



COURT OF PALERMO
SPECIALIZED SECTION FOR IMMIGRATION,
INTERNATIONAL PROTECTION AND FREE MOVEMENT OF
EU CITIZENS

The Court of Palermo, sitting in single-judge composition, in the person of Judge Dr. Roberto Lanza, has delivered the following

J U D G M E N T
IN THE NAME OF THE ITALIAN PEOPLE
in the civil case of first instance registered under no. [REDACTED]
of the general docket for the year 2024, concerning

BETWEEN

[REDACTED] (Tax Code [REDACTED]),
U.S. citizen, born in [REDACTED] (USA), on
[REDACTED], residing at [REDACTED] (USA),
electively domiciled at the office of Attorney Salvatore Aprigliano,
Bar of Milan, legal representative and counsel,
- petitioner -

MINISTRY OF THE INTERIOR, not represented nor defended,

- respondent -
with the intervention of the Public Prosecutor

- necessary intervenor -

SUBJECT: Recognition of Italian citizenship.

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With an application filed on 21.02.2024, the petitioner requested the recognition of Italian citizenship *iure sanguinis*, claiming to be a direct descendant of [REDACTED], an Italian citizen by birth, born in [REDACTED] ([REDACTED]), Italy, on [REDACTED] (Doc. 002 attached to the petition), who later emigrated to the United States. From the union with [REDACTED], [REDACTED] was born on [REDACTED] in [REDACTED] (USA) (Doc. 003).

On [REDACTED], [REDACTED] married [REDACTED] in [REDACTED] (USA), thereby taking the husband's surname (Doc. 004), and gave birth in [REDACTED], on [REDACTED], to [REDACTED] (Doc. 006), who, in turn, gave birth on [REDACTED], also in the United States, specifically in [REDACTED], to [REDACTED], the current petitioner (Doc. 007).

The Ministry, although duly served, did not appear in court.

The Court preliminarily notes its jurisdiction pursuant to Decree Law no. 13/2017 and Law no. 206/2021, which assign jurisdiction over matters concerning the determination of statelessness and Italian citizenship to the Specialized Sections on Immigration, International Protection, and Free Movement of EU Citizens established at district courts, with territorial jurisdiction based on the place of birth of the father, mother, or Italian ancestor.

It must be noted at the outset that some discrepancies in names appear in the documents submitted by the petitioner; however, these are irrelevant, as there are sufficient presumptive elements under Article 2729 of the Civil Code to conclude that they refer to the same individuals mentioned in the petition.

That being stated, it must be noted that, pursuant to Article 1 of Law no. 91 of February 5, 1992, a person is Italian by birth if they are the child of a father or mother who is an Italian citizen (as was also provided by the previous Article 1 of Law no. 555 of June 13, 1912 – Provisions on Italian Citizenship – in favor of the father, which is partially relevant to the present case *ratione temporis*).

The Constitutional Court, with judgment no. 30 of 1983, declared the unconstitutionality of the aforementioned Article 1, no. 1, of Law 555/12, insofar as it did not provide that a child of an Italian mother was also an Italian citizen by birth, identifying clear discrimination against children of female citizens.

The Court also recognized that the right to the *status* of Italian citizen must be acknowledged to an applicant born abroad to a child of an Italian woman who married a foreign citizen during the validity of Law no. 555 of 1912 and who, as a result, lost her Italian citizenship due to marriage.

Furthermore, with judgment no. 87 of April 16, 1975, the Court authoritatively clarified that “it is unconstitutional not to consider the woman’s will to retain her original Italian citizenship, without prejudice to the legislator’s discretion to regulate the relevant procedures” and declared “*the unconstitutionality of Article 10, third paragraph, of Law no. 555 of June 13, 1912 (Provisions on Italian Citizenship), insofar as it provides for the loss of Italian citizenship regardless of the woman’s will.*”

More recently, the Joint Divisions of the Court of Cassation, with judgment no. 4466 of February 25, 2009, recognized the retroactive effect of Constitutional Court judgment no. 87 of 1975, thereby affirming the right of Italian women who married foreign citizens before January 1, 1948, to retain their Italian citizenship.



It must also be noted that, as evidenced by the documentation submitted by the petitioner attached to the statement of April 28, 2025, the petitioner's ancestor, [REDACTED], never acquired U.S. citizenship.

Applying these principles and based on the documentation produced (see attachments, all duly translated and apostilled), the petition must be upheld, and the petitioner must be declared an Italian citizen. Accordingly, the matter shall be transmitted to the Ministry of the Interior for the necessary administrative steps.

The costs of the proceedings, given the outcome and the default appearance of the respondent party—and in the absence of unjustified omissions or delays on the part of the consular offices—shall remain the responsibility of the petitioner.

FOR THESE REASONS

Definitively ruling on the case indicated above, the Court, sitting as a single judge, orders as follows:

It declares that:

[REDACTED] (Tax Code: [REDACTED]),
a U.S. citizen, born in [REDACTED] (USA), on
[REDACTED], residing in [REDACTED]
(USA),
is an Italian citizen.

- The legal costs shall remain the responsibility of the petitioners.
- It is ordered that this ruling be transmitted to the Ministry of the Interior and, on its behalf, to the competent Civil Status Officer, so that the necessary registrations, transcriptions, and annotations required by law may be carried out in the Civil Status Registers and in any other register where such formalities are prescribed.

So decided in Palermo, on May 26, 2025.

The Judge
Roberto Lanza



Il presente provvedimento viene redatto su documento informatico e sottoscritto con firma digitale dal Giudice dr. Roberto Lanza, in conformità alle prescrizioni del combinato disposto dell'art. 4 del D.L. 29/12/2009, n. 193, conv. con modifiche dalla L. 22/2/2010, n. 24, e del decreto legislativo 7/3/2005, n. 82, e succ. mod. e nel rispetto delle regole tecniche sancite dal decreto del ministro della Giustizia 21/2/2011, n. 44.

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