Rhiza Studio

CITIZENSHIP · VISAS · ASYLUM · RELOCATION

A PLAIN-ENGLISH GUIDE · UPDATED OCTOBER 2026

Do you still qualify for Italian citizenship by descent?

Italy rewrote the rules for *jure sanguinis* in March 2025 — then spent the rest of the year arguing about them in court. Here is what actually changed, what the Constitutional Court and the Court of Cassation have said since, and what's still unsettled.

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PART ONE

The reform, in plain terms

Until March 2025, Italian citizenship could pass down an unbroken bloodline with no limit on generations — a great-great-grandchild could qualify as easily as a grandchild, provided the paper trail held up. Decree-Law 36/2025, converted into **Law 74/2025**, changed that.

The new Article 3-bis of Law 91/1992 treats a person born abroad, who also holds another citizenship, as never having acquired Italian citizenship — *unless* one of five conditions applies. In effect, automatic recognition now generally reaches only two generations back: a parent or a grandparent, not further, except where the law carves out an exception.

> **ONE THING THE REFORM DID NOT ADD**
> An early draft would have required the Italian ancestor to have been born in Italy. That requirement was removed before the decree became law. What matters now is citizenship status, not birthplace.

The five conditions that still open a path

a **Filed before the cutoff**
A complete application was submitted to a consulate or comune by 23:59 (Rome time), 27 March 2025.

a-bis **Appointment confirmed in time**
An office had already given a specific appointment date by the cutoff, and filing happened on that date.

b **Court case already filed**
A judicial application was lodged before the cutoff — confirmed as protected by Court of Cassation judgment 24045/2026.

c **An unbroken parent or grandparent**
Your parent or grandparent holds, or held at death, only Italian citizenship — documented, not just assumed.

d **Two years' residency**
A parent (or adoptive parent) lived in Italy at least two continuous years after becoming Italian and before your birth or adoption.

PART TWO

A year of rulings — and one open question

2026 has been unusually active for citizenship law. Three decisions matter most for anyone checking their own eligibility.

The "minor issue" was resolved — in applicants' favor

For years, families were told that if an Italian-born ancestor naturalized abroad while *their own* child was still a minor, the line was broken for good under the 1912 citizenship law. On 26 July 2026, the Court of Cassation's Joint Divisions (judgment **24045/2026**) reversed that restrictive reading. A child who was a dual citizen from birth keeps Italian citizenship even after a parent later naturalizes elsewhere — unless that child personally renounced it as an adult. A companion ruling, 24184/2026, confirmed the same principle. The Interior Ministry issued circular 65050 in August 2026 instructing offices to apply this reading and revisit earlier denials.

> **WHY THIS MATTERS FOR YOU**
>
> If a denial or a "broken line" in your family history traces back to an ancestor who naturalized *after* their child was already born, that may no longer be the dead end it once was — particularly for cases that were already filed before the 2025 cutoff.

The generational limit was upheld — for now

On 11 March 2026 the Constitutional Court heard challenges to the two-generation rule itself. Its ruling, judgment **63/2026**, found most of those challenges unfounded: Parliament, it said, is entitled to set the conditions for exercising citizenship, and the transitional protections for pre-cutoff cases struck a reasonable balance. The rule stands.

But one question is now in Luxembourg

In July 2026, the Constitutional Court went further than it first appeared: Order **147/2026** suspended three related cases and referred a question to the EU Court of Justice — whether EU citizenship rights (Articles 9 TEU and 20 TFEU) permit the 2025 law to apply retroactively to people who would have qualified under the old rules. That case, **C-816/26 (Picuso)**, is still pending. Until the CJEU rules, Article 3-bis remains fully in force — but the outcome could still move the line for third-generation-and-beyond applicants who are not otherwise protected.

PART THREE

What a real application actually needs

Most applications stall on documentation, not eligibility. Before you file anywhere, it helps to know what you're assembling.

- A complete chain of civil records — birth, marriage and death certificates — linking you to your Italian-born ancestor, generation by generation, with no gaps.
- Proof your ancestor did not naturalize before the next birth in the line (for US cases, typically a USCIS Certificate of Non-Existence of Record).
- Proof that no other cause of loss of citizenship applies — since March 2025, this burden sits with the applicant, not the office reviewing the case.
- Explanations, with supporting evidence, for any name or date discrepancies across documents and countries.
- For a condition (c) or (d) claim: certificates showing your parent or grandparent held no other citizenship, or a historical residence certificate from the relevant Italian comune.

Three ways to file — and how they compare

Route	What it involves	Worth knowing
Consulate	Filed abroad, through the Italian consulate with jurisdiction over your ancestor's hometown.	€600 per adult, non-refundable; current legal term around 36 months, often longer in practice.
Comune	Filed in Italy, at the municipality itself.	Requires relocating to Italy first — faster in principle, but a bigger life step.
Court	Filed through a lawyer under power of attorney; decided on the documents alone.	No hearing or oath required for the applicant; the competent court is generally where your ancestor was born.

NO LANGUAGE REQUIREMENT HERE

Citizenship by descent does not require a B1 Italian test. That requirement applies to citizenship by marriage or naturalization, not to *jure sanguinis*.

NEXT STEP

You don’t have to work this out alone.

Every family line is its own puzzle of dates, borders and old paperwork — and this year, of court rulings too. Rhiza Studio takes each case personally, from the first document search through to filing, for clients anywhere in the world.

Two ways to take the next step

Run your family line through the free Italian Roots Check for a plain-English read on where you likely stand, then bring it to a consultation — the first one is free.

TAKE THE FREE ITALIAN ROOTS CHECK

rhiza-studio.com/roots-check

BOOK YOUR FREE CONSULTATION

calendar.app.google/WHrTgKZ7CB2nkUeF8

OR WRITE DIRECTLY

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This guide is an educational summary, not legal advice, reflecting publicly available information on Italian citizenship law as of October 2026 — including Law 74/2025, Constitutional Court judgments 63/2026 and Order 147/2026, and Court of Cassation judgments 24045/2026 and 24184/2026. A question on the reform’s retroactivity is pending before the EU Court of Justice (case C-816/26), and administrative practice does not always track court rulings immediately. Your actual eligibility can only be confirmed after a document-based review of your specific family line. © 2026 Rhiza Studio — Ester Scotti.