

Rights and duties of foreign nationals for entry or short-stay of up to 90 days in the Schengen Area

General Information

Pursuant to art. 2, paragraphs 6 and 9, art. 4 and 5 of [Legislative Decree no. 286 of 25 July 1998](#) (Consolidated text of provisions governing immigration and legislation on the condition of foreigners) and to art. 5 paragraph 8 bis of [President of the Republic Decree n. 394 of 1999](#) and art. 47, paragraph 1, letter i) of Regulation (EC) 810/2009 ([Visa Code](#)), the following should be noted:

A short-stay visa is an authorisation issued by a Member State for the purpose of transit through or stay in the territory of the Schengen States, not exceeding 90 days in any 180-day period. The visa issued can be:

- **USV** “Uniform Schengen Visa” (type C), valid to enter and move freely in the territory of all countries that apply the **Schengen Acquis(*)** in full.
- **LTV** “Visa with Limited Territorial Validity” (type C), valid ONLY for the territory of the issuing State or exceptionally for the territory of several member States, but not for all of them.
- **ATV** “Airport Transit Visa” (type A), allowing the holder to transit through the international transit area of a Member State’s airport(s) only.
- Possessing a USV or a LTV does not confer automatic right of entry. Upon entering the Schengen territory, even if the person concerned is in possession of a USV or a LTV, border authorities can ask them to prove that the requirements for the issue of the visa have been met. Moreover, border Police are entitled to deny entry into the Schengen territory, even if they are in possession of a valid visa, if they deem that the conditions and requirements for entry into the Schengen territory set out in article 5 of the [Schengen Borders Code \(Regulation EC no. 562/2006\)](#) have not been met.
- Except for entry visas for paid or gainful activity, the [Directive of the Ministry of the Interior](#) of 1st March 2000 established the criteria for defining the required financial means and quantifies the subsistence means to prove, under the conditions for entry into the Italian territory and the issue of the visa.
- Within eight (8) days from the date of entry into Italy, foreign nationals must comply with the obligations arising from the rules on the residence in the territory of the Member State, by applying for a residence permit or by declaring their presence according to their type of visa. Procedures are indicated in paragraph “Types of Visas”.
- **Important:** The administrative expulsion order may be made against a foreign national who entered the territory of the Member State by evading border controls, or without having applied for a residence permit, or, when applicable, without having declared their presence within the given deadlines (unless the delay was caused by force majeure). Expulsion may

also be adopted against a foreign national who, despite having legally declared their residence, overstays in the territory of the Member State.

- On the institutional websites of the [Ministry of the Interior](#), the [Ministry of Foreign Affairs and International Cooperation](#), the [Polizia di Stato](#), the [Portale Immigrazione](#) and the [Poste Italiane](#), you can find more detailed information connected with the regulations on immigration, relating to visas, residence permits and declarations of presence, as well as a list of Postal Offices ([Sportello Amico](#)), of [Authorised institutions and Municipalities](#) (see page “Ricerca Strutture” - “Search institutions”) authorised to complete the postal kit for the submission of the residence permit application, including the addresses of the relevant [Questure](#).
- Please note that the procedures set out above refer to the rules and procedures relating to legal residence in the Italian territory. Foreign nationals who although in possession of a Uniform Schengen Visa or a Limited Territorial visa valid for more Member States, exercise the right to free movement and residence in authorised Member States, shall be required to obtain information from the authorities of the other Member State where they are going on the procedures to follow for the declaration of residence and compliance with the residence rules that apply in the territory of that State.
- On the website of the [European Union](#) you can consult the public European Regulations (in different languages) on entry into the Schengen territory and free circulation, amongst which Regulation (EC) 810/2009 ([Visa Code](#)) and Regulation (EC) 562/2006 ([Schengen Border Code](#)).
- Any other information not expressly covered in this Notice or on the above institutional sites may be requested throughout Italy directly from the [Ministry of the Interior](#) or the relevant [Questure](#), that are competent for migration or residence matters.

(*) The countries that apply the Schengen Acquis in full are: Italy, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, The Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland and Hungary.