

New Limits to Citizenship by Descent (*iure Sanguinis*)

Can this still be requested after the restrictions?

With bill n. 36 of 28 March 2025 the government has introduced urgent measures regarding citizenship, narrowing the applicability of *iure sanguinis*. Let's see what this involves.

1. Citizenship by descent (*iure sanguinis*) before bill n. 36/2025

Article 1 of the law regarding citizenship (l. 1/1992) provides for acquisition of citizenship through birth from the Italian father or mother. Until 27 March 2025, this regulation allowed acquisition *iure sanguinis* of the status of Italian citizenship even for those who had no emotional bond with the Italian territory but had however an ancestry in direct line with an Italian citizen.

2. Citizenship by descent (*iure sanguinis*) after the introduction of bill n. 36/2025

With bill n. 36 of 28 March 2025 the government introduced urgent provisions regarding citizenship, applying a restriction to the functioning of *iure sanguinis*.

The bill established the introduction of a new article in law n.91/1992 according to which one would be considered deprived of Italian citizenship if they were born abroad and in possession of another citizenship, unless this person were the child of a parent (or adoptive parent) who was an Italian citizen born in Italy or who was resident in Italy for at least two consecutive years prior to the birth date or adoption of the child or, alternatively, if the grandparent of the person making the request was an Italian citizen born in Italy.

With the new regulation, therefore, it is no longer possible for the descendants of degrees higher than the second to have access to *iure sanguinis* citizenship.

In any case, all the requests for citizenship presented to the Consular offices, to the mayor, or by judicial request before 23:59 (one minute until midnight) of 27 March 2025 have been saved and will be enforced under the previous regulation.

3. The motivations for the changes in transmission of citizenship by descent (*iure sanguinis*)

The basic reasons for this change in route can be identified, according to the government, in the necessity that arises in an effective constraint by the Republic, without which the nation would be exposed to *serious and current national security risk*, not only for the nation but also for the European Union and the Schengen zone.

This explains the need to make the transmission of citizenship conditional on *clear indications of the existence of emotional ties to the Republic* in order to avoid, among other things, the intrinsic irrationality of recognizing citizenship to subjects who are without emotional ties to the Republic.

4. Further decisions regarding transmission of citizenship by descent (*iure sanguinis*)

With the same press release announcing the approval of the above named bill, the Council of Ministers refers to approval of the two bills that also deal with the acquisition of citizenship by descent from Italian citizens (*iure sanguinis*) and the relative services presented up to this time by the consulates.

In particular, the first bill aims at consolidating the provisions called for by bill n. 36/2025 through the introduction of the

international principle of *emotional ties* between the person and the State, allowing acquisition of citizenship only in the presence of emotional ties to the country that confers this. The provision of this principle responds to the double requirement of on the one hand maintaining ties with Italy and encouraging the return immigration of descendants of Italian emigrants, and on the other hand the need for the acquisition and maintenance of Italian citizenship to be anchored in emotional ties with the Republic and its territory.

The second approved bill, on the other hand, calls for the establishment of a special centralized office at the Farnesina, one that will be competent to receive the requests for citizenship in the place of the consulates. The aim of this modification is to make the procedures more efficient, particularly regarding the delivery of services for those who are already citizens.

5. Is it still possible to ask for recognition of Italian citizenship by descent (*iure sanguinis*)?

In issuing the new bill, the government has not considered two types of applicants: foreign citizens who have already established the requirements to request Italian citizenship and, among these, those who have tried unsuccessfully to get an appointment with a competent consular office to present their request.

Italian citizenship is a so-called acquired right. When requested from the town of residence, consular office, or before a judge, these are limited to ascertaining the already established requirements, and consequently, possession of citizenship. In other words, the decision does not generate citizenship from zero, but simply ascertains its existence. According to article 24 of the Constitution, all persons can take legal action to protect their legal rights and legitimate interests. This means that, in principle, anyone who has established a right such as citizenship should have the possibility of requesting its protection by a judge, even if the law seems to no longer permit it.

This is even more true for foreign citizens who, in possession of the requirements for citizenship, have asked without success for an appointment at the embassy or consulate in order to make their request. These individuals were not able to ask for verification of Italian citizenship before the new bill became law, not because of their own fault, but because of illegitimate administrative delays. These individuals therefore need to receive protection in order to legitimately request judicial verification of their right.

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