

Act No. 91 of 5 February 1992 (Italy)

Article 1

1. The following shall be citizens by birth:

a) any person whose father or mother are citizens;

b) any person who was born in the territory of the Republic, if both parents are unknown or stateless, or if the child does not acquire the citizenship of the parents according to the law of the State to which the parents belong;

2. any person of unknown parents who is found abandoned in the territory of the Republic, unless possession of another citizenship is proved.

Article 2

1. Recognition or judicial statement of filiation of a minor shall determine the citizenship of the child in accordance with the provisions of this statute.

2. If the person whose filiation is recognised or declared is an adult, he or she shall retain his or her citizenship status, but may declare that he or she chooses the citizenship determined by filiation, within one year of such recognition or declaration, or of the declaration that a foreign decision has effect.

3. The provisions of this article shall also apply to any person whose paternity or maternity cannot be declared, provided that their right to maintenance or alimony has been judicially recognised.

Article 3

1. An alien minor adopted by an Italian citizen shall acquire citizenship.

2. Paragraph 1 shall also apply to persons adopted before this statute came into force

3. When the adoption is revoked by reason of an act committed by the adopted, he or she shall lose Italian citizenship, provided that he or she possesses or has re-acquired another citizenship.

4. In all other instances of revocation, the adopted retains Italian citizenship. However, if the adoption is revoked when the person is an adult, he or she may renounce Italian citizenship within one year of such revocation, provided that he or she possesses or has re-acquired another citizenship.

Article 4

1. An alien or stateless person, whose father or mother, or direct ancestors in the second degree were citizens by birth, shall become a citizen:

a) if he or she serves in the Italian Army and preventively declares his or her intention to acquire Italian citizenship;

b) if he or she becomes a civil servant employed by the Italian State, even abroad, and declares his or her intention to acquire Italian citizenship;

c) if, at the age of majority, he or she has had legal residence for at least two years in the territory of the Republic, and declares within one year his or her intention to acquire Italian citizenship.

2. An alien born in Italy, who have been legally resident therein uninterruptedly until reaching the age of majority, becomes citizen if he or she declares the intention to acquire Italian citizenship within one year of reaching the age of majority.

Article 5

1. The alien or stateless spouse of an Italian citizen may acquire Italian citizenship if, after the marriage, he or she has been legally resident for at least two years in the territory of the Republic, or after three years from the marriage if he or she has been residing abroad, where, upon the adoption of the decree referred to in Article 7 paragraph 1, the marriage has not been dissolved or annulled or has not ceased to have civil effects and there is no legal separation.

2. The time limits referred to in paragraph 1 shall be reduced by half where the spouses have natural or adopted children.

(Article amended by Article 1 paragraph 11 of the Act 15 July 2009 n. 94).

Article 6

1. Acquisition of citizenship pursuant to art.5 is precluded by:

a) conviction for one of the offences provided for in Volume II, Title I, Chapters I, II and III of the Criminal Code;¹

b) conviction for an offence committed with criminal intent for which the law prescribes a statutory penalty of a maximum of at least three years imprisonment; or conviction for a non-political offence to imprisonment longer than one year inflicted by a foreign court, if the foreign sentence has been recognised in Italy;

c) the existence, in the case concerned, of substantiated reasons relating to the Republic's national security.

2. Recognition of the foreign sentence shall be requested by the public prosecutor of the district of the Registry Office in which the marriage is registered or recorded, including cases referred to in paragraph 1, subparagraph (b).

3. Rehabilitation shall terminate the preclusive effects of the conviction.

4. Acquisition of citizenship shall be suspended until the communication of the final judgment, if penal actions have been brought for one of the offences referred to in paragraph 1, subparagraph (a) and subparagraph (b). It shall also be suspended during the procedure for the recognition of the foreign sentence referred to in paragraph 1 subparagraph (b), second part.

Article 7

¹ The offences referred to in this sub-paragraph are offences against the State and against the citizen's political rights.

1. (The paragraph was repealed by Article 8 D.P.R. 18 April 1994, n. 362).
2. The provisions of Article 3 of Act n. 13 of 12 January 1991 shall apply.

Article 8

1. By justified decree, the Minister for the Interior may reject the application referred to in Article 7 where any of the grounds provided for in Article 6 exist. Where substantiated concerns for the Republic's national security exist, the decree shall be issued following a favourable opinion of the Council of State. If rejected, the application may be submitted again five years after the decree has been issued.

2. (The paragraph was repealed by Act n. 113 of 4 October 2018, converted with modifications by Act n. 132 of 1 December 2018) ~~A decree rejecting the application may not be issued where a period of two years has elapsed since the application, accompanied by the required documents, was made.~~

Article 9

1. Italian citizenship may be granted by decree of the President of the Republic, upon a proposal by the Minister of the Interior, after consulting the Council of State:

a) to aliens, whose father or mother or one of the direct ancestors in the second degree were citizens by birth, or aliens who were born in the territory of the Republic and, in both cases, have been legally resident therein for at least three years, subject to the provisions of Article 4, paragraph 1, subparagraph (c);

b) to aliens adopted by an Italian citizen, who at the age of majority have been legally resident in the territory of the Republic for at least five years after the adoption;

c) to aliens who have worked as civil servants employed by the State, even abroad, for at least five years;

d) to citizens of a Member State of the European Community who have been legally resident in the territory of the Republic for at least four years;

e) to stateless persons who have been legally resident in the territory of the Republic for at least five years;

f) to aliens who have been legally resident in the territory of the Republic for at least ten years

2. The President of the Republic, after consulting the Council of State and following a decision by the Council of Ministers, upon a proposal of the Minister of the Interior with the agreement of the Ministry of Foreign Affairs, may granted citizenship by decree to an alien who rendered an distinguished services to Italy, or where an exceptional interest of the State exists.

Article 9.1

1. The granting of Italian citizenship pursuant to Articles 5 and 9 is subject to the possession, by the interested party, of an adequate knowledge of the Italian language, not lower than level B1 of the Common European Framework of Reference for Languages (CEFR). To this end, the applicants

who have not signed the integration agreement referred to in Article 4-bis of the Legislative Decree 25 July 1998, n. 286 (consolidated), or who do not hold an EU long-term residence permit pursuant to Article 9 of said Legislative Decree, shall certify the possession of educational qualifications granted by a public or private school recognized by the Ministry of Education, University and Research and the Ministry of Foreign Affairs and International Cooperation; or they shall provide adequate language knowledge certification issued by a recognized agency by the Ministry of Education, University and Research and by the Ministry of Foreign Affairs and International Cooperation.

Article 9-bis

1. Applicants shall attach the relevant certificates proving that they are in possession of all the requirements for the purposes of the choice, acquisition, re-acquisition, renunciation or granting of citizenship.
2. Any application or declaration relating to the choice, acquisition, re-acquisition, renunciation or granting of citizenship shall be subject to the payment of a fee amounting to €250.
3. The revenues deriving from the fee referred to in paragraph 2 shall be paid into the State budget to be re-allocated to the budget (stato di previsione) of the Ministry of the Interior. The latter shall utilise half of it to support projects of the Department for civil rights and immigration aimed at international cooperation and support to third countries on migration-related issues also through participation to programmes funded by the European Union; the other half shall be used to cover the expenses for the procedural activities performed by said Department on matter of immigration, asylum and citizenship.

(Article introduced by Article 1 paragraph 12 Act 15 July 2009 n. 94)

Article 9-ter

1. The deadline for defining the proceedings pursuant to articles 5 and 9 is forty-eight months from the date of submission of the application.

(Act n. 113 of 4 October 2018, converted with modifications by Act n. 132 of 1 December 2018 introduced Art. 9.1., 9-bis (2), and 9-ter).

Article 10

1. A decree awarding citizenship shall only have effect where the person concerned has taken an oath of allegiance to the Republic and respect for the Constitution and the laws of the State within six months of the decree being served.

(See also D.M. 27 February 2001. The Constitutional Court, with sentence 8 November - 7 December 2017, n. 258 (in Official Gazette 1st session 13/12/2017, n. 50), declared "the constitutional illegitimacy of Art. 10 of Act no. 91 5 February 1992, in the part where it does not exonerate a person unable to meet the oath requirement due to a serious and ascertained disability.)

Article 10-bis

1. Italian citizenship acquired pursuant to articles 4, paragraphs 2, 5 and 9, is revoked in the event of a final conviction for the offences referred to in Article 407, paragraph 2, letter a), no. 4), of the

Code of Criminal Procedure, as well as for the offences referred to in articles 270-ter and 270-quinquies.2, of the Penal Code. The President of the Republic, upon proposal of the Minister of the Interior, adopts the revocation of citizenship by decree within three years of the final judgment of the sentence for the offences referred to in the first part.)

(Act n. 113 of 4 October 2018, converted with modifications by Act n. 132 of 1 December 2018 introduced Art. 10-bis).

Article 11

1. A citizen who already has, or has acquired or re-acquired a foreign citizenship shall retain Italian citizenship, but may renounce the latter where he or she resides or establishes residence abroad.

Article 12

1. An Italian citizen shall lose his or her citizenship if, having accepted public employment or public office from a State or foreign public body or from an international organisation of which Italy is not a member, or while performing military service for a foreign State, he or she fails to comply, within the specified period, with any request by the Italian Government to renounce the employment, office or military service.

2. An Italian citizen who, during a war with a foreign State, has accepted or not renounced a public employment or public office, or has performed military service for such State without being obliged to do so, or has voluntarily acquired the citizenship of such State, shall lose Italian citizenship upon the cessation of war.

Article 13

1. Any person who has lost Italian citizenship shall re-acquire it:

a) if he or she performs military service for the Italian State and previously declared his or her intention to re-acquire it;

b) if, having taken up or while taking up employment as a civil servant for the Italian State, even abroad, declares his or her intention to re-acquire it;

c) where he or she declares his or her intention to re-acquire it and establishes or has established residence in the territory of the Republic within one year of such declaration;

d) one year after establishing residence in the territory of the Republic, unless he or she has expressly renounced citizenship within the same time limit;

e) if, having lost citizenship due to lack of compliance with an order to renounce the employment or office accepted from a foreign State, a foreign public body or an international organisation, or the military service for a foreign State, declares his or her intention to re-acquire citizenship, provided that he or she has established residency in the territory of the Republic for at least two years and proves that he or she has renounced the employment or office taken up or military service performed, notwithstanding the order referred to in Article 12 paragraph 1.

2. Citizenship may not be re-acquired by a person who lost it under the provisions of Article 3 paragraph 3 or Article 12 paragraph 2.

3. In the cases referred to in paragraph 1, sub-paragraph c, d and e, the re-acquisition of citizenship shall not take effect where it has been prohibited by a decree of the Ministry of the Interior, on serious and substantiated grounds and following an opinion of the Council of State. Such prohibition may take place within one year of the occurrence of the prescribed conditions.

Article 14

1. Minor children of a person who acquires or re-acquires Italian citizenship shall acquire such citizenship if they live with that person, but may renounce it after reaching the age of majority, provided that they have the citizenship of another country.

Article 15

1. The acquisition or re-acquisition of citizenship shall take effect, save where provided for by Article 13, paragraph 3, on the day following that on which the required conditions and formalities have been complied with.

Article 16

1. Any stateless person who is legally resident in the territory of the Republic shall be subject to Italian law insofar as the exercise of civil rights and the performance of military duties are concerned.

2. Any alien who has been recognised as a refugee by the Italian State in accordance with the provisions of domestic law or international conventions shall be made equal to the stateless person for the purposes of the present Act, save insofar as military duties are concerned.

Article 17

1. Any person who has lost Italian citizenship under the provisions of Articles 8 and 12 of the Act 12 June 1912 n. 555, or for not having made the choice provided for by Article 5 of the Act 21 April 1983 n. 123, may re-acquire it by making a declaration to that effect within two years of the entry into force of the present Act.

(This time limit was postponed by Article 1 of the Act 22 December 1994, n. 736 and thereafter up until 31 December 1997 by Article 2, paragraph 195 of the Act 23 December 1996, n. 662)

2. The provisions of Article 219 of the Act 19 May 1975, n. 151 shall continue to apply.

Article 17-bis

1. The right to Italian citizenship shall be recognised:

a) to any person who was an Italian citizen and already resided within the portion of the territory belonging to the Italian State that was later ceded to the Yugoslav Republic either under the Peace Treaty signed in Paris on 10 February 1947, made enforceable by the temporary Head of State's legislative decree 28 November 1947, n. 1430, ratified by the Act 25 November 1952, n. 3054, or by virtue of the Treaty of Osimo of 10 November 1975, made enforceable by the Act 14 March 1977, n. 73, in line with the conditions prescribed and the requirements to exercise the right of option provided for by Article 19 of the Peace Treaty signed in Paris as well as by Article 3 of the Treaty of Osimo.

b) to any person of Italian language and culture and who is the child or direct descendant of any individual who satisfies the requirements provided for by sub-paragraph a).

(Article inserted by Article 1 Act 8 March 2006, n. 124)

Article 17-ter

1. The right to have Italian citizenship recognised, as provided for by Article 17-bis, shall be exercised by the person concerned by filing an application to the local authority that has territorial competence on the basis of the residence of the applicant, or, where the requirements have been met, to the consular authority, after producing the relevant documents, in accordance with what is provided for by a circular letter of the Ministry of the Interior, issued in agreement with the Ministry of Foreign Affairs.

2. In order to confirm that the requirements referred to by Article 17-bis paragraph 1 sub-paragraph a) exist, a certificate shall be attached to the application, proving both Italian citizenship and residency in the portion of territory that belonged to the Italian State at that time and was thereafter ceded to the Yugoslav Republic under the Treaties referred to by Article 17-bis paragraph 1.

3. In order to confirm that the requirements referred to by Article 17-bis paragraph 1 sub-paragraph b) exist, the following documents shall be attached to the application:

a) a birth certificate confirming the line of descent between the applicant and the parent or ancestor;

b) as required by Article 17-bis paragraph 1 sub-paragraph a) for the purposes of exercising the right of option provided for, a certificate confirming the Italian citizenship of the applicant's parent or direct ancestor, as well as their residence within the portion of territory that belonged to the Italian State and was thereafter ceded to the Yugoslav Republic under the Treaties referred to by Article 17-bis paragraph 1;

c) the relevant documents proving knowledge of Italian language and culture by the applicant.

(Article inserted by Article 1 of the Act 8 March 2006, n. 124)

Article 18

(Article repealed by Article 1 of the Act 14 December 2000, n. 379)

Article 19

1. The present Act shall not affect the provisions of the Act 9 January 1956, n. 27 on the recording in the civil register of decisions recognising options for Italian citizenship, made in accordance with Article 19 of the Treaty of Peace between the Allied and Associated Powers and Italy, signed in Paris on 10 February 1947.

Article 20

1. Except where otherwise expressly provided, the citizenship status acquired prior to the present Act shall only be modified by events subsequent to the entry into force of the Act.

Article 21

1. For the purposes of and in accordance with the provisions of Article 9, Italian citizenship may be granted to any alien adopted ('affiliato')² by an Italian citizen prior to the entry into force of the Act 4 May 1983, n. 184 and who has resided legally in the territory of the Republic for at least seven years following the adoption.

Article 22

1. Military service obligations shall cease for any person who, on the date of the entry into force of the present Act, has already lost Italian citizenship under Article 8 of the Act 13 June 1912, n. 555.

Article 23

1. Declarations for the purposes of acquiring, retaining, re-acquiring and renouncing citizenship, as well as the oath, as provided for by the present Act, shall be made or taken before the civil registrar of the local authority in the area where the applicant resides or intends to establish residence, or, where he or she resides abroad, before the diplomatic or consular authority of the place of residence.

2. Any declaration referred to in paragraph 1, as well as any document or decision relating to the loss, retention and re-acquisition of Italian citizenship shall be recorded in the citizenship registers and an annotation shall be made in the margin of the birth certificate.

Article 24

(Article repealed by Article 110 D.P.R. 3 November 2000, n. 396, with effect from 30 March 2001)

Article 25

1. The necessary provisions for the implementation of the present Act shall be promulgated within one year of its entry into force by a decree of the President of the Republic, having heard the Council of State and following a decision of the Council of Ministers, upon a proposal by the Minister of Foreign Affairs and the Minister of the Interior, in consultation with the Minister of Justice.

(See D.M. 22 May 1992; Act 26 July 1993, n. 306; D.P.R. 12 October 1993, n. 572)

Article 26

1. Act 13 June 1912 n. 555, Act 31 January 1926, n. 108, Royal decree 1 December 1934, n. 1997, converted into Act 4 April 1935, n. 517, Article 143-ter of the Civil Code, Act 21 April 1983, n. 123, Article 39 of the Act 4 May 1983, n. 184, Act 15 May 1986, n. 180, as well as any other provision in contrast with the present Act shall hereby be repealed.

2. The obligation to exercise an option as provided for by Article 5, paragraph 2, of the Act 21 April 1983, n. 123, as well as by Article 1, paragraph 1, of the Act 15 May 1986, n. 180, shall hereby be repealed.

² 'Affiliazione' was abolished by Article 77 of the Act 4 May 1983 n. 184. It was a special form of adoption concerning inter alia minors abandoned or whose parents were unknown. See e.g. C. Cost. 9 April 1970 n. 57.

3. Any provision of international agreements in contrast with the present Act shall not be affected.

Article 27

1. The present Act shall enter into force six months after its publication in the Official Journal (Gazzetta Ufficiale).

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