



•ALERT•

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Law Decree no. 22/2019 on the consequences of a no-deal Brexit on the immigration status of UK nationals in Italy

In the perspective of a possible no-deal Brexit, which seems close to become reality, even if European Union leaders have recently agreed to grant the UK a six-month extension, until October 31st 2019, the Italian Government has taken action and adopted the Law Decree no. 22/2019 in order to address the issues that might arise from the UK leaving the European Union without a deal been agreed upon.

By means of it, the national legislator intends to make some clarifications as to the consequences that a no-deal might have on those British citizens and their third-country family members who are currently residing in the Italian territory and fear that a no deal might have a negative impact on the rights they have already accrued in Italy as citizens of a member State of the European Union.

The above-mentioned Law Decree no. 22 provides for the specific steps that UK nationals will have to take in order to maintain their current immigration status in Italy and thus continue to legally reside in the national territory even after the UK's withdrawal from the European Union becomes fully binding and effective.

In particular, Article 14 of Law Decree no. 22 expressly provides that:



- UK nationals and their third-country family members who are duly registered with an Italian Town Hall (*Comune*) and have been legally residing in the Italian territory for at least 5 (five) years, prior to the date Brexit becomes effective, will be entitled to apply for and obtain the so-called EU long term residence permit, by December 31st 2020;
- UK nationals and their third-country family members who are duly registered with an Italian Town Hall (*Comune*) and have been legally residing in the Italian territory for a period of less than 5 (five) years, prior to the date Brexit becomes effective, are entitled to request, by December 31st 2020, the issuance of a new specific type of residence permit, "*permesso di soggiorno per residenza*", which will have an initial 5- year duration and can be renewed, upon expiration, for a further period of 5 years.
- After 5 years of legal and uninterrupted residence in Italy, those UK citizens and their third-country family members who hold a residence permit "*per residenza*" will be entitled to apply for and obtain the issuance of a EU long term residence permit.
- From January 1st 2021, UK citizens and their third-country family members who intend to legally move to, reside and work in Italy will be subject to the provisions of Italian Immigration Law, Legislative Decree 286/1998, and will be hence requested to apply for and obtain a valid residence/work permit in the same manners provided for third-country nationals.

Furthermore, the above-mentioned Law Decree 22/2019 also provides for clarifications as to the right of British nationals to apply and obtain the Italian citizenship in case of a no-deal Brexit.

In particular, pursuant to article 15 of Law Decree no. 22, UK nationals will be entitled to request the Italian citizenship, just as any other citizen of a member State of the European Union, on the condition that they meet the requirements set forth in article 9, paragraph 1, letter d) of Law 91/92 (Italian Citizenship Law), according to which citizens of EU countries can obtain the Italian nationality after 4 (four) years of legal residence in the Italian territory. In case of UK nationals, such 4-year term shall be satisfied prior to the date in which Brexit becomes effective and the applications for the recognition of the Italian citizenship shall be filed to the competent authorities within December 31st 2020.

Those are the most relevant provisions introduced by the Italian Government and they will become fully effective in the case in which the United Kingdom fails to reach an agreement with European institutions as to the aftermath and the consequences of UK's withdrawal from the European Union.

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

CONTACTS

Corporate Immigration Team
immigration@lcalex.it

