



ORDINARY COURT OF BOLOGNA

Specialized Section for Immigration, International Protection and Free Movement of EU Citizens

In the civil proceedings registered under no. R.G. [REDACTED] brought by:

[REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED] (USA),
on [REDACTED] residing at [REDACTED] (USA);

[REDACTED] Tax Code [REDACTED] U.S. citizen, born in [REDACTED]
(USA), on [REDACTED], residing at [REDACTED] (USA), acting
both in his own name and in his capacity as holder of parental responsibility over his minor children:

[REDACTED] Tax Code [REDACTED] U.S. citizen, born in [REDACTED]
(USA), on [REDACTED];

[REDACTED] Tax Code [REDACTED] U.S. citizen, born in [REDACTED]
(USA), on [REDACTED]

[REDACTED] Tax Code [REDACTED], U.S. citizen, born in [REDACTED]
(USA), on [REDACTED]

[REDACTED] Tax Code [REDACTED] U.S. citizen, born in Dallas, [REDACTED]
on [REDACTED]

[REDACTED] Tax Code [REDACTED] U.S. citizen, born in [REDACTED],
[REDACTED] (USA), on [REDACTED] residing at [REDACTED] (USA);

[REDACTED], Tax Code [REDACTED] U.S. citizen, born in [REDACTED]
[REDACTED] (USA), on [REDACTED] residing at [REDACTED] (USA);

[REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED] (USA),
[REDACTED], residing at [REDACTED] (USA);

[REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED] (USA),
[REDACTED], residing at [REDACTED] (USA);

[REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED]
(USA), on [REDACTED], residing at [REDACTED] (USA);

all represented and defended, pursuant to powers of attorney attached to this act, by Attorney Salvatore
Aprigliano, Tax Code PRGSVT74R31F205H, of the Milan Bar, as per special powers of attorney on
file.

APPLICANTS

v.

MINISTRY OF THE INTERIOR

RESPONDENT

Public Prosecutor

MANDATORY INTERVENING PARTY

The Court, sitting as a single judge in the person of Deputy Honorary Judge (G.O.P.) Dr. Natascia Gardini,

having lifted the reservation taken on 16/04/2026, has issued the following

JUDGMENT pursuant to Article 281-terdecies of the Italian Code of Civil Procedure

Facts and Law

1. The Applicants

As identified above, the applicants submit that they are direct descendants of:

[REDACTED], an Italian citizen by birth, born in [REDACTED] (FE) on [REDACTED] (Doc. 002).

[REDACTED] (also known as [REDACTED] being merely the English translation of the name [REDACTED] later emigrated to the United States.

From the union between [REDACTED] and [REDACTED], [REDACTED] was born on [REDACTED] in [REDACTED] (USA), who acquired U.S. citizenship at birth pursuant to the principle of jus soli in force there.

In turn, [REDACTED], together with [REDACTED], gave birth to [REDACTED] the present applicant, born on [REDACTED] (USA), who acquired U.S. citizenship at birth pursuant to the principle of jus soli in force there (Doc. 004).

Subsequently, from the union between Ms. [REDACTED], three children were born, all of whom are present applicants: [REDACTED] [REDACTED]

[REDACTED] each of whom acquired U.S. citizenship at birth pursuant to the principle of jus soli in force there.

Specifically:

[REDACTED] was born in [REDACTED] (USA), on [REDACTED] (Doc. 005);

[REDACTED] was born in [REDACTED] (USA), on [REDACTED] (Doc. 006);

[REDACTED] was born in [REDACTED] (USA), on [REDACTED] (Doc. 007).

In turn, [REDACTED] and [REDACTED] had children.

Firstly, [REDACTED], together with [REDACTED] had the following children,

who are also present applicants: [REDACTED], [REDACTED], [REDACTED]

[REDACTED], all of whom acquired U.S. citizenship at birth pursuant to the principle of jus soli in force there.

More specifically:

[REDACTED] was born on [REDACTED] in [REDACTED] (USA) (Doc. 008);

[REDACTED] was born on [REDACTED] in [REDACTED] (USA) (Doc. 009);

[REDACTED] was born on [REDACTED] in [REDACTED] (USA) (Doc. 010);

[REDACTED] was born on [REDACTED] in [REDACTED] (USA) (Doc. 011).

Secondly, [REDACTED] together with [REDACTED], had the following children,

who are also present applicants: [REDACTED], [REDACTED], [REDACTED]

[REDACTED] all born in [REDACTED] (USA), and therefore having acquired U.S. citizenship at birth pursuant to the principle of jus soli in force there.

Namely:

[REDACTED] was born on [REDACTED] (Doc. 012);

[REDACTED] was born on [REDACTED] (Doc. 013);

[REDACTED] was born on [REDACTED] (Doc. 014).

(Birth and marriage certificates, duly translated and apostilled, as well as a genealogical tree, are attached.)

2.

The applicants have sought recognition of Italian citizenship, asserting that such citizenship was transmitted jure sanguinis. They state that they had previously applied to the respondent administration, unsuccessfully attempting to submit a formal application for recognition of Italian citizenship before the Italian Consulate General in Houston and Miami since 2022, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

However, they were not afforded any concrete possibility of obtaining a timely and adequate response, resulting in a de facto paralysis of the system.

By an order issued out of hearing on 15/12/2025, a deadline was granted for service of the application upon the respondent, and a short adjournment was ordered pursuant to Article 127-ter of the Italian Code of Civil Procedure. The case was thereafter taken under advisement, being documentary in nature.

The case file was transmitted to the Public Prosecutor, in the person of the Chief Public Prosecutor at the Court of Bologna, who did not submit any conclusions.

It should be noted that the Ministry entered an appearance late in the proceedings, requesting dismissal of the application for the reasons set out therein (statement of defense filed on 09/04/2026, deadline for written submissions in lieu of the hearing: 16/04/2026). Nonetheless, such lateness does not affect the admissibility of defenses that do not concern counterclaims or procedural or substantive objections not ex officio cognizable.

The applicants filed their written submissions within the prescribed deadline of 16/04/2026.

3.

The territorial jurisdiction of the seized Court is undisputed (see Article 4, paragraph 5, of Decree-Law no. 13 of 17 February 2017, converted with amendments by Law no. 46 of 13 April 2017, as amended by Article 1, paragraph 36, of Delegated Law no. 206/2021, whereby “where the claimant resides abroad, proceedings for the determination of Italian citizenship status are assigned with reference to the municipality of birth of the father, the mother, or the Italian ancestor”), as well as the single-judge composition of the proceedings (see Article 3, paragraph 4, of the aforementioned Decree-Law no. 13 of 17 February 2017, according to which “save as provided in paragraph 4-bis, by way of derogation from Article 50-bis, first paragraph, no. 3), of the Code of Civil Procedure, in the proceedings referred to in this article the court shall sit as a single judge”).

4.

It must be noted that the present judicial claim was filed on 17/05/2025, i.e. after 27 March 2025, and

therefore falls within the scope of application of Decree-Law no. 36/2025, converted with amendments into Law no. 74 of 23 May 2025, which profoundly reformed, in a restrictive sense, the institution of citizenship as governed by Law no. 91/1992.

Article 1 of Decree-Law no. 36/2025, converted with amendments into Law no. 74 of 23 May 2025, provides as follows:

“1. After Article 3 of Law no. 91 of 5 February 1992, the following is inserted:

‘Art. 3-bis. – 1. By way of derogation from Articles 1, 2, 3, 14 and 20 of this Law, from Article 5 of Law no. 123 of 21 April 1983, from Articles 1, 2, 7, 10, 12 and 19 of Law no. 555 of 13 June 1912, as well as from Articles 4, 5, 7, 8 and 9 of the Civil Code approved by Royal Decree no. 2358 of 25 June 1865, any person born abroad, even prior to the entry into force of this provision, who holds another citizenship, shall be deemed never to have acquired Italian citizenship, unless one of the following conditions applies:

(a) the status of citizen of the person concerned is recognized, in compliance with the legislation applicable as of 27 March 2025, following an application, accompanied by the necessary documentation, submitted to the competent consular office or mayor no later than 23:59 (Rome time) on that same date;

(a-bis) the status of citizen of the person concerned is recognized, in compliance with the legislation applicable as of 27 March 2025, following an application, accompanied by the necessary documentation, submitted to the competent consular office or mayor on the date indicated in an appointment communicated to the person concerned by the competent office by 23:59 (Rome time) on 27 March 2025;

(b) the status of citizen of the person concerned is judicially ascertained, in compliance with the legislation applicable as of 27 March 2025, following a judicial application filed no later than 23:59 (Rome time) on that same date;

(c) a first- or second-degree ancestor possesses, or possessed at the time of death, exclusively Italian citizenship;

(d) a parent or adoptive parent has resided in Italy for at least two consecutive years after acquiring Italian citizenship and prior to the date of birth or adoption of the child;

[(e) a first-degree ascendant of the parents or adoptive parents who are citizens was born in Italy.]”

With regard to proof of the above conditions, Article 19-bis, paragraph 2-ter, of Legislative Decree no. 150 of 1 September 2011, as introduced by Article 1, paragraph 2, of the aforementioned Decree-Law no. 36/2025, provides that:

“In proceedings concerning the determination of Italian citizenship, the party seeking such determination is required to allege and prove the absence of the grounds for non-acquisition or loss of citizenship provided by law.”

It must therefore be observed that Article 3-bis of Law no. 91/1992, as introduced by Decree-Law no. 36/2025, establishes a derogation from the rule of transmission of citizenship *iure sanguinis* set forth in Articles 1 et seq. of Law no. 91/1992, by providing that a person born abroad who holds another citizenship does not acquire Italian citizenship.

In such cases, Italian citizenship may be transmitted *iure sanguinis* only where:

- a judicial or administrative application was submitted prior to the aforementioned date (Article 3-bis, letters a, a-bis, and b); or
- the applicant can rely on a first-degree (parent) or second-degree (grandparent) ascendant who possesses, or possessed at the time of death, exclusively Italian citizenship (Article 3-bis, letter c); or
- the parent or adoptive parent resided in Italy for at least two consecutive years after acquiring Italian citizenship and before the birth or adoption of the child (Article 3-bis, letter d — a circumstance not even alleged in the present case).

By press release dated 12 March 2026, following the hearing at which the constitutional challenge raised by the Court of Turin was discussed, the Press and Communications Office of the Constitutional Court announced that the issues had been deemed partly unfounded and partly inadmissible by the Constitutional Court.

In particular, the press release states that:

“the Court declared unfounded the objections whereby the Court of Turin, invoking Article 3 of the Constitution, alleged, on the one hand, the arbitrariness of the distinction between those who applied for recognition of citizenship before 28 March 2025 and those who applied thereafter, and, on the other hand, the infringement of vested rights, considering that the provision in question would entail an ‘implicit revocation of citizenship with retroactive effect and without any intertemporal legal framework.’

The Court also declared unfounded the question raised for violation of Article 9 of the Treaty on European Union (TEU) and Article 20 of the Treaty on the Functioning of the European Union (TFEU), which confer Union citizenship upon anyone holding the nationality of a Member State. The Court further declared inadmissible the question raised for violation of Article 15, paragraph 2, of the 1948 Universal Declaration of Human Rights, according to which ‘[n]o one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.’

Finally, it declared inadmissible the question raised for violation of Article 3, paragraph 2, of the Fourth Additional Protocol to the European Convention on Human Rights (ECHR), according to which ‘[n]o one shall be deprived of the right to enter the territory of the State of which he is a national.’” The decision thus anticipated is sufficient to consider the legislation applicable *ratione temporis* to the present case as legitimate, since the other grounds of unconstitutionality set out in the originating application and not submitted to the Constitutional Court are likewise unfounded.

In particular, in light of the Constitutional Court’s ruling, the objections concerning the alleged unconstitutionality of applying the provision also to persons already born at the time of the entry into force of the amendment must be regarded as overcome, as well as the criticisms relating to the alleged violation of EU law provisions.

This Court further considers that the clear wording of the statutory provision, which refers to a judicial application (Article 3-bis, letter b), to an application accompanied by the necessary documentation submitted to the competent consular office or mayor (Article 3-bis, letter a), or to an application accompanied by the necessary documentation submitted to the competent consular office or mayor on the date indicated in an appointment communicated to the interested party by the competent authority (Article 3-bis, letter a-bis), precludes a constitutionally oriented expansive interpretation.

Nor can it be held that the legislature’s choice to anchor the application of the previous legislation to the formal submission of an application accompanied by documentation is unreasonable or gives rise to unjustified disparities in treatment.

In this regard, it must be emphasized that only the formalization of an application (to which the case of an already scheduled appointment for that purpose has been assimilated) makes it possible to identify a clear and unequivocal intention to apply for Italian citizenship. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4.1.

That being stated, from the examination of the documents filed in the case, the uninterrupted descent of the applicants from the above-mentioned Italian citizen is established, so that there can be no doubt as to the theoretical transmission to them of Italian citizenship *iure sanguinis*.

Furthermore, from the examination of the documentation, it does not emerge that the various ancestors ever renounced Italian citizenship.

This Court also considers that the clear wording of the statutory provision, which refers to a judicial application (Article 3-bis, letter b), to an application accompanied by the necessary documentation submitted to the competent consular office or mayor (Article 3-bis, letter a), or to an application accompanied by the necessary documentation submitted to the competent consular office or mayor on the date indicated in an appointment communicated to the interested party by the competent authority (Article 3-bis, letter a-bis), falls, in the present case, within the conditions legitimizing the recognition of Italian citizenship *iure sanguinis*, as the applicants have demonstrated and produced documentary evidence [REDACTED]

It must therefore be held that such application, formalized in the manner described above, clearly and unequivocally expresses the intention to apply for Italian citizenship and fully satisfies the requirements set out in the applicable legislation.

Moreover, the application for recognition of Italian citizenship submitted by [REDACTED] must certainly be upheld. Indeed, the direct consanguineous relationship of second degree with the Italian ancestor has been proven, fully meeting the subjective requirements provided for by the applicable legislation. For this applicant, the establishment of descent within the permitted degrees entails recognition of the status *civitatis iure sanguinis*; whereas, for the remaining descendants, the considerations set out above apply.

5.

Finally, the action must be considered properly brought also with regard to the minor children, notwithstanding the absence of authorization from the guardianship judge pursuant to Article 320 of the Civil Code, since the act performed in the name and on behalf of the child must be regarded as an act of ordinary administration.

This is because it is aimed at preserving and/or obtaining a benefit or at avoiding a loss to the minor's assets and does not appear capable of causing prejudice or diminution thereof (see Court of Cassation, Section II, Judgment no. 743 of 19/01/2012, according to which "with regard to the procedural representation of a minor, authorization by the guardianship judge pursuant to Article 320 of the Civil Code is required for the initiation of proceedings concerning acts of extraordinary administration, namely those capable of causing prejudice or diminution of the assets, but not for acts aimed at the improvement and preservation of assets already belonging to the incapable person"), and it cannot be doubted that a request for recognition of citizenship (moreover, a declaratory action) falls within the category of acts beneficial to the minor.

It must also be noted that the procedural representation of a minor does not automatically cease when the latter reaches the age of majority and thereby acquires procedural capacity. Rather, it is necessary that the attainment of majority be made known to the other parties by means of a declaration, notification, or communication within the proceedings. This principle of the continued effect (ultrattività) of representation, however, operates only within the same procedural stage, given the autonomy of each level of proceedings (Section II, Judgment no. 19015 of 02/09/2010, Rv. 615208-01).

6.

With regard to costs, it is observed that the unfounded nature of the objections raised by the respondent Ministry, together with the impact on the present proceedings of the very recent ruling of the Constitutional Court in a complex and not easily interpretable matter, justify the existence of grounds for full compensation of legal costs.

FOR THESE REASONS

The Court, rejecting all opposing claims and objections, finally ruling,

DECLARES the Italian citizenship of:

- [REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED] (USA), on [REDACTED] residing at [REDACTED] (USA);
- [REDACTED] Tax Code [REDACTED] U.S. citizen, born in [REDACTED] (USA), on [REDACTED] residing at [REDACTED] (USA);
- [REDACTED] Tax Code [REDACTED] U.S. citizen, born in [REDACTED] (USA), on [REDACTED]

- [REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED];
(USA), on [REDACTED]
- [REDACTED] Tax Code [REDACTED], U.S. citizen, born in [REDACTED]
(USA), on [REDACTED]
- [REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED]
(USA), on [REDACTED]
- [REDACTED] Tax Code [REDACTED] U.S. citizen, born in [REDACTED],
[REDACTED] (USA), on [REDACTED], residing at [REDACTED] (USA);
- [REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED],
[REDACTED] (USA), on [REDACTED], residing at [REDACTED] (USA).
- [REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED]
(USA), on [REDACTED] residing at [REDACTED] (USA);
- [REDACTED], Tax Code [REDACTED], U.S. citizen, born in [REDACTED]
(USA), on [REDACTED] residing at [REDACTED] (USA);
- [REDACTED], Tax Code [REDACTED] U.S. citizen, born in [REDACTED]
(USA), on [REDACTED] residing at [REDACTED] (USA);

ORDERS that the competent Civil Status Registrar carry out the consequent formalities;

DECLARES that legal costs are fully offset between the parties.

Let this be communicated.

Bologna, 17 April 2026

The Deputy Honorary Judge (G.O.P.)

Natascia Gardini