

# Living, studying, working in Italy

A practical guide  
for foreign citizens and professionals

edited by



Association for Juridical Studies on Immigration



REGIONE  
PIEMONTE



This Practical Guide is available as an online version on the website of Osservatorio sull'immigrazione e il diritto d'asilo in Piemonte (Migration and Asylum Observatory in Piedmont):  
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## Introduction

This Practical Guide, “Living, Studying, Working in Italy,” was realised by the Region of Piedmont, Councillorship for Education, Labour, Vocational Training, Directorate for Social Cohesion–Labour Policies Sector, within the scope of an Agreement signed with the Ministry of Labour and Social Policies, with the aim to define a series of interventions and to programme migratory policies for the period 2014-2020.

Each agreement provided for the drawing up of an Integrated Plan of Interventions related to migrants’ labour insertion and social integration.

The Practical Guide is structured on the basis of a series of questions and answers, ranging from the simplest to the most complex ones, in a simple and direct language with the aim to be an easy and flexible instrument for professionals and foreign citizens to whom it is addressed. It provides information on: entry, residence and legal stay of foreign citizens in Italy, family reunification and cohesion, citizenship, the right to health, employment contracts, social benefits, the right to study, recognition of educational qualifications achieved abroad and professional competences, unaccompanied foreign minors, human trafficking and international protection.

## Chapter 4

# 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 ascendants 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 fulfillments.

### **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.

In some cases, jurisprudence has held the death of the Italian spouse prior to the conclusion of the procedure as not impedimental for the acquisition of Italian citizenship.

### **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). Applicants are required to register on the website at the address <https://nullaostalavoro.dlci.interno.it/Ministero/Index2>. Applications must be filled in on-line and sent through the portal, annexing in electronic format the following documents: 1) identity document; 2) birth certificate and criminal certificate issued by the Country of origin; 3) receipt certifying the payment of a contribution amounting to 250 Euros; 4) document certifying the level of knowledge of the Italian language. After submitting all the above, applicants can request from the Prefettura the so-called "K10 Code," which identifies the application.

### **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."

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

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

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 (Department for Civil Liberties and Immigration).

Applicants are required to register on the website at the address <https://nullaostalavoro.dlci.interno.it/Ministero/Index2>.

Applications must be filled in on-line and sent through the portal. The following documents must be annexed in electronic format:

1. identity document;
2. birth certificate and criminal certificate issued by the Country of origin;
3. receipt certifying the payment of a contribution amounting to 250 Euros.
4. document certifying the level of knowledge of the Italian language

After submitting all the above, applicants can request from the Prefettura the so-called "K10 Code," which identifies the application.

Applications are evaluated by the Ministry of Interior and the granting is 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 approval of Law No. 132/2018, the procedure for granting Italian citizenship is closed within 48 months.

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

Yes, it is. Applicants can visit the website of the Ministry of Interior and access the reserved area through which the application was submitted and enter their personal “K10 Code” in the section “primo accesso alla domanda” (“first access to the application”). Then, in the section “visualizza lo stato della domanda” (“view the progress of the application”) it is possible to verify the progress of the procedure.

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 addresses: area3citt@pecdlci.interno.it; (final reference number of the “K10 Code” 0,1,2) area3biscitt@pecdlci.interno.it; (final reference number of the “K10 Code” 3,4,5,6) area3tercitt@pecdlci.interno.it, (final reference number of the “K10 Code” 7,8,9) specifying in the object the specific “K10 Code/” of the procedure of reference.

## 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 uninterruptedly 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?

Pursuant to Art. 19 bis of Lgs.D. No. 150/2011, as amended by Law No. 46/2017, litigations relating to ascertainties for acquiring Italian citizenship are regulated by a summary order. The competence is assigned to the Court having seat in the place where the recurrent is resident,

specifically to the section specialised in immigration, international protection and freedom of movement of EU citizens.

### **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 ascendants).

