

INTERNATIONAL PROTECTION PROCEDURE IN ITALY

Sources of law: Legislative decrees no. 25/2008 and no. 142/2015



Presentation of the application for international protection

Pre-identification through the statement of personal details or the filling out of the "Foglio notizie". **Information** is given on the right to apply for international protection. *

Expression of the intention to apply for international protection to the Questura (Local Police Headquarters) or the Border Police that inform the applicant about the procedure (and the Dublin system) and provide a brochure (art. 10-bis of LD 25/2008). No time limit foreseen by law.

Fingerprint identification and photography. Transmission of data to Afis e Eurodac databases.

Formalization of the application by the Questura through the filling out the C\3 form (and the "Dublin interview"). A receipt will be issued to the applicant as a temporary residence permit, together with the copy of the form and the international protection and Dublin procedures' brochure (art. 10 of LD 142/2015 e art. 4 of Reg. 604/2013). (3 days, 6 if the applicant expresses the wish to apply to the Border Police. Extendable for another 10 days)

The application is sent to the **Territorial Commission (TC)**, the competent authority for the examination of international protection applications. The TC is composed by four members: a Vice Prefect (President) and representatives from the municipality, Police and UNHCR. Currently, in Italy there are 20 TC and 27 sub-commissions (the maximum number of sub-commissions established by law is 30).

When the Questura recognizes any elements to activate the Dublin procedure, it forwards the data to the Dublin Unit of the Ministry of Interior (Moi) through Vestanet, which will determine the responsible Member State, and, it grants a "Dublin Convention" residence permit (1 month, renewable). *

Italian competence
The Questura issues a **residence permit** for asylum seekers (6 months, renewable until the final decision, which allows to work after two months) or a nominative certificate in case of administrative detention in an Identification and Expulsion Centre (CIE).

Other State competence *
The Dublin Unit issues a transfer decree. Against this decision, it is possible to lodge an appeal before TAR within 60 days or before the President of the Italian Republic within 120 days. The TC declares the extinction of the procedure. The entire duration of the Dublin procedure, until the transfer to that country, may, under normal circumstances, take up to 11 months.

Examination of the application

Preliminary Examination
Made by the President of the TC in order to identify:

1. Inadmissible cases, declared by the TC with possibility to appeal when the applicant: is a recognized refugee (preliminary examination of new elements made by the President also with interview) or has already received a denial and has applied again without having new facts (possibility to add observations within 3 days). This last case includes the reactivated cases after extinction (due to unauthorized exit from the reception centre, art. 23-bis of LD 25/2008). If the application is inadmissible, the applicant is excluded from the reception system. *

2. Ordinary cases
Ordinary Procedure
30 days after the TC receives the application

3. Priority cases
Manifestly well-founded claims
Vulnerable and UASC applicants

No Interview *
Recognition of **refugee status**.
Only when the TC deems to have sufficient information to take a positive decision

No Interview *
Recognition of **status or other protection**.
Only if the impossibility or inability to attend the interview is certified

4. Accelerated cases
- Applicants in CIE;
- Manifestly unfounded, reiterated or elusive applications

Accelerated Procedure
7 days after the TC receives the application. The duration is doubled if the application is manifestly unfounded, reiterated or elusive (art. 28-bis).

5. Subsidiary priority cases
People coming from one of the countries listed by the National Commission for the Right of Asylum (art. 5 of LD 25/2008).
No Interview
Recognition of **subsidiary protection**. *

Before the decision is taken, the TC informs the applicant about the possibility to request an interview (within 3 days).

Interview
Non-public session with an interpreter and possibly carried out by an interviewer of the same sex of the applicant. The session may be audio recorded. If the asylum seeker is a **minor** the interview is conducted by a member of the TC with a specific training and in the presence of minor's parents or legal guardian. A lawyer (at expenses of the a/s) and/or an expert can be present.



