

4. [REDACTED]
5. First of all, it should be clarified that the decision falls within the jurisdiction of this Court, as paragraph 36 of Article 1 of the reform law of the civil process No. 206 of November 26, 2021, which came into force on December 24, 2021, modified paragraph 5 of Article 4 of Decree-Law 17.02.2017 No. 13, stipulating that: *“In Article 4, paragraph 5 of Decree-Law 17.02.2017 No. 13, converted with amendments by Law No. 46 of April 13, 2017, the following sentence is added: When the plaintiff resides abroad, disputes regarding the verification of Italian citizenship are assigned with reference to the municipality of birth of the father, mother, or ancestor of Italian citizens.”* Therefore, since the ancestor in question was born in Ascoli Piceno, the case falls within the jurisdiction of this Court, which will judge in a single-judge composition.

In fact, according to Article 3, paragraph 2 of D.L. 13/2017, *“specialized sections are also competent for disputes regarding the determination of stateless status and Italian citizenship”*, and according to the following paragraph 4, *“except as provided in paragraph 4-bis, notwithstanding the provisions of Article 50-bis, first paragraph, number 3) of the Code of Civil Procedure, in disputes under this Article, the court shall judge in a single-judge composition.”* This explicit derogation also overcomes the provision contained in the same Article 50-bis, first paragraph, number 1 of the Civil Procedure Code, which states that the Court, in a collegial composition, is competent in cases where the intervention of the public prosecutor is mandatory, *“unless otherwise provided.”*

6. On the merits, it should be noted that [REDACTED], an Italian citizen by birth, was born in [REDACTED]. After emigrating to the United States, on [REDACTED]. From their union, the current plaintiff, [REDACTED], was born on [REDACTED] in [REDACTED], acquiring U.S. citizenship by birth under the jus soli principle in force there.

All the documents related to the reconstruction of the family tree have been duly translated and apostilled in accordance with the Hague Convention of October 5, 1961, which both Italy and the United States have adhered to.

Courtesy translation, without legal validity. For all legal purposes, only the original Italian version of the judgment is valid.



7. [REDACTED] has always maintained Italian citizenship [REDACTED] and thus transmitted it *jure sanguinis* to his son [REDACTED], who, in turn, is not known to have renounced it, and therefore must be considered an Italian citizen by birth.
8. **All of the above considered, the appeal must be upheld.** The lack of opposition to the request by the Ministry of the Interior and the arguments put forward to explain the reasons why it is still not possible today to grant citizenship in an administrative setting to those in situations similar to those of the plaintiffs, constitute those serious and exceptional reasons that justify, under Article 92 of the Civil Procedure Code, the full compensation of litigation costs.

FOR THESE REASONS

The Court of Ancona, in the person of Judge Dr. Valerio Guidarelli, having rejected all contrary claims, exceptions, and defenses, pursuant to Article 702-ter of the Code of Civil Procedure: **upholds the claim and, consequently, declares that [REDACTED] is an Italian citizen;** orders the Ministry of the Interior and, on its behalf, the competent civil status officer, to proceed with the registrations, transcriptions, and annotations required by law in the civil status registers of the citizenship of the person indicated, making any necessary communications to the competent consular authorities; orders the **compensation** of litigation costs.

It is communicated

Ancona, 27.02.2023

Judge Dr. Valerio Guidarelli

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