

JUDGE RAVERA ABSTRACT

The Italian Courts, well before the present migration collective emergency, already examined and ruled on the issue of migration by sea, due to Albania crisis in the Adriatic sea in the '90s.

So the Italian Tribunals had a pioneer position on these issues and understood to be the last place / authority to finally decide on the asylum seekers' individual request to obtain the effective application of human rights, being the Tribunal decision his last hope.

In this scenario, jurisprudence had to adapt some classical procedural principles and to solve some new issues in order to grant the migrant's effective defense in the Courts.

Under this point of view, the asylum request has been considered as a non specific but general request, in order to permit to the seeker to activate all the possible refugee grants and not only the specific ones as indicated in the single personal requests., and so the Judge, in this view must adopt a very peculiar role.

In fact, he must rule about the refugee's position and final legal condition even in despite of any procedural particular exception and/or argument, and operate under his ex officio power, if necessary, to examine in deep the facts/situations indicated by the asylum seeker; all what's above is very peculiar of these cases and normally the use of investigation de officio powers is not permitted to the judge .

Finally, a sentence must be given even in front of uncomplete evidences if the Judge consider a sufficient coherence and non contradictory aspects between the refugee's single facts exposition and the general informations about his case (even related to places, travels etc.) as given to him. Also this way and kind of Court decision has, under many points of view, new and particular characteristics

Enrico Ravera, Judge

Genoa, Malmoe apr. 26th 2016