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For british citizens and their families residing in Italy

RIFERIMENTI NORMATIVI



Withdrawal Agreement

Art. 18.4 of the Withdrawal Agreement between the European Union and the United Kingdom of 1st February 2020

Directive 2004/38/CE

Art. 25 of Directive 2004/38/EC of 29th April 2004 - on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

Decision

Art. 1 *et seq.* of the Commission Implementing Decision c (2020) 1114 final of 21st February 2020.

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Who are the beneficiaries?

The beneficiaries of the Withdrawal Agreement are UK citizens residing in Italy **by 31st December 2020** and family members accompanying or joining them, even after the afore-mentioned date.

What document can British citizens and their family members request?

The Withdrawal Agreement provides that UK citizens and their family members have the right to receive a new residence **document in electronic format**. The document indicates that it was issued on the basis of the Withdrawal Agreement and allows the holder to exercise the rights recognized by the Agreement.

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What is the validity of the document?

The electronic residence document is valid for a period of 5 years (it is called "carta di soggiorno") or 10 years (it is called "carta di soggiorno permanente") if the right of permanent residence has been acquired (legal and uninterrupted residence in Italy for 5 years, including the periods of stay before or after 31st December 2020).

Which office should be contacted to obtain the document in electronic format?

The electronic residence document is issued **by the Police Headquarters (Questura) of the province where the British citizen resides**. On the website of the Questura there is a dedicated electronic channel to book an appointment in order to submit the application.

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What is the procedure to follow to receive the document?

- First of all, British citizens must obtain a registration **certificate** - issued by the Municipality of residence - **indicating that he/she has been registered in the population register by 31st December 2020**. This certificate can be requested from the Municipality even after this date, provided that the registration took place by 31st December 2020.
- Once the registration certificate has been obtained, starting from **1st January 2021**, British citizens must report in person at the Immigration Office of the Police Headquarters in the province of residence to request the electronic residence document. During the procedure, his/her biometric data will be enrolled.
- The electronic residence document will not be issued at the same time as the submission of the request, as it takes a few days to personalize it.

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What documents must be submitted?

- **UK citizens** must submit the following documents:
 - » a valid identity document (passport - identity card);
 - » certificate of personal registration, issued by the Municipality of residence, proving the registration by 31st December 2020;
 - » receipt of payment of € 30.46 - a sum equal to the production cost of the document - to be made via postal order on C/A n. 67422402;
 - » a revenue stamp of € 16.00;
 - » 4 passport-sized photographs.

- **Family members** of UK citizens must submit the following documents:
 - » a valid passport;
 - » certificate of their registration in the population register, issued by the Municipality of residence, attesting the registration by 31 December 2020;
 - » document issued by the competent authority of the Country of origin or provenance certifying the status of family member of the British citizen;
 - » receipt of payment of € 30.46 - a sum equal to the production cost of the document - to be made via postal order on C/A n. 67422402;
 - » a revenue stamp of € 16.00;
 - » 4 passport-sized photographs.

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Can British students obtain the electronic residence document?

Starting from 1st January, 2021, British students who are registered in the **resident population register by 31st December, 2020** can apply for the new electronic residence document at the Police Headquarters of the province of residence.

Starting from 1st January 2021, British students who are registered in the **Temporary Population Register** by 31st December 2020, in order to stay in Italy will have to apply for an electronic residence permit at the Police Headquarters of the province of residence, within 8 working days starting from 1st January 2021, by submitting the specific application kit at the authorized post office.

This residence permit will last one year and will be renewable until the end of the course of study, by submitting the following documents:

- » a valid passport;
- » receipt of payment of € 70,46 (€ 30.46 - a sum equal to the production cost of the document and € 40,00 - a contribution to issue the residence permit) - to be made via postal order on C/A n. 67422402;
- » a revenue stamp of € 16.00;
- » 4 passport-sized photographs;
- » documents certifying the availability of adequate financial resources for the duration of stay;
- » certification from the University attesting the student has successfully passed his/her exams;
- » health and accident insurance.

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What is foreseen for frontier workers?

According to art. 9 of the Withdrawal Agreement, the term “frontier workers” means “UK nationals who pursue an economic activity in accordance with Article 45 or 49 of the Treaty on the Functioning of the EU, in one or more States in which they do not reside”.

Starting from 1st January 2021, these workers, upon submitting appropriate documentation showing that they have been carrying out an economic activity in Italy, in accordance with Article 45 or 49 TFEU, since before 31 December 2020, may request an electronic document certifying their status, valid for five years, from the Police Headquarters of the province in which their place of work is located.

What happens in case of failure to register by 31 December 2020?

UK citizens who are not registered in the Italian territory by 31st December 2020 will not be able to enjoy the benefits deriving from the Withdrawal Agreement.

For the purposes of staying in Italy they will therefore have to apply for a residence permit as citizens of third countries.

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What happens if the British citizen changes residence before having obtained the electronic residence document?

The change of residence does not prevent a British citizen from obtaining the electronic residence document, provided that he/she is registered in the registry by 31st December 2020.

If the change of residence took place **before applying for the registration certificate**, the British citizen must apply for the registration certificate from the Municipality where he/she moved and then go to the Police Headquarters of the province where the Municipality of residence is located in order to obtain the electronic residence document.

If the change of residence took place **after receiving the registration certificate** by the Municipality of the previous registration certificate, the British citizen can request the electronic residence document from the Police Headquarters of the Province to which the new Municipality of residence belongs, by submitting a new registration certificate issued by the Municipality where he/she resides.