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Europe for Citizens Programme
of the European Union



REACT

Reactivating European citizenship: a network of inclusive towns

Presentation meeting
Wattrelos, 12-13 July 2017

**Constitutional principles and legal aspects
of citizenship in ITALY**

Presentation of EDERA/ANCI

Europe for Citizens - Programme Guide 2014-2020

Constitutional principles and legal aspects of citizenship in ITALY

- ✓ individual intention in the acquisition or loss of citizenship;
- ✓ right to hold more than one citizenship simultaneously.

Law no. 91/1992

and regulations for its implementation:

DPR no. 572 of 12 October 1993

DPR no. 362 of 18 April 1994

Citizenship legislation applies to:

- persons born Italian who have lost their citizenship and wish to reinstate it;
- descendants of Italian citizens claiming citizenship;
- foreigners applying for Italian citizenship.

ACQUISITION OF ITALIAN CITIZENSHIP

AUTOMATIC ACQUISITION

- Citizenship as a result of Italian parents/ancestors (“*iure sanguinis*”)
- Citizenship granted to persons born on Italian soil (“*iure soli*”)
- Citizenship through judicial ruling on natural paternity/maternity
- Citizenship by adoption

ACQUISITION BY CLAIM

- Foreign descendants of Italians up to the second degree, or born in Italy
- Citizenship by marriage to an Italian citizen
- Naturalisation
- Granting of Italian citizenship pursuant to special Laws

ACQUISITION OF ITALIAN CITIZENSHIP

AUTOMATIC

ACQUISITION

➤ CITIZENSHIP AS A RESULT OF ITALIAN PARENTS/ANCESTORS (“IURE SANGUINIS”)

Citizenship is passed on from parent to child without limitation of generation, on the condition that none of the ancestors has ever renounced their citizenship.

Ascertainment of citizenship

When a person claims to be of Italian parentage or ancestry but no proof of the fact can be found in Italian registers, it is necessary to provide proof that all ancestors have maintained, and thereby passed on, their Italian citizenship.

ACQUISITION OF ITALIAN CITIZENSHIP

AUTOMATIC ACQUISITION

CITIZENSHIP GRANTED TO PERSONS BORN ON ITALIAN SOIL (“*IURE SOLI*”)

Italian citizenship is granted to persons born on Italian soil:

- whose parents are unknown, Stateless or cannot pass on their citizenship to their child according to the laws of the State of which they are citizens;
- of unknown parentage found on Italian soil and whose natural citizenship is impossible to ascertain.

ACQUISITION OF ITALIAN CITIZENSHIP

AUTOMATIC

ACQUISITION

CITIZENSHIP THROUGH JUDICIARY RULING ON NATURAL PATERNITY/MATERNITY

A child recognized or declared while a minor to be of Italian parentage. Persons of legal age recognised or declared as such must elect to become citizens within one year of that recognition. The following documentation must be annexed to the declaration:

- o Birth certificate;
- o Act of recognition or authenticated copy of the ruling on paternity/maternity, or of an authenticated copy of a ruling that declares a foreign ruling binding in Italy, or an authenticated copy of a ruling acknowledging the right to child support or alimony;
- o Certification of parent(s)' citizenship.

ACQUISITION OF ITALIAN CITIZENSHIP

AUTOMATIC ACQUISITION

CITIZENSHIP BY ADOPTION.

The right to citizenship is extended to any minor child adopted by an Italian citizen by means of the provisions of the Italian Judiciary Authorities, or in the case of adoption abroad and rendered valid in Italy through an order issued by the Juvenile Court for enrolment in an official Italian statistics office.

Adoptees of legal age can acquire citizenship after 5 years of legal residence in Italy after the adoption.

ACQUISITION OF ITALIAN CITIZENSHIP

ACQUISITION BY CLAIM

➤ **FOREIGN DESCENDENTS OF ITALIANS UP TO THE SECOND DEGREE, OR BORN IN ITALY.**

Foreign or Stateless descendents (up to the second degree) of Italian citizens can claim citizenship.

Requirements include one or more of the following:

- service in the Italian armed forces;
- employment by the Italian government, even abroad;
- residence in Italy for at least 2 years before reaching the legal age of 18.

ACQUISITION OF ITALIAN CITIZENSHIP

ACQUISITION BY CLAIM

➤ Foreigners, even those not of Italian descent, born on Italian soil can claim Italian citizenship after continuous legal residence in Italy up to legal age, and upon declaration of their desire to do so. That declaration, to be presented within one year of reaching the age of 18, must be accompanied by the following **documentation**:

birth certificate;

certificate of residence.

ACQUISITION OF ITALIAN CITIZENSHIP

ACQUISITION BY CLAIM

➤ CITIZENSHIP BY MARRIAGE TO AN ITALIAN CITIZEN.

Requirements:

a) in Italy: two years legal residence (permit to stay and enrolment in an official statistics office (Anagrafe)) after the wedding; abroad: three years after the wedding;

*the timeframes are reduced by half in the presence of children born or adopted by the spouses;

b) valid marriage certificate and permanence of marriage bond up until the issuance of citizenship;

c) absence of convictions for crimes, crimes against government personnel, absence of obstacles related to the security of the Republic.

ACQUISITION OF ITALIAN CITIZENSHIP

ACQUISITION BY CLAIM

➤ NATURALISATION

Required legal residence in Italy for:

- 3 years for descendants of former Italian citizens up to the second degree and for foreigners born on Italian soil;
 - 4 years for citizens of a European Union country;
 - 5 years for Stateless persons and refugees, as well as for adult foreigners over the age of 18 adopted by Italian citizens;
 - 7 years for children adopted by Italian citizens before the entry into effect of Law no. 184/1983;
 - 10 years for non-EU citizens.
- * No period of legal residence is required for foreigners who have been employed in the service of the Italian Republic for a period of at least 5 years, also abroad.

ACQUISITION OF ITALIAN CITIZENSHIP

ACQUISITION BY CLAIM

➤ GRANTING OF ITALIAN CITIZENSHIP PURSUANT TO SPECIAL LAWS

- **A. Law n. 379 of 14 December 2000**, provides for recognition of Italian citizenship to persons born and formerly resident in the territories of the **former Austro-Hungarian Empire and their descendents**
- **B. Law no. 124 of 8 March 2006**, provides for recognition of Italian citizenship for **Italian nationals resident in Istria, Fiume and Dalmatia from 1940 to 1947**, whose property was confiscated and ceded to the Yugoslav Republic by the Treaties of Paris of 10 February 1947 and Osimo of 10 November 1975, and their descendents

Any thing else we should know about citizenship in your country?

FEES

- from 8 August 2009 applications or declarations regarding the election, acquisition, reacquisition, renunciation or granting of Italian citizenship are subject to a fee of 200 euro;
- from 8 July 2014 applications by legal-age adults for recognition of Italian citizenship are subject to a fee of 300 euro.

