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Post-script : are we witnessing a revolution of the Italian citizenship regime?

Lucie Bargel, Giordano Bottecchia, Sabina Donati, Valentina Fusari, Enrico Gargiulo, Enrica Rigo, Djordje Sredanovic, Daniela Trucco, Dario Tuorto

While we were completing this special issue, in Spring 2025, three possible changes to the Italian citizenship law developed that could lead to a deep transformation in the way Italian citizenship has been historically ruled and produce multiple effects on the citizenship/mobility nexus. We therefore felt the need to acknowledge them through adding this collective post-script, even if it is too early to provide a comprehensive in-depth analysis.

One Law Decree, two government-initiated bills and a popular referendum to reform Italian citizenship in Spring 2025

First, the Government led by Meloni has introduced a Law Decree, on the 28th March 2025, which changes the norms of citizenship by descent¹. While the law was interpreted to allow for the transmission of citizenship abroad over unlimited generations, the decree limits such transfer to two generations (except for cases that would create statelessness). Under the decree, citizenship can be transmitted only by Italians born in Italy, born from an Italy-born parent, or who have spent at least two continuous years in Italy before the birth of the child. The reform applies also retroactively to potential claims to citizenship, unless backed by an application introduced before the 28th of March 2025. The Law Decree has come into effect on the same day, with immediate administrative repercussions as consulates put appointments on hold, but needs to be confirmed by the Parliament within two months – while we write these lines the decree is under discussion. Moreover, it should be noted that, according to the Italian Constitution, such a Law Decree must be justified by reasons of necessity and urgency. Civil society organisations and legal scholars have already expressed doubts about the legitimacy of this way of reforming Italian citizenship, as it would not be in line with these criteria.

Second, during a press conference held on the same 28th of March, the Government has announced two additional bills which would make naturalisation by marriage impossible without residence in Italy and would provide for the loss of citizenship for those born abroad who acquire it by descent but do not complete any administrative or political procedure with the Italian authorities before the 25th year of age. The same bills would introduce separate norms to acquire Italian citizenship by residence for minor children of Italian citizens (after two years of residence), grandchildren of Italian citizens (three years), or for those who have lost Italian citizenship (after two years). Finally, a separate bill would transfer the procedures to obtain citizenship abroad from the consulates to a new office within the Ministry of Foreign Affairs.² As we write, these bills have not been filed.

¹ Law Decree 28 March 2025, n. 36, “Disposizioni urgenti in materia di cittadinanza.” Gazzetta Ufficiale n. 73, 28 March 2025, <https://www.gazzettaufficiale.it>.

² Council of Ministers Press Release No. 121, 28 March 2025 (Comunicato stampa del Consiglio dei Ministri n. 121, 28 Marzo 2025). Retrieved from: governo.it

Third, on the 8th and 9th of June 2025, a popular Referendum will submit to the Italian voters several law modifications among which one that would reduce the ordinary residence requirement for naturalisation from ten to five years for the foreigners holding the citizenship of a non-EU country.³ The initiative of this reform does not belong to the Government but to a coalition of associative actors, including migration lawyers, in favour of a wider access to citizenship for immigrants and their descendants. The decision to hold the vote in June is not either a choice of the Government but is determined by the law organising popular referendums⁴. What is however a governmental decision is to allow voting for this referendum from one's temporary residence for all voters for the first time. The electoral turnout is particularly important because, in order to produce legislative effects, the popular referendum must gather the participation of at least 50% of the voters. When we write, the campaign for the referendum is ongoing, without reaching a noticeable level of mediatisation nor partisan politisation.

If confirmed, these three changes would produce a Copernican revolution of the Italian citizenship regime as it has been depicted so far. Indeed, this would be an unprecedented rebalancing of citizenship providing more relevance to residence and questioning the persistence of *ius sanguinis* with the conservation of Italianness within diasporic communities. Besides, the idea of an Italian cultural-based 'nation' transcending territorial borders seems to leave room to a more State-centered, when not territorially bounded, political community. Indeed, the explanatory memorandum to the decree (hereafter memorandum)⁵ insists on the need to convoke a new legal principle, borrowed to international and European law and case law - the principle of the genuine and effective link - in order to temperate the *ius sanguinis* one: "the basic principle of the transmission of citizenship (...) remains firmly anchored in the *ius sanguinis*, as a constitutive element of the national community as it has come to be formed in more than a century and a half of unitary history. (This) principle, which is still valid, must be tempered, combining it expressly with the existence of actual and present ties with the national community."⁶ This almost tautological stance - to be a national one must be linked to the 'nation' - partially justifies the restrictions announced, which are in fact driven, as explicit by the same memorandum, by migration concerns and practical issues within public administration. Indeed, the adoption of the decree is grounded on the "necessary (and) urgent (need to) adopt certain provisions (...) designed to avoid a "counter race" (*corsa agli sportelli*) that can block the functionality of consular offices, municipalities and judicial offices".⁷ Even if, allegedly, the adoption of the Law Decree will not solve the issue of administrations'

³ Decree of the President of the Republic 31 March 2025, "Indizione del referendum popolare abrogativo avente la seguente denominazione: 'Cittadinanza italiana: Dimezzamento da 10 a 5 anni dei tempi di residenza legale in Italia dello straniero maggiorenne extracomunitario per la richiesta di concessione della cittadinanza italiana'." Gazzetta Ufficiale n. 75, 31 March 2025, <https://www.gazzettaufficiale.it>.

⁴ Norme sui referendum previsti dalla Costituzione e sulla iniziativa legislativa del popolo, Legge 25 maggio 1970, n. 352.

⁵ Report to the bill 1432 'Conversion into law of Decree-Law No 36 of 28 March 2025, containing urgent provisions on citizenship'. (*Relazione contenuta nel Disegno di legge 1432 "Conversione in legge del decreto-legge 28 marzo 2025, n. 36, recante disposizioni urgenti in materia di cittadinanza"*). Senato della Repubblica, Atti parlamentari XIX Legislatura, N° 1432. Retrieved from: senato.it

⁶ Id., p. 1. Authors' translation.

⁷ Id., p. 1.

insufficiency and inefficiency, its stated aim is not without recalling the image of ‘storming the gates’ that justifies border fortifications.

As new and unexpected this new direction may seem, it confirms some tendencies we have highlighted in this special issue. Therefore, it corroborates but also complexifies to some extent the analysis presented here.

1. Changing the law without the Parliament? A continued administrative-judicial government of citizenship and migration

Firstly, the fact that the potential changes come from a decree and a popular referendum confirms the difficulty of the Italian Parliament to legislate on citizenship. Despite an extensive production of bills (Tintori 2018; Pasetti 2021), the last reform that passed through Parliament goes back to 2009 (Law 94), and even that was part of a reform focusing mostly on wider immigration provisions, with the following reform in 2018 (Law 132) also having been introduced as a decree. From this point of view, it is uncertain how much of the bills announced by the current government will actually become law. In the continuity of what Trucco’s article highlighted in this issue⁸ potentially relevant transformations are conducted through decrees, judicial and administrative practices, rather than through organic law reforms, showing that the Italian citizenship regime is not immutable. Thus, within an apparently stable legal framework, decrees, judicial, administrative and police practices produce changes: *eppur si muove?*

In this particular case, the impetus for reform seems to come from the technical apparatus of the state confirming a long trend within Italian migration management which is largely regulated by administrative circulars rather than laws, as it was the case in France for a large part of the 20th century (Lochak 1985) and as it is still the case for immigration governance at the European level (Slama 2016). Also, the new principle of a genuine and effective link between the person and the State of citizenship was at the core of the question of constitutional legitimacy raised by the Court of Bologna on the 16 of November 2024 in relation to the same norms targeted by the law decree. Even if the acquisition of citizenship is not regulated at the constitutional level, according to the Court the matter has constitutional relevance since citizenship identifies “the constitutive element of the people as the holder of sovereignty, in accordance with art. 1 of the Italian Constitution”. The preliminary ruling is extremely interesting because its reasoning touches on many key points in the constitutional theory of citizenship, such as the justification of the *ius sanguinis* as a principle designed to ensure the continuity of the national community and the resulting use of citizenship legislation as an instrument of nation-building. However, in the Court’s view, the unlimited possibility of recognition of citizenship on the basis of descent has led to the situation where “tens of millions of persons should be considered as Italian citizens awaiting recognition on the basis of the legislation in force”⁹. This endangers the constitutional framework itself, since the predicament that sovereignty “belongs” to the people as a precondition for the legitimacy of the state also

⁸ Trucco, Daniela. 2025. “Beyond legal immobility: integrationist tools in Italian naturalization policy?”, this issue.

⁹ Trib. Bologna, Sez. Immigrazione, protezione internazionale e libera circolazione cittadini UE, ordinanza 26 novembre 2024.

implies that it cannot be transferred to others without restriction. On the other hand, the Court's reasoning establishes a strict connection between democratic principles and the link with the territory, to the extent that the reasoning reveals a clear intention to challenge the current restrictive criteria for access to citizenship for resident migrants and their descendants. Indeed, the timing of the government's law decree suggests that it is also a response to judicial attempts to use the dysfunctionality of the *ius sanguinis* as leverage to extend access for foreigner immigrants and their descendants to naturalization and citizenship-at-birth.

However, if this governmental response seems indeed to aim at correcting the current operating of the *ius sanguinis*, it does not seem to open the way to more *ius soli*. In the following sections we will discuss the (limited) extent to which the changes mentioned above move the cursor from citizenship-by-ancestry and the conservation of Italianness outside of the Italian territory, towards citizenship-by-residence and a belonging based on actively engaging with and within the national territory.

2. Less *ius sanguinis*? Governing mobilities while redefining the national community

To fully understand the immediate restriction to the transmission of citizenship by descent, in addition to activists (for the referendum) and judges (in the case of Bologna's Court) pushing toward a reform of the Italian citizenship regime, the experience of the actors involved in the implementation of the citizenship law - bureaucrats, applicants, lawyers and other brokers – must be considered. The initiative also comes from specific places within the state. Within bureaucratic milieux hostility towards applicants and brokers of citizenship by ancestry has been growing, also translating in practices of dissuasion (Trucco 2023).

Latin Americans, in particular, have been growingly suspected of nourishing a 'passport business' and of being undeserving for showing no interest in return migration or in Italian language or politics. The memorandum as well as the declarations led by the Minister for Foreign Affairs to the press make clear that the target of the measures are the potential Italian citizens in South America and their access to the mobility regime of an EU citizen: they aim to ensure that "free movement within the European Union is granted only to those who maintain a genuine connection with their country of origin."¹⁰ Italianness, that is defining who belongs and under what conditions, is a mobile and indefinable concept that is at the same time evoked to justify regulations like the one in object, and re-constructed by the same occasion in order to further the nation-building process. This aspect echoes the dynamics analysed by Bottecchia in this issue with regard to former Libyan colonial citizens¹¹, where the citizenship policies adopted in the post-war period were closely tied to the government's determination to prevent the immigration and settlement of these individuals in Italy. Current developments, however, appear to mark a further shift, restricting mobility within Italy (and more broadly within Europe) not only for individuals, such as Libyan Jews, who could not claim any Italian ancestry, but also for those who could.

¹⁰ Memorandum, p. 14.

¹¹ Bottecchia, Giordano. 2025. "A citizenship dilemma: Italy and the legal status and mobility of Libyan colonial citizens after the Empire through the experience of Libyan Jews (1947–51)", this issue.

If the Italianness and the intra-European mobility of Latin Americans are therefore the specific issues at stake, the ongoing legal modifications are susceptible to impact the legal and mobility trajectories of other populations, such as the descendants of naturalised Italians moving abroad within secondary movements or the descendants of Italian citizens and former colonial subjects, like the ones analysed by Fusari in this issue¹². The diminishing recognition of *ius sanguinis* would significantly impact the futures of many Italo-Eritreans, Italo-Ethiopians, and Italo-Somalis still living in the Horn of Africa, as the temporal distance from the colonial era—when those born in Italy migrated to these territories or as part of regional economic opportunities in the 1940s and 1950s compared to the ones in Italy—continues to grow. Despite being educated in Italian schools (such as those in Asmara or Addis Abeba) and socialized within Italian-speaking communities, these individuals, who have maintained deep cultural and often emotional ties to Italy, now face the risk of seeing their legal status further misaligned with their social identity. Meanwhile, others from the same African region who immigrated to Italy may benefit from expanded citizenship pathways under the potential referendum outcome, creating a stark disparity. This discrepancy not only affects personal and familial legacies but also undermines the cohesion of Italy’s diasporic communities, including those represented by Committees of Italians Abroad (*Comites*), where heritage and belonging may be increasingly disconnected from legal recognition.

3. More *ius soli*? An unlikely inclusion of extra-EU immigrants and their descendants

The announced changes can be read as in continuity with two other tendencies highlighted in this special issue. On the one hand, the measures announced by the Government, while surprising from a political point of view, are in continuity with the erosion of the familist nature of Italian citizenship discussed in the article by Sredanovic in this issue¹³. After the restrictions on citizenship by marriage in 2009 and 2018, the Law Decree 36 has significantly limited the provisions for citizenship by descent, also reducing the protections that Sredanovic’s analysis of Brexit had highlighted. Should the government make citizenship by marriage conditional to residence in Italy, most of the ‘tactic’ advantage for spouses abroad (Sredanovic 2022) of this path to citizenship would disappear. If both the government and the popular referendum were successful, it would create a significant departure from Zincone’s (2006) analysis of the 1992 law: not only an erosion of the familist provisions, but also the reduction of one of the main obstacles to ordinary naturalisation by residence.

On the other hand, these prospective changes can also be read through the enhancement of an integrationist paradigm within Italian citizenship policies, as pointed out by Trucco in this issue. Indeed, the government memorandum does mention the will to overcome an “ethnic” (sic) conception of citizenship based on the sole presence of “one drop of blood”¹⁴. “For those born abroad, the enjoyment of rights is ensured even after decades or even centuries of entire

¹² Fusari, Valentina. 2025. “In the Name of the Mother, the Father, and the Countryman. Italo-Eritreans navigating Citizenship in the Horn of Africa (1940s-2000s)”, this issue.

¹³ Sredanovic, Djordje. 2025. “External and residence-based Italian citizenship in the Brexit context”, this issue.

¹⁴ Memorandum, p. 17.

generations having shirked any duty and without any need to prove neither language skills nor absence of criminal record.¹⁵ It is thus sufficient for the descendant to make himself known at any time he sees fit, by merely alleging and proving the succession of generations.”¹⁶ From this point of view, acquiring citizenship-by-ancestry is ‘too easy’ and allows numbers of foreigners to enter the national community outside from the control and the selection of the state. On the contrary, citizenship from now on should be active and applicants’ deservingness should be verifiable. These considerations also corroborate the relevance of analysing citizenship policies as affective policies in the wake of feminist scholars like Fortier (2010) and Ayata (2019). What is at stake here is the manifestation of an “interest” for Italy and for its State. The memorandum criticises the former legal framework for “attributing a posteriori the status of citizen to persons (applicants’ ascendants) who had shown no interest in Italian citizenship during their lifetime”.¹⁷ Moreover, both the decree and the announced bills suggest the inopportunity of reactivating a ‘dormant’ citizenship when lacking interaction with the administration for more than a generation or for more than twenty-five years, formulating the equation between registering and caring or minding for the State.

In particular - and overlooking all the difficulties and bias related to accessing public administration in general and registrar in particular (Gargiulo 2021), *a fortiori* consular counters and *AIRE-Anagrafe degli Italiani Residenti all’Estero* registrar - these measures seems to see registering practices as proxies to assess applicants’ true caring for the State, suspected as they are of minding for the State only when this can be advantageous and therefore of having an utilitaristic, ‘cold’, relation to the State. Barriers and more or less explicit discriminations in dealing with the Italian bureaucracy are therefore not taken into account or even not mentioned. In this way, the relationship with the public administration appears as something that flows without obstacles. As a result, renunciations of attempts to obtain citizenship due to bureaucratic obstacles are not seen as such, but rather as evidence of a scarce sense of belonging.

Participating in Italian elections appears to be also seen as a proof of a moral and emotional attachment to the nation. This is likely to be particularly relevant for Italians living abroad, as the voting process is simpler for them, once they are registered because it includes postal voting. However, one might wonder whether this could be the first step towards making voting mandatory, or penalizing those, including Italian citizens residing in Italy, who do not fulfil this “civic duty”, in a scenario of rising abstentionism. As Bargel, Gargiulo and Tuorto pointed out¹⁸, this approach would contradict the recognition of an “involuntary abstentionism” due to the imperfect population registration procedures, which make it difficult for mobile citizens to exercise their right to vote in person. It could be argued that, before penalizing abstentionism, the Italian state should ensure that all Italian citizens have access to the voting booth, including *fuorisede*, as well as other categories such as citizens with disabilities and those in closed

¹⁵ Which are instead required for the acquisition of citizenship by residence or by marriage.

¹⁶ Memorandum, p.7-8.

¹⁷ Id., p. 12.

¹⁸ Bargel, Lucie, Gargiulo, Enrico, Tuorto, Dario. 2025. “The thin boundaries of the right to vote: mobile citizens and electoral constraints in Italy.”, this issue

institutions. The June 2025 referendum partially addresses these issues by allowing voters to cast their ballot outside of their registered municipality, for the second time for students and for the first time for other categories of voters. It is not surprising that this advance has been made for a referendum, given that it is the only Italian election with a unique territorial constituency. Allowing remote voting within the same constituency does not contradict territorial representativeness, the main argument against remote voting, as we have shown in this special issue. For this occasion, the state, more precisely the ministry of Interior, recognises a “temporary residence” (*temporaneo domicilio*), defined as a residence of at least three months for work, study or health reasons. Municipalities will have to organize a special electoral section for the temporary residents, the modalities of which remain largely unknown. Looking further ahead, one might wonder whether this notion of “temporary residence” could extend beyond political rights to encompass social rights outside of the municipality of registration, thereby undermining the administrative importance of the residency (*residenza anagrafica*). In other words, although this concept of ‘temporary residence’ is ambiguous in the context of the legal framework, it could be interpreted as a small but significant change to the rigid link between municipal registration and the exercise of rights, including political ones.

If this evolution could be seen as leaning toward a citizenship of residence, it does not seem to further the legal inclusion of non-EU immigrants and their descendants into the ‘national’ community. Indeed, the issue of ordinary naturalization for non-EU foreigners – concerning the referendum – points in different ways to the ‘crossing of multiple borders’ and the history of naturalization dynamics between metropole and colonies, analysed in this special issue by Donati¹⁹. The term ‘*extracomunitario*’, used in the official denomination of the referendum, certainly inspires deeper thoughts for the racial connotations that the word has acquired in the Italian peninsula and for the various levels of ‘alienhood’ that have constantly characterised Italian citizenship policy and discourses from a historical perspective (Donati 2013). The June 2025 direct vote by the electorate on this important question also reminds us that the road to national citizenship involves, with naturalisation, not only the individual crossing of legal boundaries according to specific requirements but also the discretionary power of the State in including or excluding a settled (adult) migrant from the national community – together with his/her minor children. As full Italian citizenship status – acquired by an immigrant through the naturalization procedure – is automatically extended to the minor offspring of the successful applicant, this referendum question shows once again Italy’s lack of resolve and continuous postponement of a challenging reform pertaining to the *ius soli* principle and to thousands of kids and adolescents, born and bred in the Italian peninsula and educated in Italian schools. Moreover, as the issue of popular referendums is conditioned to the obtention of a quorum defined by the half of the electorate plus one, which has regularly been used by parties opposed to referenda to avoid their success, this constitutes a further obstacle to changes to citizenship law. To this extent, it is also worth to mention that Italians abroad contribute in increasing the quorum threshold: somehow, with the popular referendum of June 2025, their citizenship fate originally intersects with the one of the non-EU immigrants and their descendants in Italy.

¹⁹ Donati, Sabina. 2025. “Crossing Multiple Borders: Naturalizations in Italian History between Metropole and Colonies (1871-1941).”, this issue.

To conclude, these changes confirm the scientific interest of considering citizenship - like other legal statuses on the continuum citizens/migrants - as a set of juridical and administrative selective tools responding to and aiming at filtering specific mobilities, rather than the abstract transposition of a set of pre-existing consolidated ideas on what *should be* the 'national political community'. Rather, it is while dealing with seemingly immediate and circumscribed issues – here, the rise of the numbers of Latin Americans accessing Italian passports and the congestion of Italian consulates - that the national community is constructed in practice, with no political or administrative actor having a consistent global overview. However, this does not mean that the actions taken are not political, on the contrary. They draw the line between “us” and “them” and shape the community, they define who is Italian and who is not, they allocate rights and create or prevent paths for mobility and political practices and trajectories.

References

- Ayata, Bilgin. 2019. "Affective citizenship". In Jan Slaby, Christian von Scheve (eds.). *Affective Societies*. Routledge
- Donati, Sabina. 2013. *A Political History of National Citizenship and Identity in Italy, 1861-1950*. Stanford: Stanford University Press.
- Fortier, Anne Marie. 2010. "Proximity by design? Affective citizenship and the management of unease". *Citizenship Studies*, 14(1), 17–30. <https://doi.org/10.1080/13621020903466258>
- Gargiulo, Enrico. 2021. *Invisible borders. Administrative barriers and citizenship in the Italian municipalities*. Basingstoke: Palgrave.
- Lochak, Danielle. 1985. *Étrangers : de quel droit ?*, Paris: PUF.
- Pasetti, Francesco. 2019. "The politics and policies of citizenship in Italy and Spain, an ideational account". *Journal of Ethnic and Migration Studies*, 47(13), 3150–3171. <https://doi.org/10.1080/1369183X.2019.1611422>
- Slama, Serge. 2016. "Crise de l'asile : un supra infra-droit à l'abri de tout contentieux ?" *Plein droit*, 111(4), 49-56. <https://doi.org/10.3917/pld.111.0049>.
- Sredanovic, Djordje. 2020. "The tactics and strategies of naturalisation: UK and EU27 citizens in the context of Brexit". *Journal of Ethnic and Migration Studies*, 48(13), 3095–3112.
- Tintori, Guido. 2018. "Ius soli the Italian way. The long and winding road to reform the citizenship law". *Contemporary Italian Politics*, 10(4), 434–450.
- Trucco, Daniela. 2023. "'Making Italians' without Italy: Sociology of Non-State Intermediaries of an External Citizenship", *Revue européenne des migrations internationales*, 39(2-3). URL : <http://journals.openedition.org/remi/26097>
- Zincone, Giovanna, ed. 2006. *Familismo legale: Come (non) diventare italiani*. Roma-Bari: Laterza.