

**MAZZESCHI**

# **ITALIAN IMMIGRATION & CITIZENSHIP**

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NEWS, UPDATES AND CURIOSITIES ON ITALIAN  
IMMIGRATION AND CITIZENSHIP



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### A FAST-TRACK APPLICATION FOR ITALIAN DUAL CITIZENSHIP AND ITS TAX IMPLICATIONS



Have you ever heard of a Fast-Track application for Italian Dual Citizenship? Are you thinking of obtaining your Italian citizenship through the Fast-track application or have you already filed your application through it?



## What is a Fast-Track application for Italian Dual Citizenship?

If you live abroad (outside Italy), application must be filed at the Italian Consulate which has jurisdiction over your place of residence. On the other hand, with the Fast-Track application, it is possible to shorten citizenship adjudication, by taking residency in Italy and apply for it at the City Hall.

However, before jumping into this option, applicants should consider first the consequences that implies to the Italian residents, which of course includes some fiscal consequences. In fact, the Italian Court of Cassation recently confirmed, that taking residency in Italy is a sufficient condition for being classified as a resident in Italy for tax purposes.



Furthermore, the Italian citizenship can be revoked if it is ascertained that such residency is fictitious.



Due to this , recently about 600 Brazilian citizens who applied for Italian Citizenship in Nettuno, a city near Rome, and that their residencies have been confirmed as fictitious, were revoked their Italian Citizenship

So, after having considered the implications of taking your residency in Italy, and you have concerns about it, there is an alternative option, which consists on filing a court action against the delay and request adjudication by the court if you have evidence that it is impossible to obtain an appointment within a reasonable time at the Italian Consulate where you live, (and this option does not bring any tax liabilities).



According to some studies and research, more than 80 million people worldwide could likely be eligible to apply for Italian citizenship.



Italy is in fact one of the countries which has the most contributed international emigration, with approximately 30 million Italians leaving from 1861 to date (14 million emigrated only in the period 1876-1915).

In Argentina, at the beginning of 20th century, the residents with Italian origin outnumbered the local residents. In the State of San Paulo, in Brazil, 44% of the population has some Italian blood.

Italian emigration was massive also in North America, with approximately 15 million people (5,6% of the entire population) with Italian origin, of which 2.7 million live in the New York metropolitan area.

### Italian citizenship by descent: what are the criteria



If you have some Italian ancestors, you can in fact, be entitled to obtain Italian citizenship.

The general principle is that citizenship is passed on from parent to child without limitation of generation, on the condition that neither the Italian parent nor the Italian ancestors ever renounced their citizenship.



### Where to apply for citizenship

If your eligibility is confirmed and you live abroad (outside Italy), application must be filed at the Italian Consulate which has jurisdiction over your place of residence. The problem is that due to the great number of applications (in San Paulo there are allegedly 700,000 applications pending) most Italian Consulates are now fixing an appointment to file the application after some years and for others, it is even impossible to book an appointment online.

An alternative route could be to file the application in a City Hall (Comune) in Italy, but this requires the applicant to take formal residency in Italy.



Filing your citizenship application in Italy: is it really a savvy option?

Many agencies offer this route because citizenship adjudication is much quicker and the applicant does not need to fix an appointment (different than filing at the Consulate) with the Comune. After residency is confirmed, citizenship adjudication can be obtained in a few months.

Apparently, this option is much easier: even if it is more expensive – because it requires the applicant to come to Italy, rent an accommodation and fix various appointments at different offices for the procedure. For many people, time is of the essence and they are lured by this shining and apparently more favorable option.

But it is not all that glitters is gold ... You will find information on the web that affirms that:

- residency can be temporary, only for the time necessary to obtain citizenship;
- or you will need to spend some time in Italy without committing to living in Italy long term;
- or it is recommended that you stay at least six months in Italy



This information is however not complete as:

it does not specify what are the exact requirements for obtaining and maintaining residency;

It does not include the possible consequences – especially for tax obligations – deriving from becoming an Italian resident, despite the duration of the stay in the country.

1. The first component of the residency is based on physical presence in Italy, which must be regular and continuous, as opposed to sporadic and occasional;
2. The second component of the residency is subjective: based on an individual's intention to stay and live in Italy for the foreseeable future. In order to determine an individual's intention to live in Italy on a regular basis, reference is made to a number of things, including but not limited to an individual's conduct, social and personal habits, working relationships, family relationships, business and personal activities.



What are the consequences of taking residency in Italy?

By registering as resident in Italy, an individual becomes automatically subject to Italian tax obligations. In fact, as pointed out in the Tax Agency website:



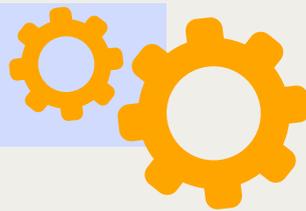
A person is considered to be resident in Italy for income tax purposes if, for the majority of the year (at least 183 days a year, 184 for leap years):

they are entered in the National Registry of the Resident Population in Italy; or  
they have their place of habitual abode; or  
they have in Italy their main centre of interest and affairs

The interpretation of this rule by the Court of Cassation is quite strict. The Court reaffirmed also recently (Ordennance 1355/2022) that:

the fact that the individual is entered into the Register of resident population (anagrafe) for a certain period of time is a sufficient condition for her/him to be classified as a resident in Italy for income tax purpose

### Any other options?



An interesting path has been opened for those individuals who are seeking to obtain the Italian citizenship by “iure sanguinis” that are currently living in countries where the application numbers are high (such as Brazil and USA) and therefore, the processing time of their applications are very long or is proved to be impossible to book an appointment within a reasonable time.

The Court of Rome has recently established that in those cases where the Italian consulate has not ensured a response in a reasonable time, it becomes possible to obtain the recognition of the citizenship directly from the judge in Italy.

Be careful of other possible consequences



If your residency is not continuous and does not meet the mandatory requirements, even though you have obtained citizenship, it can be later revoked and you can also be subject to a criminal prosecution. There have already been several cases discovered by the Police where some agencies assisted applicants in obtaining citizenship by taking an “irregular” residency in Italy but leaving the country immediately after having filed the application.

See for example the recent revocation (March 2022) of citizenship to 600 Brazilian citizens in the city of Nettuno, near Rome, after the Police has verified that their residency was fictitious and did not meet the mandatory requirements of the law.

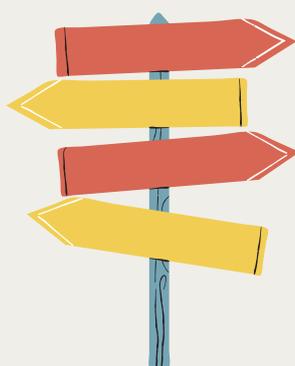


## ITALY-JAPAN

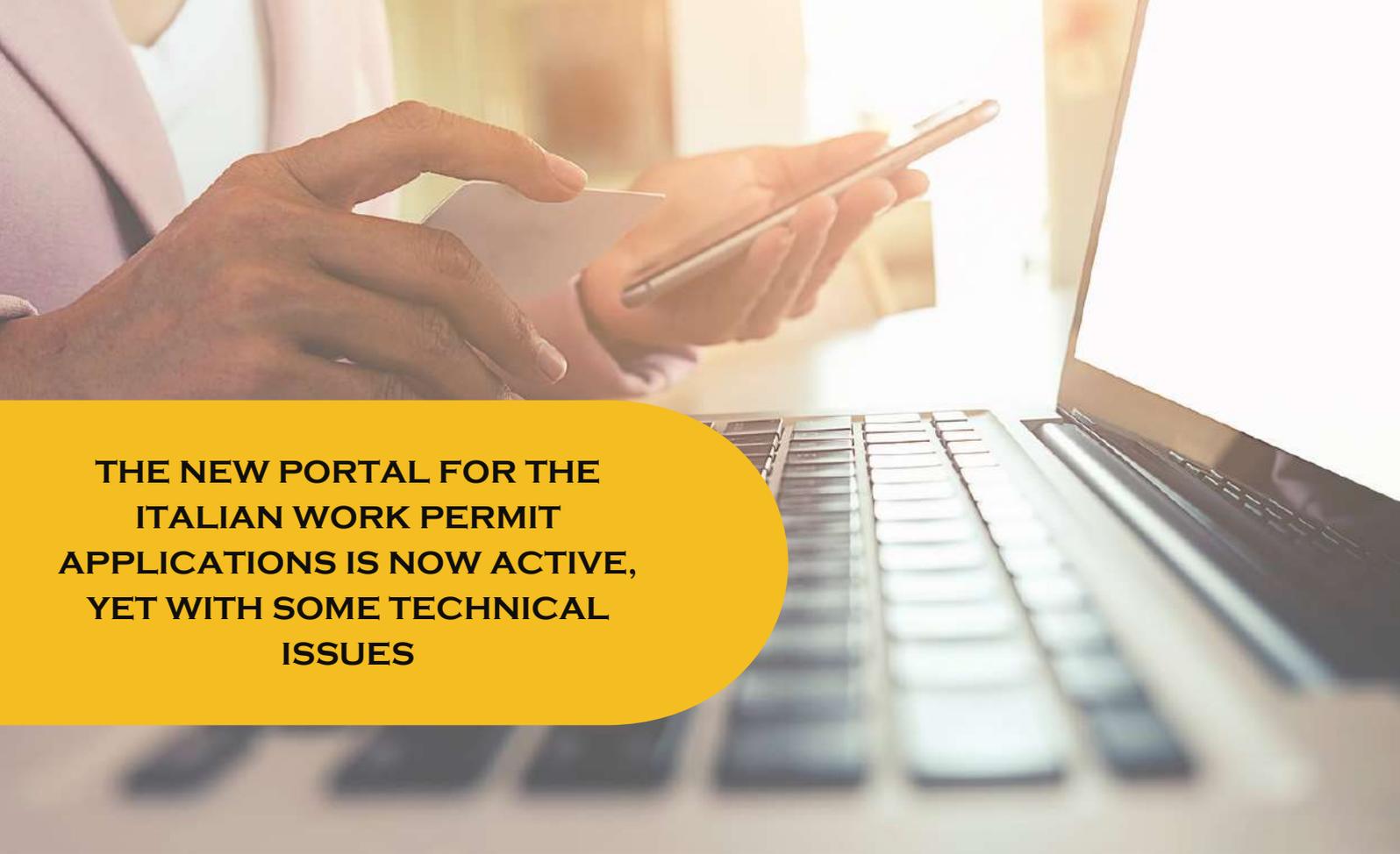


### **SIGNED THE AGREEMENT FOR THE WORKING HOLIDAY SCHEME**

On May 2, Rome, the Director General for Italians Abroad and Migration Policies, Luigi Maria Vignali, and the Ambassador of Japan to Italy, Oe Hiroshi, signed an agreement between Italy and Japan. According to a note from the governments, the agreement represents an important step in the framework of strengthening relations between the two countries, promoting exchanges between the reciprocal labor markets and the sharing of experiences and knowledge among young people from Italy and Japan.



The Working Holiday Visa, which will have a duration of one year (max), will allow Italian and Japanese citizens between 18 and 30 years old to stay in the other country. During such period, they can exercise an ancillary professional activity to the holiday period, which is an excellent opportunity for young people from Italy and Japan to deepen their knowledge of the culture and language of the other country.



**THE NEW PORTAL FOR THE  
ITALIAN WORK PERMIT  
APPLICATIONS IS NOW ACTIVE,  
YET WITH SOME TECHNICAL  
ISSUES**

The new portal for the Italian work permit applications is finally online.

This portal was closed from April 22 until May 15. The new immigration system has now come back on-line, however, it is not yet fully functional, there are still many technical issues and problems which need to be resolved on the new platform.

Based on this, we expect delays for any new work permit applications and delays in completing the necessary immigration steps for those workers who have already entered Italy or plan to enter Italy. We will keep you updated on any further developments.



**Unfortunately, there are delays and difficulties**

The Ministry is working on the issues although most of the immigration offices and in many major cities such as Milan, Rome, Torino, Florence have cancelled all appointments until further notice as the system is currently blocked, with no estimate when the problems could be resolved and when the system will be fully operating again.

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