Studio Tributario e Societario



Immigration & Mobility Post-Brexit from and to the UK

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The end of EU Free Movement

Brexit

What did "Free Movement of People" mean?

Free Movement of People

No Travel Restrictions No Work Permits

Low Cost

Family Members Included



Timeline

The UK withdrawal process

31 January 2020
The UK left the EU

EU and UK nationals can continue to enter the UK and the different Member States for work

31 December 2020

Deadline for EU nationals to enter the UK without restrictions/Deadline for UK nationals to enter and register in the different Member States

UK New Immigration System is introduced

1 January 2021

All EU nationals arriving in UK on or after this date will require work visas and vice versa for UK nationals going to the EU

30 June 2021

End of grace period for EU Settlement Scheme applications

Following Brexit







EU citizens arriving in the UK before 31/12/2020 - What do they need to be aware of?

EU citizens who arrived in the UK by 31/12/20 must make an application under the EU Settlement Scheme (Settled and non-settled status) by 30th June 2021 to secure their status in the UK

UK citizens arriving in Italy before 31/12/20 - What do they need to be aware of?

UK citizens must be registered with the "Anagrafe" (Register Office) of the Municipality (*Comune*) before Jan 1, 2021. These individuals can continue to live, work and study in Italy. UK citizens who enrolled into the "Anagrafe" by 31/12/20 should apply for an electronic residence permit



EU/EEA/Swiss citizen arrivals from 1 January 2021

For visits -no visa required for visitors (visa free entry on the basis of EU/EEA/ Swiss passport). Business travelers must comply with UK business visitor rules

For proper working activities the applicable work permit and visa are needed

UK citizens arrivals from 1 January 2021

For short term (intended to be 90 days in any given 180 days period), UK nationals can travel to Italy for business purposes. The travel could happen visa free, however business purposes only means limited type of activities

For proper working activities the applicable work permit and visa are needed

Italian immigration system



Beyond Brexit

Business Travel for UK nationals into Italy

Impact on UK nationals travelling to Italy

For short term (intended to be 90 days in any given 180 days period), UK nationals can travel to Italy for business purposes. The travel could happen visa free, however business purposes only means limited type of activities, such as:

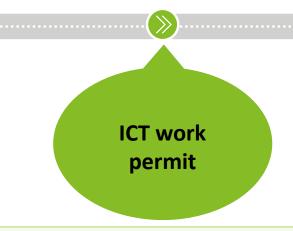


- Attending internal meetings, discussion or conferences
- Visiting the Italian company facilities
- Making contacts
- Conducting economic or commercial negotiations
- Installation, assembly and maintenance activities of equipment/machinery sold under commercial or industrial cooperation agreement with the Italian company
- Learning or verify the functioning, professional refreshing training relevant to the functioning of equipment/machinery purchased or sold under commercial or industrial cooperation agreement with the Italian company



Immigration Overview

Work permit processes available for UK nationals arriving to Italy as from 1 January 2021



- ICT Work Permit is applicable to executive and highly qualified personnel (*Quadri o Dirigenti*)
- The Employer and the Italian company must belong to the same international corporate group
- The employee who is going to be seconded to Italy must have performed the working activity in the same sector for more than 6 months before the assignment
- The employee must be highly qualified holding an employment position equal to executive or cadre
- The work permit is initially issued for a period of 24 months or less and can be renewed for the same period extent of the initial authorization and the whole period of secondment can last maximum 5 years



- EU ICT Work Permit is applicable to executive, highly qualified personnel and trainees
- The Employer and the Italian company must belong to the same international corporate group
- The employee who is going to be seconded to Italy has to be hired with the sending entity since at least 3 months continuously before the assignment start date in Italy
- Executive and highly qualifies personnel may be seconded for a maximum period of 3 years, meanwhile 1 year is the maximum allowed for trainees



- The applicant must be highly qualified and must hold at least a 3 years university degree
- The employment contract, if fixed terms, must be of at least 12 months duration
- The annual salary level must be minimum equal to € 25,000 gross

Process

The general process for a standard immigration procedure is:

- 1. Work Permit/Nulla Osta application through Immigration authorities portal Physical filing/E-filing of the application documents to the immigration authorities
- 2. Issuance of Work Permit/Nulla Osta approval
- 3. Working Visa at the Italian Consulate of competence
- 4. In country formalities: signature of contract of stay and residence permit application

Processing times

Estimated processing time ranging from 6 to 8 months for completion of a standard immigration procedure (work permit, entry visa and residence permit processing and collection). They may vary in depending of the immigration office of the city where the application is filed. The applicant is anyway compliant to start to work in Italy upon signature on the contract to stay and residence permit filing

UK immigration system



Beyond Brexit

Business Travel for Italian nationals into UK

Impact on Italian nationals travelling to UK For visits under 6 months EU, EEA and Swiss citizens can enter the UK without applying for a visa for business purposes such as



- attend meetings, conferences, seminars, interviews
- give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser
- negotiate and sign deals and contracts
- attend trade fairs, for promotional work only, provided the visitor is not directly selling
- · carry out site visits and inspections
- gather information for their employment overseas
- be briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK

A full list of permitted activities can be found on the gov.uk website



The UK's points-based immigration system

- Application begins from GOV.UK by demonstrating the meeting of the relevant criteria and score the number of points required for the applied visa → ID Check' app needs to attend a Visa Application Centre
- To work in the UK a job offer is required and can meet income thresholds as well as a points threshold under the points system. There will no longer be a route for low-skilled foreign workers
- Job offer and salary threshold. Applicants must have a job offer with a UK employer and earn a minimum salary of £25,600 per year (a decrease from the previous £30,000 threshold)
- **Points system.** Candidates will earn points based on their qualifications, salary level, English language proficiency, and other factors. A minimum of 70 points is required to be eligible for a work visa. The mandatory requirements of a job offer from an approved sponsor, a job at an appropriate skill level and English proficiency will earn 50 points. To reach 70 points, candidates will earn points for their salary level, having a Ph.D. in a relevant field or working in a shortage occupation

Immigration Overview

Points-Based System and other immigration routes from 1 January 2021



- An applicant must have a job lined up with a licenced employer
- The job must satisfy a minimum skill level, be paid at a minimum salary level, and the applicant must also be able to speak the minimum level of English
- Other requirements apply



- The ICT visa allows businesses to move people on an assignment from a foreign entity into the UK licenced employer
- The two entities must be within the same corporate group
- The job must satisfy a minimum skill level, be paid at a minimum salary level, and the applicant must have been employed by the group for 12 months, or earn a salary of at least £73,900
- Other requirements apply

Questions?

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