

Mobility: immigration alert

April 2020

Italy

Update: Coronavirus – assessing the impacts for foreigners in Italy

Executive summary

To counter and contain the spread of the COVID-19 virus, on 31 January 2020 the Italian government declared a state of emergency for 6 months and various measures have been adopted throughout the country since then to restrict movement and social interaction.

The current lockdown is in place until 3 May 2020, even if different deadlines and measures are applicable for some fields and activities.

Travel to Italy and associated quarantine requirements

Entrance and movement within the country is to be avoided except for compelling reasons and all unnecessary travels to Italy should be postponed.

As of 28 March 2020 and until further notice, all travelers entering Italy from abroad are required to carry a detailed form declaring the reasons for their travel, the address where they will be quarantined in Italy, the private means of transport to reach the location and a mobile phone number.

The carriers (e.g. airline company) will check boarding passengers and if their temperature is higher than 37.5°C or they do not have complete documentation, they will not be allowed to depart.

After admission to Italy, travelers will be subject to self-isolation measures for 14 days at a home or hotel, irrespective of their nationality and even if they have no symptoms of COVID-19. Also, a notification of the entrance must be submitted to the competent health department (A.S.L. or A.T.S.).

Only where there is a proven business reason will travel be allowed without the requirement for quarantine. This will be only granted for a stay of up to 72 hours which may be extended for a further 48 hours in critical circumstances. However, the exemptions only apply if the individual has no symptoms of illness.

Visas and matters associated with overstaying

Some Italian Consulates and Embassies abroad have suspended the issuance of visas for Italy. For those already in Italy, the current situation and associated travel bans may result in an overstay of their visa. According to the Schengen Visa Code, those prevented from leaving the country before the expiry of the authorized stay may request an extension of the visa where force majeure, humanitarian reasons or serious personal reasons prevent their departure.

According to the Immigration decree, where the total stay goes beyond the allowed 90-days period in any 180-day period, it may be possible to request a temporary residence permit for “calamity” reasons (Art. 20-bis of Italian Immigration law) to the Authorities.

However, considering that the immigration offices have suspended their activities and consequently, they are not able to process applications for calamity reasons, an automatic extension of the validity of the business/tourist visas may apply until 15 June 2020 (ex art. 103 paragraph 2 Decree 18/2020).

Residence permits and immigration procedures

In light of the situation and in order to employ as much public staff as possible to control the current health situation, the 17 March decree has recently extended the suspension of the terms for processing the applications for issuance and renewal of residence permits and immigration procedures in general.

Barring extraordinary exceptions, all pending applications (including citizenship applications) between 23 February and 15 May 2020 stand suspended and this period shall not be counted towards any deadlines: applications filed during this period will not be processed until 15 May 2020. In addition, and notably, the validity of all permits have been extended: residence permits (permessi di soggiorno) with an expiration date between 31 January and 15 April 2020 will be valid until 15 June 2020.

This does not automatically apply when the residence permit holder goes outside Italy.

Generally speaking, the renewal of the Italian residence permit may be rejected on the ground of prolonged absence from the Italian territory. The extension and duration of the allowed absence varies according to the type and duration of the residence permit.

If the residence permit has an expiry date within the mentioned period and the person wants to travel abroad, or is already outside Italy, it is recommended to obtain advice from an immigration lawyer.

However, the current exceptional situation may justify a prolonged absence (e.g. individual cannot re-enter Italy due to travel bans or health reasons) without jeopardizing the renewal of the permit.

Strong delays in issuance of permits and processing of immigration procedures in general are expected.

General situation in Italy

Following the 9 March Decree of the Italian Presidency of the Council of Ministers, a single Protection Zone for the entire national territory has been created and the entire country is now on lockdown until 3 May.

With 11 March "I stay at home" Decree, people are requested to stay at home and go out only for compelling reasons. All social activities, with all public events and indoor activities (e.g. concerts, fitness centers, theaters) stand suspended. Schools and universities, restaurants, bars have to stay closed and any form of gathering of people is to be avoided.

Other retail commercial activities are suspended, with the exception of food and basic necessities activities which allows newsagents, tobacconists, pharmacies and para-pharmacies to remain open. If leaving home for one of these reasons individuals must observe an interpersonal safety/social distance of one meter. Transport, banking, financial and insurance services must continue, even if a reduction/suppression may be implemented based on actual needs provided that minimum essential services are available.

As of 22 March 2020, it is forbidden to move outside the municipality of one's current localization, except for absolute urgency, health reasons or proven working reasons.

When going out, people must carry masks and a self-declaration attesting the reason for movement. There are mainly pecuniary fines for violation of the measures, but a false statement is a criminal offence.

With a decree on 10 April, the lockdown has been extended until May 3, even if some commercial and industrial activities will be slowly reopened.

Resources

Everyday updates on the situation are shared at the webpage www.salute.gov.it/nuovocoronavirus

For English speakers, the website of the Civil Protection provides information here www.protezionecivile.gov.it/home and official news from the Government can be also found at

http://www.salute.gov.it/portale/news/p3_2_1_1_1.jsp?lingua=italiano&menu=notizie&p=dalministero&id=4228 .

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