



ITALIAN CITIZENSHIP SERVICES



Italy's New Citizenship Law: What Changed and How We Protect Your Path Forward

The new legislation has introduced additional restrictions on the transmission of citizenship. However, our legal team has identified and structured a consistent approach to challenge these limitations in accordance with established legal principles and the Italian Constitution. This means that, even under the new rules, there are still viable legal pathways to obtain recognition of citizenship, depending on each individual case. Understand the main points directly.

Citizenship Limited to Children and Grandchildren

Now, Italian citizenship is recognized automatically only for:

- 1) children of Italian citizens who lived in Italy for at least 2 years before their birth; and
- 2) children and grandchildren (up to the 2nd degree) of Italian citizens who possessed exclusively Italian citizenship.

If your ancestor had or came to have another citizenship in addition to Italian, the right to citizenship is automatically blocked.



Deadline for Ongoing Processes

If you already had a process underway, applications filed by 11:59 PM on March 27, 2025 (Rome time) will be evaluated under the old rules. However, if the documentation was not submitted by this date, the new rules already apply to your case.

New Rules for Minors

For minors born before the new law, with parents who got affected by the new legislation, there is a deadline until May 31, 2026, to declare the intention to transmit citizenship.



For minors born after the new law, citizenship will only be recognized if:

- Parents declare the intention to transmit citizenship within 1 year after birth/adoption; or
- If the declaration is made after this period, the minor must reside in Italy for 2 years after the declaration.



Alternative for Consular Delays and Uncovered Cases: Judicial Route with ICS

For those who are still able to have their **Italian citizenship** by birth automatically recognized, the **consular route** is still open. However, it continues to be very long and uncertain. Nevertheless, this can be challenged directly in Italy, recognizing citizenship through an Italian court.

For those who do not meet the new requirements, the only way to obtain Italian citizenship is judicially, through a process of arguing the unconstitutionality of the new legislation and its irretroactivity for those that were born before its publication. Unlike in the past, where the **judicial route** was used just due to consular delays or 1948 maternal cases, now the focus is to **challenge the constitutionality** of the new measures of the Tajani decree. This means that even great-grandparents or great-great-grandparents can be the basis for a judicial process.

Judicial victories have already been achieved, and our team continues to work diligently to secure your rightful Italian citizenship. We're in this together!





Our Legal Strategy

We will ask the courts to apply the law that was in effect when you were born. Under Article 11 of the Italian Civil Code's Preliminary Provisions, new laws cannot be applied retroactively to remove rights. This means your right to Italian citizenship *iure sanguinis* must be assessed based on the law that existed at your birth.

We will also argue to the courts that the new law conflicts with several key legal principles, including:

- Constitutional protections, such as the right not to lose citizenship for political reasons (Article 22 of the Constitution) and the right to equality (Article 3);
- The Civil Code, which recognizes family ties up to the sixth degree;
- Earlier citizenship laws (Laws No. 555/1912 and No. 91/1992), which demonstrate Italy's historic commitment to its descendants abroad; and
- European Union law, which protects the right to free movement and prohibits unjustified limits on dual citizenship.

In short, our position is that your citizenship claim should be decided under the rules that applied when you were born, and that these higher legal protections support your right to be recognized as an Italian citizen.



For more details, please contact us at
<https://www.italiancitizenshipservicesics.com>