

Entry into the territory of the State

(Act no. 40 of 6 March 1998, s4)

1. Entry into the territory of the State shall be granted to the alien bearing a valid passport or equivalent document and the entry visa, unless otherwise envisaged, and only through the border check points set up for this purpose, except for vis maior cases.

2. The entry visa shall be issued by the Italian diplomatic missions or consulates in the alien's country of origin or of permanent residence. On the basis of specific agreements, visas issued by other countries' diplomatic and consular authorities shall be regarded as equal to those issued by the Italian diplomatic missions or consulates for stays not exceeding three months. When issuing the entry visa the Italian diplomatic or consular authority shall, at the same time, provide the alien with a notice written in a language known to him/her listing the rights and duties of the alien in relation to entry into and stay in Italy. Refusal of entry or re-entry visa shall be adopted by written and grounded order. A copy shall be given to the alien concerned, along with information for appeal against it and a translation in a language known to him/her or, if not available, in English, French, Spanish or Arab. The alien who has a permit of stay shall only inform in advance the border authority in order to re-enter into the territory of the State.

3. Without prejudice to the provisions under Section 3, Subsection 4, Italy, in conformity with the obligations deriving from its participation in specific international agreements, shall grant the entry into its own territory to the alien who can produce the necessary documents to prove the purpose and the conditions of stay, along with the availability of sufficient means of subsistence for the length of his/her stay and, except for permits of stay for work, also for returning to the country of origin. The means of subsistence are defined by a specific directive issued by the Minister of the Interior, on the basis of the criteria established in the planning document provided for by Section 3, Subsection 1. The alien who does not meet such requirements shall not be given leave to enter Italy nor shall the alien who is deemed to represent a threat to public order and security in the State or in one of the countries with which Italy has signed agreements for the abolition of checks at the internal borders and free movement of people, respecting the limits and the exceptions envisaged by said agreements.

4. Entry into Italy can be allowed with visas for short stays, valid up to 90 days, and visas for long stays that imply for the bearer the granting of a permit to stay in Italy for the same reason specified in the visa. As to stays for a period of less than three months, also the reasons shall be considered valid that are specified in visas issued by diplomatic or consular authorities of other countries on the basis of specific international agreements signed and ratified by Italy or in compliance with EU rules.

5. The Minister of Foreign Affairs shall adopt, timely informing thereof the competent Parliamentary Committees, any necessary measure to revise and change the list of the countries whose citizens are under visa requirements, also in compliance with the obligations deriving from international agreements in force.

6. The expelled aliens, unless they have been granted the special authorisation or the period of prohibition to enter has elapsed, cannot enter the State territory and shall be refused entry at the border as well as the aliens that are to be expelled and those reported, also on the basis of international agreements or conventions in force in Italy, for refusal of entry or non admission for serious reasons of public order, national security and safeguard of international relations.

7. Entry shall be subject anyway to the requirements and the formalities envisaged by the Implementation Rules.