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Italy's Supreme Court Settles the "Minor Issue": What It Means for Your Italian Citizenship Claim

For almost two years, families pursuing Italian citizenship by descent faced a rule that stopped otherwise strong applications. It was known as the "minor issue," and it has now been resolved in the applicant's favour. Here's what happened, what changed, and what it means if you have Italian ancestry.

What was the minor issue?

The problem arose when an Italian ancestor naturalized in another country while one of their children was still under the age of majority. In October 2024, the Ministry of the Interior changed its position with Circular No. 43347, instructing consulates to treat a parent's naturalization as automatically stripping Italian citizenship from their minor children. In practice, that meant a family line could be cut off even when the child had been born in the United States, Canada, Brazil, or Argentina and held both citizenships from birth.

This was a sharp break from how the law had been read for generations. For decades, the Ministry and consulates had applied a lenient interpretation that protected these children, and many families who would have qualified a year earlier were suddenly denied.

What the Supreme Court decided

On July 26, 2026, the Joint Sections of Italy's Supreme Court issued Judgment No. 24045/2026, the highest level of ruling the Court can give. The judges rejected the restrictive interpretation and returned to the long-standing understanding of the law, confirming that a parent's naturalization while a child was still a minor does not automatically end that child's Italian citizenship or break the line of descent.

The reasoning is straightforward. The Court held that the relevant article of the 1912 citizenship law protects any child who held dual citizenship from birth, meaning any child born abroad to an Italian citizen, from losing Italian citizenship because a parent later changed nationality. A second Joint Sections ruling a few days later, No. 24284/2026, confirmed the same interpretation.

The Court also clarified who has to prove what. The applicant only needs to prove descent through birth certificates, while the Ministry of the Interior must prove any interruption in the line.

The government has followed through

A court ruling binds judges, but consulates follow administrative instructions. That gap has now closed. On August 10, 2026, the Ministry of the Interior issued Circular 65050, instructing consulates and municipalities to apply the Court's interpretation and declaring the old 2024 guidance superseded for parent naturalizations between July 1, 1912 and August 15, 1992.

Who benefits

If your application was formally refused because of the minor issue, you now have a remedy. The circular directs you to ask the same office to re-examine your original application rather than file a new one, because the original filing date preserves the rules that applied before March 27, 2025.

There is an important limit. The circular does not offer re-examination to applicants who never formally submitted their application, withdrew it, or did not complete the appointment process because of the minor issue. It also doesn't mean every application refused between October 2024 and July 2026 must now be approved, since each file is still reviewed on its own merits.

What hasn't changed

The minor issue is only one part of a wider picture. In March 2025, Italy introduced Law 74/2025, which significantly narrowed who can claim citizenship by descent, and that law still applies to applications filed after March 27, 2025. Its future is uncertain: on July 23, 2026, the Constitutional Court referred the question of its two-generation limit to the EU Court of Justice instead of ruling on it directly. Until that court decides, anyone applying now needs to assess their eligibility under both the minor issue ruling and the 2025 law.

What you should do now

If you were refused on minor issue grounds, gather your original application reference and refusal letter, and request a re-examination through the office that handled your file. If you set your application aside because of the minor issue, have your family line reviewed again, paying close attention to naturalization dates, the child's age at the time, and when your file was or will be submitted. If you haven't started, begin with a full eligibility review, since the 2025 law now matters as much as the minor issue once did.

Every family line is different, and small details like a naturalization date or a missing record can change the outcome entirely.

How Your Ancestral Path can help

At Your Ancestral Path, we trace Italian family lines, locate naturalization records, retrieve and legalize civil documents, and manage citizenship by descent cases from eligibility review through submission. If the minor issue affected your family, or you're unsure where your line stands under the new rules, contact us for an eligibility evaluation.

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This article is for general information and is not legal advice. Italian citizenship law continues to change, so confirm current requirements before applying.