

FREE INFORMATION SESSION

ITALIAN CITIZENSHIP

REFORM & REACQUISITION:

Current Challenges, Opportunities and perspectives

Are you eligible to
reacquire Italian
citizenship?

Recent reforms have changed
the legal landscape for Italian
citizenship reacquisition –
don't miss this opportunity to
learn how you or your family
might benefit.

**WEDNESDAY,
01 OCTOBER 2025**

6.30pm

ANFE ITALIAN CLUB
429 Stafford Road
Stafford 4053

Register via Humanitix
or by email on
info@anfe.com.au



presented by

FABRIZIO FIORINO

Italian Lawyer & Migration Agent



in collaboration with

**ANFE
Italian Club**

FREE ENTRY

ITALIAN CITIZENSHIP

...ABOVE AND BEYOND...

Fabrizio Fiorino

Italian Registered Solicitor and Migration
Agent (MARN 1795303)

In collaboration with **ANFE Club Brisbane**

Pre-1992 Scenario

Fragmented legislation (e.g., Law 555/1912);

Citizenship mainly patrilineal;

Italian women marrying foreigners often lost citizenship;

Misalignment with 1948 Constitution principles.

Further integrations with specific legislations and Court Orders to regulate the matter;

No dual citizenship was allowed;



Law 91/1992 (Original Framework)

Cornerstone of
modern Italian
citizenship;

Centrality of *ius
sanguinis*
(citizenship by
descent);

Recognition
almost automatic
for descendants
abroad;

Recognition of
the dual
citizenship;

Jurisprudential Evolution

Constitutional Court: early recognition of equality principles (Order n. 30/1983) and no gender discrimination;

Supreme Court (SS.UU. 2009): recognition of maternal descent pre-1948 through courts, retrospectively;

Supreme Court (SS.UU. 3331/2004), recognizing that the descendants of Italian women who had lost their citizenship by reason of marriage to foreign nationals must be entitled to obtain the 'status' of Italian citizen.

Lower courts: consistent case law in Italy favoring claimants;

Surge in lawsuits → “citizenship cases” became a parallel channel due to the long waiting list through the Italian Consulates.

Ministerial Circular (October 2024) – *Minor Issues*

- Order from the **Italian Court of Cassazione n. 454/2024**
- ***Circolare Ministeriale* n. 43347, 3 October 2024 - *Minor Issues*** consisting in:
 - Child born abroad to an Italian parent;
 - Child automatically acquires the local citizenship at birth;
 - Parent(s) naturalised with another citizenship (e.g., Australian) before 1992, while the child was still a minor;
 - Consequently, the child is **no longer eligible** to claim Italian citizenship.



Decree-Law March 2025 (No. 36/2025)

Suspension of automatic recognition

New Principle - effective connection to Italy – *Genuine Link*

Impact on pending cases – if the application was lodged was scrutinize under the old legislation otherwise the new legislation apply

Awaiting conversion:

Decree-Law is immediately effective in Italy; and

Decree-Law must be formally converted in a formal Law within 60 days (otherwise it is void since it was granted)

Law 74/2025 (23 May 2025)

- Conversion of Decree-Law.
- New Article 3-bis in Law 91/1992.
- Clearer rules and exceptions.
- Aim: balance heritage and ties.



New Criteria for *Ius Sanguinis*

- Citizenship no longer automatic.
- Proof of “effective link” required.
- Applies after May 2025.



New - Art. 3-bis Law 91/1992

It defines the new parameters for the Italian Citizenship by descent and the starting point is as follows:

- *È considerato non avere mai acquistato la cittadinanza italiana chi è nato all'estero anche prima della data di entrata in vigore del del presente articolo ed è in possesso di altra cittadinanza;*
- **Any person born abroad, even prior to the entry into force of this Article, who is in possession of another citizenship, shall be considered as never having acquired Italian citizenship.**

Exception apply....

...EXCEPTION (Art. 3-bis Law 91/1992)

c) un ascendente di primo o di secondo grado possiede, o possedeva al momento della morte, esclusivamente la cittadinanza italiana;

*d) un **genitore** o adottante è stato residente in Italia per almeno due anni continuativi successivamente all'acquisto della cittadinanza italiana e **prima della data di nascita** o di adozione del figlio*

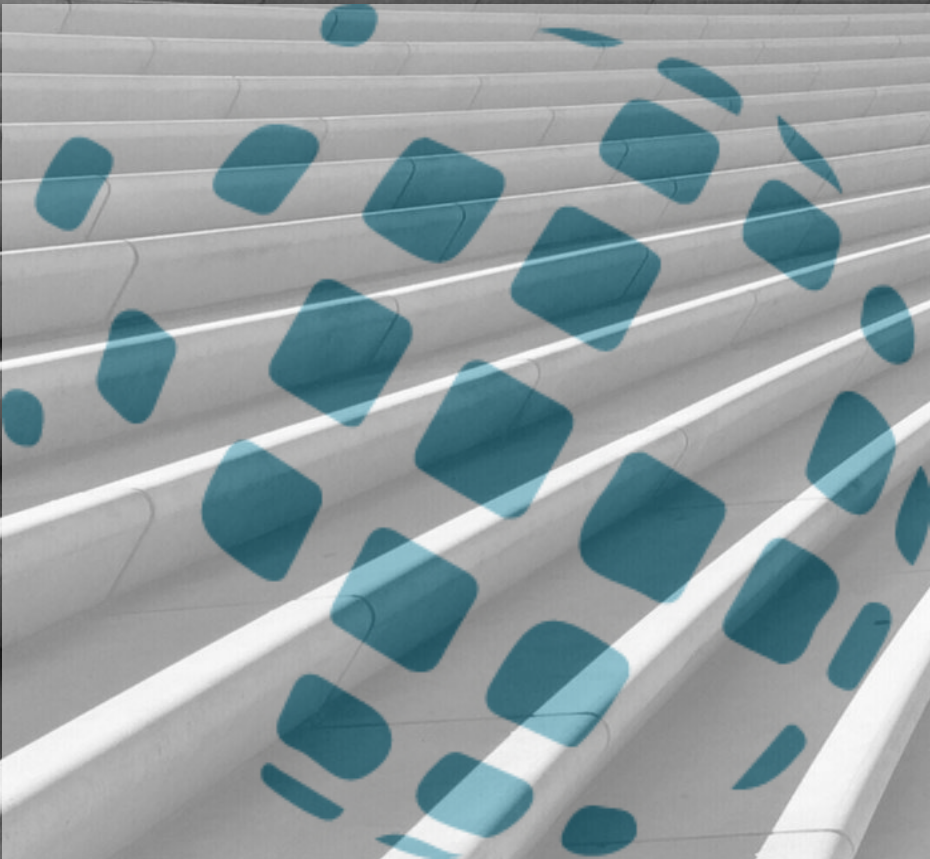
- c) a first or second-degree ascendant (Parent/Grandparent) holds, or held at the time of death, exclusively Italian citizenship;
- d) a parent or adoptive parent has been residing in Italy for at least two consecutive years following the acquisition of Italian citizenship and prior to the date of birth or adoption of the child.

Minor Children of Italian Citizens Abroad

Art. 4, 1-bis – Italian Citizenship Acquisition by Operation of Law

- A foreign or stateless minor, whose father or mother are **citizens by birth**, shall become an Italian citizen if the parents or the legal guardian declare the intention to acquire citizenship and one of the following requirements is met:
 - a) following the **declaration**, the minor has **legally resided in Italy for at least two consecutive years**; [OR]
 - b) the **declaration** is submitted **within one year from the birth** of the minor or from the later date on which filiation, including adoptive filiation, from an Italian citizen is established. **[Current deadline for the minors on 23 May 2025 is extended at 31 May 2026].**





Adult Children of Italian Citizens by Birth (by operation of law)

- No longer automatic recognition;
- Must apply independently;
- Subject to new rules;

Art. 4, let. c), L. 91/1992

A foreign national or stateless person, whose father or mother, or one of the ascendants in the direct line up to the second degree, is or has been an **Italian citizen by birth, shall acquire** Italian citizenship **if**, upon reaching the age of majority, he or she has legally resided for at least two years within the territory of the Republic and **declares, within one year from reaching majority, the intention to acquire Italian citizenship.**

If the above conditions are not met, then Art. 9 L. 91/1992 apply

Descendants of Italian Citizens (by Birth) - Concession

Italian Citizenship by Concession (discretionary power)

Art. 9, L. 91/1992

Italian citizenship **may be granted** by decree of the President of the Republic, having consulted the Council of State, upon proposal of the Minister of Home Affairs, to the foreign national whose father or mother, or one of the ascendants in the direct line up to the second degree, is or has been an **Italian citizen by birth**, and who **has legally resided** within the territory of the Republic **for at least two years**.

Further requirements: i.e., Language Test (B1)



Reacquisition of Citizenship

(by operation of Law)

- Opportunity for former citizens
- Applies to involuntary loss
- Name and Surname: as on the Italian Records
- Terms reopened until **31 December 2027**
- Appointment through the relevant Consulate Office may (or may not) be required (check on the relevant websites – different Office different policy)



**Italian Citizenship:
Standard Procedure**

Lodge the Application at competent Consulate:
The State of residency



Required documents: ALL the Civil records with
Apostilles, non-naturalization evidence, NAATI
translations



Relevant Steps:

booking an
appointment

lodging
application

Review

outcome

Outcome: Grant Notice or Rejection

- **Approval:** Grant Notice.
- **Rejection:** motivated in writing.
- Deadline to finalise the process: **24 months** (2 years) L. n. 173/2020 (from the day of lodgment) and up to 36 months (if justified on compelling circumstances)
- Inertia → judicial appeal.



Remedies After Rejection

- Appeal to Ministry of Home Affair
- Appeal to TAR (Administrative Tribunal in Rome) within 60 days.
- Civil action before Ordinary Courts (merit review) in Italy (forum to be verified).
- Choice depends on dispute.





Future Perspectives



**New reform –
Centralised
Procedure
through the
Minister**



**New Cassazione
SS.UU. – *Minor
Issue***



**Constitutional
Order pending on
the new
Legislation**

New Cassazione SS.UU. – *Minor Issue*

- After considerations and solicitations, the Supreme Court has called the plenary session for the Supreme Court of Cassazione to decide on the *Minor Issue*
- *The Plenary Session is called to decide on controversial aspects of law and in order to have a unique interpretation of rules and principles*
- *Terms for an outcome: not available to date*

Constitutional Court – Pending Decision

- The New Italian Citizenship Reform will be assessed by the Italian Constitutional Court on **February 2026**;
- We have already had a Constitutional Court Ruling (31 July 2025)
 - Regarding the old discipline - outcome: Refusal of Claim;
 - However, a Constitutional Principle has been highlighted: a generational limit to the Citizenship should be pondered with specific rules and terms

Q&A - 1

Q. - Can I apply from Italy and skip the long queue through the Consulate Office?

A. – No, unless you are legally resident in Italy

Q. – Do I have more chances/it is easier to gain the Italian Citizenship if I apply from Italy?

A. – No, unless further conditions must be satisfied (i.e., 2-year-residency requirement)

Q. - I have tried to book an appointment through the Italian Consulate but unsuccessful. Does a Solicitor have a fast track for booking? Optionally, what can I do?

A – No fast/special track for Solicitors. You can keep trying, keep the records of your attempts to book and then make an application through the Court in Italy with evidence of no-booking available

Q&A - 2

Q – My application through the Italian Consulate was rejected what can I do? Can I challenge it?

A. – Yes, you need to verify the reasons of your refusal as motivated into the Rejection Order from the Consulate Office. The challenge must be filed in Italy through the TAR (Administrative Tribunal for formal viciious) or Civil Tribunal (for a merit review);

Q. – The Italian Consulate Office mentions that if I do not bring all the documents the application is rejected, and I do not have a chance to integrate the documents.

A. – False, the Office has the obligation to advice the applicant will likely be rejected specifying the reasons why this rejection, which may be for the requirements or missing/not legalised documents. The applicant has 60 days to reintegrate/make submission against this pre-order and the application can be integrated.

Q. – I would like to apply through the Constitutional Court to challenge the new legislation?

A. – No, we cannot file an application through the Constitutional Court. You can file an application through the Tribunal in Italy and the Tribunal may (or may not) revert the application through the Constitutional Court, if relevant.

Thanks for your attention!

FIORINO & ASSOCIATES

ITALIAN LAWYERS AND
GLOBAL MOBILITY SOLUTIONS

www.fiorinolaw.com.au

Email fabrizio@fiorinolaw.com.au

Phone (07) 2141 5866

