

VADEMECUM

ON THE REGISTRATION OF UK CITIZENS IN THE FRAMEWORK OF THE IMPLEMENTATION OF THE WITHDRAWAL AGREEMENT

(Article 18.4 OF THE AGREEMENT AND LEGISLATIVE DECREE NO. 30/2007)

With the ratification and entry into force of the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Legislative Decree 6/2/2007, n. 30 (Implementation of directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States) will continue to apply to British citizens and their family members who are resident in Italy or who will be resident in Italy during the transition period (1 February 2020 - 31 December 2020) and register in the “anagrafe” registry.

Specifically, the following hypotheses may occur:

1) British citizens residing in Italy as of January 31, 2020.

In this case, the British citizen can go to the Office Register of the Municipality of residence and request a Certificate “attestazione di iscrizione anagrafica” (pursuant to Legislative Decree no. 30/2007 and Article 18.4 of the United Kingdom and Northern Ireland Withdrawal Agreement from the European Union) to document their rights related to stay on the national territory.

2) British citizens not residing in Italy as of February 1, 2020.

In this case, by the end of the envisaged transition period from the Withdrawal Agreement (31.12.2020), the British citizen has the right to register in the “anagrafe” registry in accordance with the provisions of the relevant legislation (Law 24/12/1954, n. 1228 “*Ordinamento delle anagrafi della popolazione residente*”, and Presidential Decree 30/5/1989, n. 223 “*Approvazione nuovo regolamento anagrafico della popolazione residente*”) and of Legislative Decree no. 30/2007.

The registration follows this procedure:

the citizen must go to the Municipality where he has fixed his residence habitual and submit the appropriate personal data declaration form, accompanied by a passport or other equivalent valid document and the required documentation (Article 9 of Legislative Decree 6/2/2007, n. 30). The request can be presented personally by the interested party at the municipal counter, by postal service (registered mail with return receipt) or electronically.

The registry officer provides for the registry registration within two working days after the submission of the declaration and registration starts from the date of submission of the application.

In the following 45 days, the Municipality may control the actual existence of the requirements for registration. If within the same period of 45 days - taking into account the outcome of the investigations - the Municipality does not communicate impediments to the applicant acceptance of the application (Article 10 bis of Law 241/90, "*Nuove norme in materia di procedimento amministrativo e di diritto di accesso ai documenti amministrativi*"), what is declared by the interested party is considered in accordance with the factual situation in place at the date of the declaration presented to the registry. If, however, the registry checks give a negative result, the Registry Officer is required to restore the previous position by cancelling the registration, with retroactive effect (Articles 18 and 18 bis of Presidential Decree No. 223/1989).

Following the registration, the British citizen can apply for release of the certificate "attestazione di iscrizione anagrafica" released according to art. 18.4 of the Withdrawal Agreement.