

CASE LAW COVER PAGE TEMPLATE

Name of the court ¹ (English name in brackets if the court's language is not English):	
"Justice of the peace" Ufficio del Giudice di Pace di Ravenna	
Date of the decision:	(2013/11/14) Case number: ² 106/13
Parties to the case: IC vs. Prefect of Ravenna	
Decision available on the internet? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please provide the link: http://www.meltingpot.org/IMG/pdf/ordinanza_gdp_106_2103.pdf (If no, please attach the decision as a Word or PDF file):	
Language(s) in which the decision is written: Italian	
Official court translation available in any other languages? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, which):	
Countr(y)(ies) of origin of the applicant(s): n/a	
Country of asylum (or for cases with statelessness aspects, country of habitual residence) of the applicant(s):	
Any third country of relevance to the case: ³ n/a	
Is the country of asylum or habitual residence party to:	
The 1951 Convention relating to the Status of Refugees <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(Only for cases with statelessness aspects) The 1954 Convention relating to the Status of Stateless Persons <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(Only for cases with statelessness aspects) The 1961 Convention on the Reduction of Statelessness <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(For AU member states): The 1969 OAU Convention governing the specific aspects of refugee problems in Africa <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
For EU member states: please indicate which EU instruments are referred to in the decision	Relevant articles of the EU instruments referred to in the decision:

Topics / Key terms: (see attached 'Topics' annex):

Children-at-risk/children's rights/unaccompanied-separated children/expulsion

Key facts (as reflected in the decision): [No more than 200 words]

From a declaration released by a witness working in the Police Office of Ravenna, the IC showed up at the office asking for help because he was homeless and, according to a birth certificate released by the Authorities of his country, he was a minor. Therefore, he was sent to a homecare for minors. The people in charge of the homecare then requested the judge having responsibility for guardianship cases to subject the IC to a bone age assessment. The test results indicated that the boy was 18 years old, therefore the Prefect of Ravenna released an expulsion provision against the IC. The IC lodged appeal against the expulsion provision.

Key considerations of the court (translate key considerations (containing relevant legal reasoning) of the decision; include numbers of relevant paragraphs; do not summarize key considerations) [max. 1 page]

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The witness declared that the birth certificate has been considered as false only after the outcome of the bone age assessment.

The judge states that the bone age assessment is not considered as fully reliable by the scientific literature as it could lead to a **margin of error due to the different skeletal development** of people living in different living and health conditions and belonging to different ethnic groups.

Thus, the birth certificate must be given the right preponderance over the medical exam, also bearing in mind that the document has been considered as false not because of self-evident reasons related to the certificate itself (lack of stamps, English grammar mistakes, inappropriate paper, etc.), but only after the outcome of the age assessment.

Outcome: the judge states that the expulsion provision has to be withdrawn according to art. 19, par. 2 of the Italian Legislative Decree no. 286/98 (prohibition to expel minors).

Other comments or references (for example, links to other cases, does this decision replace a previous decision?)

n/a

EXPLANATORY NOTE

1. Decisions submitted with this form may be court decisions, or decisions of other judicial, quasi-judicial and administrative bodies.
2. Where applicable, please follow the court's official case reference system.
3. For example in situations where the country of return would be different from the applicant's country of origin.

For any questions relating to this form, please contact the RefWorld team at the address below.

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