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ITALIAN CITIZENSHIP

The Italian citizenship is based on the principle of the right of blood “*ius sanguinis*” for which a child born to an Italian father or an Italian mother is an Italian.

However, on the basis of “*ius soli*” principle, foreign citizens legally resident in Italy can become Italian if they meet certain requirements.

The subject is currently regulated by the law n. 91 of 05/02/1992 and subsequent regulations. Based on these, it is possible to identify two ways in which Italian citizenship can be granted:

1. Through marriage with an Italian man or woman. (art. 5 of the law 91/1992)
2. Through merit for which is required an uninterrupted legal residence in Italy (art. 9 of the law 91/1992)

Following the entry to force of the law n. 132/2018 (published on G.U. – general serial – n. 281 of 03/12/2018), converted in D.L. n. 113/2018:

The following instructions were introduced:

- payment of contribution of 250.00 euro
- deadline for the definition of applications is forty-eight months (art. 4, comma 6, of D.L. 21/10/2020, n. 130, converted with the modification of the law 18/12/2020, n. 173, which established that: “the deadline for defining the proceedings referred to the articles 5 and 9 is set for twenty-four months, which can be extended to a maximum of thirty-six months from the date of submission of the application”). This order/instruction is applied to citizenship applications presented from the date in which the converted law of this decree becomes effective.
- It is necessary to prove at the time of the submission of application according to the articles 5 and 9 of the law 91/1992, that the applicant is in possession of an adequate knowledge of Italian language not lower than level B1 according to the common European Union outline. This requirement can be certified by a certificate issued by an authorized body (Università per

Stranieri di Perugia, Università per Stranieri di Siena, Università di Roma Tre, Società Dante Alighieri e Università per Stranieri Dante Alighieri di Reggio Calabria), that proves the knowledge of Italian language at least equal to the level B1 of the referred common European Union outline or a qualification issued by a public or private educational institution in Italy or a foreign country recognized by MIUR and by MAECI Institutions.

They should be excluded from the agreement, all those who have undersigned an integration agreement referred to the article 4 bis of D.Lgs. n. 286 and D.P.R. 179/2011, also excluded are all those that have UE stay permit or CE stay permit for long period referred to the article 9 of the same D. Lgs. These applicants will only have to provide at the time of submitting the applications, both the details of the signed agreement and a valid residence permit.

Citizenship by RESIDENCE (art. 9 L 91/92)

Citizenship by residence is granted by decree of the President of the Italian Republic.

You are qualified for Italian citizenship if you have the following basic requirements like:

1. Legal, continuous and uninterrupted residence

- after 10 years of legal residence for non-EU foreign nationals (art. 9 lett. f);
- after 4 years of legal residence for the citizen of a country member of the European Communities (art. 9 lett. d);
- after 5 years of legal residence for whom are recognised as stateless person (9 lett. e) or political refugees (Art. 16 c.2);
- after 5 years of legal residence in case of a foreign national of age (above 18 years old) adopted by an Italian citizen (art.9 lett.b);
- after 3 years of legal residence for direct ascendants of Italian citizens;
- after 3 years of legal residence for foreigners born in Italy who haven't obtained or couldn't be able to obtain the recognition of the Italian citizenship from the city of residence (art.9 lett.a);
- after 5 years of service for a foreigner that have been employed by the Italian government for at least 5 years in Italy or in another country (art.9 lett. c).

2. Income requirement

Another requirement in obtaining Italian citizenship is to prove that the applicant has sufficient income to live in the country, regular fulfillment of tax obligations and to be able to fulfill the economic and social solidarity obligations.

To qualify for Italian citizenship by residency, you must provide evidence of your income of the past 3 years and it must be regular and constant until the end of the citizenship procedure.

According to the parameters set by Decree Law 382/89, art.3, converted into Law 8/1900, confirmed by art. 2 of Law 549/1989) the yearly income must not have been lower than:

- €8.263,31 for applicants who are not married and without **children**;
- €11.362,05 for applicants with economically dependent spouse, plus additional €516 for each dependent child.

The family members who can contribute to the income are spouse, civilly united party or de facto cohabitant (linked by written contract of cohabitation), legitimate or legitimized children, parents, sons or daughters-in-law, father-in-law and mother-in-law, brothers and sisters (Civil Code art. 433). To prove the presence of the income of other members in the family, it is required to attach specific documentation, such as a document that certify the income of an employee (“certificazione unica”), Declaration 730 (tax return) or “Modello unico” (tax return).

3. Knowledge of the Italian Language proved by an appropriate certification:

A degree awarded by a certified public or private body recognized by the Ministry of Education, University and Research and the Ministry of Foreign Affairs and International Cooperation like:

- Middle and high secondary schools diploma and bachelor degree
- certificate of Italian language not less than level B1 of the Common European Framework of Reference for Languages (QCER) issued by an authorized body like University for Foreigners of Perugia, University for Foreigners of Siena, University of Roma Tre, Dante Alighieri Society and University for Foreigners Dante Alighieri of Reggio Calabria recognized by the Ministry of Education, University and Research and the Ministry of Foreign Affairs and International Cooperation.
- Integration agreement referred to the article 4 bis of D.Legs. n. 286 and D.P.R. 179/2011
- A valid and current UE stay permit or CE stay permit for long period referred to the article 9 of consolidated act on Immigration (T.U.).

4. Absence of a criminal record/convictions

An application for citizenship may be rejected to an applicant who has a criminal record and/or has been convicted, with a final sentence for certain types of crimes, or in the case of proven reasons concerning the security of the Italian Republic. The Ministry of the Interior evaluates on a case-by-case basis the seriousness of the offense committed and the social dangerousness of the applicant and his family members living together.

Documents needed to become Italian citizens

The following documents will be requested:

- the birth certificate translated and legalized or apostilled provided by the authorities of the country of origin. The certificate does not expire.
- Applicant's criminal record provided by the authorities of the country of origin and of any other countries of residence translated and legalized or apostilled. The criminal certificate is valid for 6 months, starting from the date of issuance. Applicants who arrived in Italy before the age of 14 are not required to submit a criminal record certificate.
- The payment of the contribution of 250.00 euro that must be made by money order C/ C No. 809020 order payable to the MINISTRY OF THE INTERIOR D.L.C.I. - CITIZENSHIP with the reason for payment: "Citizenship - contribution referred to in Article 1, paragraph 12, Law No. 94 of July 15, 2009."
- A stamp of 16 euro
- A copy of Italian identity card and passport
- A copy of the stay permit
- Certification acknowledging adequate competency in the Italian language
- Income tax returns of the last three years, of the applicant and of cohabiting family members if they contribute to the income.
- It's very important that the personal details (surname, first name, place and date of birth) on the foreign certificates are the same and match perfectly with those on the passport and Italian documents (identity card, title of stay/certificate of residence) / (Check Ministry of the Interior Circular No. 462 of January 18, 2019). In case of mismatches in the documents like in first name and/or last name, it is necessary to produce a document that certify the exact generalities.

Foreign women who have changed their maiden name following marriage are also required to attach the certificate of marriage contracted abroad which shows change from the maiden name to the married name. Otherwise, the attributed surname will be the one resulting from the birth certificate.

Applicants who have been granted a real and sure refugee status by the competent Territorial Commission, as an alternative to birth and criminal certificates, may produce suitable substitutive notarial acts, decreed in court showing, respectively, their personal details, the absence of convictions and criminal proceedings pending in their country of origin, as well as a copy of the documentation that certify the recognition of the refugee status too.

Please note that holders of subsidiary protection and humanitarian protection cannot submit any substitute documentation.

In the case of political refugees or stateless persons who are unable to obtain birth certificates or criminal records from their native country, an act of notoriety must be shown indicating their personal details and those of their parents, and a substitute declaration of the criminal record.

Any changes of residence during the proceedings must be promptly reported to this Prefecture.

In case of rejection due to incomplete or irregular application, a new application can be submitted, reusing the same receipt of the contribution payment already paid and the same stamp.

Please note that the criminal record certificate from the country of origin is valid for six months from the date of issue. If it expires, it cannot be reused.

Legislation set of rule references:

- Law No. 91 of February 5, 1992
- Presidential Decree No. 572 of October 12, 1993
- Presidential Decree No. 362 of April 18, 1994
- Decree-Law no. 113 of October 4, 2018, converted into Law no. 132/2018
- Decree-Law No. 130 of October 21, 2020 converted into Law No. 173/2020



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