

TITLE I

General Principles

Section 1

Enforcement Range

(Act no. 40 of 6 March 1998, s1)

1. This Consolidating Act, implementing Article 10, paragraph 2, of the Constitution applies to the citizens of the States not belonging to the European Union and to the displaced persons, hereinafter referred to as aliens, except as otherwise provided.
2. This Consolidating Act shall not apply to the citizens of the European Union Member States, unless there are more favourable provisions, and without prejudice to the provisions of Section 45 of Act no. 40 of 6 March 1998.
3. When other legal provisions refer to legal institutes concerning persons having a citizenship other than the Italian one or displaced persons, the reference shall be meant to the institutes envisaged by this Consolidating Act, without prejudice to more favourable domestic, community and international provisions also in force in the territory of the State.
4. For the matters falling within the legislative jurisdiction of the Regions, the provisions of this Consolidating Act shall be fundamental principles in conformity with Article 117 of the Constitution. For the matters falling within the jurisdiction of the Regions with special constitution and the self-governing Provinces, they shall be considered as fundamental rules of economic and social reform of the Republic.
5. The provisions of this Consolidating Act shall not apply if otherwise envisaged by the rules in force for the state of war.
6. The implementation rules of this Consolidating Act, hereinafter referred to as Implementation Rules, shall be issued in conformity with Section 17, subsection 1, of Act no. 400 of 23 August 1988, upon proposal of the Prime Minister, within one hundred and eighty days as of the date of entry into force of Act no. 40 of 6 March 1998.
7. Before their issuing, the draft rules under paragraph 6 shall be sent to the Parliament for the opinion of the Committees that are competent for this matter, to be

given within thirty days. After this deadline, the Rules shall be issued even though no opinion has been given.

Article 2

The Rights and Duties of the Alien

(Act no. 40 of 6 March 1998, s2; Act no. 943 of 30 December 1986, s1)

1. The alien who is at the border or within the State territory is acknowledged the fundamental human rights envisaged by the national law, the international conventions in force and the generally acknowledged principles of international law.
2. The alien regularly residing in the State territory shall have the same civil rights as the Italian citizen, except as otherwise provided by the international conventions in force for Italy and by this Consolidating Act. In the cases for which this Consolidating Act or the international conventions envisage reciprocity, this will be ascertained according to the criteria and procedures provided for by the Implementation Rules.
3. The Italian Republic, implementing the ILO Convention no. 143 of 24 June 1975, ratified by Act no. 158 of 10 April 1981, guarantees to all foreign workers legally residing in its territory and their families equal treatment and full equality of rights as to the Italian workers.
4. The legally residing alien shall participate in the local public life.
5. The alien shall have the same treatment as the citizen in relation to the legal protection of his/her rights and legitimate interests, in his/her relations with the public administration and access to public services, within the limits and the ways provided for by law.
6. In order to inform the alien about the provisions regulating entry, stay and expulsion, the relevant documents shall be translated, also in summary, into a language known to the receiver, or, when this is not possible, in the French, English or Spanish languages, preferring the one chosen by the person concerned.
7. Diplomatic protection shall be exerted within the limits and forms envisaged by the rules of international law. Unless there exist grounded and serious hindering reasons relating to administration of justice and the safeguard of public order and security, any alien who is in Italy shall have the right to contact the authorities of the country of which he/she is a citizen and to be assisted in this regard by any public official involved in the procedure. The judicial authority, the authority of public security and any other public official shall inform, in the ways and terms envisaged by the implementation rules, the diplomatic mission or consulate that is closer to the country to which the alien belongs of any measure they adopt concerning him/her and relating to personal freedom, removal from the territory of the State, protection of minors, personal status or in case of death of the alien or his/her emergency hospitalization. They shall as well transmit documents and objects belonging to the alien to said diplomatic mission, when the former are not to be withheld for reasons envisaged by law. The aforesaid information shall not take place in case of aliens who have applied

for asylum, aliens who have been granted the refugee status or aliens for whom temporary protection measures have been adopted for humanitarian grounds.

8. The international agreements made for the purposes under Section 11, Subsection 4, can provide for more favourable legal conditions for citizens of the countries participating in special co-operation programmes to prevent or curb illegal immigration.

9. The alien who is in the Italian territory shall anyway comply with the obligations established by the legislation in force.

Title II
Regulation of entry into, stay in and removal from the territory of the State
(Act no. 40 of 6 March 1998, s4)

Chapter I – Regulation of entry and stay

Section 4
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.

Section 5

Permit of Stay

(Act no. 40, s5, of 6 March 1998)

1. Stay in the State territory shall be granted to the aliens lawfully entering as envisaged by Section 4, who are in possession of a stay card or permit of stay issued in compliance with this Consolidating Act or aliens who are in possession of a permit of stay or equivalent document issued by the competent authority of a European Union Member State, within the limits and the conditions laid down by specific agreements.

2. The application for a permit of stay shall be made, in accordance with the procedure laid down by the Implementation Rules, to the Questore of the province where the alien is, within eight working days as of his/her entry into the State territory. The permit of stay shall be issued for the reasons stated in the visa or envisaged by the provisions in force. The Implementation Rules can lay down special granting procedures relating to short stays for reasons of tourism, justice, pending emigration to another country, exercising the functions of minister of religion, and for stays in nursing homes, hospitals, civil and religious institutes and other communities.

3. The duration of the permit of stay shall be that specified in the entry visa, within the limits laid down by this Consolidating Act or in accordance with the international agreements and conventions in force. In any case, the duration cannot:

- a) exceed three months, for visits, business or tourism;
- b) exceed six months, for seasonal employment, or nine months, for seasonal employment in the sectors that require such an extension;
- c) exceed one year, in relation to the attendance of an educational or vocational course duly certified; the permit can however be yearly renewed in case of courses lasting more years;

d) exceed two years, for self-employment, employment for an indefinite period or family reunion;

e) exceed the needs specifically documented, in the other cases allowed by this Consolidating Act or by the Implementation Rules.

4. The alien shall make application for the renewal of the permit of stay to the Questore of the province where he/she is, at least thirty days before it expires. The renewal is subject to the verification of the conditions envisaged for the issuing or the different conditions envisaged by this Consolidating Act. Without prejudice to the different periods envisaged by this Consolidating Act or by the Implementation Rules, the permit of stay shall be renewed for a period not exceeding twice that granted initially.

5. The permit of stay or its renewal shall not be granted and, if the permit of stay has been already granted, it shall be revoked, when the requirements envisaged for entering and staying in the State territory are not met or are no longer met, without prejudice to the provisions of Section 22, Subsection 9, and provided that no new elements have arisen that allow the granting and that it is not a matter of remediable administrative irregularities.

6. The refusal or revocation of the permit of stay can also be based on international conventions and agreements, made enforceable in Italy, when the alien does not satisfy the stay requirements applicable in one of the contracting States, unless there are serious reasons, in particular of humanitarian nature or deriving from constitutional or international obligations of the Italian State.

7. The aliens who are in possession of a permit of stay or equivalent document issued by the authority of a European Union Member State and valid to stay in Italy shall declare their presence to the Questore in the ways and terms provided for by Subsection 2. Those aliens shall be given the relevant receipt for the declaration of stay. Non-compliance shall be punished with an administrative fine from 200 thousand to 600 thousand liras. If the declaration is not made within 60 days as of the entry into the State territory, the administrative expulsion can be ordered.

8. The permit of stay, the receipt of the declaration of stay and the stay card under Section 9 shall be issued on printed forms, with anti-counterfeiting characteristics, modelled upon the types approved by the Minister of the Interior, in implementation of the Joint Action adopted by the European Union Council on 16 December 1996.

9. The permit of stay shall be issued, renewed or converted within twenty days as of the date of the application, if the requirements are met as well as the conditions envisaged by this Consolidating Act and by the Implementation Rules for the requested permit of stay or, if this is not available, another type of permit to be issued in pursuance of this Consolidating Act.

Section 6

Rights and duties concerning the stay

(Act no. 40 of 6 March 1998, Section 6; R.D. no. 773 of 18 June 1931, Sections 144, Subsection 2, and 148)

1. The permit of stay issued for employment, self-employment and family reasons can be used also for other admitted activities. The permit for study or training can be converted, anyway before it expires, into a permit of stay for work within the framework of the fixed quotas established under Section 3, Subsection 4, according to the procedures laid down in the Implementation Rules.
2. With the exception of the measures concerning temporary sports and recreational activities and those concerning Registry Office certificates or the access to public services, the documents relating to the stay under Section 5, Subsection 8, shall be presented to the public administration offices for the purpose of obtaining licences, authorisations, registrations and other measures whatsoever about which the alien is concerned.
3. The alien that, on request of public security officers, does not produce, without a justifiable reason, his/her passport or other identity document, or the permit of stay or stay card is punished with imprisonment up to six months and a fine up to eight hundred thousand liras.
4. Whenever there is ground to doubt the alien's identity, the alien can be photographed and fingerprinted.
5. For the checks envisaged by this Consolidating Act or by the Implementation Rules the public security authority, when there are grounded reasons, requests information and documents to the alien to prove that he/she has an income, deriving from a job or other lawful source, that is sufficient for his/her maintenance and that of his/her family members living with him/her in the State territory.
6. Without prejudice to the provisions of the military acts, the Prefetto can forbid aliens to stay in towns or localities that are related to the military defence of the State. This prohibition is communicated to the aliens by the local public security authority or through public notices. Aliens who do not comply with the prohibition can be removed by the police.
7. Registry Office registration and variations of the lawfully resident aliens shall be made under the same conditions as the Italian citizens in the modalities envisaged in the Implementation Rules. Anyway, the alien shall be considered to have a fixed abode also if he/she has been a documented guest of a reception centre for more than three months. Once the registration or variation has been made, the office shall inform the Questura that has jurisdiction over that area.
8. Apart from the cases under Subsection 7, the aliens that stay in the territory of the State shall inform the Questore having jurisdiction over that area of any variation of their habitual address within the following fifteen days.
9. The identification document for aliens shall be issued on a paper modelled upon the type approved by decree of the Minister of the Interior. This is not valid for expatriation, unless differently provided for by the international conventions or agreements.
10. It is possible to appeal to the competent regional administrative tribunal against the measures under Section 5.

Section 7
Duties of the host and the employer
(R.D. no. 773, section 147, of 18 June 1931)

1. Whoever, for whatever reason, lodges or gives hospitality to an alien or stateless person, though he/she can be a relative or an in-law, or hires him/her or conveys to him/her properties or the use of real estates, either in the countryside or in towns, located in the State territory, shall inform thereof the local public security authority by written communication within forty-eight hours.
2. The communication shall include, apart from the full name and address of the declarer, the full name and address of the alien or the stateless person, his/her passport or identification document essential data, the exact location of the conveyed real estate or in which the person is lodging, is hosted or works and the reason for the communication.

Section 8
Special Provisions
(R.D. no. 773, section 149, of 18 June 1931)

1. The provisions of this Chapter shall not apply to the members of the College of Cardinals and of the diplomatic or consular corps.

CHAPTER II ENTRY AND STAY

Section 5 (Issuing of entry visa)

1. Visas to enter a country or to pass through it are issued by the relevant diplomatic and consular representatives who, apart from specific cases, have jurisdiction over the place where the alien resides. The Italian border police can be authorised to issue entry or transit visas which shall not exceed ten and five days respectively, when absolutely necessary.
2. If the applicant meets the necessary requirements and conditions, he/she can be granted a visa for the period referring to the grounds of the application and documentation submitted.
3. The various types of visas corresponding to the different grounds for entry as well as the requirements and conditions to be granted each type of visa, are regulated by ad hoc guidelines of the Foreign Office, issued by a decree of the Minister of the Foreign Affairs, together with the Ministers of the Interior, Labour and Social Security, Justice and Social Solidarity, periodically up-dated also with a view to implementing Italy's international commitments.
4. In order to meet the users' needs, diplomatic and consular representatives shall adequately publicise the aforesaid requisites and circumstances as well as additional requirements necessary because of particular local situations or of joint decisions adopted when co-operating with other states' representatives participating in the Schengen Agreement implementation.
5. In the application for the visa issue the alien shall mention the following: his/her name and address as well as personal particulars of the family members possibly following them, data of passport or of any other corresponding travel document, the place of destination, reasons and length of the stay.
6. The application shall enclose the passport or any other corresponding travel document as well as the documents necessary for the visa concerned and, however, the following:
 - a) objective of the journey;

- b) means of transport used;
 - c) availability of means of subsistence enough for the travel and stay, in compliance with Section 4, Subsection 3 of the consolidating act, that is guaranteeing for the cases as under Section 23 of the consolidating act;
 - d) lodging and accommodation.
7. For the visa concerning the alien's family, in addition to the documents under Subsection 6, the alien shall forward also:
- a) a document certifying the family relationship, minority, inability to work or living together. To this end, the documents issued by the competent foreign authority are authenticated by the consular Italian authority which certifies that the translation of the documents into Italian complies with the original copies;
 - b) the authorisation by the Questura (top police agency at provincial level), useful also to check the availability of accommodation under Section 29, Subsection 3, letter a) of the consolidating act and of the means of subsistence under the same Section, Subsection 3, letter b). To this end **the alien concerned shall submit** the certificate issued by the municipal authority certifying the requirements envisaged under the aforesaid Section of the consolidating act, **that is** the hygienic-sanitary compliance certificate issued by the local sanitary Agency **with jurisdiction in that area.**
8. Once evaluated that the application can be accepted and after checking the requirements necessary for the visa requested, including the preventive security control, the visa shall be issued within 90 days as of the application.

Section 6
(Visas for family re-union)

1. As to visas for family re-union, firstly the applicant shall ask the Questura for an authorisation, forwarding an application with the personal details of the people involved in the re-union, enclosing:
 - a) the card and permission of stay meeting the requirements provided for under Section 28, Subsection 1, of the consolidating act, or adequate documents certifying the Italian nationality or the nationality of any other Member State of the European Union;
 - b) documents certifying the availability of income as under Section 29, Subsection 3, letter b), of the consolidating act;
 - c) documents certifying the availability of accommodation in compliance with Section 29, Subsection 3, letter a) of the consolidating act. To this end, **the applicant shall submit** a certificate issued by the municipal office about the compliance with the requirements envisaged by the aforesaid Section of the consolidating act **as well as** a certificate of hygienic-sanitary suitability issued by the sanitary local **agency with jurisdiction in that area.**

2. The Questura shall give a receipt of the application and documents submitted by marking a copy of them with a date stamp of the office concerned and with the signature of the officer who receives the documentation. After checking the compliance with the necessary requirements and conditions, within 90 days as of receiving, the Questura issues an authorisation, subject to the real acquisition, by the Italian consular authority, of the papers certifying the requirements of family relationship, marriage, minority or inability to work and living together.

3. Once received the authorisation as under Subsection 2, if ninety days from the application forwarding have expired and they have received a copy of the application and documents marked as under Subsection 1 as well as the papers certifying the compliance envisaged under Subsection 2, the consular authorities shall issue an entry visa, after the passport and travel documents have been produced.

Section 7
(Entry into the State territory)

1. The entry into the territory of a State is submitted to the carrying out of border checks, including those envisaged by the enforcement of the Convention implementing the Schengen Agreement, customs and currency agreements and sanitary agreements, as provided for by the present laws on international preventive treatment. As regards the permits envisaged by the international procedure on air and sea transport, ad hoc specific guidelines are followed.
2. Officers carrying out border controls shall be obliged to mark the passport with a stamp bearing the date of entry.
3. If uncontrollable circumstances hamper the landing of aircraft or berthing of boats at border crossings where travellers should be checked, their arrival can be authorised by the port commander or the airport director because of grounded reasons, after informing the questore (top police authority at provincial level) and the competent police station or headquarters as well as the sea or air sanitary offices.
4. For the circumstances as under Subsection 3, border checks are carried out by the police office or headquarters with jurisdiction over that area, according to the guidelines given by the questore.
5. The provisions mentioned under Subsection 3 and 4 are enforced also to control the people who intend to enter the national territory with pleasure boats and are exceptionally authorised to berth at places where there is no police border check, in accordance with the guidelines issued when applying the Convention implementing the Schengen Agreement, ratified and enforced in Italy by Law N. 388 of 30 September, 1993.

Section 8

(Leaving the State territory and re-entry)

1. The alien who leaves the State territory and moves to a country which is not part of the free movement area, shall be subject to police control at the border. Police officers carrying out border checks shall mark the passport with a leaving stamp bearing the date and the border crossing.
2. The alien who regularly resides in Italy, leaves the country and intends to enter it once again, shall be granted re-entry on production of the passport or of a corresponding document and of a valid permit of stay.
3. In order to enter the state territory again, the alien whose document has expired for no longer than 60 days, shall apply for a re-entry visa, issued by the Italian diplomatic or consular authorities of the country of origin, on production of the expired document.
4. Undocumented aliens, whose document was lost or stolen, shall apply the relevant diplomatic or consular authorities for a re-entry visa, enclosing a copy of the report certifying the theft or loss of the documents in question. The re-entry visa shall be granted after checking there is a provision by the questore on the stay concerned.
5. The alien having a card of stay shall re-enter the state territory upon production of the card of stay, the passport or any corresponding document.

Section 9
(Application for the staying permit)

1. Within the deadline envisaged by the Consolidating Act, the application for the staying permit shall be forwarded to the questore of the province where the alien intends to reside, by a paper in compliance with the form worked out by the Ministry of the Interior, undersigned by the applicant and including four copies of passport-size photographs: one photograph shall be put on the form, another one is for the staying permit, the third shall be kept for bureaucratic purposes and the last one shall be sent to the information system as under Section 49 of the consolidating act. Instead of enclosing photographs, the alien may be asked to be taken by an ad hoc equipment for the automated picture processing at the office itself.
2. In the application under the aforesaid Subsection 1, the alien shall mention:
 - a) his/her complete name and address as well as the personal details of the minors living with him/her, who must be included in their parents' staying permit;
 - b) the place where they intend to live;
 - c) the reason for staying.
3. The application mentioned in Subsection 1 shall be completed by:
 - a) the passport or any corresponding document bearing nationality, date, even if the year only; the place of birth of the people concerned as well as the entry visa, when envisaged.
 - b) When the stay is not due to working reasons, the documents certifying the availability of means to go back to the country of origin.
4. The office maintains a copy of the documents produced and, when it's necessary to check the conditions provided for by the consolidating act, it can also ask for further papers necessary to confirm:
 - a) the need to stay for the period requested;
 - b) the availability of enough subsistence means for the staying period and reasons, according to the guidelines under Section 4, Subsection 3, of the consolidating act, mentioning the dependants, too;
 - c) the availability of other resources or accommodation, when these documents are envisaged by the consolidating act or by this regulation.
5. The documents concerning the guarantee as under Section 23 of the consolidating act, produced according to Section 34 of this regulation, shall exempt from showing the existence of other subsistence means till the guarantee is valid.

6. The papers envisaged under Subsections 3 and 4 are not requested for asylum seekers and for aliens who are granted the stay for the reasons under Sections 18 and 20 of the consolidating act.
7. After evaluating the documents produced and verified the applicants' identity, the officer responsible for receiving shall issue a form as under Subsection 1, bearing a photograph of the applicant, the date stamp and the signature of the above mentioned officer. The form is valid as a receipt and bears the date on which the staying permit can be collected as well as the instruction that the applicant shall show the documents testifying their compliance with sanitary obligations, in accordance with Section 34, Subsection 3 of the consolidating act.

Section 10

(Application for the staying permit in particular cases)

1. For the aliens with a passport or any other corresponding document, bearing the date of entry into the State territory and the entry visa, when envisaged, and who intend to stay in Italy for a period not over thirty days, the form, issued as a receipt under Section 9, Subsection 7, of the consolidating act, shall have the same validity as the staying permit for thirty days as of the date of entry into the national territory. Under Section 6, Subsection 3, of the consolidating act, the form shall be produced together with the passport.
2. In case of guided tours no longer than thirty days, the application for the staying permit can be submitted by the guide, by producing the passports or corresponding documents; in case of group passports, a copy of each tourist's identity documents as well as a copy of the tour programme shall be shown. The availability of means of subsistence and means to go back to the country of origin, can be proven by showing the receipt of the whole payment of the journey and tourist stay.
3. For the circumstances as under Subsection 2, the receipt of the staying permit application, bearing the date stamp of the office concerned and of the receiving officer, issued in the necessary number of copies, shall correspond to a collective staying permit, valid for the thirty days after the date of entry, resulting from the date stamp put onto the passport or corresponding document at the border check.
4. In order to stay at civil or religious communities, hospitals or other nursing homes, the application for the staying permit shall be submitted by the manager of the hosting centre or of the homes, hospitals, institutes or communities where the alien is hosted; said manager shall withdraw or give the receipt, as under Subsection 1, as well as the permit of stay to the person concerned.
5. The aliens who intend to stay in Italy for no longer than 30 days are exempted from the obligation as under Subsection 8 of Section 6 of the consolidating act.
6. A translation of the provisions included in the consolidating act as well as in this regulation on the aliens' entry and stay in the national territory, shall be available to foreigners at hotels, accommodation facilities and hosting centres at the border, in the Italian, French, English, Spanish and Arabic version.

Section 11
(Issuing of staying permits)

1. When the requirements are satisfied, the staying permit shall be issued for the grounds and period indicated on the entry visa or provided for by the consolidating act, or for one of the following reasons:
 - a) asylum application, for the length of the necessary procedure, asylum;
 - b) migration to another country, for the length of the necessary procedure;
 - c) being granted citizenship or the status of stateless person, in favour of the alien who already has a staying permit for other reasons, for the time necessary to carry out the granting procedure or the acknowledgement.

2. The staying permit shall be granted in compliance with the Joint Action 97/11/JHA issued by the European Union Council on 16 December, 1996, and shall bear the details of the fiscal code. In this connection, the Ministry of the Interior, in accordance with the Finance Ministry, established the guidelines to store the aliens' data via computer, in order to give them a fiscal code and use this code with a view to identifying the alien, also as far as the Registry Office for non-EC workers is concerned.

3. The documents certifying the compliance with the sanitary provisions, as under Section 34, Subsection 3 of the consolidating act, shall be produced when the staying permit is withdrawn.

Section 12
(Refusal of the staying permit)

1. Apart from the circumstances when the alien is refused entry or escorted to the frontier for deportation, should the staying permit be refused, the questore shall inform the person concerned, specifying that the alien shall be deported if, as under Section 13 of the consolidating act, there are sufficient grounds to proceed.
2. Enforcing the provision envisaged under Subsection 1, the questore shall grant the alien a period of time to go to the border police checkpoint, indicated in the communication, to voluntarily leave the national territory, warning him/her that, in case of non-compliance, the provisions under Section 13 of the consolidating act shall be enforced.
3. Apart from deportation cases, should the alien be repatriated, the prefect informs the consul of the alien's country of origin about possible provisions to be enforced as against him/her, issuing a compulsory expulsion note, which can be performed also in co-operation with the bodies assisting foreigners or with other entities, sometimes at international level, specialised in the movement of people, that is in giving them a period of time, no longer than ten days, to go to the specifically indicated border police checkpoint and leave the national territory.

Section 13

(Renewal of the staying permit)

1. The staying permit issued by the Schengen Agreement Countries, in compliance with the uniform visa envisaged by the Convention implementing the Schengen Agreement, issued instead of the visa and for tourism only, cannot be renewed or extended for more than ninety days, with the exclusion of serious grounds, in particular of humanitarian nature, or deriving from international or constitutional obligations.
2. Apart from the measures provided for under Section 22, Subsection 9, of the consolidating act, in order to renew the staying permit, the documents certifying the income availability, deriving from a job or from another licit source, sufficient for the alien and his/her dependants, shall be verified by the relevant office on the basis of a temporarily substitutive statement which the alien submits together with the renewal application.
3. The renewal application shall be submitted in two copies. Once evaluated the documents produced and identified the applicant, the receiving officer shall give back, as a receipt, a copy of the application bearing the office date stamp and the officer's signature. In compliance with Section 2, Subsection 6, of the consolidating act, the receipt shall include the warning by which the production of the very receipt to the sanitary local agency enables the continuity of the enrolment at the national sanitary agency.
4. The staying permit cannot be renewed or extended if the alien has interrupted his/her stay in Italy for a continual period of over six months or, for staying permits granted for at least two years, if the continual period exceeds half the validity period of the staying permit, with the exclusion of interruption due to military service or other serious and well grounded reasons.

Section 14

Conversion of the permit of stay

1. The permit of stay granted for employment or self-employment and for family reasons can be used also for other activities which the alien is entitled to, also without converting or amending the document, for the whole period of its validity. In particular:
 - a) the permit of stay granted for employment (provided that it is not seasonal employment) allows self-employment, after obtaining any prescribed qualification or authorisation and provided that all other requirements or

conditions are met as envisaged by the legislation in force in order to carry out an autonomous job as well as to work as a working partner of co-operatives;

- b) the permit of stay granted for self-employment allows employment, for the period of its validity, after registration in the employment lists or, if the employer-employee relationship has already started, after communication by the employer to the provincial Direzione del Lavoro (Labour Directorate);
- c) the permit of stay for family reunion or for entry to accompany the worker allows employment and self-employment under the conditions in a) and b).

2. The public administration office that issues the authorisation or qualification in the cases provided for by Subsection 1a and the provincial Direzione del Lavoro, in the cases envisaged by Subsection 1b, shall inform the Questura, for the relevant records, about the cases in which the permit of stay is used for a reason other than that stated in the document.
3. Upon renewal a new permit of stay shall be issued for the activity actually carried out.
4. The permit of stay granted for study or training allows, for the period of its validity, employment for not more than 20 hours a week, also cumulative for fifty-two weeks, respecting the annual limit of 1,040 hours.
5. Unless differently provided for by international agreements or by the conditions that enable the alien to attend study or training courses in Italy, the permit of stay for study or training can be converted, before it expires, into a permit of stay for work, within the limits of the quotas fixed in conformity with Section 3 of the Consolidating Act and attested by the provincial Direzione del Lavoro, after producing the relevant documents proving the employment or, in case of self-employment, after producing the relevant qualification or authorisation, when required, the documents concerning the fulfilment of any other administrative requirement as well as the documents proving the possession of the financial means necessary to carry out the activity.

Section 16
Application for the stay card

1. For the granting of the stay card under Section 9 of the Consolidating Act, the person concerned shall make a written application on a form consistent with that approved by decree of the Minister of the Interior.
2. The application shall be made to the Questura of the place in which the alien resides. The alien shall state the following:
 - a) his/her full name and address;
 - b) the place or places in which he/she has resided in Italy in the previous five years;
 - c) the place of residence;
 - d) his/her income sources and the amount.
3. The following documents shall be attached to the application form:
 - a) copy of the passport or equivalent document or of the identification document issued by the competent Italian authority on which the applicant's date (even if it is only the year) and place of birth appear;
 - b) copy of the income tax return or the model 101 issued by the employer, relating to the previous year, to prove that the income is not less than the annual amount of the welfare payments;
 - c) certificate of the criminal records office and certificate of enrolment in relation to pending criminal suits;
 - d) four passport-size photographs of the applicant, without prejudice to the provisions of Section 9, Subsection 1;
4. When the application relates to the family members listed in Section 9, Subsection 1 of the Consolidating Act, the requirements under Subsection 2 and the documents envisaged by Subsection 3 of this Section shall relate also to the spouse and the children under eighteen years of age living with the applicant, for whom the application for the stay card is also made, along with the production of the documents proving:
 - a) status of the spouse or the child under eighteen years of age. For this purpose, the certificates issued by the competent authority of the foreign State shall be authenticated by the Italian consular authority who shall certify that the translation into the Italian language is true to the originals;
 - b) the availability of a dwelling, in conformity with Section 29, Subsection 3a, of the Consolidating Act. For this purpose, the applicant shall produce a certificate issued by the competent municipal office stating that the requirements under the above-mentioned Section of the Consolidating Act are met or the certificate of hygienic and sanitary fitness issued by the

Azienda Sanitaria Locale (local health administration) having jurisdiction over that area.

c) the income required for the purposes envisaged by Section 29, Subsection 3b of the Consolidating Act, taking into account the income of the family members living together but not dependent.

5. When the application for the card is made by the foreign spouse or the foreign parent living with an Italian citizen or with a citizen of a European Union Member State residing in Italy, as envisaged by Section 9, Subsection 2, of the Consolidating Act, the applicant shall state not only his/her full name and address but also that of the spouse and the child with whom he/she lives. When the alien is a child under eighteen living together, under the conditions envisaged by Section 9, Subsection 2, of the Consolidating Act, the application for the stay card shall be made by the parent having the parental right.
6. In the cases envisaged by Subsection 5 the application shall be supported not only by the documents concerning the family income, but also by the certificates proving the status of spouse, minor child or parent of an Italian citizen or of a citizen of a European Union Member State residing in Italy.
7. The receiver of the application, after examining the application and the attached documents and establishing the applicants' identity, shall issue a receipt and state the date in which the requested document can be collected. The receipt does not substitute the stay card in any way.

Section 17
Issue and renewal of the stay card

1. The stay card shall be issued within 90 days as of the application, after verifying that the conditions imposed by the Consolidating Act are met.
2. The stay card shall be granted for an unlimited period but shall be subject to authentication, upon request of the person, within ten years as of the issue. The stay card shall be valid as personal identification document for not more than five years as of the date of issue or renewal. The renewal shall be granted upon application made by the person concerned, who shall also produce new photographs.