



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY

Directorate B : Immigration, Asylum and Borders
Unit B1 : Borders and visas

Brussels, **25 AUG. 2008**
JLS/B1/KOC/D(2008)13215

Ms Bojana [REDACTED]
[REDACTED]

Dear Ms C [REDACTED],

Thank you for your e-mail of 27 May 2008, in which you described your difficulties in applying for a short-stay Schengen visa to visit France, while you are awaiting the renewal of your Italian residence permit. Please accept my apologies for the delay in responding to you.

Third-country nationals holding a residence permit issued by a Schengen state are entitled to travel to other Schengen states for up to three months within a six-month period without a visa, as their residence permits are treated as equivalent to short-stay visas, in accordance with Article 21 of the Schengen Implementing Convention. In accordance with Article 34(a) of the Schengen Borders Code (*Official Journal of the European Union*, L 105 13.4.2006), Member States notify the Commission of the list of residence permits they issue. The Commission regularly publishes updates of this list in the Official Journal and provides interim updates on its website: http://ec.europa.eu/justice_home/doc_centre/freetravel/right/doc_freetravel_rights_en.htm.

According to the most recent Official Journal update of 1 March 2008, Italy declared the "*Special Italian Post Office receipt for residence permit renewal application*" to be a residence permit for the purpose of crossing the external borders without a visa: "*The use of the Special Italian Post Office receipt is possible exclusively in conjunction with the passport of the alien and the expired residence permit. This receipt will be used from 14 December 2007 until 31 March 2008.*" (See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:057:0031:0037:EN:PDF>.)

On 25 July 2008, the Italian authorities informed the Commission as well as the General-Secretariat of the Council that, due to the introduction of electronic residence permits, some delays are continuing to occur in the renewal of residence permits. Accordingly, the Italian authorities have requested that Member States again recognise the Special Italian Post Office receipt for residence permit renewal application as a residence permit for the period of 1 August 2008 to 31 January 2009. This request has been approved and the Border Guards of the other Member States now recognise this document as residence permits valid for the crossing of the external borders without a visa. An update of the list

of residence permits will moreover shortly appear on the abovementioned Commission website.

Accordingly, between 1 August 2008 and 31 January 2009, you do not require a visa to visit France, or any other Schengen State, for up to three months in a six-month period, even while you are awaiting the renewal of your Italian residence permit. During this period the receipt issued to you by the Italian authorities is considered as equivalent to a short-stay visa. Unfortunately, the Italian authorities failed to make a similar notification to cover the period from 1 April to 31 July 2008 and you were not entitled to travel to other Schengen States during that period.

I hope I have been able to clarify your situation.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jan De Ceuster', written over a horizontal line.

Jan De Ceuster

Head of Unit