



## ITALIAN DUAL CITIZENSHIP SERVICES

We specialize in assisting you and your eligible family members in obtaining Italian dual citizenship through a Judicial case in Italy. We can count on a team of experts in this field, and we are able to assist you from the beginning of the case to final recognition of Italian citizenship

### **Do I qualify to apply for Italian dual citizenship?**

According to Italian Citizenship Law denominated “Jure Sanguinis”, non-Italian citizens, whose ascendants by blood were of Italian nationality, are eligible to become Italian citizens themselves, if certain conditions are met.

The competent authority that determines eligibility for citizenship is tied to the place of residence: for those living abroad, it is the competent Consulate having territorial jurisdiction. There are however two major setbacks to be considered:

- a) In a few cases (check here below under the 1948 exemption) the Italian Consulates cannot recognize the Italian citizenship and you would have no other solution then to initiate legal proceedings in Italy.
- b) If and when you are entitled to become an Italian citizen through an Italian Consulate, you will surely have already noticed or, unfortunately you will realize it very soon, that the waiting times to conclude a citizenship procedure through a Consulate are disarming due to the systematic shortage of staff and the considerable high requests for citizenship, and you could have to wait several years to reach the coveted goal!

### **How to become Italian citizen?**

The steps for recognition of Italian citizenship, are as follows:

- To establish your claim of citizenship, you'll need documents (vital records) supporting the descent of each person in your line from the previous person. You'll also need documents establishing whether and when your LIRA (**L**ast **I**taly-**R**egistered **A**ncestor) naturalized, which will show that he or she did not lose Italian citizenship before the next person in your line was born. In addition, all recognized Italian citizens are required to keep their home *comune* up-to-date with any changes in their status, such as marriage, divorce, or the birth of their children.

- The lack of naturalization or the date of any naturalization of the ancestor shall be proven by a certificate issued by the competent foreign Authority.
- The vital records documents shall be duly legalized by means of an Apostille, if requested, and accompanied by an official translation.
- The applicant shall submit the application accompanied by the required complete documentation designed to prove the requirements and conditions listed above.

PLEASE NOTE: for Italian Consulates the transmission of Italian citizenship through maternal lineage is possible only for children born after January 1, 1948, e.g. the date of entry into force of the Constitution. It should be certified that neither the applicant nor the ascendants have ever renounced to Italian citizenship, thus interrupting the transmission of citizenship, through appropriate certificates issued by the competent Italian diplomatic and consular authorities.

### **Why should I contact a lawyer in Italy and start the citizenship procedure directly here?**

As explained above, in some cases, a lawsuit in Italy is the only possible way to obtain dual citizenship (citizenship by descent of Italian women whose children were born before 1948). In other cases, the judicial procedure is a valid alternative to the procedure to be followed in the consulate, to obtain Italian citizenship in a much faster time.

### **Which are the services you could provide?**

- Our service would start with an initial (free of charge) assessment to check your eligibility for Italian citizenship.

Once we confirm you are eligible, we would send you a comprehensive quotation for our services.

We are able to offer complete assistance including, whether needed, the request of documents from Italy, the translation of all documents into Italian and vice versa, and of course, assistance and representation for all the legal proceedings in order to achieve Italian dual citizenship.

### **What are the benefits of Italian citizenship?**

One of the most significant benefits of Italian dual citizenship is the ability to travel, work and live in ANY of the 28 European countries members of the Schengen area without the need of having to request a visa. You could travel and work when and where you want with no limitations. A Work Visa that comes with time limitations is not necessary. In addition, EU citizens can enjoy priorities in many professional and educational opportunities with regards to non-citizens. Ultimately, it means that you can increase your chance for a new career anywhere in the EU. Italian citizenship is also attractive for the country's free universal healthcare. Italy has one of the best healthcare systems in Europe as it provides universal coverage for its citizens and residents.

### **How long would it take to get it?**

The timeline from the beginning of the legal proceeding in Italy is normally 18 to 24 months. Unfortunately, the average time to conclude a court case have lengthened considerably in recent years due to the lack of court personnel (the court in Rome is the only one authorized in Italy to follow citizenship proceedings), due to the enormous amount of work and requests for citizenship; slowdowns are also due to the sadly known problems related to Covid. Despite all these setbacks, the time savings of the judicial procedure when compared to the application through the Consulate (when it can be done through an Italian Consulate) are considerably less: the average time to obtain a citizenship through the Italian consulates in the United States was about 3 to 4 years but we have noticed it has steadily increased in these last years, in Brazil and South America in general it's approximately 8 years or more!

### **Can other eligible family members join the case? Will I be required to travel to Italy and attend the hearings?**

Additional eligible family members can join the proceedings simultaneously in one single case. The Petitioners' presence in Italy is not required at any time.

## **When can we start legal proceedings in Italy to obtain Italian Dual citizenship?**

There are 2 specific cases:

### **1. Judicial recognition of Italian citizenship through maternal lineage (1948 case).**

The descendants of Italian women emigrated abroad, born before 1 January 1948, can obtain the Italian citizenship only by legal proceedings.

According to our laws, Italian women were not granted the right to transmit their citizenship to their children until 1948.

The “1948 exception” is based on the old Italian citizenship law, no. 555/1912 that regulated for the first time the principles to acquire and lose Italian citizenship, set a principle that remained untouched until 1948 (and it is still applied by consulates and vital record offices in Italy): children could only take their father’s citizenship. Only men were allowed to transfer Italian citizenship to their children, wherever they were born, in Italy or abroad.

In 2009, the Italian Supreme Court issued a historic ruling (no. 4466), giving full application to the 1975 decision by the Constitutional Court, and established that it was unconstitutional to discriminate between women and men in all citizenship matters, deciding the principle that all descendants born at any time (before or after 1948) to an Italian parent (father or mother) are Italian citizens by birth right.

Unfortunately, this Supreme Court judgment bears no weight on the conduct of Italian Consulates as the judges’ decisions cannot amend or change legislation generally, but only offer an interpretation of the law. This means that the Consulates are still strictly applying the old law and dismissing any 1948 cases.

Hence children born to an Italian mother before 1948 are not entitled and cannot enjoy the benefits of *jure sanguinis* since their bloodline is considered interrupted.

Therefore, the application for citizenship submitted following an administrative procedure (Italian Consulate) by an applicant whose relatives or ascendants fall under the 1948 Rule, would be rejected.

Applicants who were born prior to January 1, 1948, or whose parents were born from an Italian woman before 1948 can claim Italian citizenship only by means of a lawsuit.

## **2. Legal actions against the delay of Italian Consulates.**

It is possible to be represented by an attorney in Italy and commence legal proceedings even if your case is a “regular jure sanguinis case” not involving a female ancestor.

According to our Laws (Art. 3 of Presidential Decree no. 362/1994) the deadline established for a final conclusion of the administrative procedures to acquire Italian citizenship is 730 days. Nevertheless, most of the Italian Consulates worldwide do not succeed to comply with such term, and the consular procedure may last up to 10 or 12 years. According to some very recent decision of the Court of Rome, descendants of Italian citizens who petitioned for the recognition of dual citizenship by consular channels are entitled to bring their case directly before Italian courts when the Consulates delay the conclusion of the administrative procedure. In order to bring the case before the Court it is necessary to prove a “significant delay” of the Consulate, that can coincide with the aforementioned deadline of 730 days decided by law, as maximum duration period of the proceedings.

Similarly, it is possible to start a legal proceeding directly in Italy before the Civil Court of Rome, avoiding the Consulates, if your Consulate of jurisdiction has scheduled your appointment in excess of 2 years from the moment of your request it or, if presently it's not even possible to schedule an appointment in a foreseeable future.

### **What are the documents needed?**

To file successfully the case, the following documents, all in original form, are necessary:

- 1) Ascendant's birth certificate(s) from the Italian Municipality (Ufficio Anagrafe) where he/she was born;
- 2) Birth certificates (long/extended form) and marriage certificates of all lineal descendants, from the Italian Ancestor to the applicant;
- 3) Death certificates of the ascendant and all his/her descendants if applicable;
- 4) In case the Italian ancestor became a U.S./Brazilian/Argentinian etc. citizen his/her certificate of naturalization. Please note that it is possible to obtain the Italian citizenship only if the naturalization has been acquired on a date which is later than the birth of the immediate descendant. In other words, when his/her child was born the parent was still an Italian citizen.

5) In case the Italian ancestor never became U.S./Brazilian/Argentinian etc. citizen, it is required an official statement issued by the local Citizenship and Immigration Services (certificate of non-existence of records) specifying that he/she never became U.S./Brazilian/Argentinian etc. citizen. This document must show the full name of the ancestor, any and all aliases (a.k.a.), date and place of birth.

All the foreign documents shall be legalized with Apostille and translated into Italian. We are able to offer any kind of translation services.

### **Why choose us?**

We have a long experience with these cases and helped, in the last years, hundreds of applicants coming from different countries (U.S.A, Brazil, Argentina, Chile, Peru), to become Italian dual citizens. We do not delegate your case to other lawyers as the other law firms based in other cities normally do, and directly and personally follow any procedure, from the beginning to the recognition of Italian dual citizenship.