

Italian Citizenship by Descent



*Understanding the
Judicial Process in Italy*

CLIENT GUIDE BY





Opening Note

- This book has been prepared by **ITAMCAP** to guide clients whose Italian citizenship by descent application is being pursued **through the Italian judicial system**.
- The purpose of this guide is **clarity and transparency**.
- The judicial process is not fast, nor is it interactive in the way many clients expect, but it is **structured, predictable, and reliable**.
- By understanding how the process works, what each stage means, and why certain waiting periods are unavoidable, clients can follow their case with **realistic expectations and greater confidence**.

“*The Italian judicial process rewards preparation, structure, and patience. Understanding its stages transforms waiting into confidence.*”

01 The Judicial Path

How Your Case Moves Forward

- Italian citizenship cases before the courts follow a **document-based legal procedure**. Below is the exact sequence your case follows once it enters the judicial phase.

Document Review & Case Preparation

Once all required documents have been:

Obtained Apostilled Translated Certified

- ITAMCAP's judicial coordination team performs a **final consistency review** to verify that:
 - ◆ Names, dates, and places match across all records;
 - ◆ No major inconsistencies exist;
 - ◆ The file meets Italian court standards.
- Once approved, your complete digital file is uploaded to a shared platform with our Italian partner law firm and internally registered for court submission.

This step ensures your case is procedurally solid before entering the Italian court system.



Payment of the Judicial Fee (Contributo Unificato)

- After reviewing your file, the Italian law firm prepares the **formal petition for citizenship recognition**.
- The court then issues the official payment slip for the **judicial tax (contributo unificato)**.

Filing of the Petition (Ricorso)

- Once the judicial fee is paid, the petition is formally filed with the **competent Italian tribunal**.

Jurisdiction is determined by:

- ◆ The birthplace of the Italian ancestor, rather than by the applicant's place of residence.

At this point, your case officially enters the Italian court system.



IMPORTANT

- 1 The case **does not officially exist** until this fee is paid
- 2 No judge can be assigned
- 3 No review can begin

Once payment is completed, the judicial process officially starts.

Assignment of the Judge

- The court assigns a judge responsible for reviewing your entire file. It is normal for cases to be:

Reassigned Substituted Internally rotated among judges

- These changes **do not affect the validity or merits of your case**, though they may impact timing.

No Physical Hearing

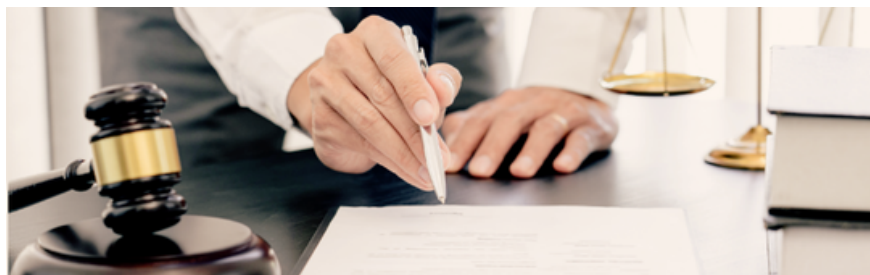
- Italian citizenship cases are handled through a **document-only** procedure, with some minor exceptions.
 - ⊘ No in-person hearing;
 - ⊘ No client appearance;
 - ⊘ No oral arguments by the attorneys
- The judge evaluates the case based **only on the documents submitted**.

Judicial Review of Documents

- The judge verifies:
 - ◆ Birth certificates
 - ◆ Marriage records
 - ◆ Naturalization documents

The court verifies the **uninterrupted transmission of Italian citizenship** under Italian law and applicable jurisprudence.

This phase may take several months, depending on court workload and the judge's calendar.



The Decision (Sentenza)

- After reviewing the case, the judge issues a written decision (sentenza), which can be:
 - Favorable - citizenship is recognized
 - Unfavorable - citizenship is denied, claim rejected



Appeal Phase

- After publication of the decision:
 - ◆ Both the applicant **and the Italian State** have the right to appeal.

If no appeal is filed within the legal deadline, the decision becomes **final and binding** (*passata in giudicato*).

Final Judgment & Comune Registration

Once the appeal period expires:

- The court issues a Final Judgment Certificate confirming that the decision is definitive. This certificate must be registered at the Ministry of Justice
- The Italian municipality - **Comune** - registers the judgment
- The birth record is transcribed into the Italian civil registry

After this step is completed, the administrative phase begins:

- AIRE registration
- Passport eligibility
- Consular Procedures

02

Understanding Court Portal Statuses

Portale dei Servizi Telematici

Court Status

Attesa deposito
note

Deposito note

Riservato

Rinvio udienza

Attesa sentenza

Procedimento
definito

What It Means

Waiting for written
submissions

Lawyers submitted
documents

Judge reviewing the
case

Review postponed
(normal)

Decision pending

Judicial phase
completed

03

Timelines *Law vs. Reality*

Understanding the difference between legal deadlines and actual court practice is essential. Due to workload and administrative constraints, actual timelines often differ.

Legal Deadlines *(By Law)*

- Submission of notes: 5–30 days before review
- Decision issuance: ~30–60 days after deliberation
- Appeal period:
 - 30 days if notified
 - 6 months if not notified
- Final judgment certificate: issued after State's appeal period expires

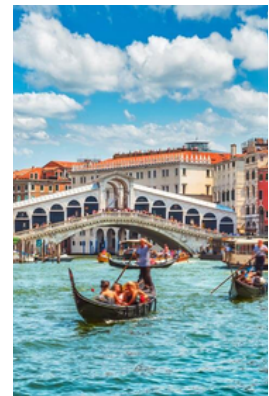
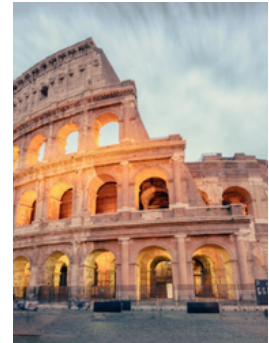
Real-World Timelines *(Court Reality)*

- Judge assignment: 1–6 months
- Review scheduling: 2–12 months
- Document review: several months
- Issuance of decision:
 - ~ 30 days (streamlined cases)
 - 6–18 months (complex cases) - in riservato
- Final judgment certificate: 1–3 months after appeal period
- Comune transcription: weeks to months, depending on municipality

Why Delays Happen?

Delays are structural, not personal. Common reasons include:

- ◆ Heavy court workload;
- ◆ Judge reassignment;
- ◆ Administrative backlogs;
- ◆ Slow portal updates



Practical Guidance for Clients

- 1 Patience is essential
- 2 Trust the document-based process
- 3 Airtable updates depend on information received from the Italian courts and lawyers
- 4 Our team remains actively engaged behind the scenes
- 5 Silence usually means your case is under review, not inactive.



Final Note

- *The judicial route to Italian citizenship is formal, structured, and reliable—but it requires time.*
- *By understanding each stage, from payment of the judicial fee to final registration with the Comune, clients can follow their case with clarity rather than uncertainty.*
- *This guide was created to make the process transparent, accessible, and predictable, so clients can focus on the outcome rather than the waiting.*



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