

Many employers are supporting registration and permanent residence applications for EU citizens, which although simply declaratory of their existing EU rights are helpful to document their position. The UK government is considering ideas to improve the efficiency of the application process to deal with the demand.

Despite the parliamentary recess over the summer, the Government has been considerably active and we expect key announcements to be made in Autumn 2016. Without doubt this will be a long running story.

## **SAME SEX CIVIL PARTNERSHIPS AND COMMON LAW PARTNERSHIP IN ITALY**

*By Marco Mazzeschi - Marco is the Founder of Mazzeschi law firm with offices in Rome, Milan and Florence, Italy*

Until now, Italian law did not recognise gay couples. Under Italy's constitution, marriage is defined as between a man and a woman. An important new law (Law 76/2016) affords gay and civil unions most of the rights of marriage, except parenting, and took effect on 5 June 2016.

### Same Sex Civil Partnerships

The new law allows civil partnerships between two members of the same sex, described as *'Formazioni Sociali Specifiche'* (Specific Social Unions). A registrar legally forms the partnership in the presence of the partners and two witnesses and registers the union in the marital archives. Those who are already married, are blood relatives, or have committed or attempted homicide against a previous partner cannot engage in a civil partnership.



Civil partnership rights and obligations are very similar to those of marriage, with some notable differences. Stepchild adoption remains prohibited, and parties involved in the union are not bound to fidelity.

### Obligations

A civil partnership requires reciprocated personal and material support and cohabitation. Both parties are required to contribute to shared needs, in accordance with their individual financial means and can work both professionally and in the home. Unless stated otherwise - for example in a separation of property agreement - civil partnership involves the sharing of goods and property.

## Rights

Both parties have the right to take the other's surname, putting it before or after their own. Partners are entitled to the survivor's pension, any severance package awarded to the other and inheritance, having an automatic right to a portion of the inheritance as per Italian Law.

## Dissolution of Partnership: Immediate Divorce without Separation

To dissolve a civil partnership, one of the partners can communicate to the registrar their desire to end the union. Three months after this communication, they can request a formal divorce. This can be done either in court, through assisted negotiations, or by agreement approved by a registrar. In divorce, the judge may award the 'weaker' partner rights to an alimony (post-separation economic provision) and the right to live in the shared home. Lack of consummation of the partnership is not recognised as a reason for divorce.



## Impact on Immigration and Citizenship Law

Clause 20 of the new legislation establishes that articles referring to marriage, or containing the words '*Coniuge*' (Spouse), '*Coniugi*' (Spouses), or equivalent terms in primary and secondary legislation, now apply to same sex civil partnerships. This is also thought to apply to legislation regarding immigration and citizenship, and that referring to '*moglie*' (Wife), '*marito*' or '*sposo*' (Husband), the law is extended to those who are civil partners. Same sex civil partners have the same options of applying for spouse visas and nationality as heterosexual married couples and those applying for Italian visas can apply to bring their same sex civil partners with them to Italy.

## Common Law Partnership or Partnership in fact

The new legislation also deals with unmarried couples in both heterosexual and homosexual relationships. Couples in a 'marriage-like relationship' who live together and support each other personally and materially, can be considered domestic partners. To formalize the relationship, the partners – or just one - send a declaration form to the local government office, asking to apply for '*Convivenza per vincoli affettivi*' (common law partnership).

## Rights

Some of the rights granted to married couples are extended to domestic partnerships. For example, cohabitants can designate a partner as their delegate with regards to organ donation, funeral arrangements and healthcare

in cases of illness. If the partner who is the homeowner dies, the surviving partner has the right to stay in the home for two to five years.

At the end of the cohabitation, the partners may request an alimony. A judge must confirm this and can decide both the amount of the alimony and the duration for which it is provided, taking into account the length of the partnership.

#### Cohabitation Contract

Domestic partners can enter into a cohabitation contract, to outline their financial relationship and assets. The contract must be signed in front of a lawyer or notary, who must register the contract with the local registry office, making it enforceable against third parties.

#### Impact on immigration and citizenship law

The new law does not grant the same rights to those in a domestic partnership, as to those in civil partnerships. Law 76/2016 does not affect immigration and citizenship provisions. Regardless of whether there is a cohabitation contract, domestic partners cannot apply for a family permit or citizenship based on their relationship.

## **THE ABC'S OF RESIDENCE AND WORK PERMITS APPLICATIONS IN THE UNITED REPUBLIC OF TANZANIA**

*By Christopher Giattas – Christopher is a Partner at the Kilindu Giattas & Partners firm in Dar es Salaam, Tanzania*

#### Background:

A foreigner who plans to reside in the United Republic of Tanzania (“Tanzania”) for the purpose of investment, business, employment or any other activity is required to secure the appropriate residence and/or work permit prior to living and working in the country. The issuance of residence permits is governed by the Immigration Act No. 7 of 1995 and its Regulations of



1997 as amended from time to time (the “Immigration Act”). The issuance of work permits is governed by the Non-Citizens (Employment Regulations) Act No. 1 of 2015 (the “Non-Citizens Act”). The authority to issue Residence Permits is vested on the Commissioner General of Immigration Services while the Labour Commission has the authority to issue Work Permits.