

785016

acc

10000/143/2242

540/03/3

ALIENS IN ITALY

OCT. 1945 - JAN. 1946

VP(CA)

Attached letter on policy from C-5 is forwarded.

All original 'policy' correspondence has been removed from this file on the order of Col. Chapman and filed in Public Safety files

16 Jan 46.

W. G. G. 1

0 7 7 5

Declassified E.O. 12356 Section 3.3/NND No.

785016

1001

Director, Displaced Persons C.
1.

The attached correspondence is forwarded for your consideration. Would you please let me have your comments in due course.

19 Dec 45

W.H.H.

Capt
Security Division

2.

Director Security Division

We agree that this is a matter for going to be laid down by AFNR. (Concurrence with Mr Chapman's info.)

21-12-45

Continued
L.H.H.
D.P.R.

3-

L.H. Section

Letter submitted for approval and signature.

28 Dec 45

Chapman
Capt. D.P.R.

Director Security Division

We agree that this is a matter for
going to be laid down by AFNR. (Cover-
letter with Dr. Chapman refers)

Continued
LTC
DPNRC.

21-12-46

3-

L. G. Action.

Letter submitted for approval and signature.

28 Dec. 46.

MA
040915

W. J. Mear
Col. D. P. P.

Public Safety ^{etc}

Letter returned for disposal.
Polad's "A" & "B" should see the ~~the~~ copy

AK's Fusion
for

Correspondence.

4/1/46

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AC/14756/5/P8

January 1946

My dear Mr. Prime Minister,

I have received your letter 18/00368/47 dated 5 January, 1946, written from the Ministry of Foreign Affairs, in which you raise the question of the authority of the Italian Government to deport undesirable aliens. Some weeks ago this same question was presented to us by the Ministry of Interior and we referred it to higher authority for decision. The decision has just been received and I communicate it to you. It follows.

The Italian Government cannot apply deportation laws to:

- a. Aliens in the custody of the Allies.
- b. Aliens in the care of Allied Commission or of UNRRA.
- c. Aliens whose presence in Italy has already been approved by the Allies and who continue to be so sponsored.

The Allies have contracted not to return political refugees by force to their countries of origin.

Allied assistance cannot be given to effect such deportations as the Italian Government may deem desirable, neither can the Allied authorities be associated with such deportations. Any negotiations with other States concerning deportations must be effected through such direct diplomatic channels as may be open to the Italian Government.

These provisions constitute a serious limitation but, my dear Mr. Prime Minister, it would seem that,

except in a few isolated cases, it is not practicable at this time for the Italian Government to avail itself of the right of deportation.

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner.

Mr. ALCIDE DE GASPERI
President of the Council of Ministers
Rome.

JWC/em

Ministero degli Affari Esteri

Rough translation

16/00368/47

11 GEN 1948

Rome, January 5th, 1948

Dear Admiral Stone,

I had these days occasion to hear that the Italian Government's authority to take adequate measures against aliens whose permanence in Italy appears - on proven grounds - to be undesirable, has not yet been recognized.

It follows that the Italian Authorities are deprived of the power to expell alien citizens guilty of breaches of the law. In fact a note addressed by the P.S. Subcommission of the Allied Commission to the Ministry for the Interior makes clear that no alien can be enjoined to leave Italy unless with his own consent!

I believe it to be unnecessary to call your attention on the many and serious complications which may derive from such a state of affairs, from the point of view of public order and also under other aspects which are of particular importance under the present circumstances as, for instance, that of foodstuff.

The question is moreover of special importance also in principle inasmuch as it affects the very prerogatives of the Italian Government, whose authority to regulate the entry of foreigners into the Country has already been recognized. It is therefore obvious that the Italian Government shall also be entitled to dictate, wherever necessary, the expulsion of those who have made themselves undesirable.

The above refers particularly to German citizens who, in accordance with the law, ought to be interned and gradually repatriated.



be undesirable, has not yet been received.

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The question is moreover of special importance also in principle inasmuch as it affects the very prerogatives of the Italian Government, whose authority to regulate the entry of foreigners into the Country has already been recognized. It is therefore obvious that the Italian Government shall also be entitled to dictate, wherever necessary, the expulsion of those who have made themselves undesirable.

The above refers particularly to German citizens who, as enemy subjects, ought to be interned and gradually repatriated to Germany, individual cases excepted. A quite peculiar situation has arisen whereby the Germans, who must underlie in all other countries to special controls and are repatriated, continue to freely reside in Italy because the Allied Authorities have vetoed that similar measures be adopted against them.

I kindly ask you therefore, dear Admiral Stone, to kindly obtain that full authority on the aliens may revert to the Italian Government and - to begin with - that said authority may be immediately exercised in dealing with German subjects.

please accept, dear Admiral Stone, my heartfelt
p.t.o.

EC DIST. 11/10/41
ACTION - *Carthage*
INFO. CC
EC.

785016

greetings.

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R O M E

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 091.1 Italy

11 January 1946

SUBJECT: Aliens in Italy

TO : Headquarters, Allied Commission
APO 394

Reference is made to your letter SD/540.03-3 dated 4 Jan 46.

1. While it is desirable that the Italian Government should assume responsibility at an early date for the deportation of undesirable aliens, as envisaged in the letter from the Ministry of the Interior, there is some doubt whether it is feasible.

2. The Italian Government cannot be permitted to apply deportation laws to:

- a. Aliens in the custody of the Allies.
- b. Aliens in the care of Allied Commission or of UNRRA
- c. Aliens whose presence in Italy has already been approved by the Allies and who continue to be so sponsored.

3. The Allies have contracted not to return political refugees by force to their countries or origin. Some such agreement may well be incorporated in the final peace treaty with Italy. Numbers of such persons, notably the adherents of the former Royalist Yugoslav regime, are presently at large in Italy and it is clearly undesirable that action should be taken now which is likely to conflict with the ultimate peace terms.

4. Allied assistance cannot be given to effect such deportations as the Italian Government may deem desirable, neither can the Allied authorities be associated with such deportations. Any negotiations with other States concerning deportations must be effected through such direct diplomatic channels as may be open to the Italian Government. It will readily be seen that the provisions of this paragraph are of themselves a serious limitation.

5. From the foregoing it appears that except in a few isolated cases it is not practicable at this time for the Italian Government to avail themselves of the right of deportation. There is, however, no objection in

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principle to the granting of this right.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. HAMBLIN
Brigadier General, GSC
Assistant Chief of Staff, G-5

Copy to:
G-2
Rennin
Polad

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C O P YHEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

SD/540.03-3

4 Jan. 46

SUBJECT : Aliens in Italy

TO : Allied Force Headquarters for 3-5
APO 512

1. Attached hereto is a letter from the Ministry of Interior dated 2 Dec. 1945, raising the question of authority of the Italian Government to deport undesirable aliens from the country.

2. The present policy of not permitting forced repatriation seems to be one of the difficulties in the minds of Italian officials in both the Ministry of Interior and the Ministry of Foreign Affairs. The other difficulty which appears is the lack of accord between the Italian Government and other governments and authorities under which undesirable deportees from Italy would be accepted.

3. May this Headquarters please be advised as to the policy to be adopted.

FOR THE CHIEF COMMISSIONER :

M. CARR, Brig.
VF CA Section.

Encls: Letter from Min. of Interior
Text of Public Safety laws.

(Translation M.B.)

MINISTRY OF INTERIOR
P.S. General Direction

Rome 2 December 1945

A.G.R. Division 3 Section

To: ALLIED COMMISSION
SUB COMMISSION OF P.S.
R O M E

443/35254

SUBJECT: Sojourn in Italy of undesirable foreign subjects.

With note SD/540-03 dated 15th last October, your Commission acknowledged receipt of our Ministerial dated 9th of said month and forecasted further communications on behalf of foreigners to expel and drive back from the kingdom.

The matter had been already pointed out with other notes to your Commission.

Actually, the well-known situation in Italy does not enable the Government to allow the sojourn in the kingdom of many categories of strangers. Said matter is especially concerning the subjects of States which were formerly enemies, who have clandestinely entered into the kingdom, or are in Italy following military events. It furtherly concerns people who, being authorized to temporary sojourn here, did not want or were not able afterwards to leave the Italian territory.

Owing to evident opportunity reasons, this Ministry pointed out only the cases which are most urgent and important. Any way, investigations about the very numerous strangers who still live in the kingdom, revealed that the position of most of them is irregular. They are getting more and more dangerous to the Public Safety and to the general economical position of the country.

In fact, even when said foreigners can prove that their activity is not illegal, they make the present problems caused by the unemployment and by the shortage of food, clothing and transportation still worse; on the other hand they do not bring an appreciable contribution to our production. Besides, provisions caused by same reasons are being taken in some big towns even against Italian subjects.

The situation is still more dangerous as far as it concerns those foreigners who are displaying uncertain and uncontrollable activities, such as clandestine trade in Italy and between Italy and foreign States. Daily Police operations show as those foreigners are often most dangerous criminals.

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Accordingly, this Ministry has decided to proceed to the gradual and ordered repatriation of said foreigners, starting from the most dangerous ones, to the persons who do not bring any contribution to the Italian production. Certainly, the reciprocal treatment used towards Italians by their countries, shall be especially considered of.

To this aim, this Ministry could turn to the Allied Authorities, as during the past time, but considering the difficulties and the slowness of this proceedings, we deem it opportune to appeal to laws concerned in par. 150 of the T.U. of the P.S. Regulations approved by R.D. 28th June 1931 Nr. 773 and 267 and foll. of the Regulation 6th May 1940 Nr. 636.

Anyway, before proceeding to carry out said provisions this Ministry should be glad to know the opinion of your Commission on behalf of matter in question.

For the Minister
s/ Ferrari

C O P YRULES FOR THE EXECUTION OF THE UNIQUE TEXT
18th JUNE 1931 N) 773 OF PUBLIC SAFETY LAWS

Parag. 23rd - of foreigners to expel and drive back from the Kingdom

Art. 267th.

In case foreseen in the first and fourth paragraph of the Art. 150 of Law, the Prefect of the Province in which takes place the liberation of a foreigner condemned for crime or violation to the rules of stay, authorization is requested from the Department of Interior in order to issue ordinance of expulsion.

When the order of expulsion does not seem advisable to Prefect or when it concerns foreigners who are connected to the proper State for politics affairs, for shirking from military service, for desertion or for crimes for which there would be application of extradition, all is due to the Department of Interior.--

Art. 268th.

In the ordinance of expulsion are mentioned orders of Art. 151 of law.

Art. 269th.

When a foreigner is obliged to return to its native land and no indictments of expulsion are pointed out against him, the Prefect will inform the proper Consul for the necessary action; if the foreigner belongs to limitrophe country, he will be sent, by the the Prefect, up to frontier by means of a compulsory route Bill informing of course the Department of Interior.

Art. 270th.

In case of arrest or voluntary coming forth of a foreigner, the Public Safety Authorities will at once inform the Prefect who will report to the Department of Interior.

The foreigner gets treatment for marks and questioned particularly about his origin place and the reasons which he was expatriated for.

In the expectative of eventual ministerial instructions, the foreigner on condition that he is not indigent, wandering man, or slandered for crime recidivist to orders concerning foreigner soujour, or suspicious for politic matters, he may be released, owing, of course, to the attention of conditions that might seem advisable to the Public Safety Authorities.

The dispositions of the first two paragraphs of this Article, are to be appliable even when the foreigner has to be denounced to the Judicial Authotities, for any crime.

- - - - -

Art. 271st.

Anyhow, in all cases, foreigner people who are in need or carry on prostitution or professions concealing idleness, vagabondage, begging, must be driven back from the boundary according to Art.152 of Law.

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C O P Y

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UNIQUE TEXT OF PUBLIC SAFETY LAWSParagraph II. of foreigners to expel and drive back from the Kingdom.Article 150<sup>th</sup>

(Art. 151 T.U. 1926)

Excepting what is established by the Penal Code, foreigners who have been condemned for crime can be driven out from the Kingdom and accompanied to the frontier.

The Home Secretary, for reasons of public order, can dispose the expulsion and accompanying to the frontier of the foreign of transit or resident in the territory of the State.

The aforesaid orders are not applied to italiens of not customary residence. Foreigners who are denounced for violation after the orders of the precedent paragraph can be driven out.

The expulsion for reason of public order, foreseen by the first paragraph of this article, is decided with decree of the Home Secretary, with common accord with the Foreign Secretary and with the assent of the Prime Minister.

Article 151<sup>th</sup>

(Art. 152 T.U. 1926)

The foreigner driven out according of the precedent article can not re-enter the territory of the State, without a special authorisation of the Home Secretary.

In case of infringement he is punished with arrest from two to six months. The foreign is again driven out, as soon as the punishment has been expiated.

Article 152<sup>th</sup>

(Art. 153 T.U. 1926)

The Prefect of border Provinces can, for reason of public order, send away the foreigners in accordance with the article 150<sup>th</sup> by means of

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compulsory route bill from frontier municipality, referring to the Home Secretary in case of urgency and drive back from the frontier the foreigners who are not able to give any account of themselves or are unprovided with means.

The Prefect, for the same reason, are powred of preparing the way up to frontier for foreigners who are in their respective Provinces, by means of compulsory route bill are not allowed to deviate from the itinerary mapped out to them.

Whenever, they should deviate from the itinerary, will be taken into custody and punished with arrest from one to six months and sent to the frontier as soon as the punishment has been expiated.

*File*  
*Security*  
SECRET

Copy to: Public Safety J/C

Ref: 585/234/80

26 October 1945

SUBJECT: Reich Germans in Bolzano Province

TO : Regional Commissioner, Venetia Region

1. Further to our 585/224/80 of 12 October 45 to G-5, AFHQ, copy to you.

2. In order that the problem involved in the ultimate repatriation of the Reich Germans in Bolzano Province may be assessed, G-5 AFHQ wish to be informed of the number of those who have been registered who originally resided in each of the Allied occupied zones of Germany. A map showing these zones is attached.

3. It is noted that the registration of aliens as ordered in Regional order number 17, which was published on 22 August 1945, should have been completed 7 days later by the terms of this order. G-5 wish to be informed of the steps which are being taken to apprehend and punish those who have failed to comply with the AMG order.

4. It is assumed that the local Military Security Authorities are kept fully advised of your activities in this connection, so that unregistered aliens who are apprehended can be subjected to security screening.

S. H. McCLEARY

Brigadier  
Executive Commissioner

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SECRET

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

26 October 45

TO : Poland (A)

GA Section (for Public Safety S/C)

Herewith copy of our letter 585/224/EG of 12 October 45 to G-5, AFHQ, on the above subject. It is very much regretted you were not on the original distribution.

Г. Н. П. - секретарь И. Колосов

Chief Staff Officer  
To Executive Commissioner

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C O P YSECRET

HEADQUARTERS ALLIED COMMISSION  
AFU 394  
Office of the Executive Commissioner

Ref: 585/224/EO

12 October 1945

SUBJECT: Reich Germans in Bolzano Province

TO : G-5 Section, AFHQ

1. Reference is made to your G-5: 091.112-75 dated 12 September 45, on the above subject.
2. There are at present in Bolzano Province a recorded total of 3,567 Reich Germans, although when the process of registration is completed it is thought that the figure will be at least 30,000.
3. Very few of these registered Germans are actively or potentially dangerous to internal security, and their immediate repatriation to Germany is not considered necessary. However, many of them are the main supporters of the black market, and it is felt that they are not a good element, politically, to hold within Bolzano for an indefinite period. Eventually of course they should be returned to Germany, but there is no immediate need for this action.
4. Those Reich Germans who do constitute a menace to internal security are the S.S. and Wehrmacht deserters who took to the hills at the surrender and are still at large. There is also a number of unregistered Reich Germans who went to Bolzano towards the end of the war, and do not wish to declare themselves for personal and political reasons. They are dangerous from the political and public security angle.
5. The S.S. and Wehrmacht deserters when they are captured will of course be dealt with as prisoners of war and sent to appropriate camps and cages.
6. As regards the unregistered Reich Germans whose presence constitutes a sufficient menace to internal security to justify their repatriation to Germany, it is recommended that they should, as and when they are discovered, be placed in concentration camps where the necessary action for their repatriation can be undertaken.

For the Chief Commissioner:

Copy to: G-2 Section, AFHQ  
Regional Commissioner, Venezia Region

1078  
Executive Commissioner

SECRET

SECURITY BR 583.

9355

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 383.2-10

22 October 1945

SUBJECT: German Subjects.

TO : Headquarters, Allied Commission, APO 394  
(Attn: Public Safety Sub-Commission, Security Division)

1. Reference is made to your letter SD/540.03 of 16 Oct. 45.
2. This subject is already being dealt with through the Executive Commissioner, whose 585/224/EC of 12 Oct. refers.
3. The question of the ultimate repatriation of German Nationals from Italy is under consideration.



A. L. HAMBLIN  
Brigadier General, GSC  
Assistant Chief of Staff, G-5

Copy to: Executive Commissioner,  
Headquarters, Allied Commission, APO 394

23/10  
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540.03-3.



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SECRET



HEADQUARTERS ALLIED COMMISSION  
A.P.O. 394  
PUBLIC SAFETY SUB COMMISSION  
SECURITY DIVISION

3

REF. : SD/540.03

16 October 1945

SUBJECT : German Subjects.

TO : G-5, AFHQ.

1. A copy of a letter received from Ministry of Interior, General Division of P.S. together with a copy of our reply is forwarded for attention.

2. An explanation of the position with regard to the repatriation of German nationals from Italy is requested, in order that this information can be supplied to the Italian Authorities.

*Ed*  
JOHN W. CHAPMAN,  
Colonel, J.A.C.D.  
Director Public Safety,  
Sub Commission.

CBH/lm.

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HEADQUARTERS ALLIED COMMISSION  
A.F.C. 394  
PUBLIC SAFETY SUB COMMISSION  
SECURITY DIVISION

REF. : SD/540.03

16 October 1945

SUBJECT : German Subjects.

TO : Ministry of Interior,  
Gen. Div. of P.S., Div. A.G.R.  
Section III.

1. Reference your letter of 9 October 1945, 443/4322.
2. The position of those Germans who are considered dangerous to Allied Military Security, is that they are interned by the Allied Authorities.
3. Those who are not so considered are permitted to remain at liberty, subject to the normal restrictions on Aliens and breaches of Italian laws.
4. The question of internment or repatriation has been taken up with higher authority and a reply will be forwarded in due course.

CH

JOHN W. CHAPMAN,  
Colonel, J.A.G.D.  
Director Public Safety **1016**  
Sub Commission.

SJH/lm.

C O P YMINISTRY OF INTERIOR

443/34322

9 Oct. 45

SUBJECT : German Subjects  
TO : Public Safety S/C. A.C.

In some cities of Northern Italy the presence of many Germans, also of a high social class who live and circulate undisturbed, sometimes - perhaps even in good faith - with an apparently arrogant manner, if not absolutely exasperating, is unfavourable commented.

It would be necessary that, prior to examination of the position of each one, the undesirable elements or those whose presence in Italy is not justified, be sent back to their own country or, at least, interned.

This problem is pointed out to you, in order to have your opinion on the matter.

For the Minister  
/s/ Ferrari

Translation ac/

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MINISTRY OF INTERIOR

443/34322

9 Oct 45

SUBJECT : German Subjects.

TO : Public Safety S/C A.C.

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| Security      |
| Division      |
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| File no ..... |
| Action .....  |

For the Minister  
/s/ Ferrari.

Translation ac/

*Please in the future file.*

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PC.

Mod. 623

Roma, 9 ottobre 1945

*Ministero dell'Interno*

DIR. GEN. P.S. - DIVISIONE A.G.R.  
SEZIONE III<sup>a</sup>

ALL'ON. COMMISSIONE ALLEATA  
Sottocommissione per la P.S.

R O M A  
=====

N° 443/34322

OGGETTO Sudditi tedeschi.

In varie città dell'Italia settentrionale viene sfavorevolmente commentata la presenza di molti tedeschi, anche di classe sociale elevata, i quali risiedono e circolano indisturbati, talvolta - forse anche in buona fede - con contegno apparentemente arrogante, se non addirittura provocante.

Sarebbe opportuno che, previa valutazione della posizione di ciascun di essi, gli elementi indesiderabili o la cui presenza in Italia non fosse giustificata, venissero restituiti al proprio paese, o, quanto meno, internati.

Si rappresenta il problema a codesta Commissione, con preghiera di far conoscere il proprio avviso al riguardo.



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PEL MINISTRO 104

*Germany*



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