



CIR
CONSIGLIO ITALIANO
PER I RIFUGIATI

“IN THE SUN” PROJECT

Survey on the phenomenon of statelessness among Roma communities living in Italy

**FINAL
REPORT**

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Introduction

The number of stateless people of Roma origin currently living in Italy is uncertain and perhaps underestimated. Among these people, the majority seems to consist of those who come from the former Yugoslavia, taking into consideration both those who were already stateless while still living in their country of origin and those who found themselves to be so after the nation's collapse. The problem arises from the dissolution of Yugoslavia itself, which made it difficult, and in some cases even impossible, for the "ex-citizens" of the Socialist Federal Republic of Yugoslavia to obtain citizenship from the new States which emerged following the bitter conflict, of which they still bear scars.

The problem is greater still for those people of Roma origin, both those who had already arrived in Italy before the dissolution of the former Yugoslavia, and those who arrived later: often lacking any passport and unable to request a "new" one, they had difficulty reconstructing their own *status civitatis* and faced a series of obstacles blocking the regularization of their position: as a result, they have become or risk becoming stateless¹. Finding themselves in this state, a considerable number of Roma spend their lives in a sort of *limbo*, without access to any official recognition of their status or to the rights inherent to that status, and thus lacking any legal status whatsoever.

The Roma situation is exacerbated by two main factors. On one hand, Italian legislation regarding the procedure for recognition of the status of statelessness is demanding due to the necessary prerequisites, resulting in an administrative procedure which in practice is not easy to complete. Undertaking the judicial procedure is equally complex due to a lack of regulation, resulting in uncertainty as to which procedure should be followed. On the other hand, research indicates that there is an objective difficulty for Roma people in obtaining nationality from their countries of origin. At times this is due to the prerequisites required by the regulations of the individual countries; at others, the fault lies in the already contested difficulty from a lack of collaboration with their diplomatic representatives in Italy and consequent problems obtaining the necessary documents. There are cases in which, for example, in order to register a child born in Italy with the register's office in the country of origin, it is necessary for the parent to return physically to their country of birth. The often undocumented status of many of these people can make such a return unfeasible: if they leave Italy, they may not be allowed to return, and may even risk that their child be stopped at the border.

Neither should the dynamics which may limit the emergence of irregular situations be ignored, for they in turn make it difficult for those involved to obtain a legal registered domicile or a residence permit. Nevertheless, it is evident that at least a portion of those who were interviewed sincerely wishes to do what is needed to escape from this condition of *limbo*. Thus, they seek to be become better informed on the procedure for recognition of the status of statelessness. Ultimately, a greater and improved interaction between the Roma communities and State administrations, emerges as a recurring theme in our research, in terms of the advantages that both sides would derive from having accurate information.

One piece of data which emerges from our study is particularly noteworthy: **out of the 239 persons interviewed, 139 possess no type of citizenship.** Of these last, 105 intend to file for citizenship, while only 23 have affirmed that they wish to begin the process of being recognized as officially stateless,

¹ Opera Nomadi, through its president, Massimo Converso, clarifies that in Italy the groups classified as stateless but above all who most often find themselves "stateless" (neither Yugoslavian through their parents nor Italian) are the *Roma Khorakhanè* (Rom of Muslim origin from Montenegro, Bosnia, Croatia, Kosovo and Macedonia) and the *Roma Dasikhanè* (Rom of Orthodox Christian origin who come from Serbia and in much smaller numbers from Croatia and Macedonia).

and only 6 have actually started that process. Still, this statistic should not be interpreted simply as evidence of a lack of interest in certifying their statelessness but instead as testimony to the difficulty inherent in beginning such an inaccessible process. Finally, our data demonstrate the desire to obtain **Italian citizenship**, which appears again and again during our field research, not least because Italy is the country where many of those interviewed were born and raised, and outside of whose borders many have never even ventured.

Unfortunately, the children born in Italy are the ones who pay the greatest price for the consequences of the various situations discussed here, an issue which will be described in greater detail in the following chapters. Born of displaced families from the former Yugoslavia, they have lived in Italy for their entire lives. Often they profess to love this country where they were born, but they have no access to a recognized status and because of their irregular position, they cannot even obtain Italian citizenship. As will be shown, many of the problems particularly afflict the second and third generations.

The general objectives pursued by the **“In the Sun” project** arise from this context: it is time to bring to light the phenomenon of stateless Roma in Italy and if possible, allow for an even wider awareness of the problem. At the same time, the project aims to contribute to the development of a national strategy for integrating the Roma population. More specifically, the project hopes to help to define the phenomenon of Roma living in Italy without any official status, confirming the principal difficulties encountered by these people throughout the process of integration. By so doing, we wish to offer decision makers and their political-administrative interlocutors a more informed view, one which originates in the direct observation of a situation which, although circumscribed, contains elements which are potentially generalizable and valid for a more extended group of persons, and in turn, to furnish useful recommendations towards the determination of future policies regarding this issue.

These objectives were achieved through **field research** which did not aim at surveying the phenomenon in its entirety, insomuch as at gaining an understanding of its qualitative and quantitative aspects. An *ad hoc* questionnaire was created for the field research and administered in the sample cities chosen: Rome, Naples, and Milan². The survey was administered both to the various members of selected families and to single individuals with the objective of evaluating the motivations leading to statelessness, exploring not only juridical factors, but social and cultural ones as well. Questions were inserted designed to obtain information about registration with the General Register’s office, whether or not the individual possessed documentation, and the reason for which he or she did not possess any nationality, but at times questions were also aimed at assessing the socio-cultural context of an individual. The analyses were both quantitative and qualitative, without aspiring to reach significant numbers given the nature of the research itself.

Given the peculiarities of the conditions on the field, before administering the questionnaire, it was necessary to undertake work in cultural mediation and to distribute information which involved family groups, first identifying which communities were most affected, and then obtaining the approval of the heads of families and other leading figures.

Before beginning their research work in the field, the field workers held focus groups or organized meetings among relatives or via word-of-mouth, in order to prepare those taking part.

² Field research was carried out to establish the number and the location of a few of the principle Roma communities of interest. The field research consisted of visits to the camps in the cities of reference (Rome, Naples, Milan), the administering of questionnaires, interviews, meetings with participants and representatives of Roma organizations. The camps and living quarters visited were Caivano (Naples), Teverola (CE), Secondigliano (NA), Campo Giugliano (NA). Housing complexes were visited in Casalnuovo (NA), CastelRomanian(RM), Via Candoni (RM), Piazza Meucci (RM), Via Salviati (RM), Via Novara (MI), Muggiano (MI), Monte Bisbino (MI), in Parabiago, Rho, (MI), and Via Martirano (MI).

To compile the questionnaire, we availed ourselves of the precious collaboration and supervision of a PhD from the Department of Social Sciences (DiSS), faculty of Political Science, Sociology and Communication at “Sapienza” University of Rome (see the methodological section, chapter IV).

The project also involved meetings with decision makers and dialogue with politicians to pinpoint the legal and practical problems relative to the procedure of recognizing the legal status of statelessness, and we participated in an exchange of opinions among experts regarding possible solutions. Thanks go to the Ministry of the Interior and in particular to the Department of Civil Liberties and Immigration and the Citizenship and Statelessness Office responsible for the administrative procedures, the Prefectures of Rome, Naples and Milan; the Ministry for International Cooperation and Integration Policies, the office of the U.N. High Commissioner for Refugees (UNHCR), the National Anti-Racial Discrimination Office (UNAR); the City of Rome Registry office, the Roma organizations, attorneys, social workers and humanitarian organizations. To increase awareness of the issue, a course for credit specifically about statelessness was held in Rome in 4 training sessions. During the project it was also possible to participate in the kick off meeting of the ENS (European Network on Statelessness) in Budapest.

The present report aims to present the findings of the research. After an introduction to and background information on the phenomenon, a brief overview will be given of Italian and international legislation concerning statelessness. In this section of the paper, we will also make reference to a few nationality laws in the countries from which those interviewed originate, attempting to highlight some of the difficulties that may be encountered during the application process for citizenship or statelessness. Later sections will consist of the actual interviews and principle data gathered through the administration of the questionnaires.

Both the interviews and the administration of the questionnaires were conducted thanks to the hard work of individual workers in collaboration with the “Opera Nomadi” and “Federazione Roma e Sinti Insieme” organizations, to whom we offer our sincere gratitude.

Chapter I - Historical Context

The stream of Roma immigrants from the States of the former Yugoslavia actually dates back to the 1970s, but increased sharply with the civil war in Yugoslavia and resulting waves of war evacuees, deserters and refugees. After the war it was difficult, nay, impossible, to repatriate part of the displaced persons, but in addition, problems of absence or deprivation of citizenship arose. Many families established stable homes without first having resolved problems related to their juridical status, not least because the institutions did not know how to propose adequate solutions to those problems. One must not forget the exceedingly difficult conditions in which these families live from a social point of view (poor education, precarious living and working conditions, etc.) Today, the second and even third generations of these communities have been born and raised in Italy, and repatriation looks out of the question, while the exclusion of these people, particularly the young, from the rights of citizenship clearly poses an extremely serious social and juridical problem.

The presence of Roma people from ex-Yugoslavia in Italy, who are generally linked to informal and improvised economic activity and temporary housing, dates back to the 1970s. There is, however, a significant precedent of Harvati (Croatian) and Istrian Roma, who arrived in Italy following the conflicts and movement of borders and people in the wake of the World Wars in 1918 and 1943-1945 who are fully recognized as Italian citizens. The most significant migrant flow of Balkan Roma was surely that tied to the civil war between 1991-1999 (considering its beginning in the first skirmishes in Slovenia e Croatia and the conclusion in the crisis in Kosovo, and covering the complex events of the conflict in Bosnia Herzegovina).

It is in this context that a serious problem arises with regard to the status of the displaced persons of the former Yugoslavia, as they were generically referred to. While the structure of the State of the Socialist Federal Republic of Yugoslavia was collapsing, the world witnessed an out-and-out exodus towards safer countries: hundreds of millions of people escaped, among whom were civilians, often political dissidents, deserters and draft dodgers, and victims of ethnic cleansing of various types and degrees.

From the beginning, the Italian Council for Refugees (CIR) was prepared to work towards the reception of the displaced, in particular participating in the "Round table for consultation on the former Yugoslavia" ("Tavolo di consultazione per l'ex Yugoslavia"). This was a body created as an informal cooperation of local organizations and NGOs with the aim of exchanging information and coordinating the efforts of both institutions and civil society to promote humanitarian initiatives under the auspices of law 390/1992 "Extraordinary humanitarian intervention on behalf of those displaced from the republics of the territories of ex Yugoslavia". Very soon, it became clear that the forecast of humanitarian action centered on the delivery of humanitarian aid to the territories hit by the crisis would have to be supplemented by a system to receive displaced persons from the "republics of the territories of ex-Yugoslavia."

Italian authorities were faced with a community which was quite difficult for them to understand, both due to its very complex elements of its ethnic and legal identity. Italian policy centered on the concession of a renewable year-long humanitarian residence permit which permitted the possessor to work in Italy. In other words, in contrast to that of other countries such as Germany, the Italian approach towards receiving displaced persons from ex Yugoslavia was a solution focused on integration into the world of work and self-help, while only a small minority were hosted in state-owned structures³. According

³ *Why it is difficult to see happy gypsies in Italy. The situation of Bosnian Roma refugees and the work of the Italian Council for refugees to raise awareness. (Perché in Italia è difficile vedere degli zingari felici. La situazione del dei profughi rom bosniaci e l'opera di sensibilizzazione del Consiglio Italiano per i Rifugiati)* E. Colombo in

to reliable figures, between 1992 and 1996, about 80 thousand displaced people arrived in Italy and received a residence and work permit. This was still, however, a number far inferior to that of Germany, which accepted 320 thousand of them. Above all, in Italy, as noted above, the choice was made of a “light” welcome, by means of a humanitarian residence/work permit allowing for an independent life, thus significantly re-dimensioning the concept of the refugee center which was instead the prevailing solution in Germany.

Furthermore, immediately after the Dayton accords of 1995 which ended the war in Bosnia, when faced with the problem of a counter-exodus, or rather the repatriation of the displaced, the U.N. High Commissioner for Refugees, at the time under the leadership of Sadako Ogata, maintained that repatriation could only be feasible in those areas where there was already an ethnic presence and favorable legal and political status for the returning refugees (Annex 7 of the Dayton Accords, regarding the liberty of movement, was in practice very difficult to enforce). Moreover, it was seen to be complicated and often impossible to determine with any certainty where in fact the displaced persons were from, under the new conditions. Emma Bonino, the then European commissioner, pointed out with criticism how impatient Germany was to send the refugees back, and yet at the same time “unable to furnish with any precision the ethnic or geographical origin of those under its assistance”⁴. In actual fact, the exodus of displaced persons from the former Yugoslavia had disparate consequences: part did indeed return home, part were resettled in other areas of the former Yugoslavia or in other nations, and lastly, part integrated into the receiving countries.

It should be noted that the Roma minority, as part of the group of refugees given shelter in Italy, received the “short end of the stick” from the beginning: this was due both to institutional errors and flaws and to the extreme social, cultural, and economic hardships which they suffered. In fact, although the Roma refugees were often destitute families without any resources, at the beginning, they were not recognized as having the right to reception, not least because plagued by fallacious misconceptions about them. A prime example was the belief that they were nomads, an extremely widespread presumption which had no basis in fact. The Roma from Bosnia, Montenegro and Serbia thus found themselves in a condition of *limbo*, and encountered immense difficulty in communicating their marginalized state. They lodged in improvised built up areas (called “nomad camps,” but which in reality were pure and simple shanty towns) on the extreme periphery of the large cities. The shanty towns of Casilino 700 and 900 in Rome were notorious⁵, as were those of Secondigliano-Scampia in Naples, on the shore of the Reno river in Bologna, and at the Poderaccio in Florence.

The role of the CIR (Italian Council for Refugees/Consiglio Italiano per i Rifugiati) was fundamental in discovering the extreme state of social marginalization of the Roma by means of specifically designed censuses conducted in accordance with the local police departments. Interviews conducted in the field brought to light facts about the group which were little known and underestimated: it also became clear that these refugees met the conditions to merit humanitarian protection and aid. Many of them had escaped after refusing the draft, or having been expelled from homes where they had lived for generations, having decidedly abandoned any semblance of a ‘nomadic’ life a number of years before. Therefore, over the decade between 1995-1996, initiatives were taken aimed at the concession of humanitarian residence permits for Roma families, and programs were begun offering legal and social assistance, and occasionally housing in refugee centers (in Bologna, for example). These initiatives were carried out by the individual municipalities, especially Rome, Florence and Bologna, making use of funds set aside by the above-cited Law 390 of 1992. It is both interesting and important to note that even

Diario, 19/25 February 1996.

⁴ *Bosnia, the return to the reservation*. “Dear refugee, if your house is in a different ethnic area, postpone your trip” (“Caro profugo, se la tua casa è in’entità etnicamente diversa, rinvia il viaggio”), E. Giordana in *Diario*, 5/11 February 1997.

⁵ *The poorest of all. Hundreds of displaced Roma living on the outskirts of the Capital: a report of a yearlong study (‘I più poveri di tutti. Centinaia di Rom sfollati di guerra vivono alla periferia della Capitale: rapporto di un anno di lavoro’)*. CIR Notizie, June/July 1997, special edition.

these first measures enacted on behalf of these Roma communities on the outskirts of the large cities gave rise to intolerant reactions: here, for example, the urban myth originated that “the government hands out 35 thousand lire a day to the gypsies.” It is the opinion of this writer⁶ that the legend dates back to a malevolent misinterpretation on the part of an MP from the Northern League (la Lega) who read the report of the Ministry of the Interior calculating the cost of hosting a war refugee to be 35 thousand lire per day, and by extension, using this parameter to estimate the funds necessary to dispense to the local governments who had undertaken humanitarian initiatives. Those projects were far less than a full reception with housing; there was never a distribution of cash, as implied by the urban legend. It should be added too, that by 1997 the trend was leaning towards “shutting down” the funding that had financed law 390, assuming that the war in Bosnia, considered the epicenter of the Yugoslavian malaise, was at this point over. In 1999, instead, following the crisis in Kosovo, there was a new exodus: this time, for Kosovar refugees generally, with different characteristics from those practiced with refugees from preceding wars, for example with the opening at Comiso of a large provisional refugee reception center. This too, in any case, produced a steady stream of new Roma families towards the usual shantytowns on the outskirts of the cities.

In the meantime, beginning in 1998, there was an attempt to “regularize” the holders of humanitarian residence permits, converting them into regular work permits through a series of ordinances passed by the Ministry of the Interior.⁷ This led to the normalized presence in Italy of a significant number of citizens of the former Yugoslavia who for various reasons did not want to or could not return to their home countries after several years spent in Italy, where perhaps they had likely built both a career and a family. A portion of the displaced persons however, inevitably “got lost” in the process. These were those who encountered serious difficulty maintaining a regular residence permit, primarily due to the lack of a regular job, many of whom were Roma.

Yet their voluntary repatriation never seemed easy nor automatic, and their forced repatriation even less so: a case in point is that which occurred in 2000 in Rome, when the Seidovic and Sulejmanovic families were expelled from Italy March 3rd 2000 from the Casilino 700 camp in Rome, and deported to Bosnia. The case was raised by Italian lawyers and upheld by the European Roma Rights Centre (ERRC), prosecuted by the Open Society Institute, and arrived as far as the European Court for Human Rights in Strasbourg. The plaintiffs were families who had fled the war, with children who were born in Italy: their families had been woken at two in the morning and sent straight to Sarajevo on a charter flight, together with fifty-six other inhabitants of the Casilino camp. The Sejdovic and Sulemajnovic families were originally from villages which had subsequently been occupied by Bosnian Serbs. Faced with the prospect of being called to testify in front of the Court for the violation of four different Articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Italian government opted to settle: damages were awarded of 161.290 euro, together with the repatriation in Italy of the families involved, granting them residence permits, and guaranteeing them lodging in a well-equipped camp, health care, and education for their children⁸.

We believe that had lessons been learned from this precedent, perhaps today there would not be thousands of young Bosnian Roma without documents and without a country. Instead, the case failed to inspire a general overhaul of the situation: over the first years of 2000, a condition of extreme uncertainty was simply tolerated which involved – and continues to involve – a few thousand families. This situation,

⁶ The writer was, during the period described, a consultant for the Department of Social Affairs, Presidency of the Council of Ministers (Dipartimento Affari Sociali della Presidenza del Consiglio dei Ministri) charged with the implementation of Law 390/92. Some of the information contained in this article, therefore, can be considered personal testimony.

⁷ Nadan Petrovic (ed) “*Refugees, asylum-seekers, displaced people. A brief history of the right to asylum in Italy from the Constitution to the present.*” (“*Rifugiati, profughi, sfollati. Breve storia del diritto d’asilo in Italia dalla Costituzione ad oggi*”), Franco Angeli, 2011.

⁸ Sulejmanovic legal settlement c. Italy n.ri 57574/00 e 57575/00 dated November 8, 2002.

which obviously results in grave consequences on the legal plane and to the public order, was eventually commented upon by the then Minister of the Interior, Giuliano Amato, who, according to a press release of the Ministry of the Interior in 2008 expressed the opinion that:

“The stereotypes gypsy-thief, gypsy-dirty, with their mark of disgrace, are prejudices that must be done away with”. “Thus spoke the Minister of the Interior, Giuliano Amato, in his closing comments of the first European conference on Roma peoples, held at the Scuola Superiore dell’Amministrazione dell’Interno (...) Alongside the removal of prejudices, the Minister maintained that there needs to be a law which recognizes the Roma community as a protected minority. And in this sense, “their statelessness can help us,” because many Roma arrived over the past years from the former Yugoslavia and have neither documents nor citizenship. “Amato then underlined the problem of appropriate living quarters, highlighting the difficulty of reconciling the urban layout of our cities with the types of dwellings typical of these populations. He acknowledged the part played by Europe, “a role important across the board, because the Roma problem is one that extends throughout Europe”. “There is much work to be done” - concluded the Minister – “and in addition to that of the governments, there is a job that everyone must do, regarding their own judgments, their own prejudices””⁹.

According to the study entitled “Italiani, Roma e sinti a confronto,” produced by the ISPO for that Conference, there was “a group of at least 20/25,000 young Roma above all from ex Yugoslavia who have no citizenship at all: they have not been recognized by their countries of origin, can only speak Italian, and have no documents”¹⁰.

Subsequently, still in 2008, following the early elections and the change of national government, with a corresponding change in its direction and priorities, there were meaningful steps taken to count, relocate, and reorganize the Roma communities who found themselves in truly precarious living and social conditions, particularly in Rome, Milan e Naples. This was the so-called “Roma emergency” which – at least from an administrative point of view – still persists today, with specific positions attributed to prefects who are nominated extraordinary commissioners for the Emergency. The above mentioned measures inspired bitter debate both for the methods used and for the lack of the clear final objective of integrating the Roma families involved who, if and when they have been relocated to other living quarters, have been placed in other, only slightly better equipped, “nomad camps.” Among other things, a ruling by the State Council in 2011¹¹ judged the contents of the emergency decree to be illegitimate, instigating a complex legal action against the Government. What we wish to underline here is that apparently, the crucial theme of the right to citizenship and of statelessness had disappeared from the agenda, and was no longer mentioned in official sources, at least until the publication of the *National Strategy for the Inclusion of Rom, Sinti and Caminanti Communities*.¹² And it is in this context that the present project can ideally be situated.

⁹ Ministry of the Interior, 23 January 2008.

¹⁰ Institute for Studies of Public Opinion, “*Confrontation between Italians, Roma, and Sinti; a quali-quantitative study*” (*Italiani, Rom e Sinti a confronto, una ricerca quali-quantitativa*) Rome, 2008.

¹¹ *Ministry of Interior and others vs. ERRC and others, Council of State, Ruling n. 6050 of 16 November 2011.*

¹² In fulfilment of the European Commission Communication 173/2011, published care of UNAR, National Office on Anti-Racial Discrimination, 2012.

Chapter II – Legal Framework

In this chapter, after having furnished a general framework of the definition of statelessness and of the relevant international and European legislation, we will address a few of the juridical and procedural difficulties which concern the phenomenon of statelessness of the Roma in Italy.

The first question which arises in order of importance, is that of difficulties regarding the two procedures currently in force in Italy for having one's status of statelessness recognized. In the case of the **administrative procedure** for example, the certification of the status of statelessness may be denied when the subject is unable to furnish the necessary documents requested for the procedure. People who wish to apply for statelessness through that procedure often cannot furnish all of the requested documentation, a problem magnified in the case of the Roma due to frequently irregular living conditions.

There are difficulties with regarding the **judicial procedure** as well, as the Italian legal system still does not have a regulated process for ascertaining the status of statelessness. Moreover, as will be analyzed, it has been shown that in cases in which an application is filed through the ordinary judicial channels, the consequences may be burdensome for Roma applicants. Furthermore, **it is hard for applicants to exercising their rights during the waiting period, given that during that time residence permits are not issued automatically.**

Moreover, the **dissolution of the Socialist Federal Republic of Yugoslavia** and the subsequent birth of new Republics in that region, each with its respective laws on nationality, have led to a tangle of laws and bureaucracy which constitutes a major barrier in resolving the situation of statelessness in which Roma present in Italy find themselves. From the following analysis of the nationality laws in the native countries of the Roma (although it is far from exhaustive in this phase) we can see what hurdles are faced both by the people who left their countries of origin before the break-up of Yugoslavia and for their children, should they wish to obtain citizenship in those countries. Among these problems, in some cases, is the practical difficulty parents find when they attempt to officially register children born in Italy in their native countries; applicants also find a general gap between what is set out in the relative norms and what is found in practice.

In the following chapter, we will also touch upon the failure of Italy to ratify the Convention of 1961 and the European Convention of 1997 on Nationality as well as the Council of Europe Convention on the avoidance of statelessness in relation to State succession of 2006. An assumption of the obligations inherent in these three Conventions would furnish further normative tools to prevent the phenomenon of statelessness in Italy.

II.1 Who is stateless?

According to what is enshrined by the Convention relating to the Status of Stateless Persons held in New York 28 September 1954 (The 1954 Convention), the term stateless indicates:

“ (...) a person who is not considered as a national by any State under the operation of its law”¹³.

The Guidelines on Statelessness No. 1, recently published by the UNHCR¹⁴, are an important tool for interpreting what is established by the above norm. The guidelines, in fact, bring to light the need to focus on the elements “State” and “legislation” in order to analyze the regulation.

By using the term “State”, the Convention of 1954 excludes all of those entities which cannot be considered to be States in accordance with definitions set out in international law¹⁵. As regards the use of the term “legislation”, instead, the UNHCR clarifies that in order to determine whether or not a State considers an individual to be a national, it is necessary to analyze the procedure with which that State applies citizenship laws to that individual¹⁶.

In regard to this, **Italian laws on citizenship** establish the following:

1. A person is an Italian national at birth: a) whose father or mother is a national; b) who is born on the territory of the Republic if both parents are unknown or **stateless**, or rather if the child does not follow the citizenship of the parents in accordance with the laws of their state of origin.
2. A person is considered to be a national at birth if of unknown parentage and found on the territory of the Republic, if they are not proven to possess any other citizenship¹⁷.

In considering this norm, it is necessary to keep in mind the formula “stateless parents” is made in reference to a certifiable statelessness, the so called *de jure* stateless persons. Even though this term is not used in the 1954 Convention, persons who fall within the scope of article 1 (1) of the Convention itself are sometimes referred to as “*de jure*” stateless persons.

There is no internationally accepted definition of “*de facto*” statelessness. Some studies and scholarship maintain that this term indicates those who have not officially been deprived of their nationality, and consequently are unable to prove or certify their citizenship. Such persons can neither enjoy the same rights as citizens do, nor receive any protection from the State, given that, although in actual fact they are stateless, they are not so according to the law¹⁸. Later studies have furnished different definitions of *de facto* statelessness.¹⁹

¹³ Article 1(1), *Convention of the United Nations in New York 28 September 1954* relating to the Status of Stateless Persons.

¹⁴ UN High Commissioner for Refugees, “*Guidelines on Statelessness No. 1: The definition of “Stateless Person” in Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons*”, 20 February 2012, HCR/GS/12/01.

See: <http://www.unhcr.org/refworld/docid/4f4371b82.html>

¹⁵ UN High Commissioner for Refugees, *op.cit.*, pp. 4. The criteria which define an entity as a “state” are the existence of a permanent population, a defined territory, a government, and the capacity to enter into relations with other states. (*Montevideo Convention on the Rights and Duties of States, 1933*).

¹⁶ UN High Commissioner for Refugees, *op.cit.*, pp. 5.

¹⁷ Art. 1 (1,2) Law 5 February 1992, n. 91, governing the new norms on citizenship (GU n.38 of 15-2-1992).

¹⁸ N. Robinson, A commentary on the Convention relating to the status of stateless persons. Its history and interpretation, Institute of Jewish Affairs, World Jewish Congress, 1955, p. 5-14. See also: Biscottini G. “Apolidia”, *Enciclopedia del Diritto*, 1958, Milano. See also: P. Farci, *op. cit.* pag 146. See also: “A study of statelessness”, United Nations publications, 1949 XIV, 2.

¹⁹ Concluding statements of the Expert Meeting *The Concept of Stateless Persons under International Law (“Prato Conclusions”*, UN High Commissioner for refugees (UNHCR), 2010, which can be consulted at: <http://www.unhcr.org/refworld/docid/4ca1ae02.html>)

The meeting called by the UNHCR was one in a series of meetings between experts in the sector, marking the

In relation to the distinction between *de jure* and *de facto* statelessness, based upon what is set out in the Guidelines on Statelessness N. 1 of the UNHCR, “care must be taken that those who qualify as ‘stateless persons’ under Article 1(1) of the 1954 Convention are recognized as such and not mistakenly referred to as *de facto* stateless persons, as otherwise they may fail to receive the protection guaranteed under the 1954 Convention”²⁰.

As far as Italy is concerned, individuals who lack citizenship must resort to one of two procedures provided, either administrative or judicial, for the recognition of their status.

In this regard, as will be shown, the recognition of the status of statelessness through the administrative process as provided for in the Italian system is hindered by the requirement that the applicant present specific documents, a requirement which in certain cases the individual attempting to begin the recognition process may find it difficult to fulfill.

II.2 International and European Norms

Two international Conventions have been adopted relating to the status of stateless persons: *the New York Convention relating to the Status of Stateless Persons adopted on 28 September 1954* and *the New York Convention on the Reduction of Statelessness adopted on 30 August 1961*.

The **Convention of 1954** established important principles regarding the condition and recognition of the status of statelessness. In addition to defining the status of statelessness, as previously mentioned, the Convention also grants a series of individual rights²¹. These rights are protected in a way similar to that allowed for in the 1951 Geneva Convention relating to the Status of Refugees. Nonetheless, the convention does not provide for a body charged with the recognition of the status of statelessness, which instead is delegated to the country of residence of the individual involved²².

The **Convention of 1961** is the only international instrument adopted to date which establishes detailed norms for the reduction and prevention of the phenomenon of statelessness. There are four main areas in which the Convention of 1961 furnishes detailed guarantees which must be implemented by the contracting States to prevent and reduce the phenomenon. These regard: the statelessness of minors, statelessness due to the loss or renunciation of citizenship, statelessness due to the deprivation of citizenship and statelessness in relation to State succession²³. Moreover, the Convention adopts the criteria of *jus soli* to prevent statelessness:

*“A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless”*²⁴.

occasion of the fiftieth anniversary of the 1961 Convention on the reduction of statelessness. The majority of the experts who participated was supportive of the approach that defines a *de facto* stateless person on the basis of one the principal functions of nationality in international law, the provision of protection by a State to its nationals abroad. From this follows a definition according to which “*de facto stateless persons are persons outside the country of their nationality who are unable or, for valid reasons, are unwilling to avail themselves of the protection of that country. Protection in this sense refers to the right of diplomatic protection exercised by a State of nationality in order to remedy an internationally wrongful act against one of its nationals, as well as diplomatic and consular protection and assistance in general, including in relation to return in the State of nationality*”.

²⁰ UN High Commissioner for Refugees, *op.cit.*, pag 4.

²¹ These rights are granted in chapters II, III, IV of the Convention of 1954.

²² P. Farci, *Apolidia (Statelessness)*, p. 150.

²³ UN High Commissioner for Refugees, *Preventing and Reducing Statelessness: The 1961 Convention on the Reduction of Statelessness*, September 2010.

²⁴ Art 1 Convention 1961

Lastly, even if its value is merely declarative and not legally binding, it is necessary to mention the Universal Declaration of Human Rights (UDHR) of 1948, which states in Article 15 that “everyone has the right to a nationality.”

In Europe, legislation aimed at the reduction of the phenomenon of statelessness is found in two conventions between Member States of the Council of Europe: the *European Convention on Nationality of 6 November 1997* and the *Council of Europe Convention on the avoidance of statelessness in relation to State succession of 19 May 2006*.

The European Convention on Nationality grew out of a draft text initially drawn up in 1993 by the Committee of Experts on Nationality (CJ-NA) of the Council of Europe²⁵. Open to signatures on 6 November 1997, it has garnered 29 signatory States to date.²⁶ Although Italy is among the signatories, it has not yet ratified the accord. Among the objectives of the Convention are rendering the acquisition of a new nationality more accessible and regulating the situation of persons who risk becoming stateless as a consequence of the succession of states²⁷. Article 6 of the Convention sets forth fundamental obligations regarding the acquisition of citizenship. Specifically, Article 6 states in paragraph 1 that each signatory State has the obligation to provide in its internal law that both children born to one of its citizens on its territory and foundlings discovered on its territory who would otherwise be stateless, automatically become nationals of the state in question.

The rule set forth in Article 6 paragraph 4 comma e) is even more relevant for the matter treated in the present publication. In this regulation it is stipulated that each contracting State “*shall facilitate in its internal law the acquisition of its nationality for persons who were born on its territory and reside there lawfully and habitually*”²⁸.

The same rule is to apply equally to children one of whose parents acquires or has acquired its nationality from a contracting State²⁹.

The Council of Europe Convention on the avoidance of statelessness in relation to State succession of 2006 deals specifically with these issues with respect to the previous Convention of 1997, which despite providing norms pertinent to these circumstances, limits itself to the setting out of general principles³⁰. To date, eight States have adhered to the Convention: Italy is not among them³¹. In addition to establishing

²⁵ P. Farci, *Apolidia (Statelessness)*, p. 212.

²⁶ Signatories as of 2012 are: Albania, Austria, Bosnia, Bulgaria, Croatia, Denmark, Macedonia, Finland, France, Germany, Greece, Iceland, Italy, Latvia, Luxemburg, Malta, Moldova, Montenegro, Norway, Netherlands, Poland, Portugal, The Czech Republic, The Slovak Republic, Romania, Russia, Sweden, Ukraine, Hungary. Even so, nine of the signatory States have yet to ratify the convention (Croatia, France, Greece, Italy, Latvia, Malta, Moldova, Portugal, Russia).

²⁷ For a summary of the main passages of the European Convention on Nationality of 6 November 1997 see: <http://conventions.coe.int/Treaty/en/Summaries/Html/166.htm>

²⁸ This criterion is also reaffirmed in the recommendation of the European Council *Recommendation CM/Rec(2009)13 and explanatory memorandum of the Committee of Ministers to member states on the nationality of children* in principle 17: “facilitate the acquisition of nationality, before the age of majority, by children born on their territory to a foreign parent lawfully and habitually residing there. Enhanced facilitation should be offered in cases where that parent is also born on their territory”.

²⁹ Article 6 paragraph 4 comma c) of the European Convention on Nationality of 6 November 1997.

³⁰ P. Farci, *Apolidia, (Statelessness)* p. 223; originally, the text of the Convention was conceived of as an additional Protocol to the European Convention on Nationality. Subsequently, the European Committee on Legal Cooperation (CDCJ) decided that it was necessary that said Protocol have an independent nature in order that even states not party to the Convention could have access to this legal instrument.

³¹ Austria, Germany (not ratified), Moldova, Montenegro, Norway, Netherlands, Ukraine (not ratified) and Hungary.

the general principle by which the States involved have the duty to adopt all measures necessary in order to prevent cases of statelessness resulting from the succession of States, the Convention clearly points out the responsibility **of the successor State** to guarantee nationality to citizens of the preceding State who have become or would become stateless as a result of the succession³². This responsibility applies not only to those who have habitual residence on the territory of said State at the moment of succession, but **also to those who, while not habitual residents, have an appropriate connecting relationship with that State**³³. The principle of non-discrimination is also relevant to our study, a principle according to which the contracting States “shall not practice any form of discrimination towards those persons addressed by the Convention for reasons of sex, race, color, language, religion, political views, national or social origin, **association with a national minority**, property, birth or other status³⁴.”

II.3 Italian Laws

As regards its national laws, Italy applied the 1954 Convention through the enactment of the law of 1 February 1962 n. 306³⁵. In contrast, Italy is not among the contracting States to the Convention of 1961. Despite not having ratified that treaty, a situation which naturally diminishes the probable effectiveness of reducing the phenomenon of statelessness, the Italian legal system provides for a mechanism that defers the fundamental principle of *jus sanguinis*, as regards the granting of nationality³⁶. To that regard, the Italian nationality law (5 February of 1992 n. 91) in art. 1, comma 1 letter b, provides for the application of the principle of *jus soli* for children born in Italy to stateless parents³⁷. By “stateless parents,” it is assumed that these individuals have obtained formal recognition of their status and that subsequent to that recognition they gave birth to a child on Italian territory. In these cases, the child automatically acquires Italian nationality.

II.3.1 Procedure for the recognition of statelessness

As is known, the Italian juridical system provides for two paths toward the recognition of the status of statelessness: an administrative procedure and a judicial one:

√ The administrative procedure:

The Ministry of the Interior is the governmental body responsible for the certification of the status of statelessness (Art. 17 of D.P.R. n. 572/93 “Regulations for the implementation of the law 91/92”) The applicant for the status of statelessness is bound to present a specific application accompanied by the following documentation:

1. birth certificate;
2. documentation relative to his or her residence in Italy;
3. any suitable document which demonstrates a state of statelessness (an example might be a document issued by the Consulate Authority of the country of origin, or possibly of the last country of residence, which demonstrates a state of statelessness.)

³² Article 3 of the *Convention of the Council of Europe in Strasbourg of 2006 on the prevention of cases of statelessness in relation to the succession of States*.

³³ Article 5.

³⁴ Article 4.

³⁵ Law 1 February 1962, n.306- Ratification and execution of the Convention of the United Nations on the status of statelessness adopted in New York on 28 September 1954 (GU. N.142 of 7-6-1962).

³⁶ Law 5 February 1992, n. 91, governing new norms on citizenship (GU n.38 of 15-2-1992).

³⁷ See pp.11 of this section

■ ...What are its limits?

- Certification of the status of statelessness can be denied when the applicants are not able to document the situation which they are asked to prove.
- The requirements are essentially compulsory.

The requisite most often missing is **the demonstration of residence**. Although the law refers to the requirement of **residence** and **not** of **legal residence**, the Ministry of the Interior requires the submission of a residence permit and of a record of residence from a General Register's office to initiate the procedure. Not least for this reason, said procedure is rarely begun. Those who are lacking a residence permit have only one way to start proceedings: they must go through the judicial process, since the exhibition of both a residence permit and a record of residence from a General Register's office are compulsory prerequisites for the administrative procedure.

In reference to this problem, it may be useful to return to Article 12 of the New York Convention relating to the Status of Stateless Persons of 28 September 1954, which establishes that: "*The personal status of a stateless person shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.*" In the first instance, Article 12 calls for the application of the country of domicile or, if he has no domicile, by the law of the country of his residence. Indeed, surely the residence of the applicant must be understood in accordance with the prevision contained in Article 43 of the Civil Code ("*Residence is in the place in which the person habitually abodes*") rather than in the sense of his or her registration in the General Register's office in a municipal office on Italian territory.

In fact, the court (Appeals Court Rome Sect. I, sent. 22 April 2003) specified that "*the recognition of the status of statelessness may be requested of the country of current residence, understood as of actual presence on the territory, characterized by stability, given that presence in the civil registry or a valid residence permit are not necessary prerequisites to verify habitual residence on the territory*"³⁸.

√ The judicial procedure

As far as the judicial procedure is concerned, even though it is generally accessible, there is not a regulated procedure for verifying or obtaining recognition of the status of statelessness in the Italian legal system. As there is no such consistent regulation of the matter, a constant flow of contradictory decisions appears on the basis of which it is still difficult to determine what procedure should be adopted: whether, that is, it is preferable to conduct proceedings by voluntary jurisdiction (in consultation or not with the Ministry of the Interior) or by standard proceedings according to the ordinary rules of jurisdiction.

The Court of Appeals (Corte di Cassazione) has recently intervened through sentence n. 7614 of 4.4.2011, reconfirmed by the subsequent sentence n. 903 of 23.01.2012, for the first time expressly stating that "*the controversies regarding the condition of statelessness must be stated and discussed, in consultation with the Ministry of the Interior, in the appropriate format of the standard proceedings of jurisdiction.*"

³⁸ In P. Farci, op.cit. p. 374 ("*il riconoscimento dello status di apolidia può essere richiesto allo Stato di attuale residenza, intesa come presenza effettiva sul territorio, con carattere di stabilità, non essendo requisiti necessari per l'accertamento del fatto della abituale residenza, l'iscrizione anagrafica od il possesso del permesso di soggiorno in corso di validità*").

... What are its limits?

As regards the topic specific to the present study, it is necessary to point out that to opt for the standard proceedings according to the ordinary rules results in onerous and expensive consequences which are the responsibility of the Roma or Sinti individual who is attempting to obtain recognition of their own status of statelessness, including: a) the transfer of territorial competence from that of his/her domicile to the default territorial competence, of the Ministry of the Interior in Rome; b) the necessary legal assistance of an attorney. Thus an unjustifiable inequality of treatment may be given to the Roma and Sinti, who are likely to completely lack adequate financial resources to cope with the expense of a standard procedure through ordinary cognizance in order to obtain the status of statelessness.

For this reason, it would be desirable to favor the procedure of voluntary jurisdiction.

In the interest of giving complete information, we underline the fact that the prevision of a specific administrative certification procedure as in Art 17 DPR 572/93 does not preclude protection before the judicial authorities (the former for certification, the latter for verification)³⁹.

To furnish some background information and in order to introduce the point which follows, it may be useful to give a pair of examples of what happens outside of Italy. **Spain** was the first State in the world to adopt a specific Law exclusively regarding the protection of stateless persons⁴⁰ (Royal Decree no. 865-2001 of 20 July, which approves the regulation of the status of statelessness), **France**, too, has adopted a specific procedure. In contrast to the Italian administrative procedure, the **French** one denotes a specific entity (The French Office for the Protection of Refugees and Stateless Persons /*Office Français de Protection des Réfugiés et Apatrides*, OFPRA) to examine applications for the recognition of the status of statelessness. The deciding authorities invite applicants to take part in a sort of personal audition.

In **Italy** not only is there no formal system of regulations for the application for statelessness, but applicants also experience difficulty exercising their rights while the process is pending, as during this period no residence permit is automatically granted to them. The same problem persists after the recognition of the status of statelessness. Some examples of this will be present in the next paragraph.

II.3.2 Difficulty exercising rights during the waiting period for the judicial procedure

The condition of statelessness is a problematic issue during the course of the judicial procedure for the recognition of the status of statelessness. The Italian laws on immigration call for the issuance of a residence permit for those awaiting a decision on statelessness only in cases in which the applicant already possesses a residence permit for other reasons⁴¹. Stateless persons who do not possess appropriate

³⁹ One of many places where this interpretation is reconfirmed is in the explanatory circular letter accompanying the Ministerial Decree from the Ministry of the Interior dated 22 November 1994, circular letter K 60.1 dated 23 December 1994 (*“Procedures for granting Italian citizenship. Ministerial Decree 22.11.94 regarding instructions concerning the inclusion of further documents referenced in Art 1 comma 4 of DPR 18 April 1994 n.362.”* *“Procedimenti di concessione della cittadinanza italiana. Decreto Ministeriale 22.11.94 recante disposizioni concernenti l'allegazione di ulteriori documenti di cui all'art 1 comma 4 del DPR 18 aprile 1994, n. 362*), as is expressly shown in the specific ordinance n. 293 of 4 August 2003 of the Constitutional Court of Appeals. In P.Farci, p.345.

⁴⁰ Gyulai G. “Statelessness in the EU framework for International protection”, *European Journal of Migration and Law*, 14 (2012) pag. 279-295.

⁴¹ Article 11, comma 1, letter c), D.P.R 394 of 1999.

papers are “improperly documented”, this is the case of many of the Roma in Italy, who have begun the judicial procedure for the recognition of the status of statelessness, and do not, therefore, have the right to have a residence permit. This means that such foreign applicants are reduced to the status of illegal immigrants, as they cannot legitimately reside on Italian territory; in addition to this, they obviously lose a series of rights, such as the right to work, and cannot leave the country because they are not recognized as nationals in their country of origin.

Nonetheless, there has been some progress in this area. The court of Rome (Section I of the Civil court, ruling of 6 July 2012) with the precautionary injunction in the case of an ex-citizen of Cuba, ordered the Police headquarters to issue a temporary residence permit to the plaintiff, whose Cuban citizenship had been revoked, while the process was being completed, ruling as follows:

*“(...)Moreover, considering the existence of the conditions for periculum in mora, given that the period necessary for the settlement of the case through regular procedures could leave the plaintiff without a valid residency permit on national territory, with probable repeated stays at temporary immigrant centers and devoid of a chance to return to her country of origin, as the State of Cuba refuses to accept her; considering the preliminary application superfluous and the case ready for judgment, **ORDERS the responsible Police headquarters to issue a temporary residence permit to xxx until such time as the case is resolved.***

As far as the freedom to exercise their rights during the waiting period for the application for the status of statelessness – and afterward – is concerned, a case in point is described below, that of a woman who arrived in Italy over 30 years ago⁴².

Aroma woman, of Bosnian nationality, possessed a proper passport and had received an initial residence permit. For various reasons not relevant to the present discussion, she had failed to renew the residence permit upon its expiration, and in time, her passport also expired. Thus began her pilgrimage to the consulate of Bosnia-Herzegovina, which refused to recognize her as a national. Consequently, she attempted to apply for citizenship at other embassies in consideration of her parents' nationality, but no one was willing to grant her citizenship. After various vicissitudes, she applied for the recognition of the status of statelessness through the judicial process. While the case was pending, she was never issued a residence permit, resulting in the inability to find legal work or leave Italy. At long last, in November 2006, after 5 years of waiting, she obtained recognition of the status of statelessness and her first residence permit with its relative Convention Travel Document, both valid for one year. After the first year, they renewed her residence permit for a single year, after which she still had to renew the permit every two years. Her current application to renew the residence permit has been held up at police headquarters for over a year.

Mr. D.R. A former citizen of the Socialist Federal Republic of Yugoslavia, having been born in Zagreb, Mr. D.R. entered Italy legally in the year 1980 and remained here for “health” reasons until 1998, due to the serious illness of his youngest son. He turned to the CIR to better understand his legal position in Italy, drawing attention to the fact that he had been denied citizenship both by Serbia (his mother was Serbian and he had resided in Serbia for work purposes) and Croatia (he was born in Zagreb), with documentation from both of the respective embassies in Italy, affirming this denial and his non-citizenship without providing any objective motivation. Thus in 1999, with the assistance of CIR, he filed an application for the recognition of statelessness with the Civil Court of Rome, Section 1, which heard his case in the Chambers in May 2000. Before beginning the process of verification, the person in question had lost his legal status following a deportation order imposed by the police department following a criminal trial for theft. While the judicial procedure of verification of statelessness was in process, the CIR “discovered” the obstacle to having a residence permit issued through the police headquarters of Parma, the city to which he had relocated in the meantime. Despite being in favor of issuing him a permit while “awaiting the status of statelessness,” the Police headquarters of Parma requested that the Police headquarters of Turin revoke the deportation order, as it was in obvious conflict with the condition of the person concerned, who did not have a native country to which to be sent. Following recognition of his

⁴² Information obtained from the field worker, Rome.

statelessness, the Police headquarters of Parma was requested to settle his position of statelessness by issuing the respective two-year residence permit, which is an “*a priori*” element of statelessness itself: yet because of the inflexible position of the Police headquarters of Turin, which again sent notice of a rejected application for the residence permit “in consideration of the subject’s criminal record and resulting concerns about public safety should the applicant remain on the national territory”, the subject was compelled to appeal the rejection order through the Regional Administrative Court (TAR). To date there has been no news regarding the outcome of his appeal.

Nonetheless, there are some positive episodes of which the CIR has direct experience, such as

The family of R.G., ethnic Albanians from Kosovo but residents in Macedonia during the Yugoslavian Republic, is composed of 12 people, who arrived in Italy during the war in the nineties. They are not Roma, though they live in the Casilino 900 Roma camp. The head of the household turned to the CIR asking for assistance in filing for the recognition of their status of statelessness, having a proper humanitarian residence permit in accordance with the law 390/92 for a person from the former Yugoslavia. From the papers provided, the staff at the CIR realized that there would not be sufficient documentation to proceed with the administrative route, and decided to follow the civil procedure through the Court of Rome, which recognized the status of statelessness for Mr. R.G. In 2001. As his wife and 8 minor children are his dependents, the same process was followed for them, and in 2009 his wife and four children who were still minors were granted the status of statelessness, while the application of one child was rejected due to a deportation order (and later appealed) and the applications of the two other children were declared invalid. As they had become legal adults, they were instructed to file the application for themselves. During the procedure of recognition of statelessness, the wife and minor children of signor G.R. were able to “renew” their residence permits as “awaiting occupation” rather than “awaiting the status of statelessness,” thus maintaining a normality that they had lost a few years before when unable to renew the residency permit due to inconsistencies in accordance with law 390/92. Today they all possess “elective” residence permits, with a footnote stating that this residence permit “for the status of statelessness” is “also valid for employment.”

The family of C.I., **Jews from Belarus, arrived in Italy in 1980 after having left their native land to move** to Israel like many Jewish families: this decision resulted in the immediate loss of USSR nationality, meaning that consequently it was impossible to acquire the requisites for Belarus nationality following the break up of the Soviet State. The length of their residence in Israel, however, was insufficient to permit them to gain the right to Israeli citizenship, as the different climate caused the wife serious health problems and the son began to suffer from psychological problems, which were to worsened once they arrived in Italy. Leaving Israel, they moved to Greece for a brief period and finally ended up in Italy, where they initially obtained a residence permit that then expired, preventing them from conducting a dignified life in part because of their uncertain *status civitatis*. In 1997, with the assistance of the CIR, an application was filed for the status of statelessness through the Court of Rome, which recognized the status of statelessness for all the members of the family in 1999. As the family awaited the completion of the process of recognition, thanks to the intervention of the CIR, the Rome police headquarters issued them a 6-month residence permit, renewable until such time as the case was resolved, in this way assuring them a legal presence on Italian territory.

Following the recognition of their status, the CIR was also able to check the content of the status granted, above all with reference to the social rights stipulated in the Convention of New York, unfortunately “unknown” to the Italian Social Security agency (INPS). In fact, in the same year of 1999, the CIR appealed the decision of the INPS denying the parents any right to social security benefits despite the fact that they were over 65 years old, and that Mr C.I. had applied for the benefit in 1997 (before the recognition of his state of statelessness). This intervention led to the favorable decision of the judge on the basis of Art. 23 of the Convention of New York (regarding public assistance); the Convention was directly applicable to the case given its ratification in 1962, hence his equal rights to those of an Italian national were guaranteed in coherence with the Immigration Norms (TU Immigration), which in the meantime had replaced the former as the most detailed norms on the subject.

II.4 Background information regarding citizenship laws and practices in Serbia, Kosovo, Macedonia, Montenegro, Bosnia Herzegovina

The references below to legislation in the countries cited do not aspire to be an exhaustive comparative study, but rather a collection of information from consular sources and whatever available literature in Italian and English was available in this first phase. Translations in Italian of a few Articles are not official.

For more complete information on practices, see chapter III.

From research done for this project, it became clear that many of the family units interviewed include children who were born in Italy, most of whom are minors without any citizenship, despite the fact that at least one of their parents was a national of his/her native country⁴³. There are also cases in which the parents, too, were born in Italy and remain devoid of citizenship despite having been residents in Italy for many years, and having had children here, who in turn also lack any nationality.

As mentioned in chapter I, the phenomenon of statelessness is more substantial in cases of the succession or dissolution of States. These circumstances (often) underlie the condition of Roma coming from the Socialist Federal Republic of Yugoslavia. This is due to the fact that geopolitical changes to a State can render its population essentially stateless⁴⁴.

The reasons for which many Roma present today on Italian territory find themselves in a situation of statelessness can be traced back to the circumstances of their exit or escape from their native country. Many arrived in Italy in the 1960s and 1970s from the former Socialist Federal Republic of Yugoslavia (while many others came after the collapse of the communist regimes of Eastern Europe and the war in ex-Yugoslavia), and at the time possessed documents from that country. Later, with the dismemberment and the extinction of the Socialist Federal Republic of Yugoslavia the citizens of this former State automatically lost their Yugoslav nationality. This occurred on the basis of the rule of international law regarding treaties, which declares that “a/the State which succeeds the government of a territory is not bound by the agreements entered into by their predecessors” (also called the rule of the *tabula rasa*)⁴⁵. It follows thus that when the new Balkan Republics were born, the people who were living outside of the borders were not automatically granted the “new” citizenship. For these subjects, the acquisition of nationality from the new Balkan republics was rendered arduous both by some of the citizenship laws in the respective States as well as by other conditions which will be described here⁴⁶.

A. The Republic of Serbia

In the transitional and final versions of the Serbian law on nationality (Art. 52)⁴⁷ it is stipulated that a person was to be considered a Serb national if on the date of 27 February 2005 he/she possessed citizenship of another State which rose on the territory but also had had a “registered” residence in the territory of the Republic of Serbia for at least 9 years. In any case, a written declaration is also required which affirms that the interested party is to be considered a citizen of the Republic of Serbia as well as a request for registration in the “citizens’ register” of the Republic of Serbia.

⁴³ For a more detailed analysis, consult the section regarding research in the field (chapter IV page 33).

⁴⁴ European Parliament - Committee on Civil Liberties, Justice and Home Affairs, *Rome and Statelessness*, J. Dedic, Brussels (2007).

⁴⁵ P. Farci, *Apolidia*, op. cit. (*Statelessness*), p. 315. 1978 Vienna Convention on Succession of States in respect of Treaties.

⁴⁶ We will examine the cases of some of the States of origin of the persons interviewed for the project, namely: Serbia, Kosovo, Bosnia, Montenegro, and Macedonia

⁴⁷ *Zakon o državljanstvu Republike Srbije nr. 135/04* (Law on citizenship of the Republic of Serbia, published in the Official Gazzette of the Republic of Serbia No. 135/04, amended by the Law *Zakon o Izmenama I dapunama zakona o državljanstvu republike srbije*, nr. 90/07).

In addition, from the information which emerged over the course of our study, it would appear that people who left the ex Socialist Republic of Serbia as citizens of the ex Yugoslavia, and who wish to obtain Serbian nationality, must reside in that State for three years in order to obtain Serb citizenship⁴⁸. Only after that period of residence can they begin the process of obtaining Serbian citizenship, which may be carried out either at a Commissariat in Serbia or abroad at a diplomatic authority. The requirement of three uninterrupted years of residence in Serbian territory is also referred to in the Serbian nationality law in Article 14 (3)⁴⁹. It is relevant that this requirement is given for the acquisition of citizenship by those people who are considered “foreigners”⁵⁰.

As far as children born abroad to Serb parents are concerned, to gain citizenship it is necessary that the Serb parent apply at the competent Consular office or office abroad, presenting the following documents: the Serbian passport of the parents, a birth record issued by an Italian municipality and a birth certificate. Registration with the Serbian register’s office is also compulsory, which may be done through the Serbian Embassy in Italy⁵¹. In that regard, the Serbian nationality law establishes that citizenship may be acquired by “those children born abroad who have at least one parent who, at the moment the child is born, is a national of the Republic of Serbia”⁵². It follows that in cases in which the parent in question has himself not automatically acquired citizenship (should he, for example, have left his native country before the dissolution of the ex-Yugoslavia), the child would no longer have the right to acquire Serbian nationality. In addition, the same law states that the child in question acquires Serbian nationality if the parent who is a Serb national registers the child before his eighteenth year as a national of the Republic of Serbia at the office of the competent consular authority of Serbia and if he/she presents an application at the competent governmental body in Serbia for the registration of said child in the Citizenship Register⁵³. If the parent in question has not seen to these registrations before the child reaches the age of eighteen, the child is still eligible for citizenship through descent if he applies to the competent entity in Serbia for inclusion in the citizenship register before his 23rd birthday⁵⁴.

... and in practice ?

From our research, the extreme difficulty if not impossibility of registering minor children with the state Register’s Office becomes clear. The parents, in order to proceed with registering their minor children at the Serbian Register’s Office, must present their own Serbian passport as well as a record of birth issued by an Italian municipality. When the parents themselves do not possess citizenship, that is impossible. Those who previously had citizenship but lost it, (or failed to obtain the “new citizenship”) can only acquire it by residing in Serbia for 3 years.

It is clear that when extended spells abroad or contacts with embassies in the country of origin are requirements to apply for citizenship, this will frequently not be feasible in the cases of Roma individuals who do not even have legal residence permits in Italy, and thus would find themselves unable to return here.

⁴⁸ Information obtained by means of a telephone interview with the Serbian Embassy in Italy.

⁴⁹ *Zakon o državljanstvu Republike Srbije nr. 135/04* (Law on citizenship of the Republic of Serbia, published in the Official Gazzette of the Republic of Serbia No. 135/04, amended by the Law *Zakon o Izmenama I dapunama zakona o državljanstvu republike srbije*, nr. 90/07).

⁵⁰ Article 14 (1), Law on citizenship of the Republic of Serbia.

⁵¹ Information obtained by means of a telephone interview with the Serbian Embassy in Italy.

⁵² Articles 9-10 of the Law on citizenship of the Republic of Serbia .

⁵³ Article 9.

⁵⁴ Article 10

B. The Republic of Kosovo

As regards Kosovo, we refer back to Art. 29 of the transitional norms on the law of citizenship⁵⁵. The Article stipulates that all of the persons who were citizens of the Socialist Federal Republic of Yugoslavia on 1 January 1998 and who were at that date habitual residents in the Republic of Kosovo, will be considered nationals of the Republic of Kosovo and registered as such in the “Citizens’ Register” independently from their current residence or citizenship. The norms found in comma 1 may be applied to direct descendants as well. From our reading of that Article it would seem then that all those who could not satisfy those requirements were not able to secure Kosovarian nationality.

The Law on citizenship of Kosovo calls for the granting of citizenship primarily for birth, adoption and naturalization⁵⁶. For the children of Kosovarian nationals born abroad, it is necessary that on the day the child is born at least one parent be a citizen of the Republic of Kosovo, and the other be either stateless, have an unknown nationality, or if he/she does have another type of citizenship, that both parents agree that the child acquire Kosovarian citizenship. That law may be applied up to the child’s 14th birthday⁵⁷. Also of interest to our study is a definition given in Art. 3 of the successive amendments of 2011 to the law on citizenship which denotes “*a person that no State considers a national according to the respective law of that State*”; this is, in fact, the same definition of so-called *de jure* statelessness as that used in the 1954 UN Convention relating to the Status of Stateless Persons.

... and in practice ?

There are also problems for Roma originating from Kosovo when it comes to obtaining citizenship. A person who lost citizenship following the dissolution of the former Yugoslavia runs into enormous difficulty in attempting to obtain Kosovarian Citizenship because it is necessary that applicants engage a lawyer in Kosovo to see to registration as a citizen with the municipal government. By means of a power of attorney, the lawyer will request the necessary certificates for the procedure for obtaining a passport from the Embassy of Kosovo⁵⁸.

C. The Republic of Macedonia

As regards the law on citizenship of Macedonia, Art 26 of chapter V of the final and transitory norms⁵⁹ stipulates that any individual who on the basis of previous legislation had Macedonian nationality is, on the basis of this law, considered a national of the Republic of Macedonia. The procedure for the acquisition of citizenship of the Republic of Macedonia which began before the entry into force of the current law, or cessation of that citizenship, are to be completed in accordance with the current law.

Citizens of the other Republics of the former Socialist Federal Republic of Yugoslavia and citizens of the former Socialist Federal Republic of Yugoslavia itself who have a registered residence in the territory of the Republic of Macedonia may acquire Macedonian nationality if, within one year from the

⁵⁵ *Law on citizenship of Kosova*, 2008/03-L034, adopted by the Assembly on 20 February 2008, as an amendment to Law N. 04/L-059 of 21 October 2011.

⁵⁶ Article 5, *Law on citizenship of Kosova*, 2008/03-L034, adopted by the Assembly on 20 February 2008.

⁵⁷ Article 6.2 (b) (c).

⁵⁸ Information obtained by means of a telephone interview with the Embassy of Kosovo in Italy.

⁵⁹ *Law on Citizenship of the Republic of Macedonia, 1992* (The former Yugoslav Republic of Macedonia, 11 November 1992), available in English: <http://www.unhcr.org/refworld/docid/3f54916b4.html>. The law was amended in 2004 and again in 2008.

coming into force of the current law, they forward a declaration in which they declare that they possess a permanent source of funds, that they are a legal adult, and that they have resided continuously in the territory of Macedonia for at least 15 years at the moment of the presentation of the application.

Concerning other ways to acquire citizenship of the Republic of Macedonia, the relative law provides for an almost automatic process for children born abroad whose parents are both Macedonian nationals, but less automatic for those who have only one parent with Macedonian citizenship. In the first case the child acquires Macedonian nationality independent of his place of birth⁶⁰. In the second case, instead, if the child born abroad has only one Macedonian parent, it is necessary that the parent send a request to have his child added to the register of citizens before the his or her 18th birthday. Alternatively, the child may acquire Macedonian nationality by returning to live in Macedonia with that parent before he or she turns eighteen. If neither has been done, after his or her 18th birthday but before their 23rd, the adult child him or herself may submit an application for registration in the citizenship of the Republic⁶¹. More specifically, rules relative to the acquisition of Macedonian citizenship which are useful for the purposes of this study may be found in Articles 7-8 of the law on citizenship of the Republic of Macedonia⁶². Article 8 states that “*an immigrant who originally comes from the Republic of Macedonia, together with his first-generation descendants, may acquire Macedonian citizenship through naturalization (...)*”. Naturalization is a right held by those people who emigrated from Macedonia that are able to meet the following requirements: to have reached 18 years of age; to have a residence and a permanent source of funds; to have no criminal proceedings instigated against him/her in the state of his nationality or in the Republic of Macedonia; to have a good level of knowledge of the Macedonian language; that his/her admission to citizenship of the Republic of Macedonia does not threaten the security or defense of the Republic of Macedonia; to sign an oath that he/she will be a loyal citizen of the Republic Macedonia⁶³.

... and in practice?

The most problematic cases found in practice are those regarding the second generations. Those parents who are without citizenship and unable to reconstruct their own *status civitatis* cannot in turn report their children for registration as a national.

There are also cases in which the parent of Macedonian origin, despite theoretically being able to register their child, does not do so because he does not wish to legally recognize the child, leaving his partner (whom he does not intend to marry) and their child in a position of illegality and statelessness.

D. The Republic of Montenegro

Art. 41 of the Montenegrin Nationality law⁶⁴ establishes that citizens of the former Socialist Federal Republic of Yugoslavia who had a registered residence in Montenegro prior to 3 June 2006 may acquire Montenegrin nationality by naturalization if they do not possess any other nationality or have had the citizenship of another State revoked. They may also acquire Montenegrin nationality if they satisfy the conditions listed in Art 8 comma 1 letters 4,5,7 e 8 (such as a registered domicile, a source of income, no

⁶⁰ Republic of Macedonia, Ministry of the Interior, *What is citizenship?*, Published in cooperation with the Representation of the United Nations High Commissioner for Refugees in Skopje, pag.1.

⁶¹ Republic of Macedonia Ministry of the Interior, op. cit., pp.2.

⁶² *Law on Citizenship of the Republic of Macedonia, 1992* (The former Yugoslav Republic of Macedonia, 11 November 1992). Available in English at: <http://www.unhcr.org/refworld/docid/3f54916b4.html>. See also note n. 59)

⁶³ Article 7.

⁶⁴ *Zakon o Crnogorskom Državljanstvu*, Broj: 01-288/2 (Podgorica, 21. February 2008).

criminal proceedings instigated or pending against the applicant in Montenegro or any foreign State, etc.) In any case, the application had to have been made within one year of the date on which the law took effect. After that period, only naturalization is possible, meaning that nationality will be granted only in the cases in which the person has become stateless, and even so, the application must be presented within 3 years from the date on which the law came into force.

Moreover, Article 5 (paragraph 3) of the Montenegrin Nationality law states that Montenegrin citizenship may be acquired by a child through parentage, if born on the territory of another State, when at the moment of the birth one parent has Montenegrin citizenship and the following conditions are met: the other parent is either unknown, or his/her nationality is unknown, or he/she is stateless, that otherwise the child in question would remain without any nationality. In this regard, it is important to highlight two critical aspects. The first concerns the fact that citizenship of Montenegro is not acquired if the other parent of the child in question, born abroad to a Montenegrin national, has a different citizenship which may be transmitted to the child. The second regards the obligatory condition that the parent must have already acquired Montenegrin citizenship before the birth abroad of his or her child. It follows that in the case of Roma who left their country while it was still part of the Socialist Federal Republic of Yugoslavia, not having acquired the new citizenship automatically, and who either did not respect the deadlines or failed to rectify their “situation of statelessness,” cannot pass their citizenship to their child. Furthermore, before the child is eighteen years old, the parent must present a request for the registration of said child as a national in the records office of Montenegrin citizens, provided that the child does not possess another nationality⁶⁵.

... and in practice ?

Based on the testimony of the Roma from Montenegro interviewed, it would seem that application for registration in the birth records and citizenship records in Montenegro may be done either through the Embassy or by going to Montenegro in person. However, cases have been found of rejection of such applications, apparently without any motive and the consequent inability to acquire Montenegrin citizenship, despite the fact that the parents were Montenegrin nationals and the children aged under eighteen. There are also objective difficulties in cases when the parents intend to apply for registration directly in Montenegro. Indeed, given that it is necessary that the child be present for registration in the Montenegrin birth and citizenship records, the child not possessing any documents may well encounter problems crossing the border into Montenegro.

Even should entry into the country be permitted, it would then be impossible to return to Italy, given the illegal circumstances in which most of the people who were interviewed for this study find themselves.

E. Republic of Bosnia-Herzegovina

Roma who are natives of what is now the Republic of Bosnia and Herzegovina, but who emigrated as nationals of the former Socialist Federal Republic of Yugoslavia encounter major obstacles to the acquisition of citizenship. The Law on Citizenship of the Republic of Bosnia and Herzegovina⁶⁶ stipulates that all persons who were citizens of the former Socialist Federal Republic of Yugoslavia may become citizens if they had established permanent residence in one of the Entities of the territory before 6 April

⁶⁵ Article 6 paragraph 1.

⁶⁶ *Zakon o državljanstvu Bosne i Hercegovine*, Bih 107 (Sarajevo, n. 01/97-16/12/1997). Available in English at: <http://www.unhcr.org/refworld/type,LEGISLATION,,BIH,3ae6b5174,0.html>.

1992⁶⁷ and had maintained it for two years before 1 January 1998, the date on which the law came into effect⁶⁸. The law also provides for the acquisition of citizenship for citizens of the former Socialist Federal Republic of Yugoslavia who before the entry into force of the law on 31 December 1998 had obtained permanent residency and maintained it for an uninterrupted period of three years⁶⁹. These norms not only make the return to Bosnia Herzegovina a condition *sine qua non* for the acquisition of Bosnian nationality, they require that it have been accomplished within very precise periods of time, and thus preclude a great number of Roma from obtaining the right to the acquisition of nationality, as they had left their country before the birth of the State of Bosnia Herzegovina and have never returned.

■ **...and in practice?**

■ Our research found a high incidence of children lacking Bosnian nationality who were born to Roma from Bosnia currently residing in Italy. It seems that the consulate of Bosnia Herzegovina in Italy will itself proceed with the registration of minors as long as one of the parents possesses a Bosnian passport. Once registration has been effected through the Bosnian Embassy in Rome, the interested parties are sent to the Bosnian consulate in Milan, where they must present the registration certificate issued by the Embassy, at which time a passport is issued. This procedure however, is not applicable when the child is already a legal adult. Once children have reached the age of eighteen, to become Bosnian nationals they must return to Bosnia or the native city of their parent, an option which is generally not taken into consideration given the extreme difficulty which they would encounter upon returning to Italy, the actual country of their birth, where they have been raised and where their affections lie.

⁶⁷ With the Dayton Accords (1995) it was established that the State of Bosnia-Herzegovina (*BiH- Bosna i Hercegovina*) was a single nation yet comprised of two distinct parts defined “Entities.” These are: The Federation of Bosnia and Herzegovina (*Federacija Bosne i Hercegovinee*) and the Serbian Republic of Bosnia and Herzegovina (*Republika Srpska*): from P Farci, *op.cit.*, p.318.

⁶⁸ P. Farci, *op.cit.*, p.319.

⁶⁹ *Ibid.*

Chapter III – Field Work

The interviews were conducted by a group of cultural mediators and workers selected for their ability and experience, who went to the so-called “nomad camps” located in Rome, Milan, and Naples. The collection of the interviews highlighted the multiple social disadvantages of the communities: some of the family and individual histories underlined in this text clearly express the disadvantaged condition of this community which finds itself virtually segregated socially, deprived of normal rights. This situation has an obvious impact on the behavior of the group with respect to the law, which must be described without moralizing. The risk appears clear that this state of marginalization will be passed from generation to generation, while repatriation to the country of origin of the subjects’ parents, or even possibly of their ancestors, is difficult or impracticable. The interviews gathered always take the familiar context in which each individual lives and works into consideration, because the legal status of individuals would not be comprehensible without understanding both the family composition and it relates to the history of the group as a whole, not least because all of those interviewed are part of a family group of one size or another, and it forms a fundamental element of their identity.

III.1 Interviewing activity in the field.

Territorial Analysis. On the basis of the information previously gathered, of the historical context known on the colony/settlement of Roma from the Balkans in the metropolitan areas of Italy previously illustrated, and of the information shared in seats of debate and discussion, we decided to carry out the study in the cities of **Rome, Milan and Naples**, because notably the principal problems of social marginalization, among which is the absence of legal citizenship documents, are concentrated to the greatest degree in the areas surrounding these cities. It is here that a “critical mass” of families has formed, concentrated in circumscribed areas in which they find themselves at once “confined” but where they can also count on a minimum of reciprocal solidarity and protection on the part of the group. These, as a matter of fact, are the areas where the greatest concentration of social workers, public and private workers have become involved, through governmental actions over the course of the so-called “Roma Emergency” (2008-2012).

The selection of workers. The workers were chosen in collaboration with two organizations active in the protection and the representation of the Roma minority and the protection of their rights, ‘**Opera Nomadi**’ and ‘**Federazione Roma e Sinti Insieme**’. For this project, the four workers involved in the research activity operated together with and under the direct supervision and responsibility of CIR. The decision to collaborate with these organizations arose from the desire to support the role of the associations which represent the Roma and Sinti in Italy, as too often the approach of institutions and even of large organizations protecting minority rights is to consider Roma families like “objects” rather than “subjects.”

Three of the workers involved are themselves Roma of Balkan origin (in Milan a Serb, in Naples a Montenegrin and in Rome, a Bosnian). The fourth is an Italian Sinto, chosen for his personal characteristics and progressive experiences and contacts; he worked together with the Bosnian worker in Rome. The work of the collaborators was generally devoid of great difficulty, not least because they administered the surveys in family environments they had already chosen and where they were known by the participants through previous social work and cultural mediation activity. The questionnaire

however does appear new for the most part in its wording. We want to stress the fact that its reception was very positive in most cases; in fact, the theme of statelessness and of citizenship in general, despite being relatively complex and sophisticated, turned out to be very familiar to the participants, who were, usually, well aware of the legal issues related to their condition. One could say that this dimension, a matter more intricate than material or social assistance, is clearer in their eyes of the families involved than to those of many of the social workers and technicians with professional competence in the area. Often those interviewed manifested approval of the “new” attention being given to this aspect of their condition. As to problems encountered during the research, these were due to the objective difficulties of the living conditions in the so-called ‘nomad camps’ where the interviews were carried out: technical and logical challenges arose such as subjects who were hard to find, problems with interpersonal communication, such as worries about privacy, (“*can I be sure that the information gathered will not be used to identify people to expel from Italian territory?*”), in the refusal to be interviewed due to skepticism about its usefulness, and conversely, due to trust solely in the subject’s own efforts (“*I’ve already paid a lawyer*”). Through their labor, the workers were able to activate a significant network of solidarity across the board: in general, we can say that the paid workers personally responsible for the project were never truly alone, for they were always supported and accompanied by an informal network of volunteers, always ready to help with the interviews and with the complex and sometimes tangled web of relationships connected to them.

The Interviews. The interviews involved 72 family units for a total of 239 individuals participating (25 families in **Milan**, 33 in **Naples**, and 14 **families** in Rome). The interviews were obviously nothing like the data collection of a proper census. Ours was a very targeted and piloted survey with no pretense of being exhaustive, constrained by both objective limits (of time and the number of workers), and subjective ones (refusals to collaborate). Within this framework, the limits were tolerable, for despite these factors the cases which comprised the data collected are both significant and representative of a wider context. We hope that our work will lead to new initiatives, rendering it the emerging tip of the iceberg, so to speak, the sure sign of a greater mass of underlying problems. In the metropolitan area of **Naples**, the interviews took place for the most part in the well-established “nomad camps” of Caivano Secondoigliano and Giugliano; in **Milan** in the camps of Muggiano, Monte Pisino, via Novara and finally an “unauthorized” settlement also in the area surrounding Muggiano (here it is worth digressing to note that although the initiatives of the “Roma Emergency” did redraw the map of settlements, they do not seem to have completely eliminated the existence of makeshift camps). In **Rome**, the interviews took place principally in the camps of Via Salviati and Via Pontina. The Prefectures in those cities were informed of our activities. The interviews not only brought to light the legal status of certain participants characterized by a lack of travel documents and consequently of residence permits, but as was to be expected and as had been, in fact, predicted, it revealed the exceptionally long duration of these conditions, to the point that they have had a controlling influence on the lives of multiple generations of people.

III.2 Interviews with the families

In organizing the administration of the questionnaires, we decided to conduct an in-depth analysis of the personal affairs of selected individuals or families. Generally speaking, there were cases which, due to the nature of the relationship formed with the workers, or for the emblematic value of certain occurrences, which we felt to be worth mentioning. By listening directly to their points of view, and allowing the participants to narrate their experiences in their own words, we attempted to give voice to these stories of flesh and blood individuals, investing them with the greatest possible sense of truth and realism.

These in-depth conversations took place for the most part over the month of October 2012. A significant part of these interviews took place at the Caivano camp between the cities of Caivano and Afragola.

This is one of the camps involved in the census conducted by the prefecture of Naples, and it appears more organized and dignified. The presence of law enforcement officers seems constant; the officers are obviously patrolling the camp, but in a way which seems peaceful and in mutual respect of the camp inhabitants. Trouble does arise, however, and in this Roma community of ex-Yugoslav origin one can find all of the phenomena typical of a group living hand to mouth. An example of this are the “fires,” or rather the burning of garbage in makeshift pyres to salvage the residual metals or to destroy it. That activity could, according to different sources, be connected to illicit waste management activities, a phenomenon in which the Roma are the bottom rung of the ladder, being those who are paid modest sums to actually dispose of waste from dubious sources, in a chain of deals which profits from the dreadful management of waste disposal and recycling in the province of Naples. In part, the interviews were of a private, individual nature, and in part they were collective, with the participation of neighbors, promoted by the community elders. The families involved were from Montenegro. Their ties with their native land were relatively weak, but one thing seemed to be considered certain from their point of view: those who are born in Italy, and who sooner or later try to apply for Montenegrin citizenship, will encounter so great a number of bureaucratic and formal obstacles on the part of the diplomatic authorities that they will never succeed in their efforts. Names here and throughout the text have obviously been invented: we have, however kept them Italian or Slavic, respectively, in accordance with the real name of the interviewee.

Fabrizio A., 23 years old: *I was born in Italy, and I have never had a residence permit. I have two daughters, ages 6 and 8. I was born in Maddaloni, in the province of Caserta, so it's not like I have traveled much. We've moved a few times, always in the Naples area, and we have been here in Caivano for two years. The only major trip I've taken was to Cologne Germany at 19 years old. I was there for a while, but I wasn't happy there, and in the end it was better to return to Italy. Here I have applied for asylum, as they told me to, to get a residence permit, but, I don't know, everything's been stalled for a year in Caserta (The Territorial Commission, editor's note), they're blocked. Things would be better with a residence permit. Although there's no work. You can't find anything.*

It is a simple enough case, and representative of many others: like many of his peers, a group of which was present during the interview, Fabrizio is a member of a generation which, at barely over twenty years old, already has children and has lived in Italy for his entire life, despite the absence of documents. Not only this, but Fabrizio has a camp ID card, which means that he has been through the censuses required by the authorities and his presence is thus known; he's hardly a clandestine immigrant. Even his participation in the process of applying for asylum was suggested directly by the authorities, in an attempt to end the vicious cycle in which he finds himself. He doesn't know Montenegro at all: that nation seems quite distant from his mental geography.

Alessandra A., 19 years old: *I was also born at the hospital in Maddaloni. Of course we have always lived here in Naples. My parents came here from Montenegro in 1972! I finished the 7th grade, but now I have two children, 2 and 3 years old. I don't work, I stay home, with the family, I'm a housewife. I don't have anyone to help me and I have to stay with the children, so I never leave the camp. I'm not that happy about it, but I don't have anywhere to go. I know people outside of the camp, though, eh, Italian men and women too. I know that we have a problem with nationality, because our parents were not Italian, it's not like in France. I want it, Italian citizenship. I'm going to ask for it. Will this interview help me to get this citizenship?*

While the story of Alessandra, like that of Fabrizio, is a simple one, glaring gender differences are apparent: here is a young woman who lives practically within the confines of the camp, protected by the family unit, and who at an extremely young age already has a precise role, of mother and housewife. We feel able to underline the fact that we are not talking about an abused woman: her relations with her relatives seem tranquil and respectful. And male peers present, that have not ever tried to interrupt

her, display respectfulness and calm. In contrast to the men interviewed, in fact, who have generally been tense or embarrassed, Alessandra distinguishes herself for her relaxed self control. Her role in the community appears clear, and also within the framework of family relationships and of her role as mother, guaranteed and safe. The lingering question is whether an intelligent and capable woman shouldn't expect something more than a life conducted entirely within the confines of the camp of Caivano...

Pietro A. and Patrizia B. respectively 24 and 26 years old: *we're married, but yes, married as Roma without papers. I (Pietro) have Montenegrin citizenship and I have an ID card. I have never had a problem. Neither has Patrizia, who has always lived here, but without ever leaving the camp. In any case, what we (both) want is Italian citizenship: we were born here, we have always lived here. Work ... do we really have to talk about it? Eh, there is no work; we manage somehow. I do what I can, I do what there is to do. Salvaging iron, moving things. What I can! Tomorrow I'm taking a friend to Bari, he's got to take a ferry. I do what they ask me to do.*

In these dialogues, sometimes naive, or disarming in their sincerity, we are struck by the acute longing citizenship here in Italy, the only country they know (to be honest, they really only know the province of Naples). This, among other things, debunks the widely believed myth about "the nomad lifestyle". What comes through as well is a frank description of their economic difficulties, relieved somewhat by help from family and a sort of "camp economy," in which those with greater economic means hire the less fortunate for various "services" from driver to transporter of goods. The message is implicit but yet clear that "what there is to do" may be semi-legal or illegal, and that, one believes there is no choice: given the living conditions, one cannot afford to be choosy.

Andrea D., 35 years old, has come to Caivano to talk to the interviewer, for he lives at the camp of Giugliano with his brother Zarko, who is slightly younger than he and, unlike Andrea, was born in ex-Yugoslavia. They are of Bosnian descent and in any case were born. They have the longest, most complex and most dramatic life experiences found thus far in the group of youth we interviewed from Caivano.

We're in a mess! Is it all right if we use "tu" (the informal you, editor's note)? We are in a real mess! Look, here work is the worst part. There's no work, there's no money. I work at the flea market with my brother, we go around and I sell my things. But the problem is that you can't work, or you can't work well. I can find one, a job, as a simple laborer, but always under the table, for peanuts, you end up getting 50 euros for the week... they'll never hire you properly, they couldn't anyway because of the documents. I was born and raised and I've always lived in Italy. My family is here. I've been in prison here, for theft. A few years ago they even sent me to Agrigento, to the C.I.E. detention center there (the Center for Identification and Expulsion, obligatory repatriation after deportation order, editor's note). What was I going to do in Agrigento? They kept me a long time, and then they said go away, and I came home. How were they going to deport me? Where was I going to go? And so, that's what they did in the end, they said "go, go away."

Like many in his situation, when he goes to an interview, Andrea always brings a folder of photocopies relating to his legal situation. The first document he pulls out is the sentence from the first section of the civil court of Naples, annulling the deportation order received in 2003, inasmuch as he is a "Yugoslav national". Andrea was, indeed, a national of that State, which however no longer exists, a situation which had already been true for many years by 2003, and the court recognized that fact. The second document is a certificate from the Municipal of Vlasenica (Bosnia Herzegovina) which certifies his lack of registration in the Bosnian citizens' register. The third, of 2010, from the court of Naples, and it is the letter with which Andrea, through his lawyer, requested recognition of the state of statelessness.

Lastly, the fourth is the sentence with which the same court in 2012 has denied his appeal against an initial sentence of 2011 in which the state of statelessness was denied. The Ministry of the Interior had opposed his application in court. Our point is not that of challenging a sentence: still, there are elements which are difficult to accept, not only for Andrea, but inasmuch as they seem to go against common sense: the sentence, in fact, maintains that as Andrea had the duty to apply for Bosnian citizenship and that his “possible practical difficulties in doing so... were, in and of themselves, irrelevant.” The “practical difficulties” included the sons and daughters of Andrea, who have never lived in Bosnia, and do not speak the language. A request addressed to the authorities of Bosnia Herzegovina would have been one towards a State which Andrea, an Italianized Roma, who has never felt himself to be Bosnian in the full sense of the term, and towards which he certainly doesn’t feel ties of loyalty: these hardly seem irrelevant difficulties to us. And, furthermore, it turns out that the practical difficulties are not necessarily irrelevant even according to the opinion expressed by the Attorney general in 2009⁷⁰, which with reasonable pragmatism suggests at least the issuance of a humanitarian residency permit in the case of an “exceedingly difficult repatriation.”

The D. brothers, feel the need to obtain explanations, to understand how and why they find themselves in this situation, not least because they feel that with greater goodwill on everyone’s part, a solution could be found.

But can we come to Rome? Can we talk to someone that would understand our situation? If you call us, we’ll come, to the Ministry, to wherever you say. We have a life, we have a family, but no one knows it and no one cares about it.

Duran, 50 years old, also carries a folder of documents around with him. He is part of a group of Montenegrins from Caivano, but he lives in Rome, in a camp with his second wife, a Serb citizen, and his youngest children.

I had a body shop, and land. Then there were problems, and I lost it all. I came to Italy in the 1970s, I’m not sure how old I was. Was I a Yugoslav citizen? No, I was registered in Montenegro. What do you mean why? But you know, not all the Roma, even before, were registered! Some had their papers in order, others didn’t. It’s always been that way. I had a residence permit twenty years ago, then I lost it. My wife and I were married 11 years ago- yes, a Roma marriage – no papers. Of course I can’t speak Serbo-Croatian, I’ve never spoken it, I know a word or two. Can you imagine if I tried to go to Montenegro! Because for the Italians, I’m from Montenegro! Not for Montenegro, but for Italy yes. And with three young children here! And then they told us – the local police told us- to apply for asylum, that they’d give us a residency permit, and when I went to the police commissioner, they started asking me hadn’t I done this, hadn’t I done that, hadn’t I stolen a car. My wife alone, closed up for ages at Ponte Galeria. It made her feel just sick. Then they let me go. And now I stay here at the camp, and work with the construction depot. I deliver stuff to building sites.

What emerges from the interview is that years before, in his more or less unofficial activity as a body shop mechanic, Duran must have dealt with cars of questionable origin, and consequently he has a police record. What upset him was the sense of having somehow been tricked: that having been invited by the powers that be to appear before the commission, he was then subjected to a sort of third degree, humiliated, and sent to the central station of Ponte Galeria, where, however, his detention did not result in deportation, a technically unfeasible option.

But Duran’s wife has more to add to the story, as with the others accompanied by a series of photocopies and cards (both spouses have access ID cards to the camp, issued after the census conducted by the Rome Prefecture). It is a complex story, which can be summed up as follows: only one of the minor children

⁷⁰ CS 33149/09 - Sez. IV Avv. Borgo.

is registered on the mother's residence permit. She claims to have insisted at the Police headquarters that there were three children, but they registered only the youngest, who was with her that day, not the other two, who were at school. She could not manage to remedy the situation; she could neither explain herself, nor make herself heard. In any case, using the residence permit, she was able to begin the process of registering her son through the Serbian consulate: it would seem that for the functionary, an Italian residence permit had been a convincing document. But when she tried to do the same for the other two children, a different functionary not only contested the legal status of the girls, but told her that no, his colleague had been mistaken, and she couldn't even begin the application process for her other son. Naturally the version supplied by Duran and his wife would need to be verified in many ways, but two things can be said with certainty: Duran's wife has a strong command of the Italian language, and is able to use legal terminology appropriately; there are certainly three children, not one, but for Italy and for Serbia, they are separated by different legal pathways. And quite frankly, this does not seem to be the parents' fault, but traceable back to at the very least an ineptitude or an unwillingness of various offices to resolve a situation, bringing harmony to what must (surely) be recognized as a contradictory dilemma in need of remedy. Undeniably, Duran has a tarnished history with regard to the Italian law is concerned, but even so, there remains an open question as to what to do with this man and his family, whom the Italian state refuses on paper, but tolerates in actual fact.

In Milan, in a sprawling complex on the outskirts of Muggiano rise what the local press refer to as the "Roma villas". More than anything, they are single-story wood buildings built on land bought – or occupied - over time, land which is currently the focus of building plans for new infrastructure in the public interest; this gives rise both to hopes and fears. The hope is that they may receive compensation, the fear that they will lose everything. Many families are sure that years ago, their parents paid Italians for the land, but to trace the paperwork among the general disorder, for contracts which are certain to be of dubious legality, is not always easy. For now, the situation is one in which the settlement is paradoxical – a small, long-standing district, with buildings which are in part unauthorized, in part legal. Because of the legal questions, the land is both a blessing and a curse to the inhabitants, who must battle chronic problems regarding the land, as well as those of legal residence.

Miro M., born in 1975 in Yugoslavian Serbia, narrates his complicated journey:

I don't exist for Serbia. I've checked. I don't know why, I guess the family didn't register me; back then there were Roma that didn't. I applied for Serbian citizenship in 2011, but I haven't heard anything. I applied for the status of statelessness in Italy but I haven't heard anything. All I have are the receipts. Meanwhile, I cannot get a real job, I get by, I salvage metal, recyclables. I found a cooperative that would have hired me, but I didn't have the papers. I found a cooperative willing to hire me, but without paperwork. I don't have residency, they won't give me an identity card. To be truthful, not even a driver's license, but as long as I stay around here, the Carabinieri know me, I can go around with a car, a truck. My wife is Romanian, but my children speak Italian at home, maybe some Romanian, but not much. What we are worried about now is the house, they've offered us money to leave, but I don't want money, I want a house ...

In a house nearby is Giorgio B., born in 1985, a young adult whose family seems to have been able to provide him with a greater well-being. Of Croatian origin, the family apparently has business activities, and judging by appearance, the house as well as the cultural and social means of the family all seem to be above the average. Giorgio has Italian papers, and on these documents he is listed as being of Croatian nationality.

Croatian in a manner of speaking, because for the Italians I'm Croatian, but for the Croats no. The Croatian consulate says that I cannot have Croatian citizenship. I applied for the status of

statelessness, and I was rejected, because according to Italy I have to clarify my position with Croatia. So I returned to the consulate and oh, you wouldn't believe how angry they got! They said Italy has no business teaching Croatian law to the Croats. I suppose there's no alternative but to hire a lawyer to appeal the decision...

Events like this make a difference: family resources, always scarce to some degree, get eaten up by legal fees for endless lawsuits. Years pass and no solutions to the problems arrive, not even, it should be noted, repressive ones. The reality is that life goes on in an eternal state of instability.

III.3 Reflections on the information gleaned from our experiences in the field

The difficult access to citizenship where one is born by jus sanguinis. Contrary to the prevailing conviction of Italian authorities, used repeatedly to justify rejections of applications for statelessness, it appears impossible, or at the very least exceedingly difficult, for many young people who were born and raised in Italy to claim the right to citizenship through their ancestry. The application process through the consulates appears difficult; applicants can rapidly find themselves entangled in what are truly vicious cycles.

Among the cases we found were:

- the refusal of consulates to accept the identity of minors who possessed only an Italian birth certificate, without official registration at the records' office of his parents' (or grandparents') native country, thus lacking any real identification documents.
- The frequent request that applicants appear in person to register children in their native country, despite the fact they possess no travel documents valid for leaving Italy, and, on the other hand, the fact that re-entry into Italy would be impossible given the absence of a residence permit.
- The loss of citizenship following changes in the political configuration of States following the dissolution of Yugoslavia, and more precisely, cancellation from official registers.
- The problems associated with being descended from parents or ancestors whose national status was uncertain to begin with; for example, we gathered the testimony of families who lacked regular registration with the government even when they lived in the territory of the former Yugoslavia.

It is highly likely that these problems are aggravated by social and cultural handicaps, for some families could never have known how to begin to take the first steps necessary to normalize the position of their children born in Italy and never registered with the government of their parents' country of origin. But it does seem impossible to challenge the fact that in a large number of cases there are serious complications for people not possessing any documents attempting to transmit their original citizenship to minors or adults born and raised in Italy. We found cases in which people who were effectively stateless were held at the C.I.E. (Center for Identification and Expulsion) in an attempt to repatriate them to Serbia or Montenegro. These repatriations failed, and the parties involved left the Centers return to their daily lives in Italy as they had left off, still without any residence permits.

The attitude of the authorities also seems to differ among the various States which arose out of ex-Yugoslavia. In some cases, applications for recognition of the status of statelessness in Italy were turned down even in the face of a clear rejection from the consular authorities (of Croatia for example), following a drawn-out, contentious legal procedure with their country of origin. By and large, Italian authorities seem to apply the theoretical possibility of transferring citizenship from the "historic" Yugoslavia to that of the new States in order to refuse many applicants the status of statelessness, without however wishing to take into consideration the objective difficulties that these individuals encounter in obtaining recognition of that right from the Republics which have arisen on the territory of the ex-Yugoslavia. In

our opinion, it is also an undeniable fact that many of the Roma living in Italy have no desire whatsoever to actually become citizens of these States, given that, as noted earlier, they have no emotional or cultural ties to these nations; these issues should also be given serious consideration.

The paradox of citizenship obtained. In the cases in which, having overcome bureaucratic hurdles of differing degrees of seriousness, some families have obtained a clear status for their children born in Italy, having been granted the recognition of citizenship accompanied by the respective issuing of a passport (in most examples, from Serbia), a terrible, nerve-wracking, and paradoxical situation may arise. Those minors who on their 18th birthdays still remain illegal immigrants on Italian territory become subject to expulsion and forced repatriation. It is easy to imagine how this may happen. The difficulty of these minors to opt for Italian citizenship on their 18th year is enormous: after all, the nature of their lives in Italy is precarious and uncertain, not having a clear path towards residency, alongside which there is then clear difficulty attaining a residence work permit. Imagine the crippling anxiety which accompanies an impending repatriation for these young people who have never lived in ex-Yugoslavia and who cannot even speak Serbo-Croatian! As a matter of fact, as Romani (*Romanes*) is their mother tongue, Serbo-Croatian had soon been abandoned as a *lingua franca* in favor of Italian. Italian or *Romanes* speakers, these youths, although technically citizens of other countries such as Serbia, have no cultural ties with the native country of their families, and instead consider themselves Italian. They regret having normalized their position, because paradoxically, the total absence of documents would have better protected them from deportation to an unfamiliar land, even though it would leave them in legal *limbo*. This great anguish can be determined empirically among many young Roma.

Improper documents and de facto situations: these are the most worrying illegal situations - created "legally," so to speak - and they are the fate of those who have been counted by the census of the so-called "Roma Emergency". Having received the so-called "camp id card," these persons are able to carry on with their lives relatively safe from police controls, and are admitted to new "nomad" camps. However, their situations remains illicit and the possession of this "camp card" provides a false sense of security. No matter what, it will never lead to a regular work contract nor, for example, the possibility of getting a driver's license. This way of living without documents, or with incomplete or invalid ones, or sometimes a combination of these even within the same family unit, has created a situation of *de facto* tolerance of stateless foreigners, whom no one knows really what to do with except tolerate their presence.

This obvious waste of human resources and opportunities inevitably leads to a consequence which we feel obliged to state frankly and without hypocrisy: entire families without regular documentation maintain themselves through irregular and even illegal activities. On the other hand, not having the necessary papers, it is literally impossible for them to do any legal work at all! This final paradox is well illustrated by the open encouragement (which is, frankly, expedient in many cases) police officers give to Roma to apply for asylum to the police Commission in charge, with a view to obtaining a humanitarian residence permit. Unfortunately, in many cases, that action of encouragement has ended up turning against the Roma, because they were found to have committed crimes of one type or another.

The end result in such cases is that the Commission charged with conceding a humanitarian residence permit refuses to approve it, and instead even begin the process of expulsion, which however is destined to fail. Absurd situations can be found in which a mother has obtained a residence permit following an interview with the Commission regarding her and her children, but the latter end up not being included in that permit.

We ask ourselves how this vicious cycle of illegality can be broken: we believe that it is time we recognized that these people deserve a real chance. They must be empowered to engage in legal work if they want to, something they have been denied, being without documentation. It is also obvious that this a condition leads to innumerable "petty" crimes, such as driving without a license and black market commerce. These are illegal activities which we believe should be prevented.

Chapter IV - Research Methodology

IV.1 Methodology and analysis of the questionnaires

As described in our defining presumptions the main objective of this study is to raise awareness of the phenomenon of statelessness in Italy, of people who legally pertain to no state, particularly among the Roma population. The project called for the reaching a few groups of Roma families in three principal cities: Rome, Milan and Naples.

To describe such a situation we felt it opportune to use a methodology through which part of the information was collected through the administration of a semi-structured questionnaire which could gather a series of data useful to begin a more in-depth investigation of the phenomenon, while at the same time not leaving too much room for linguistic and cultural misunderstanding.

To attempt to limit such misunderstandings, a short briefing was held with the mediators who were charged with distributing the questionnaires, with the secondary purpose of doing a sort of *pre-testing* of the instrument adopted, above all from the point of view of its comprehensibility. For this reason, next to the questions which were each accompanied by several answer options, the category “other” was always included, thus providing greater liberty in responding with regard to personal experience.

The questionnaire was designed to collect information on each family unit from the head of the family who had agreed to fill it out or respond to the questions according to the following structure: **part A** regarding the head of the family (male or female); **part B** regarding the partner (husband/wife or partner); **part C** aiming at gathering the same information regarding each child. Each questionnaire included the following areas through which we intended to analyze the phenomenon of statelessness: personal information, including the details of those interviewed (gender and age, for example) and those regarding their birth, length of stay in Italy, and the possession of documents; linguistic and professional competencies; education; occupation and social skills.

If on the one hand this data served to furnish background information for a more general and statistical description of the phenomenon being studied [although not numerically significant, the sample is (truly) representative of a larger situation] and to learn more about those subjects who are living, or who may potentially be living, in a situation of statelessness; on the other hand, this information allowed us a first useful indication of whether or not these individuals possess citizenship documents.

For example, we hypothesized that in order to hold a job or attend a professional training course, interested parties had to be able to provide documents regarding citizenship, or at the very least an identity card. The second set of items posed questions directly tied to the citizenship of the subjects interviewed (including control questions to verify correspondence among the answers), regarding the documents in their possession (or in the course of being acquired), ending with the participant’s intention to request, if the conditions present permitted it, the status of statelessness. The questions in the final section were aimed at better defining the phenomenon being examined and to supply the largest possible quantity of useful information in order to understand a theme which is as complex as it is little known or defined, even in legal and procedural terms.

The difficulties in reaching the entire population of Roma present on the national territory required us to limit the field to the three above mentioned cities, to identify the principle Roma communities which include the presence of second and third generations, and it was possible that the condition of statelessness would be found, and to avail ourselves of mediators who were able to most easily reach the families in these communities. This determined the choice of our technique of “*snowball sampling*.” In other words, we took advantage of the contacts made by the Roma workers chosen to administer the questionnaires within the communities of Rome, Milan and Naples, and through a sort of grapevine between families willing to participate in the survey, reached an ever-greater number of family units, a “snowball effect.” The questionnaires returned by the workers, however, were not all complete; some

sections had not been completely filled in, which led to missing data from the total of those who had agreed to respond but who did not in fact supply the basic data sought through the research .

People who filled in the questionnaires: 25 families in Milan, 33 in Naples and 14 in Rome for a total of 72 family units and 239 subjects involved⁷¹. For ease and clarity we will first present the personal data and that relevant to the section on citizenship for each group of respondents to the questionnaire. Afterward, we will add the information regarding each group on social skills, competencies and employment to the analysis.

Before entering into detail about the data which emerged from the research, **some background information will be useful in assisting the reader to comprehend the findings**. Despite the heterogeneous nature with which the various groups responded from time to time to the same questions, preventing us from having a constant relationship among the data, it is still interesting to note the values most important relative to the thematic principals of the research. Among those (Table 1), as far as concerns ‘Citizenship’ in particular, we can affirm that around 139 subjects out of a total of three groups comprising about 239 people are living in a situation of statelessness, nationals of no state and encountering difficulty in requesting citizenship. The majority of these are young (the children) whose difficulties are twofold: they cannot “receive” a nationality from their parents, and as a result they are forced to live clandestine lives, despite being born and having always lived in the same country, Italy. Another interesting piece of data is that relative to *statelessness*. In fact, although **only 29 people** claimed to have engaged in a legal procedure to obtain this status (among these some had obtained it, some were in the process of doing so, some had been denied it, and others intended to request it), it is relevant to note that those who had no opinion can be divided into individuals who know nothing of that procedure and those to feel it is “a better idea” to obtain citizenship, tying in therefore with the previous statistic of the 105 subjects who intend to seek citizenship of some sort, in particular Italian citizenship (this number includes those who have already obtained citizenship of some sort).

⁷¹ Being a relatively small sample, statistically speaking, percentages when given will be rounded for approximation. Moreover, again due to the small number and with a view to a prevalently fact-finding study, we have chosen to emphasize the distribution of the frequency of noteworthy data.

Table 1 – A summary of the principle research data

	<i>Heads of Family</i> <i>Out of 69</i>	<i>Partners</i> <i>Out of 52</i>	<i>Children</i> <i>Out of 118</i>	Total 239
CITIZENSHIP				
<i>None</i> (Probably stateless)	31	17	91	139
<i>Process to obtain citizenship ongoing</i>	5	0	0	5
<i>Intend to request citizenship</i> (particularly from Italy)	17	24	64	105
STATELESSNESS				
<i>Recognized status of statelessness</i>	1	0	0	1
<i>Have begun process to obtain recognition of statelessness (outcome)</i>	4 application in progress (2 of which are awaiting results and 1 has been denied)	0	1	5
<i>Intend to ask for statelessness</i>	12	5	6	23
REFUGEE STATUS				
<i>Requested</i>	15	17	7	39
<i>Outcome</i>	1 granted 9 special residence permit 3 Denied	1 granted 12 special residence permit 1 Denied	5 special residence permit 2 denied	

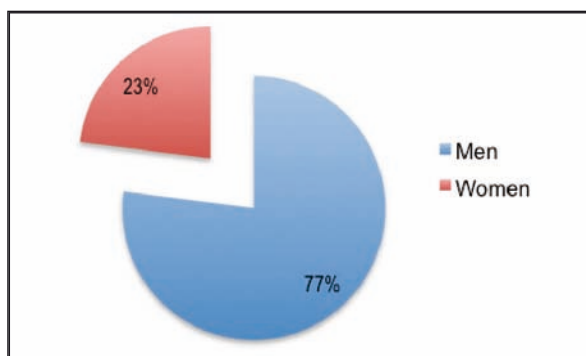
IV.2 Principal data found in the sample reached

Data for the Heads of Families (Milan, Naples, Rome)

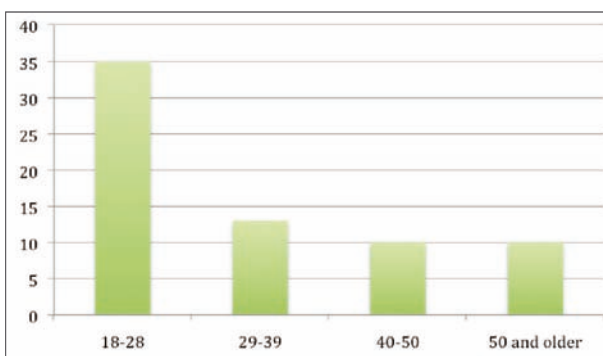
Personal Information

Of the 72 questionnaires returned, 69 heads of families replied (3 were missing) and the answers were distributed as shown in Graph 1a, which demonstrates that 77% are men (53) and 23% women (16). The age distribution, instead, is as follows: there are 35 heads of family between the ages of 18 and 28, 13 between the ages of 29 and 39, 10 whose age is between 40 and 50 and the remaining 10 heads of family are over 50 years old (Graph 1b).

Graph 1a – Distribution by gender (%)



Graph 1b – Age group (%)

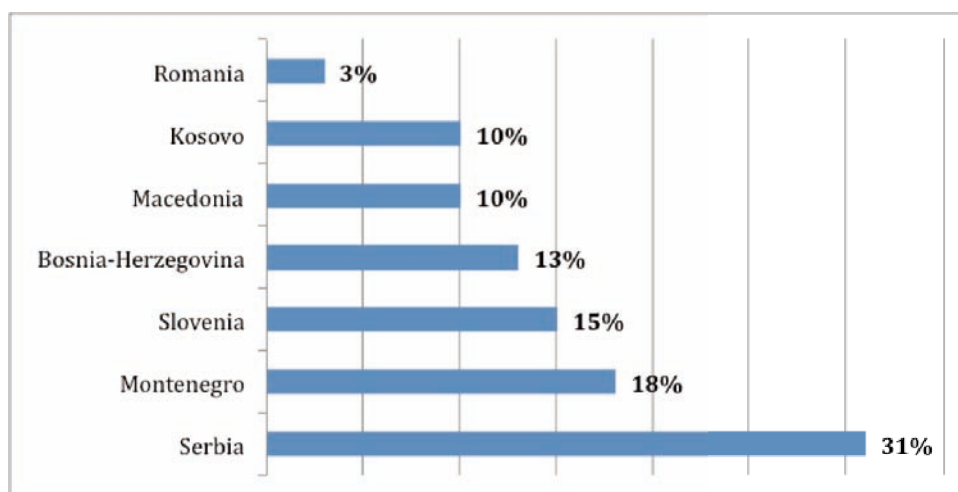


Among those who agreed to respond to the next question, 64 state that they are married, 3 that they are not, and 2 say they are separated. Asked which type of marriage rites they had observed, 62 responded, as follows: 74% were married through the Roma ceremony, 13% in a civil ceremony at the (municipal government, the *comune*), 6% declare that they are living together following a “marriage at home,” 3% define themselves as having married with the “Slavic ceremony,” and the remaining couples are equally divided between a religious ceremony (2%) or an unspecified one (2%). In addition, the majority of respondents (16%), out of 61 declare that they have children. One has four and another only one, followed by families with 2 (15%) and 3 (11%). The remainder can be subdivided between those who have no children (7%) up to those who have 14 (2%).

The group of heads of families who named their place of birth, 68 in this case, is rather equally subdivided into those who claim to have been born in Italy (47%) and those who claim to have been born abroad (53%, 36 heads of families in absolute terms). To the next question for those born abroad, regarding their native land, 39⁷² responded as follows: 31% were born in Serbia, 18% in Montenegro, 15% in Slovenia, 13% in Bosnia-Herzegovina, 10% in Macedonia and 10% in Kosovo, while the remaining 3% says they were born in Romania (Graph 1c).

⁷² Two initially answered that they had been born in Italy, only to specify later their foreign State of birth, while one who had not answered the question about being born abroad later indicated the foreign State.

Graph 1c – Foreign State of birth of the Heads of Families (%)



The same participants were asked to state how many years they had been in Italy. Of the 39 who responded, 72% claimed to have been in Italy for over 20 years, 20% for fewer than 20 years and 8% for fewer than 10 years.

Where do these heads of families interviewed live for the most part?

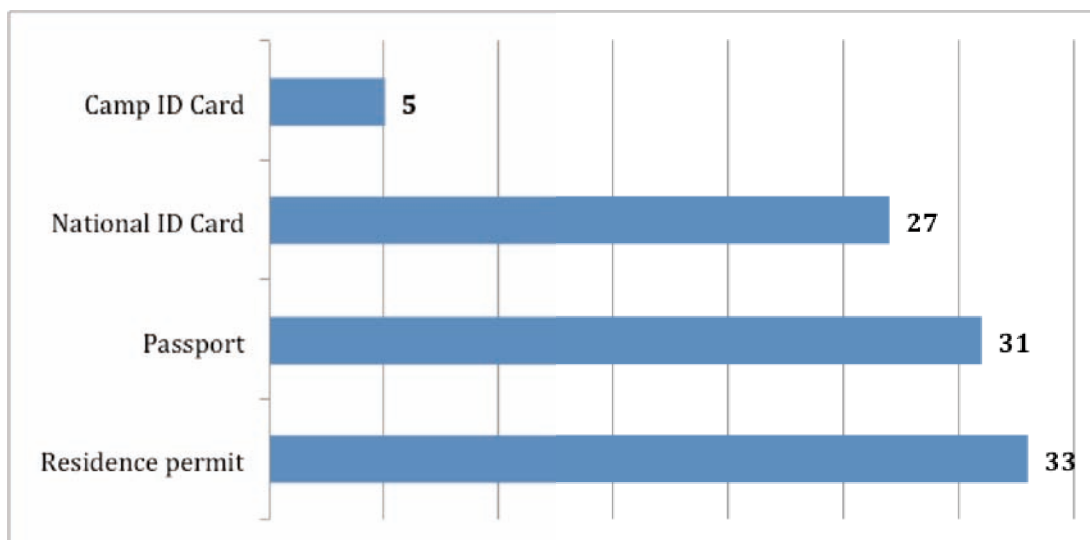
Of the 69 who gave an answer to this question, 87% live in a camp and 10% in a house/apartment. The item included, like many of those with multiple choices on the survey, the possible response “other.” Although only the remaining 3% (2 heads of family in all as an absolute value) should have answered this question, indicating a living situation different from the other two choices given (“camp” or “house/apartments”), 29 chose “other,” specifying variously that they lived in an “authorized camp” (24 heads of families) in a “illegal” camp (3 heads of families) and of the remaining two one said he lived on agricultural land and the other in a community.

From this initial set of background data which allows us to describe the type of group which we reached with our research, we will move on to a series of questions regarding the possession of documents in general, which will prove useful in comparison with the last section of the questionnaire (*Citizenship*) in which we address the specific theme of citizenship and the related theme of the possibility of resorting to the condition of statelessness.

The first question was aimed at finding out whether or not they had an officially registered domicile: 51% (of 69 respondents) declared that they did not. The reason for this is generally stated as being because they have no documents (10 heads of families out of 35 responding); 9 claim instead to live in an ‘unauthorized’ camp and not have any papers, 5 specified that they had no residence permit (*permesso di soggiorno*) and 4 that they had never attempted to get one. There were those who claimed to have had one and lost it, others to have requested one and been denied, and one person stated “I had one, but as I have no documents, they canceled mine.”

In addition to an officially registered domicile, participants were asked whether or not they possessed another type of document. Of the 67 heads of families who responded, 90% claimed to have one. In response to the following question, in which they were asked to choose among several alternatives which document(s) they had in their possession, and clearly given the possibility of choosing more than one answer should they possess more than one document listed, they responded as follows: 33 heads of families out of 63 responding declared that they had a residence permit, 31 a passport, 27 a national identity card and 5 a camp I.D. card (Graph 1d).

Graph 1d – Documents which participants claim to possess (absolute values)



Taking advantage of the “Other” category given among the alternatives, many heads of families (32) pointed out specifics about their own particular situation. The most common was the possession of a birth certificate (8 plus 1 who specified that the birth certificate was Italian), of a driver’s license (2), another category added was that of possession of an expired document (5 cases, two of which specified that the document in question was an identity card and another a humanitarian residence permit), another listed possession of a generic document named “Humanitarian,” in all probability referring to a residence permit. Others claimed variously to have a Romanian identity card, a “Camp Census Card,” a passport, a passport of the former Yugoslavia, a “passport of the Roma Union – Association for the recognition of Roma rights” and lastly, an “assessment survey done by the police.”

Citizenship

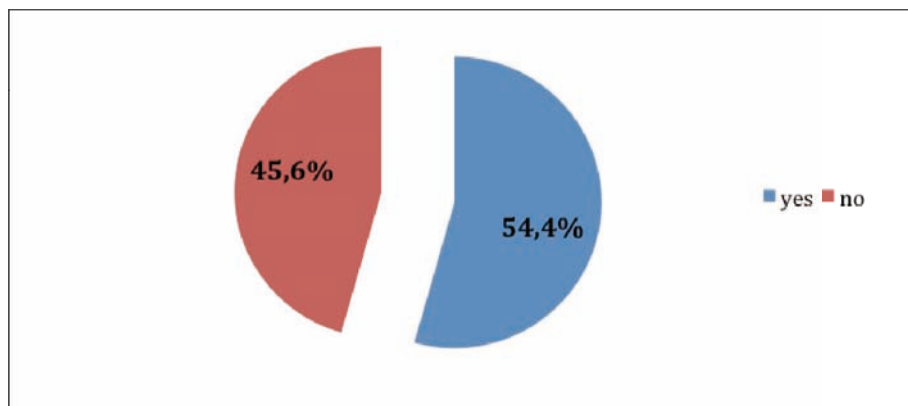
Out of 69 heads of families, 29 claim to have begun the process of obtaining a document. When asked which document they were in the process of applying for, participants responded as follows: 2 out of 28 a passport, 1 out of 29 an ID card, 1 a camp ID card, 14 a residence permit, but others, using the category “Other,” attempted to give specifics on their own situations and we have grouped those answers into the following categories:

Procedures under way (from the category “Other”)	
Awaiting an official response (application, renewal)	13
Procedure to obtain citizenship	5
Application for the Status of statelessness (in general)	4
Total	22

The majority of the procedures are under way in Italy, for they number 26 (out of 28, for one person has two parallel procedures on-going, in Italy and Serbia) and 2 in Montenegro.

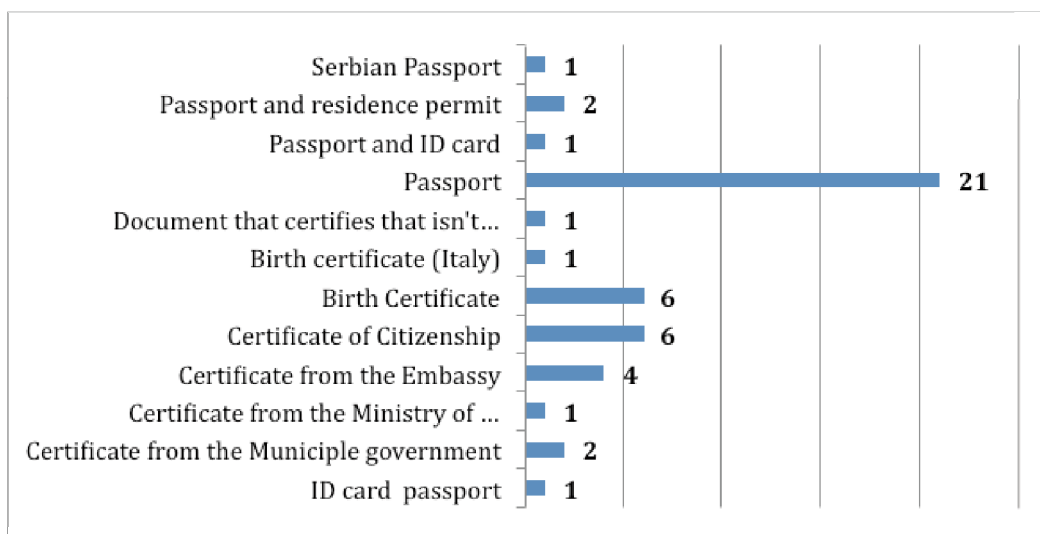
As far as concerns the set of questions regarding citizenship, the first was aimed at learning how many of them “claimed” to have citizenship, to later pose a series of control questions to try to verify both actual possession of citizenship and to assess the participants’ knowledge of what it means not to have citizenship and, above all, not to be able to identify a state which could grant it to them. Of 68 responding, 37 claimed to be nationals of a State and the remaining 31 heads of families said they do not have citizenship (Graphic 1e).

Graph 1e – Possession of Citizenship among Heads of Family (%)



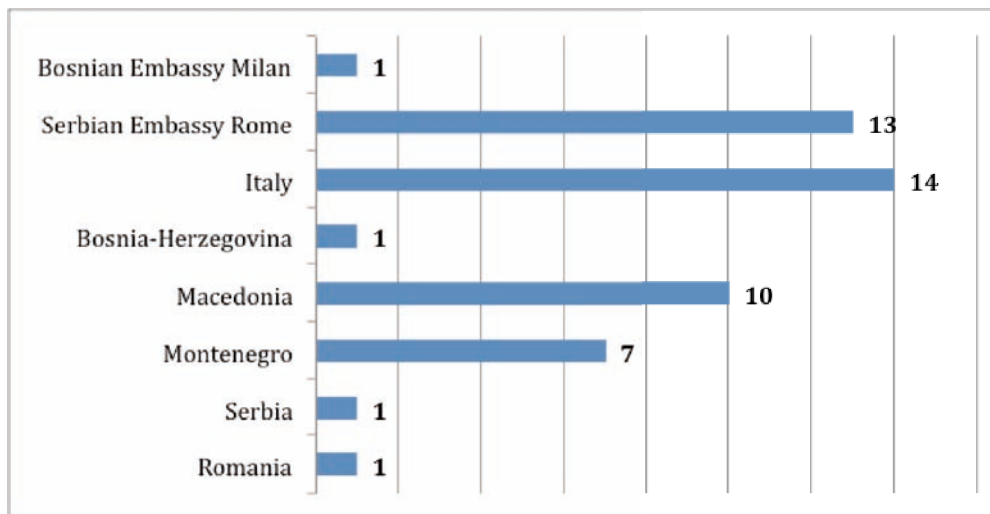
Following that set of questions, the survey requested participants to specify of which State they were citizens. In contrast to the 37 who had declared citizenship, there were 45 who responded to the question regarding which state (36 claimed to have been born abroad, 39 had declared in which State): 17 claim to have Serbian citizenship, 10 Bosnia-Herzegovina, 11 Montenegrin, 1 Macedonian, 1 Romanian and finally, 5 declared that they had a document issued by Italy (specifically, the documents in question were “birth certificates” or documents from the local municipality). Only one head of the family, in the end, declared that he was statelessness. The control section included an item asking if they had documents certifying what they had declared, and if so which: 50 heads of families out of 53 said they did, but only 47 specified which type of document that, to their mind, certified the possession of citizenship. There were 26 who claimed to have a passport (one specified a Serbian passport) 2 also had a residence permit and 2 an identity card. There were 4 who claimed to have a “certificate from the Embassy,” 7 a birth certificate (4 of these were Italian-issued) 2 a certificate from the municipal government (1 Italian and 1 Montenegrin), 1 claimed a certificate from the Ministry of Montenegro and 1 “a certificate that isn’t from an Embassy” (Graph 1f).

Graph 1f – Documents attesting to citizenship according to Heads of Family (absolute values)



Of these, 13 out of 48 said that the State of Serbia issued these papers (plus 1 who specified that it was the Serbian Embassy in Rome) 14 point to Montenegro, 10 to Bosnia-Herzegovina (plus 1 whose document was issued by the Bosnian Embassy in Milan), 7 Italy, 1 Macedonia and 1 Romania (Graph 1g).

Graph 1g – State issuing the document attesting to citizenship (absolute values)



For those who did not claim to have citizenship, there were items to examine the reasons for that status. Several choices were given to those surveyed, among which 19 out of 45 claim not to have any nationality because they were born without it, 4 that they lost it, 1 that they lost it and did not attempt to regain it, 1 did not know which State to request citizenship of, 2 did not know to whom to turn. Taking advantage of the “Other” category for the same question, besides repeating that they had been in Italy since birth, that they had never been to their “native” country (often of their parents) or that the native country of their parents was unknown, some respondents gave other answers which we can group as follows:

Why haven't you got citizenship? (from the “Other” category)	
Intend to request citizenship (Italian or don't specify)	8
Don't have documents but would like to request it	5
Already have citizenship, but would like to request Italian citizenship	14
Canceled from register of Serbia in 1984	1
Application denied	2
Total	30

One last control item aimed at gauging to which state they had applied for citizenship. Of the 22 who answered, 6 indicated Italy, 6 Bosnia-Herzegovina, 6 Montenegro, 2 Serbia, 1 Macedonia, and 1 wrote “rejected.”

Finally, next to the items on citizenship some questions were inserted to survey those who found themselves without any citizenship for the above-mentioned reasons, asking which type of actions they had taken or intended to take regarding their situation. The first question regarded refugee status: 15 out of 54 heads of families responding affirmed that they had asked for refugee status, with the following results: 1 had received recognition of that status, 3 were denied, 9 had received a special residence permit, and 4 said they were still waiting for their application to be examined. The second question directly regarded statelessness: 12 heads of families out of 52 responded that they intended to apply for it. One, it should be noted, had already declared that he was stateless.

Regarding those who had no intention to apply for statelessness, we attempted to understand why. In

response, 1 out of 16 claimed not to know who to ask, 1 not to know what it was, 9 out of 17 that it would serve no purpose.

Like the others, this item was accompanied by several choices including the option “Other” with which to communicate in one’s own words, albeit in a small space, the experiences which led them to believe that despite not possessing any citizenship, it would serve no purpose to ask for the status of statelessness. Among those responding, there were participants who were awaiting the results of an application for citizenship (2), those who were still hoping to apply for citizenship (17 cases, 12 of whom specify that they wish to apply for Italian citizenship given that they have lived in Italy for over 10 years or because they were born here), and there were others who responded as follows:

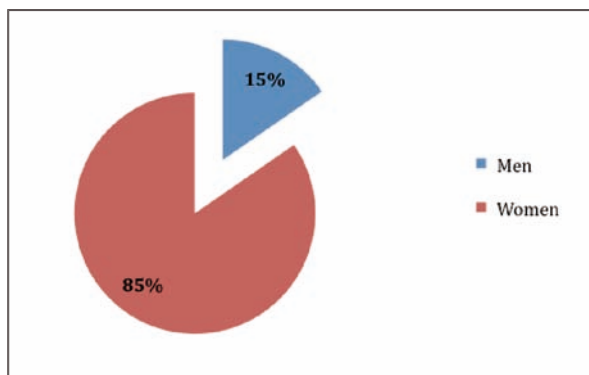
Why aren’t you considering applying for the status of statelessness? (From the “Other” category)	
I am waiting for an answer to a request I have already made	1
I have applied for it but I have not yet had an answer (6 years ago)	1
I have applied but I was denied; I appealed in court; I am waiting.	1
I don’t know, or I don’t think I am eligible for it	4
I will if they don’t give me citizenship	1
I have applied for citizenship based on my residence here since birth	1
Total	9

Data about Partners

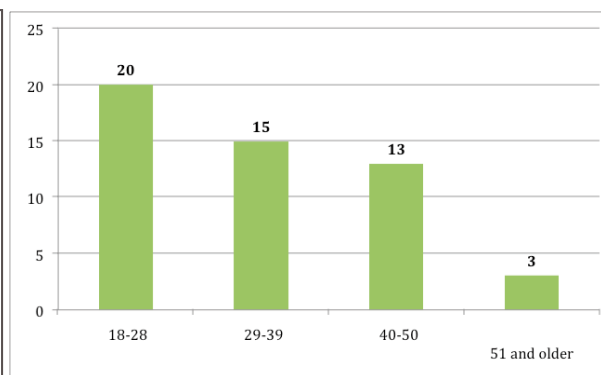
Personal information

When we turned to the partners or spouses of the heads of the families interviewed, the first thing that struck us was that there was an undeniable number of missing data, or rather items left blank on the questionnaire. Initial proof of this emerges with the answer to the item about the gender of the person being surveyed: out of 72 questionnaires administered, only 52 responded (when instead it has been noted that 64 heads of families had claimed to have partners), subdivided into 8 men and 44 women (Graph 2a). The age of the group is relatively low, as 20 of the 51 responding fit into the category of s 18-28 years old, 15 in the category 29-39, 13 in the category 40-50, while only 3 claim to be over 50 years old (respectively 56, 60 and 71 years old) (Graph 2 b).

Graph 2a – Distribution by gender (%)



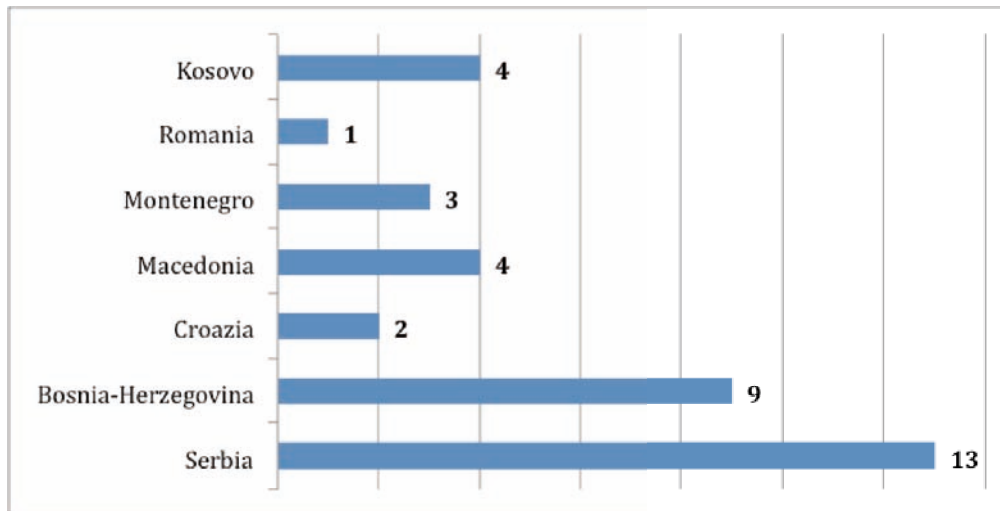
Graph 2b – Age group



Of the 52 respondents, 20 claim to have been born in Italy and 32 abroad. This last number rises to 36 when specifically asked in which foreign State they were born (this margin of error could simply have

been due to not having understood the previous question). Among those, 13 were born in Serbia, 9 in Bosnia-Herzegovina, 2 in Croatia, 4 in Macedonia, 3 in Montenegro, 1 in Romania and 4 in Kosovo (Graph 2c).

Graph 2c – Partner’s foreign State of birth (absolute value)



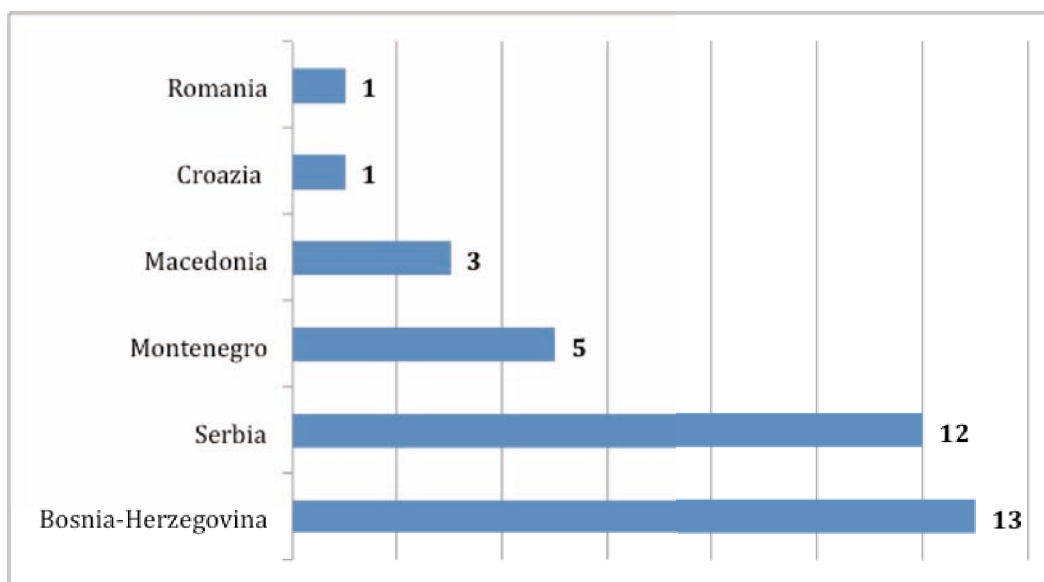
The figure of 36 respondents goes down to 35 when asked how many years those born in foreign States have been living in Italy: the majority have been living in Italy for over 20 years (22 cases), 10 have been here for fewer than 20 years, only 2 for fewer than 10 and 1 for fewer than 5 years. Of the 50 who responded to the next item regarding their current place of residence, 45 answered that they live in a camp, and 3 in a house/apartment. Given the opportunity to make their own choice, and finding neither “camp” nor “house/apartment”, an appropriate answer, 26 used the choice “Other” with which they specified that the camp was “authorized,” while the remaining 6 were subdivided into 3 in “illegal” or “irregular” camps, 1 in a camper, 1 “on land with my husband.” One said they lived in prison. Continuing on to the item regarding possession of an officially registered domicile, 32 out of the 52 responding claimed to have one and of the 20 who did not, 16 explained why: 8 said they did not have it due to a lack of documents, 4 chose the option “I applied for it but still do not have it” (specifying “awaiting registration” in one case and “regular camp- no right” 2 cases), the remainder specify “not in the camp list” and “not authorized in camp”, “agricultural land”, “haven’t got a residence permit.” Relative to whether or not those surveyed had an alternative document, other than or in addition to a registered domicile, 20 of 47 claimed to have an ID card, 1 a camp ID card, 29 a passport, 25 a residence permit and 16 responded as follows:

Which of these documents do you have? (from the category “Other”)	
Waiting for a document	1
Birth certificate	6
Roma Union passport	2
Renewal of residence permit	1
Expired	4
Refugee status	1
Humanitarian, expired	1
Total	16

Citizenship

Like the heads of the families, their partners were asked questions to gauge their knowledge about their own situation regarding whether or not they possessed citizenship and which type of documents actually certify its possession. 23 out of 51 stated that they had begun the process of obtaining such a document. Which document? 21 out of 24 said they were in the process of applying for a residence permit, and 10 chose the category “Other” because they were waiting for a renewal (7), for Italian citizenship (1), for a residence permit (1) and for “humanitarian” (1). Afterward, however, when asked to which State they had applied for the given document, all 23 who answered said that it was Italy. Following these question “probes,” which were an attempt to ascertain the awareness of interviewees with regard to the types of documents that attest to the possession of citizenship, we asked more specific questions targeted at understanding their personal situations regarding the issue of citizenship and the possible option of requesting the recognition of the status of refugee or statelessness. To these items, 35 out of 52 responded that they possessed a type of citizenship; the issuing State was Bosnia-Herzegovina in 13 cases, Serbia in 12, 5 Montenegro, 3 Macedonia, 1 listed Croatia and 1 Romania (Graph 2d).

Graph 2d – States which issued citizenship to partners (absolute values)



44 partners out of 47 who responded claimed to have a document attesting to citizenship. In response to the next question asking them to indicate which document in their possession certified nationality, their answers were:

Document possessed attesting to citizenship (from the category “Other”)	
Passport, ID Card	3
Certificate (from the Municipality, the Embassy, of citizenship)	6
Birth Certificate	7
Passport	21
Expired Passport	1
Passport, ID card and residence permit	1
Residence permit	3
Total	42

The States credited with having issued these documents were in the first place Italy (in 12 cases), in 10 cases Serbia (including one of its Embassies in Italy), in 8 Bosnia-Herzegovina (including one of its Embassies in Italy), in 7 Montenegro, in 3 Macedonia, in 1 Croatia, in 1 Romania and an Embassy in Milan (of which State was not specified). But those who declared that they did not have citizenship (17 in response to the direct question), when asked why they did not have it, 10 (out of 25) said they were born without citizenship, 2 out of 24 that they had lost it, 1 that he/she had lost it and not attempted to regain it, 2 that they did not know who to turn to for it. We can group, instead, the 19 responses of those who chose the category “Other” to answer the question as follows:

Why haven't you got citizenship? (from the “Other” category)	
Intend to request Italian citizenship	5
Already have citizenship, but intend to request Italian citizenship	11
Without documents but wish to apply for Italian citizenship	1
Lack of documents	2
Total	19

When asked to which State they had applied for citizenship, 1 responded Italy, 3 Bosnia-Herzegovina, 1 Serbia and 1 replied that he/she had applied for the status of statelessness.

Instead, 17 out of 46 claim to have applied for the refugee status, of whom 1 received recognition of it, 1 was denied, 12 received special residence permits, and 3 said they were still waiting for their application to be examined; additions in the category of “Other” included 2 who said they were still waiting and 1 that his/her citizenship had expired.

Finally, in response to the question about statelessness, 5 out of 45 affirmed that they were thinking of applying for the status of statelessness. Yet the others, when asked why they had no intention of asking for such a status, if they believed or knew that such a request was plausible, 3 out of 26 admitted not knowing whom to request it of, 1 that they didn't know what it was, 16 that they had received a special residence permit. In the category “Other,” in addition to the those who claim generically to have documents or to be a “Macedonian citizen,” the other answers are as follows:

Why aren't you considering applying for the status of statelessness? (From the “Other” category)	
Intend to request citizenship (would like to request it)	24
Ineligible	1
Don't know	2
Total	27

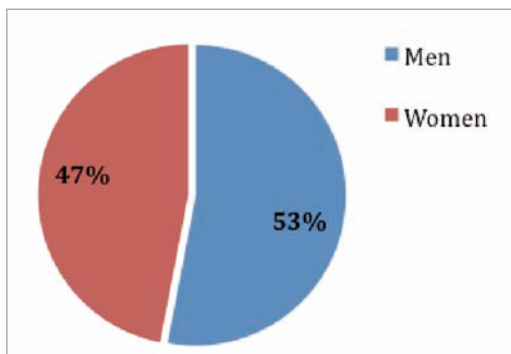
Data on the children of the family units

Personal Information

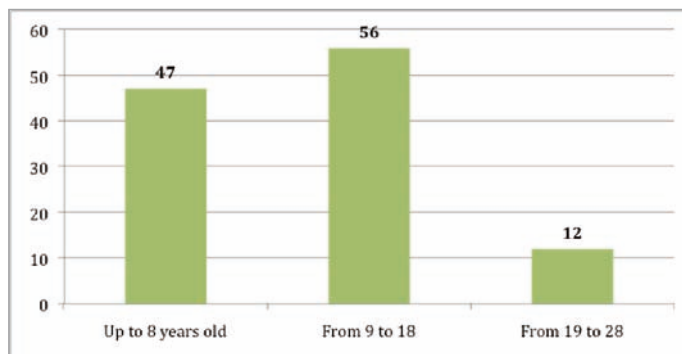
The grand total of all of the children pertaining to the family units which agreed to answered the relative question was 225. The number of questionnaires returned was 218 of which only 118 were filled out and those were not completely. Among those who claimed to have several children, a few decided to answer questions only regarding the first child, others only regarding a few children and still others none. Despite this, it is possible to analyze at least the data for the children about whom the questionnaires were completed.

Beginning with basic characteristics, it is possible to say that the children thus reached were 53% male (62) and 47% female (55). 2/3 of the group of children were between 1 and 18 years of age, while the remainder were between 19 and 28 years of age (Graphs 3a and 3b).

Graph 3a – Distribution by gender

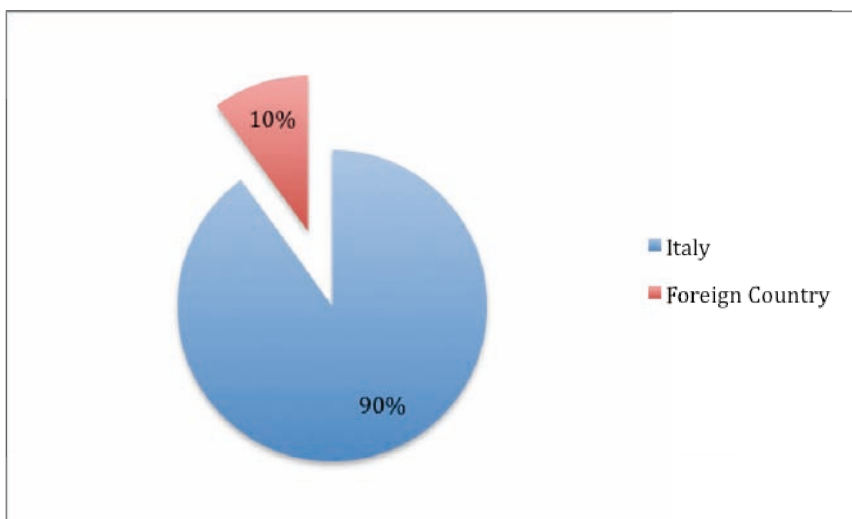


Graph 3b – Age



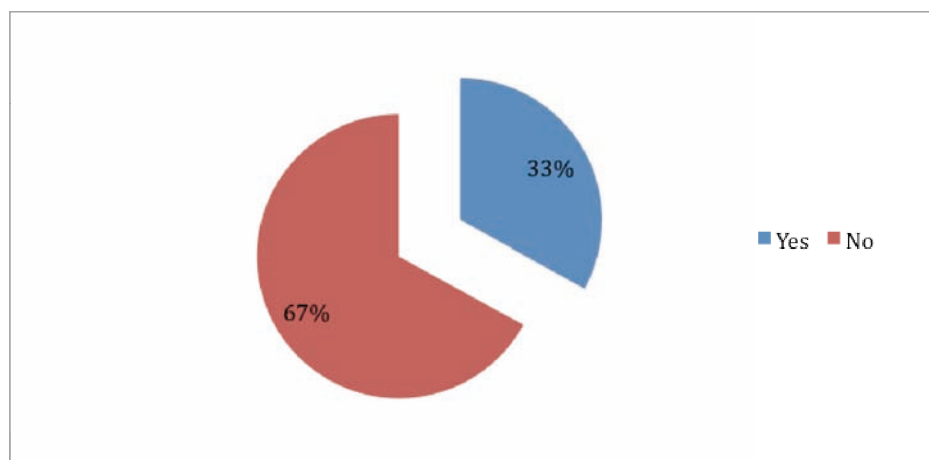
Out of 114 surveyed who responded to the question, 90% of the children were born in Italy, while the remaining 10% were born abroad (Graph 3c).

Graph 3c – State of birth of the children (%)



Of this 10% (a total of 11 children), 3 were born in Macedonia, 2 in Serbia, 1 in Slovenia and the others were born respectively in Spain, Germany (both 3) and in Belgium. Out of the same total, 5 children had been in Italy fewer than 20 years, 4 fewer than 10 years, and 2 fewer than 5 years. A significant number of them (102) live in a camp, 9 in a house/apartment and some make further comments in the “Other” noting that they live in an authorized camp (59), an unauthorized one (6), on agricultural land (1), and 1 claims to be “without a permanent home.”

With respect to the officially registered domicile, only 38 of 116 respondents claimed to have one, while 78 said they did not, despite so many of them having been born in Italy (Graph 3d).

Graph 3d – Possession of officially registered domicile (%)

Only 68 responded to the question as to why they did not have a registered domicile: 1 of them said they had never requested it, 7 that they had requested it but not yet obtained it, and the others responded through the category “Other” as follows:

Why haven't you got a registered domicile? (from the “Other” category)	
Residence permit expired	1
Unauthorized Camp	12
Lost it (Unauthorized Camp)	1
Lack of documents/don't have documents	31
No residence permit	8
Not in camp list	3
Not eligible	1
Not eligible to be in camp	1
Agricultural land	2
Total	60

Out of 115, 84 responded that they possess another document: 18 out of 89 have a national ID card, 16 have a passport, in 24 they claimed to have a residence permit, 1 (out of 88) named as his/her document the camp ID card. 64 used the category “Other” to add a document which they considered important that wasn't included in the choices given for the question but which they had, or to indicate per the only document they did possess, in addition to responses in which the fact was underlined that the child was on a document “with his mother” or “with his father.” A summary of the information is in the table below:

What document do you have? (from the “Other” category)	
Art.31 Custody of a minor	1
Awaiting renewal	1
Birth Certificate	55
Foreign Birth Certificate	2
Social Security number (Codice Fiscale)	1
Driver's license	1
Municipality Police survey	1
Total	62

Citizenship

Only 18 of the 108 respondents claimed to have begun the process to obtain a document. The procedure regarded the following documents: 14 said they had an application under way for a residence permit, 1 for a passport and, as in other cases making use of the category “Other,” there were those who said their child was included on the residence permit of the mother, or declared that there was no application under way because of a lack of documents and others answered as follows:

For which document do you have a procedure under way (from the category “Other”)?	
Have been denied and awaiting results of appeal	1
Statelessness	1
Awaiting renewal	5
Residence permit with mother	1
Total	8

Italy is generally the state with which an application has been filed, as attested to by 15 respondents, while 1 reported that a procedure had been undertaken with Bosnia-Herzegovina. Relative to the theme of citizenship, 91 said they did not have any, while 26 responded affirmatively. When asked which state had granted them citizenship, 2 responded that it was Italy, 3 indicated Bosnia-Herzegovina, 2 Macedonia, 5 Montenegro, and 16 Serbia. The control item was aimed at making the respondents state which document in their possession actually testified to their citizenship. 73 out of 77 had claimed to have a document that certified citizenship. When requested to state what that was, 74 of these answered in the following ways:

On which document does it say you are a citizen? (from the “Other” category)	
Certificate (from the Municipal, the Embassy, of citizenship)	8
Birth Certificate	43
Birth Certificate (German)	1
Birth Certificate (Italian)	1
I have a passport from ex Yugoslavia	1
Passport	16
Passport father	1
Residence permit	3
Total	74

Of these, 45 state that Italy issued the document, 2 Bosnia-Herzegovina, 2 Macedonia, 8 Montenegro (of whom one had the document issued through the Montenegrin Embassy in Rome), 9 from Serbia (of whom 4 from the Embassy in Rome), 3 from Germany, 1 Spain and 1 claimed to have a document issued by the former Yugoslavia. If the respondent had admitted to not having any citizenship, they were asked to indicate the reason: 61 said they had been born without citizenship, 2 that they did not know which state to ask for it, and 1 claimed not to know who to turn to. Here, too, respondents made use of the category “Other” to explain why they do not have citizenship and, other than those who explained that neither they nor their parents had ever returned to the foreign country of origin (3) or underlined that their parents did not have documents to correct the position of the children (1), the responses can be divided into the categories listed here:

Why haven't you got citizenship? (from the "Other" category)	
Intend to request citizenship (some specify Italian citizenship)	14
Already have citizenship, but would like to have Italian citizenship	13
Due to lack of documents, but would like citizenship (some specify Italian citizenship)	33
Due to lack of registered domicile (in Italy or abroad)	17
Total	77

From which state have you requested citizenship if you have done so? Among the responses, 1 had applied to Italy, 2 Montenegro and 3 Serbia.

Regarding the option of refugee status, 7 had requested it: 2 had been denied, 5 given a special residence permit and 1 used the category "Other" to state "I have appealed." In response to the query "Do you think you will apply for the status of statelessness?" 6 (out of 105) said yes, in contrast to 99 who claimed to have no intention of doing so. For those whose answer had been no, we tried to understand the reasons for this negative decision: 2 claimed not to know who to ask for it, 4 not to know what it is, and 37 stated that it wouldn't be of any use to them. Through the category "Other," again many people expressed what they would like to do or intended to do, likely hoping in an opportunity to receive more and accurate information.

It should be remembered, however, that 2/3 of the children about whom information was gathered are at most 18 years old and that therefore it was the parents who were expressing their will with regard to the future choices of their children (also keeping in mind how grown up even if not legal adults). In addition to those respondents who pointed out that they would not seek the status of statelessness because they possessed citizenship (without specifying which), or affirmed that their child "already has documents," the others may be grouped according to the following categories:

Why aren't you considering applying for the status of statelessness? (From the "Other" category)	
Intend to request Italian citizenship (or citizenship in general)	64
Ineligible/Don't know	8
Thinking of applying for a residence permit	1
Total	73

IV.3 Further information on the family units (Milan, Naples, Rome)

Linguistic and professional competence, education and occupation

In addition to the questions strictly connected to the having or not having a document, and within that context a document attesting to the possession of citizenship or lack thereof, we wanted to obtain information regarding the linguistic and professional competencies possessed by those surveyed, the type of education received and their employment situation. The group of heads of family is relatively young and apart from gathering useful information on their general condition, these questions were posed in order to ascertain indirectly whether or not they possessed documents. Suffice it to say that in order to attend a professional training course or work legally, one must have certain documents attesting to a registered domicile and/or citizenship. In a less direct way, it is also possible to assert that having linguistic and cultural tools is essential if one is to know one's rights and obligations as a member of a society, as well as to see one's actual condition of statelessness or national of a state and follow a path to better the lives of self, family, and the whole community.

Regarding competence, it was revealed that the entire group of 69 heads of families knows the Italian

and Romani (*romanes*) languages, 37 out of 69 know Serbo-Croatian, 5 Macedonian and 2 Romanian. Among them 4 each said they spoke Bulgarian, French, French and German, and German alone. 51 heads of families out of 68, however, stated that every day the language in which they spoke most of the time was Italian and 46 Romani (*romanes*).

Regarding school attendance, among the 69 head of families who responded to the question, 54 said they had attended school. 27 out of 55 added that they had attended through elementary school and 23 through middle school. Only 1 instead had attended high school and only 1 had attended no school at all. Only 16 out of 67 claimed to have a diploma of some kind, but when asked which type of diploma, only 38 answered, stating their possession of a primary school diploma, (22 heads of families), middle school (14); only 1 claimed to have a “bookkeeping” diploma; 5 out of 68 claim to have a professional qualification as: artisan, trained seamstress, electrician, trained cook, laborer.

From the point of view of employment, 44 out of 69 heads of families responded affirmatively that they had jobs. The jobs listed were varied and ranged from self-employment (16 cases), “laborer” (5) “worker” (2) or “mason” (1), peddler (2), salvaging and recycling iron (3), cleaning out basements, but others crafted purses or copper pots. There were also musicians, people who worked under the table, who sell cars, act as interpreter at the Naples court, and beggars. Only 3 in the group, however, said they had a regular employment contract, though 15 explained they work for themselves, 10 are self employed, 3 with permanent job contracts, 1 claimed to have a “traveling sales license”, and 1 did odd jobs.

Among the partners and spouses, 51 out of 52 said they can speak Italian, all 52 know Romani (*romanes*), and 23 know Serbo-Croatian, 1 Romanian and 4 Macedonian. The language spoken by everyone daily is for the most part Romani (43 out of 52), and 32 also speak Italian. As regards their schooling, 28 out of 52 said they had attended school: specifically, 18 out of 29 said they went to primary school, 10 attended until middle school, and 1 high school. Only 9 out of 16 claimed an elementary school diploma, and 7 a middle school one. As far as the employment situation is concerned, 22 out of 52 claim to work, but when specifics are requested regarding the type of work done, it is revealed that 7 out of 28 work autonomously: 1 sews bags, others clean the camp (1), or salvage iron (4) some state that they are housewives (15). 2 out of 32 claim to have a contract, of whom 11 specify “autonomous/self-employed” (but only 7 had claimed this before), 2 again mention the category “housewife”, 1 a traveling sales license and 1 writes only “temporary.”

Lastly, the profile of the children conforms to that their parents had expressed. 111 in fact know Romani (*romanes*), 96 Italian, 26 speak Serbo-Croatian, and 2, by means of the category “Other,” write the at the child “is small/or still has to learn”. The language that the children habitually speak most is Italian (81), followed by Romani (74). When asked about attending school, 74 out of 108 say they do. 41 out of 80 attend elementary school, 27 middle school, 2 high school, 6 kindergarten, 1 nursery school and 3 are too small. 21 out of 88 claim to have a school diploma of some kind which for 28 is an elementary school diploma and for 14 a middle school one. Only 1 claimed to have earned a professional qualification.

The median age of the children of the family units reached is quite low, but we still felt it opportune to ask them, despite their age, if they had jobs. Only 9 (out of 85) claimed to, yet then 10 stated retrospectively: to be peddlers (3) to work on their own (2 of those were then to state they did so with a “contract”), manual labor, volunteer for an association and “housewife” (of which there were 4).

Socialization (relations with the community of reference).

Out of the 68 head of families who responded, 14 affirmed that they frequented social centers or associations; specifically, 8 out of 15 said they attended religiously affiliated assistance organizations and frequented Roma associations, 6 frequented Italian associations and 1 a cultural center. Among the 51 who responded considering both head of family and spouses/partners, instead, only 3 claimed to frequent social assistance organizations sponsored by religious groups, 2 a Roma association and 2 Italian associations. Finally, the young age of most of the children about whom information was given through the questionnaires, demonstrates the scarce interest in socialization or associations, with the exception of relatively few adults or children who go to them with their parents. There are 8 who say

that they go to social assistance organizations sponsored by religious groups, 1 a Roma association (1), Italian association (1), writes “the same association as the last person” (1) a youth center (1).

IV.4 Reflections

The *snowball* sampling technique inevitably leads to the selection of cases which are rather similar to one another and which share certain number of elements if not a common condition. Even the reduced size of the “population” reached poses some difficulties, save that it serves well in the role of a pilot-study, an experience from which we can draw upon to begin further in-depth studies. This does not alter the fact that it is possible to reflect on the fact that the status of statelessness is a factor common to several members of the group, and although they have encountered difficulties beginning the process of having that status recognized, it merits mention that rather than undertake such a process which recognizes their situation (provided there are the requisites) most are decidedly more inclined to request for citizenship, and with even greater conviction, Italian citizenship. They have been living in Italy for more than 15 years, and many of them were born in Italy, as were their children, and it is here where they wish to be recognized.

Moreover, besides their long-term presence in Italy, it is a fact that many of these individuals have never even been to the countries where others have, often in too great a hurry, wished to see them returned. To be expelled from a country in order to be sent to another presupposes some sort of tie to that country, a tie that in many of these cases is not present even for the parents. Thus it becomes necessary to put policies into practice which take this “established fact” into consideration. A sense of responsibility must be given to those who are born and live for years within the borders of a State like citizens; if not by recognizing them as such, by proposing an alternative type of acceptance which may not necessarily result in “straightforward” recognition of their illegal status.

As far as specifically concerns the request for statelessness, in addition to those who do not know what it is or who to ask for it, there are also some who are aware of the possibility, but find it difficult to begin the application process. This is often due to the lack of documents (attesting to, for example, a permanent and certified “residence,” or a stable, legal job).

The most obvious element, finally, is the downward spiral of problems in which they find themselves: residence in camps of varying degrees of legality, a low level of education, a work situation which does not permit them to make significant changes to their lives. The common denominator to it all is the lack of documents which is at once the root of all of these problems and a condemnation, the start of a vicious cycle from which it is complicated (if not impossible) to escape. The minimum conditions needed to obtain an identifying document are never “minimum” enough when they cannot obtain any type of certification that would allow them to face the rest of their problems. The young generations, at the very least, should be given tools, the possibility for empowerment, ways to become trained, and should be “seen” both for who they are and officially, through recognition by the state.

Drawing closer to their stories, as shown in chapter III, these truths emerge with even greater force.

Recommendations

In conclusion, at the completion of our research, our initial hypothesis appears to be strongly confirmed: the presence of a significant number of family units, with many young and very young who are excluded from the rights of citizenship, resulting in consequent damage to the community as a whole. On the one hand, this situation reinforces the public debate which has continued for years on the reform of citizenship laws in Italy, and a possible reform leaning towards the right of *jus soli*. On the other hand, there are some measures which can be taken immediately, to reduce the extent of illegality, the absence of rights and the marginalization.

We recommend that the Government and the Parliament:

1. Enact **reforms to the laws on citizenship which include a specific section on statelessness** and which implement the international obligations assumed with the ratification of the 1954 Convention. This law must include:

√ procedural guarantees, including the granting of residence permit during the waiting period for the recognition of the status of statelessness, the duration of the process, the competent authorities, legal remedies and assistance, as happens with requests for international protection, for which Italy has procedural regulations. Indeed it is useful to refer to the 1951 Geneva Convention relating to the Status of Refugees and the 1954 Convention relating to the Status of Stateless Persons, which appear to be “sisters” and complementary regarding both the rights and the status recognized.

√ *otherwise* – in the event of recognition of the legal status of statelessness by means of the judicial procedure, – procedural guarantees such as the settlement of the form of procedure, the competent authority, the powers of the parties, procedural timeframes, and the appeal;

√ acknowledgment of and the ability to exercise rights following the recognition of the status of statelessness: these must include the issuance of a residence permit for stateless persons, a travel document and corresponding rights as established by the 1954 Convention.

2. Pending legislative reforms, we recommend the **preparation of an administrative measure such as a Directive, which streamlines the current procedures and renders them functional in a concrete sense.**

In Chapter II of the report (the juridical section), attention was drawn to the fact that the two procedures currently in use in Italy for the recognition of the status of statelessness are, in practice, quite inaccessible. It was pointed out that in the administrative procedure, the certification of the status of statelessness may be denied when the applicant is unable to furnish the documentation required. In the case of Roma in particular, this obstacle is difficult to overcome, for they are often lacking a residence permit and/or certificate of registered domicile (*certificato di residenza*). While these are required for the administrative procedure, this is not specifically stated in the law itself.

Such a **Directive should however clarify** :

a. the requirements and the conditions for submitting a request for recognition of the status of statelessness, and should take into consideration these possible approaches:

□ requiring a “residence” on the territory, but not necessarily a “legal” one; an example might be the demonstration that the person concerned lives in the territory;

- not making the possession of a residence permit compulsory for the submission of an application for recognition of the status of statelessness;
 - issuing a temporary residence permit upon the presentation of an application for statelessness. A possibility could be issuance of a residence permit ex Art 19 of TU 286/98 (ban on expulsion) while the case is pending;
- b. the competent authority for the procedure;
- c. definite time frames for the procedure;
- d. legal remedies and assistance.

3. As mentioned in Chapter II, despite the fact that Italy signed the 1961 Convention on the prevention and the consequent reduction of statelessness, it has still not been ratified. The Convention is particularly relevant because it establishes clear rules according to which states must guarantee citizenship to minors in order that they not become stateless at birth. It also prevents the fall into statelessness over the course of an individual's life. The ratification of this Convention would contribute to resolving interpretative questions arising from conflicting norms. **In order to reduce cases of statelessness in the future, we recommend that the necessary measures be taken so that Italy may proceed with the ratification of the 1961 Convention.**

4. With regard to the judicial framework, we note again that Italy has not ratified two Conventions promoted by the Council of Europe, namely *The European Convention on Nationality of 6 November 1997* and the *Council of Europe Convention on the avoidance of statelessness in relation to State succession of 2006*. **The ratification of these Conventions would provide Italy with more legal instruments to prevent the phenomenon of statelessness, thus avoiding the negative consequences of its non-recognition.** In particular, the assumption of precise obligations established in the Convention of 2006 could be useful in facilitating the reduction of statelessness among the Roma in Italy, as it establishes important norms both regarding the responsibility of the successor state to guarantee citizenship to nationals of the preceding state and regarding the principle of non-discrimination. In fact, the contracting States are obliged not to adopt any form of discrimination on the basis of a series of factors, among which is membership in a national minority.

5. On the basis of the problems which emerged in Chapters II and III, it appears that a tool must be found which will bring to light *de facto* irregular situations which cannot be resolved. Even mere practical or bureaucratic glitches can indicate the opportunity for diverse solutions. To that end, **we recommend there be consideration of the content of the opinion of the Attorney General which indicates the possibility of issuing a residence permit in accordance with Art 5 co 6 of TU 286/98 in cases in which⁷³:**

√ **it is impossible** to reconstruct a *status civitatis*;

√ **although it is possible** to reconstruct a *status civitatis*, the repatriation of the subject to his/her country of origin is rendered “exceedingly difficult by the unwillingness demonstrated in that regard by the diplomatic authorities of the subject’s own country of origin”;

6. As indicated in Chapter III, particularly in paragraph III.3, **for minors born in Italy who are stateless** and who have lived for a certain period of time on the territory, and for whom it is impossible to

⁷³ CS 33149/09 – Sez IV avv Borgo (cited on p. 29). Attorney General opinion regarding “Nomad Emergency in the Lazio, Lombardy, and Campania Regions – Request for Opinion” (*Emergenza nomadi nelle Regioni Lazio, Lombardia e Campania – Richiesta di parere*)

reconstruct a *status civitatis*, in that they are descended from parents or ancestors themselves of uncertain status, it would be desirable to **facilitate access to Italian citizenship** with the intent of preventing and reducing statelessness.

The results of the research support future proposals for laws on citizenship. Provisions should be included which are aimed at reducing requirements which are considered excessively restrictive, with an effect on various elements such as residence (some proposals have now mentioned “residence” rather than “legal and uninterrupted residence”) and a wider application of the principle of *jus soli* which in the Italian system today is quite limited.

7. As analyzed in Chapter IV, research carried out on the field brought the fact that many Roma do not know who to approach to begin the procedure for the recognition of statelessness, and in some cases they do not even know what it is. For this reason we suggest **the creation of tools to raise awareness aimed at the Roma and Sinti communities** of foreign origin on the themes of citizenship and statelessness.

8. Finally, we suggest that the Italian Government **begin a consultation with the Republics of the former Yugoslavia** for humanitarian reasons and on the basis of goodwill, in order to research best practices for providing guidance in deserving cases.

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