

PRACTICAL GUIDE FOR ASYLUM SEEKERS IN ITALY



MINISTERO
DELL'INTERNO



UNHCR
The UN Refugee Agency

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1. The purpose of this guide

If you are reading this guide, then **you are in Italy** and you have applied for or you are considering applying for international protection.

Here you will find information on **how to access** the international protection **procedure**, criteria applied in the **assessment** of your application and your **rights and duties**.

Read it carefully, keep it and consult it whenever necessary. It will help you to understand what is happening at every step of the procedure.

If you find some parts unclear, **request further information and explanation** from legal operators at your reception centre or refugee protection associations. You will find useful addresses and numbers at the end of this guide.



This diagram summarises all 6 phases of the procedure for recognition of international protection. You will find additional information on each one as you continue reading this guide.



2. Applying for international protection

What is international protection?

International protection is a set of fundamental rights which are recognised by Italy for **refugees and beneficiaries of subsidiary protection**.

Refugees are people who have a founded fear of being persecuted in their country of origin due to their race, religion, nationality, political opinion or belonging to a certain social group and who are unable to receive protection from their country of origin. See page 28 for further information.

Beneficiaries of subsidiary protection are people who despite not being refugees, risk a serious threat in their country of origin (sentencing to death, torture, inhumane or degrading treatment, threat to life or personal safety due to armed conflict). See page 28 for further information.

International protection **guarantees** above all **the right not to be repatriated and to stay in Italy**.

Can I apply for international protection?



If you are not an EU citizen and cannot return to your country of origin because you fear persecution or risk serious harm;



If you do not have any citizenship and fear persecution or risk suffering serious harm if you return to your country of habitual residence.



If you believe your situation is different from the above two but you still need to remain in Italy for other reasons, request information on different types of residence permits from a legal expert. See page 41.

When and where can I submit my application for international protection?

Submit your application **as soon as possible**.

You can express your will to apply for international protection when you arrive in Italy at the **Border Police Station** or, if you are already in Italy, at the **Police Station** - Immigration office of the nearest police station.

Even if you are in prison or being held in a detention centre for repatriation (CPR) you can still apply for international protection.

Applications are **individual**: each adult must personally submit their own application. If you have minor children in Italy please inform the Authorities of their presence, as your application will then also be valid for them.

If you are under the age of 18 years and are alone in Italy, you can still apply for international protection with the assistance of a supervisor from the centre you are staying at.

Are there any fees?



The international protection application procedure is free of charge.

The Italian authorities will never ask you for money for submitting or assessing your application. If someone tells you or leads you into believing that money is required, inform the authorities.

Which country will examine my application for international protection?

The country that will examine your application for international protection is established by the Dublin Regulation.

The **Dublin Regulation** is a legislative act of the European Union containing a series of rules to determine the competent European country for examining your application. Indeed, the fact that you have submitted your application in a particular European country does not mean that it will necessarily be examined there.

Before examining your application for international protection, the European country you are in will verify whether it has competence for deciding on your application, or whether you must be transferred to another European State, that will examine your application. Take a look at the map on page 12 to find out which 31 European countries apply the Dublin Regulation.

The Dublin regulation establishes the criteria by which a country can be competent for the purposes of examining an application for international protection: the presence of a member of your family in a country which applies the Regulation, the fact that you possess or have possessed a visa or a residence permit issued by one of the countries which applies the Regulation, the fact that you entered, legally or illegally transited through one of these countries. Often this last rule is applied. **The competent country for assessing your request for international protection is the first European country you entered** (e.g. if Italy is the first European country you entered, then Italy will assess your application for international protection).

If you have relatives in another State which adheres to the Dublin Regulation and you wish to join them, speak with staff at the reception centre where you are staying or with a legal expert, or directly to the Police.

You will be granted a confidential interview with Police caseworkers in your own language or in a language you understand, during which it is important that you provide all useful information, especially on the presence of your relatives in other EU States and provide any documents you may have. The purpose of this interview is not to make a decision on your needs

for international protection, but to establish the competent country for making this assessment. Your application will be examined by an office of the Ministry of the Interior called the Dublin Unit.

You can legally join your relatives in the country in which they live and continue your procedure there under the following circumstances:



If you are of age, you can legally join **your minor child** or **your husband** or **your wife** (in some cases your partner too) **if they are refugees, beneficiaries of subsidiary protection or asylum seekers** in the State where they are located.



In the event of **pregnancy, recent maternity, serious illness, serious disability** or **old age**, you can join your children, brothers or sisters or one of your parents if you are dependent on **their assistance** or if one of them depends on your assistance.



If before entering Italy, **you submitted your application to authorities of another European country**, the Dublin Regulation establishes that the country where you submitted your application will examine your case. If your application is rejected, you can appeal to the jurisdictional authorities of the same country to ascertain whether the decision was fair.



If prior to departing for another European country, **you submitted your application in Italy**, in many cases the Dublin Regulation establishes Italy as the competent country for examining your application for international protection. Cancelling the application presented here in Italy will not result in a change of the competent country.

Remember that if you do not agree with a European State's decision to move you to another country for the examination of your application, you have the right to appeal to a judge. If you do not have sufficient economic resources to do so, and there are prerequisites, you have the right to free legal assistance.

If you are an unaccompanied minor

If you are an **unaccompanied minor** and have relatives in another European country, **do not leave the reception centre where you are staying** to try to make the journey alone. Inform the operators of your reception centre, or your guardian, or Police of the fact that you wish to join your relatives.

You can leave with documents and travel safely to legally join **your mother, your father** or another adult who is legally responsible for you or your **brother, sister, uncles** or **aunts** or **grandparents** who will be able to take care of you. The relative you wish to join must be **legally resident** in the country where he/she lives.

Furthermore, if you are an unaccompanied minor, your application can be examined in the country where you are currently staying.

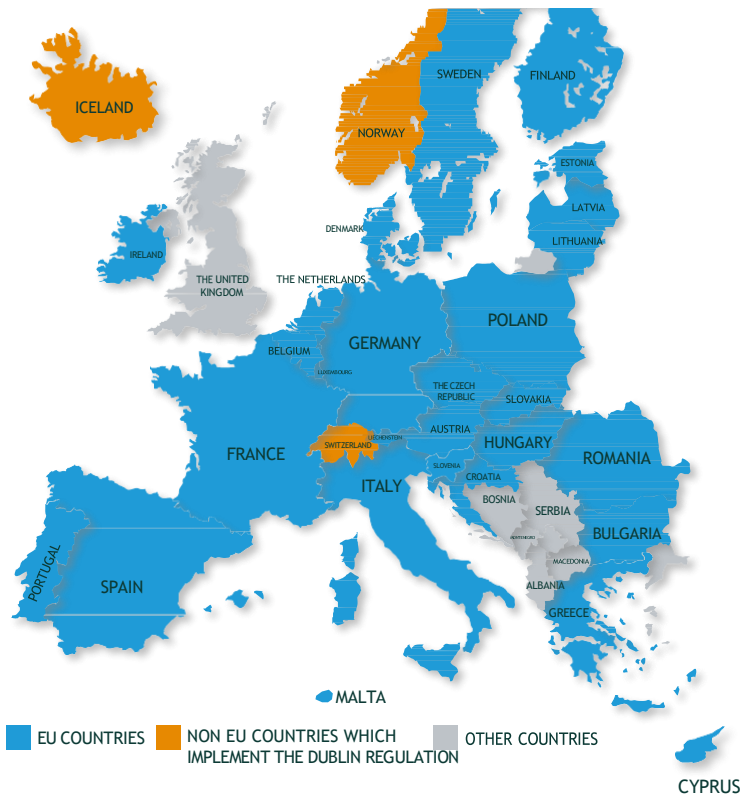
Warning

- If the competent country for assessing your application is Italy but you continue your journey and apply for international protection in another European State, you may be transferred back to Italy.
- If before arriving in Italy you entered another European country which applies the Dublin Regulation, you may be moved to that country.

For further information, request assistance from a legal operator at the centre where you are staying, or an association for the protection of asylum seekers, or your lawyer.

Which countries apply the Dublin Regulation?

27 European Union Member States (therefore Austria, Belgium, Bulgaria, Cyprus, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, The Czech Republic, Romania, Slovakia, Slovenia, Spain, Sweden, Hungary) and Switzerland, Norway, Iceland and Liechtenstein.



What is the procedure for submitting an application for international protection?

1) IDENTIFICATION: after expressing your intention to apply for international protection, the Police will identify you: they will record your personal information (name, surname, date and place of birth, nationality) and will take a few photos of you. If you are **aged 14 years or older**, the Authorities will also take a picture or an image of your fingers ("fingerprints") which will be sent to a European data base called Eurodac.

For these procedures to take place, you may be held at a specific facility for a maximum of 1 month. At the end of this period, if it has not been possible to ascertain your identity and citizenship, you may be moved to a **Detention Centre for Repatriation**, where you may be held for a maximum period of **4 months**.

For more information on the maximum terms of detention in a Detention Centre for Repatriation during the international protection determination procedure, ask a legal operator or an asylum seeker protection association or your lawyer for assistance.

2) FORMALIZATION OF APPLICATION: it consists of filling out a form called **Form C3**. The Police will ask you a few questions about your identity and personal condition (e.g. name, surname, date and place of birth, nationality, current domicile, contact details, education, work, religion, place of residence, languages known), your family and the journey you faced. They will request you to give a brief account of why you left your country and why you cannot go back to it. If you wish you can also submit a written document (in Italian or another language) in which you explain your story. If you do not speak Italian, you have the right to be assisted by an **interpreter**.

If you have a passport, you must hand it over to the Police. It may also be useful if you submit all documents in your possession upon your arrival in Italy, as well as any documents subsequently obtained from your country of origin (for example: Travel permits, marriage certificates, medical certificates, photographs, newspaper articles): in this way it will be easier to understand what happened and to find out more about your situation.

If:

- you are **under** the age of **18 years**;
- you are a woman, and in particular you are pregnant;
- you have a **serious disease**;
- you are a **single parent with minors**;
- you have a **disability**;
- you require **psychological support**, you have **survived torture, physical, psychological or sexual abuse or violence due to your sexual orientation or your gender identity**, you are a **victim of trafficking**, you are the **victim of female genital mutilation**;
- you have any other specific needs,

do not hesitate to speak to the Police, to staff at the reception centre you are staying at, an association for the protection of asylum seekers or your lawyer.

Under these circumstances, you may have the right to:

1. stay at a **special facility** (for example: centres for minors or protected structures for people at risk of sexual exploitation);
2. be supervised and assisted by **expert support staff** (doctor, psychologist, social worker...);
3. obtain **priority examination** of your application.

The C3 form will be signed by you, the Police caseworker and the interpreter who assisted you and, if you are under the age of 18 years, by your guardian (read the definition of this term on page 16) or by the supervisor of the centre where you are staying. **You will receive** a signed **copy of the form** and submitted documents.

Warning

If your **contact details** (place where you live or telephone number) **change**, **you must inform** the Police and Territorial Commission so that you receive notifications regarding your application for protection, such as the time and date of your interview with the Territorial Commission. In this respect, please read the paragraph "How will I be notified of the decision?" on page 30.

The principle of confidentiality

Information on your application for international protection is **confidential**. All persons who will process it, including the Police, are bound by a **confidentiality obligation**. Indeed, the law states that Italian authorities will not share information on your application for protection or any other information which may place you or your family in danger, with any external persons, including Authorities of your country of origin, without your consent.

PROTECTION OF PERSONAL DATA

During the entire international protection procedure and therefore also during assessments with reference to the Dublin Regulation, your sensitive data (personal information and details, fingerprints, documents, etc.), will be collected; this takes your needs for protection into account, but is also useful for the authorities of European countries to register your entry and presence in the country.

These data can only be used for purposes specified by law and are always stored in a protected and secure manner inside certain electronic databases which can only be accessed by yourself and by authorised staff of authorities involved in the procedure.

These databases include:

- **Vesta.net**: which in Italy contains all the information on applications for international protection;

- **Dublinet:** contains information on the handling of the assessment to ascertain the country of competence for asylum applications;
- **Eurodac:** an electronic system which stores and compares fingerprints of asylum seekers, with the purpose of recording whether a person has entered a member state from a border crossing point and/or has submitted an asylum application.

During the entire procedure you have the right to:

1. receive information on the competent Authorities for the Dublin procedure and the Authorities for the conservation and protection of your data;
2. access data regarding yourself;
3. receive information on how to amend or cancel the data;
4. request the amendment of your data (including Eurodac data) if incorrect, or request the deletion thereof if processed in breach of relative laws and regulations.

I am an unaccompanied minor, what should I do?

If you are under the age of 18 years and do not have any relevant relatives with you, inform the Police and reception centre staff immediately so that you can receive **special guarantees provided for unaccompanied minors in Italy**. These guarantees mean that:

- you will be placed in a special centre for minors; only in the event that such a centre is not available, and if you are 16 years of age or older, you may be placed, for a maximum of 150 days, in a juvenile section within an adult care facility;
- a judge will appoint a responsible and competent adult who will guide and support you in Italy, to protect your interests (“a **guardian**”). This person will also help you in the procedure for recognition of international protection;
- if any of your relatives are legally residing in another European Union State, you can request to join them;

- priority will be given to the examination of your international protection application.

If you have **identity documents** or other certificates as proof of your age, show them immediately. In the event of serious doubts as to your minor age, Italian authorities may arrange for you to have an interview with a doctor or another specialist. This may be followed by medical examinations to ascertain your age. Check-ups will be carried out exclusively by specialised staff, with the assistance of a cultural mediator who understands your language and situation. In some exceptional cases, these examinations can be carried out directly at the identification stage, i.e., while the Police record your personal data.

3. Rights and duties of the asylum seeker

By expressing your wish to apply for international protection you become an “**asylum seeker**”. Asylum seekers have specific rights and duties.

What are my duties?

COOPERATE: you are required to **cooperate** with the authorities in charge of the procedure for international protection at all times, by **providing all the documents and information** useful for submitting and assessing your application.

INFORM OF ANY CHANGES OF ADDRESS: it is your duty to **inform** the Police Authorities **if you change residence or domicile** so that you can be contacted at all times. If you fail to do so, or if you provide an incorrect address, you will be unable to receive information on your application for international protection; in particular, you risk not knowing that you have been summoned by the Territorial Commission for your personal interview or that a decision has been taken on your application for protection (see paragraph “How will I be notified of the decision?” on page 30 for further information).

APPEAR IN PERSON AT THE INTERVIEW: it is your duty to **present** yourself at the Territorial Commission for your interview, on the day and time specified in the summons. However, you may request to postpone the interview for serious reasons which prevent you from attending at the interview. In this case, **notify the Territorial Commission as soon as possible**; if you are staying at a reception centre, the operators will help you.

REMAIN ON ITALIAN TERRITORY: **you must not leave Italy** for the entire duration of the procedure. If you apply for international protection in another European country, you may be sent back to Italy.

COMPLY WITH ITALIAN LAW: you have the obligation to abide by Italian laws at all times. If you have any doubts as to what is

legal or illegal, do not hesitate to **request legal assistance**.

What are my rights as an asylum seeker?

BE INFORMED: the Police Office which receives your application for international protection, informs you of your rights and duties and on all phases of the procedure. Request further information from a legal operator at your reception centre or from local associations for the protection of asylum seekers and refugees. During this phase of the procedure, you can always contact UNHCR, the United Nations Refugee Agency.

A few useful contacts are provided at the end of this guide.

STAY IN ITALY: generally, as an asylum seeker you can legally reside in Italy until a definitive decision has been made on your application for protection.

In some cases, you may not have the right to remain in Italy. To find out more, read the paragraph "Can I appeal against the Territorial Commission's decision?" on page 31 and the paragraph "Can I submit a new application for international protection?" on page 32. Request further information from a legal operator.

RECEIVE DOCUMENTS: you will be issued a **Residence Permit for Asylum Application**, which is also valid as an ID document, authorising you to **stay on Italian territory**. This permit is valid until the decision has been taken on your request for protection.

Request further information from a legal operator.

HEALTHCARE: you are entitled to **free** healthcare.

REGISTRATION: with the Municipality of residence.

EDUCATION: you have the right to enrol at school.

WORK: you are entitled to **work** as of two months after submitting your application for international protection at the Police Station.

The Residence Permit for asylum application cannot be converted into a residence permit for work purposes and does not give you the right to family reunification.

RECEPTION: if you do not have the means to support yourself you have the right to reception at a **centre** for asylum seekers.

4. Reception

I don't have money to support myself, can someone help me?

As soon as you enter Italian territory, you are admitted to a **first aid and assistance centre or hotspot** where you receive initial care and information.

After you are identified by the Police Authorities, if you have expressed the desire to submit an application for international protection and do not have enough personal resources for accommodation and food, you will be moved to a **reception centre for asylum seekers**, where you can stay for the entire duration of the procedure for recognition of international protection (also during any appeal to the Court against the decision of the Territorial Commission). In the SAI (Hospitality and Integration System) Projects, in case of availability of places, are transferred asylum seekers with special needs (e.g. disabled and elderly persons; women; single parents with minors; victims of human trafficking; persons suffering from serious illnesses or mental disorders; victims of ascertained torture, rape or other serious forms of psychological, physical or sexual violence or violence related to sexual orientation or gender identity, victims of genital mutilation).

If you are an unaccompanied minor, you have the right to stay at a special facility for minors. Only in the event that such a facility is not available, and if you are 16 years of age or older, you may be placed, for a maximum of 150 days, in a juvenile section within an adult care facility. If you do not have documents which prove you are a minor, request further information from staff at the centre you are staying at or from officers at the Police Station.

What are my rights and duties at the reception centre?

The **centre's regulations** specify your rights and duties during your stay.

You have the **right to**:

- A. **Dignified accommodation.** Separate accommodation facilities are provided for men and women; if you are with other family members, you have the right to live with them;
- B. Sufficient **food**, possibly suited to your needs and customs;
- C. **Clothes** and **essential personal hygiene** products;
- D. A cash **contribution** for small expenses;
- E. **Medical assistance**;
- F. **Social assistance**;
- G. Information on **Italian legislation**.

At the centre you have the right to be visited by representatives of the UNHCR, your lawyer and any family members. Organisations for the protection of refugees and people who have applied for and received authorisation can also enter the reception centre.

If you have any special requirements, you can inform staff at the centre to receive assistance. For example, if you are pregnant, have physical or psychological problems, have been the victim of physical, psychological or sexual abuse.

To enable operators to fully understand your needs, do not be afraid to tell them even about the most difficult and painful experiences as they are bound by confidentiality and must not disclose information about you without your consent.

During your stay at the centre, you have the **duty to**:

A. Always **behave respectfully** towards other guests and staff running the reception centre.

B. Always comply with the **regulations**.

A serious breach of regulations may result in the withdrawal of the reception measure. Request further information from legal operators.

Can I leave the reception centre?

There are certain rules at the reception centre, including compliance with times. During the day you are free to leave the centre during specific times. Under exceptional circumstances you can request a permit, should you need to leave for longer periods; speak to centre operators for further information.

If you leave without a permit or fail to return to the centre in the evening you may **lose your right to stay at the centre**.

5. Assessment of the application and possible outcomes

After presenting your application for international protection, you will be called for an interview with the Territorial Commission, the competent authority for the assessment of such applications.

The waiting period may range from a few weeks up to a few months. Use this time to prepare yourself for the interview and **collect the documentation** you need, also with the help of reception centre operators or any associations you may choose to seek assistance from. You can submit all documents you believe are useful for the assessment of your application to the Territorial Commission.

If you are an unaccompanied minor or if you have any special needs, **priority** will be given to your application.

You can cancel your application for international protection at any time. To find out how, request information from a legal operator.

What happens at the interview?

You will be interviewed by a caseworker of the Territorial Commission. You can request to be interviewed by a male or female caseworker, depending on who you feel most comfortable with, and if possible, your request will be granted.

At your request or by decision of the president of the Commission, you may be interviewed by the entire Board of the Territorial Commission or by the president.

You will be interviewed in the presence of an **interpreter of your language**. If you are having difficulties in understanding or if there are reasons for which their presence makes you uncomfortable,



please inform the caseworker interviewing you.

The **interpreter is an independent and impartial professional** who provides a translation of questions and answers that is as literal as possible. They are sworn to **confidentiality** and are not involved in assessing your case.

The interview is individual. Even if your spouse or another family member has been summoned for an interview on the same day, you will each be interviewed separately. If you are under the age of 18 years and are with your parents, the Territorial Commission decides whether or not to hear you. If they decide to hear you, you could be interviewed in the presence of your parents or, if the Commission deems it appropriate, even without them.

If you are under the age of 18 years and are not with one of your parents, you will be heard in the presence of your guardian (see page 16).

You may request assistance from your trusted **lawyer** (please note that during this phase you are not entitled to free legal assistance).

If you have any special needs, before the interview you can request the presence of **support staff** (for example, a social worker or the psychologist who is treating you).

For the purpose of greater transparency, the interview is recorded on video, unless there are any technical problems or a different evaluation by the Commission. If you do not wish to be recorded on video, you must give your reasons. The Territorial Commission will decide on your request.

Everything that is said during the interview will be transcribed in a document called the **interview minutes**. At the end of the interview, you will reread it with the help of an interpreter. If there are any inaccuracies or you wish to specify something, ask the official who interviewed you to correct the minutes. When the interview is **video recorded**, the interviewer and interpreter sign the document and you will only be requested to sign if you have specified anything. If the interview was not video recorded, you will be asked to sign the minutes, together with the interviewer and the interpreter.

After the minutes have been read to you, you will be given a **copy**. Only you can decide whether and who should read the document (your lawyer, for example).

In some cases, the interview might take place with an audio-visual link, so you will be in front of a screen and the official interviewing you will be in another location. In this case too, an interpreter will be present, and the interview will take place in the same way.

The Territorial Commission operates under the obligation of confidentiality and will never share any confidential information with any persons external to the procedures (for example: authorities of your country, your family, or the centre you are staying at), without your prior consent. Therefore, you can always express yourself freely.

What questions will they ask me?

The interviewer will help you to reconstruct your story. It is important you are **truthful and cooperate**. If you do not remember something or know something you are not asked about, declare it and if you do not understand a question, request clarification.

- During the interview you will be asked information on: your **identity** (origin, family, culture, education, work and perhaps religion and political ideas or activities);
- **the reasons why you left your country of origin;**
- **the fears you have about returning to your country of origin and the risks.**

Is it possible that my case will be decided without an interview?

In certain cases, the Commission may issue a decision based solely on the entire set of documents that are available in your case file at that time, without proceeding to an interview. This may happen if:

1. the Territorial Commission considers that it already has all the elements required to recognise your refugee status;
2. you are not in a condition to be interviewed, for example for

health or other reasons type (in such circumstances, you must inform the Territorial Commission and provide the requested documentation);






3. you could not be summoned because you are untraceable and on the basis of the documents in your file there are no elements for the recognition of protection. Your case will be decided by a denial. In certain cases, however, the law envisages that the Commission may re-summons you for the interview. Check with a legal operator if this possibility applies to your case;
4. you do not turn up for your interview at the Commission, without providing a reason and on the basis of the documents in your file there are no elements for the recognition of protection. Your case will be rejected.

If unforeseen difficulties prevented you from attending the interview, and you could not notify the Commission beforehand, please inform the Commission as soon as possible, explaining the reason for your absence, to verify the possibility of being heard.

Contact a legal operator to find out more.

What are the possible outcomes of my application for international protection?

Your case is examined and assessed by a panel of 4 people including the president of the Commission, a person appointed by UNHCR, two Ministry of Interior caseworkers (one of whom is the person who interviewed you). The possible outcomes are:

-  Recognition of refugee status
-  Recognition of subsidiary protection
-  Special protection
-  Permission for medical treatment (see page 41)
-  Rejection of application

Under which circumstances may I be recognised as a refugee?

Based on the 1951 Geneva Convention, you will be recognised as a refugee if you have a **well-founded fear of persecution in your country of origin for the following reasons:**

- **race** (for example, for the colour of your skin or belonging to an ethnic group);
- **religion** (for example, for the religion and rituals you follow or do not follow);
- **nationality** (for example, for your language, culture, ethnic origins);
- **political opinion** (for example, for belonging to political groups or for your political ideas);
- **belonging to a particular social group**, namely a group of people who identify with common characteristics, or who are seen by society as a distinct group due to said characteristics (for example, in some countries, a specific sexual orientation or a specific job or lifestyle);

and you are unable to receive protection from your country of origin.

If you are stateless, meaning that you have no citizenship, the country taken into account for the purposes of the assessment is the one where you habitually lived.

Examples of persecution include threats to your life, torture, slavery, unfair deprivation of personal freedom, female genital mutilation or serious breaches of fundamental human rights or other very serious or repeated breaches of your rights.

Under what circumstances may I receive subsidiary protection?

If conditions for refugee status are not met you will be granted subsidiary protection, if there are **founded reasons** to believe that

if you return to your country of origin you would **risk serious harm** (sentencing to death, torture, inhumane or degrading treatment, threat to life or personal safety because there is an armed conflict in your country) and you may not receive protection from your country of origin.

In this case too, if you are stateless, the country taken into account for the purposes of the assessment is the one in which you have habitually lived.

Under what circumstances may I receive special protection?

Under exceptional circumstances in which you cannot be granted international protection, but you would in any case be at risk of persecution, torture or other forms of inhumane or degrading treatment in your country of origin, you may be granted special protection.

Moreover, you will be entitled to special protection if your repatriation would result in a serious violation of a fundamental right that Italy recognises and protects under national or international law, granting you a complementary form of protection.

Under what circumstances may the Territorial Commission reject my application?

Having assessed all the elements, in the event the Commission believes **there are no grounds** for granting you a form of protection, your application will be rejected.

In some special cases, your application may be rejected as **manifestly unfounded**. This may happen for example: if the Territorial Commission believes that the issues you talked about during your interview have no connection to international protection needs; if you come from a country considered safe by Italian authorities, after having been granted access to the asylum

procedure the Commission believes that for your personal situation there are no serious reasons to consider this country unsafe for repatriation; if you have submitted false documents and you have not yet explained the reasons for your conduct, or if you have refused to provide your fingerprints.

Warning

If your application has been rejected on grounds of being manifestly unfounded, the **term** for appealing before the judge is 14 or 15 days (see page 31 for further information on appeal against the Territorial Commission's decision). In such an event, in order to remain in Italy during your appeal, your lawyer will need to request a specific authorisation from the judge.

To find out about all the situations in which your application may be considered manifestly unfounded and the consequences, request further information from a legal operator.

How will I be notified of the decision?

The outcome of your application for international protection is contained in a **written decision that is drafted and motivated by the Territorial Commission**. You will be **informed** by a reception **centre operator**, or you will receive notification by post at the **private domicile** which you provided at the Police Station upon formalising your application (see page 13), during the interview at the Commission or later.

Therefore, it is important you inform the Police and Territorial Commission each time you change your address and that you wait for the Commission's decision at the reception centre or address you provided. If you fail to do so, you may **not receive notification** containing the decision on your application for protection.

Warning

If you do not receive notification because you were not present at the reception centre or given address, you can collect it at the Police Station, where it will be available for the following twenty days.

Thereafter, the decision is considered delivered and Italian authorities will apply its contents:

- your right to stay in Italy or your obligation to leave Italy will depend on the contents of the decision;
- the deadline period for submitting an appeal against the Territorial Commission's decision will begin (see the paragraph below).

You can always request a copy of the decision from the Territorial Commission.

Can I appeal against the Territorial Commission's decision?

If you do not agree with the Territorial Commission's decision, you may ask a judge to re-examine it, with the assistance of a **lawyer**. Please note that **deadlines (30, 14 or 15 days**, based on the case), are specified at the bottom of the decision.

If you do not have sufficient economic resources, and there are prerequisites, you have the right to be assisted **free of charge** by a lawyer.

Appealing against a decision of rejection will generally give you the right to **stay in Italy** until the Court issues its ruling. However, in some cases, for you to remain in Italy, your lawyer will have to submit a specific request to the judge (for example, if you are being held at a detention centre for repatriation or if your application has been considered by the Commission as manifestly unfounded).

For further information, request assistance from a professional at the centre you are staying at, or an association for the protection of asylum seekers, or your lawyer.

Warning

There are two circumstances in which, even if you file an appeal in Italy, you do not have the right to remain on the national territory:

- A) if you submit a **subsequent application** (see next section on subsequent applications) while you are about to be expelled from Italy **and the authorities do not detect any new elements on your personal circumstances or on the situation in your country, so your application is declared inadmissible;**
- B) if you submit **an application for the second time, which is considered a subsequent application** (see next section on subsequent applications).

Contact a legal operator or your lawyer for further information on all situations in which you will be required to leave Italy.

Can I submit a new application for international protection?

You may submit a **new application** if:

- you have received a decision from the Commission on a previously submitted application, which has become **definitive**, meaning that it can no longer be re-examined by a judge.
- you cancelled a previously submitted application;
- before undertaking the interview, you left the centre where you were staying, without giving a new address, and the Commission, after waiting 9 months to give you a chance to be interviewed, took a negative decision on your case.

The new application is called a “**subsequent application**”.

It is important to explain well why you are resubmitting your application, and what new elements, facts, documents you want to make known to the Territorial Commission. If you have never been interviewed by the Commission, make this clear in your new application.

The Territorial Commission decides to continue in assessing the subsequent application only if there are **new elements, facts or documents which have never been considered and which make it more likely that you are entitled to international protection. It is important to make it clear why you need international protection today (for example: a war has broken out in your country, or you have found a document that proves your situation).**

It is important to stress from the outset:

- any reasons justifying your departure from the centre where you were staying;
- any reasons why you could not share information or documents with the Commission or the Court in the past.

If the Commission does not recognize any new elements concerning your personal circumstances or those of your country, your application will be declared **inadmissible and therefore rejected without any interview.**

What are accelerated procedures?

The accelerated procedure is a one that has a shorter time frame than the ordinary procedure. It shall apply in the following cases:

1. if your first application for protection is rejected, and you submit a new application (called a “subsequent application”, see page 32), without providing any new elements about your personal circumstances or your country of origin;
2. if criminal proceedings are pending against you or if you have been convicted of a serious offence (to determine which offences are considered serious, you can ask the operator of the centre you are staying at or your lawyer for help);

3. if you are detained in a centre for verification of identity and/ or citizenship (hotspot) or a detention centre for repatriation (CPR);
4. if you applied for international protection directly at the border, after trying to enter the Country without showing up for police checks;
5. if you come from a country that Italy considers safe (“safe countries of origin”), namely: Albania, Algeria, Bangladesh, Bosnia-Herzegovina, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Nigeria, Peru, Senegal, Serbia, Sri Lanka, Tunisia;
6. if the authorities consider your application for international protection as manifestly unfounded (e.g. if the grounds for your application have no connection with your need for protection; or if you have submitted false information or handed in false documents and have been unable to explain the reasons for this; or if you have refused to have your fingerprints recorded; or if you are detained in a detention centre for repatriation because you have committed serious crimes or because you are considered to be a danger to public order and security, and a trial is being held against you for serious crimes);
7. if you applied for protection after being stopped, and the authorities believe that you submitted this request only to avoid being removed from Italian territory after being apprehended by the police without a valid residence permit.

It is crucial that you provide the authorities with all information about your personal circumstances as soon as possible because the accelerated procedures do not apply to unaccompanied minors or persons with special needs (e.g. persons with health problems or women).

If your case has been accelerated and you need a few extra days to obtain proof or elements which will help support your application for international protection, inform a legal operator and the Territorial Commission immediately.

What happens if the accelerated procedure is applied?

1. Police Station:

- your application is filed immediately after your identification;
- normally, you will be notified of the date of your personal interview when you register your application for protection.

In case of subsequent application, at the time of registration, you must provide new elements (see page 32) to support your request for protection to be convened by the Commission for the personal interview. Otherwise, your request will be considered inadmissible.

2. Territorial Commission:

- the personal interview is held within a few days of registration;
- the Territorial Commission takes a decision on your application within a few days of your interview;
- in cases where you have submitted your application for international protection directly at the border or in transit zones after being stopped for trying to enter the country without presenting yourself for police checks, or if you submit your application at the border or in transit zones and you come from a country that Italy considers to be safe, the procedure for assessing your application could be carried out directly at the border;
- if you come from a country of origin that Italy considers safe, your application will be rejected if, during the interview, you do not explain why your country is not safe on account of your particular circumstances.

3. After the Commission has decided:

- in case of rejection, you can file an appeal within 14 or 15 days of being notified of the decision;
- your lawyer must submit a specific request to the judge for concession of your stay in Italy.

Warning

In border procedure cases, you may be detained during the examination of your application for international protection and for up to 28 days if:

- you do not hand in your passport or a valid equivalent document,
- or
- you do not provide a sufficient financial guarantee, amounting to a sum of between EUR 2,500.00 and EUR 5,000.00, decided by the Head of Police Station in view of your individual situation, with a payment by bank or insurance guarantee.

This guarantee:

- can be paid by you or your relatives within the third degree legally residing in Italy or in another European Union Member State.
- must be submitted within seven working days, starting from the communication of the exact amount of the guarantee decided by the Head of Police Station, and in any case before the Territorial Commission makes a decision on your application for international protection.

If during the procedure you are untraceable, the sum that has been paid as a guarantee cannot be returned to you.

Contact a legal operator or your lawyer to have further information on this aspect.

Italian law provides - on the basis of an agreement stipulated with Albania - that if you are embarked on vessels of the Italian authorities outside the territorial sea of the Republic or of other Member States of the European Union, also as a result of rescue operations, and there are the conditions to apply the **accelerated border procedure** to your application, you may be taken to **Albania, where the procedure will take place**, and during the procedure you may be **detained** in a centre located in this country.

It is important to know that even in these cases your application will be **assessed by Italy**, applying the **Italian legislation**.

6. Rights and duties after recognition of protection

As a beneficiary of international protection (refugee status or subsidiary protection), what are my rights?

ISSUING OF DOCUMENTS:

1. In order to legally stay in Italy: **residence permit** valid for **5 years**, renewable;
2. In order to travel outside of Italy: **travel document** (if you are a refugee) or **travel pass** (if you have subsidiary protection and there are founded reasons for which you cannot apply for a passport to the diplomatic authorities of your country).

With these documents you can enter and legally stay, without the need to apply for a visa, in one of the 26 European states of the **Schengen area**, for up to **3 months** (however you cannot work or stay permanently).

Five years after submitting your application for international protection and in the presence of other requirements (including an income and the absence of criminal convictions), you can apply for a **European Union long-term Residence Permit**. With this permit you can enter and legally stay in another European Union State for over 3 months, as a worker, student or for other reasons, in accordance with the regulations of the country you wish to reside in.

WORK: you can access the labour market, including public sector employment, under the same conditions as citizens of the European Union;

RESIDENCE REGISTRATION: at your local municipality, under the same conditions as those for other foreign citizens;

EDUCATION, SOCIAL AND HEALTHCARE: you have the right to receive the same treatment as Italian citizens in these areas;

ACCOMMODATION: you can apply for public housing;

FAMILY REUNIFICATION: you can be joined by your relatives without the need to provide proof of income or accommodation (you can be joined by relatives such as your spouse, minor children, parents over the age of 65 years, if they do not have other children who can take care of them in their country of origin; for further clarification on relatives who can join you please request information from legal operators);

CITIZENSHIP: you can apply for Italian citizenship after 5 years of residence in Italy if you are a beneficiary of refugee status and after 10 years if you are a beneficiary of subsidiary protection.

What if I am a beneficiary of special protection?

You have the right to:

ISSUING OF DOCUMENTS: 2 years residence permit, renewable should you still require protection.

You can apply for a travel pass for foreigners, if you are unable to obtain a passport from your country's diplomatic authorities.

WORK: you can work regularly, but you cannot convert the special protection residence permit into a work residence permit.

RESIDENCE REGISTRATION: at your local municipality.

SOCIAL AND HEALTHCARE.

What duties do I have?

COMMUNICATE YOUR MOVEMENTS:

Inform the Police Station if you change your residence or domicile. If you do not do so, or if the address you provide is not valid, you will not be able to receive communications relating to the renewal of your residence permit and any proceedings to cease or revoke your protection (see paragraph at page 40).

ALWAYS ABIDE BY ITALIAN LAW

In the event of a serious breach of Italian law, your case may be reassessed for the purposes of revoking international protection (see paragraph “Cessation and revocation of international protection” on page 40).

Can I return to my country of origin?

If you are a beneficiary of refugee status and apply for a passport to the authorities of your country of origin,

or

if you are a beneficiary of refugee status or subsidiary protection and return to your country of origin, even for a brief period of time,

you should understand that your behaviour could lead to the cessation of the international protection that has been granted to you (see the paragraph on the cessation of international protection on page 40).

If you decide to permanently return to your country of origin and are in possession of the necessary requirements, you can participate in **Voluntary Assisted Return and Reintegration (RVAR)** initiatives. These programmes organise your journey, cover your expenses up to your final destination and provide a small economic contribution.

Contact the International Organisation for Migration at the toll-free number 800 004 006 for further information on active programmes.

Cessation and revocation of international protection

International protection may **cease** when the circumstances for which it was granted to you no longer exist (e.g. because the situation in your country of origin has improved in a stable manner, to a degree that there is no longer a risk of persecution or serious harm, or because you have voluntarily resettled in your country, or because you returned to your country of origin and you did not do so for serious reasons).

International protection may be **revoked** if it is ascertained that it was granted on the basis of wilful misrepresentation of facts or false documentation or if evidence indicates that:

- you have committed crimes against humanity, against peace, war crimes, or actions against the purposes and principles of the United Nations;
- you have committed a serious crime, outside Italy and before entering it as an applicant;
- you have been definitively convicted for particularly serious crimes in Italy (such as murder, abuse or threats against a public official, serious bodily harm, theft, armed robbery, extortion, the production or sale of drugs, sexual abuse, aiding illegal immigration, human trafficking) and you pose a threat to public safety.
- you pose a threat to the safety of the Italian State, regardless of the commission of crimes.

Under such circumstances, the National Commission for the Right to Asylum may re-assess your case and rule the cessation or revocation of your international protection.

For further information, especially if you need to return to your country of origin, please contact an operator at the centre or a local association for the protection of refugees.

7. Other residence permits

1. **PERMIT FOR MEDICAL TREATMENT:** if you are in **serious psychophysical condition or suffering from serious illnesses** (certified by a public health facility or an affiliated physician) which are not adequately curable in your country of origin. In addition, as already mentioned in the previous pages, also the Territorial Commission may establish this need and request the Head of Police Station to issue this permit. This permit is valid for the period necessary for the treatment (maximum duration **1 year**). Upon expiry, it is **renewable** (presenting any medical documentation indicating the need to continue care) but it cannot be converted into a work permit. Even **pregnant** women have the right to a residence permit for medical care valid up to six months following the birth of the child.
2. **RESIDENCE PERMIT ISSUED TO MINORS:** if you are under 18, you are entitled to a residence permit due to your status as a minor. This permit can be applied for at a Police Station and is issued for the sole reason that you are under 18 years of age. This permit is valid until you reach the age of majority. **When you are about to turn 18, ask for more information on how to proceed.** If you have applied for international protection and do not meet eligibility criteria, the Territorial Commission may also report your case so that you can obtain a residence permit for minors.
3. **RESIDENCE PERMIT FOR CHILDCARE REASONS:** if you are the parent of a minor who is in Italy, and your son/daughter is here studying, receiving medical treatment or otherwise developing psycho-physically, you can apply to the Juvenile Court for a residence permit. This permit is issued taking into consideration your child's age, health condition and development path. This residence permit allows you to work and can be converted into a work permit.
If you have applied for international protection and do not meet the relevant eligibility criteria, also the Territorial Commission

may report your case to the Juvenile Court so that the applicable circumstances can be taken into consideration in its assessments.

4. **PERMIT FOR DISASTER:** if you are unable to safely return to your country of origin due to a catastrophe such as an earthquake or flood, you have the right to a residence permit with a duration of **6 months**, exclusively valid on Italian territory. **On expiry of this residence permit, it can be renewed, only once**, for another 6 months **if your country of origin continues to be unsafe due to the abovementioned conditions**. This permit gives you the right to work **but it cannot be converted** into a residence permit for work purposes.
5. **PERMIT FOR SPECIAL CASES:**
 - a) **RESIDENCE PERMIT FOR SOCIAL PROTECTION:** if you are **victim of abuse** or serious **exploitation** you have the right to a **residence permit** with a duration of **6 months, renewable** for 1 year (or for the period of time necessary for legal reasons or current work). This permit gives you the right to study, register for work placement and to work, in addition to assistance services (protected reception, psychological and social assistance).
 - b) **RESIDENCE PERMIT FOR VICTIMS OF DOMESTIC VIOLENCE:** if you are a **victim of domestic violence**, i.e. if you are subjected to serious or repeated acts of physical, sexual, psychological or economic violence within the family by a person with whom you have an emotional bond (even if you do not live with that person), you are entitled to a **residence permit; this permit may be issued at the request of the authorities** or the social or welfare services that are **handling your case**. **This permit is valid for 1 year** and can be **converted** into a permit for employed work, self-employed work or study purposes (providing the holder is enrolled in an educational course).

Furthermore, upon the proposal of the Prefect and following Ministry of Interior authorisation, a residence permit can be issued to individuals who have carried out “**deeds of outstanding civic value**” (e.g. they have saved people in danger, prevented a disaster, carried out actions which have benefited humanity, upheld the name and prestige of Italy, etc.). This residence permit

has a duration of **2 years**, is **renewable**, gives you the right to study and work and can also be converted into a permit for work purposes.

For further information on requirements and application procedures for various types of residence permits, ask a legal operator.

8. Useful addresses and numbers

EMERGENCY NUMBERS:



112 Single emergency number
(Police, Fire brigade, ambulance)

118 Health emergency

These numbers are free of charge and operate 24 hours a day, with specialised multilingual staff.

UNHCR, United Nations High Commissioner for Refugees

Via Leopardi 24, 00185 Rome

Website: <https://www.unhcr.it>

Email: itaroprotection@unhcr.org

In this section of the website, you can find all the contact information of our offices in Italy and further information for all your needs: <https://www.unhcr.it/chiamo/contatti>

On this page you can find information (in various languages) on asylum, rights and obligations, and specific support services: <https://help.unhcr.org/italy/>

IOM, International Organisation for Migration

Department for Voluntary Assisted Return and Reintegration

Via Nomentana 201, 00161 Rome

Tel. +39 06 4416091 **Toll-free number: 800 004006**

Website: <http://www.italy.iom.int>

Email: ritorno@iom.int

Anti-trafficking toll-free number:

Department for Equal Opportunities – Presidency of the Council of Ministers

Toll-free number - 800 290 290

Operative 24 hours a day, 365 days a year, anonymous, with specialised multilingual staff.

National anti-abuse and stalking hotline:

Department for Equal Opportunities – Presidency of the Council of Ministers

Tel. 1522

Operative 24 hours a day, 365 days a year, free of charge, with staff specialised in the protection against sexual and gender abuse.

Approved in July 2024