Court of Cassation in collaboration with EUAA publishes list of jurisprudence for March and April 2026

The Court of Cassation, in collaboration with the EUAA, published its bimonthly t hematic review of the Court's case law concerning the procedural and substantive aspects of international protection, complementary protection and matters relating to the Dublin Regulation. Among the decisions included in the new review, covering the months of March and April 2026, are:

- **Order No 9333/2026**, in which the court clarified that forced marriage constitutes a typical form of gender-based violence and can establish refugee status, regardless of the woman's age or whether she has undergone genital mutilation. Recalling the case law of the Court of Justice of the European Union (CJEU of 16 January 2024), the Court of Cassation ruled that women can constitute a protected social group solely because of their sex if exposed to physical or psychological violence in their country of origin. The court cannot find the woman guilty for failing to report her husband to the local authorities, without first determining whether the sociocultural context of that country supports the restriction of women's rights.

- **Order No 7057/2026**, in which the court extended the principle of domestic violence to minors. If a child flees the violence and abuse of his stepfather, the private individual's act may constitute the serious harm required for subsidiary protection. The judge has the duty to verify specifically whether the country of origin (in this case, Côte d'Ivoire) is truly capable of providing protection to minors from domestic abuse.

- **Order No 7475/2026**: The lower court had denied special protection, holding that the applicant's employment contracts and training courses were meager and precarious, having begun while he only had a provisional asylum permit. The Court of Cassation reversed the logic: taking action and beginning a process of integration while holding a temporary permit demonstrates the foreigner's good will and willingness to integrate. To obtain supplementary protection, "any appreciable effort to integrate into the local environment" is essential .

Of particular relevance in the field of trafficking and labour exploitation:

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- **Order No 8304/2026**, in which the Court of Cassation clarified that when faced with indicators of trafficking for the purpose of sexual exploitation, the judge is required to initiate the referral procedure (suspending the trial and referring the person to an anti-trafficking agency for formal identification). Furthermore, the risk assessment in the event of repatriation must not be limited to the risk of re-trafficking (being kidnapped again by traffickers), but must also include the risk of experiencing serious discrimination or social harassment due to the person's vulnerability.

- **Order No 6578/2026** focuses on the vulnerability developed in the host country (Italy). The Ghanaian applicant had been a victim of gangmastering and severe labour exploitation in Italy, documented by specialised agencies. The Court of Cassation established that a court cannot dismiss the reports by the protective agencies as "mere formalistic documents". The judge must specifically determine whether the conditions to issue a residence permit for labour exploitation exist (Article 22 of the Immigration Act, now Article 18-ter), assessing the vulnerability and uprooting that forced repatriation would entail.

Source(s)

- Court of Cassation | Corte di Cassazione (22 June, 2026), Protezione Internazionale, la rassegna di giurisprudenza della Corte di Cassazione [International Protection: A Review of Case Law from the Court of Cassation], https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/4806/Protezione-Internazionale-la-rassegna-di-giurisprudenza-della-Corte-di-Cassazione-

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