



MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

Inter-ministerial Committee for Human Rights

***Italy's contribution in relation to the request of the Office of the
High Commissioner for the Human Rights of the United Nations
pursuant to HRC Resolution 26/14 entitled "Human Rights and
arbitrary deprivation of nationality"***

June 2015



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Following to your query, Italian Authorities are in a position to provide the following information, with reference to §§ 1, 2, 3, 4, 5, 8, 9, 10, 18, 19 of HRC Resolution 26/14.

As it concerns some relevant **civil rights**, such as the right to freedom of movement and residence within the border of the State, the right to leave any country, including one's own, and to return to one's country, the right to nationality, and the active participation in public and political life, all these rights are based on the release of the citizenship, actually disciplined in Italy by Act No. 91 of 5 February 1992 (and regulations for its implementation: specifically Presidential Decree No. 572 of 12 October 1993 and Presidential Decree 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.

Italian citizenship can be acquired in one of the following ways:

a. Automatic acquisition

- **Citizenship as a result of Italian parents/ancestors ("*iure sanguinis*")**

Children of Italian parents (mother or father) who are Italian citizens. 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. The authority legally valid to ascertain these facts depends on the person's place of residence: for foreign residents, the diplomatic-consular mission in the country of residence; for residents in Italy the official statistics office (Anagrafe) office of the city of residence.

- **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.

- **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: birth certificate; 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; certification of parent(s)' citizenship.

- **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 (Anagrafe). Adoptees of legal age can acquire citizenship after 5 years of legal residence in Italy after the adoption (see naturalisation).

b. 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.

Claims must be accompanied by the following **documentation**: birth certificate; certificate of Italian citizenship of mother or father or a direct ancestor up to the second degree; certificate of residence, where requested.

- **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.

- **Citizenship by marriage to an Italian citizen**

The foreign spouse of an Italian citizen can claim Italian citizenship in the presence of the following 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 leading to a maximum penalty of 3 years in prison or convictions by a foreign judiciary authority of more than one year for non-political crimes;
- d) absence of convictions for any of the crimes listed in Book 2, Title I, items, I,II and III of the Criminal Code (crimes against government personnel);
- e) absence of obstacles related to the security of the Republic.

Claims to Italian citizenship, addressed to the Ministry of the Interior, must be submitted to the *Prefecture* of the Province of residence, if in Italy; if residence is abroad, to the diplomatic-consular mission. Claims must include the reasons for claiming the right to Italian citizenship accompanied by proper documentation, duly legalized and translated. Pursuant to Ministry of the Interior Directive of 7 March 2012, as from June 2012 authority to issue citizenship decrees is assigned to: the *Prefect* for applications submitted by foreigners legally residing in Italy; Head of the Department for Civil Liberties and Immigration in the case of a foreign spouse residing abroad; the Minister of the Interior in the case of reasons pertaining to the security of the Republic.

c. Naturalisation

Required legal residence in Italy for:

- **3 years** for descendents 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.

Citizenship applications, addressed to the **President of the Republic**, must be submitted to the *Prefecture* of the Province of residence, accompanied by proper documentation.

d. Granting of Italian citizenship pursuant to special laws

Several special laws provide for the granting of the Italian citizenship to specific categories of persons according to their residence in predetermined territories.

e. Dual citizenship

As from 16 August 1992, Italian citizenship is no longer lost in concomitance with the acquisition of foreign citizenship unless the Italian citizens formally renounces it, and save international agreements. The Italian government's adherence to the **1963 Strasbourg Convention** means that, as from 4 June 2010, Italian citizenship is not automatically lost for those Italians who become naturalised citizens of the signatories to that Convention.

f. Loss of citizenship

An Italian citizens can lose citizenship automatically or formally give it up.

Automatic loss of citizenship:

- any Italian citizen who voluntarily enlists in the armed forces of a foreign government or accepts a government post with a foreign State, despite express prohibition by Italian law;
- any Italian citizen who has served during a state of war with a foreign country, or held a government post or acquired citizenship in that State;
- adoptees for which adoption is revoked by fault of their own, on the condition that he/she is in possession of or acquires citizenship in another country.

Formal renunciation of Italian citizenship:

- adoptees of legal age following revocation of adoption by fault of their own, as long as they are in possession of or acquire citizenship in another country;
- any Italian citizen resident abroad and that is in possession of, acquires or reacquires citizenship in another country;
- anyone of legal age who acquired Italian citizenship as a minor following the acquisition or reacquisition of citizenship by one parent, as long as he/she is in possession of citizenship in another country.

A declaration renouncing citizenship is made before an official of the official statistics office (*Anagrafe*) of the Italian city of residence or, if residing abroad, before an authorised diplomatic-consular official, accompanied by requested documentation.

Minors do NOT lose Italian citizenship if one or both parents lose it or acquire foreign citizenship.

Women married to foreign husbands after January 1st 1948 who automatically acquired foreign citizenship **did NOT lose their Italian citizenship.**

Re-acquisition of citizenship

Italian citizens who have lost their citizenship can reacquire it:

Automatically one year from the date in which they established residence on Italian soil, unless they renounce it within that term of time.

By specific declaration:

- serving in the Italian armed forces;
- by being or having been in the employ of the Italian government, even abroad;
- if a foreign resident, once legal residence in Italy is established, within one year of the declaration for reacquisition submitted to the Italian consular authorities;
- once legal residence in Italy has been established for at least 2 years, and it can be proven that the applicant has left the foreign government employ or military service undertaken despite express prohibition by Italian law.

Women married to foreigners prior to 1 January 1948, who – by virtue of marriage – automatically acquired their husband's citizenship, can reacquire Italian citizenship, even though they reside abroad, by means of a declaration. The declaration for the reacquisition of citizenship must be submitted to an official of the statistics office (*Anagrafe*) of the city of residence in Italy or, in the case of residence abroad, the local diplomatic-consular authorities.

With regard to all required documentation, whether for acquisition or renunciation of citizenship, Italian public administrations are officially obliged to acquire information, data and documentation already in possession of the Public Administration, pending submission by the party concerned of the elements indispensable to the retrieval of such information or data. Therefore, applicants (Italian, UE or non-UE citizens legally living in Italy) are not required to produce information or data already in the possession of the Italian Public Administration, but only the elements indispensable to the retrieval of such information or data. By Law Decree No. 69 of 21 June 2013, the application for Italian citizenship from a foreigner or stateless persons born in Italy could be completed by further documentation despite the non availability by the Public Administration. The application can be monitored on an *ad hoc* website, following a proper registration by the private applicant. In 2013 a +54% of the applications has been granted (101,712), submitted mainly in northern Italy (72.2%), if compared with southern Italy and the islands (34.2% and 27.2% respectively).

As far as the **1961 Convention on the Reduction of Statelessness**, the accession process has been initiated due to the approval of the related Bill at the Chamber of Deputies in early June.