

# MINIMUM STAY REQUIREMENTS IN ITALY UNDER IMMIGRATION LAW IN ITALY

19<sup>th</sup> of February, 2025

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In this article, we address the issue of whether and how long a minimum stay in Italy is required for a non-EU citizen with a residence permit.

Chapter 1 examines the requirements of a minimum stay in Italy to renew the residence permit renewal.

Chapter 2 examines the requirements for a minimum stay in Italy to obtain a long-term residence permit, also commonly referred to as a "permanent" residence permit.



## 1. MINIMUM STAY REQUIREMENTS IN ITALY TO RENEW AND MAINTAIN A RESIDENCE PERMIT

### 1.1. General Rules

Article 13 paragraph 4 of Presidential Decree 394/1999 (Regulation Implementing the Consolidated Immigration Act) stipulates the following requirements to renew a residence permit:

- a) Residence permits of yearly duration can be renewed provided that the stay on Italian territory has not been interrupted for 6 *continuous* months or more. This means that if, for example, over a calendar year, a person comes to Italy one day in mid-June and one day in early December, that person will never have been away from Italy for 6 *continuous* months and therefore will be allowed to renew their residence permit despite having been in Italy for only 2 days over the course of 1 year.
- b) Residence permits of two years or longer may be renewed if the stay on Italian territory has *not* been interrupted for a *continuous* period equal to half the period of validity of the residence permit, or longer. This means that if a person has a residence permit that is valid for *two years*, he or she only has to come to Italy once every 11 months to ensure the renewal of his or her residence permit. In fact, coming to Italy once every 11 months will avoid a continuous 1-year absence from Italian territory.





In any case, continuous periods of absence from Italy exceeding those allowed for renewing the permit can be justified by military obligations abroad, or by other serious and proven health reasons

### ***1.2. Requirement for Residence Card holders as family members of EU citizens***

Family members of EU citizens are eligible to obtain a permit specifically named residence card ("carta di soggiorno") which is valid for 5 years.

The [residence card issued to foreign family members of an Italian or EU citizen residing in Italy](#) retains validity and can be renewed as long as the absence from Italian territory does not exceed six months per year (Art. 10 paragraph 5, Legislative Decree 30/2007).

The rule does not clarify whether the absence from the national territory that prevents the renewal of the residence permit must be *continuous* or can instead also be *cumulative* (adding up all periods spent outside the national territory).

However, by analogy and consistency with the general rules on renewal (see Chapter 1.1), the norm should be interpreted as if only a *continuous* period of absence of *6 months or more* can affect the renewal of the residence permit or result in its revocation. This means that it is sufficient to come to Italy and interrupt the period of absence once every 6 months in order not to lose the residence card.

Even in this case, however, absences of longer duration are permitted for the fulfillment of military obligations, as well as absences of up to twelve consecutive months for relevant reasons, such as pregnancy and maternity, serious illness, study or vocational training, or secondment for employment in another state. In these cases, the holder is required to produce official documentation proving the reasons for the absence.

### ***1.3 No stay requirement for holders of the investor residence permit***

Due to a favorable exception to the general rules, the holder of a [residence permit for investment](#) is exempt from any obligation of continuity of stay for the first 5 years as of the issuance of the first residence permit (Art. 26-bis, paragraph 5 bis of the Immigration Act). Consequently, the only burden related to the stay in Italy is to apply for renewal of the residence permit, which must still be done *in person* in Italy.

## **2. THE CONTINUOUS STAY IN ITALY REQUIRED FOR OBTAINING A LONG-TERM RESIDENCE PERMIT**

*“The rule does not clarify whether the absence from the national territory that prevents the renewal of the residence permit must be continuous or can instead also be cumulative.”*



*“To meet the five-year residency requirement, in the five years before the application, absences from the national territory must never overrun six consecutive months (180 days) and/or 10 months (300 days) in total”*

Foreigners who have held a valid residence permit for at least 5 years, subject to minimum conditions of income and knowledge of the Italian language, can apply for the issuance of the [EU long-term residence permit](#), valid for 10 years and renewable upon expiration.

To meet the five-year residency requirement, in the five years before the application, absences from the national territory must never overrun six consecutive months (180 days) and/or 10 months (300 days) in total, unless the absence is due to military obligations abroad, or from serious and documented reasons inherent to health or family (Article 9 paragraph 6 of the Consolidated Immigration Act).

As applicable with the general rules on renewal, once this type of permit has been obtained, one is not allowed to be absent from the territory for a period longer than 12 *consecutive* months, under penalty of annulment of the permit and/or inability to renew it (Article 9, paragraph 7, lett. d. of the Consolidated Immigration Act).

*On these topics, see also:*

- [Permanent Residence Permit](#)
- [Family Cohesion with EU citizen](#)
- [Residence Permit for Investors](#)



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