



## Chapter 4

# Italian citizenship





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# ITALIAN CITIZENSHIP

### **What does the acquisition of Italian citizenship entail?**

The acquisition of Italian citizenship entails the acquisition of all the rights and duties established for Italian citizens. The acquisition of Italian citizenship automatically entails the acquisition of the EU's citizenship.

### **Who acquires Italian citizenship by birth?**

Italian citizenship is acquired by birth when at least one parent is Italian. In order to transmit citizenship, the mere biological bond is not enough. The child must be legally recognised.

If a late recognition takes place when the child is still under-age, the child automatically acquires Italian citizenship.

If a late recognition takes place after the child has already turned 18 years old and has thus become of age, the child must declare the desire to acquire Italian citizenship within one year from recognition.

### **Can a direct descendant of an Italian citizen acquire Italian citizenship?**

Direct descendants of an Italian citizen can apply for the recognition of Italian citizenship as long as they prove that none of their ascendant expressly renounced to citizenship. If they are holders of a valid residence permit, they are required to register with the Registry Office of their Municipality, and then submit the documentation for citizenship recognition to the Register's Office. Subsequently, they can apply for a residence permit while awaiting citizenship up to the end of the procedure.

If the subjects are abroad, the procedure must be carried out through diplomatic offices.



## **Who acquires Italian citizenship by being born in Italy (the so-called *ius soli*)?**

Italian citizenship acquired by being born in Italy involves children born in Italy or found in a state of abandonment and whose parents are unknown. It also involves children born in Italy with both parents recognised as stateless persons.

Furthermore, it involves children born in Italy with parents whose Country's laws establish that children are not entitled to the parents' citizenship. It must concern a total impossibility to acquire the parents' citizenship. Therefore, it is not applicable if it is possible to acquire the parents' citizenship through a declaration of will or other administrative fulfilments.

## **Which requirements must be met in order to apply for Italian citizenship by marriage?**

The acquisition of Italian citizenship by marriage is regulated by Art. 5 of Law No. 91/1992.

The spouse of an Italian citizen can apply for Italian citizenship if at least two years have gone by from the date of the wedding (if the couple resides in Italy) or three years (if the couple resides abroad), without any occurrence of legal separation or dissolution of the marriage. The terms are halved if the couple has children.

## **How to apply for Italian citizenship by marriage?**

Applications for Italian citizenship by marriage must be submitted on-line on the website of the Ministry of Interior – Dipartimento delle Libertà Civili e l'Immigrazione (Department for Civil Liberties and Immigration).

The applicant must be in possession of the authentication system SPID and submit the application electronically on the site

<http://portaleservizi.dlci.interno.it/Alicittadinanza/ali/home.htm>

The application form must be attached in PDF format:

- 1) translated and legalized birth certificate;
- 2) Italian National Identity Card
- 3) passport
- 4) residence permit
- 5) criminal certificate issued by the country of origin
- 6) marriage certificate
- 7) receipt of payment of the contribution of 250 euros
- 8) certificate relating to the level of knowledge of the Italian language
- 9) identity document of the spouse.



The application is assessed directly at the “PREFETTURA” of the place where the applicant resides.

### **Which crimes prevent the acquisition of Italian citizenship by marriage?**

The acquisition of citizenship by marriage is prevented by sentences for crimes against the State as provided for by Book I, Title I, items I-III of the Code of Criminal Procedure. In the event of pending criminal proceedings for one of those crimes, the citizenship application remains suspended up to a definitive judgment.

The acquisition of citizenship is also prevented by sentences (including a judgment of “plea bargaining” pursuant to Art. 444 of the Code of Criminal Procedure) for non-culpable crimes for which the law provides for a sanction up to a maximum of three years.

Furthermore, it is prevented by sentences for non-political crimes with imprisonment carried out abroad if the sentences are recognised in Italy.

Applications can anyway be rejected for “proven reasons relating to the State’s security”.

### **How long is it necessary to reside in Italy in order to apply for Italian citizenship by naturalisation?**

The acquisition of citizenship by naturalisation is regulated by Art. 9 of Law No. 91/1992.

It is necessary to meet the following requirements:

- 10 years for Non-EU citizens;
- 4 years for EU citizens;
- 5 years for international protection holders and stateless persons residing in Italy;
- 5 years for youngsters of age adopted by an Italian citizen;
- 3 years for EU or Non-EU citizens whose parent or grandfather was an Italian citizen;
- 3 years for EU and Non-EU citizens born in Italy.

Legal residence, understood as the registration with the Registry Office, must be uninterrupted.

Italian citizenship is not granted to foreign citizens who have transferred their residence abroad.



## How to apply for Italian citizenship by naturalisation?

Applications for acquiring Italian citizenship by naturalisation must be submitted through the procedure provided on-line on the website of the Ministry of Interior - Dipartimento delle Libertà Civili e l'Immigrazione.

The applicant must be in possession of the authentication system SPID and submit the application electronically on the site

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- 1) translated and legalized birth certificate;
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- 7) certificate relating to the level of knowledge of the Italian language.

The application is assessed by the ministry of the interior and the concession provision issued by the president of the Republic.

## What is the minimum income necessary to apply for Italian citizenship by naturalisation?

Applicants are required to prove a personal (or family) income for 3 years prior to the application. The amount of said income must be as follows:

- Euros 8,263.31 for the sole applicant without dependant persons
- Euros 11,362.05 for the applicant with dependant spouse
- Euros 516.00 for every other dependant person.

Applicants are required to submit their income statements (modello UNICO, modello 730, CUD) relating to the incomes of the last 3 years prior to the application.

## Is it necessary to know Italian in order to apply for Italian citizenship?

Following the approval of Law No. 132/2018, it is mandatory to prove an adequate knowledge of Italian. This means that foreign citizens must prove to know Italian at least at a Level B1 of the Common European Framework of Reference for Languages. Applicants who have not signed the integration agreement or are not holders of an EU residence permit for long-term residents are required to submit the educational qualifications acquired at a public school or at an officially recognised private school, or to submit specific certification.





### **Is Italian citizenship granted if lacking a personal income?**

Yes, it is. Foreign citizens meeting the requirements to reside in Italy can apply for Italian citizenship annexing the income of one or more family members, as long as they cohabit with the applicant and are present on the same family certificate (spouse, parents, siblings).

### **Is Italian citizenship granted in the presence of criminal convictions?**

With regard to citizenship applications by marriage, the law provides for rehabilitation to cease the preclusive effect of convictions. With regard to citizenship applications by naturalisation, the law does not provide for a list of preventing crimes, but it is always advisable to request and obtain rehabilitation or the extinction of the crime before submitting application. It is necessary to be aware that the evaluation for granting citizenship is widely discretionary and includes all aspects of the applicant's life and conduct. Therefore, the Administration, also in case of rehabilitation, can keep into account the historic fact of the crime committed.

### **What must foreign citizens do if they change residence during the application procedure?**

It is always necessary to communicate any changes of residence to the Administration.

### **Within when is the procedure closed?**

Following the entry into law 173/2020, the applications presented starting from 20 December 2020 must be defined within 24 month, which can be extended up to a maximum of 36 month.

For applications submitted previously, the deadline for the conclusion of the procedure remains 48 month.

### **Is it possible to have information on the progress of the procedure?**

Yes, it is. Applicant must be in possession of the authentication system SPID and submit the application electronically on the site.

Applicants can visit the website of the Ministry of Interior and access the reserved area through the authentication system SPID. In the section "visualizza lo stato della domanda" ("view the progress of the application") it is



possible to verify the progress of the procedure. In the section “comunicazioni” (“communications”) it is possible to view any communications from the Administration.

Moreover, applicants, also through the aid of a lawyer, can send communications to the Ministry concerning naturalisation applications (reminders, warnings, access requests, and more) utilising the following certified e-mail address: [comunicazione.cittadinanza@pecdlci.interno.it](mailto:comunicazione.cittadinanza@pecdlci.interno.it)

### **If a parent is granted Italian citizenship, what does this entail for children not of age?**

Children not of age of a parent granted Italian citizenship acquire Italian citizenship if they cohabit. The cohabitation must be steady and permanent, duly certified through suitable documentation such as registration with the Registry Office. However, jurisprudence has held that a parent granted Italian citizenship transmits said citizenship to the child not of age, even if the latter does not physically live with the parent due to separation or divorce, as long as a steady family relationship continues to exist.

### **How can a foreign citizen born in Italy acquire Italian citizenship when turning 18 years old?**

When foreign citizens born in Italy turn 18 years old, they can submit an election statement (that is, declare the desire to acquire Italian citizenship), as long as they kept their residence in Italy uninterrupted until turning 18 years old. The election statement must be made before an official of the Register's Office, before turning 19 years old. With regard to the maintenance of residence in Italy up to 18 years old, the registration of the lack of interruptions with the Registry Office is not mandatory, but applicants can prove the continuity of their presence in Italy in a different way.

The Municipality of residence is obliged to send a written communication to all residents who are in the condition to submit an election statement.

### **How much does it cost to apply for citizenship?**

In order to apply for citizenship, it is necessary to purchase an electronic revenue stamp amounting to 16.00 Euros and pay a contribution of 250 Euros (Form 451) via the current account No. 809020 in the name of: MINISTERO INTERNO D.L.C.I. – CITTADINANZA with the following description: “Cittadinanza - contributo di cui all’art. 1, comma 12, legge 15 luglio 2009, n. 94”. The payment of the contribution is required for all applications submitted for citizenship election, acquisition, re-acquisition and granting.



## **How to apply for Italian citizenship by adoption?**

Minors adopted by an Italian citizen acquire Italian citizenship automatically. Youngsters who were 18 years old when adopted by an Italian citizen can apply for Italian citizenship after 5 years of residence.

## **When is citizenship acquired by “benefit of law”?**

Italian citizenship by “benefit of law” is granted to foreign citizens that have at least one parent or grandfather with Italian citizenship by birth, and if:

- they offer military service for the Italian State declaring in advance the desire to acquire Italian citizenship;
- they are employed by the Italian State, also abroad, and declare the desire to acquire Italian citizenship;
- when turning 18 years old, they have regularly resided in Italy already for two years and declare the desire to acquire Italian citizenship before turning 19 years old.

## **In which cases can Italian citizenship be revoked?**

Law No. 132/2018 introduced the possibility to revoke Italian citizenship acquired by marriage, naturalisation or following the declaration of election when turning 18 years old for persons convicted definitively for certain crimes relating to terrorism and subversive acts against the Constitution. Revocation is adopted within three years from the final judgment with decree of the President of the Republic, upon proposal of the Minister of Interior.

## **What to do if a citizenship application is rejected?**

In case of denial of an application for citizenship by neutralization, it is possible to appeal before the court of the Administrative office in Lazio within 60 days of notification of rejection order.

In case of denial of an application for citizenship by marriage, it is possible to appeal to the section specialized in immigration, International protection of the court of the place where the applicant has his/her residence.

## **What is a residence permit while awaiting citizenship?**

A residence permit while awaiting citizenship is a residence permit granted to foreign citizens, already residing for other reasons, in order for them to carry out all the procedures necessary to be granted citizenship (e.g. granting of citizenship by birth in the presence of Italian ascendant).