

One of my clients - a US citizen registered with AIRE in an Italian municipality and married in the USA to a US citizen - adopted two children in an African state. Subsequent to both adoption measures, the mother also obtained Italian citizenship *ius sanguinis*. The Client intended to proceed with the transcription of the foreign adoption decisions and the birth certificates of the children in the Italian municipality, but the civil registry officer refused the transcription, deeming the legal regime relating to the institution of international adoption applicable and, consequently, competent ex L. n. 183 of 1984, art. 36, paragraph 4, the Tribunale per i Minorenni. In my opinion, for decisions regarding the adoption of minors pronounced abroad in favor of foreign adopters (in this case US citizens), even though one of the two subsequently also acquired Italian citizenship, the regulations relating to international adoption do not apply. - in particular the recognition of the Tribunale per i Minorenni pursuant to art. 36 c. 4 -, but rather that of private international law referred to in art. 41, paragraph 1, of the law. n. 218 of 1995 which provides, as a general rule, the automatic effectiveness in Italy of foreign sentences that comply with some basic requirements of compatibility with Italian law. When questioned by the public administration, the Tribunale per i Minorenni indicated that the municipality should proceed directly with the transcription of the sentences, as the procedure pursuant to art. 36 c. 4 L. 476/1998. The scope of application of the rules on international adoption (L. n. 476/1998) is limited to applicants who are both resident in Italy or applicants who are both Italian citizens resident abroad. There is numerous jurisprudence on this point, in particular that of the Civil Court of Cassation. Section a. 31.03.2021 n. 9006, the Cass. Civil Section VI n. 26882 and the Constitutional Court n. 76/2016.