

(name of Petitioner)
In Pro Se
(Street address)
(City, State, Zip code)
Telephone: (number)

NEW YORK STATE SUPREME COURT

COUNTY OF (name of County)

(Name of Petitioner)) INDEX NO: _____
Petitioner)
)
)
) COMPLAINT FOR
) DECLARATORY RELIEF
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)
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)

This is a civil action seeking declaratory relief. Petitioner desires a judicial determination and declaration which is necessary and appropriate at this time under the circumstances in order that petitioner may ascertain his rights for recognition of Italian citizenship, jus sanguinis.

Determination and recognition of Italian citizenship is subject to the demonstration by the petitioner that establishes that his direct ascendants uninterruptedly maintained their Italian citizenship. The authority to make this determination is with the Italian Consulate of New York City whose jurisdiction the petitioner resides, being a resident of (name of town and county), New York.

Complying with Italian Consulate directives, documentary evidence is requested to be presented to the Consulate that will demonstrate petitioner's right of Italian citizenship through his paternal line. Those documents are:

- GREAT GRANDPARENT'S BIRTH CERTIFICATES
- GREAT GRANDPARENT'S MARRIAGE CERTIFICATE
- GREAT GRANDPARENT'S IMMIGRATION DOCUMENTS
- GREAT GRANDFATHER'S ALIEN REGISTRATION FORM
- U.S. and N.Y.S. CENSUS RECORDS FOR GREAT GRANDPARENTS
- GREAT GRANDPARENT'S DEATH CERTIFICATES
- GRANDPARENT'S BIRTH CERTIFICATES
- GRANDPARENT'S MARRIAGE CERTIFICATE (s)
- GRANDPARENT'S DEATH CERTIFICATES
- PARENT'S BIRTH CERTIFICATE

- PARENT'S MARRIAGE CERTIFICATE
- PARENT'S DEATH CERTIFICATE
- PETITIONER'S BIRTH CERTIFICATE

Documents submitted must comply with the directives as promulgated under the authority of the Italian Consulate of New York City:

"Incorrect certificates

It is your responsibility to make sure that all documents contain the correct information with regard to names, last names, dates and places of birth, and that such information matches in all submitted papers. Incorrect certificates may delay processing of your application or affect your eligibility for Italian citizenship. If there are too significant differences in the certificates, please provide an official statement from a Court Judge or a Vital Statistic Officer asserting the true and correct information."¹

Many of the documents to be submitted by Petitioner do indeed contain errors in spelling and inconsistencies with the facts as determined through genealogical research.

Petitioner alleges exhaustion of administrative remedies. Documents in the National Archives, U.S. Citizenship and Immigration Services and the New York City Municipal Archives and New York City Department of Health may not be amended due to statute and/or administrative rules and thus Petitioner requests that this declaratory relief action seeks to resolve this dispute without challenging these statutes and/or administrative rules while complying with the requests of the NYC Italian Consulate.

WHEREFORE, plaintiff prays judgment declaring to the facts of the documents listed and they are related to the ascendants of *(name of Petitioner)*.

(1) Italian Consulate of New York City

http://www.consnewyork.esteri.it/Consolato_NewYork/Menu/I_Servizi/Per_i_cittadini/Cittadinanza/

I. PARTIES

Petitioner, *(name of Petitioner)*, residing at *(address)*, New York is pursuing Italian citizenship, jus sanguinis, through his ascendants: great grandfather, *(name of great grandfather)*, grandfather, *(name of grandfather)* and father, *(name of father)*.

II. FACTUAL BACKGROUND

1. Petitioner's great grandfather is:
(name of great grandfather), born *(date)* in *(place of birth)*, Italy.
Son of *(name of great great grandfather)* and *(name of great great grandmother)*
Died: *(date)* in *(place of death)*, USA.

Petitioner's great grandmother is:
(*name of great grandmother*), born (*date*) in (*place of birth*), Italy.
Daughter of (*great great grandfather*) and (*great great grandmother*).
Died: (*date*) in (*place of death*), USA.
They were married (*date*) in (*place of marriage*), Italy.
(*name of great grandfather*) emigrated to New York on (*date*) aboard the ship,
(*name of ship*).
(*name of great grandmother*) emigrated to New York on (*date*), aboard the ship,
(*name of ship*).

2. Upon arrival in the United States, (*name of great grandfather*) and (*name of Great grandmother*) resided at the following residences, per federal and state census, Alien Registration and Death documentation:

1900 U.S. Census	(<i>address</i>)
1905 N.Y.S. Census	(<i>address</i>)
1910 U.S. Census	(<i>address</i>)
1915 N.Y.S. Census	(<i>address</i>)
1920 U.S. Census	(<i>address</i>)
1925 N.Y.S. Census	(<i>address</i>)
1930 U.S. Census	(<i>address</i>)
1940 Alien Registration Form	(<i>address</i>)
1941 Death Certificate: (<i>name of great grandfather</i>)	(<i>address</i>)
1942 Death Certificate: (<i>name of great grandmother</i>)	(<i>address</i>)

3. Petitioner's great-grandfather, (*name of great grandfather*), never applied for United States citizenship and complied with the Alien Registration Act (or Smith Act, 18 U.S.C. Section 2385) of 1940, which required all non-citizen adults to register with the government.

4. Petitioner's grandfather, son of (*name of great grandfather and great grandmother*) is:
(*name of grandfather*) born (*date*) in (*place of birth*), USA.
Died: (*date*) in (*place of death*), USA.
Petitioner's grandmother is:
(*name of grandmother*) born (*date*) in (*place of birth*), USA.
Daughter of (*name of great grandfather*) and (*name of great grandmother*)
Died: (*date*) in (*place of death*), USA.
They were married on (*date*) in (*place of marriage*), USA.

5. (*name of grandfather*) was married a second time on (*date*) in (*place of marriage*), USA to:
(*name of bride*), born (*date*) in (*place of birth*), USA.,
Daughter of (*father of bride*) and (*mother of bride*),

6. Petitioner's father, son of (*name of grandfather and grandmother*) is:

(name of father), born *(date)* in *(place of birth)*, USA.

Died: *(date)* in *(place of death)*, USA.

Petitioner's mother is:

(name of mother), born *(date)* in *(place of birth)*, USA.

Daughter of *(name of grandfather)* and *(name of grandmother)*.

Died: *(date)* in *(place of death)*, USA.

They were married on *(date)* in *(place of marriage)*, USA.

7. Petitioner, son of *(name of father)* and *(name of mother)* is:
(name of Petitioner), born on *(date)* in *(place of birth)*, USA.

See Exhibit K Pedigree Chart for *(name of Petitioner)*

III. ERRORS CONTRASTED WITH FACTS

Basing the essential facts upon the original birth documents of *(name of great grandfather)* and *(name of great grandmother)* it becomes evident that subsequent records were teeming with spelling and mathematical errors created by Immigration, Census and Vital Statistic clerks and this was compounded by the fact that Petitioner's immigrant ancestors did not possess the proficiency to speak or write in the English language.

It can only be surmised that even to those ancestors that did comprehend the English language and may have observed these mistakes, amending the errors were inconsequential to their lives, as doing so would not alter facts they already knew and held.

The Italian Consulate is resolute that all errors, which consist of any type of variation in a name, must be addressed by amendment or through a Court judgment stating that the documents presented are and do in fact, pertain to petitioner's ascendants, and that the errors and facts have been noted.

The documents in question are:

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PETITIONER'S FATHER

Exhibit Certificate of Birth
NYC Dept. of Health
(date of document)

(name of father)
No. *(certificate number)*

ERROR	FACT	Supporting Documentation
Father's name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Birth cert. never issued.
Mother's Marriage name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit F Birth cert. - name of grandmother
Mother's Maiden name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit F Birth cert. - name of grandmother

PETITIONER'S GRANDPARENT'S

Exhibit F Certificate of Birth
 NYC Dept. of Health
(date of document)

(name of grandmother)
 no. certificate number

ERROR	FACT	Supporting Documentation
Name of child <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Note - the letters "PH" do not exist in the Italian language. The following Exhibits are offered as documentary proof of correct spelling of surname: Exhibit P Birth cert - name of great-aunt (older sister) Exhibit Q Death cert - name of great-uncle (older brother) Exhibit R Death cert - name of great-grandfather (father)
Name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	See above
Father's name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit G Marriage cert - name of great-grandparents
Mother's name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit G Marriage cert - name of great grandparents
Mother's maiden name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit G Marriage cert - name of great grandparents

Exhibit V Certificate of Baptism
(name of Church)
(date of document)

(name of grandfather)

ERROR	FACT	Supporting Documentation
Name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Birth cert. never issued.
Child of <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert. - name of great grandfather

And child of <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit Q Birth cert. -name of great grandmother
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Exhibit Z Marriage License *(name of grandparents)*
 NYC Dept. of Health, No. *(certificate number)*
(date of document)

ERROR	FACT	Supporting Documentation
Groom <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Birth cert. never issued.
Bride <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit F Birth cert. - name of grandmother
Groom Age <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit V Baptism Cert - name of grandfather
Mother's maiden name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. - name of great grandmother
Mother's maiden name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit G Marriage License - name of great grandparents

Exhibit A1 Social Security Application *(name of grandfather)*
 Social Security Administration no. *(certificate number)*
(date of document)

ERROR	FACT	Supporting Documentation
Worker's full name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Birth cert. never issued.
Wife's full maiden name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit F Birth cert. - name of grandmother
Worker's mother's name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth Cert. - name of great grandmother

Exhibit A2 Certificate of Death
 NYC Dept. of Health,
(date of document)

(name of grandmother)
 No. *(certificate number)*

ERROR	FACT	Supporting Documentation
Name of deceased <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit F Birth Cert. - name of grandmother
Maiden name of mother <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit G Marriage License - Name of great grandparents

Exhibit M Marriage License
 NYC Marriage License Bureau,
(date of document)

(name of grandfather & 2nd. Bride)
 Registered No. *(certificate number)*

ERROR	FACT	Supporting Documentation
Full name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Birth cert. never issued.
Full name of father <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth Cert. - name of great grandfather
Full maiden name of mother <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. - name of great grandmother
Full names of former wives <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit F Birth cert - name of grandmother

PETITIONER'S GREAT GRANDPARENTS

Exhibit X Ship Manifest (Name of ship)
National Archives and Record's Administration
(date of document)

ERROR	FACT	Supporting Documentation
Name in Full (as recorded on document)	(as it should appear)	Exhibit T Birth cert. - name of great grandmother

Exhibit A3 Certificate of Death (name of great grandfather)
NYC Dept. of Health, No. (certificate number)
(date of document)

ERROR	FACT	Supporting Documentation
Husband (as recorded on document)	(as it should appear)	Exhibit S Birth cert. - name of great grandfather
Date of Birth (as recorded on document)	(as it should appear)	Exhibit T Birth cert. - name of great grandmother
Name of father (as recorded on document)	(as it should appear)	Exhibit T Birth cert. - name of great grandmother
Name of mother (as recorded on document)	(as it should appear)	Exhibit T Birth cert. - name of great grandmother

Exhibit A4 Certificate of Death (name of great grandfather)
NYC Dept. of Health, No. (certificate number)
(date of document)

ERROR	FACT	Supporting Documentation
Name of deceased (as recorded on document)	(as it should appear)	Exhibit S Birth cert. - name of great grandfather
Name of father (as recorded on document)	(as it should appear)	Exhibit S Birth cert. - name of great grandfather
Name of mother (as recorded on document)	(as it should appear)	Exhibit S Birth cert. - name of great grandfather

Exhibit Y Alien Registration Form
 U.S. Department of Justice
 (date of document)

(name of great grandfather)
 No. (certificate number)

ERROR	FACT	Supporting Documentation
1(a) Name (as recorded on document)	(as it should appear)	Exhibit S Birth cert. - name of great grandfather
3(a) I was born... (as recorded on document)	(as it should appear)	Exhibit S Birth cert. - name of great grandfather
7(b) I came in by.... (as recorded on document)	(as it should appear)	Exhibit W Ship Manifest - name of ship The following Exhibit is offered as proof of the non-existence of a ship named (incorrect name) Exhibit A5 The Ellis Island Ship DataBase: "F"
7(e) I first arrived in US... (as recorded on document)	(as it should appear)	Exhibit W Ship Manifest - name of ship
13. Children (as recorded on document)	(as it should appear)	Exhibit X Ship Manifest- name of ship Exhibit AA 12 th Census of the US - 1900

(name of great grandfather and grandmother)
United States Census records: 1900, 1910, 1920, 1930
New York State Census records: 1905, 1915, 1925

Exhibit AA **Twelfth Census of the United State: 1900 Population**
Name: *(name of head of household, as listed on document)*
Residence: *(address),*
Certified by: National Archives and Records Administration
Date of Document: *(date of document)*

ERROR	FACT	Supporting Documentation
Surname <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
Birth of head <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert. - name of great grandfather
Birth of wife <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. - name of great grandmother
Age of Wife <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. name of great grandmother
Arrival in US (head) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit W Ship Manifest - name of ship

Exhibit AB **State Census, New York County, 1905**
Name: *(name of head of household, as listed on document)*
Residence: *(address), New York, USA*
Certified by: County Clerk, New York County
Date of Document: *(date of document)*

ERROR	FACT	Supporting Documentation
Family name <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
Years in USA (head) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit W Ship Manifest - name of ship
Age at last birthday (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. - name of great grandmother

Son <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Birth cert. never issued
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Exhibit AC **Thirteenth Census of the United States: 1910 Population**
Name: *(name of head of household, as listed on document)*
Residence: *(address), USA*
Certified by: National Archives and Records Administration
Date of Document: *(date of document)*

ERROR	FACT	Supporting Documentation
Surname <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
Head of household <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
First immigration (head) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit W Ship Manifest - name of ship
Wife <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit U Marriage Cert. - name of great grandparents
Age of Wife <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. - name of great grandmother
Son <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Birth cert. never issued
Age of son <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit V Baptism cert. - name of grandfather

Exhibit AD **State Census, County of New York, 1915**
Name: *(name of head of household, as listed on document)*
Residence: *(address), New York, USA*
Certified by: County Clerk, New York County
Date of Document: *(date of document)*

ERROR	FACT	Supporting Documentation
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First name (head) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
Age at last birthday (head) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
Years in U.S.A. (head) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit W Ship Manifest - name of ship
First name (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit U Marriage Cert. - name of great grandparents
Age at last birthday (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. - name of great grandmother
Years in U.S.A. (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit X Ship Manifest - name of ship

Exhibit AE **Fourteenth Census of the United States: 1920 Population**
Name: *(name of head of household, as listed on document)*
Residence: *(address), USA*
Certified by: National Archives and Records Administration
Date of Document: *(date of document)*

ERROR	FACT	Supporting Documentation
Surname <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit P Birth cert - name of great grandfather
Mother <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit R Marriage Cert. - name of great grandparents
Age of Mother <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. - name of great grandmother
Immigration (mother) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit X Ship Manifest - name of ship
Father <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
Immigration (father) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit W Ship Manifest - name of ship
Naturalization (father) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit Y Alien Registration Form

Exhibit AF: **State Census, New York County, 1925**
 Name: *(name of head of household, as listed on document)*
 Residence: *(address), New York, USA*
 Certified by: County Clerk, New York County
 Date of Document: *(date of document)*

ERROR	FACT	Supporting Documentation
Age at last birthday (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit T Birth cert. - name of great grandmother
Years in USA (head) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit W Ship Manifest - name of ship
Years in USA (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit X Ship Manifest - name of ship

EXHIBIT AG: **Fifteen Census of the United States: 1930 Population**
 Name: *(name of head of household, as listed on document)*
 Residence: *(address), USA*
 Certified by: National Archives and Records Administration
 Date of Document: *(date of document)*

ERROR	FACT	Supporting Documentation
Surname <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
Age at last birthday <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit S Birth cert - name of great grandfather
Age at first marriage <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit U Marriage Cert. - name of great grandparents
Name (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit U Marriage Cert. - name of great grandparents

Year of immigration (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit X Ship Manifest - name of ship
Age at first marriage (wife) <i>(as recorded on document)</i>	<i>(as it should appear)</i>	Exhibit U Marriage Cert. - name of great grandparents

IV. EXHIBITS

Attached hereto as Exhibits listed:

Exhibit B:	Certificate of Birth:	name of father
Exhibit E:	Certificate of Death:	name of father
Exhibit F:	Certificate of Birth:	name of grandmother
Exhibit G:	Marriage License:	name of great grandparents
Exhibit K:	Pedigree Chart for	name of petitioner
Exhibit M:	Marriage License:	name of grandfather & 2 nd bride
Exhibit P:	Certificate of Birth:	name of great aunt
Exhibit Q:	Certificate of Death:	name of great uncle
Exhibit R:	Certificate of Death:	name of great grandfather
Exhibit S:	Certificate of Birth:	name of great grandfather
Exhibit T:	Certificate of Birth:	name of great grandmother
Exhibit U:	Marriage License:	name of great grandparents
Exhibit V:	Certificate of Baptism:	name of grandfather
Exhibit W:	Ship Manifest:	name of ship
Exhibit X:	Ship Manifest:	name of ship
Exhibit Y:	Alien Registration Form:	name of great grandfather
Exhibit Z:	Marriage License:	name of grandparents
Exhibit A1:	Social Security Application Form:	name of grandfather
Exhibit A2:	Certificate of Death:	name of grandmother
Exhibit A3:	Certificate of Death:	name of great grandmother
Exhibit A4:	Certificate of Death:	name of great grandfather
Exhibit A5:	The Ellis Island Database: "F"	
Exhibit AA:	Twelfth Census of the United States"	1900 Population
Exhibit AB:	State Census, New York County	1905
Exhibit AC:	Thirteenth Census of the United States:	1910 Population
Exhibit AD:	State Census, New York County	1915
Exhibit AE:	Fourteenth Census of the United States:	1920 Population
Exhibit AF:	State Census, New York County	1925
Exhibit AG:	Fifteen Census of the United States:	1930 Population

V. REQUEST

WHEREFORE, the petitioner requests this Court:

- 1) Declare that upon review of all documents submitted, it finds the documents listed, consisting of errors that can not be amended by law and/or administrative rules, do in fact, refer to the direct ascendants of *(name of Petitioner)* and the evidence presented support the facts as listed under each document in the Complaint for Declaratory Relief.

BY _____
(name of petitioner)
In Pro Se
(street address)
(City, State, Zip code)
Telephone *(number)*

Dated: _____

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