



GMS Flash Alert

Immigration Edition

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Italy - 2018 Amendments Make Italian Citizenship More Difficult to Obtain

Important new laws have tightened the process of obtaining Italian citizenship and have significantly increased application processing time. Italian Decree n. 113/2018 has been in effect since 5 October and Law n. 132, since 4 December 2018.¹

WHY THIS MATTERS

The changes are expected to increase the already lengthy processing times for obtaining Italian citizenship. The residence qualification and increased costs and processing time may be particularly relevant for U.K. citizens applying for Italian citizenship as a result of Brexit: they should anticipate that their citizenship will *not* be processed before the currently proposed transition date of 31 December 2020.

Background

There are different ways to apply for and obtain Italian citizenship:

1- *Jure matrimonii*: When an Italian citizen marries a non-Italian, the latter may apply for citizenship within a certain period of time. The time period depends on the couple's place of residence: three years if the couple lives abroad (application via the consular network), and two years if the couple resides in Italy. In either case, the timing is cut in half if there are any adopted or natural children.

2- *Jure sanguinis*: If at least one of the applicant's parents or grandparents is or was Italian, the applicant may apply (both in Italy and via the consular network) for Italian citizenship. The applicant must prove a "blood" relationship to the Italian ancestor. Some limits are in place for people born before 1948.

3- For residence: A non-Italian who has resided in Italy for 10 uninterrupted years may apply for citizenship at the appropriate territorial government office. The timing for EU nationals is reduced to four uninterrupted years.

4- Jure solis: This principle suggests that a person born in Italy should automatically acquire Italian citizenship. Although discussed several times over the past few years, current law does not allow for automatic citizenship.

New Laws

The aim of this new law is to slow down the number of citizenship requests, which has continuously increased over the last few years, due to the higher number of immigrants coming to Italy.

Highlights

- The government fee for the application has increased.
- Time to process and finalize a request has been extended to 48 months following the date of the application. This also affects ongoing procedures and applies to applications through the Italian consular network.
- The decree broadens the list of criminal offences that allow the authorities to revoke a person's citizenship in case of "definitive" conviction.
- Law n. 132, 1 December 2018 came in force on 4 December 2018, and introduces a linguistic criterion to fulfill the requirements necessary to apply for Italian citizenship (*jure matrimonii, jure sanguinis*) and for residence (and under other residual circumstances).
 - Applicants must prove that they have reached the B1 (QCER) level of Italian language knowledge. This does not apply to applicants who have fulfilled the Integration Agreement during their stay in Italy or to those who have obtained the permanent residence permit, who have shown their linguistic skills in other ways.
 - There are two main ways for applicants to prove their Italian skills: either they obtain a school qualification or they get a certificate from a school/centre that is approved by the Ministry of Education or by both the Ministry of Education and by the Ministry of Foreign Affairs.

KPMG NOTE

Applying for Italian citizenship has always been a lengthy procedure and to a certain extent the new laws simply codify these delays. To ensure the citizenship application is at least processed within the new time limit, we suggest individuals be careful in making sure that the correct documentation is submitted at the time of application, and in particular, that they request any documents required from abroad well before submitting an application. EU citizens applying for Italian citizenship will not have had to sign an integration agreement, so they should make sure that they meet the language qualifications

FOOTNOTE:

1 Decree Law n. 113 4 October 2018 (*Decreto-Legge 4 ottobre 2018, n. 113*) published in the *Gazzetta Ufficiale Serie Generale* n.231, 4 October 2018; Law n. 132 1 December 2018 (*Legge 1 dicembre 2018, n. 132*) published in the *Gazzetta Ufficiale* n. 281, 3 December 2018.

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* Please note that KPMG LLP (U.S.) does not provide any immigration services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.

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