



CONSOLATO GENERALE D'ITALIA IN VANCOUVER

Italian Citizenship by “Benefit of Law” (Minor Children Born Abroad)

This presentation provides a high-level overview of the topic.
It is not exhaustive and may omit certain circumstances, exceptions, or legal complexities.



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When can a Minor be registered as an Italian citizen without recourse to “Benefit of Law”?

When **ANY ONE** of the following conditions is met:

1. The child is born abroad to a **parent** who is **exclusively** Italian.
2. The child is born abroad and has a **grandparent** who is **exclusively** Italian (or was exclusively Italian at the date of their death).
3. The child is born abroad to an Italian parent (or adopted by an Italian parent), who has another citizenship **AND** has resided in Italy for at least **two consecutive years** *after* acquiring Italian citizenship and *before* the child's birth (or adoption).
4. If the child is born abroad and does not have any other citizenships (This generally does not apply to children born in Canada who are Canadian by birth).

In all such cases, follow the standard procedure listed on the website (see **Vital Records/Birth**).



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Who is eligible?

- Exclusively for children born outside of Italy with a **parent who is an Italian citizen by birth** (i.e. *iure sanguinis*, by descent).
- It **does not apply** to children of Italian citizens who acquired citizenship through naturalization (residency in Italy), marriage, reacquisition or other provisions.
- **It involves both parents signing a declaration of intent within one year of the child's birth** (Or from the date on which kinship from the Italian parent is established, or from the date that the adoption of the minor is finalized).

Legal framework

- Article 4, Paragraph 1-bis of Law No. 91/1992: Eligibility for minor children with an Italian parent by birth.
- Article 1, Paragraph 1-ter of Legislative Decree No. 36/2025: Special provision for minors born before May 24, 2025.
- Article 15 of Law No. 91/1992: Citizenship is granted once legal conditions are met, not at birth.



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Who is NOT eligible?

- A parent who acquired Italian citizenship by residency in Italy is **not eligible** to apply for their child through "benefit of law" (Art. 9, Law No. 91/1992).
- A parent who acquired Italian citizenship by marriage is **not eligible** to apply for their child under the "benefit of law" procedure (Art. 5, Law No. 91/1992 or Art. 10, Law No. 555/1912).
- A parent who acquired Italian citizenship as a minor when their parent reacquired citizenship is **not eligible** to apply for their child through "benefit of law" (Art. 14, Law No. 91/1992).

Example: Emily Bianco is currently Italian and Canadian and she wants to register her child. She was born in Canada and has never resided in Italy. Emily acquired Italian citizenship as a minor when her mother reacquired Italian citizenship. Unfortunately, Emily is **not** an Italian citizen by descent and cannot transmit citizenship to her child through “benefit of law”.

Remember! A parent who resided in Italy for two years continuously after becoming an Italian citizen and before the birth of the child will use the standard procedure (see **Vital Records/Birth**).



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“Benefit of Law”: Summary of Eligibility Criteria

(Article 4, Paragraph 1-bis)

- **The minor child of an Italian citizen by birth (i.e. iure sanguinis, by descent)**

One parent must be Italian by birth, not naturalized (see previous slide).

- **Declaration of intent to be signed by both parents within one year of the child's birth**

(Or from the date on which filiation from the Italian parent is established, or from the date that the adoption of the minor is finalized).



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“Benefit of Law”: Transition Period in effect to 31/05/2026

(Article 1, Paragraph 1-ter)

ALL of the following conditions must be met:

1. The child was **under 18 on May 24, 2025** (the date the conversion law took effect).
2. They are the **child of an Italian citizen by birth** (Article 3-bis of Law 91/1992).
3. Both parents must sign the declaration in person at the Consulate General of Italy in Vancouver **by May 31, 2026**. After this deadline, the "benefit of law" option will only apply to minors who are **under 1 year of age**.



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“Benefit of Law”: Documents Needed to Apply

- Application **form CITT02** (downloadable from the website).
- Valid **passports** for both parents and the child.
- **Long-form birth** registration with **apostille** and **Italian translation** issued by a certified translator
- Proof of Italian citizenship by birth (*iure sanguinis*) for the Italian parent.
Italian citizens registered with AIRE and residing in this consular district can simply sign a **declaration in lieu of certification** (refer to page 3 of form CITT02).
- **Proof of payment of €250** by bank transfer to the *Ministero dell'Interno*.
A bank receipt with an original stamp from the financial institution is required (screen shots of online payment cannot be accepted).



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“Benefit of Law”: How to Request an Appointment

1. Create a Profile on the Prenot@mi Portal

No need to book an appointment—just create a profile to initiate the process.

2. Email Supporting Documents to ricezione.vancouver@esteri.it

Residents outside the Lower Mainland may indicate preferred days of the week for the appointment.

3. The Consulate General Will Schedule Appointment

The Office will review the documents, schedule the appointment, and confirm the date and time by email.

4. In-Person Appearance Required

Both parents must appear in person at the Consulate General of Italy in Vancouver, with valid passports and original documents and proof of payment.

Transition Period Deadline! Declarations must be signed at the Consulate General by **May 31, 2026**. After this deadline, the "**benefit of law**" option will only apply to minors who are **under 1 year of age**.