



# REPUBLIC OF SAN MARINO

**We the Captains Regent  
of the Most Serene Republic of San Marino**

*Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;*

*Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 24 June 2010:*

**LAW NO. 118 OF 28 JUNE 2010 and subsequent amendments**

*[CONSOLIDATED VERSION PREPARED BY THE DEPARTMENT OF FOREIGN AFFAIRS - for internal use only]*

## **LAW ON THE ENTRY AND STAY OF FOREIGNERS IN THE REPUBLIC OF SAN MARINO**

### **TITLE I (GENERAL PRINCIPLES)**

#### **Art. 1 (Purposes)**

1. This Law regulates the requirements for the entry of foreigners in the territory of the Republic of San Marino, the criteria and modalities for the granting to foreigners of stay permits and residence, control procedures and sanctions applicable in case of violation of the rules on the stay of foreigners in the Republic.

#### **Art. 2 (Definitions)**

1. For the purposes of this Law:
  - a) foreigner shall mean any individual who is not a San Marino citizen;
  - b) Schengen area shall mean the territory of the Contracting States to the Schengen Agreement, concluded on 14 June 1985, as supplemented by the implementing Convention of 19 June 1990;

- c) transfrontier worker shall mean any dependent foreign worker employed in the territory, not in possession of residence or stay permit in the Republic of San Marino, resident or domiciled or with a stay permit in the Italian Republic where he/she returns every day;
- d) migrant worker shall mean any foreigner who, for working reasons, temporarily or permanently emigrates to the Republic of San Marino from his/her country of origin;
- e) adequate housing shall mean any building meeting the requirements set forth in Article 3, paragraph 6 of Law no. 110 of 15 December 1994 "Single Text amending the provisions on subsidised housing" and subsequent amendments and integrations;
- f) State of origin shall mean the foreign State of which the foreigner is a citizen or where he/she regularly resides or stays;
- g) State of provenance shall mean the State from which the foreigner enters the territory of the Republic of San Marino;
- h) registered residence shall mean the residence in the Republic of San Marino as it results from the register of the population;
- i) actual residence shall mean the actual residence in the Republic of San Marino as verified by the Gendarmerie;
- l) habitual abode shall mean the actual and permanent stay in the Republic of San Marino, as verified by the Gendarmerie.

### **Art. 3**

*(Rights and duties of foreigners)*

1. Foreigners present on the territory of the Republic of San Marino shall enjoy the fundamental human rights envisaged by the national legislation, the international Conventions in force and the generally recognised principles of international law.
2. Foreigners shall be treated in the same way as San Marino citizens with regard to the jurisdictional protection of legitimate rights and interests.
3. Foreigners present in the Republic of San Marino shall have the right to contact the authorities of the countries of which they are citizens, unless there exist reasoned and serious obstacles related to the administration of justice and the protection of public order and national security.
4. Foreigners present on the Republic's territory shall be required to comply with the obligations provided for by the law.

### **Art. 4**

*(Notification of measures concerning foreigners)*  
*[amended by Art.1 of Delegated Decree no. 3/2011]*

1. When a foreigner does not understand Italian, measures concerning him/her relative to entry, stay, deportation and expulsion shall be translated, also synthetically, into a language of his/her choosing among English, French, Spanish or Russian.
2. The Gendarmerie may notify the measures by informing the interested person of the relevant content through an interpreter.

**TITLE II**  
**(ENTRY AND STAY IN THE REPUBLIC OF SAN MARINO)**

**Art. 5**

*(Entry in the Republic of San Marino)*

1. The entry and stay in the territory shall be allowed to foreigners holding a valid passport or equivalent document.
2. In order to enter and stay in the territory, foreigners coming from States not party to the Schengen Agreement shall hold, if required, a valid visa for the entry, transit or stay in a Member State of the Schengen area. This provision shall also apply to the workers referred to in Article 11, who shall hold such visa at the time when they are granted the stay permit.
3. Any foreigners who have been expelled or deported from the territory shall not enter the Republic, unless they have obtained the necessary authorisation to return by the Congress of State (Government). Also foreigners indicated by the competent authorities of other States on account of serious issues of security, public order and protection of international relations shall not enter the Republic.

**Art. 6**

*(Stay in the Republic of San Marino)*

1. In order to stay in the territory for a period of time exceeding twenty days, foreigners shall hold a stay permit or residence.
2. Foreigners intending to stay in the territory for a period of time exceeding that indicated in the preceding paragraph shall be required, within said time-limit, to personally submit to the Gendarmerie - Foreigners' Office an application for the stay permit.
3. Foreigners applying for stay permits shall be subject to identity screening involving description, photographing and fingerprinting.

**Art. 7**

*(Types of stay permits)*

1. The following types of stay permits shall be issued:
  - a) for tourist purposes;
  - b) special;
  - c) for employment;
  - d) ordinary;
  - e) extraordinary.
2. The measures concerning the issuance, extension, renewal, revocation and conversion of stay permits referred to in letters a), b) and c) of the preceding paragraph shall be adopted by the Gendarmerie - Foreigners' Office in conformity with the provisions of this Law.
3. *[amended by Art. 2 of Delegated Decree no. 3/2011]* The measures concerning the issuance and revocation of stay permits referred to in the preceding paragraph 1, letters d) and e) shall be adopted by the Congress of State after having received the mandatory positive opinion of the Gendarmerie - Foreigners' Office. The measures concerning the renewal of these permits shall be adopted by the Gendarmerie - Foreigners' Office only if the requirements envisaged by the law continue to be met and, if applicable, only where the other conditions indicated in the Congress of State's decision to grant the permit are satisfied.
4. Upon issuance of the stay permit, foreigners shall be provided with a notice written in Italian or, if they do not understand Italian, in a language of their choosing among English, French, Spanish or Russian. This notice shall mention the rights and duties of foreigners, as well as

sanctions applicable in case of violation of the rules governing the entry and stay in the Republic of San Marino.

5. *[introduced by Art. 3 of Delegated Decree no. 3/2011]* In the exercise of the functions specified in this Article, the Gendarmerie - Foreigners' Office may request the interested person to produce further documents deemed necessary to deal with the case.

#### **Art. 8**

*(Stay permit for tourist purposes)*

1. Stay permits for tourist purposes shall be issued to foreigners intending to stay in the Republic of San Marino for tourist or visiting purposes.
2. This permit shall be valid for a maximum of ninety days every six months.
3. Foreigners holding stay permits for tourist purposes shall not carry out any working activity and shall have no right to receive health assistance free of charge, or economic or welfare assistance from the Social Security Institute and the State.
4. Foreigners intending to stay in the territory for tourist and visiting purposes for a period of time exceeding twenty days shall be required to stipulate an adequate insurance policy valid in the Republic of San Marino and covering sickness, accident and maternity, as well as for emergency hospitalisation and return costs, with a minimum coverage to be indicated in the implementing Regulations referred to in Article 36.
5. When a foreigner holding a stay permit for tourist purposes is found by the Gendarmerie or the officials of the Inspectorate Section of the Labour Office to carry out a working activity, the Gendarmerie - Foreigners' Office shall immediately revoke the permit and deport the foreigner from the territory, without prejudice to the other sanctions envisaged by the laws in force.

#### **Art. 9**

*(Special stay permit)*

1. Special stay permits shall be issued to foreigners intending to stay in the Republic of San Marino for the following purposes:
  - a) education;
  - b) sports;
  - c) treatment, assistance, rehabilitation and rest;
  - d) religion.
2. Special stay permits for education purposes shall be issued to foreigners actually attending upper high school and university courses for the duration of the courses and, in any case, for a maximum of one year.
3. In case of multi-year university courses, special stay permits for education purposes may be renewed upon expiry, provided that foreigners have passed at least one third of the exams included in the curriculum of the preceding academic year.
4. Special stay permits for sports purposes shall be issued to foreign athletes of national interest, as well as to foreign coaches or trainers, who perform their activities within sports clubs affiliated to San Marino National Olympic Committee (CONS), for a maximum duration of eleven months per year. Such permits may be renewed for the same duration, provided that the requirements necessary for their issuance are still met. Professional athletes competing for San Marino sports clubs and holding an authorisation for employment or employment contract approved and registered by the Labour Office, may be granted special stay permits for sports purposes for a maximum duration of one year. Such permits may be renewed for the same duration, provided that the requirements necessary for their issuance are still met.
5. Without prejudice to bilateral conventions regulating this issue in a different way, foreigners holding special stay permits for education or sports purposes shall not be entitled to receive health assistance free of charge, or economic or welfare assistance from the Social Security Institute and

the State. Foreigners intending to apply for this kind of permit shall be required to stipulate an adequate insurance policy valid in the Republic of San Marino and covering sickness, accident and maternity, and to submit documents demonstrating that they have sufficient means of subsistence, as well as an adequate housing for the entire duration of their stay.

6. Stay permits for treatment, assistance, rehabilitation and rest purposes shall be issued to foreigners, and to any family member accompanying them, intending to make use, fully at their own cost, of assistance, treatment, rehabilitation and rest at the State Hospital or other San Marino public or private health, social, rehabilitation and assistance facilities, for the entire duration of their hospitalisation or stay in such facilities.

7. Whenever a foreigner holding a special stay permits for education or assistance, treatment, rehabilitation and rest purposes is found by the Gendarmerie or the officials of the Inspectorate Section of the Labour Office to carry out a working activity, the Gendarmerie - Foreigners' Office shall immediately revoke the permit and deport the foreigner from the territory.

8. Stay permits and residence granted to ministers of the Catholic religion shall be regulated by the agreement concluded with the Holy See, ratified with Decree no. 47 of 30 June 1992.

9. For religions other than the Catholic one, by way of derogation from Article 7, paragraph 2, stay permits and residence shall be granted by the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, upon a reasoned proposal by the Congress of State and after having received the reasoned and mandatory positive opinion of the Gendarmerie - Foreigners' Office.

#### **Art. 10**

##### *(Stay permit for employment)*

1. Stay permits for employment shall be issued to foreigners holding a work permit granted by the Labour Office according to the numbers and under the conditions envisaged by the law.

2. Stay permits for employment shall be:

- a) seasonal, with a maximum validity of eleven consecutive months per year; such permits may be renewed annually;
- b) temporary, with a maximum validity of eleven consecutive months per year; such permits may be renewed annually;
- c) special, for San Marino ship crews, with a validity not exceeding the duration of the employment contract, and in any case not exceeding eleven consecutive months per year; such permits may be renewed annually;
- d) *[introduced by Art.4 of Delegated Decree no. 3/2011]* special, for nurses working at the State Hospital, with a validity up to twelve consecutive months per year; such permits may be renewed annually;
- e) *[introduced by Art.1 of Law no. 91/2012]* special, for professors having an employment contract with the University of the Republic of San Marino requiring their weekly repeated presence in the territory, with a validity up to twelve consecutive months; such permits may be renewed annually.

3. Provided that the entry quotas under the delegated decree referred to in Article 19 are met, seasonal stay permits for employment may be issued to foreigners working in the tourist, hotel, commercial and agricultural sectors, who hold an authorisation for employment, granted upon specific request of the employer, to perform specific tasks connected with seasonal needs.

4. Temporary stay permits for employment may be issued to foreigners working in sectors other than those indicated in the preceding paragraph and established in the delegated decree referred to in Article 19, who hold an authorisation for employment, granted upon specific request of the employer, to perform specific tasks for a limited and fixed period of time.

5. Foreigners holding stay permits for employment shall be treated in the same way and shall have the same rights and duties as San Marino citizens and as resident foreigners with regard to the provision by the Social Security Institute of the following:

- a) health assistance;
  - b) temporary economic benefits;
  - c) life-long economic benefits;
  - d) allowances referred to in Decree no. 15 of 26 April 1976 and subsequent amendments and integrations for dependant family members holding ordinary stay permits.
6. To be issued a stay permit for employment, foreigners shall submit to the Gendarmerie - Foreigners' Office a certified copy of the employer's statement referred to in Article 12, as well as the authorisation for employment.
7. Seasonal or temporary migrant workers shall be required to meet the conditions indicated in the stay permit and to return to their State of provenance upon expiry of such permit. In this case, they shall have a priority right of return to San Marino in the following year for reasons of seasonal or temporary employment compared to citizens of their country who have never regularly entered the territory for employment purposes.
8. Stay permits for employment shall not be issued to transfrontier workers.

### **Art. 11**

*(Special stay permit for seafarers)*

1. *[amended by Art. 2 of Law no. 91/2012]* Crew members employed with a regular contract, referred to in Articles 3 and 4 of Delegated Decree no. 103 of 3 July 2008, shall hold, if required under the legislation in force, a special stay permit for seafarers issued by the Gendarmerie - Foreigners' Office.
2. Special stay permits for seafarers, of a maximum duration of eleven months per year, may be renewed but shall not in any way exceed the duration of the employment contract.
3. Stay permits envisaged in this Article shall be valid only to perform navigation activities under the employment contract and shall not be converted into other types of permits.
4. Stay permits envisaged by this Article shall be applied for by ship owners or seafarers.
5. The Gendarmerie shall verify that the size of the crew, for whom the stay permit under this Article is requested, be proportional to the size of the ship.

### **Art. 12**

*(Authorisation for employment of migrant workers)*

1. Without prejudice to the provisions in force in the field of employment, in order to obtain the authorisation for employment of migrant workers, the employer shall be required to submit to the Labour Office a statement containing:
  - a) a guarantee by the employer that adequate housing is available to the worker;
  - b) information on the tasks to be performed by the foreign worker and a commitment by the employer to report any changes relative to the employment relationship, in any case in the context of the types of employment under Article 19;
  - c) a guarantee by the employer concerning the payment of travel expenses for the return of the worker to his/her country of origin.
2. The above statement shall be made by compiling specific forms available at the Labour Office and shall be rendered personally by the interested party in the presence of an official of the Office.
3. The authorisation for employment of migrant workers shall be issued by the competent public Bodies and Offices in compliance with the delegated decree referred to in Article 19.
4. *[amended by Art.5 of Delegated Decree no. 3/2011]* Workers coming from non-Schengen countries shall hold a valid visa to enter the Schengen area, if this is envisaged by the Schengen Agreement. This provision shall apply to all types of stay permits for employment regulated by this Law, including those envisaged by the preceding Article.

**Art. 13**  
(*Ordinary stay permit*)

1. Ordinary stay permits may be issued to foreigners for family reunification and their duration depends on the duration of the residence of the first family member to whom such residence was granted.

2. *[amended by Art.6 of Delegated Decree no. 3/2011]* Resident foreigners or foreigners holding, at the time of the entry into force of this Law, an ordinary or special permanent stay permit may request that an ordinary stay permit be issued to the following family members:

- a) not legally separated spouses, in relation to whom no proceedings are pending for separation, dissolution or termination of the civil effects of marriage, or annulment of the marriage;
- b) dependant children aged twenty-five or less, either legitimate, acknowledged natural or adoptive, provided that they are not married or cohabiting and, in case of minors, provided that the other parent, if known and alive, has consented or such consent has been given by the judicial authority;
- c) dependant children, either legitimate, acknowledged natural or adoptive, if unable to earn a livelihood due to disability or for reasons of studies.

Except for reasons of force majeure, to be duly demonstrated by the applicant for the permit, family reunification shall be requested within twelve months following the date of immigration to San Marino by the applicant.

3. Ordinary stay permits may also be issued to persons cohabiting with a San Marino citizen or a foreigner having a registered and actual residence in the Republic, following the birth of a child acknowledged by both parents. The interested persons shall not be married, or, in case of marriage, they shall have obtained legal separation. Applications for stay permits shall also be signed by the cohabitant residing in San Marino.

4. Foreigners requesting family reunification shall demonstrate availability of the following:

- a) adequate housing for themselves and their family members, for whom reunification is requested;
- b) annual income sufficient to support themselves and their family members, for whom reunification is requested; The minimum income shall be indicated annually in the delegated decree referred to in Article 19.

5. Ordinary stay permits shall have a duration of one year and may be renewed upon their expiry.

6. *[amended by Art.2 of Decree Law no. 204/2011]* In the case referred to in paragraph 2, letter

a) of this Article, the stay permit shall be immediately revoked if it is established that the spouses, after marriage, have not actually cohabited for at least 5 years, except when the couple has a minor child at the date of the separation, dissolution or termination of the civil effects of marriage, or annulment of the marriage. The revocation of the stay permit shall also apply to children from another marriage or relationship. The revocation measure shall take effect 120 days following the date of adoption of such measure.

7. Ordinary stay permits issued to foreigners included in the categories referred to in the preceding paragraphs 2, letters a), b) and c), and 3 shall entitle minors to enrol in education or vocational training courses.

8. If those entitled to ordinary stay permits are not covered against sickness, accident and maternity, they shall be required to stipulate an adequate insurance policy valid in the Republic of San Marino, the characteristics of which shall be established in the implementing Regulations referred to in Article 36.

9. *[introduced by Art.1 of Decree Law no. 170/2011]* As an alternative to what envisaged in Article 16, paragraph 1, letter a) of this Law, foreign spouses of San Marino residents may apply for the ordinary stay permit for family reunification referred to in this Article.

10. *[introduced by Art.1 of Decree Law no. 170/2011]* Citizens by naturalisation or marriage may apply for ordinary stay permits referred to in paragraph 2, letter b) of this Article for their children born prior to the acquisition of San Marino citizenship.

#### **Art. 14**

*(Extraordinary stay permit for humanitarian reasons of social protection )*

1. Extraordinary stay permits may be granted to foreigners for specific humanitarian reasons of social protection. Holders of extraordinary stay permits for humanitarian reasons of social protection shall be entitled to receive health assistance and temporary economic benefits from the Social Security Institute and shall have the possibility to work in the Republic of San Marino.
2. Extraordinary stay permits shall be temporary and may be renewed annually until the reasons for social protection exist.

#### **Art. 15**

*(Cohabitation, parental or minors' permits)*

1. Citizens and foreigners having a registered and actual residence in San Marino may apply for the following types of permit:
  - a) cohabitation permits, to be issued to a foreigner with whom they intend to cohabit;
  - b) parental permits, to be issued to their parents or their spouse's parents, who are no longer of working age, not self-sufficient and whose children are all residents or holders of a stay permit in San Marino.
2. Applicants for such permits shall be required to:
  - a) demonstrate the availability of a housing adequate for the household they intend to establish;
  - b) demonstrate that their annual income is sufficient to support the household they intend to establish or, in case of parental permit, that their parents' income is sufficient for their maintenance;
  - c) if those entitled to the permits referred to in this Article are not covered against sickness, accident and maternity, stipulate an adequate insurance policy valid in the Republic of San Marino to cover such risks, the characteristics of which shall be established in the implementing Regulations referred to in Article 36.
3. Cohabitation and parental permits shall be granted by the Gendarmerie - Foreigners' Office for one year and may be renewed for the same period of time.
4. The loss of the status of cohabitant shall entail the immediate revocation of the cohabitation permit and deportation from the territory.
5. *[amended by Art.7 of Delegated Decree no. 3/2011]* Holders of cohabitation permits shall have the possibility to work in San Marino through the issuance of permits for transfrontier workers, in compliance with the legislation in force and in priority to transfrontier workers.
6. If the requirements under paragraph 1, letter b) of this Article are not met, the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration may grant parental permits, through a reasoned decree, in case of serious social or family conditions requiring the presence of the parent in the household, and provided that the conditions under paragraph 2 above are met.
7. Married or cohabiting foreigners who are both the holders of a stay permit for employment in San Marino may request that a minors' permit be issued to the minor child from their marriage or cohabitation. The duration of this permit shall depend on the time of validity of the parents' stay permit. This permit shall be issued by the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration and shall entitle the interested person to enrol in education and vocational training courses.
8. *[introduced by Art.8 of Delegated Decree no. 3/2011]* Foreigners holding cohabitation permits may request that a minors' permit, under this Article, shall be issued to:



- a) dependant children aged twenty-five or less, either legitimate, acknowledged natural or adoptive, provided that they are not married or cohabiting. In case of minors, the other parent, if known and alive, shall be required to consent or such consent shall be given by the judicial authority;
- b) dependant children, either legitimate, acknowledged natural or adoptive, if unable to earn a livelihood due to disability.

The permit referred to in this paragraph shall be issued by the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration and shall entitle the interested person to enrol in education and vocational training courses.

9. *[introduced by Art.9 of Delegated Decree no. 3/2011]* Foreigners holding special stay permits for sports purposes may request that a cohabitation or minors' permit, under this Article, be issued to:

- a) not legally separated spouses, in relation to whom no proceedings are pending for separation, dissolution or termination of the civil effects of marriage, or annulment of the marriage;
- b) dependant children aged twenty-five or less, either legitimate, acknowledged natural or adoptive, provided that they are not married or cohabiting. In case of minors, the other parent, if known and alive, shall be required to consent or such consent shall be given by the judicial authority;
- c) dependant children, either legitimate, acknowledged natural or adoptive, if unable to earn a livelihood due to disability.

The duration of this permit shall depend on the time of validity of the special stay permit for sports purposes of the holder.

The permit referred to in this paragraph shall be issued by the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration and shall entitle the interested person to enrol in education and vocational training courses.

10. *[introduced by Art.2 of Decree Law no. 170/2011]* Measures concerning the renewal and extension of parental, cohabitation and minors' permits under this Article, granted by the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, shall be adopted by the Gendarmerie - Foreigners' Office if the requirements applicable at the time of the issuance are still met and, if necessary, if the other conditions indicated in the decision to grant the permit are satisfied.

## **Art. 16** (Residence)

1. Residence shall be granted by the Registrar:
  - a) to the spouse of a San Marino citizen who resides in the Republic, by virtue of marriage;
  - b) *[amended by Art.10 of Delegated Decree no. 3/2011]* to the child of a San Marino citizen by virtue of Law no. 114 of 30 November 2000, as amended by Law no. 84 of 17 June 2004.

If the interested person has been convicted by a criminal judgement having the force of res judicata and punished with imprisonment or disqualification for a term exceeding one year or with equivalent punishments abroad for intentional crimes, the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, upon proposal of the Congress of State, shall consider whether to grant residence taking into account the nature of the crime and when it was committed.

2. *[amended by Art.11 of Delegated Decree no. 3/2011]* The Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration shall grant residence, after verifying that the relevant requirements are met, to foreigners actually living on a permanent basis in the Republic of San Marino, to whom an ordinary stay permit has been issued under Article 13, once a period of five consecutive years has elapsed from the date of issuance of the stay permit. The Commission may, through a reasoned decree, refuse to grant residence. The Parliamentary

Commission may extend the granting of residence to minor children already holding a stay permit and permanently cohabiting with the foreign parent, irrespective that five years have elapsed as envisaged by the law. Similarly, the Commission may extend the granting of residence to dependant children between 18 and 25 already holding a stay permit at the time when residence is granted to the parent, and who permanently live with the latter, provided that they are not married or cohabiting.

3. The Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, upon proposal of the Congress of State, and having received the mandatory positive opinion of the Gendarmerie, shall have the power to grant registered residence to foreigners who:

- a) hold managerial or primarily important positions in San Marino health or socio-health facilities, in banking, insurance and financial institutions or in the field of public security;
- b) hold managerial positions in companies incorporated under San Marino law and having a significant number of employees;
- c) invest or have already invested capital in San Marino, also through controlled companies, in productive activities, by undertaking to employ a certain number of workers, buy industrial plants, submit a business plan or invest capital in research activities or in sectors of particular interest to San Marino.

Residence shall not be granted in the cases provided for by paragraphs 1 and 2 of the following Article.

The Commission shall also grant registered residence to first instance judges who shall mandatorily reside in the Republic of San Marino.

4. Residence shall be granted:

- a) on a permanent basis, in the cases referred to in paragraph 1 of this Article. However, such residence shall be revoked if the interested person has ceased to habitually reside in the territory for more than six months or, with regard to the spouse, in the cases envisaged by paragraph 6 of the following Article;
- b) for the duration of the professional and working activity carried out in the Republic of San Marino in the cases envisaged by paragraph 3 of this Article, without prejudice to any exemptions for stays exceeding this period, which may be granted by the Commission with a reasoned decree.

5. The implementing Regulations referred to in Article 36 shall establish the procedures, additional documents that the applicant is required to submit to obtain residence, as well as information to be provided by employers in the cases envisaged by the paragraph 3, letters a) and b) above.

6. The Registrar shall directly enter, by birth, the interested person in the Register of the residing population:

- a) when only one applicant parent is a San Marino citizen residing in the territory;
- b) when both foreign parents reside in the territory, or only the mother is resident;
- c) when the foreign father is resident and the mother holds a stay permit.

### **Art. 17**

*(Prohibitions for the granting and cases of revocation of stay permits and residence)*

1. Stay permits shall not be granted whenever criminal proceedings for intentional crimes, punishable with imprisonment or disqualification for a term exceeding one year, or with equivalent punishments abroad, are pending in San Marino or abroad.

2. Stay permits shall not be granted or renewed in the following cases:

- a) if the interested person has been convicted, in San Marino or abroad, of intentional crimes and has been punished with imprisonment or disqualification for a term exceeding one year;
- b) if there are important reasons of public order and security;
- c) if the interested person was subject, during the preceding ten years, to measures of expulsion from San Marino;

- d) if the interested person was subject to a deportation measure under Article 33;
  - e) if the interested person was subject, during the preceding ten years, to a measure for the revocation of the stay permit or residence following the establishment of irregularities concerning his/her position;
  - f) if there are conditions preventing the entry, transit or stay in Schengen countries, either reported or known to the Gendarmerie.
3. Moreover, stay permits shall not be renewed if the interested person no longer has his/her habitual abode in the Republic of San Marino.
4. Stay permits shall be revoked in the following cases:
- a) the interested person no longer has his/her habitual abode in the Republic of San Marino;
  - b) if the conditions referred to in the preceding paragraph, letters a), b) and f) apply;
  - c) if the interested person is subject to a measure of expulsion from San Marino;
  - d) *[amended by Art.12 of Delegated Decree no. 3/2011]* if the interested person no longer meets the requirements and/or conditions at the basis of the first issuance of the permit. The interested person who has obtained the stay permit due to its cohabitation with a San Marino citizen or a foreigner residing in the Republic, following the birth of children acknowledged by both parents, shall be entitled to the renewal of the stay permit also in case of termination of cohabitation, provided that the children continue to reside in San Marino and that the interested person continues to habitually reside in the Republic;
  - e) if police authorities or the officials of the Inspectorate Section of the Labour Office find the foreigner holding a stay permit for employment to carry out a working activity other than that for which the permit has been granted;
  - f) if police authorities or the officials of the Inspectorate Section of the Labour Office find the foreigner not holding a stay permit for employment to carry out a working activity;
5. *[amended by Art.3 of Law no. 91/2012]* Residence shall be revoked by the Registrar if the interested person has ceased to habitually reside in the territory for more than six months, or if the competent authorities, the interested person or the employer report the changing of residence or the termination of the activities in San Marino, on the basis of which residence has been granted under Article 16, paragraph 3 of this Law. Residence may also be revoked by the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration in the cases envisaged by paragraph 2 of this Article.
6. *[amended by Art.4 of Decree Law no. 204/2011]* In the case referred to in paragraph 1, letter a) of Article 16, residence shall be immediately revoked in case of legal or *de facto* separation, dissolution or termination of the civil effects of marriage not preceded by separation, or annulment of the marriage, if the spouses, after marriage, have not actually cohabited for at least 5 years, except when the couple has minor children at the date of the separation, dissolution or termination of the civil effects of marriage, or annulment of the marriage. The revocation of residence shall also apply to children from another marriage or relationship. The revocation measure shall take effect 120 days following the date of adoption of such measure.
7. In case of refusal to issue or renew the stay permit and to grant residence, or when these are revoked, the applicant shall not submit a new application unless at least 180 days have elapsed from the date of notification of the decision. In the meantime, the applicant shall be required to leave the territory of the Republic.

### **Art. 18**

#### *(Special provisions concerning the revocation of the stay permit for employment)*

1. If foreigners holding a stay permit for employment lose their job, such stay permit shall not be immediately revoked, except in case of resignation.
2. However, stay permits for employment shall be revoked in the following cases:

- a) if a foreigner holding a seasonal stay permit for employment, within three months from the date of termination of the working relationship for which the stay permit was granted, fails to find a new job of the same type provided for in Article 19. To this end, the migrant worker, who has become unemployed, is entered, for a maximum period of three months, into a special list kept with the Labour Office;
  - b) if a foreigner holding a temporary stay permit for employment, within three months from the date of termination of the working relationship for which the stay permit was granted, fails to find a new job of the same type provided for in Article 19. To this end, the migrant worker, who has become unemployed, shall be entered, for a maximum period of three months, into a special list kept at the Labour Office;
3. Without prejudice to the quotas envisaged by the delegated decree referred to in the following Article, those entered into the lists mentioned in paragraph 2 above shall have priority of employment compared to migrant workers who have never been granted any stay permit for employment in San Marino.
4. Regulations referred to in Article 36 shall govern issues relative to health insurance during the period in which the holder of the stay permit does not carry out any working activity.

#### **Art. 19**

*(Delegated decrees regulating migration flows for employment reasons and for extraordinary needs)*

1. By 30 November of each year, the Congress of State shall adopt a delegated decree fixing the maximum number of stay permits referred to in letter c), paragraph 1 of Article 7, which may be granted to foreigners in the year following that of adoption of the decree.
2. The maximum number of stay permits for employment to be issued every year in relation to each type of permit as indicated in Article 10, paragraph 2, shall be established by the Congress of State on the basis of the indications provided by professional associations and trade unions, after having received the mandatory positive opinion of the Gendarmerie - Foreigners' Office and the Labour Office. To this end, the Labour Office shall provide indications, detailing qualifications and tasks, on employment trends and unemployment rates, job vacancies remained unfulfilled for unavailability of citizens, resident or transfrontier workers, as well as on the number and professional skills of any migrant workers included in the lists mentioned in Article 18, paragraph 2.
3. The delegated decree referred to in this Article shall also establish the working sectors and tasks for which the employment of migrant workers is possible, by specifically indicating the types of work in relation to which seasonal or temporary stay permits may be issued.
4. It shall be possible to resort to migrant workers only when citizens, resident foreigners or transfrontier workers are not available.

### **TITLE III**

## **(CONTROL OVER THE ENTRY AND STAY OF FOREIGNERS IN THE REPUBLIC OF SAN MARINO)**

#### **Art. 20**

*(Reporting obligations)*

1. Managers of accommodation facilities under Articles 14, 15, 16, 17, 18 and 19 of Law no. 22 of 27 January 2006, as well as real estate owners, or occupiers under the law or a contract, who host or accommodate a foreigner, against payment or free of charge, shall require the submission of

a valid identity document and of personal details. Personal details of the foreigner, the duration and reasons of his/her stay in the Republic, as well as the details of the passport or identity document shall be reported to the Gendarmerie - Foreigners' Office, or to the single Brigades of the Gendarmerie, within 24 hours of arrival, also by fax or other computer instruments to be established in the Regulations referred to in Article 36.

2. Managers of accommodation facilities under Articles 14, 15, 16, 17, 18 and 19 of Law no. 22 of 27 January 2006 shall also be required to take note, in specific paper or computerised registers, of the personal details of their guests and to visibly display a notice board indicating the reporting obligations relative to foreigners' presence and stay in the Republic.

3. The notice board referred to in the preceding paragraph shall be provided by the Gendarmerie - Foreigners' Office.

### **Art. 21**

*(Subjects exempt from reporting obligations and/or from obtaining stay permits)*

1. Reporting obligations under the preceding Article shall not apply to the following categories of foreigners who stay in the Republic:

- a) diplomatic and consular representatives accredited to the Republic of San Marino;
- b) diplomatic and consular representatives of the Republic of San Marino;
- c) spouses and dependant children of diplomatic and consular representatives referred to in letters a) and b) above.

2. If the foreigners mentioned in the preceding paragraph intend to stay in the territory for a period exceeding twenty days, they shall be exempt from obtaining a stay permit for tourist purposes. In these cases, the Department of Foreign Affairs, upon indication of the interested diplomatic and consular representations, shall report to the Gendarmerie - Foreigners' Office the details concerning the stay in San Marino of said foreigners.

### **Art. 22**

*(Foreigners' identification)*

1. At any time, foreigners, even if in possession of a regular stay permit or residence, may be requested by the Gendarmerie to provide information and clarifications on themselves and on the reasons of their presence on the territory of the Republic, as well as, in case of well-grounded reasons, on the existence of an income from employment or other sources sufficient for their own maintenance and that of any cohabiting family members on the territory of the Republic. To this end, the stay permit, the passport or any other identification document shall be shown to the Gendarmerie upon request.

2. When there are reasonable doubts about the personal identity of a foreigner, the procedures envisaged in Article 2 of Law no. 97 of 25 July 2003 shall apply.

### **Art. 23**

*(Exit from and return to the territory)*

1. Foreigners holding a stay permit shall be required to inform in advance the Gendarmerie - Foreigners' Office of the following:

- a) their intention to leave the territory of the Republic and remain away for more than 30 days;
- b) their return to the Republic after remaining away for more than 30 days;
- c) any change in their place of stay.

#### **Art. 24**

*(Prohibition to host or accommodate a foreigner not holding the stay permit)*

1. Managers of accommodation facilities under Articles 14, 15, 16, 17, 18 and 19 of Law no. 22 of 27 January 2006, as well as real estate owners, or occupiers under the law or a contract, shall not host or accommodate a foreigner, against payment or free of charge, for a period of time exceeding twenty days if the foreigner does not hold a stay permit.

#### **Art. 25**

*(Acquisition of real estate located on the territory by foreigners)*

1. The acquisition of real estate located on San Marino territory shall not be subject to the prior authorisation of the Council of the Twelve (Section XXXIV, Book III of the Statutes) in case of a foreigner who is descendant in the direct line, or the foreign spouse, of a deceased San Marino citizen or foreign resident, who have inherited the real estate under a disposition of property upon death or through intestate succession.

#### **Art. 26**

*(Provisions regulating the conclusion of contracts relative to the grant of use of real estate to foreigners)*

1. The contract on the basis of which a foreigner occupies the real estate located in San Marino for the purposes of his/her accommodation shall explicitly mention, under pain of nullity, that the foreigner holds a stay permit. This document shall be attached, under pain of nullity, to the contract.  
2. The Registry and Mortgage Office shall not register the contracts or acts referred to in the preceding paragraph if not accompanied by a copy of the stay permit.

#### **Art. 27**

*(Provisions regulating water, electricity and gas supply contracts)*

1. Before concluding water, electricity and gas supply contracts, the Public Utilities State Corporation (AASS) shall be required to verify that the applicant holds an adequate document, regularly registered by the Registry and Mortgage Office, demonstrating that he/she occupies the real estate for which the supply application has been submitted.

### **TITLE IV**

#### **(COOPERATION AMONG POLICE CORPS AND AMONG PUBLIC OFFICES AND MONITORING OF IMMIGRATION FLOWS)**

#### **Art. 28**

*(Cooperation among Police Corps)*

1. The Corps of the Gendarmerie, Civil Police and Fortress Guard shall be required to cooperate and coordinate their activities at a technical and operational level in order to guarantee in the most effective way that the provisions of this Law be complied with, and to combat crime connected with illegal immigration.

### **Art. 29**

#### *(Register of foreigners present in the Republic)*

1. The Gendarmerie - Foreigners' Office shall constantly update the register of foreigners present in the Republic.
2. For the purposes of the preceding paragraph, the Labour Office shall be required to transmit the following to the Gendarmerie - Foreigners' Office:
  - a) the names and data of migrant workers employed, in any way, by employers operating in the Republic of San Marino;
  - b) copy of the special lists referred to in Article 18, paragraph 2.
3. Moreover, the Gendarmerie - Foreigners' Office shall be required to inform the Register Office - Population and Electoral Services of the decisions to grant, renew and revoke ordinary, employment and extraordinary stay permits.

### **Art. 30**

#### *(Annual report on the granting of stay permits and residence)*

1. The Gendarmerie - Foreigners' Office shall prepare an annual detailed report on the granting of stay permits and residence. This report shall be transmitted to the Congress of State by 30 September of each year.
2. The Congress of State shall submit the report mentioned in the preceding paragraph to the Great and General Council in the same sitting fixed for the ratification of the delegated decree referred to in Article 19.

## **TITLE V (SANCTIONS)**

### **Art. 31**

#### *(Administrative sanctions)*

1. Anyone violating the provisions of Article 20 shall be punished, for the first violation, with an administrative pecuniary sanction of €1,000.00 and, for the second violation, of €2,000.00.
2. Anyone violating the provisions of Article 24 shall be punished, for the first violation, with an administrative pecuniary sanction of €2,000.00 and, for the second violation, of €5,000.00 for each foreigner illegally hosted.
3. Foreigners violating the provisions of Article 23 shall be punished, for the first violation, with an administrative pecuniary sanction of €750.00 and, for the second violation, of €1,500.00.
4. Employers who, in breach of the commitment undertaken by signing the statement under Article 12, paragraph 1, fail to report to the Labour Office any changes relative to the employment relationship with the interested foreigner, shall be punished, for the first violation, with an administrative pecuniary sanction of €1,000.00 and, for the following violations, of €2,000.00.
5. The sanctions referred to in the preceding paragraphs 1, 2 and 3 shall be applied by the Commander of the Gendarmerie; the sanction mentioned in paragraph 4 above shall be applied by the Director of the Labour Office.
6. These pecuniary sanctions shall be updated with a delegated decree and an administrative appeal may be lodged against them under Title IV of Law no. 68 of 28 June 1989.

**Art. 32**  
(*Criminal sanctions*)

1. Anyone submitting false or counterfeit documents, or false statements supporting the application for a stay permit or residence, shall be punished with second degree imprisonment or arrest or with third degree daily fine under Article 297 of the Criminal Code, in addition to the rejection of the application or the revocation of the stay permit or residence.
2. Anyone counterfeiting or forging a stay permit or residence document, or counterfeiting or forging documents in order to cause the granting of a stay permit or residence, shall be punished with second degree imprisonment. If a document, or part thereof, considered *prima facie* evidence pending the introduction of proceedings challenging it as a forgery, is found to be false, the highest degree of imprisonment shall apply. If the offence is perpetrated by a public official, third degree imprisonment and disqualification from public offices shall apply.
3. Foreigners who, without justified reason, fail to submit information or documents necessary to their identification in breach of Article 22 shall be punished with first degree imprisonment or second degree daily fine.
4. *[amended by Art.13 of Delegated Decree no. 3/2011]* Anyone employing foreign workers who, although necessary, do not hold a stay permit for employment, or whose permit has been revoked or has expired, and renewal thereof has not been requested according to the law, shall be punished with third degree arrest and with a fine of €5,000.00 for each worker illegally employed.
5. In relation to the violations of Articles 23 and 24, repeated recidivism shall be punished with third degree arrest and a fine of €10,000.00.
6. In relation to the violations of Article 20, repeated recidivism shall be punished with first degree imprisonment and a fine of €15,000.00 for each foreigner illegally employed. Managers of accommodation facilities under Articles 14, 15, 16, 17, 18 and 19 of Law no. 22 of 27 January 2006, shall be punished with first degree disqualification from the exercise of a profession.
7. In relation to the violations under paragraph 4 of this Article, recidivist employers shall be punished with first degree imprisonment and disqualification from the exercise of a profession, and with a fine of €10,000.00 for each worker illegally employed.
8. In case of judgement imposed on a foreigner for an offence, in relation to which the Law Commissioner intends to apply the punishment of imprisonment or disqualification for a term not exceeding one year, such punishment may be replaced with the expulsion of the foreigner from the territory of the Republic.
9. Foreigners expelled from San Marino shall not return thereto before ten years have elapsed from the application of the measure, and without having obtained a prior special authorisation issued by the Congress of State after having received the reasoned and mandatory positive opinion of the Gendarmerie - Foreigners' Office.
10. Foreigners breaching the order of expulsion from the territory, or illegally returning to San Marino before ten years have elapsed as envisaged by this Law, or without having obtained the special authorisation to return by the Congress of State, shall be punished with second degree imprisonment under Article 365 of the Criminal Code.
11. The application of the punishment referred to in the preceding paragraph shall not exclude the compulsory enforcement of the expulsion measure after serving imprisonment.
12. Compulsory enforcement of the expulsion measure shall be carried out by returning foreigners to their State of provenance through the law enforcement authorities.

**Art. 33**  
(*Deportation of foreigners from the territory*)

1. In addition to the cases envisaged by the Criminal Code or by other laws, the Gendarmerie shall have the power to order foreigners without a valid stay permit or residence to leave, either



immediately or within a reasonable time-limit, the territory of the Republic and not to return thereto without a prior authorisation, whenever such foreigners:

- a) stay in the Republic by escaping controls;
- b) have remained in the Republic without applying for a stay permit or residence within the time-limits established, or whenever their stay permit has expired and renewal thereof has not been requested, except where that delay is due to force majeure, or in case the stay permit has been revoked, annulled or not renewed;
- c) carry out illegal trafficking or habitually earn a living, also partially, from the proceeds of illegal activities.

2. The report relative to the deportation order shall be transmitted within 48 hours to the Law Commissioner, who will validate it - if the conditions are fulfilled - within the following 96 hours. Foreigners shall be entitled to stay in the Republic until the order is validated.

3. Deportation orders shall be notified to the interested foreigners. If foreigners do not understand Italian, said orders shall be translated into a language of their choosing among English, French, Spanish or Russian.

4. Foreigners shall be entitled to lodge an appeal against deportation measures, adopted under this Article, within the mandatory time-limit of 10 days following their notification to the Administrative Judge of Appeal and in the forms envisaged by Article 34 of Law no. 68 of 28 June 1989. Appeal proceedings shall not suspend the enforcement of the relevant measure.

5. Foreigners breaching or circumventing the order, or illegally returning to the territory without the necessary authorisation, shall be punished with second degree arrest under Article 259 of the Criminal Code, without prejudice to the immediate forced deportation from the territory of San Marino.

6. In case of recidivism with respect to the violations mentioned in the preceding paragraph, second degree imprisonment shall apply.

7. *[amended by Art.14 of Delegated Decree no. 3/2011]* Compulsory enforcement of the deportation measure shall be carried out by returning foreigners to their State of provenance through the law enforcement authorities.

8. When foreigners are undergoing criminal proceedings and are not in pre-trial detention, police authorities shall request, before enforcing the deportation order, an authorisation from the judicial authority; such authorisation may be refused only in case of essential procedural requirements and in this case the enforcement of the measure shall be suspended until the judicial authority informs that such requirements no longer exist.

9. Once the authorisation is obtained, police authorities shall deport the interested foreigner according to the modalities envisaged in paragraph 7 above.

10. Foreigners undergoing criminal or administrative proceedings, who have been deported from the territory of the Republic, shall be authorised to return thereto in order to take part in the judgement or to carry out some acts, for which their presence is necessary, for a period of time deemed strictly necessary for the exercise of the rights of defence. This authorisation shall be issued by the Foreigners' Office following a positive decision by the judicial authority, duly requested by the interested person or his/her counsel.

11. *[introduced by Art.15 of Delegated Decree no. 3/2011]* Foreigners deported from San Marino shall not return thereto before five years have elapsed from the application of the measure, and without having obtained a prior special authorisation issued by the Congress of State after having received the mandatory positive opinion of the Gendarmerie - Foreigners' Office.

### **Art. 34**

*(Provisions against illegal immigration and trafficking in migrants)*

1. Anyone acting in a way as to facilitate the illegal entry of one or more persons to the Republic's territory in order to gain direct or indirect profit, thus violating applicable provisions on

foreigners and on residence and stay permits, shall be punished with third degree imprisonment and second degree daily fine.

The same punishment shall apply to anyone acting in a way as to facilitate the illegal entry of one or more persons to another State, of which the person is neither a citizen nor a resident, in order to gain direct or indirect profit.

2. The punishments referred to in the preceding paragraph shall be increased by one degree:

- a) if, in order to facilitate the illegal entry or stay, the person has been exposed to threats to his/her life or physical integrity;
- b) if, in order to facilitate the illegal entry or stay, the person has been exposed to inhuman or degrading treatment;
- c) if the fact is committed by using counterfeit, forged or in any case illegally obtained documents.

3. If the facts referred to in paragraph 1 above are committed with a view to recruiting persons to be engaged in prostitution or in any case in sexual exploitation, or if these facts concern the entry of minors to be recruited in illegal activities, the punishment of imprisonment shall be increased by two degrees and third degree daily fine shall be applied.

4. With regard to the crimes referred to in the preceding paragraphs, the judge may apply a lower degree of punishment if the defendant tries to prevent the crime from having further consequences by effectively helping police or judicial authorities to collect evidence necessary to reconstruct the facts, identify or arrest one or more offenders and deprive of resources relevant to the commission of the crimes.

5. Outside the cases referred to in the preceding paragraphs, and unless the fact constitutes a more serious crime, anyone facilitating with illegal means the stay of a foreigner on the Republic's territory in order to gain undue profit, thus violating applicable provisions on foreigners and on residence and stay permits, shall be punished with second degree imprisonment and daily fine.

6. Unless the fact constitutes a more serious crime, anyone counterfeiting or forging a travel or identity document or purchasing, receiving, holding, transferring or using a counterfeit or forged travel or identity document with a view to committing the crime of trafficking in migrants or to enabling others to commit such crime, shall be punished with third degree imprisonment.

7. In the cases provided for in the preceding paragraphs, the confiscation of the instrumentalities that served or were destined to commit the crimes and of the things being the price, product or profit thereof, shall always be mandatory. Where confiscation is not possible, the judge shall impose an obligation to pay a sum of money equal to the value of the instrumentalities and things referred to above.

Confiscated instrumentalities and things, or equivalent sums, shall be allocated to the Inland Revenue or, where appropriate, destroyed.

8. Citizens committing the crimes referred to in this Article outside the territory of the State shall be subject to San Marino law.

San Marino law also applies to foreigners committing the crimes provided for in this Article outside the territory of the State if they are present on the territory of the State and in case extradition is not possible according to San Marino law or international treaties or conventions.

No action shall be taken against citizens or foreigners in the following cases:

- 1) if they have been judged and acquitted abroad;
- 2) if they have been convicted abroad and have served the whole sentence, even if the punishment was less severe than that under San Marino law;
- 3) if they have been convicted abroad and have served part of the sentence, when that part is not lower than the minimum punishment provided for in this Law.

9. During police operations aimed at countering illegal immigration, police forces may control and inspect transport means and transported things when, also in relation to specific circumstances of place and time, there are well grounded reasons to believe that these could be used to commit one of the crimes provided for in this Article.

**TITLE VI  
(SPECIAL PROVISIONS)**

**Art. 35**

*(Special diplomatic stay permit and special stay permit for diplomatic service)*

1. A special diplomatic stay permit shall be issued to foreigners working in a diplomatic mission accredited to and based in San Marino as diplomatic representatives, administrative and technical employees and service staff of the mission.
2. The spouse and dependant cohabiting children of the diplomatic representative, or of an administrative and technical employee of a mission based in San Marino, shall be issued a special diplomatic stay permit with the same expiry date of the special diplomatic stay permit issued to the relevant diplomatic representative or administrative and technical employee.
3. Arrivals and departures of the employees of diplomatic missions, and of their spouses and children, as well as any changes in the households, shall be immediately notified, through diplomatic channels, to the Department of Foreign Affairs, which shall inform the Gendarmerie-Foreigners' Office thereof.
4. Special diplomatic stay permits shall be revoked when the accredited mission notifies the Department of Foreign Affairs, through diplomatic channels, that its staff members have ceased to be employed by the mission. The Department of Foreign Affairs shall immediately inform the Gendarmerie- Foreigners' Office and the other competent Offices thereof.
5. Foreigners employed as private domestic staff by diplomatic representatives or administrative employees of a diplomatic mission accredited to and based in San Marino shall be issued a special stay permit for diplomatic service, the duration of which shall not exceed that of the special diplomatic stay permit of the relevant diplomatic representative or administrative employee.
6. Irrespective of the period of holding of such permits, the granting of special diplomatic stay permits and of special stay permits for diplomatic service of private domestic staff shall not affect any possible application for residence and shall not confer any right relative to the acquisition of citizenship.

**TITLE VII  
(TRANSITIONAL AND FINAL PROVISIONS)**

**Art. 36**

*(Implementing Regulations)*

1. Within two months following the entry into force of this Law, the Congress of State shall adopt an ad hoc decree regulating the modalities for the submission of the applications for stay permits and residence and the relevant attachments, the establishment of the special lists mentioned in Article 18, the procedures for the preparation of the delegated decrees referred to in Article 19, as well as any other aspect concerning the enforcement and implementation of this Law.
2. The Congress of State shall also adopt, within six months following the entry into force of this Law, any ad hoc decree deemed necessary to supplement its provisions.

### **Art. 37**

*(International agreements and provisions linked with the legislation in force)*

1. This Law shall not affect the provisions contained in the international agreements ratified by the Republic of San Marino.
2. Citizenship by naturalisation under Laws no. 114 and no. 115 of 30 November 2000, and subsequent amendments and integrations, shall be granted to foreigners having a registered and actual residence for the period of time indicated in the above-mentioned laws, or a stay permit subsequently converted into registered and actual residence always for the period of time indicated in said laws.

### **Art. 38**

*(Verification of requirements and conversion of stay permits)*

1. Within 180 days following the publication of the implementing Regulations mentioned in Article 36, all foreigners staying in the Republic with any kind of stay permit shall present themselves at the Gendarmerie - Foreigners' Office for the verification of requirements and the conversion of stay permits according to this Law.
2. Foreigners staying in the Republic, who fail to present themselves at the Gendarmerie - Foreigners' Office within the time-limit indicated in the preceding paragraph shall be considered as intending to interrupt their stay in San Marino, except for well documented reasons of force majeure.

### **Art. 39**

*(Transitional provisions)*

1. *[amended by Art.4 of Law no. 91/2012]* With regard to holders of ordinary and special permanent stay permits issued under the legislation previously in force, the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, in case of an application for conversion into residence submitted after at least 5 years from the issuance of said stay permits, may grant registered residence after verifying that the requirements for the granting of the stay permit are still met, as well as compliance with the provisions and purposes of this Law.
2. Under Article 18 of this Law, if holders of a special permanent stay permit for employment, regulated by the previous legislation, lose their job, such stay permit shall be revoked if the interested person does not find another job of the same kind within six months following the date of termination of the working relationship for which the permit has been granted.  
To this end, the migrant worker, who has become unemployed, shall be entered, for a maximum period of six months, into a special list kept at the Labour Office.  
If, on expiry of this time-limit, the worker has not find another job of the same kind, the ordinary stay permit issued to his/her family members and/or cohabiting partner shall also be revoked.  
If the family members attend a regular education course in San Marino, the expiry date of their stay permit and that of the special permanent stay permit of the foreigner applying for family reunification shall be postponed until the end of the school or academic year.
3. *[amended by Art.4 of Decree Law no. 170/2011]* Unless otherwise explicitly stated, the provisions of this Law shall apply to all pending cases and to all situations differently regulated by the preceding legislation. The provisions of the preceding Article 13, paragraph 6 shall apply also in case of marriage or cohabitation occurring or starting before the entry into force of this Law. The provisions of the preceding Article 17, paragraph 6 shall apply to cases of legal or *de facto* separation, dissolution or termination of the civil effects of marriage not preceded by separation, or annulment of the marriage, occurring after the entry into force of this Law.

**Art. 40**  
*(Repeal)*

1. Law no. 95 of 4 September 1997, Law no. 22 of 24 February 2000, Articles 4 and 5 of Law no. 9 of 13 April 1976 and Article 83 of Law no. 92 of 17 June 2008 shall be repealed.
2. Not expressly derogated provisions contained in Decree no. 111 of 7 October 1997 shall remain in force, in so far as they are compatible with this Law, until adoption by the Congress of State of the delegated decree referred to in Article 36.
3. Article 37 of Delegated Decree no. 103 of 3 July 2008 shall be repealed.
4. Any provision contrary to this Law shall also be repealed.

**Art. 41**  
*(Entry into force)*

1. This Law shall enter into force on the fifteenth day following that of its legal publication.

*Done at Our Residence, on 28 June 2010/1709 since the Foundation of the Republic*

THE CAPTAINS REGENT  
*Marco Conti – Glauco Sansovini*

THE MINISTER  
OF INTERNAL AFFAIRS  
*Valeria Ciavatta*