



# Italy: Visa and Residence Permit Requirements for UK Citizens Clarified

## Brexit Updates

23 December 2020



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As the Brexit transition end-date approaches quickly, the Italian Embassy in the United Kingdom has issued a notification that UK citizens would be subject to visa requirements from 1 January 2021. This statement is the first indication of these requirements, officially, by the Italian government.<sup>(1)</sup>

The Italian Interior Ministry has also issued a further clarification on procedures to be followed by UK citizens protected under the Withdrawal Agreement.<sup>(2)</sup>

(For related coverage, see GMS [Flash Alert 2020-465](#), 23 November 2020.)

### Why this matters

It is interesting to note that UK citizens will still be able to undertake work in Italy for up to 90 days a year without a visa; however, this is conditional on reciprocity by the UK government. Other useful clarifications are provided on the visa conditions applicable to third-country national family members of UK nationals. Although some details may change, the published statement provides the basic rules for UK citizens (those who are not covered by the Withdrawal Agreement)<sup>(3)</sup> from 1 January 2021.

For citizens protected under the Withdrawal Agreement, a special procedure has been established for applying for a residence permit by UK citizens who are resident in Italy on 31 December and who have obtained an attestation of being enrolled on the resident population register (*anagrafe*) prior to 31 December 2021.

(1) See [British citizens travelling to Italy from 01 January 2021 \(esteri.it\)](#).

(2) See on the [Ministero dell'Interno website](#).

(3) For related coverage of Brexit and the Withdrawal Agreement and immigration matters for UK nationals, see our other Brexit reports in [GMS Flash Alert](#).

## Context

The rules governing the rights of UK nationals coming to live and work in Italy after 31 December 2020 – the end of the Brexit transition date – have recently been tightened up thanks to a communication from the Italian Embassy in London, which published some very useful guidance regarding visa requirements for UK nationals and residents from 1 June 2021. While many of these were already known, there is further information on the requirements for third-country nationals resident in the United Kingdom.

### Short-Stay Visas

As long as the individual can prove that he/she was lawfully living in Italy by the end of the year, then the individual's rights will be covered by the Withdrawal Agreement. However, they should try to register as soon as possible before 31 December to remove any doubt – registration is the only unequivocal proof.

The Italian government has announced that in accordance with the provisions of EU Regulation 2019/592, starting from 1 January 2021, the United Kingdom will be added to Annex II of the EU regulation 2018/1806. British citizens will therefore not need a Schengen short-stay visa to spend up to 90 days in Italy within a period of 180 days.

This exemption also applies to the following categories of British citizens:

- 'British National Overseas';
- 'British Overseas Territories Citizen' (BOTC) - including Anguilla, Bermuda, Gibraltar, Cayman Islands, Falkland Islands, South Georgia and the South Sandwich Islands, Pitcairn Islands, Saint Helena, Ascension and Tristan da Cunha, Turks and Caicos Islands, British Virgin Islands, British Antarctic Territory, and British Indian Ocean Territory;
- British Overseas Citizen (BOC);
- British Protected Persons (BPP);
- British Subjects (BS).

An exemption from the requirement for a short-stay visa will also apply in cases where British citizens enter Italy to perform paid work, subject to reciprocal arrangements for Italian citizens in the United Kingdom.

In the case of British citizens entering Italy to undertake paid work, there is a separate requirement to apply for a residence permit within 8 working days of entering Italy.

Other Schengen visa exemptions under art. 6 Reg 2018/1806 will be applied to the following persons:

- third-country nationals subject to a visa requirement, residing in the UK, or travelling as part of a school trip as members of a group of school pupils accompanied by a teacher from the school in question;
- recognised refugees and stateless persons, resident in the UK in possession of a travel document issued by the British authorities.

### Long-Stay Visas

Starting from 1 January 2021, British citizens planning to stay in Italy for more than 90 days ('long stay') within 180 days, will be subject to national visa requirements according to the Italian immigration rules that apply to third-country nationals.

Starting now, British citizens may submit a long-stay visa application for entry on 1 January 2021 or later, if applying for the following purposes:

- study;
- religious purposes;
- mission;
- elective residency.

Applications for national visas subject to the '*Nulla Osta*' (entry clearance) from the '*Sportello Unico per l'Immigrazione*' (Unified Immigration Desk) will be possible exclusively after 1 January 2021. This applies for long-stay visas for the following purposes:

- work (including sport related activities and research);
- family reunion and adoption;
- investors and start-ups;
- conversion of residence permits originally issued for study or traineeship purposes.

### British and EU Family Member Resident in the UK

UK nationals' family members who are from third countries will have to fulfil all the rules of the Visa Code applicable to third-country nationals. If they are not holding a visa and they intend to apply in order to travel as of 1 January 2021, they must apply for a short-stay visa under the general rules applicable to third-country nationals in accordance with the Visa Code. If they already have a visa issued, they will need to fulfil, in addition, the entry conditions applicable to third-country nationals. Third-country national family members of EU citizens residing in the UK will have to apply for a visa if they intend to travel to Italy.

Please note:

- Residence cards issued by the UK under Directive 2004/38/EC to family members of EU citizens residing in the UK will no longer exempt those family members from visa requirements in Italy.
- Residence cards issued by the UK under the EU Settlement Scheme to family members of EU citizens residing in the UK will no longer exempt those family members from visa requirements in Italy.

## Individuals Protected under the Withdrawal Agreement

The Interior Ministry has published separate guidance for British citizens already resident in Italy and registered as residents as of 31 December 2020, and their accompanying family.

According to the guidance, in the first place, British citizens have to obtain the attestation of registration (from their local municipality). Once this certificate of attestation is obtained, British citizens should (from 1 January 2021 onwards) apply online for an electronic residence permit.

In order to obtain this permit, British citizens will have to present themselves at the local police HQ with the following documents:

- Passport / or valid ID card;
- Copy of the attestation of anagrafic residence;
- Proof of payment of the EUR 30.46 processing cost;
- Four passport photos;
- Payment of a stamp of EUR 16.00.
- Family members of British citizens have to submit the above documentation, plus proof of family status.

Since the permit will be biometric, it will be released to the individual as soon as the appropriate processing time is complete.

Permits will have a duration of five years or ten years (for individuals who have been resident in Italy for an uninterrupted period of five years prior to 31 December 2020).

Additionally, a special permit may be available to individuals who previously exercised an economic activity in several member states other than their place of residence (in accordance with Articles 45 and 49 of the Treaty on the Functioning of the European Union) before 31 December 2020, subject to providing proof that they were in fact doing this .

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## KPMG NOTE

Although not entirely unexpected, the statement from the Italian Embassy in London provides a useful summary and confirmation of the different visa regimes which will apply to UK citizens wanting to live and work in Italy after 1 January 2021.

The Interior Ministry clarification on the documents required by British Citizens currently resident in Italy is also welcomed. At the moment the online registration to make an appointment for the new *permesso* is not yet functional; individuals should consult the website for the Police HQ for their province for further information.<sup>4</sup>

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For more on the EU-UK Withdrawal Agreement, see: [https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement_en).

(4) [List of Provincial Police HQ websites](#).

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