

MAZZESCHI

ITALIAN IMMIGRATION & CITIZENSHIP

JULY 2023 | VOL. 28

NEWS, UPDATES AND CURIOSITIES ON ITALIAN
IMMIGRATION AND CITIZENSHIP



CONTENT

NEWS

- The European Court of Justice dismisses UK citizens' appeal on the post-Brexit loss of rights as EU citizens
- EU residence permit for long term residents: to be updated into the new format within 3 August 2023

ITALIAN IMMIGRATION

- What to do after arrival in Italy with a long term (type D) visa ?

ITALIAN CITIZENSHIP

- The impossibility of booking an appointment at the Italian Consulate in New York: Recognition of Italian citizenship by Italian ancestry through the Judicial path

THESE ARTICLES ARE PUBLISHED ALSO ON
OUR WEBSITE WWW.MAZZESCHI.IT

THE EUROPEAN
COURT OF JUSTICE
DISMISSES UK
CITIZENS' APPEAL ON
THE POST-BREXIT
LOSS OF RIGHTS AS
EU CITIZENS





The European Court of Justice (ECJ) dismissed the three cases brought by UK citizens that challenged the loss of their rights as EU citizens as a result of Brexit.



BACKGROUND OF THE CASE



In 2016, the UK held a referendum, and the majority voted in favour of the withdrawal of the UK from the EU.



In March 2017, the UK notified the European Council of its intention to withdraw from the EU.



In January 2020, the UK withdrew from the EU.



During March and April 2022, some UK citizens' brought 3 separate actions for total or partial annulment of the decisions regarding the UK withdrawal from the EU, as it 'deprives them of their status as Union citizens and their rights arising therefrom'.



WHAT DID THE ECJ SAY?



THE ECJ DISMISSED THE APPEAL AND EXPLAINED THAT:

"the loss of the status of citizen of the European Union, and consequently the loss of the rights attached to that status, is an automatic consequence of the sole sovereign decision taken by the United Kingdom to withdraw from the European Union, and not of the withdrawal agreement or the Council's decision approving that agreement."



EU RESIDENCE
PERMIT FOR LONG
TERM RESIDENTS: TO
BE UPDATED INTO
THE NEW FORMAT
WITHIN 3 AUGUST
2023



WITHIN AUGUST 3, 2023,
HOLDERS OF THE OLD EU
RESIDENCE PERMIT FOR LONG
TERM RESIDENTS (PERMESSO DI
SOGGIORNO UE PER
SOGGIORNANTI DI LUNGO PERIODO)
MUST UPDATE (AGGIORNAMENTO)
THEIR RESIDENCE PERMIT CARD.



WILL THE STATUS OF THE
LONG TERM RESIDENTS
CHANGE?



The status of the holder is still that
of a permanent resident, however,
the old-format document with
“unlimited” (illimitata) duration will
no longer be valid.



The new permit will be in an
“electronic card format”, it will
have a validity of 10 years,
and it shall be updated every
10 years.



HOW CAN I UPDATE MY OLD
EU RESIDENCE PERMIT FOR
LONG TERM RESIDENTS?

The permit shall be updated by filing
the application “Kit” that can be
retrieved at any authorised post office
(providing “Sportello Amico” services).



WHAT TO DO
AFTER
ARRIVAL IN
ITALY WITH A
LONG TERM
(TYPE D) VISA ?

DID YOU KNOW THAT YOU MUST APPLY FOR A
POLICE REGISTRATION (PERMESSO DI SOGGIORNO)
WITHIN 8 DAYS FROM ARRIVAL?

The following are the steps that any non EU
citizen who enters Italy with a long term visa
(Schengen type D) must accomplish,
irrespective of the kind of visa that has been
issued (study, work, mission, etc.)

WHAT TO DO AFTER ARRIVAL IN ITALY WITH A
LONG TERM (TYPE D) VISA ?



PERMIT OF STAY
(PERMESSO DI SOGGIORNO)
APPLICATION

It is a document issued by the Police
(Questura) that allows the foreigner
to live in Italy and indicates the
purpose of the stay (work, study,
family, elective residence, etc.).

The permit must be applied for within 8 days from entry into the country. In most cases, application is filed at the Post Office (ufficio postale) that will issue a receipt as shown below.

Until the permit is issued, this receipt is the document the applicant must keep in order to prove that he/she is legally staying in Italy



Mod. 22-A - PRE00107A SP - Ed. 05/13 - CP0317A - St. (4)

Accettazione **ASSICURATA** RICEVUTA

Si prega di compilare a cura del mittente a macchina o in stampatello

DESTINATARIO	C.S.A. per conto della Questura di	
DESTINATARIO	Viale Palmiro Togliatti 1505	
VIA / PIAZZA	N° CIV	
00155	ROMA	RM
C.A.P.	COMUNE	PROV.
COGNOME	[REDACTED]	
NOME	[REDACTED]	
C.A.P.	COMUNE	PROV.

Fraz. 38225 Sez. 03 Operaz. 85
Causale: AVO Tariffa € 30.00 Affr. € 30.00



FINGERPRINTING APPOINTMENT

The application is delivered by the Post to the Police which will summon the applicant for fingerprinting. The main documents that the applicant must submit the day of the appointment are:



- Passport + copy of ID page, visa and entry stamp
- 4 passport size pictures
- Postal application receipt and police appointment letter
- Accommodation documents
- Documents related to the visa (documents are different according to the type of visa you have)

(a) for a work permit, confirmation that you are employed and that your employer is paying the social security charges

(b) for an intra-company permit, the extension of the initial work permit issued by the Prefecture

(c) for a study visa, confirmation that you extended your course (you cannot change course or school)

(d) for elective residence, confirmation that you have available funds to continue living in Italy.



COLLECT THE PERMIT

After few months, the Police will inform the applicant (by sending a text message on the cell phone number provided by the applicant) that the permit is ready and can be collected.



All appointments must be done in person by the applicant who cannot delegate a third party.



HOW CAN YOU MONITOR THE STATUS OF YOUR APPLICATION?

The postal receipt has a password and User ID that can be used to check online the status of the application. The applicant can use the following links:

PORTALE IMMIGRAZIONE – Automazione Permessi/Carte di Soggiorno or <https://questure.poliziadistato.it/stranieri/>





HOW TO EXTEND YOUR PERMIT?

The extension of the permit of stay must be applied for 60 days before the expiry date but there is a 60 day grace period and applications shall be accepted also after the expiry. The steps to be followed are the same of the first application:

1. filing at Post office
2. attend appointment at Police Station for fingerprinting
3. collect the permit when is ready.



RESIDENCY (RESIDENZA)

Anyone who plans on living permanently in Italy must register with the local Town Hall (Comune, Ufficio Anagrafe).

“Registration is in any event advisable as it can be beneficial for formalities in Italy such as obtaining a national health card, having goods imported duty free, purchasing a car and opening a bank account BUT has also some tax consequences that you need to check with a tax counsel.”

Protocollo A



COMUNE DI MILANO

Certificato di Residenza

Sindaco

norma dell'art. 33 del D.P.R. 30-5-1989, N.223;
sti i dati registrati da ROMA CAPITALE

Certifica che nell'ANAGRAFE NAZIONALE DELLA POPOLAZIONE RESIDENTE

gnome
no

Risulta nata il in (CANADA)
Atto (ASSENTE)
.F.)

sulte iscritta all'indirizzo:
mune ROMA (RM).
ta /2021

Il Sindaco del COMUNE DI MILANO
GIUSEPPE SA

PRESENTE CERTIFICATO NON PUD' ESSERE PRODOTTO AGLI ORGANI DELLA PUBBLICA
MINISTRAZIONE O AI PRIVATI GESTORI DI PUBBLICI SERVIZI (art. 40 DPR 28 dicembre 2000
445)

posta di bollo corrisposta mediante contrassegno da Euro 16,00 (DPR 26.10.1972, n. 6
art. 3, co. 1, lett. a)

scossi Euro 00,00 per diritti di segreteria

RESIDENCY IS BASED ON:

(i) physical presence in Italy, which must be regular and continuous, as opposed to sporadic and occasional. If an individual spends time both in Italy and in another country, the periods of presence outside of Italy are calculated and compared with the periods of presence in Italy to see which one is prevalent.

(ii) an individual's intention to stay and live in Italy for the foreseeable future. In order to determine an individual's intention to live in Italy on a regular basis, reference is made to a number of things, including but not limited to an individual's conduct, social and personal habits, working relationships, family relationships, business and personal activities.



REGISTERING WITH THE HEALTH NATIONAL SERVICE

The following categories are entitled to free registration:

1. Foreign citizens in possession of a permit who regularly work as employees/self-employees (lavoro subordinato, lavoro autonomo) in Italy or are enrolled with government employment agency;
2. Foreign citizens in possession of or waiting for the renewal of a permit for employment, self-employment, family reasons, asylum, adoption/custody, citizenship acquisition, religious reasons;
3. Dependent family members of all the above categories.



THE IMPOSSIBILITY
OF BOOKING AN
APPOINTMENT AT
THE ITALIAN
CONSULATE IN
NEW YORK



RECOGNITION OF
ITALIAN
CITIZENSHIP BY
ITALIAN
ANCESTRY
THROUGH THE
JUDICIAL PATH



【COURT OF ROME, INDIVIDUAL RIGHTS AND IMMIGRATION
DIVISION, DECREE OF APRIL 30TH, 2023.】

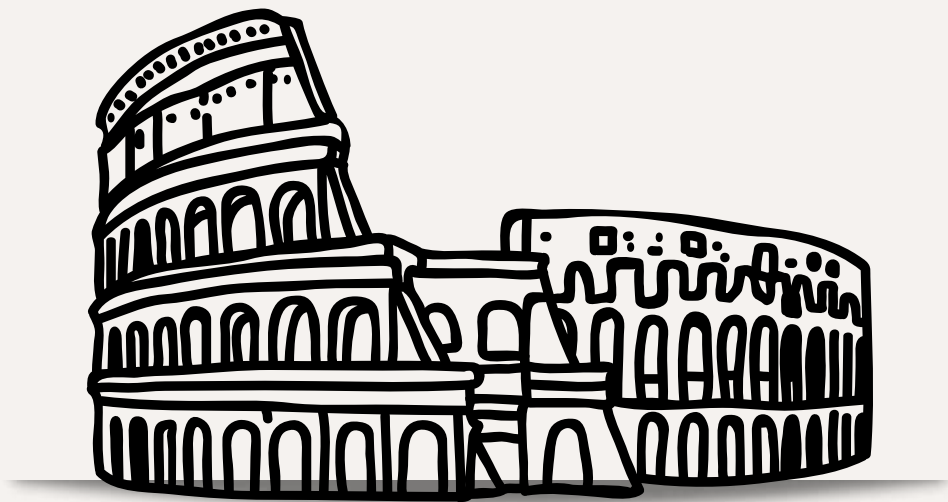
The Court of Rome upheld the legal action in favor of U.S. citizens, who are descendants of an Italian citizen, for the recognition of their Italian citizenship.

The application for Italian citizenship has been moved forward by legal action, since the obtainment through administrative channels has been hampered by the impossibility of booking an online appointment at the Italian Consulate in New York.



The judge deemed it legitimate for the claimants to carry out a legal action, thus recognizing their Italian citizenship, because the time span to obtain citizenship at the Italian Consulate in New York was deemed unreasonable. Based on this, the delay has been deemed equivalent to a denial of the recognition of the right claimed.

Therefore, in cases of the closure of consular services, impossibility of booking appointments, long waiting lists, or otherwise severe delays on the examination of Italian citizenship applications, the claimants may carry out legal actions and obtain Italian citizenship by order of an Italian judge.



CONTACT INFORMATION

Mazzeschi SRL
www.mazzeschi.it
info@mazzeschi.it

WRITERS & EDITORS

Marco Mazzeschi
Giuditta Petreni
Yuu Shibata
Chiara Faggioli
Giuditta De Ricco

MAZZESCHI

