



Press Office of the Constitutional Court

Press release of 20 July 2021

LEGAL AID: IT IS UNREASONABLE TO EXCLUDE NON-EU CITIZENS WHO ARE UNABLE TO PRODUCE CONSULAR CERTIFICATION. A DECLARATION ON OATH IS SUFFICIENT

With its Judgment no. [157](#) filed today (author of the Judgment, Emanuela Navarretta), the Constitutional court held unreasonable, and contrary to the effectiveness of the right of defence, a provision excluding non-EU citizens unable to produce the required consular certification regarding income earned abroad from legal aid.

The Constitutional Court declared Article 79(2) of Decree of the President of the Republic No. 115 of 2002 unconstitutional insofar as it does not allow non-EU citizens to demonstrate that, based on principles of fairness and diligence, they have done everything possible to provide the required documentation and therefore produce a declaration on oath in its stead.

The Court's intervention stemmed from a case in which two Indian nationals had appealed against a refusal to grant a residence permit for seasonal work. Both applicants had been denied legal aid because the Indian Embassy and Consulate in Italy had not responded to their request to certify that they had no source of income abroad.

With today's judgment, in respect of the certification of income earned abroad, the Court has aligned the rules on legal aid in civil, administrative, accounting and tax proceedings with the requirements of the principle of personal responsibility and the provisions already laid down for criminal proceedings since there is no reason to differentiate between them in this respect.

Rome, 20 July 2021