



Press Office of the Constitutional Court

Press release of 31 July 2020

EXCLUDING ASYLUM SEEKERS FROM CIVIL REGISTRATION ALSO VIOLATES THE PRINCIPLE OF “EQUAL SOCIAL DIGNITY”

Excluding asylum seekers from civil registration with the Registry Office does not improve public safety, but rather limits the public authorities’ ability to control and monitor individuals who legally reside in the national territory – potentially for a long period of time– pending the decision on their application for asylum. In addition, denying such registration to persons who habitually reside in Italy amounts to according different, and certainly worse, treatment to a specific category of foreigners, without any reasonable justification.

This was stated in the reasons supporting [Judgment No. 186](#), filed today (Judge Rapporteur: Daria de Pretis), in which the Constitutional Court declared Article 12 of the first “*decreto sicurezza*” [“Safety Decree”], or Decree-Law No. 113/2018, unconstitutional (see also the [press release of 9 July 2020](#)).

The provision violates Article 3 of the Constitution in two separate respects.

Firstly, the challenged provision is intrinsically irrational. By making it difficult even to identify the foreigners excluded from registration, it is inconsistent with the overall purposes of the decree, which seeks to improve public safety.

Secondly, the provision accords unreasonably different treatment to foreigners seeking asylum, compared to other categories of foreigners who legally reside in the national territory and to Italian citizens. Given the scope and consequences of the provision, including in terms of social stigma – a stigma that is expressed not only symbolically by the asylum seekers’ inability to obtain identity cards – in this case, the violation of the principle of equality enshrined in Article 3 of the Constitution also infringes upon the principle of “equal social dignity”.

The Court has excluded that the extraordinary prerequisites of necessity and urgency were not met, holding that the provision fell uniformly under the section

of the decree-law concerning international protection. Thus, it held the question raised concerning Article 77(2) of the Constitution unfounded.

In light of the unconstitutionality of the provision prohibiting asylum seekers from registering, the remaining parts of Article 13 of the first “*decreto sicurezza*” were also deemed unconstitutional. Those provisions established, among other things, that residence permits were to be considered identification documents in place of identity cards, and that the benefits envisaged for asylum seekers were to be accessed in the place where they principally carried out their activities and interests, and not where they habitually resided.

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