



## **UNHCR RECOMMENDATIONS ON IMPORTANT ASPECTS OF REFUGEE PROTECTION IN ITALY July 2013**

In June 2012, UNHCR issued its "Recommendations on important aspects of refugee protection in Italy"<sup>1</sup> addressed to the Italian authorities and aiming at contributing to the discussion on asylum in Italy, with a view to further strengthening and aligning Italian asylum policies and practices with international and European standards.

In January 2013, UNHCR published the document "*Italia paese di protezione?*"<sup>2</sup>, outlining persisting gaps in the asylum system in Italy, in particular on asylum-seeker and refugee reception and integration, which was intended to draw the attention of candidates in the national elections to asylum related matters and the importance of addressing these gaps.

This present document aims at providing an update on the situation with regard to important aspects of refugee protection in Italy, including on reception and integration, considering the developments in relation to the challenges posed by the "North Africa Immigration Emergency", declared in 2011, and its phase-out.

UNHCR hopes that the updated considerations and recommendations will be useful for a continuing and constructive discussion on possible improvements of the asylum system in Italy, taking into account, *inter alia*, the forthcoming transposition of the recently finalized recast of the instruments, forming the legislative framework of the Common European Asylum System.

The recommendations, many of which were already highlighted in June 2012 and remain relevant, are addressed to the government and to all other relevant institutional actors and stakeholders and cover the following topics:

1. Access to territory and the principle of non-refoulement
2. Protection of unaccompanied or separated children
3. Access to the asylum procedure
4. Quality of the asylum procedure in Italy
5. Reception conditions for asylum-seekers
6. Local integration of refugees
7. UNHCR's work for refugees elsewhere in the world

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<sup>1</sup> <http://www.refworld.org/docid/5003da882.html>

<sup>2</sup> Available at: <http://www.unhcr.it/cms/attach/editor/PDF/Italia%20paese%20di%20protezione.pdf>

## General Background

Italy is a State Party to the 1951 Convention relating to the Status of Refugees and to its Protocol since 1954 and 1972, respectively. Full effect of the Convention was secured in 1990, when the law abolishing the geographical limitation<sup>3</sup> was enacted. Since then, Italy has participated actively in efforts of the European Union to harmonize asylum and migration policies and to establish a Common European Asylum System. It is in this context that in June 2013, Italy has signed a Special Support Plan, through which it will receive support from the European Asylum Support Office to address a number of aspects of its asylum system that are in need of strengthening.

Italy's exposure to the arrival of the many refugees and migrants who reach the country's shores every year in the context of "mixed migratory movements" is due to its geographical location in the Mediterranean. An estimated 4-5 million third-country nationals, including 64,000 refugees live in Italy, which has a total population of 60 million.

Over the last few years, Italy has undertaken far-reaching and commendable efforts to save lives at sea; a decentralized international protection status determination procedure with adequate safeguards and outcomes has been established; and, finally, the transposition of the EU Qualification Directive<sup>4</sup> has entailed a number of significant positive developments in the normative framework on the definition of international protection status and of the rights attached thereto.

These significant improvements notwithstanding, a number of gaps persist, in particular with regard to the reception of asylum-seekers and integration of refugees and other beneficiaries of international protection, resulting in a situation in which a significant number of beneficiaries of international protection lead deprived and marginalized lives.

### 1. Access to territory and the principle of non-refoulement

In past years, the majority of asylum-seekers arrived in Italy by sea in mixed migratory movements. Since 2008, the number of sea arrivals, whilst fluctuating over time, has averaged 25,000 persons per year. In 2011, the number of new arrivals was particularly high, with 63,000 persons reaching Italy by sea in an irregular manner, as a result of movements prompted by events in North Africa, in particular in Libya. Included within the arrivals by sea are persons departing from Turkey and Greece and arriving at the coasts of the regions of Calabria and Apulia, whose numbers have been relatively steady since 2010, with respectively 2,000 and 3,000 persons arriving per year. In 2012, the number of sea arrivals was 13,267, which constituted an 80% decrease compared to 2011. Based on UNHCR's observations, some 85% of those who arrived by sea applied for asylum. The total number of asylum-applications in Italy in 2012 amounted to 17,352 applications.

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<sup>3</sup> The 1951 Convention was originally limited in its geographical scope to refugees originating from Europe. Today, most signatory States have lifted this geographic limitation, extending rights to international protection to refugees from all parts of the world. See <http://www.unhcr.org/pages/49da0e466.html>.

<sup>4</sup> Directive 2011/95/EU of the European Parliament And of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337/9.

Some of the challenges around sea arrivals and access to territory and protection in Italy and selected other EU Member States have been documented in a recent report by the UN Special Rapporteur on the Human Rights of Migrants, including since the larger scale arrivals in 2010-11.<sup>5</sup>

UNHCR reiterates its appreciation for the efforts undertaken by the Italian authorities, and in particular by the Coast Guard, Tax and Customs Police (*Guardia di Finanza*) and Italian Navy, in effecting rescue at sea, including bringing those rescued to safety in Italy, and therefore saving the lives of thousands of persons.

The landmark judgment issued by the Grand Chamber of the European Court of Human Rights on 23 February 2012 in the case of *Hirsi Jamaa and Others v. Italy*<sup>6</sup> ("Hirsi") has paved the way for enhanced protection of persons of concern to UNHCR. Italian Government ministers confirmed in 2012 that the 'push-back' policy would not be repeated and the decision of the court respected, but concrete measures remain to be adopted. In August 2012, UNHCR submitted a set of recommendations concerning the execution of the European Court of Human Rights' decision in *Hirsi* to the Italian government, which were also shared with the Committee of Ministers of the Council of Europe. A number of these recommendations, including on the inclusion of protection safeguards in any agreements between Italy and Libya, on the provision of information to all potential asylum-seekers in a systematic manner as well as on the modalities of lodging an asylum application, remain unimplemented.

On 3 April 2012, Italy entered into a new *Processo Verbale* with Libya to combat the unauthorized departures of migrants from Libya<sup>7</sup>. This bilateral framework for Italian – Libyan cooperation contains limited concrete safeguards aimed at strengthening Libya's normative and institutional capacities for the protection of human rights of third country nationals. In particular, the agreement does not include specific protection safeguards for asylum-seekers and refugees.

Since 2010, UNHCR and *Praesidium*<sup>8</sup> partners (IOM, Save the Children Italy and the Italian Red Cross) have repeatedly voiced their concerns<sup>9</sup> that hundreds of Egyptian and Tunisian migrants, except those who had arrived in Lampedusa, have been repatriated without having met with humanitarian organizations engaged in the *Praesidium* framework in order to receive the basic information provided to all new arrivals by sea. UNHCR welcomes the decision by the Italian authorities, in a few recent cases, to provide the *Praesidium* staff with access to

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<sup>5</sup> Human Rights Council, "Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Regional study: management of the external borders of the European Union and its impact on the human rights of migrants", A/HRC/23/46, 24 April 2013 (para 21ff), [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.46\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.46_en.pdf)

<sup>6</sup> <http://www.refworld.org/docid/4f4507942.html>

<sup>7</sup> See also Paragraphs 46-47 of Human Rights Council, 'Report by the Special Rapporteur on the human rights of migrants, François Crépeau, on his mission to Italy' (29 September–8 October 2012), A/HRC/23/46/Add.3, 13 April 2013. The report is available at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-46-Add3\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-46-Add3_en.pdf)

<sup>8</sup> *Praesidium* is a multi-agency project, operational since March 2006, currently in Sicily, Apulia and Calabria, which aims at improving the reception conditions of persons arriving in Italy by sea in mixed migratory movements. In the context of *Praesidium*, UNHCR aims to ensure, by strengthening the response capacity of information services, access to the asylum procedure of refugees who reach Italy by sea, as well as to monitor reception conditions within all governmental reception facilities. More information is available at: <http://www.unhcr.it/news/dir/168/view/1312/il-progetto-praesidium-131200.html>

<sup>9</sup> See, for example, UNHCR, IOM and Save the Children Italy Press Release, *Le Organizzazioni Umanitarie chiedono di incontrare i migranti egiziani e tunisini che sbarcano sulle coste italiane*, 30 Aprile 2013.

newly arrived groups of Egyptians. Persons, including persons intending to seek asylum, who arrive in an irregular manner in Adriatic ports, now in lower numbers compared to previous years, are reportedly returned to Greece, including children as young as 13,<sup>10</sup> without their protection needs being properly assessed.

The response capacity of information services at official entry points as foreseen by law (Art. 11 Par. 6 of the Consolidated Text on Immigration, Legislative Decree No. 286/98) and managed by NGOs, selected through a formal selection procedure by the competent Prefectures, has been affected by budget cuts in 2012-2013, which constrained the already limited possibility to provide information to persons, including potential asylum-seekers at international airports (Rome, Milan, Bari, Venice) and official entry points on the Adriatic Coast (Venice, Ancona, Brindisi, Bari). Furthermore, cooperation between the NGOs managing the information services and the border police varies, also due to the lack of standard operating procedures.

UNHCR has been promoting the incorporation of good practices, developed in the context of the *Praesidium* project activities in an institutional operational framework since 2010, including to ensure sustainability. To this end, UNHCR is proposing an extension of existing information services at official border points, and managed by NGOs, to locations of landings and disembarkation of arrivals by sea, by way of a new Decree by the Ministry of Interior, establishing these information services in locations of sea arrivals. UNHCR has proposed that the organization could then contribute to the monitoring and capacity-building of NGOs running such information services. While concrete steps towards the adoption of the new Decree have not been undertaken yet, UNHCR appreciates efforts made by the Italian authorities aimed at regulating the procedures for receiving new arrivals by sea and incorporating good practices developed in the context of the *Praesidium* project by adopting landing protocols in Lecce, Catanzaro, Trapani and Crotone.

## 2. Protection of unaccompanied or separated children (UASC)<sup>11</sup>

Official data suggest that, although a significant number of UASC in Italy originate from traditional refugee-producing countries, many do not apply for international protection in Italy.<sup>12</sup> Cases of unaccompanied foreign children absconding from designated reception facilities occur regularly and have been widely reported. Many of the UASC refrain from registering with the authorities, on the assumption that they would otherwise either be unable to move to other European countries or would be returned to Italy under the Dublin Regulation. Previous research carried out by UNHCR as well as the outcome of an EU funded project "Protecting children on the move"<sup>13</sup> revealed that many UASC, even when properly

<sup>10</sup> Human Rights Watch, *Turned Away – Summary Returns of Unaccompanied Migrant Children and Adult Asylum Seekers from Italy to Greece*, pg. 33, January 2013.

<sup>11</sup> In UNHCR's terminology, *unaccompanied children* are persons under the age of 18 years who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. *Separated children* are children separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members. The Italian legislation does, however, not contain this distinction and generally only refers to '*unaccompanied (foreign) minors*'.

<sup>12</sup> According to the Ministry of Interior, 970 unaccompanied children applied for asylum in Italy in 2012 and the Ministry of Labor and Social Policies had registered 7,575 unaccompanied foreign children present in Italy at end-2012, the third largest nationality group being Afghans.

<sup>13</sup> Available at:

<http://www.unhcr.it/cms/attach/editor/PDF/Protecting%20children%20on%20the%20move%202012.pdf>

informed, decide to move on to other countries due to a variety of factors, including pressure by smugglers and families, presence of relatives in other EU Member States, delays in accessing the asylum procedure and the lack of integration prospects in Italy.

Italian law is particularly attentive to the rights of unaccompanied foreign children. They are protected from expulsion as children and must be issued with a residence permit. Should age determination procedures not be conclusive, the benefit of the doubt must be applied. Italian legislation provides for a number of additional safeguards for unaccompanied foreign children, including proper accommodation, rapid appointment of a guardian and fast-track determination of international protection needs for those who apply for it. In practice, there is considerable scope for improving the application of these provisions. In some cases, for instance, unaccompanied and separated children remain in precarious conditions for prolonged periods of time before being transferred to adequate facilities.<sup>14</sup> In addition, the appointment of a guardian (generally the local mayor or a municipal officer) may be a mere formality, with duties being delegated to social workers who struggle to provide individualized assistance due to the high numbers of unaccompanied foreign children assigned to them. Lengthy waiting times of 2-11 months<sup>15</sup> for the appointment of guardians also often delay access to international protection procedures and/or the timely identification of the appropriate support required by each of the children and the drafting of a tailored integration plan.

A correct and reliable age determination is key to ensuring the protection of unaccompanied foreign children, also considering that the vast majority of registered unaccompanied foreign children in Italy is between 16 and 17 years of age. Although a Protocol on age determination has been finalized in June 2009, and its contents have recently undergone a further review, Italy still lacks an adequate multidisciplinary age determination procedure, a necessary precondition to ensure that children are treated in line with the Convention on the Rights of the Child and are granted forms of protection tailored to their specific needs.

In 2012, there have been important institutional changes in Italy. In the framework of a 'pending review', the Committee for Foreign Minors (CFM) was abolished by the Government and ceased its activities on the 2 August 2012.<sup>16</sup> While this Committee never had the competence for asylum-seeking children, it did constitute a dedicated forum, in which different institutions were able to raise, review and coordinate responses to child-protection concerns, specific to 'foreign' children. UNHCR hopes that the Ombudsperson for Children, an institution established in Italy in July 2011, will, among its broader competencies, also contribute to strengthening the protection responses to unaccompanied or separated children and contribute to improved coordination between relevant stakeholders.

Although national and international legislation make systematic reference to the principle of the best interests of the child, there is no specifically dedicated mechanism to put the principle into practice, with the result that implementation remains limited.

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<sup>14</sup> Available at:

[http://www.savethechildren.it/informati/comunicati/lampedusa\\_continua\\_a\\_mancare\\_un\\_piano?year=2013](http://www.savethechildren.it/informati/comunicati/lampedusa_continua_a_mancare_un_piano?year=2013)

<sup>15</sup> See report by Save the Children Italy "La situazione dei minori stranieri non accompagnati in Italia" (page 11), 25 July 2013, available at:

[http://risorse.savethechildren.it/files/comunicazione/Ufficio%20Stampa/DDL%20MNA\\_DATI%20E%20STORIE\\_25lug2013.pdf](http://risorse.savethechildren.it/files/comunicazione/Ufficio%20Stampa/DDL%20MNA_DATI%20E%20STORIE_25lug2013.pdf)

<sup>16</sup> Article 12, Paragraph 20, Legislative Decree No. 95/2012, 6 July 2012.

### 3. Access to the asylum procedure

Efforts were undertaken by the competent authorities, through a new online system and internal instructions, to expedite the registration procedure of asylum applications, to improve management of individual cases throughout the procedure, and to monitor and immediately address delays between the time a person expresses the intention to apply for asylum and the formal registration of an application.

Despite these positive developments, there continued to be reports indicating that the registration of asylum applications is, in some cases, scheduled several weeks after the asylum-seeker has expressed the intention to apply. This practice also affects transferees to Italy under the Dublin Regulation,<sup>17</sup> who, having previously transited through Italy without registering an asylum application, had applied for international protection in other European countries. This delay may result in late access to reception conditions, as well as a lengthier timeframe before their cases are determined. Furthermore, there are continuing reports of difficulties encountered in some Provincial Police HQs (*Questure*), where a proof of residence (*domicilio*) is requested for the registration of an asylum application. This may cause, in some cases, further delays in accessing the asylum procedure. It is also reported that information leaflets on the international protection procedure, are not being distributed systematically, as foreseen by law.

Difficulties in accessing the asylum procedure also continue to be reported from Expulsion and Identification Centers (CIEs), due to lack of legal information and assistance as well as administrative obstacles. Moreover, the lack of standard procedures concerning asylum applications by persons detained in CIE have led, in some instances, to delays in the transmission of asylum applications to the competent Immigration Office. These delays may expose asylum-seekers to the risk of repatriation prior to consideration of their asylum applications, which could create the risk of *refoulement*.

Since 2011, there have been instances in which Egyptian and Tunisian nationals, who had arrived in Lampedusa in an irregular manner by sea, often directly from their countries of origin, and who had expressed the wish to apply for asylum, were only admitted to the asylum procedure following interventions by *Praesidium* partners, NGOs or lawyers. Arrivals of these nationality groups have regularly been transferred to CIEs rather than Reception Centres for Asylum-Seekers (CARA), even in cases where the intention to seek asylum had been expressed prior to the transfer. According to recent observations by *Praesidium* partners, there also seems to be an increasing number of persons (mainly Eritrean, Somali, Afghan and Syrian nationals) who avoid fingerprinting in Italy and try to reach other European countries in order to apply for asylum there, reportedly due to poor reception conditions and integration prospects in Italy.

With regard to the application of the Dublin Regulation, UNHCR notes that the procedures in Italy for the determination of the state responsible under the Regulation are very lengthy and regularly in excess of the timeframes stipulated in the relevant provisions. The procedures

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<sup>17</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

may last up to 24 months, seriously affecting the well-being of asylum-seekers, including of persons with special needs and UASC. Reportedly, these long delays are due to limited human resources. As a result, some 1,000 persons hosted within the reception centers in Italy are either waiting for a decision on the determination of the state responsible under the Regulation or pending their transfer to the responsible Dublin State, aggravating the already strained Italian reception capacities. Following the European Court of Human Rights judgment *MSS vs Belgium and Greece*, no returns under the Dublin Regulation to Greece are being implemented in practice. However, asylum-seekers fingerprinted in Greece are still considered as 'Dublin cases' until a decision from the Dublin Unit declares Italy to be competent. Delays are observed to occur also in these cases. Recently, there has been a prioritization of some 'Dublin cases' hosted in Reception Centers for Asylum-Seekers (CARAs), for whom the determination of the state responsible under the Regulation had been pending for more than six months.

Asylum-seekers returned to Italy under Dublin II are usually transferred to the main airports in Italy (Rome, Milan, with limited numbers also in Bari and in Venice). In principle, NGOs that manage information services are informed in advance about the arrival of 'Dublin cases' to provide information in order to activate the asylum-procedure in Italy. The persons returned under the Dublin Regulation are issued, by the border police at the airport, an invitation letter to apply for asylum in the competent *Questura*, which is identified based on a number of criteria, such as place of previous asylum registration or availability of places in specific reception centres. In Rome, the asylum application is registered directly at the airport premises.

Concerns about the operation of the Dublin system in the Italian context, as well as the application of Eurodac, are expressed also in the report of UN Special Rapporteur on the Human Rights of Migrants, which referred specifically to the impact of Dublin on the EU's external border states.<sup>18</sup>

#### **4. The quality of the international protection determination procedure**

In 2012, the number of asylum applications decreased to 17,352, compared to 34,100 applications in 2011. While additional Sections of the Territorial Commissions for the recognition of international protection (hereinafter Territorial Commissions), the bodies competent for the asylum procedure in first instance, were established in order to cope with the increase of applications and the consequent backlog, waiting times for first instance decisions have further grown and vary significantly from one Territorial Commission to another. Delays are greater, where Territorial Commissions are located in large reception centers (Mineo, Crotone), or in large cities (Rome, Milan). Currently, as an average and based on UNHCR observation, an asylum-seeker may wait approximately 4 to 6 months from registration of the asylum application until the decision from a Territorial Commission. In some cases, waiting periods lasting over 12 months have been reported.

UNHCR remains satisfied with the overall protection standards in the context of the asylum procedure and the work of the Territorial Commissions, including in terms of recognition rates

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<sup>18</sup> Human Rights Council, Report by the Special Rapporteur on the human rights of migrants, François Crépeau, on his mission to Italy (29 September–8 October 2012), A/HRC/23/46/Add.3, 13 April 2013 (including paras. 34-35 and 69-71). The report is available at:

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-46-Add3\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-46-Add3_en.pdf)

for persons in need of international protection. Due consideration is paid to UNHCR positions and guidelines, for example in relation to specific countries of origin or to legal aspects, such as fear of persecution for reasons of membership of a particular social group. However, a mechanism of systematic quality monitoring, aimed at ensuring a harmonized approach in all Territorial Commissions and minimum quality standards, particularly on procedural aspects, still needs to be put in place, including standardized procedures for the identification and referral of asylum-seekers with special needs, including children, victims of torture<sup>19</sup> and victims of trafficking.

As regards the Territorial Commissions, it should be noted that members are not required by law to possess prior experience and expertise in the field of asylum and they sometimes fill other positions during their tenure as members of Territorial Commissions. The specialization of decision-makers and interpreters are not adequately guaranteed through regular induction and compulsory trainings.

Appeals against negative decisions of a Territorial Commission in first instance have to be made within 15 days from the date of communication of the decision, in cases in which the applicant is hosted within a CARA or CIE, and within 30 days in all other cases, to the geographically responsible Civil Court (*Tribunale*). Appeals have automatic suspensive effect except for a number of categories provided by law<sup>20</sup>, in which the suspension of the legal effects of the negative first instance decision can be requested to the judge by the applicant. While official data is not available, lengthy delays in the judicial procedure from the date of an appeal to a decision by the courts are frequently reported, including in cases pertaining to the Dublin Regulation. Positive decisions by courts are directly enforced by the Police Immigration Office, which issues the permit of stay. UNHCR appreciates the efforts made by the Superior School of Magistrates to promote specialization of judges in the field of asylum.

In 2012, UNHCR received some reports of cases in which asylum-seekers detained in CIEs were expelled to their countries of origin during the period foreseen by law to appeal a negative first instance asylum decision, or while waiting for a decision by the judge on their request for suspension of the legal effects of the negative first instance decision, made in conjunction with the appeal. Such practices could create a risk of *refoulement* for people who are in need of international protection.

Free legal aid, foreseen by law in appeals, is not always guaranteed in practice in some tribunals. In Rome, the Bar Association continues to require that the appellant provides an income certificate, issued by the embassy of the relevant country of origin, despite the risks this could pose to the applicant and his or her family-members in the country of origin, and despite the fact that the law provides for free legal aid based on the applicant's own declaration regarding his or her financial needs.

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<sup>19</sup> The 'Italian Network for Asylum-Seekers who Survived Torture' (NIRAST), which provided for standardized identification procedures for victims of torture was discontinued in 2012 due to budgetary constraints.

<sup>20</sup> Inadmissible or manifestly unfounded applications, asylum requests made after interception for avoiding or attempting to avoid border controls, after interception for unauthorized stay, following an expulsion order, or when a decision is made after the applicant left the CARA unauthorized.



## 5. Reception conditions for asylum-seekers

The arrival of some 63,000 persons by sea in 2011 led to a deterioration in reception standards for asylum-seekers, which continued throughout 2012 and in 2013. Among the arrivals some 28,000 persons, particularly third country nationals arriving from Libya, were channeled automatically into the asylum-procedure by the authorities, creating substantial demands on the reception system. Reception capacity had already - prior to 2011 - been considered insufficient to host asylum-seekers, when significant numbers of arrivals took place.

To respond to this sudden increase in arrivals, in the context of the "North Africa Immigration Emergency", an emergency reception plan was agreed upon by the Government and regional and local administrations, and its implementation entrusted to the Department of Civil Protection. Some 22,000 new arrivals, all third country nationals arriving from Libya and registered as asylum-seekers, were accommodated in hundreds of different reception facilities, most of which were managed by organizations with little or no experience. The emergency reception plan enabled the accommodation of a large number of asylum-seekers who had arrived in a short period of time. Asylum-seekers, however, did not have access to many of the minimum services foreseen by law for their reception. Moreover, the quality of reception measures, which were meant to be provided until the end of the 'state of emergency', did not improve significantly over time. The Monitoring and Assistance Group established by the Department of Civil Protection in July 2011 in order to support the implementation of the emergency reception plan was discontinued in October 2011 prior to its phasing out.

Reception conditions deteriorated also in the government reception centers for asylum-seekers (CARAs), mainly due to overcrowding, as the turn-over from the centers was slowed down by the prolonged reception of groups of third country national asylum-seekers who had arrived from Libya within the context of "North Africa Immigration Emergency", and by an increased number of asylum applications, resulting in a longer asylum procedures. The reception capacity was thus further strained and the Ministry of Interior has been struggling to identify spaces for the accommodation of newly arrived asylum-seekers ever since. Moreover, reception standards in government centers (CARAs, CDAs and CIEs) declined also because of serious funding constraints, contributing to a situation in which, since 2011, contracts for the management of these facilities have been awarded exclusively on the basis of the lowest-priced offer for the provision of services, with quality considerations not being taken sufficiently into account.

Although sea arrivals from Libya came close to a complete halt by August 2011, no phasing-out strategy from the emergency reception plan was put in place for over a year. The exit strategy adopted in September 2012 foresaw, *inter alia*, that failed asylum-seekers, regardless of their continued presence in the emergency reception system, be granted a one year residence permit on humanitarian grounds, and based on a file review by the Territorial Commissions.

At the beginning of 2013, the Ministry of Interior took over responsibility for the emergency reception plan from the Department of Civil Protection, and extended reception measures until the end of February 2013. Several thousand third country nationals, whose asylum applications had been rejected but who had received a one year residence permit on

humanitarian grounds, left the reception facilities before this date. Those who were still staying in the reception facilities were paid a cash contribution of 500 EUR and their reception measures ended. However, the Ministry of Interior instructed the local Prefectures to extend reception measures for persons with special needs and asylum-seekers whose procedure was still pending.

Official data concerning the socio-economic integration of this specific caseload are not available. Nevertheless, their self-reliance remains a concern after the end of the emergency reception plan. This is mainly because of the poor quality of reception services, the delayed clarification of their legal status, and, more broadly, because of the economic situation in Italy. Moreover, an Assisted Voluntary Return (AVR) programme for some 600 persons was introduced with significant delay and provided limited incentives and support for the return to their countries of origin.

While Italy committed significant efforts and financial resources to respond to the unexpected number of sea arrivals in 2011, the emergency reception plan put in place in response to the 'North Africa Immigration Emergency' highlighted longstanding flaws in the reception system, including the lack of strategic and structural planning and the limits of an emergency approach. In UNHCR's view, it illustrated the need for a consolidated and coordinated national reception system. The gaps which have emerged over time placed additional strain on the reception system as a whole, leaving Italy unprepared to respond adequately to emergency situations when they occur, as was the case in 2011.

To manage the phasing-out of the emergency reception plan, a National Coordination Group was established at the end of 2012. It is chaired by the Ministry of Interior and comprises the Ministry of Labor, the Regions, the Italian National Association of Municipalities (ANCI) and the Italian Union of Provinces (UPI). While not a member, UNHCR has been regularly invited to attend the meetings of the Group since October 2012, as has IOM. The National Coordination Group brings together the most relevant institutional actors and was recently recognized as a permanent body, tasked to plan and coordinate interventions on reception and integration of asylum-seekers and refugees.<sup>21</sup>

Based on the recommendations of the Group, as part of the exit strategy from the emergency reception plan, the Ministry of Interior has pledged to increase the reception capacity of the System of Protection for Asylum-Seekers and Refugees (SPRAR) from 3,000 to 5,000 places, with the possibility to a further extension up to 8,000 in case of significant influxes.<sup>22</sup> UNHCR welcomes the decision of the Ministry of Interior but underlines the need for a comprehensive reform of the reception system, which should also address post-recognition support to recognized refugees. In fact, although government centres and SPRAR projects (which can host both asylum-seekers and recognized refugees), are able to provide for the reception needs of a significant number of asylum-seekers, support measures for recognized refugees remain vastly insufficient. The necessary reforms, which require strong political commitment and sound governance, should also aim to systematize those improvements to the reception

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<sup>21</sup> On 11 July 2013, the Conferenza Unificata, chaired by the Minister for the Regional Affairs and Autonomy and comprised of various Ministries, including the Ministry of Interior, the Regions and representatives of the provinces and local authorities, approved a document drafted by the National Coordination Group (*Documento di indirizzo per il passaggio alla gestione ordinaria dei flussi migratori non programmati*), which provides guidelines aimed at harmonizing the different reception systems currently existing in Italy, and establishes the National Coordination Group as a permanent body, including at regional level, for inter-institutional governance entrusted with the management of irregular mixed migratory flows.

<sup>22</sup> As announced during a recent audition before the Parliament, by the Minister of Interior, Mr. Alfano.

system which have been carried out in recent years mainly through pilot projects and time-limited interventions.

With regard to the reception of asylum-seekers, significant differences continue to exist in different parts of Italy, depending on the reception facilities and, more broadly, local practices. The practice of limiting reception in CARAs<sup>23</sup> to a maximum of six months, which had been applied to asylum-seekers, irrespective of their ability to provide for themselves, and prior to having received a first instance decision on their applications within this period appears to have been discontinued. This being said, this development does not address the possible need for continued accommodation in reception facilities of asylum-seekers who, pending a decision on appeal against a negative decision, and while entitled to work, may be unable to secure an adequate standard of living, including accommodation, outside reception facilities.

Italy has transposed the provision of the EU Reception Directive<sup>24</sup> concerning the right to work of asylum-seekers more favourably than the minimum standards required by the Directive. According to Art. 11 of Legislative Decree No. 140/2005, if the asylum procedure is not completed within six months, the stay permit is renewed for another six months and the asylum-seeker is allowed to work. Pilot initiatives, including basic work-skills assessments, have been carried out in government centers in order to facilitate access to the labor market for asylum-seekers, but they have not been mainstreamed in the context of reception services. Support measures for job-seeking concern mainly asylum-seekers for whom the asylum procedure exceeds six months in duration, such as under the Dublin Regulation procedure or when served with a first instance negative decision. Such support is absent in the CARAs, while it is foreseen in SPRAR projects.

UNHCR has also continued to receive reports of instances in which asylum-seekers do not have immediate access to reception measures when they apply for international protection, but instead receive them only weeks or months later. The delays are the result of structural gaps and lack of capacity in the existing reception system, slow administrative procedures and problems in the registration of the asylum applications. Although local differences exist, alternative measures to provide for the subsistence of asylum-seekers are rarely available in case of delays. Time-limited financial support, foreseen in cases in which accommodation in reception facilities is delayed (Art. 6 Par. 7 of Legislative Decree No. 140/2005) is, to UNHCR's knowledge, not provided. UNHCR is not aware of instances in which asylum-seekers have challenged these delays before a court.

Dublin transferees, registered as asylum-seekers, generally have access to transit accommodation centers upon return to Italy, available in Milan (35 places), Rome (150 places), Venice (40), Bari (20). Beneficiaries of international protection, granted protection in Italy prior to their departure, however, do not have access to those centers, when returned under the Dublin Regulation. While additional transit accommodation places have been made available in Milan (25 places) and Rome (80 for adult men) for asylum-seekers arriving by air, these places are in practice insufficient as Dublin transferees may have to wait for some days at airports, until the transfer of other asylum-seekers from such transit accommodation centers to SPRAR projects or a CARA is effected. Furthermore, it may also happen that Dublin

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<sup>23</sup> Legislative Decree 25/2008 provides for a maximum period of 20 - 35 days reception in CARAs before transfer to a SPRAR, but this has never been implemented in practice due to lack of places within the SPRAR.

<sup>24</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180/96

transferees, upon arrival in Italy, spend several days at airports until placed, even if a space in a reception center had been identified, at the moment Italy had declared its competence under the Dublin Regulation.

Pursuant to Art. 8 of Legislative Decree No. 140/2005 and other relevant provisions, the specific needs of applicants and the members of their family must be taken into account for reception. Moreover, applications of asylum-seekers with special needs are, in principle, prioritized. Due to the lack of available places in dedicated facilities or SPRAR projects, the number of asylum-seekers with special needs who, despite their situation, have to remain in the CARAs during the asylum procedure, without assistance specific to their needs, has increased compared to previous years. This problem continues also after recognition and conferral of some form of protection. Gaps persist in the form of low levels of coordination among stakeholders, inability to provide adequate legal and social support as well as the necessary logistical follow-up, as well as a poor referral. These problems have worsened to a certain extent since 2011, due to the general deterioration in reception conditions and budget cuts in the social welfare system.

Asylum-seekers who have been granted a stay permit have the right and duty to enroll in the National Health System (NHS). This requirement is, in general, complied with by asylum-seekers hosted in SPRAR projects. However, asylum-seekers who stay on in the CARAs upon expiration of the initial period of 20 - 35 day foreseen by law, due to the limited number of available places in SPRAR projects, are not systematically provided with a stay permit, and cannot thus enroll in the NHS. Moreover, during the reception period in the CARAs, the management is required to provide services as per the Decree of the Ministry of Interior of 21 November 2008. The quality of these services, including the necessary support to access health care facilities outside the centre, varies in different parts of Italy and reflects the overall lack of harmonization in reception standards.

Furthermore, some cases have come to UNHCR's attention in which asylum-seekers, including Dublin transferees, are not immediately issued the 3-month residence permit upon expiration of the mandatory period of reception within the CARAs, as foreseen by the law.

In part to respond to longstanding gaps, at the end of 2012, the Ministry of Interior has agreed to set up, in the context of the *Praesidium* project, a pilot monitoring scheme in government centres. In each location where government centers are located, a monitoring Commission has been established, chaired by the local Prefecture and comprised of the Provincial Police HQs and *Praesidium* partner organizations. In UNHCR's view, this is an initial attempt to develop more systematic monitoring and quality control systems, which would require a strong ownership by the Prefectures and willingness of the Ministry of Interior to ensure adequate follow-up.

## 6. Local integration

Integration prospects for beneficiaries of international protection in Italy continue to be seriously limited and constitute therefore one of the most problematic areas of the Italian asylum system. Italy lacks a comprehensive strategy and specific measures for the local integration of beneficiaries of international protection. Furthermore, perspectives for integration are increasingly limited due to Italy's current economic crisis.

There is a lack of statistical data pertaining to the actual presence of beneficiaries of international protection in Italy and their distribution on the territory. Information is also difficult to obtain concerning access to employment and unemployment rates among both asylum-seekers and beneficiaries of international protection.

According to the relevant provisions in international and European Union law, beneficiaries of international protection are to be granted access to a number of rights which are key to integration, including self-reliance, in the country of asylum on an equal footing with Italian or EU citizens. However, there are shortcomings in both Italian legislation and practice, which may hinder efforts of refugees to become self-reliant.

The SPRAR system, given its low capacity, is limited in its ability to assist beneficiaries of international protection in securing adequate accommodation to all in need. Research published in 2011 estimates that only the 32.4% of third country nationals receiving a form of international protection or humanitarian status have access to reception assistance aimed at their social inclusion<sup>25</sup> provided by SPRAR.

One of the most evident and serious negative consequences of this situation is the increase in the numbers of refugees and other beneficiaries of international protection who are hosted in centers for homeless or in emergency accommodation, managed by municipalities. In addition, growing numbers of beneficiaries of international protection, including families with children and persons with mental disabilities, live in destitute conditions in spontaneous settlements or occupied buildings (so called "Hot-Spots"), located in metropolitan areas of Rome, Milan, Florence and Turin.

Two research projects co-funded by the European Commission (from ERF funding) and the Ministry of Interior, published in 2012 by Caritas<sup>26</sup> and the Italian Refugee Council (CIR)<sup>27</sup>, analysed the difficulties of integration for refugees, highlighting the fact that an increasing number of beneficiaries of international protection end up homeless or squatting in abandoned buildings. According to research carried out by an NGO in Rome, around 1,700 beneficiaries of international protection are living in abandoned buildings.<sup>28</sup>

Responsibility for integration is decentralized, mainly handled by local authorities (regions and municipalities). In the absence of reliable coordinating mechanisms at the central level and with local authorities, this causes significant discrepancies at the different sub-national administrative levels (regions, provinces and municipalities), both in integration programmes and services offered, which are thus dependent strictly on the political priorities and economic means of the local authorities.

Integration projects for refugees focus on providing language skills, work experience, and understanding of the Italian society and system in order to compensate for their lack of network and resources. Both asylum-seekers and beneficiaries of international protection are entitled to enlist into Provincial Offices for Labor. However, the majority of refugees do not receive any specific support tailored to their needs, and therefore many are left without realistic opportunities to access regular work.

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<sup>25</sup> ASGI, Caritas italiana, CESPI, Consorzio Comunitas, AICCRE, *Il diritto alla protezione*, (2011), pg.302. Available at: [http://www.asgi.it/home\\_asgi.php?n=2040&l=itb](http://www.asgi.it/home_asgi.php?n=2040&l=itb)

<sup>26</sup> Caritas Italiana, *Mediazioni metropolitane*, (2012).

<sup>27</sup> CIR, *Le strade dell'integrazione*, (2012).

<sup>28</sup> Integra/Azione, *I rifugiati invisibili*, (2012).

Budget cuts following the government spending review further strained the welfare system, increasing the dependency of persons with little or no income on informal social networks. Furthermore, the current legal framework does not foresee the implementation of measures geared at addressing the specific administrative hurdles refugees face. Many refugees, for instance, lack documents or certificates which they are unable to obtain from their countries of origin. Nonetheless, these documents are requested by the Italian authorities to be able to exercise a number of rights, including recognition of their educational and professional qualifications, or the right to marriage. Requests for documents proving family links as well as delays in assessing applications for family reunification also pose obstacles to family reunion.

Access to residence registration is a critical aspect for integration in Italy. UNHCR continues to receive reports of asylum-seekers and beneficiaries of international protection that are not enrolled in the registers of residents by municipalities because they are living in reception centers or because they are requested to submit a national passport. The situation has been further complicated following the adoption of Law Decree No.5/2012 of 9 February 2012 that provides for the transfer of residence through an internet-based procedure. To implement this law, instructions, including the list of documents that third country nationals must include with their requests, were prepared and circulated by the Ministry of Interior. As the instructions, however, did not explicitly distinguish between third country nationals without protection needs on the one hand and refugees on the other, there have been some cases, at local level, in which refugees were erroneously required to produce a passport for residency registration.

Refugees and stateless persons benefit from more favourable legal provisions for naturalization, as they are required to demonstrate that they have been residing in the country for five years, as opposed to the ten years required in cases of other third country nationals. They might, however, face a number of practical problems in actually benefiting from naturalization, *inter alia*, due to the fact that the procedure is often lengthy and that the criteria for granting Italian citizenship leave a considerable margin of discretion.

UNHCR is very concerned about the frequent and increasing use of language in public discourse which does not contribute to create a climate of tolerance but can result in reinforcing prejudices and intolerance. This may undermine positive relations between Italians and third country nationals and impact negatively on refugees and asylum-seekers.

## **7. UNHCR 's work for refugees elsewhere in the world**

Given the general economic crisis that affected Europe and particularly Italy in 2011, the Italian government contribution to UNHCR (which had been stable over previous years) suffered a drastic reduction, with the pledged amount of just over USD 7.8 M in 2011. This notwithstanding, in 2012, the technical government decided to step up Italy's international presence through the Italian Development Cooperation of the Ministry of Foreign Affairs and the newly created Ministry for International Cooperation and Integration. As a result, UNHCR secured a total government contribution of USD 12.7M which represented an increase of 63% in relation to 2011.

While the majority of the funds have been provided through the Ministry of Foreign Affairs, other donors included the Italian Ministry of Interior, the Regional Government of Veneto and the Autonomous Province of Bolzano (21%). Most Italian government contributions were

linked to UNHCR's regional response to crisis in Sahel and Syria. Funding was made available also for operations in Afghanistan, Chad, Eastern and South Sudan, Darfur, Ethiopia, Somali and Sri Lanka.

As Italy is among the top 20 donor countries to UNHCR in recent years, activities continue to focus on promotion and advocacy to support UNHCR's operations particularly in emergency situations. The Government of Italy had generously pledged USD 5.5 as of June 2013 which confirms the positive trend.

Private sector donations in Italy exceeded 8,8 million US dollars in 2010 and increased further to 14,2 million US Dollars in 2012, placing Italy's private donors in the third place worldwide, after the Netherlands and Spain.

## RECOMMENDATIONS

### General recommendations:

Reliance on the declaration of a state of emergency and on *ad hoc* legislation should be abandoned in favour of – adequately funded - regular planning based on needs assessments and the identification of interventions. Italy should strengthen its efforts to address the issue of asylum in a strategic and more systematic manner.

UNHCR encourages the Italian authorities to consider establishing a coordinating body tasked with streamlining and optimizing resources allocated to the various components of the system, ensuring adequate standards and coordinating initiatives to further the social and labour market inclusion of beneficiaries of international protection. Any such body would need to be based on the prior establishment of a multi-level governance of asylum, involving the relevant Ministries as well as regional governments, local authorities and non-profit organizations.

UNHCR welcomes, in this regard, the recent decision to establish the National Coordination Group, initially tasked with the management of the phase out of the emergency reception plan, as a permanent body, including at the regional level, for inter-institutional governance entrusted with the management of irregular mixed migratory flows.

### Access to territory and the principle of non-refoulement

1. In light of recent jurisprudence of the ECtHR, UNHCR recommends that readmission and cooperation agreements in relation to irregular immigration include adequate protection safeguards for asylum-seekers and refugees. Moreover it is important that possible consequences of expulsion, interception and removal measures, including the risk of onward removal to countries where the people concerned would be at risk of being exposed to persecution or other serious human rights violations, are rigorously examined. Although it is recognized that the declaration of Lampedusa as not being a safe place for the disembarkation of migrants rescued at sea (Ordinance N.15 of 24.9.2011) is *de facto* not being applied, UNHCR considers that declaration should be formally revoked.
2. Considering observations made by the ECtHR, UNHCR encourages Italy to ensure that all border control mechanisms effectively guarantee respect for the principle of *non-refoulement*. A protection-sensitive approach to border control includes the provision of adequate information to all new arrivals, including potential asylum-seekers. This should include information about the possibility of lodging an asylum claim, the asylum procedure, other options for stay and voluntary return. In this context, the effective possibility of expressing any protection needs has always to be guaranteed, as should confidentiality and the availability of interpreters. It is of vital importance that the competent authorities assess possible protection needs of persons about to be pushed back or returned on a case by case basis and prior to their removal.
3. In order to facilitate the identification of asylum-seekers and to ensure access to international protection procedures, UNHCR recommends that article 10 of the Practical Handbook for Border Guards (Schengen Handbook) be applied. The Handbook, drafted by the European Commission and published on 6 November 2006,



recommends in its Recital 6 that '*Member States should also use the Practical Handbook for the purpose of training all the personnel*' to be deployed to border control tasks.

4. UNHCR recommends that the Italian authorities, in the framework of regular training activities for border personnel, further increase training activities focusing specifically on the international protection of refugees. Appropriate instructions should be given to ensure that asylum-seekers are identified and referred to the relevant asylum authorities prior to the application of any removal measures. The content of such training should focus on the legal framework as well as on country of origin information and cross-cultural communication. Regular training on asylum is also best included in the official training curriculum of police officers operating in the immigration units of Provincial Police Directorates (*Questure*) and at the border. UNHCR stands ready to co-operate with the competent authorities in designing and delivering training modules on international refugee protection.
5. Information services provided for in the Immigration Act (Article 11, Para 6 of Decree 286/98), currently implemented in the Rome-Fiumicino and Milan-Malpensa airports as well as at the main Adriatic ports, need to be strengthened. The information service at the Milan-Malpensa airport, which currently operates as a help desk situated after passport control, should be relocated to the transit area, as is the case at the Rome-Fiumicino international airport. Furthermore, these services must be made available to all those who intend to apply for asylum, irrespective of the mode of arrival and location, and therefore need also to be rolled out in Apulia, Calabria, Sicily and Sardinia. Good practices developed by the *Praesidium* project could provide useful elements for the establishment of an effective information and assistance system in all locations where there regularly are arrivals in mixed migratory movements.

### **Protection of unaccompanied or separated children**

6. UNHCR recommends that the Italian Government identify a single national body focusing specifically on UASC, including those in need of international protection, in order to facilitate the coordination among the various state institutions and other relevant actors, and oversee the timely identification of needs and the provision of adequate responses.
7. UNHCR encourages the Italian authorities to consolidate existing practices by developing a single set of standard operating procedures (SOPs) for the timely identification of UASC and of their specific needs immediately upon arrival as well as their consequent timely referral.
8. UNHCR urges the Italian authorities to ensure that the best interests of the child are the basis for all decisions pertaining to the child, inter alia, by establishing formal processes, with strict procedural safeguards, designed to assess and determine the child's best interests in particular when identifying durable solutions, including mechanism for evaluating results.<sup>29</sup>
9. UNHCR calls on the Italian authorities to ensure the application of adequate common reception and assistance standards in facilities hosting UASC, in line with the European

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<sup>29</sup> Available at: [http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC\\_C\\_GC\\_14\\_ENG.pdf](http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf)

Action Plan on Unaccompanied Minors (2010–2014),<sup>30</sup> as complemented by the mid-term report on its implementation,<sup>31</sup> and to establish mechanisms to facilitate the gradual and long-term integration of unaccompanied children in host communities.

10. UNHCR recommends the adoption of a multidisciplinary age determination procedure in Italy. The procedure would be conducted by independent experts with specific knowledge of the ethnic and cultural background of the concerned children and the ability to take all relevant factors, such as the individual's physical, psychological, cultural and social development, into account.
11. UNHCR urges the Italian authorities to enable the prompt and informed access to the international protection procedure, also by ensuring timely appointment of an independent guardian with the necessary expertise and competence.
12. UNHCR calls on the Italian authorities to strengthen the provision of assistance and information for UASC by tailoring services to their actual needs and conditions, thereby reducing their exposure to violence and abuse, taking their opinions into account and encouraging their involvement and participation, where this is in their best interests, in all decisions concerning them.

#### **Access to the asylum procedure**

13. UNHCR calls on the competent authorities to ensure that registration of asylum claims is carried out in all cases without delay, including at CIEs, and without any additional requirements, such as proof of residence (*domicilio*), and that asylum-seekers are promptly issued with information regarding the asylum procedure. They need to receive documentation attesting to their status, and immediate access to health care and other basic social services, as needed. Access to legal counselling and interpretation should be assured at all times for the purpose of registering asylum claims.
14. Coordination among all stakeholders involved in the asylum procedure – the relevant authorities and non-governmental organizations as well as interpreters or 'cultural mediators' - could be strengthened through the organization of coordination meetings and of training courses on asylum.
15. UNHCR recommends that Italy make use of the discretionary (humanitarian and sovereignty) clauses in the Dublin Regulation in order to refrain from returning asylum-seekers to Greece until the Greek asylum system is able to ensure adequate protection standards.
16. UNHCR recommends that the unit in the Ministry of Interior dedicated to the management of 'Dublin cases' be strengthened in order to ensure that decisions on transfers or on assumptions of responsibility as per the Dublin Regulation are taken without delay. UNHCR also recommends that the Italian authorities ensure that all asylum-seekers subject to the application of the Dublin Regulation enjoy the right to an effective remedy.

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<sup>30</sup> European Union, Communication from the Commission to the European Parliament and the Council - Action Plan on Unaccompanied Minors (2010 – 2014), May 2010.

<sup>31</sup> Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0554:FIN:EN:PDF>

17. UNHCR personnel and staff of other qualified bodies need to be granted access to all potential asylum-seekers at all times, regardless of where these persons are and of their nationality, race, gender and age, so as to enable these actors to provide information on the right to apply for asylum and to support the identification of persons with special needs, such as UASC or victims of torture or trafficking in human beings.

### **The quality of the international protection determination procedure**

18. According to UNHCR, while satisfied with the overall protection standards in the international protection status determination procedure in Italy, the asylum-procedure could be further improved through the establishment of an independent administrative authority, in charge of the asylum-procedure, which would build on the positive aspects of the current system.
19. Short of any structural reforms, UNHCR recommends that the Italian authorities adopt the necessary legislative measures (including through the adoption of a Regulation implementing Legislative Decree 25/2008) to ensure that members of Territorial Commissions are selected on the basis of their experience and knowledge in the field of asylum, that members undertake regular and systematic training activities and that they occupy the position as members of Territorial Commissions full-time. The quality of interpretation could also be improved by envisaging adequate training for interpreters of Territorial Commissions and by strengthening the verification of their qualifications.
20. UNHCR welcomes the computerization of the template (Module 'C3 form') which standardizes the registration and processing of asylum requests at Police Directorates. The positive impact on the efficiency of the asylum procedure and immediate access to reception measures remain to be evaluated. UNHCR recommends also a revision of the content of the template (Module 'C3 form') with the aim of facilitating the prompt completion of the form and to further include the essential elements of the asylum request.
21. UNHCR recommends that regular training activities on international protection be made available to the judiciary and that a database of Italian asylum case law be established and maintained.
22. UNHCR recommends that the Italian authorities adopt legislation aimed at ensuring that asylum-seekers whose claims to international protection have been denied are guaranteed access to legal remedies, particularly in the case of asylum-seekers with limited financial means. UNHCR also calls upon the Italian authorities to adopt specific provisions to ensure that asylum-seekers who have appealed against negative decisions at first instance and have requested that the execution of the decision they are challenging be suspended be entitled to remain in the country pending a ruling on the suspension.

### **Reception conditions for asylum-seekers**

23. UNHCR calls on the Italian Government to ensure adequate reception capacity for asylum-seekers throughout the country, including when significant numbers of arrivals

occur, so that all asylum-seekers lacking the means to provide for themselves are able to access adequate reception, in line with provisions of the EU Directive on Reception Conditions. The reception system needs to be more flexible, so as to be able to respond to fluctuations in the numbers of asylum applications and to the actual length of the asylum procedure.

24. Reception conditions and standards in all reception facilities need to be harmonized at an acceptable level of quality. Given the structural differences between the various types of facilities (CARAs, CDAs, SPRAR projects, metropolitan area facilities and facilities established in the context of the emergency reception plan), the current approach could be reviewed in order to ensure adequate standards for all asylum-seekers. Such a review should also examine ways to avoid hosting asylum-seekers in large facilities for long periods of time.
25. Measures are also needed to ensure services provided to asylum-seekers and refugees are tailored to their distinct needs, offering the former the assistance they need pending a decision on their status, whilst providing refugees with the support they require to facilitate their integration in Italian society.
26. Measures aimed at providing specific support to individuals with special needs, such as victims of torture and of sexual and gender-based violence, UASC, single or pregnant women and the disabled, need to be upgraded. UNHCR also supports the adoption of Standard Operating Procedures (SOPs) for the referral of the different categories of persons with special needs to the relevant reception facilities, so as to ensure adequate care and follow-up by qualified services.
27. UNHCR encourages the Italian authorities to establish mechanisms aimed at consulting asylum-seekers hosted in reception facilities and at facilitating their active participation, to introduce complaints mechanisms and to ensure that gender differences, age and individual needs are taken into account.
28. UNHCR calls upon the Italian Government to strengthen its existing monitoring and quality control systems and to consider introducing new, more efficient systems. The results of the pilot initiative set-up in the context of the *Praesidium* project should be evaluated in order to contribute to mainstream effective monitoring schemes beyond the project framework.
29. Innovative elements introduced in the context of the 'North Africa Immigration Emergency' response by the emergency reception plan in 2011, such as the quota system, the involvement of regional governments and the establishment of a National Coordination Group, as well as of a Monitoring and Support Group, could be drawn upon in the review of the current reception system.
30. UNHCR recommends that assisted voluntary repatriation programmes and other tailored measures are strengthened to address the situation of persons found not to need international protection.

### **Local integration**

31. UNHCR recommends that the Italian Government engages in a comprehensive review of the legal framework and adopt measures aimed at removing the obstacles in

administrative procedures which have a significant impact on the integration prospects of refugees. UNHCR further recommends the introduction of measures of affirmative action to support newly recognized refugees at the initial stage of their integration process. UNHCR encourages the Italian authorities to adopt a provision envisaging an integration action plan. Furthermore, UNHCR recommends that the Italian Government consider streamlining the procedure for family reunification.

32. UNHCR urges the Italian Government and local authorities to adopt specific and tailored measures to support the integration of beneficiaries of international protection, presently living in destitute condition, including in so-called 'hot spots.'
33. UNHCR recommends that all newly recognized beneficiaries of international protection are able to benefit, as needed, from specific support measures in the first phase of their integration process, in particular with regard to housing.
34. With regard to the role of the SPRAR system in supporting the integration of refugees, UNHCR urges the Italian authorities to strengthen the capacity of the network and to ensure that services provided by SPRAR are mainly geared towards support to refugee integration.
35. The coordination role of regional governments with respect to integration policies, which is outlined in Italian legislation, could be strengthened in order to maximize the impact of interventions carried out by town councils and ensure the efficient use of available resources.
36. UNHCR calls upon the Italian Government to provide the municipalities with specific instructions pertaining to the access to residence registration of asylum-seekers and beneficiaries of international protection.
37. UNHCR recommends that a provision aiming at defining the scope of Article 25 of 1951 Geneva Convention, in particular with regard to requests of relevant documents issued by the authorities of their country of origin, be included in the asylum legislation.
38. UNHCR strongly urges all media outlets to respect the Rome Charter<sup>32</sup>, a set of guidelines adopted by the Federation of Italian Journalists on how to cover issues relating to refugees and migrants, so as to avoid the use of language which may fuel racism, xenophobia or racist violence.
39. UNHCR also calls upon the Italian authorities to review the legal requirements for citizenship in order to avoid discretionary approaches to the granting of citizenship to refugees. Furthermore, UNHCR recommends the same favourable legal requirements for naturalization to be extended also to the beneficiaries of subsidiary protection.

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<sup>32</sup> Available at: [http://www.unhcr.it/cms/attach/editor/Carta\\_di\\_Roma.pdf](http://www.unhcr.it/cms/attach/editor/Carta_di_Roma.pdf)

## **UNHCR's work for refugees elsewhere in the world**

40. UNHCR expresses its appreciation for the generous contributions by the Italian public and the Government over the years and calls on the Italian Government to continue with the positive trend started in 2012. UNHCR also urges the Government to ensure that donations from private donors are tax-deductible, as is the case for donations to other non-profit entities in Italy (known as 'onlus' organisations), in accordance with Law No. 80/14 of May 2005.

## **UNHCR Regional Representation for Southern Europe July 2013**