ITALY

LAW OF JUNE 13, 1912

[Translation]

Article 1. One is a citizen by birth:

(1) When his or her father is a citizen.
(2) When his or her mother is a citizen, if the father is unknown or has neither Italian citizenship, nor that of any other nation, or where the child does not follow the citizenship of his father (where the latter is a foreigner) in conformity with the law of the nation to which the father belongs.
(3) He or she was born in the kingdom, if both parents are unknown or have neither Italian citizenship nor that of any other nation, or when the child does not follow the citizenship of his or her foreign parents in conformity with the law of the nation to which they belong.

The child of unknown parents, found in Italy, is considered, till the contrary be proved, to have been born in the kingdom.

Article 2. The recognition or the judicial declaration of relationship made during the minority of the child not emancipated, determines the citizenship, in conformity with the provisions of the present law.

To this effect the father's citizenship shall prevail, even if the paternity be recognized or declared subsequently to the recognition of the maternity.

If the child recognized or declared is already of age, or emancipated, he or she will keep his own citizenship, but, within one year from the date of the recognition or of the judicial declaration, he or she may declare to adopt the citizenship which is derived from actual relationship.

The provisions contained in the present article shall be applicable also to the children whose paternity or maternity is established in one of the ways contemplated in Article 193 of the Civil Code.

Article 3. The foreigner born in the kingdom or of parents who at the date of his birth have resided there for not less than ten years, becomes a citizen:

(1) If he enters military service in the kingdom or accepts employment from the government.
(2) If when his twenty-first year of age is accomplished he resides in the kingdom, and within his twenty-second year declares his choice of Italian citizenship.
(3) If he has been residing in the kingdom for at least ten years, and does not declare, within the period mentioned in paragraph 2, his desire to retain foreign citizenship.

The provisions contained in this Article are applicable also to the foreigner whose father or mother or father's father was a citizen by birth.
Article 4. Italian citizenship, including the enjoyment of political rights, may be granted by royal decrees, if the Council of State has previously expressed a favorable opinion:

(1) To the foreigner who has served the state for three years, even though this service has been rendered abroad.

(2) To the foreigner who has resided at least five years in the kingdom.

(3) To the foreigner who has resided three years in the kingdom and has rendered important services to Italy or has contracted marriage with an Italian citizen.

(4) After one year's residence, to one who might have become an Italian citizen by benefit of the law, but omitted to make the explicit declaration necessary therefor.

Article 5. The royal decree granting citizenship shall have no effect, if the person to whom the citizenship is granted does not take oath of allegiance to the King and does not swear to observe the statute and the other laws of the state.

Article 6. Citizenship may be granted by a special law to those who have rendered to Italy services of exceptional importance.

Article 7. Except in the case of special provisions to be stipulated by international treaties, an Italian citizen born and residing in a foreign nation, which considers him to be a citizen of its own by birth, still retains Italian citizenship, but he may abandon it when he becomes of age or emancipated.

Article 8. One loses citizenship:

(1) When he of his own will acquires a foreign citizenship and establishes or has established his residence abroad.

(2) When, having acquired a foreign citizenship independently of his own will, one declares that he renounces Italian citizenship, and establishes or has established his residence abroad.

In the cases contemplated in paragraphs 1 and 2, the government may except the transfer of the residence abroad.

(3) When having accepted employment from a foreign government, or having assumed the military service in a foreign power, he persists in that position, in spite of the Italian Government's instruction to abandon within a fixed lapse of time the said employment or service.

The loss of citizenship in the cases contemplated in this article does not exempt one from the obligations of military service, except as regards facilities granted by special laws.

Article 9. He who has lost citizenship in pursuance of Articles 7 and 8, may reacquire it:

(1) If he performs military service in the kingdom or if he accepts employment from the state;
(2) If he declares his renunciation of the citizenship of the state to which he belongs, or if he proves that he has given up the employment or the military service abroad which had been maintained in spite of the prohibition by the Italian Government; and in both cases if he has established or if he establishes within one year from the date of the renunciation, his residence in the kingdom.

(3) After two years of residence in the kingdom, if the loss of citizenship had been due to the acquisition of foreign citizenship.

Nevertheless, in the cases contemplated in paragraphs 2 and 3, the reacquiring of citizenship shall have no effect, if the government forbids it. This prohibition may be declared by the government for serious reasons, and in conformity with the expressed opinion of the Council of State, within the period of three months from the fulfillment of the conditions established in the said paragraphs 2 and 3, if the foreign citizenship latest acquired be that of an European country, or within the period of six months in other cases.

The reacquiring of citizenship is possible without the fulfillment of the condition providing for establishment of residence in the kingdom, to those who abandoned not less than two years before, residence in the state to which they belonged, transferring it to some other foreign country without assuming the latter’s citizenship. To reacquire citizenship in this case, however, it is necessary to have gained previously the permission of the government.

Article 10. A married woman cannot assume a citizenship different from her husband’s, even if there is a personal separation between them.

A foreign woman who marries a citizen, acquires Italian citizenship. She retains it also during her widowhood, except in the case when she reacquires her original citizenship, by remaining abroad, or transferring abroad her residence.

A female citizen who marries a foreigner loses Italian citizenship, if her husband possesses a citizenship which may be communicated to her by the marriage. In case of dissolution of the marriage, she becomes again a citizen, if she resides in the kingdom, or if she returns there, and in both cases declares that she is willing to reacquire citizenship. The fact of residence in the kingdom for over two years after the dissolution of the marriage, if there are no children born from that marriage, shall be tantamount to this declaration.

Article 11. If the husband, being a citizen, becomes a foreigner, the wife who has residence in common with him loses Italian citizenship if she acquires that of her husband; but she may reacquire it, in conformity with the provisions of the preceding article.

If the husband, being a foreigner, becomes a citizen, the wife acquires citizenship if she has residence in common with him.

If, however, husband and wife are legally separated, and there exist no children born from their marriage, who, in pursuance of the following article,
should acquire their father’s new citizenship, the wife may declare her willingness to maintain her own citizenship.

Article 12. Minor non-emancipated children of those who acquire or reacquire citizenship, become citizens, except in cases when, residing abroad, they retain the foreign citizenship, in conformity with the law of the state to which they belong. The child of a foreigner by birth, however, having become a citizen, may, within one year from the date when he becomes of age, or obtains the emancipation, declare his choice of the citizenship of his origin.

Minor non-emancipated children of those who lose citizenship, become foreigners if they possess their residence in common with the parent who has *patria potestas*, or legal guardianship of them, and acquire the citizenship of the foreign country. The provisions contained in Articles 3 and 9 are applicable to them.

The provisions contained in the present article are applicable also in cases where the mother who exerts the *patria potestas* or the legal guardianship of the children, possesses a citizenship different from that of the father previously dead. On the other hand, they are not applicable in cases where the mother who exerts the *patria potestas* changes her citizenship in consequence of a new marriage, the citizenship of all the children of the first father remaining unchanged.

Article 13. The acquisition or reacquisition of citizenship in all the above-mentioned cases, shall take effect from the day following the date when all the established conditions and formalities have been fulfilled.

The applications and declarations of acquisition or reacquisition shall be exempt from any tax and expense.

Article 14. Whoever resides in the kingdom and possesses neither Italian citizenship, nor that of another state, shall be subject to Italian laws as far as civil rights and military service are concerned.

Article 15. The territory of the Italian Colonies shall be considered as territory of the kingdom as regards the effects of the present law, with the exception of special provisions of law regarding these colonies.

Article 16. The declarations contemplated in the present law may be made to the officer of civil status (*Ufficiale dello Stato Civile*) of the commune in which the declarant has established or intends to establish his residence, or before a royal diplomatic or consular officer abroad.

The authority to receive such declarations may be extended by the Government of the King to other public officials.

**Temporary Provisions**

Article 17. The enactment of the present law shall abrogate Articles 4 to 15 of the Civil Code; Article 36 of the law on emigration of January 31, 1901 (No. 23); the law of May 17, 1906 (No. 217); and all the other provisions contrary to this present law.
Nothing, however, shall be changed in the laws in force regarding the con-
cession by royal decree of citizenship, including full enjoyment of political
rights to Italians who do not belong to the kingdom.

The provisions of International conventions remain unaltered.

Article 18. Those who have obtained Italian citizenship previous to the
present law, without the enjoyment of political rights, may obtain the latter
by royal decree, if the Council of State expresses a favorable opinion there-
for, and if the conditions contemplated in Article 4 are fulfilled.

Article 19. The status of citizenship acquired previously to this law may
be modified only by events subsequent to the enactment of the same.

But those whose status of citizenship at the date of the enactment of the
present law differs from the one which should appertain to them in pursuance
of the provisions contained in the preceding articles, may declare, within one
year, their choice between the status of citizen and that of foreigner, to
which they would have been entitled in conformity with the said provisions.

Those upon whom the provisions contained in the preceding articles confer
the right to choose the status of citizen or of foreigner, may make the declara-
tion within one year from the date of the enactment of the present law, even
if the period of time has elapsed, except in the case of persons who, possess-
ing the right to make such declaration in pursuance of the previous law,
omitted to make it.

Article 20. The government will establish, by royal decree, having heard
the opinion of the Council of State, the regulations for the application of this
law, which will be in force from July 1, 1912.