



## **YOUR ITALIAN 5-YEARS RESIDENCE CARD IN 3 STEPS**

**By Lara Olivetti**

As a family member to an Italian citizen you are eligible for the 5-years residence card and have free access to work, business, studies, health care and most rights on a par with Italian citizens. This right is for you, no matter what is your nationality.

### **Which family members are entitled to a residence card?**

- > Spouses of the Italian citizen (including registered same-sex partner/spouses)
- > Children until 21 years of age of the Italian citizen and those of the spouse from previous relationships
- > Children above 21 years of age, if maintained by the Italian citizen
- > Parents and grandparents of the Italian citizen
- > Parents of the spouses of the Italian citizen (including registered same-sex partner/spouses)

## **STEP #1 As soon as you arrive in Italy**

If you come from a state listed as visa-free for stays up to 90 days in the EU (such as the USA, Brazil, Argentina and many others) you do not need a visa to enter Italy and apply for a 5-years residence card as a family member to an Italian citizen.

- **Within 48 hours** : the landlord/hotel manager will require your passports and notify your ID data to the local authority of public security (so-called *Dichiarazione di Cessione di fabbricato*);

- **within 8 days**: You shall notify the local Immigration office (Questura). This mandatory application for non-EU citizens is called *Dichiarazione di presenza* (form available on the Italian Police website [at this page](#)\*). They will request documents of your health insurance coverage. So you should provide evidence that you have a health care insurance for your first 90 days stay. NOTE: *If you can apply immediately for a 5-years residence card (Step #4), you may skip this notification/Dichiarazione di presenza* .

(\*) [https://www.poliziadistato.it/statics/14/declaration\\_of\\_presence\\_for\\_eu\\_citizens.pdf](https://www.poliziadistato.it/statics/14/declaration_of_presence_for_eu_citizens.pdf)

## **STEP # 2 Tax code**

If you do not have one, you may now apply for a tax code (Codice fiscale) to the local Agency for Revenues office (Agenzia delle Entrate). There are several offices in each province. You can find more information in English on [the National Agency of Revenues website at this page](#). If you do not request a tax code, the immigration police may give you one when you apply for the residence card.

## **STEP #3 Apply for the 5-years residence card**

As soon as possible, the non\_EU spouse should sign an application for a residence card and bring this list of documents to the local Immigration office (Questura):

1. A copy of your passport (+ show the original)
2. Official record of your relationship to the Italian citizen (*Full form*) with Apostille (and translation into Italian with Apostille) - *depending on your relationship, that might be a marriage/partnership for spouse/reg. partner, a*

*birth record for a parent or a child, etc...).* Please note:

- In case the Italian citizen already registered as a resident in Italy, s/he should already have those official records entered the municipality archive (*Registro dello Stato civile*). In that case, s/he should obtain a certificate from the municipality and you do not need to bring any official record from your country;

- in all other cases, you will need the original record in 2 copies, for the case that the Italian authority has not registered the official record as yet ;

3. Copy of your Italian family member's Italian ID-card or passport
4. Documents proving that the Italian citizen disposes of a sufficient income for supporting both herself and the spouse (e.g. yearly income tax report, credit card and bank account extracts, etc...)
5. Documents proving that you have your residence address in common with the Italian citizen: lease agreement, hospitality statement, etc...
6. Statement of hospitality (*Dichiarazione di ospitalità*, signed by the Italian citizen) form available at this link: [https://www.italiancitizenshipinstitute.org/wp-content/uploads/2020/07/Dichiarazioneospitalita\\_emantenimento.pdf](https://www.italiancitizenshipinstitute.org/wp-content/uploads/2020/07/Dichiarazioneospitalita_emantenimento.pdf)
7. Statement of common residency (*Dichiarazione di residenza e stato di famiglia*, signed by the Italian citizen) form available at this link: [https://www.italiancitizenshipinstitute.org/wp-content/uploads/2020/07/dichiarazioneresidenza\\_statofamiglia-1.pdf](https://www.italiancitizenshipinstitute.org/wp-content/uploads/2020/07/dichiarazioneresidenza_statofamiglia-1.pdf)

### **IMPORTANT:**

It is advisable that the Italian citizen is present and shows her/his Italian ID card when the family member applies for a residence card at the police office (Questura);

- Although the law provides the same rule throughout the territory of Italy, its implementation varies locally. Each local office in charge of residence cards and immigration (Questura) has its own list of documents required to prove the same legal requirements;

- The law leaves it to the discretionary appreciation of the local police to determine if the income is sufficient for supporting the family members. However, they have a legal obligation to give a written decision based on good factual and legal reasons for refusing a residence card;

- Any document issued by a non-Italian authority must be translated into Italian.

Vital records from countries outside of Italy must be in full form and legalised by the Italian Consulate or bear an Apostille stamp. Each document must be translated into Italian and apostilled.

- You can always move freely to other EU countries for up to 90 days every 6 months;

- The regulation concerning the 5-years residence card is laid down in [EU Directive 2004/38/CE](#) (especially in Articles 3 and 10) and in the Italian Decreto legislativo no. 30/2007 (Articles 3, 10 and 23);

### **Losing the right to a residence card**

In some cases, you may lose the right to keep your residence card. That may happen if some relevant facts happen during the first years of residence in the country:

- if the Italian citizen moves her/his residence away from Italy, or dies
- if your marriage or partnership with the Italian citizen ends and your financial resources are too limited for your support (not applicable to parents/grandparents and children)
- if you commit a serious crime or become a danger to public safety;
- If you stay outside of Italy/Schengen area for more than 2.5 years, considering all the periods of your absence together.

NOTE: If you lose your right to a 5-years residence card, you may still have a right to another residence permit.

### **A permanent residence card**

After five years of stay as a family member to an Italian national, you can obtain a *permanent residence card*. That means you have a right on your own to stay, work, study, return etc... There will be no risk to lose your residence card for the issues listed above.

### **Questions?**

We are here to help. Contact Lara Olivetti at

[lara@italiancitizenshipinstitute.org](mailto:lara@italiancitizenshipinstitute.org)