COCO RUGGERI
& ASSOCIATES
FAMILY LEGAL TRADITION SINCE 1850
ITALIAN LAW OFFICE

CIVIL COURT OF CAMPOBASSO

Immigration Division

Written submissions in lieu of hearing

General Register *– Judge **** – Hearing of ****

On behalf of **The Client**, residing in the United States, represented and assisted by Attorney Adriana Maria Ruggeri

Petitioner

VERSUS

Ministry of the Interior, the Ministry of the Interior, represented by the Minister in office, with address for service by law at the District State Attorney's Office in Campobasso,

Respondent

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By order dated January 8, 2025, Your Honor scheduled the hearing for April 28, 2025, and at the same time, pursuant to Article 127-*ter* of the Italian Code of Civil Procedure, ordered that the proceedings be conducted in written form through the filing of written submissions no later than the aforementioned hearing date.

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That being stated, the undersigned Counsel, while fully referring to the initial pleading in the present case and the documents scheduled for review at the hearing, makes the following observations with respect to the extensive opposing brief.

The Ministry raises **six objections**: the **fifth ground of objection** invokes the application of Law Decree No. 36/2025, which, according to its own provisions, does not apply to cases pending as of March 27, 2025 such as the present one, which was registered in the general docket on December 5, 2024.

This objection must therefore be dismissed.

The **first four objections**, however, have already been addressed by the Supreme Courts and resolved in a manner contrary to the position asserted by the opposing party.

Accordingly, these objections must also be dismissed.

The Respondent fails to take into account the legislative and jurisprudential developments **regarding the transmission of citizenship through the maternal line *prior to* 1948**, which is precisely the matter at issue in the present case.

Moreover, the Respondent disregards the current possibilities for recognition of such cases: as of today, it is still not possible to proceed via administrative channels under Article 17-ter of Law No. 91 of 1992, neither through Consulates for residents abroad nor through Municipalities for residents

in Italy. (See, for instance, the Consulate in Chicago: *"A woman may transmit Italian citizenship only to children born after January 1, 1948, provided she had not become a citizen of another country before the child reached the age of majority."*)

As a matter of fact, the acquisition and transmission of Italian citizenship through the maternal line *prior to* 1948 became possible only as of 2009, as the result of a jurisprudential path that began in 1975 with the Constitutional Court judgment No. 87, which stated:

> *It must therefore be declared, with reference to Articles 3 and 29 of the Constitution, that the provision in Article 10, paragraph 3, of Law No. 555 of 1912 is unconstitutional insofar as it provides that a female citizen who marries a foreigner loses her citizenship, regardless of her will, whenever her husband possesses a citizenship that, by effect of the marriage, is conferred upon her.*

This path continued in 1983, when by judgment No. 30 the Constitutional Court declared Article 1, paragraph 1, unconstitutional for violating Articles 3 and 29 of the Constitution, *"insofar as it does not provide that the child of an Italian mother is also a citizen by birth"*, thereby aligning the former legislative framework with constitutional principles.

Said jurisprudential development culminated in 2009 with the judgment No. 4466 of February 25 by the Cassazione a Sezioni Unite (Joint Divisions of the Italian Court of Cassation), which admitted that the recognition of citizenship through maternal lineage prior to 1948 is deemed judicially enforceable, stating:

> […] *citizenship status is permanent and has continuing effects over time, manifested in the exercise of the rights deriving therefrom; as previously noted, it can be lost only by renunciation, as also provided for under prior legislation* (Article 8 (2) of Law No. 555 of 1912).
>
> […] *Accordingly, it is correctly stated that citizenship status, as a consequence of one's status as a child and equal to said child status, constitutes a fundamental quality of the individual, marked by its absolute, inherent, non-disposable and imprescriptible character, which makes it judicially enforceable without time limitation and ordinarily not regarded as extinguished or final, unless it has been denied or recognized by a final judgment.*
>
> […] *While adhering to the principle of subsequent unconstitutionality, according to which declarations of unconstitutionality of pre-constitutional provisions take effect only in respect of relationships and situations not yet concluded as of January 1, 1948 – and therefore cannot retroact prior to the Constitution's entry into force – the Court affirms that citizenship rights, being a permanent and imprescriptible status (except where expressly renounced by the applicant), are judicially enforceable at any time, including in cases where the ascendant or parent from whom recognition derives is deceased, given the continuing effects of the unlawful deprivation caused by the discriminatory provision declared unconstitutional.*

This principle has been reaffirmed in recent rulings by the Supreme Court, which emphasized:

Article 1, paragraph 1, of Law No. 91 of February 5, 1992, entitled New regulations on Citizenship*, affirms the general principle of the attribution of* iure sanguinis *(right of blood), whereby 'A person is an Italian citizen by birth if: a) the father or mother is an Italian citizen'. Under this principle, citizenship is acquired by original entitlement at birth by virtue of jus sanguinis – that is, by virtue of being born to an Italian father or mother. This is confirmed by the fact that a foreigner who has an Italian ancestor in their genealogical line, may claim citizenship by birth, even if their ascendants were unaware of this right, provided that such ancestor died after the establishment of the Kingdom of Italy and the genealogical line has not been interrupted.*

As a further clarification, it is appropriate to distinguish between **the moment of acquisition and the exercise of the right**. The acquisition of the right occurs at birth by virtue of the parent-child relationship and is inevitable. From this acquisition, transmission to descendants follows, through the mechanism of filiation and independently of any expression of will.

These two moments do not coincide: while the former arises naturally as a biological fact, the latter is merely eventual and concerns the exercise of the right, not its existence.

There is a substantial difference between the acquisition of the right by birth and the exercise of the right so acquired.

Now, the exercise of the right cannot be conditioned on whether a formal application was submitted by each ascendant, since one is born a citizen, and such status is preserved and transmitted accordingly. Such connection and continuity must concern the genealogical descent, not the application for recognition, which is a purely administrative act, lacking discretion and only potentially subject to exercise.

For these reasons, the Supreme Court of Cassation has clarified that **the death of an ancestor**, and thus the fact that he or she did not exercise the right, **is irrelevant**. What is legally relevant is birth, filiation, acquisition, and transmission.

This hold even more evidently in cases such as the one at hand, concerning the maternal lineage prior to 1948 in which, prior to 2009, it was not possible to submit an application for recognition, nor to carry out the typical acts of exercising citizenship, such as reacquiring it, registering births, marriages or deaths, voting, being elected, and so on.

Ignoring these aspects would amount to perpetuating a discrimination that the Constitutional Court explicitly intended to eliminate: the effects produced by an unjust and discriminatory law must cease, even in cases where an ancestor has passed away, as a consequence of the loss of effect of such a law starting from January 1, 1948. From that date forward, citizenship must be deemed automatically restored to those who lost it or failed to acquire it due to an unjust norm, unless there has been an explicit renunciation of citizenship by the entitled individual.

Therefore, in cases of maternal-line transmission, the only available path to recognition is through judicial proceedings, which became accessible only starting in 2009. Access via administrative channels, whether through Consular or Municipal authorities, remains unavailable.

As a result, such jurisprudential developments have not in fact eliminated the gender-based discrimination at the core of the Supreme Court's intervention, since — as previously explained — even today, access to the right remains more limited compared to what is granted to paternal-line cases.

This aspect must be duly considered and further delays must be avoided, by denying in this case the opposing party's request for suspension or adjournment.

That being said, as already noted, **the constitutive element of the acquisition of citizenship is filiation**. Such factual circumstance is primarily proven through the civil status documents of the individuals forming the family line, as in the present case, where all relevant certificates for family members have been duly filed.

In the twin rulings Nos. 25137 and 25138 of 2022, the Joint Divisions of the Supreme Court of Cassation have long clarified that the burden of proof in citizenship recognition cases is limited to demonstrating the fact of acquisition and the line of transmission. Any alleged interruption must be proven by the opposing party: *"In citizenship recognition proceedings, the applicant is required to prove only the fact of acquisition and the line of transmission, while the burden to prove any potential interruption of line falls on the opposing party, if it has raised such an objection."*

This is a firmly settled decision that relies on the well-established principle under Article 2697 of the Italian Civil Code regarding the distribution of the burden of proof, which states: *"Whoever seeks to assert a right in court must prove the facts that constitute its foundation. Whoever objects to the effectiveness, modification or extinction of those facts must prove the facts upon which the objection is based."*. This principle falls within the framework of citizenship transmission by *iure sanguinis*, since the right to citizenship is acquired at birth by virtue of the parent-child relationship with an Italian citizen. This moment of birth therefore constitutes the foundational fact of the right and determines the applicant's burden of proof.

In this regard, it must be noted that a provision such as that introduced by Law Decree No. 36/2025 which imposes upon the plaintiff the burden of also proving the non-extinction of the right distorts the codified model of burden-of-proof allocation.

Requiring proof of a negative fact (e.g., that a right has not been extinguished or that no ground for forfeiture or limitation by prescription has occurred) results in a *probatio diabolica* (literally, a "diabolical proof"), which legal scholars and jurisprudence have consistently deemed unacceptable, exception made in very limited circumstances.

The practical effect is the imposition of a disproportionate and unfair burden – the denial of the right to proof – and thus an infringement of the fundamental right to effective judicial protection, as safeguarded by Article 24 of the Italian Constitution, as well as by Article 6 of the European Convention on Human Rights and Article 47 of the Charter of Fundamental Rights of the European Union (Nice Charter).

Rather than being justified, the derogation sought in matters of citizenship faces an additional barrier, insofar as it affects a personal right of constitutional rank.

Moreover, an organic and systematic legislative framework for the registration of Italian citizens residing permanently abroad was only established with Law No. 470 of October 27, 1988, which instituted the AIRE (Register of Italians Residing Abroad).

Prior to this law, the registration of Italian citizens abroad was handled in a fragmented manner by individual Consulates, without a centralized national database. The introduction of the AIRE responded to the need to properly register the Italian population living abroad, to guarantee civil and political rights — including electoral participation — and to facilitate the provision of consular services such as issuance of identity documents, civil status certificates, and registration of vital records.

Indeed, as early as 1991 through Circular No. K.28.1, the Ministry itself considered that the filing of civil status records was sufficient to prove filiation, since such documents provide public certainty and constitute the legal foundation for legitimization.

Furthermore, drawing a parallel between the acquisition of citizenship status and the recognition of heirship — both grounded in family ties — it should be noted that no separate legal proceedings are required to prove the status of heir, as documentary evidence based on civil status records is considered sufficient under well-established case law.

Finally, in ruling No. 19254 of 2024, the Supreme Court of Cassation reaffirmed:

> *First and foremost, continuity must be ensured with the principles already established by the Court of Cassation, which are herein recalled as set forth in Cass., Second Civil Section, judgment of March 29, 2006, No. 7276 (Rv. 587734-01), where it is stated that the status of heir, as the basis for entitlement in intestate succession, must be proven through civil status records from which the kinship with the decedent is to be inferred pursuant to Article 565 of the Italian Civil Code.*

With regard to the final objection raised by the opposing party, namely the request for adjournment/suspension due to a pending constitutional illegitimacy question, we respectfully request its **dismissal as groundless**.

First of all, as previously stated, in consideration of the present case of the transmission of citizenship through the maternal line prior to 1948, **legal protection should be granted without further delay**

in order to mitigate the ongoing harm caused by the limited access to recognition, which continues to this day.

Secondly, claim of unconstitutionality appears **superficial, generic, discriminatory and unduly alarmist**, being unsupported by any official sources.

It lacks juridical substance and instead reflects political views and opinions on administrative governance.

To proceed in order, the priority above all is to dispute the **reliability of the numerical figures** cited, allegedly originating from 1994.

The assertion that Italy and China (the latter presenting no reliable data, given its well-known political context) are the countries with the highest number of emigrants is hereby contested, as is any further claim involving numerical data made without citation of official sources.

Any further claim involving statistical data without citation of verifiable sources must also be rejected.

On May 7, 2024, the International Organization for Migration (IOM) published the *World Migration Report*, which serves as the primary global reference on the matter.

This report *"helps demystify the complexity of human mobility through data and analysis. In a world grappling with uncertainty, understanding migration dynamics is essential to making informed decisions and effective policy responses. The World Migration Report advances this understanding by shedding light on long-term trends and emerging challenges."*

According to this report, Italy does not appear among the top ten countries with the highest number of emigrants. Instead, the leading countries are India, China, the Russian Federation, Bangladesh, Pakistan, the Philippines, Afghanistan and Venezuela.

Furthermore, the assertion that the number of descendants of Italian emigrants residing abroad equals or even exceeds the current population residing in Italy is also contested. No official or authoritative source is cited in support of this claim. Even if such figures were accurate, it is nevertheless disputed that these individuals would necessarily seek recognition as citizens or intend to exercise the related rights.

Such a dogmatic assertion is also contradicted by the 2024 ISTAT data, which show that the number of **Italians leaving the country has consistently exceeded the number of those returning**[1].

[1] For example, in 2024, nearly 156,000 Italian citizens left the country to relocate abroad, an increase of 36.5% compared to the previous year. This figure represents the highest number recorded in the past 25 years. Among these emigrants, many are young graduates or qualified professionals who do not perceive Italy as offering opportunities commensurate with their ambitions. Conversely, the number of returning Italian citizens was only 53,000. The result is a net loss of more than 100,000 Italians in a single year. *Source: ISTAT, 2024.*

Indeed, as the saying goes: ***"Numeri dicunt omnia et negant idem"***, which means "numbers say everything and deny the same".

Now, considering that Italy has long been in a structural demographic decline with population growth consistently below zero for years, coupled with increasing migratory pressure from various directions in search of recognition, **the fundamental issue becomes by whom Italy should be populated, by those who have a connection to Italy, being it of blood, memory, people, places, language and interests, or by those who never had one**.

In this context, it is appropriate to recall the scientific literature on the so-called "**Ulysses Syndrome**", a term coined by psychiatrist and professor Joseba Achotegui of the University of Barcelona to describe the psychological effects of migratory stress. Well-known to migrants, this condition is characterized by feelings of loss and mourning for the homeland, anxiety and depression stemming from the struggle to fully belong to a new culture, and emotional exhaustion due to the ongoing pressure between two worlds. Many transnational migrants experience a profound sense of guilt toward the family left behind in their country of origin. This sense of responsibility often translates into: financial remittances sent home with sacrifice, even at the expense of the sender's own well-being; into life choices shaped by obligations to the family of origin; and into the inability to establish roots in the host country, as the connection with the past is overwhelming.

The children of transnational migrants often grow up with a complex sense of belonging. They may experience pressure to maintain the culture of origin, even when living in a different environment. They may feel obligated to "honor the sacrifices" of their parents, which can lead to stress and elevated expectations. Some develop a strong bond with their parents' homeland, while others reject it in order to feel more integrated in the society they live in.

There are factors that contribute to the persistence of the parents' homeland presence in their lives: when the migrant maintains a strong bond with the country of origin (e.g., speaking only their mother tongue at home, idealizing the homeland, and failing to integrate into the host society) or their children grow up in a closed community, with limited exposure to local culture and significant pressure to maintain their parents' identity; or when the migrant has endured a traumatic migration experience, passing down to children and grandchildren their unresolved sense of grief.

The Ulyssis Syndrome tends to be most acute in first-generation migrants. However, it can leave psychological and cultural traces across subsequent generations.

Sociological doctrine supports this statement. According to the theory of **Migrant Transnationalism** developed in the 1990s by Nina Glick Schiller, Linda Basch, and Cristina Szanton Blanc, migrants do not undergo a linear process of assimilation, but rather maintain economic, social, cultural, and political ties with their country of origin. Thus, the figure of the *transmigrant* emerges, an individual

who, while settling in a new country, maintains multiple connections with the country of origin, hence living within a sort of transnational social field. It is not about longing for the past, but rather inhabiting multiple spaces at once.

Migrants may reside in one country while working for companies based in their country of origin, vote or participate in political movements back home, raise children within their native cultural framework.

Globalization has enhanced the phenomenon of transnationalism, with low-cost travel, remittances, and digital communication allowing real-time connections to migrants' homeland and facilitating an ongoing interaction between the two worlds.

Migrants do not "lose" their ties with the country of origin, instead they transform them into an active, dynamic relationship.

The bond may weaken over time, but the connection to one's land of origin never fully disappears. It is only the way it is experienced that changes.

It should be noted that this phenomenon applies in reverse to individuals immigrating to Italy as well.

From a scientific, sociological and psychological standpoint, it is therefore incorrect to claim that all descendants of Italian origin *lack any connection to Italy, apart from the blood relationship explicitly valued without limitation under Article 1 of Law 92/1991.*

Such assertion is clearly apodictic.

This is especially true considering that no adequate or necessary investigations have been undertaken; and where such circumstances have occurred, they are to be regarded as exceptions, not the norm, particularly in view of the scientific evidence discussed above.

It is appropriate to briefly address the **data** regarding the litigation pending before the Court of Venice: such data should be read through a different lens, though still in a legitimate manner.

Petitioners who have filed cases before the Court of Venice are descendants of Italian citizens residing abroad, not in Italy. Unable to turn to their respective Consulates due to the operational incapacity of those offices, they have invoked the provision set forth in Article 36, which amended Article 4, paragraph 5, of Decree-Law No. 13 of 17 February 2017, converted with amendments by Law No. 46 of 13 April 2017, by adding the following sentence (effective as of June 22, 2022): *"Where the applicant resides abroad, proceedings concerning the determination of Italian citizenship status shall be assigned with reference to the* ***Comune*** *(municipality) of birth of the petitioner's father, mother or Italian ancestor."*

This means that the ancestors of petitioners who have turned to the Court of Venice were born in the Friuli Venezia Giulia region, not in the city of Venice, as the Court of Venice has exclusive jurisdiction as the specialized section for the entire region.

Thus, once recognition is granted, these individuals will be registered in the municipalities of birth of their Italian ancestors, typically small and depopulated towns spread across the Friuli Venezia Giulia region, not in Venice. Accordingly, the correct proportion of cases should be considered in relation to the population of the region as a whole, not that of the city of Venice.

Moreover, the fact that petitioners have opted for judicial proceedings indicates that they are unlikely to travel to Italy, as those with such intentions usually apply directly to local municipalities under Circular K.28.1 of 1991.

Recognized citizens residing abroad who wish to exercise public rights associated with citizenship, such as the right to vote, must be registered with AIRE and meet specific requirements.

In this regard, the **numerical arguments** presented by the opposing party are unjustifiably misleading.

Indeed, AIRE-registered citizens residing abroad have right to vote only in limited cases:

Parliamentary elections and abrogative and constitutional referendums. With the entry into force of Law No. 165 of 3 November 2017, entitled *"Amendments to the electoral system for the Chamber of Deputies and the Senate of the Republic. Delegation to the Government for the determination of single-member and multi-member electoral districts"*, which reformed the voting system and the allocation of seats within the electoral constituencies in both national and foreign territories, allowing for voting by mail, the Foreign Constituency has been divided into four districts: Europe, including the Asian territories of the Russian Federation and of Turkey; South America; North and Central America; Africa, Asia, Oceania and Antarctica. In the Foreign Constituency established for the election of the Chambers, **only twelve members of Parliament are elected**, specifically eight Deputies and four Senators.

Several reasons led the constitutional legislator, in drafting Article 48 of the Constitution, to grant Italian citizens residing abroad a specific form of parliamentary representation, distinct from that of their fellow citizens, characterized by a fixed number of seats, proportionally lower in quantity, and separate in nature. It is worth recalling that the original text of Article 8.1(b) of Law No. 459/2001, prior to the 2017 amendment, required that candidates running in the Foreign Constituency be both residents and registered voters within the respective district. Said reasons include the necessity to avoid an excessive increase in the total number of parliamentarians; the fact that Italians abroad do not contribute to public expenses (Article 53 Const.), except possibly for property owned in Italy; the uncertain number of eligible voters abroad (who may, though rarely, opt to vote in their Italian municipality of registration); high abstention rates (though the gap with domestic turnout is narrowing), since in the most recent elections, only 26.6% of eligible foreign voters participated; above all, the concern that unmonitored voting by mail may compromise the principles of personal,

free, and secret voting guaranteed under Article 48(2) of the Constitution (from which the following third paragraph effectively derogates).

With regard to participation in elections to the European Parliament, Decree-Law No. 408 of June 24, 1994 concerning *"Urgent provisions concerning elections to the European Parliament*" has been adopted.

Individuals must be registered with AIRE to vote and the vote must be cast at polling stations established in consular offices or embassies. In case of return to Italy, voting can occur in one's municipality of electoral registration, upon submitting a request to the mayor no later than the day before the elections.

Moreover, since each European country independently determines the criteria for the attribution of citizenship, thereby granting both the right to free movement and to vote within the EU (including Italy), it is true that Italy has assimilated for years individuals recognized as citizens by other EU countries, in disregard of the *Decreto Flussi* (Italian Immigration Quota Decree) and the broader regulatory framework on the management of irregular and refugee migration. These are individuals clearly have no effective ties with Italy. No international obligation compels such assimilation. Thus, contrary to what was noted in the referring order, the provisions of Law No. 91 of 1992, prior to its reform, should raise no concern.

As noted, abstention remains the prevailing political force: in the 2022 general elections, only 26.93% of eligible voters completed and returned the ballot received by mail. Voter participation generally hovers around 30%.

For citizens residing in Italy, the right to vote is exercised as individuals integrated into the national territory, capable of expressing the **genuine link** they have always cultivated, a link expressly mentioned in the European Convention on Nationality held in Strasbourg on November 6, 1997[2].

In this regard, with reference to the criterion of the **actual connection** between the country of origin and the individual residing abroad, invoked in various contexts as the basis for restrictive policies, it is appropriate to clarify the following.

Article 7 of the aforementioned European Convention, concerning *"Loss of nationality by operation of law or at the initiative of a party"*, under letter (e) adopts as a criterion the lack of a **genuine** link between the State and the individual residing abroad: "*(e) lack of **genuine** link between the State party and a national habitually residing abroad.*"

[2] Referenced in Decree-Law No. 36/25, signed by Italy on the same date but still neither ratified nor in force, similarly to Croatia and in contrast to Bulgaria, where it has entered into force.

The term ***genuine***, however, **is not synonymous with *effective***. This is evident from Article 18(a) of the same Convention, which clearly distinguishes between the two terms: *"The genuine and effective link of the person concerned at the time of State succession."*

This concept does not coincide with residency, since the provision itself refers to individuals habitually residing abroad.

Furthermore, while the concept of "effective link" has roots in international case law, particularly the Nottebohm case (International Court of Justice, Liechtenstein v. Guatemala), as cited in the referring ordinance, the actual wording is as follows:

> *According to the practice of States, to arbitral and judicial decisions and to the opinions of writers, nationality is a legal bond having as its basis a social fact of attachment, a* ***genuine connection of existence, interests and sentiments****, together with the existence of reciprocal rights and duties. It may be said to constitute the juridical expression of the fact that the individual upon whom it is conferred, either directly by the law or as the result of an act of the authorities, is in fact more closely connected with the population of the State conferring nationality than with that of any other State.*

The concept of a "genuine" link is invoked inappropriately as a qualifying adjective for the criterion of connection, whereas in reality, its significance is quite different: it must be understood in relation to the fact that Nottebohm sought the status of citizen of a neutral State (Liechtenstein) by misrepresenting the truth, and solely to avoid the adverse consequences of his connection to Germany during the world conflict.

In the European context, it is crucial to distinguish between case law on the recognition of citizenship and that concerning its loss.

As to the recognition, the referring judge correctly cited *Micheletti and Others v. Delegación del Gobierno en Cantabria*, Case C-369/90, judgment of June 7, 1992, one of the most important rulings in EU citizenship law. Micheletti, an Argentinian dentist with dual nationality (Italian and Argentinian), sought to practice his profession in Spain on the basis of his Italian citizenship and the EU principle of free movement of individuals. Spanish authorities denied recognition of his Italian nationality for the purpose of applying the European law, arguing that his habitual and predominant residence was in Argentina, and thus he should only be considered Argentinian.

The Court of Justice established that:

> ***It is contrary to community law for a Member State, for the purpose of applying the fundamental freedoms provided for in the Treaty, to deny the nationality of another Member State to a person who holds such nationality, solely on the ground that that person is resident in a non-member country.***

The criterion of effectiveness is thus irrelevant for the purposes of EU law in recognizing the nationality of a Member State.

With respect to the loss of citizenship, the Court of Justice of the European Union (CJEU) addressed the issue in *Tjebbes and Others v. Netherlands*, also cited in the referring ordinance, albeit inappropriately. In that case, the Court stated:

> *In order for national legislation* […] *to be compatible with Article 20 TFEU, read in the light of Articles 7 and 24 of the Charter of Fundamental Rights of the European Union, it must be possible for the competent national authorities, including the national courts where appropriate, to carry out, in proceedings brought before them, a review of the* ***consequences*** *of the loss* ex lege *of the nationality of a Member State* […]. *As part of such a review, the national authorities and national courts must ensure that the loss of nationality, which entails the loss of the status of citizen of the Union, complies with the* ***principle of proportionality*** *as regards the* ***consequences it entails for the situation of the person concerned and, where appropriate, for that of the members of his or her family from the point of view of EU law. Such a review must enable the individual situation of the person concerned and, as the case may be, that of the members of his or her family to be assessed in order to determine whether the consequences of that loss of nationality might, with regard to the objective pursued by the national legislature****, disproportionately affect the normal development of his or her family and professional life from the point of view of EU law, and in particular with regard to the right to respect for family life as enshrined in Article 7 of the Charter.*

The Court of Justice thus called for a balance between the automatic loss *ipso iure* (by operation of law) and a case-specific review of the consequences thereof. The courts emphasize the need to assess the consequences of the loss of citizenship in light of Article 7 of the Charter of Fundamental Rights of the European Union (CFREU – Nice, 7 December 2000), particularly with regard to the private life of the individual concerned and that of his or her family members. This evaluation must be carried out in conjunction with Article 24 of the same Charter, and, where applicable, by giving primary consideration to the best interests of the child under Article 26. (*See: Tjebbes and Others, and Chavez-Vilchez, para. 70; Rottmann, para. 56*).

In this regard, the evaluation of the **petitioner's individual position** is urged.

The petitioner deems it necessary to reiterate, for the purposes of this individual evaluation, that together with all members of his family, including collateral relatives, he has always maintained a strong cultural, emotional, and linguistic bond with Italy, consistently cultivating and practicing the use of the Italian language within the family unit and in relationships among relatives.

This element, significant in itself, is part of a broader framework of identity continuity, also evidenced by the family's continued ownership of real estate in Italy, originally belonging to the ancestor Tangredi and still in the family's possession. Such circumstances confirm the family's concrete will to preserve its connection to the territory of origin, as well as the existence of patrimonial interests that are anything but occasional.

Within this context lies the applicant's recent decision to sell his business in the United States for a sum exceeding six million dollars, with the express intent of using the proceeds to purchase a home in the family's region of origin in Italy, where he intends to permanently relocate upon obtaining recognition of his citizenship status. This decision does not stem from an impromptu or instrumental assessment; rather, it constitutes the culmination of a lifelong personal journey of the petitioner, now seventy-five years old, who has, since childhood, been animated by a conscious and enduring desire to return to the land of his ancestors, to which he has remained profoundly attached.

It should be duly noted that this rootedness is not limited to the petitioner's personal sphere, but extends to the rest of the family, who have always shared the same sentiment.

His family members have similarly preserved a strong relationship with Italian culture and language and have expressed their collective desire to rely on this legal path toward citizenship recognition, perceiving such status as an essential part of their personal and family identity.

This is therefore not a mere patrimonial or utilitarian aspiration, but rather the legitimate assertion of a right deeply rooted in a coherent family history and in a sincere and enduring sense of belonging.

The petitioner's plan to relocate to Italy and to fully reintegrate into the national community emerges as a concrete expression of an unbroken bond that translates into the will to live his life fully under the legal status of an Italian citizen, which the petitioner and his family regard as an essential aspect of their identity.

The assessment of proportionality corresponds to a balancing of interests between those of the State and those of the individual, with specific regard to the consequences the latter would be required to bear.

Within this framework, an intervention that clarifies the limits of proportionality within which States may exercise their sovereign power to regulate the acquisition and revocation of citizenship is arguably among the legal options available to the Court of Justice of the European Union in safeguarding EU citizens from arbitrary or disproportionate deprivation of their citizenship status and associated rights.

Among these options, in addition to determining whether the legislative objective could be achieved through less restrictive measures, the Court may also consider the principle of non-discrimination under Article 21 of the Charter of Fundamental Rights, particularly in scenarios where revocation disproportionately affects certain groups of individuals, as recent Italian legislation and the above-discussed objection of constitutional illegitimacy may suggest.

Accordingly, the principle of proportionality cited in support of the alleged objection of constitutional illegitimacy, said to be based on Articles 3 and 117 of the Constitution, does not find a counterpart in European legal standards.

Furthermore, it remains unclear how a **people**, composed of individuals such as the petitioner, understood in this way and bearing such rights, could possibly constitute a threat to Italy.

On the other hand, it is evident what **opportunities** it may offer.

Such opportunities had been already envisioned by the legislators of 1912, when they adopted a system which was innovative, contrary to what has been claimed, both in general terms and in comparison, with the 1865 Civil Code.

The inclusion of Art. 7 in Law No. 555 of 1912, which reorganized Italian citizenship, represented a novel development within the existing legislative framework, which had previously been based on the 1865 Civil Code of the Kingdom and Law No. 23 of 1901 entitled *"Emigration Provisions".*

Indeed, it is worth reminding ourselves that the Citizenship Law repealed the provisions of the 1865 Civil Code concerning citizenship.

Pursuant to the provisions of the 1865 Civil Code—specifically Article 11, paragraphs 3 and 4, and Article 6, paragraph 2:

> […] *a minor child of a father who had naturalized as a foreign citizen would lose Italian citizenship and acquire the status of a foreigner (unless the child had maintained residence within the Kingdom), subject to the possibility of reacquiring citizenship through a formal declaration.*

Article 11, paragraph 3: *"The wife and minor children of a person who has lost his citizenship become foreigners, unless they have continued to reside in the Kingdom."*

Article 11, paragraph 4: *"Nonetheless, they may reacquire citizenship under the terms of Article 14 (as to the wife), and under Article 6 (as to the children)."*

Article 6, paragraph 2:

> *He may, however, elect to be a citizen, provided that he makes a declaration before a Consular authority abroad or the Civil Registrar within the Kingdom within one year from reaching the age of majority as required by the previous article and establishes residence in the Kingdom within the same timeframe.*

Under this legal framework, minor children (and wives) automatically followed the father's loss of citizenship, unless they reacquired it through formal declaration and the establishment of residence in Italy within one year.

Similarly, Article 36 of Emigration Law No. 23 of January 31, 1901, repealed by Law No. 555 of 1912, read as follows:

> *Italian citizenship, including the acquisition and exercise of the political rights conferred on citizens, may be granted by decree of the Minister of the Interior, jointly with the Minister of Foreign Affairs, to a person born in the Kingdom or abroad who became a foreigner as a minor child of a father who lost citizenship, or born of a father who had already lost his citizenship before the child's birth, and who did not, according to Articles 5, 6, or 11 of the Civil Code, declare his intention to elect citizenship within*

one year of reaching majority, or who expressly opted for foreign citizenship, provided that he declares his intent to establish domicile in the Kingdom.

Thus, under this normative framework, the principles protected were those of the unity of citizenship within the family and the predominance of *ius sanguinis* (right by blood), understood as citizenship transmission through parentage, over any other connecting factor.

As a result, the acquisition of foreign citizenship by the father automatically entailed the loss of Italian citizenship by his children (and wives), subject only to the possibility of reacquisition through an express declaration made before the Italian authorities within one year of reaching majority.

Law No. 555 of 1912 reaffirmed the same fundamental principles of Italian citizenship legislation, with the exception introduced under Article 7, as subsequently codified.

Article 12, paragraph 2:

Minor, non-emancipated children of a person who loses Italian citizenship become foreigners if they reside with the parent exercising parental authority or legal guardianship and acquire the citizenship of a foreign state. However, they remain subject to the provisions of Articles 3 and 9.

Article 3:

A foreigner born in the Kingdom or born to parents who have resided there for at least ten years at the time of birth shall become a citizen: 1) if they perform military service in the Kingdom or accept public employment therein; 2) if, having reached the age of 21, they reside in the Kingdom and declare, by the age of 22, their intention to elect Italian citizenship; 3) if they have resided in the Kingdom for at least ten years and do not declare, within the above term set at item No. 2, the wish to retain their foreign citizenship. The provisions of this article also apply to foreigners whose father, mother, or paternal grandfather was an Italian citizen by birth.

Article 9:

A person who has lost Italian citizenship pursuant to Articles 7 and 8 may reacquire it: 1) by performing military service in the Kingdom or accepting public employment therein; 2) by declaring renunciation of the citizenship of the foreign State to which they belong, or by demonstrating that they have renounced public employment or military service abroad undertaken in violation of a prohibition by the Italian Government, and in both cases, by establishing residence in the Kingdom within one year of said renunciation; 3) after two years of residence in the Kingdom, in case the loss of citizenship resulted from acquisition of a foreign nationality.

Within this normative framework, **Article 7** is to be situated, as it expressly breaks with the principle of family unity in matters of citizenship. Due to this distinctive feature, the provision gave rise to considerable debate within the legislative body of the time.

This Law, which restructured the legal framework on citizenship, embodied from the outset a spirit of sentiment and idealism, capturing a significant shift in the national approach to emigration. In this sense, the 1912 Law represented a remarkable innovation, driven by the desire to preserve the

bond between emigrants and the Kingdom of Italy through the recognition and retention of Italian citizenship, especially in light of the significant demographic dimensions the phenomenon had acquired.

It is also worth noting that, already by the late 19th century, American states had adopted aggressive policies toward immigrant populations, introducing mechanisms of automatic naturalization (See, for example, the so-called *Grande Naturalizzazione*, meaning Great Naturalization, in Brazil).

The subsequent legislation adopted in Italy thus aimed to affirm the principle of retention and continuity of Italian citizenship, strictly limiting the circumstances under which it could be lost.

Article 7 of Law No. 555 read as follows: *"Unless otherwise provided by international agreements, a citizen born and residing in a foreign State, which considers him or her its own citizen by birth, retains Italian citizenship but may renounce it upon reaching majority or emancipation."*

This provision broke with the prior legal framework of single, exclusive nationality by admitting dual citizenship: it recognized that the children of Italian citizens — Italian by descent from birth — could retain their Italian citizenship despite also acquiring a foreign nationality by *iure soli* (right of land) at birth.

Indeed, in cases where an individual was born in a country that conferred foreign citizenship at birth by virtue of the *iure soli* principle, he or she would simultaneously hold both Italian and foreign citizenship. This resulted in a dual status which, under Article 7, recognized the minor as Italian in addition to being a foreign national.

Children born abroad under Article 7 effectively possessed dual citizenship at birth: one acquired through *jus sanguinis* and the other through *jus soli*.

This condition was maintained until majority, with no exceptions other than those arising from international treaties.

A systematic reading of the aforementioned provisions, including Article 12, shows that the loss of citizenship was closely tied to changes in residence, implicitly undermining the principle of unity of citizenship within the family in case of family members residing separately.

Article 11 also emphasized residence as a determining factor: *"If the husband, an Italian citizen, becomes a foreign national, the wife who resides with him shall lose her Italian citizenship, provided that she acquires her husband's citizenship."*

Upon closer examination, it becomes clear that the legislator at the beginning of the century did not, in fact, consider such a principle to be absolute or overriding in relation to all other interests.

Through Article 7, the legislator specifically addressed the status of second-generation emigrants — a group that had long demanded tailored legislative protection and, implicitly, of future generations as well.

Motivated by a **spirit of solidarity** (a principle ultimately enshrined in the 1992 Law), the legislator responded to this demand by affirming the necessity of **preserving** Italian citizenship.

The intent to provide effective protection by the Italian State in favor of the masses of emigrants is evident from the preparatory works.

> *I believe that by approving this bill,* […] *the Chamber will be repaying a debt of gratitude to all those Italians who, through their actions — not merely their words — have shown themselves deserving of being treated as sons and brothers, just as we have always done.*
>
> (Hon. Grippo, Chamber of Deputies, June 4, 1912)

The manner in which this solidarity-based need was addressed was political rather than purely legal. The aim was to reaffirm **Italy's political strength** in relation to countries of emigration.

The political choice was made in opposition to the principle of *jus soli*, asserting instead the supremacy of *jus sanguinis*.

On the one hand, the aim was to ensure that Italian citizens remained subjects of the State; on the other hand, to allow them to participate in the political and administrative life of the host country, thereby influencing it in favor of the Italian nation.

A fact seemingly overlooked by contemporary legislators, citizenship also serves as a public law instrument, particularly when it regulates the means of acquisition and loss.

Based on these premises, Article 7 established the political necessity of **"retaining"** Italian citizenship.

Indeed, it is the only provision in the law where such a term is used in relation to citizenship status: *"Children of Italian subjects **retain** Italian citizenship until they reach majority, so that the right of blood may remain the prevailing basis for the preservation of citizenship."* (Hon. Di Scalea, session of June 11, 1912)

"We must maintain the highest possible number of Italian citizens." (Rapporteur, session of June 11, 1912)

Pursuant to Article 7, the right of the child of an Italian citizen born abroad to retain Italian citizenship (*iure sanguinis*) was thus recognized — the child being an Italian citizen from birth.

These values are echoed **in the Law No. 91 of 1992**.

In the Senate's report, Hon. Giulio Andreotti and Sen. Giovanni Conso (then Minister of Grace and Justice) stated: *"The principle of descent remains the fundamental criterion for determining membership in the Italian people, in light of the extensive emigration that has shaped our national history and the need to maintain ties with the descendants of Italian emigrants."* (Senate Report, Constitutional Affairs Committee, November 13, 1991)

"To preserve the legal bond with the Italian diaspora, regarded as an integral part of the Nation. To avoid a "de facto" citizenship for those born in Italy to foreign parents lacking cultural roots in the country." (Hon. Giovanni Conso, Minister of Justice, session of 20 December, 1992)

"We have sought to safeguard the continuity of the blood bond, the so-called jus sanguinis*, as a symbol of national cohesion among those who, though living outside the national territory, preserve their Italian identity."*

These values and principles are also reflected in the **Italian Civil Code, Criminal Code, and Administrative Law, as well as in special laws** related to patrimonial rights.

Under Article 572 of the 1942 Civil Code, kinship is considered relevant up to the sixth degree for the purpose of identifying the family relationship that permits devolution: *"If the deceased leaves no spouse, descendants, ascendants, siblings, or half-siblings, other relatives up to the sixth degree shall inherit."* The notion of "next of kin" under Article 307 of the Code of Criminal Procedure and Article 120 of the Criminal Code is to be interpreted, according to established case law, as extending beyond the third degree of kinship, provided that other requirements, such as cohabitation, are met.

Public procurement regulations may treat relationships with relatives beyond the third degree as a potential conflict of interest, when there are substantial *de facto* ties or cohabitation likely to compromise the impartiality of administrative action (Council of State, Section Five, No. 2989 of May 15, 2019).

In matters concerning the recognition of dependents for the purposes of certain social security benefits, *"it is permissible to qualify as dependents even relatives beyond the third degree, provided that there is stable cohabitation and proven financial dependence"* (Italian Supreme Court, Labor Section, Judgment No. 14751 of June 5, 2018).

Moreover, Article 29 of the Constitution defines the **family** as a "natural society," thus recognizing a factual reality of human relationships, with blood ties as the most fundamental and original connection, even beyond the third degree.

In the history of law, both Roman and Germanic, the concept of kinship, whether expressed through the stirps, *clan*, or *gens*, was not limited to three degrees of relation. Rather, these were extended blood communities, often characterized by a shared genealogical memory.

When experienced and acknowledged within emotional, social, or solidarity-based frameworks, blood ties even beyond the third degree fall within the constitutional notion of the family as a natural society.

To exclude such relationships solely on the basis of numerical degrees of kinship would amount to a violation of the personal and solidaristic foundation underlying the constitutional protection of the

family, as well as of the fundamental principles of reasonableness, equality, and solidarity enshrined in Articles 2 and 3 of the Constitution.

Article 8 of the European Convention on Human Rights[3] clearly affirms the relevance of family protection:

> *1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

Any limitation on the right to family life must be exceptional, proportionate, and justified by public interest concerns, according to the principle of necessity in a democratic society. It must never be directed against a specific ethnic group — such as descendants of Italian citizens beyond the third degree — in respect of whom no threat to national security exists, unless one considers as such the mere exercise of voting rights in accordance with the law.

Therefore, to say the least, the objections raised against the current system fail to grasp the intent behind the earlier legislative framework: its forward-looking nature, its solidaristic and political dimension, and the underlying reasoning of the special Italian legislation.

Comparisons with other legal systems, shaped by entirely different historical experiences, are of little relevance. The United Kingdom continues to recognize various forms of citizenship or nationality status for populations from its former colonies, including the Caribbean (e.g., Jamaica, Barbados, Trinidad and Tobago, Bermuda, and the Cayman Islands), Africa (e.g., Kenya, Nigeria, Sierra Leone, South Africa, Zimbabwe, in cases involving descendants of British nationals, long-standing residents, or through historic registration rules), Asia (e.g., India, Pakistan, Bangladesh, Malaysia, Singapore, Hong Kong), and the Middle East (e.g., Cyprus and Aden, now part of Yemen). In particular, Chinese residents of Hong Kong may still benefit from the British National (Overseas) status (BNO), granted to those residing in Hong Kong prior to 1997. Ireland has recently restricted *jus soli* in order to discourage expectant mothers seeking to acquire citizenship for their children. Portugal has introduced a visa program targeting Portuguese-speaking foreigners—especially Brazilians, including those of Italian descent—whom Italy, by contrast, is currently turning away. Canada and

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[3] Original text in French: *«1. Toute personne a droit au respect de sa vie privée et familiale, de son domicile et de sa correspondance. 2. Il ne peut y avoir ingérence d'une autorité publique dans l'exercice de ce droit que pour autant que cette ingérence est prévue par la loi et qu'elle constitue une mesure qui, dans une société démocratique, est nécessaire à la sécurité nationale, à la sûreté publique, au bien-être économique du pays, à la défense de l'ordre et à la prévention des infractions pénales, à la protection de la santé ou de la morale, ou à la protection des droits et libertés d'autrui.»*

the United States, as nations of the New World, are shaped by political and historical necessities that are not comparable to those of Italy.

In contrast, considering the widespread integration challenges that many European states are facing, despite integration contracts and national programs (e.g., France with an estimated 25% of immigrants from Algeria and Morocco; Germany, with Europe's largest immigrant population, predominantly of Turkish origin), it would be more prudent to suspend, at least momentarily, the comparative gaze indiscriminately cast toward other migratory experiences and instead adopt a critical, reflective approach toward the uniquely Italian migratory trajectory. This trajectory, for its demographic scale, historical continuity, and socio-cultural entrenchment, must be viewed as a ***unicum***.

Italian migration should not be reduced to a series of geographical displacements. Rather, it represents a projection of the Italian nation into the global space, an extension of the national community beyond territorial boundaries, reflecting the notion of a "dispersed nation" or "extended nation" as theorized by contemporary political scientists.

Italian emigration didn't constitute a merely economic phenomenon, but a process of cultural construction and identity continuity, one capable of preserving bonds of solidarity, language, tradition, and historical memory across generations and borders.

"These are not merely Italians living abroad, but participants in a long-lasting collective experience that has cultivated shared identities, associative networks, cultural codes, and even legal expressions of belonging." (Emilio Franzina, *History of Italian Emigration*, Donzelli Publishers)

From this perspective, any hasty comparison with other migratory experiences risks flattening the specific nature of the Italian case into frameworks shaped by different dynamics, thereby disregarding what Gianfausto Rosoli described as "*the plurality of Italies in the world*" (Gianfausto Rosoli*, Un secolo di emigrazione italiana 1876–1976,* CEE, 1978 *[A Century of Italian Emigration 1876–1976]*): a reflection of multiple paths, adaptations, and enduring loyalties that go far beyond mere demographic data, and instead are nourished by symbols, festivals, rituals, and collective memory.

"Every people has a mission to fulfill, a historical task to accomplish within the assembly of nations," affirmed Mazzini within his concept of the *Missione dei Popoli* (Missions of Peoples).

Rather than looking elsewhere, it is time to recognize and value what Italian migration already represents: a form of cultural soft power, a heritage of shared identity and popular diplomacy that, by its very nature, merits a distinct legal and political status under constitutional and international law.

"A nation is a soul, a spiritual principle… the shared possession of a rich legacy of memories."[4]

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[4] Ernest Renan was a French philosopher, historian and orientalist. Conference entitled *Qu'est-ce qu'une nation? [What is a Nation?],* Sorbonne, 1882.

Thus, not only blood, nor soil, but lived memory and mutual recognition constitute the true bond of a people, even in diasporic dispersion.

Italy is, in this sense, **a *unicum***, both in its history and in its legal framework.

Italy stands out for having **institutionalized the family bond as the basis for citizenship transmission, making descent not only a cultural connection, but a legal foundation**.

In Italian law, the family has always been understood as an affective, social, and solidarity-based nucleus (Article 29 of the Constitution recognizes rights of family as natural society), a site for the transmission of values, culture, traditions, and identity, rooted in the stability of blood ties and memory.

Italian law has consistently emphasized intergenerational continuity, and this is evident in inheritance law, the transmission of citizenship *iure sanguinis* (more broadly defined than in many other jurisdictions), and the centrality of civil status records in genealogical reconstruction.

Italian emigration, particularly to South America and the United States, occurred without any true rupture of emotional or cultural ties to Italy.

By contrast, a persistent family memory of the place of origin, transmitted both orally and materially (through correspondence, photographs, religious and name-day celebrations), has endured over generations. So-called “chain migration” dynamics played a central role: the immediate or extended family acted as the first point of contact, facilitating integration in the host country without severing ties to Italy. Citizenship *iure sanguinis* thus emerges as the legal expression of this intergenerational continuity.

The sense of belonging among Italian emigrants has remained deeply rooted not only in the State itself, but also in their local communities of origin. Regional traditions, often stronger than national identity, have continued to play a central role, along with family rites of passage such as baptisms, weddings, and commemorations, all symbolically connected to Italy.

The legal codification of the family bond through the criterion of *ius sanguinis*, without generational limits except in cases of renunciation or loss, has helped preserve a sense of belonging to Italy even among sixth-generation descendants.

It has reinforced the idea of the family as a bridge between migrant and nation, transforming family memory into a subjective right enforceable against the State.

Italy has thus distinguished itself from other nations, where ties to the homeland are often cultural or symbolic but rarely recognized with the same legal force.

Here, the family is not only a private unit but a **bridge** between the individual and the State, serving as a vehicle for identity continuity across geographic borders.

This bridge has also been sustained by economic, social, and political opportunities, fulfilling the objectives set by the early legislators.

Italian emigrants in South America and the United States have long been one of the primary **sources of financial remittances** supporting families back in Italy, stabilizing the national balance of payments, and stimulating investment (e.g., land or property purchases upon return). These remittances were already a concern of national economic policy in the late 19th century and under fascism, managed by institutions such as the Banco di Napoli and Banco di Sicilia.

From the late 1800s through the mid-1900s, Italian emigrant remittances from the U.S. to Italy constituted a major source of national revenue. Some studies estimate billions of dollars in the immediate postwar period alone.

According to studies, in the 1920s and 1930s remittances covered over 10% of GDP in some southern regions.

Italian communities in Argentina, Brazil, and Uruguay established **mutual aid societies**, Italian schools abroad, cultural associations, and newspapers and periodicals in the Italian language. These associative networks played a key role in preserving cultural *Italianism* across generations, even in contexts where integration into the host country was highly advanced.

During World War II, many first-, second-, or third-generation Italian Americans **fought for the U.S. Army**, sometimes on Italian soil. It was not merely a war between states, but a personal rupture for many Italian descendants. The United States, with the decisive support of an influential Italian American political class, backed Italy's postwar reconstruction through unprecedented economic aid (e.g., the European Recovery Plan or best known as the **Marshall Plan**).

Even from a legal standpoint, one can observe the influence of Italian legal doctrine and practice on the drafting of the **Brazilian Civil Codes**, and later, of the Italian Civil Code of 1942. This influence was so significant that Article 966 of the 2002 Brazilian Civil Code adopted the substance of Article 2082 of the Italian Civil Code, thereby altering the legal nature of the Brazilian enterprise, which shifted from being a purely economic entity to one endowed with its own legal personality.

Since the late 19th century and throughout the 20th century, Italian communities in the United States maintained strong political and cultural ties with Italy, including the establishment of lobbies and structured political support.

Italian emigrants played an **active role** in democratic host societies, eventually reaching high public office—such as Fiorello La Guardia, Mayor of New York City, and Nancy Pelosi, Speaker of the U.S. House of Representatives.

The Italian language and cultural heritage were promoted through Dante Alighieri schools, Italian Cultural Institutes, and Italian Chambers of Commerce Abroad. In Brazil, the Società Italiana di

Beneficenza of São Paulo, active since the 19th century, played a crucial role in the development of the local healthcare system.

Major Italian agri-food and wine companies established strong roots in Argentina, Brazil, and California, leveraging the presence of Italian-descendant communities. These communities fostered the creation of transnational **entrepreneurial networks**, promoting Italian exports, commercial exchanges, and the transfer of technological innovations.

Italian-origin entrepreneurs across the Americas often facilitated the entry of **Italian products**—including fashion, food, and mechanical goods—into local markets.

Italian is today among the 20 most spoken languages globally and, among European languages, ranks just after Spanish, French, and Portuguese.

Italian emigrants have contributed to building a positive image of Italy worldwide by promoting values associated with family, cuisine, craftsmanship, fashion, art, and music.

This has strengthened the ***Made in Italy*** ("Italian brand") well beyond the commercial sphere, shaping global cultural perceptions of the country.

Italy, for much of the 19th and 20th centuries, was not only the **cradle of Christianity** — with Rome as the seat of the Catholic Church and Pontificate — but one of the world's foremost exporters of clergy and missionaries.

Italian emigrants and missionaries bolstered Catholic parishes abroad, founding churches, schools, hospitals, orphanages, and spreading Italian popular devotion (e.g., Marian cults, local patron saints, religious holidays).

In the United States, beginning in the late 19th century, numerous "**national parishes**" were established—ethnic parishes specifically created for Italian immigrants.

Many Italian **religious orders** served in the Americas, both among indigenous people and immigrants: Salesians of Don Bosco (particularly in Argentina, Chile and Brazil), Capuchins, Franciscans and Scalabrinians, the latter being founded for spiritual assistance to Italian emigrants. Blessed Giovanni Battista Scalabrini (1839–1905), Bishop of Piacenza, founded the Congregation of the Missionaries of Saint Charles Borromeo (Scalabrinians) with the mission of caring for the spiritual and social well-being of Italian emigrants[5].

Mutual aid associations, social clubs, national holidays (e.g., June 2), and patriotic commemorations have all contributed to preserving the sense of **belonging to Italy** across multiple generations. The emotional bond with the homeland was often strengthened by the very difficulties encountered

[5] Rino Caputo, "Italian Emigrants and the Catholic Church," in *Studi Emigrazione*, journal of the Center for Migration Studies in Rome. Gianfausto Rosoli, *The Church and Human Mobility: Italian Emigration in the Documents of the Holy See*, Studium Edizioni. Official documents of the Migrantes Foundation, the body of the Italian Bishops' Conference (CEI) responsible for the pastoral care of Italian migrants.

in integrating into host countries, which led emigrants to value their roots, maintain their national identity, and transmit cultural and patriotic sentiments to their descendants.

"Italian emigration was not merely a geographical displacement of human masses, but also a diffusion of culture, language, faith, and popular and religious traditions." (Fondazione Migrantes, *Rapporto Italiani nel mondo [Report on Italians Worldwide]*, annual editions)

Italian political authorities have long supported the preservation of Italian identity abroad as a form of **soft power** and political legitimacy.[6]

Yet the referring judge, the Court of Bologna, makes no mention of any of this.

It is not mentioned because, had he done so, he would have had to acknowledge the alignment between the concept of *popolo* (the people) cited in the ordinance and that represented by the descendants of Italian citizens beyond the third degree: *"The ideal that inspires our legislator is that all those and only those who exhibit the characteristics of* ***language****,* ***ethnicity****,* ***religion****, and* ***sentiment*** *typical of those who belong to the Italian Nation should hold the citizenship of our State."*[7]

Upon close inspection, Italian emigrants over the past 120 years perfectly embody this concept of *popolo* as cited.

Indeed, considering all of the above, the populations of the countries mentioned are part of and have historically been part of the Italian people, having consistently maintained a living connection with Italy precisely through the elements identified above: ***language***, ***ethnicity***, ***religion***, and ***sentiment***. The sole element lacking is residence, which, however, is not expressly cited, as it is not deemed of substantial relevance in this context.

For all the reasons stated above, the petitioners—represented and defended as previously indicated—while rejecting all opposing arguments and reserving the right to submit any further motions, claims, and objections, including evidentiary ones, **hereby reaffirm the conclusions set forth in the initial pleading of this case. They respectfully request that the matter be adjudicated and oppose any motion for postponement and/or suspension of proceedings pending the resolution of the constitutional legitimacy challenge.**

The undersigned Counsel, under her own responsibility, hereby declares that Dr. Melissa Ceccarelli actively contributed to the drafting of these submissions.

Dated in *******

Adriana Maria Ruggeri, Attorney for the petitioner

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[6] Sabina Donati, *A Political History of National Citizenship and Identity in Italy, 1861–1950*. Stanford, CA: Stanford University Press, 2013.

[7] This concept is attributed to Costantino Mortati in his work *Istituzioni di diritto pubblico [Public Law Institutions]*, and it echoes the nineteenth-century Romantic and nationalist thought of Herder and Fichte.