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For British citizens and their families residing in Italy

23rd December 2020

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

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 UK nationals and their family members request?

The Withdrawal Agreement provides that UK nationals and their family members have the right to receive a new residence document in electronic format. The document states that it was issued based on the Withdrawal Agreement and allows you to exercise the rights recognized by the said Agreement.

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What is the validity of the document?

The electronic residence document is valid for **5 years** (bearing the title "residence card") or **10 years** (bearing the title "permanent residence card") if the right of permanent residence is acquired (legal and uninterrupted residence in Italy for 5 years, including periods of stay before or after 31st December 2020).

Which office should I contact to receive the document in electronic format?

The electronic residence document is issued by the Police Headquarters (Questura) of the province where the UK national resides. On the Questura website, a dedicated electronic channel allows you to book an appointment to submit your application.

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What is the procedure to follow for issuing the document?

- UK nationals registered in the population register (iscritti in anagrafe) by 31st December 2020, starting from 1st January 2021, are invited to report in person to the Immigration Office of the Police Headquarters (Questura) in the province of residence to request the electronic residence document.

- Your biometric data will be taken during the procedure to issue the residence document.

The electronic residence document is not issued at the same time as submitting the request, as it takes a few days to produce it.

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What documents must be submitted?

■ **UK nationals** must submit the following documents:

- » a valid identity document;
- » a certificate of personal registration (attestazione di iscrizione anagrafica), issued by the Municipality of residence, which proves registration by 31st December 2020 or, alternatively, self-certification of being registered with the anagrafe by 31st December 2020 and that registration has not been subsequently cancelled, pursuant to art. 46-47 D.p.r. 445/2000;

- » receipt of payment of € 30,46 equal to the cost of producing the document, made by postal order on CC no. 67422402(account holder “MEF DIP.TO DEL TESORO VERS: DOVUTO RILASCIO CARTA DI SOGGIORNO” – reason for payment: “Importo per il rilascio della carta di soggiorno - Accordo di recesso UE/ UK”);
- » 4 passport-sized photographs.

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What documents must be submitted?

- **Family members of the UK national** must submit the following documents:
 - » a valid identity document;
 - » a copy of the residence document in electronic format issued by the Police Headquarters to the U.K. national or, alternatively, a copy of the certificate of registration of the U.K. national proving the registration by 31st December 2020;
 - » document issued by the competent authority of the country of origin or provenance, certifying the status of family member of the UK national;

- » receipt of payment of € 30.46 equal to the production cost of the document, made by postal order on CC no. 67422402 (account holder “MEF DIP.TO DEL TESORO VERS: DOVUTO RILASCIO CARTA DI SOGGIORNO” – reason for payment: “Importo per il rilascio della carta di soggiorno - Accordo di recesso UE/ UK”);
- » 4 passport-sized photographs.

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Can British students obtain the electronic residence document?

Starting from 1st January, 2021, British students who meet the requirements of Directive 2004/38 /EC and are registered in the resident population register (iscritti in anagrafe) or in the temporary population register by 31st December, 2020 can apply, at the Police Headquarters of the province of residence, for the new electronic residence document.

What is foreseen for frontier workers?

According to art. 9 of the Withdrawal Agreement, frontier workers are UK national who carry out an economic activity in accordance with Article 45 or 49 of the Treaty on the Functioning of the EU, in one or more States where they do not reside.

Starting from 1st January, 2021, these workers - upon presentation of suitable documentation proving that they carry out an economic activity in Italy in accordance with Article 45 or 49 of the Treaty on the Functioning of the EU since before 31st December 2020 - may request an electronic document, certifying their status, from the Police Headquarters of the province where their workplace is located. This document will be valid for five years.

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

The certificate stating that he/she is registered in the registry (anagrafe) by 31st December 2020 or the related self-certification are standard documents required to obtain the electronic residence document by the Police Headquarters of the province of residence.

However, UK nationals who are not yet registered in the registry by 31st December 2020, but who can prove, with suitable documentation showing their legal stay in the Italian territory on or before 31st December 2020 (e.g. employment contract, certificate of enrolment in a course of study) may in any case apply for the electronic residence document at the Police Headquarters of the province of residence.

What happens if the UK national changes residence before having obtained the electronic residence document?

The change of residence does not prevent the UK national from obtaining the issue of the electronic residence document.

To exercise this right, the British citizen must go to the Police Headquarters of the province where he/she resides at the time of the request.

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What happens if the UK national submits the application for registration by 31st December 2020, but the related process has not yet been completed?

The UK national will have no problem since the registration starts from the date he/she submits the application to the Municipality, even if the related process were to be concluded, with a positive outcome, in 2021.