passed, however, even holders of Type D visas need to have a valid stay permit issued by the Italian authorities in order to legally travel in other Schengen-area countries. Local authorities are often reluctant to issue temporary stay permits, so students should be warned about these potential hazards to their

travel. Please note, this can also be problematic for returns to the student's home country through another Schengen country, where the individual may be detained by 'the non-Italian border authorities as illegal Schengen-area visitors, even in the case of simple change of flight. AACUPI, therefore, strongly recommends that return flights home after the 90 days have expired be routed directly from Italy to a non-Schengen country.

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 12 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.

14. How does an AACUPI program handle the letter of invitation for one of its visiting faculty members?

Any program authorized under the so-called Barile Law (Art. 2 of Law 4/1999) may issue a letter inviting a faculty member duly employed at its home institution to provide academic services for a period less than 90 days at its Italian branch. Since the individual situations differ so widely, it is not possible to provide a model letter. In general, the letter should be on program stationery and be signed by the program's legal representative; it should invite the individual by name and position on the home campus to provide academic services at the institution's branch campus in Italy, specifying what those services are and the dates on which they are to be performed. Copies of the letter should be kept on file, and the professor should carry the original letter of invitation on his or her person at all times. No other visa or *permesso di soggiorno* is needed (in fact, applying for one a visa will negate this provision and, instead, require the work-visa procedure - see **FAQ 15 below**). Instead, the individual simply enters Italy and follows the rules established by the Foreign Affairs Ministry regarding the Declaration of Presence (see **FAQ 1 above**).

15. Do AACUPI programs have to get work visas for ALL their visiting faculty members?

Only if the stay exceeds 90 days should the individual faculty member even apply for a visa at the Italian consulate in the US or Canada; **for stays of less than 90 days** the faculty member and program should use the letter of invitation described in **FAQ 13 above**.

If the faculty member is staying in Italy for more than 90 days, he or she will have to apply for a work visa. The procedure is a rather long and complicated one (see Studio Borio Newsletter N. 68 of December, 2002 /January, 2003), and programs are advised to begin it well in advance (at least 6 months, preferably a year).

Recent Italian legislation has, to some extent, shortened the procedure, at least in theory. Under Law 94/2009, faculty members coming to Italy no longer need to obtain the *nulla osta* from the local provincial labor office, provided, however, that the program has signed a dedicated memorandum of understanding ("*Protocollo di Intesa*"), with the Ministry of Interior Affairs, in accord with the Ministry of Welfare, under which the program guarantees that it has adequate financial means and its compliance with the provisions of the category's national collective contract. Unfortunately, to date (March 26.2010) the Ministry has not issued the norms for subscribing to the apposite registry.

16. If a student or faculty member enters Italy without the proper documents, does the AACUPI program have to worry about any legal consequences?

If the individual has applied for the requisite documents within a reasonable time-frame, but has not received them prior to the need to exercise the duties for which the document was sought, the specific and thorough documentation of the application procedure should satisfy a court as to the individual's good-will effort to observe the law.

If the individual has made no effort to meet the requirements of the law, individuals that harbor them (landlords, legal representatives of programs, etc.) may find themselves in a questionable moral predicament, but from a legal standpoint, under Law 94/2009, only individuals who rent property to illegal foreigners with the intent of procuring an inordinate profit can be charged with a crime, punishable by imprisonment of from 6 months to 3 years.

17. If a student or faculty member enters Italy without the proper documents, what are the legal consequences to the individual?

As of August 8, 2009, Law 94/2009 has 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 the application for the stay permit or the declaration of presence, 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 ten years.

18. 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. **IFO DI VISTO** contains the letter of the visa type that has been granted (see **FAQS 7,9 and 12 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 8 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.

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