

EUDO CITIZENSHIP OBSERVATORY

NATURALISATION PROCEDURES FOR IMMIGRANTS ITALY

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Naturalisation Procedures for Immigrants

Italy

Guido Tintori

1. Introduction

Italy's legislation envisages various modes of acquisition of nationality for foreigners. This report investigates solely the process of ordinary naturalisation for eligible foreign residents in Italy according to the Nationality Law currently in force (Article 9 of [Act No. 91 of 5 February 1992](#)) and the ways in which the law is implemented by the relevant authorities.

The [EUDO Citizenship Country report for Italy](#) thoroughly analyses the 91/1992 Act. For the scope of this report, it is sufficient to recall the main ways in which foreign nationals can access Italian nationality:

- The years of residence in order to apply for *ordinary naturalisation* (Art. 9) are:
 - 10 for non-EU immigrants;
 - 5 for refugees and stateless persons;
 - 4 for EU immigrants;
 - 3 (2 if minor) for immigrants of Italian origin.
- The procedure is through application and discretionary.
- Acquisition by *ius soli* is possible only *after birth*:
 - (Art. 4.2) by declaration, within one year after coming of age (18 y.o.) and proving uninterrupted and legal residence in Italy since birth;
 - (Art. 9.1.a) by application and through a discretionary procedure, proving 3 years of legal residence in Italy.
- *By marriage* (Art 5.):
 - Entitlement to citizenship after 2 years of marriage, if the couple resides in Italy; 3 years of marriage, if the couple resides out of the country.
- *By external ius sanguinis* (Circular of the Ministry of the Interior K. 28.1, 8 April 1991):
 - no generational limit;
 - entitlement to citizenship, when the applicant can demonstrate that the “significant Italian ancestor” who emigrated never renounced Italian citizenship voluntarily and in front of Italian authorities.

It is worth noting that long-term non-EU foreign residents do not enjoy any kind of political rights, not even at the local level, unless they naturalise.

In some parts of the report, references may be made to some of the other modes of acquisition of nationality to better explain how residence-based naturalisation works out in Italy, to help interpret the implementation process and to

understand how access to nationality has been conceived by the Italian decision-makers.

2. Foreign residents and access to nationality: facts and figures

According to the Italian Census of 2011, the total resident population of that year was 59,464,644 people, of which the foreign born were 4,570,317.¹ Within this latter group, 993,238 were minors.² It is estimated that roughly 650,000 are second-generation born in Italy (Caritas 2011). The stock of foreign residents is thus 7.5% of the total population. This figure places Italy in line with the main countries of immigration in today's Europe. The legal presence of immigrants in the country has dramatically increased in a short range of time, making Italy, together with Greece, Spain, the United Kingdom and – to a lesser extent – Portugal, in the last decade only, one of the main immigrant-receiving countries in Europe.³

The leaps in the presence of foreign residents, though, are probably less dependent on actual inflows than regularizations. Italian governments have traditionally and periodically resorted to such measures at least since 1982 and adopted regularisations as the main immigration and immigrants policy instrument (Zincone 2006a). Therefore, in most cases, people who were already (irregularly) working and living in the country are listed as immigrant residents in the statistics and by the authorities with a significant delay with respect to their actual entry into the country. This feature has an obvious impact on their route to residence-based citizenship.

Both applications and acquisitions have been constantly on the rise in the last decade and the average of naturalisations every 1000 resident foreigners has increased from 2‰ in 2007 to 5.42‰ in 2010.⁴ Table 1 shows the evolution of the acquisitions of Citizenship – by marriage (Art. 5) and ordinary naturalisation (Art. 9) summed together – between 2002 and 2010. There is a clear and growing trend towards a constant increase of naturalisations, with an increment of 10.6% between 2008 and 2009, and of 11.1% between 2009 and 2010.

¹ According to the latest report on immigration in Italy issued yearly by Caritas (2012), at the end of 2011, the foreign nationals regularly residing in the country were 5.011.000.

² Source: ISTAT < <http://dati.istat.it/?lang=it> > and < <http://www.istat.it/it/archivio/39726> >, last accessed: 23 July 2012.

³ Source: OECD International Migration Outlook 2011, Sopemi: 403-404.

⁴ Report: Ministero dell'Interno-Conferenza dei Prefetti della Toscana, *L'immigrazione in Toscana 2010*: 32-33.

Table 1. Acquisitions of Citizenship in Italy 2002-2010

Year	Foreign Residents	Acquisitions of Citizenship
2002	1,356,590	12,267
2003	1,549,373	17,205
2004	1,990,159	19,140
2005	2,402,157	28,659
2006	2,670,514	35,266
2007	2,938,922	45,485
2008	3,432,651	53,696
2009	3,891,295	59,369
2010	4,235,059	65,938

Source: Author's elaboration on Italian Institute of Statistics (ISTAT) data.

Since 2009 Italy has shown a new trend in naturalizations: until 2008 art. 5, i.e. naturalisation by marriage, has always been by far the privileged way to access Italian citizenship against naturalization by residence (art. 9) (Gallo and Tintori 2006: 120; Zincone 2010: 3). For the first time in 2009 the ratio was inverted and residence has now become the main way by which foreigners naturalise in Italy. This development is the result of two combined factors: 1) the approval of Act no. 94 of 15 July 2009, the so-called "Security Package", which reformed the acquisition of citizenship by marriage by raising the duration of marriage from six months to two years, while promoting provisions against sham marriages and strengthening controls; 2) the increase in the cohorts of immigrants whose ten year of residency requirements are now "ripe".

The restrictive turn on citizenship by marriage led to an increase of 90.22% in the percentage of unsuccessful applications between 2009 and 2010. A recent directive of the Ministry of the Interior (Directive 7 March 2012) has assigned to the Prefects full competence on the acquisitions of citizenship by marriage, with no need to forward the applications to the Ministry for approval, starting 1 June 2012. The provision is mainly meant to reduce the burden of paperwork on the State's bureaucracy and improve the efficiency of the administration. Even though it is too early to measure its effects, this might lead to a higher number of applications processed per year, whose outcome remains obviously impossible to predict.

The largest national group of immigrants are the Romanians, representing 21.2% of the total foreign residents, followed by the Albanians (10.5%), the Moroccans (9.9%) and the Chinese (4.6%).⁵ This is somehow reflected in the data on naturalisation.

Table 2 confirms that, as Romanians hold EU citizenship already, they might not have a pressing need to apply for Italian citizenship, as it would basically add to their current status just the right to vote in the national elections. Moroccans and Albanians are therefore the first national groups for ordinary naturalisation. They were also, together with Tunisians, the most represented nationalities in the first waves of immigration to the country taking place in the 1970s-1990s, while Romanians entered Italy more recently.

⁵ Source: ISTAT < <http://www.istat.it/it/archivio/39726> >, last accessed: 23 July 2012.

Table 2. Acquisitions of citizenship by residence, 2010 and 2009 – First 10 Nationalities

First Nationality	2010			First Nationality	2009		
	Women	Men	Total		Women	Men	Total
Morocco	1,436	3,381	4,817	Albania	1.852	3.357	5.209
Albania	1,813	2,649	4,462	Morocco	1.164	3.389	4.553
Romania	764	595	1,359	Tunisia	177	792	969
Tunisia	167	675	842	Romania	497	408	905
Perú	532	256	788	Perú	473	221	694
Egypt	62	509	571	Bosnia	317	364	681
India	98	455	553	Serbia	287	392	679
Macedonia	149	388	537	Egypt	65	582	647
Serbia	239	295	534	Ghana	217	384	601
Bangladesh	56	408	464	Macedonia	103	412	515
Total	8,319	13,311	21,630	Total	8,394	14,568	22,962

Source: Ministry of the Interior, <

http://212.14.136.135/dipim/site/it/documentazione/documenti/diritti_civili/2011/Dati_cittadinanza_relativi_al_2010.html > last accessed 23 July 2012; and <

http://www.libertaciviliimmigrazione.interno.it/dipim/site/it/documentazione/statistiche/diritti_civili/I_dati_definitivi_del_2009.html >, last accessed 28 October 2012.

In the Migrant Integration Policy Index, Italy's score of 2010 for her [Access to nationality](#) policies is quite high and comparatively better than countries that are traditionally considered more liberal in granting access to citizenship, like France, the United Kingdom, the United States. In the explanatory report Italy's score is justified by the fact that, once a foreigner is naturalised, unconditioned acceptance of dual citizenship, the virtual absence of provisions of lapse and/or withdrawal of nationality and clear procedures make it a relatively secure and equal citizenship. This somehow compensates for the eligibility criteria for immigrants and their Italian-born descendants to access citizenship, which are considered to be more restrictive than nearly all major countries of immigration. Still, the result is quite surprising, as most studies analysing Italian nationality Law of 1992, relying either on a similarly quantitative method with the construction of citizenship policies indicators (Howard 2009: 103-108) or on a more qualitative approach (Pastore 2004; Arena et al. 2006; Tintori 2006, 2009, 2010; Zincone 2006b, 2010; Zincone and Basili 2010), describe it

as particularly restrictive towards foreigners if they cannot claim some sort of bond with an Italian national, either by ancestry or marriage.

Table 3 shows how the number of people who naturalise in Italy each year has increased mainly since 2004, but it remains quite low if compared to other countries of immigration in the EU.

Table 3. Residence-based naturalisations EU-27 and selected countries (1998-2009) (thousands)

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
EU-27	528,0	579,7	693,9	663,3	662,5	651,9	719,1	723,6	735,9	697,3	698,9	776,1
Belgium	34,0	24,2	62,0	62,2	46,4	33,7	34,8	31,5	31,9	36,1	37,7	32,8
France	123,8	147,5	150,0	127,5	128,1	144,6	168,8	154,8	147,9	132,0	137,5	135,8
Germany	106,8	143,1	186,7	180,3	154,5	140,7	127,2	117,2	124,6	113,0	94,5	96,1
Greece	0,8	:	:	:	:	1,9	1,4	1,7	2,0	3,9	16,9	17,0
Italy	12,0	11,3	9,6	10,4	10,7	13,4	19,1	28,7	35,3	45,5	53,7	59,4
Netherlands	59,2	62,1	50,0	46,7	45,3	28,8	26,2	28,5	29,1	30,7	28,2	29,8
Portugal	0,5	1,2	1,6	2,2	2,7	2,4	2,9	3,0	4,4	:	22,4	25,6
Spain	12,6	16,4	16,7	16,7	21,8	26,5	38,2	42,9	62,4	71,9	84,2	79,6
United Kingdom	53,9	54,9	82,2	89,8	120,1	130,5	148,3	161,8	154,0	164,5	129,3	203,6

Source: Eurostat 2011 <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/>

3. Promotion activities and Information on Access to nationality

Table 4 and Figure 1 summarise the trend of applications of citizenship for the years 2004-2010. Table 4 refers to application of citizenship by residence only. Two changes concerning the naturalization procedure, both taking place in 2004 and described in detail in the following two sections, help explain why the numbers of rejected applications decline from 2005 on. In Figure 1, blue columns show the numbers of applications for naturalisation that were carried out successfully. The first blue column refers to successful applications by marriage (art. 5); the second blue column refers to successful application by residence (art. 9); the third blue column sums the successful applications by both provisions (art. 5+art. 9). Red columns refer to rejected applications; green columns to applications that were not admitted; purple columns are the sum of all the submitted applications.

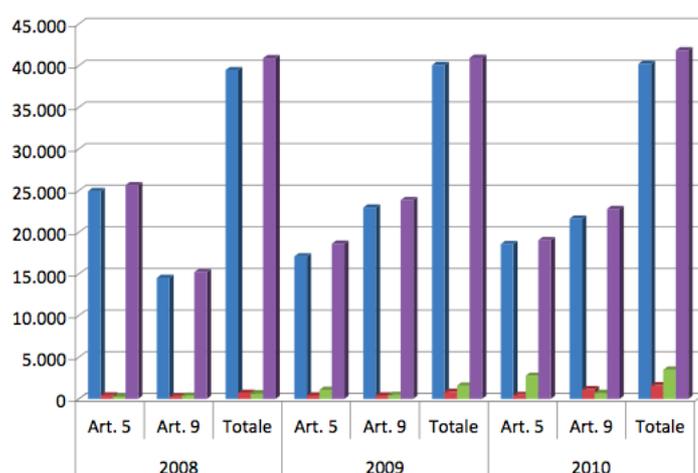
Table 4 Successful and unsuccessful applications of citizenship by residence, 2004-2009

	2004	2005	2006	2007	2008	2009
Applications Submitted	10,841	10,240	13,232	25,261	32,026	35,963
Successful	1,948	7,412	5,615	6,857	14,534	22,962
Rejected	1,056	829	243	63	305	427
Not admitted	62	56	149	332	385	485
Total applications processed	3,066	8,297	6,007	7,252	15,224	23,874

Source: <

http://www.libertaciviliimmigrazione.interno.it/dipim/site/it/documentazione/statistiche/diritti_civili/I_dati_definitivi_del_2009.html >, last accessed 28 October 2012.

Figure 1. Successful and unsuccessful applications of citizenship by marriage and residence 2008/2010



Source: Ministry of the Interior, <

<http://www.interno.gov.it/mininterno/export/sites/default/it/temi/cittadinanza/sottotema008.html> > last accessed 23 July 2012.

An estimation from the NGO Save the Children, based on ISTAT data, reckoned that in 2009 the non-EU foreign residents eligible to apply for ordinary naturalization in Italy were 726,000 (Save the Children 2011: 92). According to the Ministry of the Interior, the successful applications were 39,484 out of 56,985 for the year 2008; 40,084 out of 61,336 for 2009; and 40,223 out of 70,358 for 2010.⁶ The large majority of the rejected applications were by marriage. At the end of 2010, there were still 146,281 applications in total waiting to be processed.

⁶ Note that there is a discrepancy between the total of acquisitions provided by the Ministry of the Interior and the figures provided by ISTAT in Table 1. As the latter are used also by Eurostat, in the report I rely on ISTAT's data.

There is a consistency between the main places where foreigners naturalise and their geographical distribution: 35% dwell in the North West regions of Italy; 26.3% in the North East; 25.2% in the Centre; 13.5% in the South and the Islands; with large cities, like Milan, Rome and Turin, attracting high numbers of immigrants, who find employment especially in the services sector.⁷ In 2009, the regions with the highest numbers of ordinary naturalisations were Lombardy (7,526), Emilia Romagna (5,436), Veneto (4,190), Piedmont (3,914) and Tuscany (3,200).⁸ Table 5 shows this feature in detail for the first ten provinces.

Table 5. Acquisitions of Citizenship (marriage and residence), 2010, 2009 and 2004-2006. First ten provinces

Province	Acquisitions 2010	Acquisitions 2009	Acquisitions 2004-2006
Milan	3,109	2,417	3,963
Rome	2,593	2,516	5,189
Turin	2,285	1,729	4,215
Brescia	1,459	1,397	2,169
Vicenza	1,153	1,341	2,552
Treviso	1,083	776	2,267
Padua	854	807	1,727
Florence	836	n.a.	1,831
Verona	778	795	2,186
Bologna	763	873	2,704
Total	40,223	34,660	78,333

Source: Ministry of the Interior, < http://212.14.136.135/dipim/site/it/documentazione/documenti/diritti_civili/2011/Dati_cittadinanza_relativi_al_2010.html > last accessed 23 July 2012; and < http://www.libertaciviliimmigrazione.interno.it/dipim/site/it/documentazione/statistiche/diritti_civili/I_dati_definitivi_del_2009.html >, last accessed 28 October 2012; and 1° *Rapporto sugli immigrati in Italia* – M. Barbagli (ed.), Ministero dell’Interno, December 2007: 185.

Differences in numbers of naturalisation among the various Italian regions and provinces are mainly due to the historical patterns of settlement which follow, in turn, the labour supply, particularly concentrated in the North East, the North West, the large cities and the mid-sized towns of the North and the Centre.⁹ Whether or not these regional variations are due to some institutional variable, such as a better or worse efficiency of the Prefecture,¹⁰ is extremely difficult to ascertain, given the absence of systematic studies on how these (currently) 106 local offices of the central government actually implement the legislation. Systematic studies are made difficult

⁷ Source: ISTAT < <http://www.istat.it/it/archivio/39726> >, last accessed: 23 July 2012.

⁸ Source: http://www.libertaciviliimmigrazione.interno.it/dipim/site/it/documentazione/statistiche/diritti_civili/I_dati_definitivi_del_2009.html last accessed 28 October 2012.

⁹ This is confirmed also by the section dedicated to the naturalisation index in a report issued by the Consiglio Nazionale Economia e Lavoro (CNEL – National Council of Economy and Labour), a consulting body of the Government and the Parliament, on the indexes of integration of the immigrants: CNEL, *Indici di integrazione degli immigrati in Italia, VII Rapporto, 2010*: 112-113.

¹⁰ The Prefectures are the governmental agency in each province of the Italian state, branches of the Ministry of the Interior.

by an extremely limited access to the sources and by the fact that Prefectures are not supposed to take initiatives to promote naturalisations or exercise any form of autonomy in the decision. Decisions are taken centrally at the Ministry of the Interior.

Relatively low numbers of residence-based naturalisations can thus be mainly explained as the combined result of Italy's requiring the highest length of legal residence to become eligible for naturalisation in the EU-27 (Wallace Goodman 2010) and her immigration and immigrants policies, heavily based on recurrent regularisations.

Another possibly unfavourable factor may be linked to the lack of promotion activities to help or inform eligible foreign residents to apply for naturalisation, despite the fact that, according to a survey commissioned by the Ministry of the Interior in 2007, 57% of the "immigrant sample was informed about the Italian citizenship legislation and, in particular, of the ten-year residence requirement" (Zincone 2010: 11).

Neither the national government nor regional/local administrations, in fact, have so far run or funded ordinary naturalisation campaigns. All the information related to the requirements and procedures for ordinary naturalisation can be quite easily found on the websites of the Ministry of the Interior, the Prefectures, some Regions and some Municipalities. They are mainly a cut and paste of relevant excerpts from the law, therefore the legal jargon might sometimes be obscure. Needless to say, the same information are given at the Citizenship office of the Prefectures and at the various "ufficio stranieri" or "sportello immigrati" established by almost all of the more than 8,000 Italian Municipalities (dedicated offices for foreigners, even though advice and support on citizenship applications is only one, and often not the most important, of the services provided). The latter may help make the quite cumbersome paperwork necessary for the application more understandable to the applicant.

The website of the Ministry of the Interior hosts a downloadable power point presentation that was first put online in October 2011. The document is a mix between a guide for applicants and a facts-&-figures document on naturalisations in Italy (for all the modes in which you can access Italian nationality) for the last three years. All the information is in Italian and there are no references whatsoever to what benefits the Italian citizenship would convey to the eligible foreign resident.

Application forms are available at the Citizenship office of the Prefectures and at the Municipalities. Forms are also available online and can be downloaded from the website of the Ministry of the Interior and the websites of all the 106 Prefectures. The websites of some Municipalities and some Regions, even though not all of them, might have a citizenship section with basic information and forms to download.¹¹

¹¹ See e.g. Ministry of the Interior: [citizenship section - General](#); [naturalisation section - By marriage and/or residence](#). [Prefecture of Rome](#) (as a representative example of the 105 prefectures); [Lombardy Region, justice, fundamental right and citizenship section](#) (no information on or links to citizenship legislation despite the fact it is the first region for numbers of naturalisation); [Municipality of Milan, citizenship](#) section (first province for numbers of naturalisations).

As far as naturalisation is concerned, current and past debates have revolved primarily around second generation immigrants and only marginally touched the question of reducing the residence requirements for ordinary naturalisation.¹²

Especially in the last two years, pro-immigrant associations, ranging from the catholic Acli, Caritas, Libera, Migrantes to the leftist Arci, Asgi, Cgil (the largest union in Italy), with the participation of immigrant associations like *Rete G2-Seconde generazioni* (*The Second generation Network*) have started a campaign to promote a more inclusive legislation towards foreign residents and their descendants. The name of the campaign is “L’Italia sono anch’io” (I am Italy too) and it aims to reform primarily the application of *ius soli* in the Italian citizenship law and to grant immigrants the right to vote in local elections. In March 2012 a bill was introduced to the Chamber of deputies by means of this popular initiative.

Also very active is the National Association of Italian Municipalities (ANCI) which, together with two NGOs, *Save the Children* and *Rete G2-Seconde generazioni*, in 2011 issued a booklet, *18 anni in Comune. I tuoi passi verso la cittadinanza italiana*, to be distributed to second generation immigrants who are coming of age, so that they can get all the information from their own Municipality on how and when to declare their option for the Italian nationality. In the same year, ANCI produced a format letter and distributed it to all the Italian Mayors, in which the Municipality invites the second generation immigrant who is coming of age to naturalise.¹³ ANCI has recently issued also a report on second generation immigrants, in which it is estimated that by 2029 they will pass from the current 9.7% of the total minors population in Italy to 20.7%.¹⁴

Going back to ordinary naturalisation, officially, the current legislation does not include language and integration tests in the procedure. Yet the procedure is discretionary and the regulation specifies that it has to assess the level of civic integration and language proficiency of the applicants. This task is performed by the Questura (Police), which interviews the applicants and sends a report to the Prefecture. It might be interesting to note that this interview is never mentioned in the informative materials and/or the application forms.

Since 2008, the Ministry of Labour and Social Policies has enacted a programme meant to promote Italian language among immigrants, called “Certifica il tuo italiano” (Certify your Italian). Teachers are specifically trained to provide classes of Italian for regular adult immigrants and certify their knowledge of the Italian language according to the Common European Framework of Reference for Languages (*CEFR*’s). Courses are funded by the Ministry, free for the attendants and aimed at improving not only the immigrants’ language proficiency, but also their

¹² See Bills 2431 of 11 May 2009, 4236 of 30 March 2011, 5356 of 12 July 2012, 5370 of 18 July 2012. A recent survey carried out by ISTAT and the Ministry for equal opportunities reports that 91.4% of the sample agree that foreigners should be granted access to citizenship after a few years of legal residence in the country, but for 42.3% that should be at least 10 years, while only 38.2% of respondents stated that 5 years would be enough. Source: ISTAT, *I migranti visti dai cittadini*, 11 July 2012.

¹³ See, for example, the Municipality of Milan: <<http://www.comune.milano.it/dseserver/webcity/comunicati.nsf/webball/41542D0081AA1BD3C125791200539691>>, last accessed 28 October 2012.

¹⁴ The title of the report (2012) is “[Da residenti a cittadini](#)” (From residents to citizens).

social, cultural and linguistic integration.¹⁵ As part of their integration policies for immigrants, Regions, Municipalities, and NGOs have traditionally offered free language courses, often funded by the European Social Fund. These courses are frequently presented as part of a “road to citizenship”. For example, Region Lombardy, with the cooperation of the catholic Ismu Foundation, launched in 2011 the programme “Vivere in Italia. L’italiano per il lavoro e la cittadinanza” (Living in Italy. Italian language for work and citizenship).¹⁶ In May 2012, the programme has also produced a table game “Cittadini in gioco. Percorso di cittadinanza attiva per stranieri” (Citizens at play. Interactive path to citizenship for foreigners), where immigrants can test their level of social and cultural integration while playing. All these initiatives demonstrate how the use of the term citizenship is meant more as a synonymous of integration or active societal participation than the legal status.

After the approval of the Security Package of 2009, though, all immigrants who have been in the country for at least 5 years and apply for a permanent residence permit must pass a language and integration test. Integration courses have been increasingly associated to the abovementioned initiatives, together with other support programmes to prepare for the tests.

4. Documentation

The level of information related to the documentation that the applicants must include in their application is sufficiently clear. The list comprehends: proof of identity, proof of residence and residence permits issued by the Italian authorities; birth certificate, parents’ nationality certificate, applicant’s ID or passport officially authenticated from the country of origin and translated into Italian;¹⁷ the tax declarations relating to the three years preceding the application;¹⁸ criminal record from the country of origin and/or any third country of past residence.¹⁹

No renunciation of previous citizenship is required, but a declaration of renunciation of diplomatic protection by Italian diplomatic-consular authorities towards the country of origin’s authorities must be provided with the application (Ministerial Decree November 22, 1994). Until 2004, before the oath and after formal request of the Ministry of the Interior, the applicant had to submit what was called a “dichiarazione di svincolo” (declaration of intention), which was transmitted to the country of origin only when its legislation did not provide for automatic loss of first citizenship in case of naturalisation.²⁰ The measure, which was quite common in citizenship legislations throughout the world until recently, was meant to protect the Italian state from cases of “illegal” dual citizenship, as it forced the applicant to

¹⁵ So far, eight Regions and one autonomous Province have joined this programme and are currently offering free courses and certification of Italian language proficiency: Abruzzo, Basilicata, Lombardy, Marche, Piedmont, Sardinia, Umbria, and the autonomous Province of Trento. Source: < 2012.http://www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/progetti/iniziative_progettuali.htm >, last accessed 28 October 2012; and Regione Basilicata, *Avviso pubblico per la manifestazione d’interesse alla partecipazione ai corsi di lingua italiana per cittadini adulti extracomunitari*.

¹⁶ < <http://www.vivereinitalia.eu/fei/> > last accessed 28 October 2012.

¹⁷ Ministerial Decree of November 22 1994; Circular k 60.1 of December 23 1994.

¹⁸ Ministerial Decree of 22 November 1994.

¹⁹ Art 4.1.c of the Presidential Decree 572, 10 October 1993, confirmed by the Presidential Decree 362, 18 April 1994 Art. 1.3.d and all following acts and regulations.

²⁰ This provision was introduced by the Ministerial Decree of 22 November 1994 and slightly modified by the Ministerial decree 25 May 2002; abolished by the Ministerial Decree 7 October 2004.

communicate the acquisition of Italian citizenship to the authorities of the country of origin. The abolition of this provision has sensibly reduced the risk of losing the first nationality, in case the country of origin did not accept dual citizenship. This helped raising the numbers of applications as showed by Table 4.

Act 94 of 15 July 2009 introduced a fee of 200€ to submit the application for ordinary naturalisation, to which must be added a revenue stamp of 14,62€, plus indefinable costs for the certified legal translations of all the original documents that must be provided from the authorities of the country of origin. The law and its regulations do not envisage exemptions of the official for any category of applicants.

5. Bureaucracy

Applicants must submit their applications to the Prefecture of the province where they reside or, alternatively, to the Municipality where they are registered, which will forward the application to the competent Prefecture. Documents must be submitted to the Prefecture in one solution, together with the application form. As soon as the Prefect, the territorial representative of the Ministry of the Interior, receives the application, checks with the Police office (Questura) where the applicant resides and if everything is in order. The documentation and the application are then sent to the Ministry of the Interior (Immigration and Civil Liberties Department, Central Office for Civil Liberties, Citizenship and Minorities), which may ask for new documents after a first screening of the application, if they think either the applicants need to provide more/better evidence of their entitlement to naturalization or if anything is missing. The documentation is cross-checked by different agencies of the Ministry of the Interior, the Ministry of Foreign Affairs, and Ministry of Justice. After consulting with the Council of State, the Ministry of the Interior (Immigration and Civil Liberties Department, Central Office for Civil Liberties, Citizenship and Minorities) recommends to the President of the Republic, who formally takes the final decision, whether to accept or reject the application. Since 2004, in order to ease and speed up the procedures, “the President of the Republic signs a decree containing a list of naturalisations while the signature of each single decree is delegated to the Counsellor of the President for legal affairs” (Zincone and Basili 2010: 13).

The outcome is then notified through the Prefecture to the applicant. If citizenship is granted, then a ceremony, dispensed by a civil servant or a councilman or the Mayor, is held at the Municipality where the applicant resides, or at an Italian consulate if the applicant lives abroad. This measure was introduced with the nationality law of 1992 (art. 10, Law 91/1992) and referred to as an oath of loyalty to the Republic, its Laws and the Constitution.²¹ Foreign residents officially become citizens the day after they have sworn their loyalty to the Republic, its Laws and the Constitution. The “oath ceremony” must take place within six months from the notification of the acquisition of citizenship.

Despite a few efforts to simplify and speed it up, the procedure remains quite lengthy, with several authorities and civil servants, including police officers, from all the above mentioned agencies and bureaucracies, who are called to assess the documentation and express their opinions. In fact, even though the maximum length

²¹ The Presidential Decree n 572 of October 12 1993, art 7.2 and 7.3, Presidential Decree n 396 of November 3 2000 articles 25, 26, 27 and Ministerial Decree of February 27 2001 specify the modalities by which oaths should be organized by the Municipality officers.

for the procedure – from receipt of application to the final decision – is fixed by law in 730 days,²² the average length is currently around 5 years.

6. Discretion

The assessment of the applications for ordinary naturalisation follows a discretionary procedure. Even though a substantial set of publically-available guidelines exists on interpretation of requirement and decision is mostly based on the specific documents obtained internally by authorities and submitted by the applicant, it is made clear that possession of all the requirements by the applicant is a necessary but not automatically sufficient condition to be granted nationality.

As clarified by the Ministerial circular k.60.1 of 5 January 2007, if insufficient family income and/or lack of language and social/civic integration are assessed, citizenship can be refused. The same circular defines quite precisely that 8300€ of annual family income is estimated enough not to be considered a burden to the society.

The “grey zone” where the authorities retain most of their discretion in interpreting the legal conditions is about the degree of language and social/civic integration of the applicant. True, before refusal, authorities take account of the personal behaviour of the applicants, their age, duration of residence and holding of nationality, consequences for both the applicants and their family, (non-)existing links to the resident’s country of origin (including problems of re-entry for human rights, political or citizenship reasons). This is partially regulated by law, but mostly on an extensive body of Court judgments that have contributed to a jurisprudence that should impede excessively restrictive interpretations. Yet the discretionary power of the Ministry of the Interior should not be underestimated and it has been defined “highly discretionary” by the Council of State.²³

The integration assessment is mainly carried out by the Questura, that is the Police. As already mentioned the guidelines for this procedure are unspecified in the official documents, at least those publicly available, but in many cases they represent the basis for rejecting the application, as in the case of MR Mohammed Alaoui Abdallaoui, a Moroccan citizen, whose application for naturalization was rejected after the Questura of Bergamo reported that he was arrested for misconduct and violent behavior at a café and for accusing its owner of racism. For this reason Mr Abdallaoui was considered insufficiently integrated into Italian society. The Council of State recently rejected the appeal against the decision by Mr Abdallaoui and confirmed the full discretionary nature of the granting of citizenship by residence.²⁴

It should be noted that the applicants do not have the right to be heard by the deciding authorities during the procedure, unless they are convened by the authorities themselves. They have the right to be informed on the progress of their application. In fact, from 5 July 5 2010, applicants can check the status of their application through the website of the Ministry of the Interior:

<https://cittadinanza.interno.it/sicitt/index2.jsp>.

²² Art. 3 Presidential Decree 362 18 April 1994.

²³ See decisions of the Council of State, section VI, 2 November 2007, n. 5680; 8 August 2008, n. 3907; 26 January 2010, n. 282.

²⁴ Decision of the Council of State, 10 January 2011, n. 52.

7. Review

In case of rejection, authorities must provide a reasoned decision, but the applicants have only some limited legal guarantees and rights to appeal. Applicants have the possibility to appeal before the Regional Administrative Tribunal within 60 days from notification of rejection or directly to the President of the Republic within 120 days. The Regional Administrative Tribunal can only refer the case to the Council of State and back to the authorities in charge. Applicants, as of Art.5.2 of Presidential decree 572 of 12 October 1993, can apply again one year after rejection.

There are no publicly available exemptions to the requirements that can be made during the procedure.

The number of people who naturalise in Italy each year has been constantly increasing, especially since 2004, yet residence-based naturalisations remain quite low if we consider the stock of eligible foreign residents and if compared to other countries of immigration in the EU. The main reason rests in the fact that the Italian nationality Law of 1992 is particularly restrictive towards the foreign residents and their descendants, unless they cannot claim some sort of tie with an Italian national, either by ancestry or marriage. Other factors that may play a significant role in constraining ordinary naturalisations are:

- the procedure is discretionary, extremely lengthy and scarcely transparent/interactive;
- the difficulty for immigrants to gain a stable regular and legal status due to a tradition of immigration and immigrants policies based on regularisations;
- the largest group of resident foreigners, the Romanians, are EU citizens, therefore they might have little motivation to naturalise;
- the lack of promotion activities (e.g. naturalisation campaigns) and the substantially formal-legalistic nature of the information, with no references to the benefits that naturalisation might convey to the applicant;
- the right to appeal can only lead to a re-assessment of the same application by the same authorities who rejected the application, without the right to appeal before a Court.

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