



GMS Flash Alert

Immigration Edition

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Italy – More Immigration Measures for U.K. Nationals and Non-EU Family Members

The Italian government has confirmed in a new decree-law¹ the already-announced measures regarding U.K. citizens and their immediate family members who are non-European Union (EU) nationals in case of a “no-deal” Brexit. (For prior coverage, see GMS [Flash Alert 2019-054](#), 26 March 2019.) The law is aimed at helping U.K. citizens and their non-EU national immediate family members establish their rights in respect of residence, immigration, social security, etc. following the Brexit date.

The decree-law affirms that U.K. nationals legally resident in Italy before the Brexit date will have the necessary time and the right to obtain either long-term residency status or other forms of residence permit. Under the terms of the legislation, U.K. nationals will continue to enjoy rights such as access to health-care, social benefits, employment, education, and family reunification after the U.K. leaves the EU.

WHY THIS MATTERS

After Brexit, U.K. citizens will no longer be European Union (EU) citizens and thus will no longer be able to claim residence in an EU or European Economic Area (EEA) member state on the basis of the EU treaty. As a result, they would be subject to rules and conditions similar to those required for third-country citizens in Italy and the rest of the EU. The present decree-law provides for the status and recognizes certain rights of U.K. nationals present in Italy at the date the U.K. leaves the EU without a deal and confirms the announcements already made.

There is effectively a window provided during which affected U.K. citizens and their non-EU national immediate family members can alter their status in Italy and be in compliance with the new rules.

Key Points of Decree-Law

The decree-law contains new measures for U.K. citizens and their non-EU immediate family members. They are required to apply for a residence permit for “permanent residence” if they meet the “five years of continuous residence in Italy” requirement at the Brexit date.

Should such requirement not be met at that date, those U.K. citizens and their non-EU national immediate family residing in Italy must ask for a residence permit “for residence reasons.”

If the period which will be covered by the residence permit “for residence reasons” helps meet the five years of continuous residence in Italy requirement, then when such requirement is met, those U.K. citizens and their non-EU national immediate family residing in Italy can ask for the residence permit for “permanent residence.”

U.K. citizens and their non-EU national immediate family members must request suitable residence permits by 31 December 2020.

Starting from 1 January 2021, residence permits for EU-national family members will no longer be valid and they and the U.K. national must meet the new requirements established by the current decree-law. Sanctions will be applied in case of non-compliance.

Starting from 1 January 2021, U.K. nationals and their non-EU national immediate family members will be considered third-country nationals in Italy.

Italian Citizenship

The decree-law establishes that if any U.K. citizens applying for Italian citizenship before 31 December 2020 have met (at this date) the “four years of continuous residence in Italy” requirement (the residence requirement for EU nationals who wish to apply for Italian citizenship) their applications will still be processed applying the rules for EU citizens, even if the process is finalized from 1 January 2021.

Health-Care and Social Security

The law confirms that if a no-deal Brexit takes place, U.K. citizens and their non-EU national immediate family members will continue to keep benefiting from EU regulations (EC) 883/2004 and (EC) n. 987/2009 until 31 December 2020, provided that the same conditions will be applied to Italian citizens in the United Kingdom.

FOOTNOTE:

1 Decreto-Legge, 25 marzo 2019, (published in [Gazzetta Ufficiale](#) n. 22).

OTHER LEGAL REFERENCES

Decreto Legislativo 6 febbraio 2007, n. 30 (Legislative Decree n° 30, 6th February 2007)

Decreto Legislativo 25 luglio 1998, n. 286 (Legislative Decree n° 286, 25th July 1998)

Legge 5 febbraio 1992, n. 91: Nuove norme sulla cittadinanza (Law n° 91, 5th February 1992)

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