



Know your Rights
Right to Citizenship

Index

INTRODUCTION.....	04
CONTENTS.....	04
ABOUT US.....	05
FAQ.....	06
1 How to become an Italian citizen?	
2 What is naturalization?	
3 Does Italy grant citizenship by birth (ius soli)?	
4 What is the procedure to apply for Italian citizenship?	
5 What documents must be attached to the application for Italian citizenship by naturalization?	
6 What is meant by legal residence?	
7 What are the terms of legal residence according to Italian law?	
8 Is it possible to travel outside the Italian territory?	
9 What are the requirements to apply for Italian citizenship for foreigners born in Italy?	
10 What happens if a foreigner born in Italy does not present the declaration of willingness to acquire citizenship by the age of 19?	
11 What is the knowledge of the Italian language and how is it demonstrated?	
12 How much is the contribution to be paid for the application for Italian citizenship?	
13 What is the income requirement for citizenship by residence and what does the principle of family solidarity entail?	
14 Is it allowed to attach the income of the cohabitant to the application in case of cohabitation contract?	
15 What is the requirement for children of naturalized Italian parents to acquire Italian citizenship?	
16 Can the cohabitation requirement be waived for minor children of naturalized persons?	
17 When can minors acquire Italian citizenship?	
18 Can minors apply for Italian citizenship?	

- 19 Can an adult foreigner adopted by an Italian citizen become Italian citizen?
- 20 Does the law provide favorable conditions for those with disabilities?
- 21 Does the criminal record certificate from the country of origin always have to be submitted together with the application for Italian citizenship?
- 22 How does the law describe the administrative procedure related to the application for Italian citizenship?
- 23 What happens if the income or legal residence or cohabitation requirements are not met after the legal deadline for completion of the process?
- 24 What is the difference between notice of rejection and rejection decree?
- 25 Why are the notice of rejection and related communications important?
- 26 What can I do if my application for Italian citizenship is rejected?
- 27 Does sports citizenship exist? What do we refer to when we talk about athletes becoming Italian citizens?
- 28 What are the changes on the application for Italian citizenship for UK citizens after Brexit?
- 29 What is an oath and what does failure to take an oath entail?
- 30 Does Italian law recognize dual citizenship?

STORIES.....19

GLOSSARY.....21

AUTHORS.....24

INTRODUCTION

The acquisition of Italian citizenship is regulated by [Law n. 91 of February 5, 1992](#). A law that is almost thirty years old, characterized by many changes over the years. It is an anachronistic law due to its basic approach, which in the past, had already earned it the definition of “delayed reaction law”, and was therefore already born old. A law, therefore, incapable, in the present of accompanying the 858,000 students with foreign passports who are educated in Italian schools and the 1.78 million minors without Italian citizenship registered in the Italian municipal registers.

We owe to these children of Italy the amendment of the law on Italian citizenship, starting with providing them greater opportunities to acquire citizenship and to all foreigners, a procedure with less obstacles and which can be completed in more reasonable terms than the current ones.

But while awaiting a reform in line with the present and future of the country, we have listened to the urgent request of unrecognized Italians for a self-defense tool, with useful advice for dealing with the long and frustrating administrative procedure for the recognition of Italian citizenship.

CONTENTS

This guide contains FAQs, answers to the most frequently asked questions, on the procedure for obtaining Italian citizenship with a focus on specific issues (e.g. income requirements, legal residence, cohabitation) which statistically represent the greatest challenges for the acquisition of Italian citizenship. Particular attention is given to minors and the application of citizenship by naturalization. There are also FAQs that may help to understand the meaning of some Administrative measures (for example, the difference between a “notice of rejection” and “rejection decree”) to provide self-defense tools in the various stages of the procedure. Finally, there are boxes with practical cases that we hope will help readers better understand the FAQ.

This guide was created by Law. Gennaro Santoro, Dr. Martina Avigliano and Journalist Paula Baudet Vivanco. We thank Law. Giulia Crescini and the activists of the movement Italiani Senza Cittadinanza for their collaboration.

For more info, see [The profiles of constitutional illegitimacy of the law on citizenship](#). If after reading this guide you still have doubts, you can send an email to: legal@cild.eu and info@italianisenzacittadinanza.org.

ABOUT US

CILD was established in 2014, the Italian Coalition for Civil Liberties and Rights (CILD) is a network of 41 civil society organizations that carries out advocacy, public campaigns and legal action on the issue of civil rights and liberties. The main areas that CILD deals with are equality and inclusion, immigration and asylum, democracy and rule of law, digital rights and health: www.cild.eu. CILD also founded and manages the Open Migration website: www.openmigration.org.

“Italiani Senza Cittadinanza” (Italians Without Citizenship) is a movement founded in 2016 by children of immigrants, raised in Italy, to support a reform of the law for the acquisition of Italian citizenship (L. 91/92), to dialogue directly with the institutions and come out of invisibility by proposing a narrative of their own paths systematically hindered by the laws. The movement has intervened several times at Hearings organized in Parliament on discrimination against “unrecognized Italians” and is part of the National Observatory “for the integration of foreign students and interculture” of the Ministry of Education.
www.italianisenzacittadinanza.org.
www.facebook.com/italianisenzacittadinanza.

Refugee.Info Italy is an initiative launched in Italy by International Rescue Committee (IRC) in 2018, and part of Signpost at the global level. Refugee.Info (RI) is a community-led, multilingual information service for migrants and refugees in Italy. Through digital channels and a peer-to-peer approach, RI provides timely, actionable, and accurate information, aiming to give back to communities the power to make informed decisions about their lives and futures.
www.refugee.info/italy
www.facebook.com/Refugee.Info.Italy

FAQ

1 How to become an Italian citizen?

You can acquire Italian citizenship by birth (ius sanguinis and, exceptionally ius soli), by family ties (marriage, civil union, recognition or judicial ruling of filiation, adoption of a minor), by benefit of the law (foreigners or stateless persons with a parent or an ascendant in straight line of second-degree Italian by birth, and foreigners born in Italy and residing continuously until the age of majority), by naturalization (foreigners legally residing for at least 10 years or other term provided by law, foreigners who have rendered eminent services to Italy or in case of an exceptional interest of the State).

The granting and acquisition of Italian citizenship is regulated by [Law n. 91 of 1992](#), [Presidential Decree 572/1993](#) e dal [Presidential Decree 362/1994](#).

2 What is naturalization?

Naturalization is the granting of citizenship to a foreigner after verification of the existence of the requirements provided by law.

In Italy, naturalization can take place after the submission of an application for Italian citizenship by residence and in the other cases listed in the second paragraph of [art. 9 of the law](#).

3 Does Italy grant citizenship by birth (ius soli)?

Yes, but unlike in other countries, only in exceptional cases.

The law provides that those born in the Italian territory are Italian citizens if both parents are stateless or unknown, and if they cannot acquire the citizenship of their parents according to the law of the State of origin. Therefore, the territorial requirement (ius soli) is valid exclusively for those who, for exceptional reasons, cannot obtain another citizenship by filiation. Those born in Italy are thereby excluded and may obtain citizenship only according to the general rules listed in Faq 1.

4 What is the procedure to apply for Italian citizenship?

The application for Italian citizenship can only be submitted online through the website of the Ministry of the Interior. It must be submitted with [SPID \(Sistema Pubblico di Identità Digitale – Public Digital Identity System\)](#) or by registering on the portal.

You can check the status of your application online from the personal area. Those who have already applied for citizenship, by September 30, 2021, must associate the SPID to their account online.

Communications, additional documents, and any requests for information should be sent to the email address: comunicazione.cittadinanza@pecdlci.it.

It is also possible to interact with the Ministry of the Interior through the app “[IO APP](#)”. This same application allows you to consult the status of your citizenship application in an immediate way.

[Circular No. 3250 of 12/05/2021](#) further provides that:

- When you associate the application with your SPID, this allows you to skip the documents verification and identification process at the Prefecture;
- The e-mail address declared on the portal during the application would be the means for official communications ([art. 47 Civil Code](#));
- The notifications of ineligibility, rejection decree of the application, final decisions and the responses to requests for access to the procedural documents will be provided exclusively through an electronic channel that will allow access to the digital notice relating to the process.

5 What documents must be attached to the application for Italian citizenship by naturalization?

The application for citizenship by naturalization requires: valid identity document, birth certificate of the country of origin (translated and legalized), criminal certificate from the country of origin (translated and legalized), certificate of knowledge of the Italian language, historical residence certificate, income return and the absence of pending charges and criminal records in Italy. Any false declaration is punishable by the law according to the Penal Code rules. The payment slip for the contribution of € 250.00 required by law and the details of the revenue stamp of € 16.00 must all be attached to the application.

All documentation attached to the application for citizenship must be kept until the end of the procedure and, if requested, submitted to the competent authority.

6 What is meant by legal residence?

A foreign citizen is considered legally resident in the Italian territory if he/she certifies the conditions provided by the law on entry and residence ([article 43 of the Civil Code](#)).

For an eligible and valid application, the legal residence – required by the various cases established by art. 9 (by naturalization), art. 5 (by marriage) and art. 4 (by choice for those born in Italy at the age of majority) – must be uninterrupted and current until the moment of the oath.

The legal residence is defined in a restrictive way, whereby it is not sufficient just to comply with the laws about entry and residence but it is also required to have an uninterrupted registration with the Registry Office (Anagrafe) ([art. 1 DPR 572/1993](#)), verifiable with the certificate of historical residence.

In fact, it is common to receive the rejection notice or notification of ineligibility if you have an interruption on the registration with the Registry Office (Anagrafe) even for a few months.

In such a case, it is advisable to consult a lawyer and provide evidence to demonstrate the legal residence even during periods of interruption of the registration with the Registry Office (Anagrafe) (for example, by presenting school reports, medical records, payroll, etc.) before the conclusion of the procedure.

For more details see [box](#) and chapter 1.2 of the [ebook](#).

7 What are the terms of legal residence according to Italian law?

According to Italian law, the terms for legal residence are different based on the type of citizenship application but in any case it is compulsory that the legal residence must be uninterrupted and current until the time of the oath.

Citizenship by marriage can be acquired after two years of legal residence in Italy and after three years of marriage if abroad. The terms are reduced by half in the presence of children ([Art. 5 Law 91/1992](#)).

This also applies for civil unions between persons of the same sex, in order to ensure the protection of rights and in compliance with the obligations of the civil union law ([Art. 1, c. 20. L. 76/2016](#)).

Citizenship by residence can be requested ([art. 9, c. 1, L. 91/1992](#)):

- After 10 years of legal residence for foreigners;
- After 4 years of legal residence for EU citizens;
- After 5 years of legal residence in the case of adoption of a foreign adult adopted by an Italian citizen;
- After 5 years of legal residence for stateless person and refugee;
- After 3 years of legal residence in the case of foreigners with parents or ascendants in straight line of second-degree Italian citizens by birth or of foreigners born in Italy;
- After 7 years of legal residence in the case of a foreigner affiliated with an Italian citizen before the established Law 184/1983 (art. 21 Law 91/1992).

In order to avoid discrimination, the five-year period of legal residence in the case of an adopted adult is also applicable to the legitimate adult children of a naturalized Italian citizen. In this case, the five years of legal residence must be counted from the date of the naturalization of the parent. This case is only applicable if there is no other favorable provision foreseen by the legislation.

8 Is it possible to travel outside the Italian territory?

Yes, it is possible to travel outside Italy, both to the country of origin and to other countries, for reasons of study, work, family assistance or medical treatment. Traveling outside the country does not affect the application for citizenship with the condition that the foreigner maintains legal residence and continuity in Italy. Any prolonged absence from the country must be proven with the appropriate documentation to be attached to the application ([Circular no. 60.1 of 05/01/2007](#)).

9 What are the requirements for Italian citizenship for foreigners born in Italy?

Foreigners born in Italy can acquire Italian citizenship if they have legally resided in the country without interruption until the age of 18. All information relating to residence can be requested from the Municipality of residence, which issues the historical certificate of residence.

Within 6 months before turning 18, the municipality of residence must notify the interested party that, within one year after turning 18, he/she may submit a declaration of the intention to acquire citizenship. If the municipality of residence does not provide this communication, the request can still be submitted even after the age of 19 ([art. 33 of Law 98/2013](#)).

This same law states that the late registration of the residence by the parents or other non-fulfillments by the parents or the Administration (such as the absence of the residence of the parents at the time of birth, irregular parents at birth, lack of residence registration for several years) can't be ascribed to the foreigner born in Italy, who can prove to be eligible by presenting any other relevant document (e.g. vaccination certificates, medical reports, school certificates, etc.).

It is allowed to travel outside the Italian territory for study, family or work reasons which must be proven with the relevant documentation.

The income requirement and the criminal certificate are not required.

The final decision on the citizenship application (acceptance or rejection) must be communicated to the applicant in writing.

If the application is rejected, it is possible to appeal before the civil court.

10 What happens if a foreigner born in Italy does not present the declaration of willingness to acquire citizenship by the age of 19?

The foreigner born in Italy and resident continuously until the age of 18, who has been informed by the Municipality of residence of the acquisition of citizenship and has not submitted an application before the age of 19, can apply for Italian citizenship by residence ([art. 9 L. 91/1992](#)).

In accordance with letter (a) of article 9, the legal residence required in this case should be at least three years. The income and penal requirements must also be presented, unlike the application submitted within the 19th birthday.

11 What is the knowledge of the Italian language and how is it demonstrated?

[Article 9.1](#) introduced the knowledge of the Italian language at a level of at least B1 of the Common European Framework of Reference for Languages (CEFR) as among the requirements for granting citizenship by marriage and residence.

The documents proving the knowledge of the Italian language must be attached to the citizenship application.

Knowledge of the language must be proven by the possession of a qualification issued by a public or educational institution recognized by the Ministry of Education or, in the absence of this, by presenting a specific certificate issued by an authorized body recognized by the Ministry of Education (University for Foreigners of Perugia, University for Foreigners of Siena, University of Roma Tre, Dante Alighieri Society or by the connected national and international network of institutions and bodies which can be found on the websites of the above mentioned Ministries and bodies).

Those who have signed the integration agreement and holders of EU long-term residence permits are exempt from submitting the language proof. Details of the signing of the agreement and valid residence permit must be provided respectively when submitting the application.

12 How much is the contribution to be paid for the application for Italian citizenship?

The payment of a contribution of 250.00 euros is required for the citizenship application ([art. 9-bis L. 91/1992](#)). A copy of the payment receipt must be attached to the application when submitted.

13 What is the income requirement for citizenship by residence and what does the principle of family solidarity entail?

The income requirement established by the law provides exemption from participation in national health expenditure (Law 8/1990). You need to have an income that is equal to 8,263.00 euros if you're alone; 11,362.00 euros in the case of a dependent spouse; and 516.00 euros for each additional dependent person

In the event that the applicant alone cannot meet this condition, on the basis of the principle of family solidarity, it is possible to include the income of family members cohabiting with the applicant, who contribute to the maintenance of the applicant.

Starting from 2019, it is necessary to attach to the citizenship application the declaration of maintenance of the cohabiting family member. In addition to the spouse and children, descendants of the children, parents, sons-in-law and daughters-in-law, fathers-in-law and mothers-in-law, brothers and sisters, and grandparents can be considered dependents, provided they are living together with the applicant. The requirement to be met is that of cohabitation. The assessment of income has the purpose of the general public interest and on the other hand that of verifying the existence of economic self-sufficiency in compliance with the obligations of solidarity. (for more details see [Faq 14](#) and chapter 3.2 [ebook](#)).

If the applicant for Italian citizenship is a member of a religious order, the declaration of sustainability is made by the religious order itself.

The competent Prefecture and Consulates verifies the genuity of all the requirements (legal residence, income requirement and absence of criminal records) before the notice for granting citizenship, at the end of the entire administrative procedure. The income requirement (as well as the criminal and legal residence) must persist until the conclusion of the application. However, it is illegitimate to expect the maintenance of the requirements beyond the deadline for the conclusion of the procedure (see [Faq 22](#) and [23](#)).

14 Is it allowed to attach the income of the cohabitant to the application incase of cohabitation contract?

Yes, it is. The cohabitation contract is the means by which individuals in a de facto union can regulate their patrimonial relationships in relation to their common life

In examining applications for citizenship, the income of the cohabitant can be considered useful for the purposes of the investigation only if a cohabitation contract has been signed and attached to the citizenship application.

For further information see [Faq 22](#), [Faq 23](#) and [box](#).

15 What is the requirement for Children of naturalized Italian parents to acquire Italian citizenship?

The minor children of a person who acquires Italian citizenship can apply for Italian citizenship if they are living together ([art. 14 L. 91/1992](#)).

The cohabitation must be stable, effective and documented ([art. 12 DPR 572/1993](#)).

For further information see [Faq 16](#) and [box](#).

16 Can the cohabitation requirement be waived for minor children of naturalized persons?

No, the Administration considers the requirement of cohabitation of the minor with the naturalized parent an essential requirement ([art. 12 DPR 572/1993](#)) for the acquisition of Italian citizenship under [art. 14 L. 91/1992](#) (for more info, see [Faq 15](#) and [17](#)).

To date, the legislation does not take into consideration whether the child's parents are separated, shared custody or child support, or those that actually care for the children. However, this restrictive reading does not appear to be legitimate.

For more details see [box](#) and chapter 1 [ebook](#).

17 When can minors acquire Italian citizenship?

By law, minor children of naturalized citizens can acquire Italian citizenship if they live with a parent who has become an Italian citizen.

Children born in Italy by a stateless person or unknown person are Italian citizens, or in a case where they cannot acquire the citizenship of their parents according to the laws of the State of origin. Minors born and recognized in Italy or legally declared as children of an Italian citizen are Italian citizens. Likewise, those legally recognized who get support or alimony by an Italian citizen are also citizens, in the event that the maternity or paternity cannot be declared. Minors adopted by an Italian citizen are also Italian citizens.

18 Can minors apply for Italian citizenship?

Unlike other EU countries, Italian legal system does not allow minors to apply for Italian citizenship in person. However, based on the constitutionally oriented interpretation, parents having met the requirements, should be able to apply for citizenship in the name and on behalf of their children. For example, the interest of acquiring citizenship concerns only the minor children and not the parents.

For more details see chapter 3 [ebook](#).

19 Can an adult foreigner adopted by an Italian citizen become Italian citizen?

Yes, a foreigner of age adopted by an Italian citizen may declare his willingness to become an Italian citizen after five years of legal residence in Italy after the adoption ([art. 9, c. 1, l. c\), Law 91/1992](#)).

It is required to meet the requirements of income, criminal, integration and knowledge of the Italian language.

20 Does the law provide favorable conditions for those with disabilities?

No, the law says nothing about people with disabilities.

The Constitutional Court, with [sentence no. 258 of 2017](#), considered unconstitutional [art. 10 of Law 91/1992](#), the section in which the law does not provide for the exemption from the oath of the person unable to fulfill it due to a serious and ascertained condition of disability.

Moreover, the Administration does not consider for the income requirement the permanent disability allowances (total or partial), monthly allowances due to civil invalids, deaf and dumb and the blind allowances, as they are not among the categories for income identified by the Consolidated Income Tax Act ([DPR 917/1986](#)).

Recently, the Lazio Regional Administrative Court ([TAR](#)) ruled on the possibility of also using income from disability as a requisite for the income requirement. Also stating that the Administration should consider that the income requirement cannot be applied in the same way “in relation to those who are not in the same conditions and are not comparable” and that a different interpretation “would be in irreparable contrast with articles 2 and 3 of the Constitution, as well as with EU and supranational law” ([Lazio Regional Administrative Court ruling no. 7846 of 2020](#)).

For more details see chapter 3 [ebook](#).

21 Does the criminal record certificate from the country of origin always have to be submitted together with the application for Italian citizenship?

No, the criminal record certificate from the country of origin must be attached to the application for Italian citizenship only if the first entry into Italy is after the age of 14 years.

The Italian legal system, in fact, does not recognize the punishment of minors under the age of 14 ([art. 98 penal code](#)).

22 How does the law describe the administrative procedure related to the application for Italian citizenship?

The subject matter for the Citizenship is expressly identified by the legislator as among those for which the silence of the Administration is not equivalent to consent; and therefore, an express measure is necessary for the conclusion of the administrative procedure.

[Article 9-ter of Law 91/1992](#) establishes the deadline for the conclusion of the procedures for the acquisition and granting of Italian citizenship.

To date, with the latest amendment made by [art. 4, c. 6, Law Decree 130/2020](#) the deadline for the definition of the procedures for granting and acquiring Italian citizenship by marriage and naturalization (articles 5 and 9 of Law 91/1992), is set at 24 months, which can be extended up to 36 months for applications submitted as of the entry into force of the law converting the decree law (December 20, 2020).

For applications submitted before this date and after October 5, 2018 (entry into force of [art. 14, c. 2, Decree Law 113/2018](#), the so-called Salvini Decree) the term is 48 months, while for applications submitted before October 5, 2018 the term is 24 months. The provision of different terms based on the date of initiation of the procedure appears irrational and therefore illegitimate.

See chapter 1.6 and 2 [ebook](#) for more details.

23 What happens if the income or legal residence or cohabitation requirements are not met after the legal deadline for completion of the process?

The law states that all the requirements for obtaining citizenship must be maintained until the oath, without considering the Administration delays in the procedure. A constitutionally oriented interpretation (Art. 3 and 97 of the Constitution) suggests that the requirements should be maintained until the deadline for the conclusion of the procedure (see [Faq 22](#)). If after the legal deadline, the income requirement is no longer met, or there is an interruption of the registration with the Registry Office (Anagrafe) (the same applies to other requirements, such as cohabitation or marriage, depending on the case) and the Administration sends a notice of rejection for this reason, it is possible to appeal this decision stating that it is illegitimate to demand the maintenance of the requirements beyond the legal deadline for the conclusion of the procedure.

For more details see chapter 1.3 [ebook](#).

24 What is the difference between notice of rejection and rejection decree?

The application for Italian citizenship is a request made by the individual.

In this case, if the Administration recognizes any problem for the acceptance of the application during the preliminary examination it must notify the applicant with a notice of rejection. Within 10 days from receiving the communication, or different terms indicated in the notice, the applicant has the opportunity to send a written communication, possibly accompanied by documents, demonstrating to the Administration the possession of all the requirements necessary to obtain citizenship.

If the Administration does not accept the documentation submitted, it will indicate its reasons in the final stage, which in the case of citizenship applications is the rejection decree ([art. 10-bis L. 241/1990](#)).

25 Why are the notice of rejection and related communications important?

The notice of rejection is the means through which the Administration communicates the reasons for the rejection and the opportunity to send a written communication, possibly accompanied by documents within 10 days from receiving the communication, or different terms indicated in the notice. This procedure is an expression of the principles of publicity and transparency and of the right of intervention at the basis of an administrative action. It encourages the participation of the individual in the administrative procedure. Through communications, the applicant can explain the reasons for any obstacle related to the Administration requirements and, therefore, ensure that it is accepted.

26 What can I do if my application for Italian citizenship is rejected?

It is possible to appeal in the case of rejection of the application for citizenship before the competent judge or the President of the Republic.

Appeal against the rejection decree of the application for citizenship by naturalization to the Regional Administrative Court or to the President of the Republic within 60 and 120 days from the notification of the decree.

The Regional Administrative Court has jurisdiction over actions for cancellation and condemnation.

Appeal against the rejection decree relating to applications by marriage, or by choice after 18 years of age (for those born in Italy) to the ordinary judge. On the other hand, it is possible to appeal to the administrative judge the measures relating to the discretionary power of the Administration to evaluate the existence of any reason concerning the security of the Republic.

It is also possible to appeal against the silence of the Administration in the event of failure to comply with the terms of the procedure. In case of an application for citizenship by marriage, it is possible to resubmit the application after five years from the issue of the refusal ([art. 8 Law 91/1992](#)).

In case of application for citizenship by residence, it is possible to resubmit the application after one year from the issue of the denial ([art. 5 Presidential Decree 572/1993](#)).

27 Does sports citizenship exist? What do we refer to when we talk about athletes becoming Italian citizens?

No, sports citizenship does not exist.

When we talk about athletes who acquire Italian citizenship, we refer to those whom the State has granted citizenship because there is an exceptional interest of the State ([art. 9, c. 2, Law 91/1992](#)). This interest includes, for example, participation in national teams for international competitions (e.g Olympics).

28 What are the changes on the application for Italian citizenship for UK citizens after Brexit?

Following Britain's exit from the European Union, as of January 1, 2020, British citizens are now considered citizens of a third country. British citizens who settled in Italy before January 1, 2021, can apply for Italian citizenship by residence by proving that they meet the legal residence requirement.

29 What is an oath and what does failure to take an oath entail?

The oath is the act by which a person confirms his or her willingness to become an Italian citizen.

The oath must be sworn within six months from the notification of the decree granting Italian citizenship ([art. 10 L. 91/1992](#)).

The acquisition of Italian citizenship becomes effective from the day after taking the oath.

In case of failure to take the oath, the applicant for Italian citizenship is given the opportunity to submit another request to take the oath, giving reasons for it. The Administration evaluates the request in a discretionary manner.

The Constitutional Court, with sentence no. 258 of 2017, declared the constitutional illegitimacy of article 10 of Law 91/1992, in the part in which it does not provide for an exemption from the oath for incompetent person (see [Faq 20](#)).

30 Does Italian law recognize dual citizenship?

Yes, the Italian legal system, in accordance with the laws of the country of origin of foreigners applying for Italian citizenship or with the stipulation of bilateral agreements, recognizes the institution of dual citizenship.

BOX STORIES

The following stories are freely inspired by true stories of unrecognized Italians who were not granted citizenship for reasons we do not agree with. In some of these cases, the CILD decided to pay for the costs of the judicial proceedings.

#Residence

M. arrived in Italy with her family when she was only two years old, She was enrolled in an international elementary school and then in Italian public schools until she chose to attend the Faculty of Philosophy at La Sapienza University. Her city has always been Rome, where she lived and maintained her residence until the age of thirty, even when she was working with some associations and companies of various kinds, as a hostess or secretary. Her parents were granted Italian citizenship when she was over 18 years old, so she had to apply for it herself by presenting all the necessary documents. But in 2021, she was informed that her application had been rejected after 5 years of waiting because of an interruption for a few months from the Registry sometime in 2018. *M. proved (with pay slips, rent contract etc) that she had lived in Rome even during the months of the interruption, but the Administration rejected the application. In addition, if her application had been processed within the legal deadline (2 years, since she had submitted it in 2014), the cancellation from the Registry would not have occurred. M. has appealed to the Tar and she dreams of becoming an Italian citizen in order to have access to public competitions, like her friends.*

#Delay

S.'s mother is Bangladeshi and she opened a fruit shop after being abandoned by her husband after a few years when they were in Italy. She never gave up and rebuilt her life in a country where she arrived as an adult and also has a new partner. She has confidence in the future, so in 2017 she applied for Italian citizenship when S. was still a minor, that is, he was still 15 years old. But four years later, his mother finally takes the oath of citizenship, she is the only one to become Italian and to celebrate the freedom from the residence permit. In fact, in the meantime S. has come of age and the automatic citizenship process is no longer valid for him. *If his mother's case had been resolved within the maximum legal deadline for examination, S. would still have been a minor and therefore would have been entitled to become a citizen automatically together with his cohabiting mother.*

#Cohabitation

The very young A. and B. were born in Italy while their little brother J. was born in Norway; all three grew up in Italian cities. They are the Children of an Eritrean woman who came to Italy as an asylum seeker and obtained a residence permit to stay as a refugee. After the separation of their parents, the three boys lived only with their mother and no longer cohabit with their father. When the father obtained the Italian citizenship, the three brothers did not become Italian citizens despite their minor age because of the lack of cohabitation with the naturalized parent. The Municipality where the minors live, in fact, did not grant them Italian citizenship because they did not live together with their father. Nevertheless, the father has shared custody, contributes to their maintenance and visits them regularly, keeping an intense relationship. *A vision that seems anachronistic in a very common family situation and where support and maintenance persist even when the family members do not live in the same house.*

#Income

I. has been in Italy when she was 6 years old, she arrived thanks to the family reunification from Morocco. As an adult she enrolled in the Faculty of Law at the university where she lives because she wants to be a lawyer and fight against injustice and discrimination that she has suffered or witnessed over the years. Aware of the difficulties that she may continue to encounter if she is not recognized as Italian by law, she applied for citizenship in 2015, but in 2019 while she was in the Prefecture she was informed that her application had been rejected. The reason for the rejection was the income, which was considered the principal requirement and inadequate for only one year, despite her schooling period in Italian schools and then at the University where she was focused with her studies like her classmates. Yet I. had proven a sufficient income in the three years prior to the application and in the two following years (thus, from 2012 to 2017); only in the third year (2018) following the submission of the application that the family did not prove a sufficient income, then again reached, in 2019, when she received the rejection decree. *For I. It is painful to think that if she had focused immediately after high school graduation on finding a job and earning what she needed to become Italian, she would have had a better chance instead of realizing her dream of becoming a lawyer and building a better future for herself than her parents' generation.*

GLOSSARY

Explanation in simple words of the legal terms used in this Guide.

ALIMONY (right to maintenance)

A means of assistance involving the payment of a periodic allowance to family members in need, generally in favor of children or ex-spouse after separation.

APPEAL OF A MEASURE

Remedy that allows the applicant for citizenship who has had a decree of rejection to appeal against this decision before a judge.

APOSTILLE

An annotation placed on the original of a certificate (usually with a stamp) issued by the competent authorities of the country concerned, by an authority identified by the law of ratification of the [Hague Convention of 1961](#).

ASCENDANT

The person from whom one descends in a direct line (parents, grandparents, great-grandparents, great-great-grandparents, etc.).

BILATERAL AGREEMENTS

Agreements between two states to regulate a particular matter.

CONSTITUTIONAL ILLEGITIMACY

It occurs when a part or the entire law is in conflict with a rule of the Constitution.

CONSTITUTIONALLY ORIENTED INTERPRETATION

Interpretation of the law in such a way that it meets the higher principles contained in the Constitution.

DEADLINE

The term provided by the law within which the Administration must express itself with a measure that concludes the procedure in a favorable (e.g., recognizing citizenship) or unfavorable (e.g., rejecting the application for citizenship) result.

DESCENDANT

A person who is descended in the direct line from a relative.

DISCRETIONARY POWER OF THE ADMINISTRATION

Possibility of the Administration to decide with wide powers of choice.

In the case of the request for citizenship by naturalization, we speak of a high discretionary power of the Administration, since citizenship by naturalization is a concession of the State to which a right of the applicant does not correspond (as in the case of citizenship by marriage).

EU AND SUPRANATIONAL LAW

Set of laws established by the European Union and international law (Treaties, Conventions, etc.).

EXEMPTION (e.g. from taking an oath)

Release from an obligation for justified reasons.

FILIATION

Legal relationship of kinship between parents and children.

IURE SANGUINIS

Right of blood, indicates the possibility of acquiring the citizenship of the parents..

IUS SOLI

The right of soil indicates the possibility of acquiring the citizenship of a country through birth in that country regardless of the citizenship of the parents.

LEGALIZATION

Certification of legal quality by the Public Official who issued the document (deed, copy and extract) and the authenticity of the document itself.

NOTIFICATION

An official communication of a measure taken by the Authority (e.g. notice of rejection or rejection decree) from which legal knowledge of the measure is gained.

PRELIMINARY EXAMINATION

Evaluation of the application for citizenship by the Administration before deciding whether or not to grant citizenship by a written order.

REJECTION DECREE

A written summary of the application for citizenship with the reasons for the rejection and the time limit for appealing the decision before a judge.

STATELESS

A person without citizenship because no state recognizes him/her as its own citizen.

TAR (Regional Administrative Court)

Judicial authority that decides cases relating to the legitimate interests of private individuals against acts of the competent Administration to decide (e.g. cases relating to refusals of citizenship for naturalization are decided by the TAR).

AUTHORS

Gennaro Santoro

Lawyer, Legal Advisor for CILD, Director of Antigone Association, Expert in sociology of law at the University of Roma Tre. Specialized in criminal law, protection of human rights, migration law. He edited for CILD the e-books [I profili di illegittimità costituzionale della legge sulla cittadinanza](#), [I profili di incostituzionalità del Decreto Salvini](#), [Genitori all'anagrafe e discriminazioni](#) (with F. Delle Cese and E. Santoro), the dossier [Detenzione migrante ai tempi del Covid](#) (with F. Delle Cese and P. Petrucco) and the series [KNOW YOUR RIGHTS](#), which this guide is part of.

Martina Avigliano

A Doctor in Law, she specializes in human rights protection, refugees and migrants, and environmental law. Volunteer collaborator of the legal area of CILD. Legal consultant for citizenship. Previously a trainee at the Institute of International Legal Studies of CNR and caseworker at the Central Directorate for Civil Rights, Citizenship and Minorities of the Ministry of Interior. She collaborated for CILD in the writing of the e-book [I profili di illegittimità costituzionale della legge sulla cittadinanza](#).

Paula Baudet Vivanco

Journalist, she worked for La Repubblica, wrote for Internazionale, Terre di mezzo and Jacobin and collaborated with IDOS, the annual Dossier on Immigration in Italy, and with the annual Report Italians in the World of Migrants Foundation. She participated in the Code of Ethics Charter of Rome and founded the homonymous association on behalf of the Italian National Press Federation. In 2016, she founded the #ItalianiSenzaCittadinanza movement, which since 2017 she has represented at the Ministry of Education's Observatory for Intercultural and Inclusion of Students of Foreign Origin.



In the text, terms in the masculine form are used for stylistic simplification, and all those who read and use this Guide are invited to understand it as such. We are all convinced that the person must always be considered in its specificity and peculiarity, including gender.

Translated by: 

Graphic project: Andrea Colombo.
Cover image: wayhomestudio/Freepik

Antigone Edizioni
Via della Dogana Vecchia, 5 – 00186, Rome (RM) – IT ISBN 9788898688357

Know your Rights

Right to Citizenship

The guide aims to provide a self-defense tool for non-recognized Italians with useful advice on how to deal with the long and frustrating administrative process of obtaining Italian citizenship. The FAQ focuses mainly on the issues (e.g. income requirements, legal residence, cohabitation) which statistically represent the greatest challenges for the acquisition of Italian citizenship. Particular attention is given to minors and the application of citizenship by naturalization. While waiting for an organic reform of the law on citizenship, we wanted to provide free guidance in the hope and belief that it could be useful in limiting the damage of an anachronistic and unjust law.

produced by



CILD - ITALIAN COALITION FOR CIVIL LIBERTIES AND RIGHTS
via Monti di Pietralata, 16 - 00157 ROME - cild.eu - info@cild.eu