



COURT OF PALERMO

SPECIALIZED SECTION IN MATTERS OF IMMIGRATION, INTERNATIONAL PROTECTION, AND FREE MOVEMENT OF EU CITIZENS

In single-member composition, in the person of Judge Dr. Roberto Lanza, upon dissolving the reservation made at the hearing on 10/23/2024, held in written form; has rendered the following

JUDGMENT

IN THE NAME OF THE ITALIAN PEOPLE

In the case registered under general civil registry No. [REDACTED] of the year [REDACTED],

BETWEEN

[REDACTED], C.F. [REDACTED],
American citizen, born in [REDACTED] (USA) on
[REDACTED], residing at [REDACTED],
(USA);
electively domiciled at the office of Attorney Salvatore Aprigliano
of the Milan Bar, representative and defender,

– DEFENDANT –

The **Ministry of the Interior**, unrepresented and undefended

– respondent –

and with the intervention of the Public Prosecutor

– necessary intervenor –

OBJECT: Recognition of Italian citizenship

* * * * *

With the petition filed on 01/15/2024, the petitioner requested the recognition of Italian citizenship by right of blood (*iure sanguinis*), declaring to be a direct descendant of Mr. [REDACTED], an Italian citizen, born in [REDACTED] (Italy) on [REDACTED], who later emigrated to the United States.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The defendant Ministry, although duly summoned, did not appear.

Having preliminarily established the competence of the Court under Decree Law 13/2017 and Law 206/2021, which assign jurisdiction over cases concerning the recognition of statelessness status and Italian citizenship status *ratione materiae* to specialized sections on immigration, international protection, and free movement of EU citizens, established at district courts, and territorially based on the place of birth of the father, mother, or Italian ancestor; in light of this, it must be noted that, pursuant to Article 1 of Law No. 91 of February 5, 1992, a child of an Italian father or mother is an Italian citizen by birth (as previously provided by Article 1 of Law No. 555 of June 13, 1912 - Provisions on Italian Citizenship - in favor of the father, partially relevant in this case *ratione temporis*).

Furthermore, it should be noted that while citizenship can be renounced through a conscious and voluntary act, the burden of proof rests on those opposing the recognition of the right (see Cass. SS. UU. 02/25/2009, No. 4466). Recently, following this interpretation, the same Court stated that *“according to Italian legal tradition, under the system outlined by the Civil Code of 1865, the subsequent citizenship law No. 555 of 1912, and the current law No. 91 of 1992, citizenship acquired by birth is acquired by original right (iure sanguinis), and once acquired, citizenship status is permanent, imprescriptible, and can be claimed at any time based on the simple proof of acquisition integrated by the birth of an Italian citizen; the petitioner is required to prove only the acquisition and the line of transmission, while the burden of proof of any interrupting event rests on the opposing party (...). (Cass. SS. UU. 08/24/2022, No. 25317).”*

Applying these principles, in this case, given that Mr. [REDACTED], the petitioner’s ancestor, is not recorded as having renounced Italian citizenship, thereby transmitting it to his son [REDACTED] and, in turn, to the current petitioner (see attached documents, all duly translated and apostilled);

based on these elements, in accepting the claim made by the petitioner, it must be declared that the petitioner is an Italian citizen, and the transmission must be arranged to the Ministry of the Interior for the necessary measures.

The court costs, considering the outcome and the defendant’s choice to remain absent, and in the absence of any unjustified or delaying omissions by the respondent administration, remain the responsibility of the petitioner.

FOR THESE REASONS

Finally, ruling on the case in the heading, dismissing all other exceptions and objections, the Court, in single-member composition, orders as follows:

- dichiara che il ricorrente:

[REDACTED], C.F. [REDACTED],
American citizen, born in [REDACTED] (USA) on
[REDACTED], residing at [REDACTED],
(USA); is an Italian citizen.

- Assigns legal expenses to the petitioner.
- Orders the transmission to the Ministry of the Interior and, on its behalf, to the competent Civil Status Official, to proceed with the registrations, transcriptions, and annotations required by law in the Civil Status Registers and any other registry where such obligations are provided by law.

So decided in Palermo, on November 2, 2024.

The Judge

Roberto Lanza

This provision is drafted in electronic form and digitally signed by Judge Dr. Roberto Lanza, in compliance with the requirements set out in the combined provisions of Article 4 of Decree-Law No. 193 of 12/29/2009, as converted with amendments by Law No. 24 of 02/22/2010, and Legislative Decree No. 82 of 03/07/2005, as subsequently amended, and in accordance with the technical standards established by the Ministry of Justice Decree No. 44 of 02/21/2011.