



Italian Citizenship by descent jure sanguinis



Complete
Guide



ITALIAN
CITIZENSHIP
DESCENT by



PICCOLO
& MONTONE



1 Who is eligible for Italian citizenship?



2 Where to apply?



3 Required Documents



4 How does the legal process work?



5 Advantages of being an Italian citizen



1 Who is eligible for Italian citizenship?



Italian citizenship is transmitted by right of blood (jure sanguinis) and can be acquired through:

The father's line

If you are a descendant of an Italian citizen (for example great-grandfather, grandfather) you have the right to in principle, the right to Italian citizenship.

The mother's line

If you are a descendant of an Italian citizen (for example, great-great-grandmother, great-grandmother, grandmother) you have the right to principle to the recognition of Italian citizenship.

Special case: children of Italian women married to foreign citizen born before 01/01/1948

Italian law no. 555 of 13/06/1972, art 10. established that an Italian woman married to a citizen foreigner, would lose her citizenship and assume her husband's citizenship.

This means that if the Italian woman had married to a foreign citizen before 01/01/1948, she would have lost her Italian citizenship and, consequently, all her descendants could not apply for Italian citizenship.

This law was only declared unconstitutional in 1975 and this decision was applied retroactively to 01/01/1948, the date on which the Constitution of the Italian Republic was promulgated. Constitution of the Italian Republic.

Thus, children of women within the line that pass on Italian citizenship can apply for Italian citizenship exclusively through the courts at the competent Italian court.





2 Where to apply?

**There are two ways
to request
Italian citizenship**

A) Through the administrative process

a.1) At the Italian Consulate (waiting time can be long)

a.2) In the - Comune - in Italy

Administratively in Italy through proof of residence where it is necessary to travel to Italy, establish and follow the procedures, procedures. However, this requires spending money on tickets, rent, lodging, analysis and requirements of the Comune itself and waiting for the the decision of the officials.

b) Judicial Process

The legal route is the safest and most convenient way both in terms of in terms of time and money, based on the competent Italian court. Our legal studio in Milan has been dealing with recognition of Italian citizenship through the courts.

To file a legal action called ricorso, the applicant or partner prepares a file with the necessary documents and they are represented in one of the 26 Italian courts through a power of attorney sent by our law firm, which must be notarized (notary public) and apostilled.

It is a public and notorious fact and widely known that in many countries the waiting list at consulates take more than 10 years to be called to initiate an administrative process at the respective Consulate which, according to Italian jurisprudence, violates the principle of the the principle of reasonable duration of proceedings for the Italian lawyer to bring an action for recognition in the competent Italian court.





Specialized legal services

The law firm specializes in the area, providing legal services for the recognition of Italian citizenship for several years. The history of Studio Legale Piccolo e Montone began with the partnership between the avvocato cassazionsita Valerio Piccolo (qualified for the Italian Supreme Court) and the Italian lawyer, Portuguese and Brazilian lawyer Andrew Luiz Montone, registered in the three bar associations.

The lawyers in the Milan office represent all their clients before the competent court through a power of attorney, representing the client at all stages of the of the case from the filing of the lawsuit, hearings, sentencing including the administrative phase of transcribing all italian documents where they are sent to the clients for the transfer of the AIRE and passport issuance.





Valerio Piccolo

“ We offer our clients great experience and absolute transparency



Andrew Montone

“ The purpose of our work in the courts is to seek and defend a right provided for by law and to fulfill the dreams linked to it

3 Required Documents



Before starting the process, you need to have the following documents available.

Italian ancestral documents (dante causa)

This is the most important part, because without the documents of your ancestor (dante causa), there is no way to start the process. If you know the exact location and the book, you can make the clients.

1. Italian birth certificate

estratto di nascita

(extrato da certidão de nascimento)

This birth certificate from the Comune official is fundamental document for proving descent and is the basis for analysis of the other documents. This document is issued in the comune of the place of birth of the Italian dante causa.

2. Italian marriage certificate **or** marriage certificate from abroad

The Italian certificate is essential if the Italian citizen has been married. If they got married in Italy, they will need to present the Italian marriage certificate. If, on the other hand, they got married abroad, they will need to present the certificate in long form.

3. Proof of No Naturalization

The negative naturalization certificate is the document used to prove that the Italian has not naturalized in a foreign country. This one document is important because if you are an Italian citizen naturalizes in a foreign country before the birth of his or her children, their descendants may lose the right to request an Italian citizenship.

4. Death Certificate

In the case of the judicial route, it is dispensable, unless the ancestor was born before the Kingdom of Italy (unification in 1861). However, we always ask only from Italian as complementary document, given the particular understanding of each competent court articular understanding.

5. screenshot of the PRENOT@MI website

In the case of paternal descent and children of women in whom birth occurred after 1948, depending on the competent consulate in the region, we have certain instructions: proof of receipt of email from registration in the queue, receipt email or “PrtScr” of attempts (with time) to register in the queues through the prenot@mi system depending on the Consulate.



Descendants (Documents)

These documents are used to prove that the applicant
He has descendants from his Italian ancestor (Dante Causa).

1) Birth certificate

It is necessary to present all birth certificates of all descendants of the Italian ancestor.

2) Marriage certificate

It is necessary to present all marriage certificates of all descendants of the Italian ancestor if are day marriage

Incase of divorce, documents must be presented additional information that our lawyers will instruct applicants.

Depending on the case, they may be presented documents relating to the baptism certificate issued by the Parish. Religious marriage certificates will also be accepted until 06/24/1890.

3) Death Certificate *

The death certificate is not mandatory for descendants.



IMPORTANT INFORMATIONS

1) Sworn Translations and Hague Apostille

Sworn Translation into Italian is necessary during the process of obtaining Italian citizenship.

Apostille is a legalization carried out by the competent authority of the country declaring that the document is valid.

2) Document Search

Searching for documents is an activity outside the process judicial. However, to our customers if you have a copy the certificate and need an updated document we directly requested the competent sector -Comune- to its issuance.

Our Italian law firm

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4 How does the legal process for Italian citizenship work in the Italian courts?

Preparatory stage

1. Applicants submit all the documents required for the feasibility analysis. Each document is analyzed individually. In the analysis, we check that there are no impediments to recognizing citizenship, whether or not the documents need to be rectified, special situations where unmarried parents, declarants on the certificates, dates, etc.

If there are major discrepancies in last names, dates, ages, and places of birth these variations or errors must be corrected with an official “affidavit to amend a record”

2. A POWER OF ATTORNEY is drawn up and sent to the lawyers in Italy, so that they can be empowered to represent the applicant's applicants / family before the competent court.

3. Our Studio Legale (law firm) through lawyers Valerio Piccolo and Andrew Montone will present your case to the competent court in Italy. The opposing party is the Italian Ministry of the Interior, which represents the Italian State in cases involving recognition of Italian citizenship.

Legal Process

Based on the documentary evidence, the lawyers will prepare the legal action based on two possible grounds:

a) Action for the maternal line or b) Action against the Consulate queues.

a) Number of the judicial process

After a few days, the lawyers receive the number (numero di ruolo generale), making it possible to follow the case through the app called giustizia civile

b) Drawing of the judge:

A judge will be chosen based on the distribution of the case.

b) Day of the hearing

On the day of the hearing in the competent court, the lawyer will present their arguments to the magistrate, submitting the appropriate documents.

b) Sentence

The judge can issue the decision on whether to grant the application on the day of the hearing or afterwards. Once the decision has become final, it is unappealable and Italian citizenship is then recognized for the person concerned and all their family members.

Administrative phase after the judicial process (Comune)



After the ruling recognizing citizenship, the documentation is collected from the court and together with the translated and apostilled certificates are sent to the Comune (Municipality) who will transcribe the Italian birth and marriage certificates. The lawyer will then send them to the client, who will be able to apply for the AIRE and subsequently the Italian passport.



5

Advantages of being an italian citizen



a) CIRCULATION: Italian citizenship brings advantages and the right to move and reside freely in all the states of the European Union and you can decide to settle and work in one of these states (with a residence permit this is not possible). One of the greatest advantages of Italian citizenship is the freedom to travel within the European Union. As an Italian citizen, you have the right to travel, work and live in any EU member state without the need for visas or special permits. This opens up incredible opportunities for mobility, work and study throughout Europe;

b) VOTING: You are active and passive in the European Parliament and in Italy. Voting in Italy is personal, can only be exercised by those entitled to do so and no exceptions are allowed;

c) PROTECTION OF DIPLOMATIC AUTHORITIES: Regardless of the country they are in, European citizens can benefit from the protection of the diplomatic and consular authorities of a European Union state;

d) PUBLIC TENDERS: Once the legal requirements have been met, you can take part in public tenders for various positions in Italy and the public administration;

e) NO VISA REQUIRED: The advantages of Italian citizenship also lie in having an Italian passport which means you don't need a visa for many countries.

h) Health and social benefits: As an Italian citizen, you are entitled to health and social benefits. This includes access to the National Health Service, social security systems and other benefits such as pensions and assistance in the event of unemployment or illness;



Online Meeting

*If you would like to schedule a meeting with our lawyers at the Italian law firm in Milan, we can do so by video conference via google meet, zoom, skype etc.

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