

## CASE LAW COVER PAGE TEMPLATE

<b>Name of the court</b> <sup>1</sup> (English name in brackets if the court's language is not English): <b>Corte di Cassazione (Italian Supreme Court)</b>	
<b>Date of the decision:</b> (2015/07/07)	<b>Case number:</b> <sup>2</sup> 19201/2015
<b>Parties to the case:</b> Stateless claimant; Ministry of Interior –Police Headquarter of Ferrara	
<b>Decision available on the internet?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please provide the link: <a href="http://www.asgi.it/wp-content/uploads/2015/10/2015_Cassazione_VI_civile_19201_28_sett_apolidia_detenzione_CIE.pdf">http://www.asgi.it/wp-content/uploads/2015/10/2015_Cassazione_VI_civile_19201_28_sett_apolidia_detenzione_CIE.pdf</a> (If no, please attach the decision as a Word or PDF file):	
<b>Language(s) in which the decision is written:</b> Italian	
<b>Official court translation available in any other languages?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, which):	
<b>Country(ies) of origin of the claimant(s):</b> Stateless	
<b>Country of asylum (or for cases with statelessness aspects, country of habitual residence) of the claimant(s):</b> Italy	
<b>Any third country of relevance to the case:</b> <sup>3</sup> The claimant was born in Macedonia	
<b>Is the country of asylum or habitual residence party to:</b>	
The 1951 Convention relating to the Status of Refugees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
<b>(Only for cases with statelessness aspects)</b> The 1954 Convention relating to the Status of Stateless Persons <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
<b>(Only for cases with statelessness aspects)</b> The 1961 Convention on the Reduction of Statelessness <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
<b>(For AU member states):</b> 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:
<b>For EU member states:</b> please indicate which EU instruments are referred to in the decision	<b>Relevant articles of the EU instruments referred to in the decision:</b> Directive 2008/115/CE: article 15, paragraph 4.

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

**Statelessness – Detention for the purpose of removal – No reasonable prospect of forced removal**

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

The claimant is a stateless person who was born in Macedonia and she has been residing in Rome for 20 years with her husband and four children. On May 27, 2014, the claimant was issued with an expulsion decree, despite her statelessness condition, as stated also in the identification report attached to the decree of expulsion, and she was detained in the Identification and Expulsion Centre (C.I.E.) of Ponte Galeria in Rome. The Justice of the Peace has confirmed the administrative detention of the claimant, without considering whether or not the expulsion decree was legitimate and whether there was a reasonable prospect of forced removal.

The claimant lodged an appeal before the Supreme Court against the approval of detention issued by the Justice of the Peace on May 30, 2014.

**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]

**Disclaimer: This is an unofficial translation, prepared by UNHCR. UNHCR shall not be held responsible or liable for any misuse of the unofficial translation. Users are advised to consult the original language version or obtain an official translation when formally referencing the case or quoting from it in a language other than the original.**

**Decision and reasoning:** the Court has examined the claim presented by the claimant and declared it founded, denouncing the total absence of motivation for the absence of reasonable prospect of forced removal in accordance with the article 15, paragraph 4 of the Directive 2008/115/CE, due to the circumstance that the claimant is a stateless person.

**Outcome:** In conclusion, the Court decided to invalidate the decision of the Justice of the Peace without referral.

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

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## **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 claimant's country of origin.

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

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