

**MAZZESCHI**

# **ITALIAN IMMIGRATION & CITIZENSHIP**

---

FEB 2023 | VOL. 23

NEWS, UPDATES AND CURIOSITIES ON ITALIAN  
IMMIGRATION AND CITIZENSHIP



# CONTENT

## ITALIAN IMMIGRATION

- Investor Visa for Italy and Corporate Investing. Is it possible?
- Italian Elective Residence Visa vs Investor Visa for Italy: Which is the best option for you?

## ITALIAN CITIZENSHIP

- FAQs: Italian Citizenship by Descent (Jure Sanguinis)
- Dyslexia and Exemption from the Italian language test required for the EU residence permit

THESE ARTICLES ARE PUBLISHED ALSO ON  
OUR WEBSITE [WWW.MAZZESCHI.IT](http://WWW.MAZZESCHI.IT)



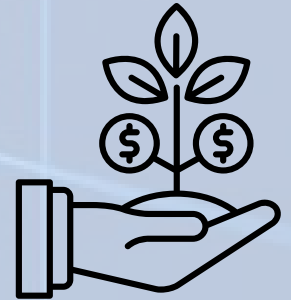
INVESTOR VISA FOR  
ITALY AND CORPORATE  
INVESTING.  
IS IT POSSIBLE?

**Q**

Can I qualify for the Investor Visa for Italy if the investment is made using a foreign legal entity?

**A**

Yes, you can use a foreign legal entity, provided that you can demonstrate being legitimated to externally commit the entity to make the investment in Italy.



**Q**

How can I demonstrate being legitimated?

**A**

You shall submit the "Act of Appointment" confirming you are the legal representative of the Company (which shall be issued by the Company). This document, in accordance with the deed of incorporation and the articles of association of the entity, shall prove that you have the powers to proceed with the investment in Italy.

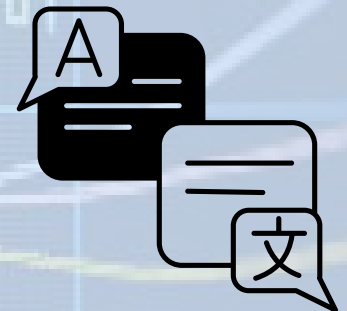


**Q**

What language should the documents be in?

**A**

All documents attached to the investor visa applications must be in Italian or English: if the original document is written in another language, a certified translation (e.g. sworn translation) must be provided.



**Q**

What other documents do I need?

**A**

It is advisable to submit also some documents proving the good standing of the foreign entity.

ITALIAN  
ELECTIVE  
RESIDENCE  
VISA

INVESTOR  
VISA FOR  
ITALY

WHICH IS THE  
BEST OPTION FOR  
YOU?

ELECTIVE  
RESIDENCE VISA

INVESTOR VISA

1

BASIC REQUIREMENTS

1

- Min. € 31,000 annual passive income (+ 20% if travelling with spouse; and + 5% each child (under 18 year))
- Accommodation (owned or 1 year registered lease)

- The funds for the investment shall be :  
250,000 eur in an innovative start-up company; or  
500,000 in Italian limited company or sicav; or  
1,000,000 in philanthropic donation; or  
2,000,000 in Italian gov. bonds
- Criminal record of the last 10 years showing no pending charges
- The Funds shall be available and transferable to Italy



## 2

## PROCEDURE

## 2

- **Competent Authority:** The Italian Ministry For Foreign Affairs and International Cooperation
- The visa shall be applied at the Italian consulate (up to 90 days from the application)
- A 1-year multiple entries Schengen visa will be issued
- The permit of stay application with Post Office within 8 days from arrival in Italy

- **Competent Authorities:** The Italian Ministry of Economic Development & The Ministry of Internal Affairs
- A No-impediment certificate (an online application) shall be applied at the Ministry of Economic Development's website.
- The visa shall be applied at the Italian consulate
- A 2-Years multiple- entries Schengen visa will be issued
- It has a priority access to the fulfilments to be carried out once entered to Italy (It has a priority access to the fulfilments to be carried out once entered to Italy (i.e. Permit of stay application within 8 days from arrival and the collection of the Italian permit of stay)
- Investment execution to be proven within 3 months from first entry in Italy or permit will be revoked.



## 3

## CAN I RENEW MY ITALIAN PERMIT OF STAY?

## 3

Yes, it is possible to renew your ERV permit of Stay, however, it is mandatory to demonstrate the requirements listed above (in point 1)

Yes, it is possible to renew your Investor permit of Stay, however, the investment shall be maintained.

4

## WORKING IN ITALY

4

The Italian ERV does not allow any kind of working activities in Italy. (Including remote working)

Holders of the permit of stay for investors are allowed to work in Italy.

5

## LIVING IN ITALY

5

Holders of Elective Residence permit of stay are subject to residence and integration agreement obligations

Holders of Italian permit of stay for investor are not obliged to spend minimum amount of time in Italy

6

## FAMILY PERMIT

6

Dependents (spouse/ children under 18) can join applying for family permit. The main applicant and the dependents are subject to residence and integration agreement obligations.

Dependents can join (spouse/ children under 18) applying for family permit. Only the dependents are subject to residence and integration agreement obligations.





# ITALIAN CITIZENSHIP BY DESCENT (JURE SANGUINIS)



## 1. CAN I APPLY FOR THE ITALIAN CITIZENSHIP EVEN RESIDING ABROAD?

Yes. The application for Italian citizenship by descent (through bloodline) should be submitted to the relevant local Italian authority over the place of residence. If residing abroad, the application will be handled by the Italian Consulate.

## 2. IS THERE A GENERATION LIMIT WHEN APPLYING FOR ITALIAN CITIZENSHIP BY DESCENT?

No, there is no generation limits. Italian 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.



## 3. IF I EVER RENOUNCED ITALIAN CITIZENSHIP, CAN I REACQUIRE IT?

Yes, it is possible. If you have been an Italian citizen for once, you can establish your residency in Italy and reacquire your Italian citizenship.



## 4. CAN I APPLY FOR ITALIAN CITIZENSHIP EVEN IF MY ITALIAN ANCESTOR NATURALIZED TO A FOREIGN CITIZENSHIP AFTER THE BIRTH OF HIS/HER CHILD (WHO IS ALSO MY ANCESTOR)?

Yes. Usually, the transmission of the Italian citizenship is possible if the Italian ancestor naturalised after the birth of his/her child. However, there are some exemptions, so please feel free to contact us for an initial evaluation.







## 5. HOW LONG DOES THE PROCESS OF OBTAINMENT OF ITALIAN CITIZENSHIP TAKE?

Process timeline depends on the local Italian authorities. In any case, it can take several months to obtain an appointment and around 2-3 years is the standard timeframe to have a decision. Delays may occur.

## 6. IN CASE OF CONSULATE DELAYS AND/OR UNRESPONSIVENESS, IS THERE AN ALTERNATIVE ROUTE TO OBTAIN MY ITALIAN CITIZENSHIP?

Yes, there is an alternative, however, for this, you first need to obtain evidence of the Consulate's relevant delays and then, you can submit a claim to obtain your Italian citizenship at the Italian Court.



## 7. CAN MY CHILDREN APPLY FOR THEIR ITALIAN CITIZENSHIP WITH ME?

Yes, children can apply for Italian Citizenship with the parent and minors are included in the same application.





## 8. CAN MY SPOUSE APPLY FOR ITALIAN CITIZENSHIP WITH ME?

No. You should first obtain your Italian citizenship and only then your spouse can submit her/his application for citizenship through marriage

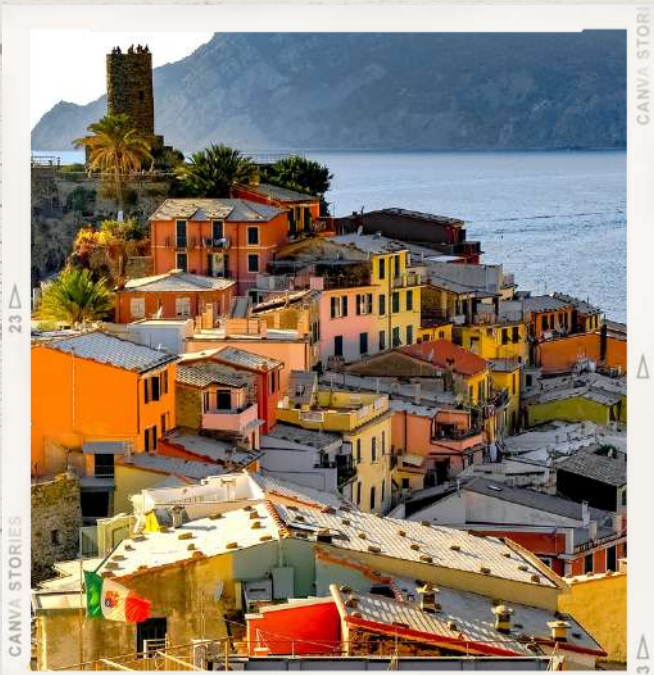
## 9. WHEN APPLYING FOR MY ITALIAN CITIZENSHIP, WILL THE CONSULAR OFFICER INTERVIEW ME?

Yes. On the day of the appointment, you will need to submit all original documents in person and most likely you will have an interview with the Consular officer.



## 9. WHEN APPLYING FOR MY ITALIAN CITIZENSHIP, WILL THE CONSULAR OFFICER INTERVIEW ME?

Yes. If you have the real intention to move to Italy, you can take residency in Italy and proceed with the process in front of the Italian Town Hall – the standard timeline is 8 – 12 months, up to more than a year.



10. IS THERE A WAY TO EXPEDITE THE PROCESS OF ITALIAN CITIZENSHIP APPLICATION?

Yes. If you have the real intention to move to Italy, you can take residency in Italy and proceed with the process in front of the Italian Town Hall – the standard timeline is 8 – 12 months, up to more than a year.



11. CAN I GO TO ITALY TO APPLY FOR ITALIAN CITIZENSHIP WITHOUT CHANGING MY RESIDENCY?

The process in Italy is allowed only if you take residency in Italy and maintain it until the end of the process. In this case, the application should be submitted at the relevant Italian town hall.



12. IF I CHOOSE TO APPLY FOR ITALIAN CITIZENSHIP IN ITALY, SHOULD I TAKE RESIDENCY IN THE CITY OF MY ANCESTOR?

No. You can choose any Italian city where you prefer to move and take residency, without limitations.



### 13. DO I NEED A PERMIT OF STAY TO APPLY FOR MY ITALIAN CITIZENSHIP?

If you are a Non-EU citizen, you need a permit of stay to reside in Italy. During the process, we will guide you in obtaining an Italian permit of stay while the citizenship procedure is ongoing.



### 14. IF I GO TO ITALY TO APPLY FOR MY ITALIAN CITIZENSHIP, CAN MY FAMILY COME WITH ME?

In the case of Non-EU family members, they can come with you and apply for a permit of stay for family reasons.

### 15. MY ITALIAN ANCESTOR IS A WOMAN. HOW CAN I APPLY FOR MY ITALIAN CITIZENSHIP?

Please contact us and we will assess your eligibility free of charge and confirm the available options based on your case. If you need to file a citizenship claim in Court as you have a female ancestor in the lineage, your chances to succeed in Court are extremely high.



16. CAN MAZZESCHI SRL ASSIST IN CASE OF DESCENDANT FROM A FEMALE MOTHER BEFORE 1948 – “1948 RULE”?

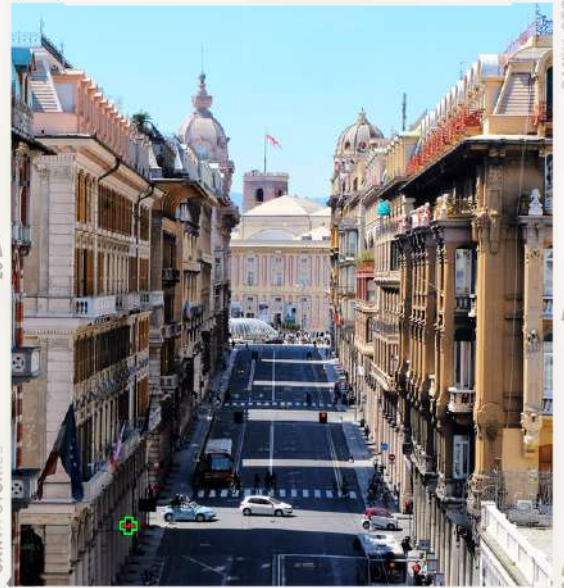
Yes. Our Citizenship Department has broad experience in lawsuits at the Italian Courts, which may be the only available route in case of descendant from a female mother before 1948.

17. IS THE LAWSUIT AGAINST THE “1948 RULE” A LONG PROCESS?

The lawsuit may take 1-2 years. It usually consists in one court hearing, in which the Judge reviews the application and will then issue a judgment.

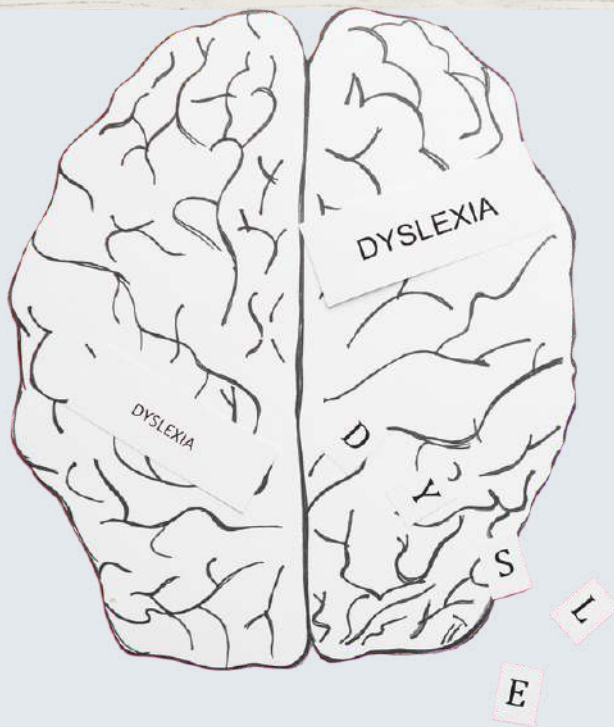
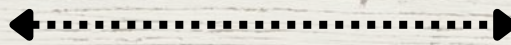
18. IS THE COURT IN ROME THE ONLY RELEVANT COURT TO APPLY FOR ITALIAN CITIZENSHIP AGAINST THE “1948 RULE”?

Since June 2022, judgments relating to cases per maternal lineage before 1948 aren't dealt with by the Court of Rome anymore, but by competent local Courts of the place of birth of the Italian ancestor.



19. DO I NEED TO HAVE ALL DOCUMENTS READY BEFORE THE APPLICATION?

All documents should be ready before the application. This applies to all processes when requesting Italian citizenship.



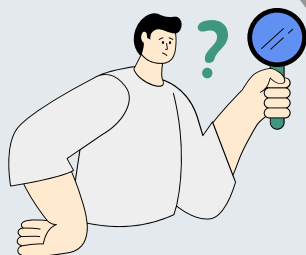
DYSLEXIA AND EXEMPTION FROM THE ITALIAN LANGUAGE TEST REQUIRED FOR THE EU RESIDENCE PERMIT

“Dyslexia, diagnosed as a severe limitation to the ability to learn, is one of the causes of exemption from taking the Italian language knowledge test required for the issue of a long-term resident’s permit.”

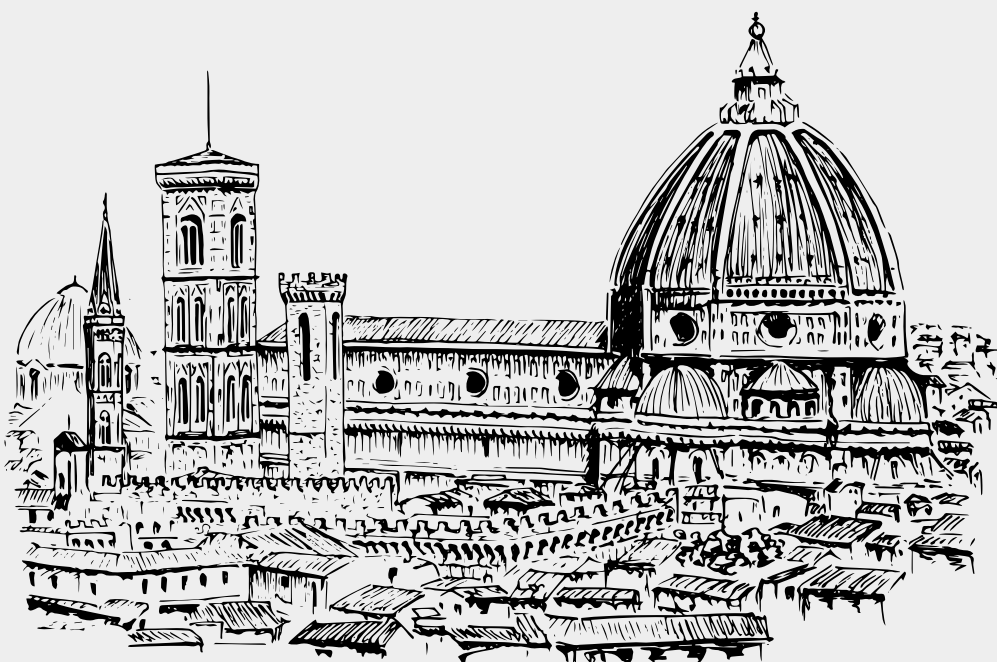




The legislation (cf. art. 1, par. 3, lett. b, decree of the Ministry of the Interior of 4 June 2010) excludes from the obligation to demonstrate knowledge of the Italian language those suffering from pathologies that limit language learning, and dyslexia is considered in the medical literature as a specific learning disorder.



Interpreting this principle by analogy, we believe that an applicant for Italian citizenship by marriage or residence, if diagnosed with dyslexia, is also exempt from demonstrating knowledge of the Italian language.



CONTACT INFORMATION

Mazzeschi SRL  
www.mazzeschi.it  
info@mazzeschi.it

WRITERS & EDITORS

Marco Mazzeschi  
Louise D. Machetti  
Giuditta De Ricco  
Yuu Shibata  
Chiara Faggioli

**MAZZESCHI**

