



•ALERT•

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# Deal or no-deal Brexit?

## Important news on the post-Brexit implications in Italy for EU and British citizens

The Italian Government has recently expressed its position towards Brexit and the measures that will need to implement in both the case of a possible no-deal Brexit or in case of execution of an agreement.

Such measures include specific legislative provisions aimed at protecting the position of Italian citizens currently living in Great Britain as well as British citizens staying in our country.

### DEAL BREXIT

In case a deal between EU and Great Britain is reached, the majority of the rights provided for by EU treaties will continue to be recognized to both British and EU citizens, respectively residing in the EU and the UK before the end of the transition period outlined in the agreement, i.e. December 31, 2020.

It means that:

- Italian citizens residing in the UK: they will have the right to obtain or still accrue the right to obtain (in the case in which they have not satisfied the 5-year term of residence in the UK yet at the end of the withdrawal period) the "*Settled Status*" or "*pre-Settled Status*" through a simplified administrative procedure before the British Home Office;
- British citizens residing in Italy: they will be granted the right of residence in Italy through a simplified procedure provided for by article 18.4 of the Brexit agreement, in the case in which by December 31, 2020, they are formally residing in the Italian territory.



### NO-DEAL BREXIT

In case of no achievement of a deal, the scenario will be different:

- British citizens residing in Italy: according to the recent declarations of the Italian Government (last one dated December 19, 2018), Italy is preparing urgent measures to face the consequences of the withdrawal of the UK from the EU in the absence of a deal. These measures are aimed at keeping, from a legal point of view, the "status quo" concerning British citizens residing in Italy as of March 29, 2019. Those British citizens who are residing in the Italian territory at the date mentioned above will be granted the application of the same requirements and terms set forth by the EU Directive 2003/109/CE, for the obtainment of the long-term resident status;
- Italian citizens residing in the UK: according to the "policy paper" issued on December 6, 2018, by the British Government, citizens of an EU country who, as of March 29, 2019, have been continuously residing in the UK for at least five years, will be able to apply and register their "*Settled or pre-Settled Status*" within December 31, 2020. They will keep the same rights granted nowadays following the provisions of law currently applicable.



For those EU citizens who will be entering the UK territory after March 29, 2019, the treatment will be different, and only British laws will apply to them and their status. In this regard, even if details are still outstanding, the approach of the British Government seems to be not to provide for any preferential route for the obtainment of visas and work permits.

Even though the situation is not entirely defined yet, from the recent statements of both the Italian and the British Government the post-Brexit scenario and its impact on migrant workers and individuals starts to become more clear, especially for British citizens who have been living and working in Italy.

For them, notwithstanding the fact that the Brexit will be carried out in the presence of a deal or not, the recommendation is to proceed as soon as possible, and in any case within March 29, 2019, to complete the registration with the Register of Vital Statistics ("*Anagrafe*") of the Italian Town Hall ("*Comune*") where they are currently living. This fulfillment is indeed crucial given the depicted scenario, as it triggers the possibility for them to acquire long-term residence in Italy upon satisfaction of the requirements set forth above.

LCA Corporate Immigration team will keep you posted on any further development of the Brexit situation and will provide detailed updates in due time.

#### CONTACTS

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