



Refugee protection and  
international migration: a  
review of UNHCR's  
operational role  
in southern Italy

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## Executive Summary

This review is one of a series aimed at examining the effectiveness of UNHCR's operational engagement in the area of international protection and mixed migration, with the aim of drawing on emerging lessons and facilitating their incorporation in programming and policy-making processes.

It focuses on UNHCR's engagement in southern Italy within the framework of the Praesidium project, implemented together with the International Organisation for Migration (IOM), Save the Children (Italy) and the Italian Red Cross, with the support of the Italian Ministry of Interior and for the first three years, the European Commission. The project, which started in March 2006, was designed to contribute to a protection-sensitive reception system for asylum seekers and others arriving by sea in the context of irregular mixed migratory flows to southern Italy. Initially focused on the island of Lampedusa, the disembarkation point for the majority of those intercepted or rescued at sea by the Italian maritime authorities, the project was later extended to cover Sicily and other locations on the Italian mainland.

The Praesidium project formed part of an innovative model for the reception of those arriving irregularly by sea, based on partnership between national authorities, multilateral agencies and national non-governmental institutions. It proved to be an effective operational model, enabling the provision of information to those who arrived and the identification of appropriate channels for their reception and access to appropriate legal and administrative procedures. Crucially, it was designed around a framework enabling the rapid transfer from the point of initial reception to centres in other parts of Italy, within the mainstream asylum and migration system.

UNHCR's role centred on the provision of information to potential asylum-seekers, the identification and referral of vulnerable individuals, and the monitoring of reception conditions and access to asylum. Those interviewed, including government officials, asylum seekers and refugees, NGOs and reception centre operators, expressed consistent appreciation for UNHCR's engagement. The agency's presence at a range of stages in the reception process enabled consistent follow-up on individual cases and the coherent dissemination of best practices.

UNHCR's role in Praesidium also formed a coherent part of a broader strategy for engagement in Italy, including participation in the Territorial Commissions responsible for adjudicating asylum claims, and an extensive programme of advocacy and training. It also enabled UNHCR to contribute with added authority to discussions on policy-related issues at a time when the national system for reception of asylum seekers was being elaborated and strengthened.

The presence of international agencies such as IOM and UNHCR at the point of arrival was an important expression of the commitment of the Italian authorities to addressing the complex challenge of mixed migration in a humane and rights-based manner. The support provided by the European Commission was also an important expression of international solidarity. However, an earlier focus on the sustainability of the project would have been advisable, and in some respects, the partnership with other Praesidium partners fell short of a collective joint vision and strategy.

UNHCR's engagement would also have been enhanced by clearer monitoring frameworks and tools, and a stronger training component.

The context within which the project operated changed significantly in the course of 2009. Early in the year, there was a shift away from the model of rapid onward transfer, and at the time of the evaluation mission, a new government policy of enhanced cooperation with the Libyan authorities on preventing irregular departures, together with the interception of boats outside Italian territorial waters and the return of those on board to Libya, had resulted in a sharp drop in the number of arrivals in Sicily and Lampedusa. A more restrictive approach was also adopted in relation to the disembarkation of those rescued at sea in Italy. UNHCR has expressed significant concerns about this policy shift, and at the time of the evaluation mission, the reception centre on Lampedusa was empty.

The Praesidium experience has nonetheless to a large extent validated the framework for UNHCR engagement set out in the 10-Point Plan, and provides an important precedent which may be replicated elsewhere in situations where asylum seekers and refugees are moving within mixed migratory flows. It is essentially an operational tool, which has proved to be effective in enhancing the protection of asylum seekers and migrants and facilitating their access to appropriate legal and administrative channels.

However, as already noted, the Praesidium approach is not a panacea. Recent developments in Italy have shown that the effectiveness of such a mechanism is to a large extent determined by the extent to which it is situated within an enabling policy environment, which may be shaped by a range of factors largely independent of the model itself. Its effectiveness will also be conditioned by the degree to which it is linked to a broader administrative and legislative framework which includes fair and transparent asylum procedures affording access to protection and the prospect of durable solutions.

The findings of this evaluation have also reinforced the importance of a comprehensive approach to UNHCR's engagement with mixed migratory flows, and have highlighted the important synergies between UNHCR's operational engagement in Italy, its engagement with the European Union on asylum policy, and its operations in Libya and in countries at an earlier point in refugee journeys. Whilst significant strides have been made in recent years towards more consistent and coordinated approaches, there is still much work to be done in this respect.

## List of Recommendations

### *General*

- (i) UNHCR should continue its engagement in the *Praesidium* project in Italy. Focused attention should however now be paid to the issue of sustainability, and on ensuring that the positive improvements achieved can be maintained in the future even beyond UNHCR's involvement. UNHCR's role should shift to focus primarily on monitoring and strengthening the capacity of national actors. (Paras 104, 137, 203)
- (ii) Resources should be invested in completing the work already undertaken in partnership with the other *Praesidium* partners in developing a manual of standard operating procedures (the *manuale operativo*), which as well as documenting and concretising good practices, could also inform the development of similar projects elsewhere outside Italy. (Para 117)
- (iii) The *Praesidium* model is one which could be applied in other locations, and has proven to be an extremely effective operational tool. Efforts should continue to explore the possibility of introducing a similar model elsewhere. (Paras 185-186, 201)

### *Information and legal assistance*

- (iv) UNHCR's primary focus should be increasingly on providing technical support to legal operators in reception centres, and monitoring the provision of these services, rather than running a parallel information and advice service. Direct engagement with beneficiaries should nonetheless be maintained, and on the job training, including by enabling legal operators to shadow UNHCR staff, should be encouraged. (Paras 57-58)
- (v) UNHCR should seek to enhance access to legal assistance by asylum seekers detained in centres for identification and expulsion (CIEs). In particular, training should be provided to CIE operators to enable them to provide counselling to those who may be in need of international protection and ensure that they have access to asylum procedures. (Para 61)
- (vi) A joint seminar bringing together *Praesidium* staff and NGO staff providing legal services to irregular migrants on the Adriatic coast should be held, to share lessons and good practices. (Para 62)

### *Reception conditions*

- (vii) UNHCR Rome should partner with UNHCR Budapest on its project to develop a UNHCR tool for monitoring conditions in reception centres, drawing on its extensive experience on this matter. Consideration should be given to including Italy as one of the countries where this is pilot-tested. (Para 70)

- (viii) UNHCR's work in promoting accountability on the part of centre operators and the authorities to residents of the centres should be strengthened, building on the positive example of the weekly meetings initiated in Crotone, Bari and Foggia. Consideration should also be given to the development of other methods to facilitate participatory planning in the centres, and complaints mechanisms. (Para 72)
- (ix) UNHCR should provide technical support for the development of standard operating procedures for identifying, referring and following up on vulnerable cases by camp management institutions and relevant government authorities. (Para 81)

#### *Access to asylum procedures*

- (x) The practice in Lampedusa whereby asylum requests were not registered directly by the immigration office, but were made through referral by UNHCR, should be avoided in the future in Lampedusa and other locations. (Para 76).

#### *Trafficking*

- (xi) A comprehensive strategy to address trafficking should be developed in conjunction with the Ministry of Interior and other partners, including prefectures and centre operators. This should also be linked with a broader strategy to prevent and respond to sexual and gender-based violence (SGBV) and other forms of exploitation within reception centres. UNHCR should also continue to strengthen its engagement on trafficking in partnership with IOM. (Para 95)

#### *Training and capacity-building*

- (xii) In the future, for *Praesidium*-type projects in which a training component is envisaged, it is recommended that dedicated staff be assigned to develop training modules and to design and facilitate training, separately from staff engaged directly in the provision of services. (Para 97)

#### *Analysis and sharing of information*

- (xiii) Effort should be devoted to in-depth analysis of the information gathered in the course of the project, and for the systematic sharing of this with UNHCR offices in North Africa and other parts of Europe. UNHCR Rome should also liaise with the Office in Libya to identify lines of questioning for future use which would be of particular value for UNHCR's engagement in Libya. (Para 99)
- (xiv) Together with *Praesidium* partners, there should be more regular and systematic analysis of the profile and numbers of those arriving, and of the specific challenges the project is facing, which could be shared with external interlocutors in Rome, Brussels and elsewhere. (Para 100)



- (xv) Partnerships should be pursued between UNHCR offices in receiving countries and those in countries of origin and transit, to enable more direct information-sharing on the profile and numbers of arrivals, and in order that information activities aimed at raising awareness on the dangers of migration by sea may be better targeted. (Para 182)

#### *Partnership*

- (xvi) *Praesidium* agencies should make efforts to enhance the joint nature of the project, in particular with regards to forging a common vision, joint planning, shared reporting and combined public information activities. Particular efforts should be made to ensure complementary and mutually reinforcing advocacy messages. (Paras 113-117)
- (xvii) A joint workshop should be convened to facilitate collective reflection on the development of the project to date, the lessons that have been learned, and to discuss strategy for subsequent phases of the project. (Para 118)

#### *Staff support*

- (xviii) Consultants on the project should be provided with access to adequate counselling and to staff welfare mechanisms. (Para 129)

#### *NGO capacity*

- (xix) Care should be exercised to ensure that UNHCR does not fill operating space which should be occupied by NGOs, or to draw on NGO staffing resources. UNHCR should continue to limit the sources to which it applies for funding, in order not to undermine NGO capacity by competing for funding from the same sources. (Paras 138-139)

#### *Funding*

- (xx) For future projects in other countries, UNHCR should consider exploring a range of funding sources, including, but not limited to, the host government. Diversification of funding (as, in the case of *Praesidium*, from the European Commission) and the expression of international solidarity that this represents are an important means of strengthening the foundations of a project such as *Praesidium*. (Para 142)

#### *Integration*

- (xxi) UNHCR should redouble its ongoing efforts with a range of actors at national and municipal levels to highlight the damaging consequences of a failure to provide adequate integration support for those granted protection in Italy. UNHCR should continue to sit on the committee which evaluates integration-related projects and to provide technical support to integration-related initiatives. (Paras 156-158)

### *Return of non-refugees*

- (xxii) UNHCR should continue to advocate in support of the effective implementation of re-admission agreements for nationals, including in its engagement with EU institutions. Such engagement should continue to be shaped by protection considerations, and UNHCR should continue to discourage readmission arrangements facilitating the removal of migrants to transit countries in North Africa which would leave those returned stranded and without durable solutions. (Paras 163-164)

### *Addressing secondary movements*

- (xxiii) The review was limited in scope to southern Italy, and missions to countries of transit or origin were not undertaken. Its findings would nonetheless suggest that UNHCR should strengthen its engagement in Libya with a view to enhancing national protection capacity and pursuing a range of durable solutions, including resettlement. Advocacy with resettlement countries for increased quotas from Libya should also be reinforced. However, this should be part of a comprehensive approach which does not focus on 'screening' and resettlement alone, and should be linked to a broader strategy for expanding protection space in Libya. The process should also be de-linked from 'externalisation' policies, including that of 'pushbacks' from Italy. (Para 177)
- (xxiv) The findings would also suggest that UNHCR should continue efforts already under way to develop a comprehensive action plan to better understand and address the onward movement of refugees along the routes described in this report. This should focus not only on strengthened protection mechanisms in Libya and other transit countries, but should include engagement by UNHCR, host governments and the international community at an earlier stage, in the refugee camps from which many of those who arrive in Libya and Italy depart, as well as in countries of origin. In this respect, consideration might be given to convening an inter-regional workshop including UNHCR operations in Europe, North Africa, first countries of asylum in sub-Saharan Africa and countries of origin, with the aim of developing a comprehensive strategy. (Para 179)
- (xxv) It should be clearly understood and communicated that such efforts in no way diminish the responsibilities of asylum states in the European Union to provide access to territory and to ensure a fair asylum procedure for those who end up in the effective control of those States. (Para 179).

# 1. Introduction

"[...] We left with a big boat, it was 300 of us. After six hours the motor broke down. We could not call for help because the battery of the satellite phone was not charged. We called some friends in Italy with our mobile, and some friends in Libya. Then we saw airplanes above us, three times. We burned our clothes to signal where we were but they couldn't see us. We saw ships also, but they couldn't see us. Because the waves were high. On the third day we finished water and food, and we had to drink salt water. Even my four year old baby had to drink the salt water. Another four year old died on the boat. Three men also died."<sup>1</sup>

1. In early 2006 UNHCR, together with the International Organisation for Migration (IOM) and the Italian Red Cross, and with the support of the Government of Italy, embarked on an innovative project aimed at enhancing Italy's capacity to respond to mixed migratory flows. This project, known as *Praesidium*, started in Lampedusa, a small Italian island located in the Mediterranean around 200 kilometres from Sicily and 100 kilometres from Tunisia, historically an important maritime base for the ancient Phoenicians, Greeks, Romans and Arabs.

2. In recent years, Lampedusa has become an important entry point for irregular migrants and asylum-seekers attempting to enter southern Europe by sea. Those travelling together on the unseaworthy boats that depart from Libya and Tunisia do so for a range of reasons: economic opportunity, the desire to join family members, exploitation by traffickers, human rights violations, conflict and persecution. Several hundred are known to perish on the journey each year. Some arrive directly on Lampedusa, but in the years since the project began, the majority have disembarked on the island following search and rescue operations conducted by the Italian maritime authorities.

3. UNHCR's operational engagement within the framework of the *Praesidium* project has centered on facilitating a protection-sensitive reception and referral system for those arriving by sea in Lampedusa. Together with its partners, and with the support of the Italian Ministry of Interior and the European Commission, it has sought to enhance the transparency and accessibility of the reception process by providing information on asylum procedures, monitoring reception conditions and access to asylum channels, and identifying and referring vulnerable individuals. The project was extended to Sicily in 2007 and later to other locations in southern Italy. Since March 2008, Save the Children Italy has also been a project partner.

4. *Praesidium* formed part of what became known as the 'Lampedusa model' within which those arriving in the context of mixed migration flows were accommodated temporarily on the island, registered and channelled into appropriate

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<sup>1</sup> Account by an asylum seeker from Eritrea who arrived in Lampedusa in 2008, recorded by a UNHCR member.

administrative and legal procedures, and rapidly transferred to reception or detention centres in other parts of Italy.

5. The context within which the project operated nonetheless changed in the course of 2009. Early in the year, there was a shift away from the model of rapid onward transfer, and currently, a new government policy of enhanced cooperation with the Libyan authorities on preventing irregular departures, together with the interception of boats outside Italian territorial waters and the return of those on board to Libya, has resulted in a sharp drop in the number of arrivals in Sicily and Lampedusa. A more restrictive approach has also been adopted in relation to the disembarkation of those rescued at sea in Italy. UNHCR has expressed strong concerns that in the absence of adequate safeguards, the policy of *respingimento* or 'pushbacks' to Libya can prevent access to asylum and undermine the implementation of the international principle of non-refoulement.

#### *Purpose*

6. This review is one of a series examining UNHCR's operational involvement in mixed migration situations, undertaken by UNHCR's Policy Development and Evaluation Service (PDES). They follow a commitment made at the High Commissioner's Dialogue on Protection Challenges in December 2007 to 'review the effectiveness of (UNHCR's) interventions in the areas of international protection and mixed migration, in order to learn lessons from its experience and to ensure that they are incorporated in its policy making and programming processes.'

7. Together, the reviews seek to assess how UNHCR has exercised its mandate for protecting refugees and finding solutions for them in the context of mixed migratory flows, and to analyse the effectiveness and relevance of its operational engagement.

8. This review focuses on UNHCR's operational engagement in Italy in the framework of the *Praesidium* Project since 2006. It seeks to evaluate the extent to which such engagement has enhanced access to international protection for refugees arriving irregularly by sea in Italy, and to assess UNHCR's contribution to collective efforts to ensure a humane, equitable and rights-based approach to migration management. It seeks to analyse the sustainability and future prospects of the *Praesidium* model in Italy, and to identify whether the model is indeed an example of 'best practice' that could be applied in other contexts.

9. It should be noted that despite the joint nature of the project, the review focuses essentially on UNHCR's activities. It does not seek to evaluate the interventions of the *Praesidium* partners, nor does it aim to provide a comprehensive analysis of Italian asylum and migration legislation and policies. Its recommendations are addressed to UNHCR alone. However, the project cannot be analysed in isolation from the Italian context and the operational environment, and the review therefore seeks to describe and to take into account other factors that shaped its development and implementation.

### *Methods and constraints*

10. The review was conducted by two PDES staff members, Vicky Tennant and Jane Janz, and was conducted in accordance with UNHCR's Evaluation Policy.<sup>2</sup> UNHCR staff in Italy played a key role by lending substantial support to the team in providing logistical and other assistance, suggesting appropriate interviewees, arranging interviews and group discussions, and sharing information and documents. The team expresses its gratitude for their exceptional engagement throughout the preparatory process and, in particular, during the mission to Italy, both in Rome and at field level.

11. The methodology included a detailed document review, followed by interviews at headquarters and by telephone. A ten-day field mission to Rome, Sicily, Lampedusa and Crotona was conducted in late July 2009. Interviews and focus group discussions were held with asylum seekers and refugees, a range of government officials at national and sub-national levels, *Praesidium* partners, NGOs, lawyers, UNHCR staff and representatives of organizations managing reception centres. Preliminary findings were discussed with UNHCR staff in Rome during a debriefing at the end of the mission.

### *Constraints*

12. Owing to the developments described in paragraph 5 above, there were no arrivals on Lampedusa during the mission, and the reception centre there was empty. As such, the evaluation team was unable to observe the disembarkation process and to witness the reception component of the model 'in action'. The team could, however, conduct interviews with those stakeholders still present on the island, and in Rome and Sicily was able to interview others who had previously worked in Lampedusa. The team was nonetheless mindful of the observation of one government official: 'There is a difference between watching Lampedusa from Geneva, and actually living the Lampedusa experience. It is difficult to understand from outside exactly how difficult it was. It demanded constant work on the part of everyone.'

13. The evaluation was also constrained by the fact that only a limited number of reception centres within Italy could be covered, and that the mission did not include visits to the broader region, including Libya. Nonetheless, the team's visit covered some eight locations in southern Italy, and more than forty interviews were conducted, providing a solid overview of the project and its impact.

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<sup>2</sup> UNHCR's Evaluation Policy, September 2002 <http://www.unhcr.org/3d99a0f74.pdf> (last accessed 10 September 2009).



## 2. Background and project overview

14. The vast majority of asylum seekers arrive in Italy within mixed migratory flows, travelling alongside irregular migrants, including victims of trafficking, through highly dangerous channels managed by smugglers. Whilst some of these arrive by air or by land, some 70% of asylum seekers in Italy are now estimated to arrive by sea.

15. The phenomenon of mixed migration to Italy by sea first took on visible dimensions in the 1990s, with significant numbers of Albanians and people of other nationalities arriving by speedboat from Albania. Some 50,000 people are estimated to have arrived irregularly by sea in 1999, of whom more than 90% arrived in Puglia. At the time, Italy was largely a transit country, and the majority of irregular migrants and asylum-seekers are believed to have moved on to other European Union member states. Since then, the profile of those arriving, their routes and arrival points, and the number of people involved, have fluctuated significantly. A considerable number of large boats arrived in Calabria and Sicily from Turkey and to a lesser extent Egypt (some via the Suez Canal) in the late 1990s and the early 2000s. In 2001, the total number of irregular arrivals by sea had nonetheless dropped to just over 20,000, and by 2004, the figure stood at around 13,500.

16. By the early 2000s, whilst the overall number of migrants arriving irregularly by sea was dropping, the proportion of these landing in Sicily or Lampedusa was on the rise.<sup>3</sup> Between 2001 and 2002 the yearly proportion of irregular sea arrivals in Italy whose landing-point was either Sicily or Lampedusa rose sharply from 25% to 77%, and since 2003 it has consistently exceeded 95%.<sup>4</sup> Of these, the majority (60-85% of all irregular boat arrivals in Italy in any one year) landed on Lampedusa. After 2004, the overall number of irregular arrivals by sea began to rise again, to around 22,000 per year from 2005 to 2007, and then to 35,655 in 2008 (of which 30,978 arrived in Lampedusa). Whilst a significant increase from previous years, this total nonetheless falls short of the numbers recorded as arriving along the Puglia coast in the late 1990s.

17. It should be noted that whilst the majority of asylum seekers now arrive in Italy by sea, the same is not true for irregular migrants. The OECD estimates that around 60% of illegal migrants enter Italy with visas and overstay, and some 25% use false documents<sup>5</sup>.

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<sup>3</sup> Lampedusa is a small tourist island of just 20km located in the Sicilian channel, approximately 220km south of Agrigento (Sicily), 285km north of Zuwarah (Libya), and 113 km east of Tunisia.

<sup>4</sup> With the exception of 2007, when there was a minor surge in arrivals in Calabria and Sardinia, and the percentage arriving in Sicily or Lampedusa dropped to 82%.

<sup>5</sup> International Migration Outlook 2008, OECD. See also *Rapporto sulla criminalità in Itali: analisi, prevenzione, aontrasto*, at page 336, published on the website of the Ministry of Interior at [http://www1.interno.it/mininterno/export/sites/default/it/assets/files/14/0900\\_rapporto\\_criminalita.pdf](http://www1.interno.it/mininterno/export/sites/default/it/assets/files/14/0900_rapporto_criminalita.pdf) (last accessed 30 September 2009).

### *Mixed migratory movements to Lampedusa*

18. In the early 1990s, only a very few individuals arrived irregularly by sea in Lampedusa. The majority of these were Tunisian and Moroccan nationals travelling on small fishing boats from Tunisia, primarily in search of economic opportunity. From 2000 onwards, this pattern changed, and increasing numbers of people, of a range of nationalities, began to arrive in large boats or rubber dinghies from Libya, having paid large sums of money to professional smugglers to undertake the hazardous journey to Lampedusa from Zuwarah, Tripoli, and other ports on the north coast of Libya. In recent years, the vast majority of arrivals have been rescued at sea and brought to Italian territory by the Italian coastguard (*Guardia Costiera*) or customs and tax police (*Guardia di Finanza*). Of these search and rescue (SAR) operations, a significant proportion (estimated at 60% in 2008) took place in SAR regions under the responsibility of other countries, namely Malta and Libya. Unlike the Albanian crossings, the boats are generally unseaworthy vessels which are not intended to be re-used, and are navigated not by professional smugglers, but by one or more of the passengers.

### *Background to the project*

19. UNHCR had a significant history of direct operational engagement in Italy prior to 2006. Until 1990, Italy was still applying the geographical limitation to the application of the 1951 Convention, and UNHCR was conducting refugee status determination (RSD) under its mandate for non-European asylum seekers, usually through interviews conducted at the airport at the request of the Italian authorities. A strong cooperative working relationship developed between UNHCR and the latter which continues to shape UNHCR's engagement in Italy.

20. After the lifting of the geographical restriction, UNHCR continued its operational involvement, working with the Italian Refugee Council (CIR) to establish a network of information services for asylum seekers at official arrival points at sea ports and international airports. These continue to operate and were to some extent a precursor to the *Praesidium* project. UNHCR has also played a direct operational role in the Italian asylum system, serving in an advisory capacity on the Central Commission on Asylum, and since 2005, when a decentralised system was established, as a member of the Territorial Commissions responsible for determining asylum applications at first instance.

21. UNHCR first began to direct its attention to Lampedusa in late 2004, when some 1,150 people (assessed by the immigration authorities as Egyptian nationals) were directly returned in a short space of time by air from Lampedusa to Libya, on the basis of an informal agreement. UNHCR raised concerns that such collective removals did not provide sufficient opportunity for the provision of information on the asylum procedure and the identification of those who might be in need of international protection, including through an appropriately conducted nationality assessment. Strong concerns were also raised about the weak protection environment in Libya (which is not a signatory to the 1951 Convention), and the risk of chain deportations and *refoulement*.

22. A similar situation arose in March 2005, when following a sharp surge in arrivals which placed significant pressure on the capacity of the reception centre



(already accommodating well over its maximum capacity of 190) the authorities again undertook a series of collective forced returns of more than 700 people assessed as Egyptian nationals to Libya and Egypt, transferring others to a detention centre on the Italian mainland. On both occasions requests for access by UNHCR to the reception centre were granted only following a delay of some days, after the majority of removals had already taken place.

23. The collective removals and inadequate reception conditions on Lampedusa attracted considerable criticism from the press, NGOs and parliamentarians within Italy, and from European institutions. UNHCR made a number of demarches to the Italian government and issued a series of press statements, leading to strained relations with its main counterpart, the Ministry of Interior. The European Parliament adopted a critical resolution in April 2005 and a report issued in the same year by the Council of Europe Human Rights Commissioner, Alvaro Gil-Robles also condemned the practice of collective expulsions. A number of those interviewed during the course of the evaluation also cited a report published in *L'Espresso*, in September 2005, by a journalist who posed as an irregular migrant in order to gain access to the centre, as having had a significant impact in raising awareness of the issue.

#### *The 'Lampedusa model'*

24. Against this backdrop, in August 2005 the Ministry of Interior took the initiative to invite three agencies - UNHCR, IOM and the Italian Red Cross - to establish a permanent presence on Lampedusa. In response to this request, work began on developing a project and defining the roles of the three agencies, and in November 2005 an application for funding was made by the Ministry of Interior to the European Commission (EC) for a project named *Praesidium*. Under the title 'Strengthening reception capacity in respect of migration flows reaching the island of Lampedusa' the project foresaw the establishment of a team consisting of one field officer and one 'cultural mediator' from each of the three partner agencies, to monitor the reception of irregular migrants, and provide information and counselling.

25. Within this arrangement, UNHCR consultants hired under the project would undertake monitoring and provide information and support in accessing asylum procedures. IOM would ensure the provision of information on immigration law and procedures, and the Red Cross would focus on ensuring support to potentially vulnerable individuals, including access to health care and support to women and children. Having received the support of the EC, the project (co-funded by the EC and the Ministry of Interior in a 60/40% split) began work on 1 March 2006.

26. In its first year, the focus of the project was at the point of entry, in Lampedusa. This entailed monitoring reception arrangements and ensuring information and access to appropriate procedures and support for newly-arrived or rescued migrants. The three agencies were allocated a shared office in a container inside the reception centre, located just outside the residential area. Working relationships were established with key interlocutors such as the coastguard, the customs and tax police, the immigration office and *Misericordia*, the organisation responsible for managing the centre contracted by the Prefecture of Agrigento.

27. Arrangements were also concluded under which the *Praesidium* team would be notified in advance of the arrival of a rescued vessel, and was therefore present on the quay to receive the migrants, along with immigration officials, interpreters and medical teams from *Medicins Sans Frontieres* (MSF). The team provided basic information at the dock, and monitored the initial reception and registration process. More detailed information was provided once those rescued or intercepted were settled in the centre. At a certain point, UNHCR began to receive calls via Thuraya satellite telephones directly from boats in distress, and a system was established whereby the details of such calls were immediately faxed to the coastguard.<sup>6</sup> During the first year of the project, training was also provided to twelve interpreters / cultural mediators with the aim of establishing a rapid response team which could be deployed in the event of large-scale arrivals (although in the event, such a team was never deployed).

#### *Praesidium II to IV: beyond Lampedusa*

28. The first year of the *Praesidium* project was generally viewed as making a positive contribution to a protection-sensitive reception and entry system which ensured that those intercepted or rescued at sea were channelled into appropriate administrative and legal channels, and their basic rights respected. The start of the project also coincided with a policy shift by the newly-elected centre-left government which ended the previous practice of returning certain categories of migrants directly from Lampedusa to Libya. In a speech given at a conference on the future of the European asylum system in Brussels in November 2007, the Head of the Department for Civil Liberties and Immigration of the Ministry of Interior referred to the 'excellent results achieved through the Lampedusa model.'<sup>7</sup>

29. This took place within an operating framework which saw the majority of those rescued or landing on Lampedusa transferred within a short time to holding/reception centres for either migrants or asylum seekers, or reception centres for unaccompanied children, on Sicily or the Italian mainland. By late 2007, the time spent on Lampedusa had been reduced to an average of 2-3 days.

30. In the second year of the project, *Praesidium II*, its scope was extended beyond Lampedusa, and roving teams established in Sicily (again, consisting of one field officer and one cultural mediator from each agency) which aimed to be present at the disembarkation of rescued migrants and others arriving directly in Sicily, as well as continuing the 'accompaniment' of those disembarked at Lampedusa by continuing monitoring and information services after their transfer to Sicily. Under this arrangement, IOM took on primary responsibility for monitoring the centres for identification and expulsion in which detained migrants were held (CIEs), and UNHCR for the reception centres for asylum seekers (CARAs).

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<sup>6</sup>It should nonetheless be noted that the reception of such calls was not foreseen in the project, and the UNHCR number was seemingly passed on by asylum seekers and refugees already in Italy. The Office is not equipped (nor has it ever sought) to provide 24-hour telephone coverage, and the role is one which places significant strain on staff.

<sup>7</sup> 'Il Futuro del Sistema Comune Europea dell'Asilo: Intervento del Prefetto Mario Morcone, Capo Dipartimento per le Libertà Civili e l'Immigrazione del Ministero dell'Interno Italiano, Bruxelles, 7 November 2007

31. The third year, from March 2008 to March 2009, saw a further expansion of the project in the form of *Praesidium III*. An increase in irregular sea arrivals had been noted in Calabria and Sardinia, and accordingly, a presence was established through the project in Bari, Crotona, Foggia and Sardinia. UNHCR focused its primary efforts on the first three of these locations, where large reception centres for asylum seekers were located, and to which asylum seekers were frequently relocated from Sicily and Lampedusa. The reduction in average transit time had also strengthened the rationale for more systematic engagement by the *Praesidium* partners post-transfer. IOM focused on Sardinia, where the proportion of new arrivals who were asylum-seekers was comparatively low, and could be covered through occasional missions by UNHCR.

32. In practice, owing to the relatively low number of new sea arrivals outside Lampedusa and Sicily, the project in the new locations focused to a much greater extent on monitoring and strengthening access to asylum and conditions in the reception centres, as well as the provision of information and counselling. March 2008 also saw the addition of a new project partner, Save the Children Italy, operating in Lampedusa and Sicily in order to monitor and strengthen the reception of unaccompanied children. The Red Cross had also hoped to extend its engagement beyond Sicily, but this did not materialise. Initiatives designed to strengthen the links between the project and reception arrangements in the rest of Italy and the Mediterranean were also envisaged, but did not ultimately take place.

33. In its current phase, *Praesidium IV*, the project is funded solely by the Italian Ministry of Interior. UNHCR no longer retains a permanent presence in Bari, Crotona and Foggia, and these reception centres are now covered by a roving field officer based in Rome. A second field officer was nonetheless deployed in Sicily (one is now based in Agrigento, together with a cultural mediator, and one in Siracusa). The other project partners have maintained a presence in Lampedusa and Sicily and IOM continues to cover other locations through a roving team.<sup>8</sup>

#### *Evolving profile of arrivals*

34. Since 2006, when the *Praesidium* project began, the nationalities of those arriving in Lampedusa have spanned a broad range, with some 61 nationalities recorded in 2008.<sup>9</sup> In 2006, around 40% of those arriving in Lampedusa were recorded as Moroccan, and approximately 10% each as Tunisian, Eritrean or Palestinian. In 2007, the largest nationalities were similarly Moroccan (18%), Eritrean (17%), Palestinian (12%), and Tunisian (9%), however the collective proportion originating from three countries south of the Sahara – Ghana, Nigeria and Somalia – had gone up to 14%.

35. The year 2006, when the project started, saw an initial increase of around 22% in the number of irregular sea arrivals in Lampedusa from the previous year, from some 15,000 to 18,000. However, this was followed by a drop to just under 12,000 arrivals in 2007. As such, no direct correlation could be discerned between the

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<sup>8</sup> At the time of the mission, owing to the extremely low number of arrivals, IOM and the Red Cross had temporarily relocated their staff to Sicily.

<sup>9</sup> *Boat Landings in Lampedusa, 2007-2008* (IOM, Rome, January 2009)

establishment of the project and the number of arrivals, and there was no evidence that the project had acted as a 'pull factor.'

36. The year 2008 nonetheless saw both a substantial increase in the overall number of arrivals in Lampedusa (which increased by 153% from 2007, to more than 30,000), as well as a substantial shift in the profile of arrivals. The number of Tunisians increased more than five-fold, reaching some 6,800 and accounting for some 22% of all arrivals that year, and the number of Nigerians (until then not a significant numerical group) went up to more than 6,000 - some 19% of all arrivals. Also notable was the increase in the number of Somalis, which jumped from just 268 individuals in 2007 to more than 4,000 (13% of the total) in 2008. The number of Eritrean nationals arriving by sea in Lampedusa also went up that year to more than 3,300 - some 11% of the total.<sup>10</sup>

37. Whilst the overall number of children arriving on Lampedusa (the majority of whom were unaccompanied) increased in 2008, they continued to represent around 8% of all arrivals. However, the proportion of adult women rose from 7% to 11%. This nonetheless masked significant differences in the proportion represented by women within each nationality group. In 2008, some 30% of Nigerians arriving by sea were adult females, as well as 15% of Eritreans and 15% of Somalis. However, 99% of Tunisian arrivals were men.

38. The surge in arrivals, which began to be visible in the spring of 2008, placed substantial pressure on the reception and processing systems in place on Lampedusa. One immigration official interviewed by the evaluation team likened the situation to an emergency: 'I cannot describe what it was like in Lampedusa - imagine 1,800 people speaking, praying, crying.'

#### *The asylum-seeker component*

39. Amongst the mixed migratory flows arriving in Italy by sea in recent years, including on Lampedusa, a significant proportion were asylum-seekers in search of international protection. The proportion of sea arrivals who applied for asylum was estimated at 50% in 2007 and 75% in 2008. Correspondingly, around 70% of all new asylum seekers in 2008 are believed to have arrived by boat.

40. The significant increase in arrivals by sea in 2008 (and in particular, in Lampedusa) contributed a doubling in the number of new asylum applications, from 14,053 in 2007 to 31,097 in 2008. As the surge in applications led to increased processing times, so the pressure on available places in reception centres for asylum seekers in Sicily and the Italian mainland also increased dramatically. As in previous years, the percentage of asylum applicants who were granted either refugee status or subsidiary or humanitarian protection remained at around 50%, suggesting that more than a third of those arriving in Lampedusa in 2008 were granted some form of international protection.

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<sup>10</sup> *ibid*, n.9

*The evolving legislative and policy framework*

41. The *Praesidium* project has spanned a period in which there has been a significant evolution in both the legislative framework and the policy context governing migration and asylum in Italy. This has been underpinned by the normative developments on asylum at the level of the European Union.

42. There is no comprehensive asylum law in Italy, and the asylum regime consists of a range of legislative provisions. The 2002 immigration law had introduced a detention regime for the majority of asylum seekers, as well as a new simplified asylum procedure. Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers was implemented in May 2005, and in the same year a new decentralised asylum procedure came into effect, establishing seven Territorial Commissions for the determination of asylum claims. An inter-ministerial directive on unaccompanied children was adopted in 2007. In 2007 and 2008, national legislation transposing the EU Qualification Directive and EU Procedures Directive was adopted, and these also came into effect in 2008.<sup>11</sup>

43. The decrees implementing the EU directives introduced higher standards of protection in the Italian asylum system than had previously been in place and omitted some of the more restrictive aspects of the directives. The primary changes coming into effect in 2008 were the introduction of a single asylum procedure for the examination of all claims for international protection, the transformation of the detention regime for asylum-seekers into a network of open reception centres, and enhanced appeal rights. Later the same year however, certain restrictions were introduced on access to the appeal procedure, which limited the categories of person for whom lodging an appeal would have an automatically suspensive effect on any enforcement action.

44. For most of the time during which the project has been operational, the broader migration regime was shaped primarily by the *Bossi-Fini* law adopted in 2002, as well as earlier legislation. Under this regime, 'illegal' migrants were subject to detention for a maximum of 60 days and if not expelled during that period, were generally released with an expulsion order directing them to leave the country within five days. A 2007 legislative proposal to widen legal migration and limit the use of detention for irregular migrants was dropped following the change of government in early 2008.

45. Under a quota system for migrant workers, a fixed number work permits were made available annually for foreign nationals (the *decreto flussi*). Some of those interviewed in the course of the evaluation noted that these tended to be used by irregular migrants already in Italy, who would then return home to obtain visas, thus effectively operating as a regularisation procedure. In 2007, more than 700,000 applications were received for 170,000 permits.

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<sup>11</sup> EU Directive 2004/83/EC on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who otherwise need International Protection and the Content of the Protection Granted ("Qualification Directive"); EU Directive 2005/85/EC on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status ("Procedures Directive").

46. A key challenge for the Italian authorities has been in enforcing the removal of illegal migrants or rejected asylum-seekers. Whilst a series of readmission agreements are in place (including with Egypt, Tunisia, Sri Lanka, Algeria and Morocco), in practice there have been significant difficulties in securing implementation, owing to limited co-operation by the authorities of the countries concerned, who have sought to limit the number of their nationals to be accepted or who have failed to facilitate the issuance of necessary documentation.

47. In May 2008, following general elections in Italy, the newly-established cabinet agreed on a series of restrictive measures on immigration which have become known as the 'security package.' A decree approved in July 2008 provided for increased prison sentences for crimes committed by irregular migrants, the potential expulsion of foreign nationals sentenced to more than two years imprisonment, holding centres for irregular migrants were re-named 'centres for identification and expulsion' (CIEs) and the letting of accommodation to illegal migrants was made an imprisonable offence. In July 2009 a law was passed making illegal immigration a criminal offence punishable by a fine of 5,000 to 10,000 Euros, and extending the maximum detention period for illegal migrants to six months.

#### *Recent developments on Lampedusa*

48. In January 2009, following a sharp increase in the number of Tunisian nationals arriving on Lampedusa at the end of 2008, it was announced that irregular migrants would no longer be transferred to Sicily or the mainland but would be held on Lampedusa pending their expulsion, and that efforts would be made also to determine the claims of asylum seekers whilst they were still on the island. The reception centre was re-designated as a centre for identification and expulsion, and a former military base was designated as a separate reception centre for asylum seekers on another part of the island. The Territorial Commission of Trapani relocated for one week to Lampedusa to adjudicate asylum claims. Conditions in the CIE deteriorated owing to overcrowding and concerns about the new arrangements were expressed by many (including island residents and *Praesidium* partners).

49. In spring 2009, tensions also increased between Italy and Malta on the issue of rescue at sea, exemplified by the *Pinar* incident in April, in which a dispute over the appropriate disembarkation port led to a stand-off of some three days before 143 migrants rescued by a Turkish vessel were disembarked in Lampedusa.

50. May 2009 saw a further shift in policy, with a focus on preventing people from reaching Lampedusa by interception of boats carrying irregular migrants and enforcing their return to Libya. A Friendship, Partnership and Cooperation Treaty had been concluded with Libya in 2008 and ratified by the Italian parliament in February 2009. This included cooperation on irregular migration, including action by Libya to clamp down on the irregular migration industry. Joint patrolling in Libyan territorial waters began in May 2009.

51. Italian coastguard and tax and customs police vessels have recently also been actively pursuing a policy of interception, and the majority of those rescued at sea since May 2009 have been directly returned to Libya, through a process known as '*respingimento*' or 'pushbacks'. By the time of the evaluation mission in July, it was estimated that at least 900 persons had been intercepted or rescued and pushed back

to Libya in this manner. Concerns have been expressed by UNHCR and others about the manner in which the pushbacks have been conducted and weak protection regime in Libya, which places those returned at risk of detention, ill-treatment and *refoulement*.

52. At the time of the visit to Lampedusa by the evaluation team, the main centre there had reverted to its previous status as a temporary reception centre for both illegal migrants and asylum seekers, and the former military barracks were no longer in use. However, no-one was being accommodated at that time. All asylum-seekers and remaining detained migrants had been transferred elsewhere in Italy, and owing to the interception policy, there were only two new arrivals during the evaluation mission. Most of the *Praesidium* staff had been temporarily relocated. Whilst administrative work was still going on in the centre, and some minor refurbishment of the facilities was being carried out, there was a large question mark over the future direction of the Lampedusa project.





### 3. Effectiveness and impact

53. The overall objective of UNHCR's engagement in *Praesidium* has been to enhance access to protection for asylum seekers and refugees, as part of broader collective efforts to ensure a protection-sensitive entry and reception system for those arriving irregularly in southern Italy by sea. Within this framework, the following activities were identified in the project documentation:

- The provision of information on the rights and obligations of asylum seekers in Italy, and on relevant procedures;
- Monitoring and strengthening reception arrangements for asylum seekers;
- Monitoring and strengthening access to asylum procedures;
- Supporting the identification of and provision of support to vulnerable persons (including victims of trafficking, unaccompanied children, victims of shipwreck or other trauma, pregnant women and those in need of medical support);
- Providing training to reception centre operators, government officials and others engaged in the reception and asylum process;
- Analysing and sharing information on mixed migratory flows (*Praesidium II*), and sharing best practices with other countries in the Mediterranean facing similar challenges (*Praesidium III*).

#### *Information*

54. Ensuring the provision of accurate and relevant information was a key component of the project from the outset.<sup>12</sup> A number of those interviewed (including asylum seekers and refugees) emphasised the critical importance of this function in ensuring awareness of rights and obligations, reducing uncertainty and stress, and facilitating management by the authorities of the reception, transfer and asylum determination process. UNHCR's role in providing information was seen as critical in creating trust in the system and in empowering beneficiaries. In a group interview with the evaluation team, a number of recognised refugees who had passed through Lampedusa more than a year earlier spoke of UNHCR's presence on the quay and reported feeling 'protected and reassured' by this and by the information sessions subsequently conducted.

55. In practice, information is provided primarily through group sessions in the reception centres (usually arranged by nationality and/or gender) and through individual counselling upon request. In Lampedusa, sessions have often been conducted jointly with IOM, and this was felt by staff to have been an effective practice, which by presenting other migration-related options, helps to avoid overloading the asylum system with inappropriate claims. Such sessions continue

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<sup>12</sup> In late 2004/early 2005, concerns were expressed that some of those returned directly from Lampedusa to Libya may not have been adequately informed of their rights, nor their intended destination.

throughout the procedure (in Sicily, for example, the evaluation team had the opportunity to observe an information session on appeal procedures with a group whose applications had been rejected at first instance).

56. Written information leaflets and posters were also prepared and translated into a number of languages. This process has however been complicated by the successive changes to the Italian legislation (which required regular updating of the documents) and the requirement that written materials distributed should be approved by the Ministry of Interior (which has caused delays). Moreover, the information materials reviewed by the team used rather technical language, and could have been better tailored to the perspectives of those to whom they addressed.

57. Under the terms of the contract between the prefecture and the organisations managing the reception centres, information and legal advice should be provided. In some centres visited, such as Crotone and Caltanissetta, extensive provision had indeed been made for the presence of such 'legal operators', whereas in others (particularly the smaller centres) this was much more limited.

58. In general, the team noted that there was some potential for duplication between the activities undertaken by the UNHCR team and these legal services. As the latter become more established, it is recommended that UNHCR's primary focus should be increasingly on providing technical support to the legal operators in the centre, and monitoring the provision of these services, rather than running a parallel information and advice service. Direct engagement with beneficiaries should nonetheless be maintained, and on the job training, including by enabling legal operators to shadow UNHCR staff, should be encouraged. One legal operator illustrated the potential value of this approach when he described the engagement of the UNHCR staff member as follows: 'We have a role model for the rest of our professional careers'.

59. In 2007, UNHCR sought to reinforce its work on information through a complementary project developed jointly with the Association for Juridical Studies on Immigration (ASGI) and IOM. The project is funded by the Association of National Municipalities (ANCI) and supported by the Ministry of Interior and the Central Service for the System for Protection of Asylum Seekers and Refugees (SPRAR).<sup>13</sup> A key objective of the project is the development of information materials for asylum seekers and those providing services to them, as well as training courses for legal advice workers and others responsible for providing services to these groups.

60. Three-day training courses were provided in Rome to legal operators in June 2007, and to cultural mediators based in reception centres in November and December 2007. A series of courses were also delivered in four locations in southern Italy. Information materials produced have included multilingual handbooks for asylum seekers and those granted international protection, a multilingual DVD on the reception and asylum procedure for use in reception centres, and a manual for those responsible for delivering services to asylum seekers and refugees.

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<sup>13</sup> This entity is responsible for a network of small accommodation centres (generally referred to as 'SPRARs') where those granted international protection and certain asylum seekers in need of special support are accommodated.

61. Whilst the majority of asylum-seekers are accommodated in open reception centres, those who apply after having received an expulsion order are generally held in CIEs, under the regime applicable to illegal migrants. Access to these centres by UNHCR has sometimes been difficult, and access by detained asylum-seekers to specialised legal advice is significantly more limited. UNHCR should seek to enhance access to legal assistance by asylum seekers detained in such centres. In particular, training should be provided to CIE operators to enable them to provide counselling to those who may be in need of international protection and ensure that they have access to asylum procedures.

62. It should be noted that the *Praesidium* model of information provision to some extent builds on the system developed in the early 1990s of provision of information by NGOs at official border points described in paragraph 20 above. Access by the operators of these services to irregular migrants, particularly those arriving by ferry on the Adriatic coast, is however not consistent. As part of *Praesidium* III, it had been hoped to conduct a seminar bringing together *Praesidium* staff and the operators of these facilities, to share lessons and good practices. For a number of reasons, it was not possible to proceed with this idea, however it is recommended that this be further pursued.

#### *Monitoring and strengthening reception conditions*

63. As described in the previous chapter, the *Praesidium* project took shape at a time when the framework for the reception of asylum seekers in Italy was undergoing a number of changes, following the transposition of the EU Reception Conditions Directive in 2005. The infrastructure established has also had to expand to cope with an increased number for asylum seekers, and at one point in 2008, when overcrowding became a serious problem, a number of smaller 'emergency' centres were opened (20 in Sicily alone). In some centres, particularly that on Lampedusa, standards were observed to deteriorate significantly.

64. The reception arrangements for asylum seekers fall under the overall responsibility of the Ministry of Interior, and reception centres are managed by independent organisations (which may be NGOs, faith-based organisations or other charitable institutions) under contracts awarded by the provincial Prefecture on the basis of a competitive bidding process. Asylum seekers may be accommodated in reception centres whilst awaiting decision on their claims. If a decision has not been made within six months, the asylum seeker is entitled to work and should make a contribution towards his/her reception expenses. Whilst residence in a reception centre is not obligatory after the first 20 or 35 days, in the absence of external support, most opt to stay there.

65. The reception centres vary from relatively small centres to examples such as Bari, Foggia and Crotone, with 750, 540 and 1,460 places respectively. In practice, the evaluation team observed substantial variation in standards in the various centres visited, and in the professionalism and commitment of the centre managers and staff. It also appeared that the competitive nature of the bidding process (in which significant economic interests are involved, and cost-effectiveness plays an important role) contributes to this very mixed picture. Cooperation between centres, including the sharing of good practices, is complicated by the fact that the managing organisations may be competitors for future contracts.

66. In some locations, positive and constructive relationships had been forged with those managing the centres, who spoke highly of the support UNHCR had provided. Examples included UNHCR's support for the establishment in one centre of a system for weekly consultation with a council of representatives of asylum seekers, and its contribution to elaborating written materials setting out the rights and duties of those accommodated in the centres. In other centres, UNHCR's engagement was viewed with more ambivalence, and its role appeared to be poorly understood.

67. Through its presence in the centres and regular monitoring and meetings with Prefecture representatives and centre managers, UNHCR has undoubtedly made an important contribution in drawing attention to sub-standard services in such areas as health, psychological support, and material assistance, and such issues as restrictions on freedom of movement and inconsistent practices of expulsion from centres. A comparative analysis of conditions in the three largest centres was also conducted in 2008, and efforts made to identify and share good practices. Most significantly, UNHCR's engagement enabled it to provide input to the Ministry of Interior on issues to be included in the standard contract terms with centre managers (*Capitolato*) issued under a ministerial decree in November 2008, and enabled significant deteriorations in standards to be brought to the attention of senior government officials.

68. However, the effectiveness of UNHCR's role in monitoring and strengthening reception arrangements has, in the view of the evaluation team, been significantly constrained by the following factors:

- The absence of a clear monitoring framework, agreed with the Ministry of Interior and communicated to all stakeholders, defining UNHCR's monitoring role, reporting mechanisms and responsibility for taking corrective action;
- Lack of clarity on the standards against which monitoring was to be conducted: international human rights standards, those set out in the EU Reception Conditions Directive, the ExCom Conclusion on reception of asylum-seekers,<sup>14</sup> the standards in the contract between the Prefecture and centre managers?
- A lack of clarity on whether the focus should be on monitoring and intervening on individual cases, or on overall conditions;
- Absence of a national inspection body responsible for monitoring standards of services and assistance, resulting in an undue focus by UNHCR on issues such as frequency and modalities of distribution of material assistance.

69. These gaps have limited the effectiveness of UNHCR's monitoring role and have resulted in a diffused focus and unclear basis for interventions. They have also resulted in extreme frustration for staff who at times found themselves witnessing and repeatedly reporting unacceptable standards (particularly during the 'emergency phase' in late 2008) with little apparent impact. Despite sound efforts to conduct a comparative analysis during *Praesidium III* and to encourage the use of

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<sup>14</sup> UNHCR *Conclusion on reception of asylum-seekers in the context of individual asylum systems*, 8 October 2002. No.93 (LIII) – 2002, available at <http://www.unhcr.org/refworld/docid/3dafdd344.html> [accessed 18 March 2009]

standardised monitoring tools, a systematic and normatively-grounded analysis which captures changes over time is missing.

70. Such gaps stem to some extent from a lack of global UNHCR guidance on monitoring of reception conditions. Attempts are currently being made to address this through the development of a monitoring tool, an initiative being led by UNHCR's Regional Office (RO) in Budapest. It is strongly recommended that RO Rome partners with RO Budapest in this initiative, drawing on its extensive experience on this matter, and that consideration be given to including Italy as one of the countries where it is pilot-tested.

71. It should nonetheless be noted that as part of the *Informazione* project described above, in order to shape the training and information strategy, visits were conducted to reception centres and a written analysis of conditions prepared at the end of 2007. *Informazione* project staff also liaise with *Praesidium* staff in designing the project strategy and identifying centres which should be prioritised for training courses.

72. In general, the evaluation team noted something of an absence of a rights-based approach to the reception arrangements for asylum seekers. Even in the centres in which standards were highest, and centre operators appeared motivated and engaged, there was a tendency to disregard, for example, the right to privacy. UNHCR's work in promoting accountability on the part of centre operators and the authorities to residents of the centres should be strengthened. The example of the weekly meetings initiated in Crotona, Bari and Foggia, is a positive one. Consideration might also be given to the development of other methods to facilitate participatory planning in the centres, and complaints mechanisms.

#### *Monitoring and strengthening access to asylum procedures*

73. Through the presence of project staff (including a cultural mediator) on both Lampedusa and Sicily, and the information and counselling services provided, initial access to asylum procedures was undoubtedly enhanced through the project. A number of those interviewed (including both refugees and government staff) cited the presence of UNHCR in Lampedusa as a 'guarantee' of the process. It should be noted that this was made possible by an enabling policy context, combining proactive search and rescue operations with a commitment to protection-sensitive entry procedures.

74. On Lampedusa, in practice there have been few difficulties since the project began in ensuring that those who wished to apply for asylum were able to do so and channelled into appropriate procedures. In only a few cases, usually due to errors, were asylum seekers incorrectly designated, and UNHCR's interventions enabled these to be corrected. This process nonetheless became more difficult during the period in early 2009 when presumed asylum seekers and irregular migrants were directed into separate centres whilst still on the island, often before UNHCR had an opportunity to provide information and counselling. Whilst those sent to the CIE and served with expulsion orders still had the opportunity to apply for asylum, this had a significant impact on their access to legal advice and appeal rights later in the process.

75. Immigration officials interviewed were of the view that UNHCR had contributed to improvements in the process. One example provided was a change in practice, at UNHCR's suggestion, whereby asylum application forms were completed on Lampedusa rather than after transfer, thereby streamlining the procedure and reducing processing times.

76. Whilst the strong cooperation between the UNHCR team and immigration officials on Lampedusa is in general very positive, it is of some concern that by 2008 a practice had developed whereby the immigration office was no longer registering asylum requests presented directly by asylum seekers, but was requiring UNHCR to prepare a list of names to be referred. Much time was reportedly spent on this task, made more complicated by the fact that UNHCR does not receive the names of those accommodated in the centre (which would enable a quicker referral procedure), but was required to draw these up from scratch. This practice in effect results in UNHCR substituting for the Italian immigration authorities in the discharge of these responsibilities and should be discontinued.<sup>15</sup>

77. UNHCR's presence in Sicily and in other reception centres has also enabled monitoring of the processing of asylum applications, and related procedures such as the issuance of asylum-seeker permits and documentation to those who have been granted international protection. Owing in part to the decentralised nature of the management of immigration and asylum procedures, variations in approach are not infrequent, and discretion plays a significant role. UNHCR's presence has enabled it to take up a number of these issues and to encourage a more consistent approach.

78. It should nonetheless be noted that UNHCR's presence at landing points is primarily limited to Sicily and Lampedusa, and the *Praesidium* project is in general not operational at official ports on the Adriatic coast, where asylum seekers and migrants frequently arrive as stowaways on ferries from Greece.<sup>16</sup> When detected, such persons are generally handed over to the carrier for return directly to Greece, under a bilateral agreement concluded in 2001. Those rejected have included unaccompanied children, particularly from Afghanistan. UNHCR has made a number of interventions in relation to this practice, urging that such cases be handled under the Dublin II procedure, which should supersede the 2001 agreement. The persistence of this practice highlights the limited coverage of the *Praesidium* project, and the inconsistencies in approach which have resulted.

#### *Support and referral of vulnerable cases (general)*

79. Important work has been done through the project in identifying potentially vulnerable asylum-seekers and referring them for appropriate support. These include unaccompanied children, persons with mental health problems, those with medical needs, victims of shipwreck, torture or other trauma. UNHCR's presence at both the point of arrival in Lampedusa and in Sicily and the main reception centres on the mainland, and strong communication between the UNHCR staff in each location have had a positive impact in ensuring that such cases are followed

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<sup>15</sup> This issue is discussed further in Chapter 6 under the sub-heading '*The risk of substitution*'.

<sup>16</sup> A UNHCR presence was established in Bari during *Praesidium III*, with the aim both of working in the reception centre and monitoring arrivals by sea at this Adriatic port. However, the impact of such efforts in relation to arrivals by sea was minimal, mainly due to difficulties in securing access to potential asylum seekers coming from Greece.

throughout the process. Good cooperation and referral mechanisms have also been established with the National Institute for Migration and Poverty (INMP), which now provides medical support in the reception centre in Lampedusa.

80. Nonetheless, specialist support services are limited, and institutional referral systems between centres are extremely weak. Psychological support services should be provided by the institutions managing the centres, but specialist expertise is not always readily available and the quality of services available is variable. The reception capacity of the SPRAR system, through which supported accommodation for vulnerable cases may be provided, is also limited.

81. In general, the evaluation team noted that UNHCR team members had played an extremely valuable role in identifying, referring and following up on vulnerable cases, in particular by communicating such cases to fellow UNHCR project staff covering the centres to which such individuals were to be transferred, who are able to alert social workers in these centres. However, the absence of written standard operating procedures for such cases, agreed between the *Praesidium* agencies, the camp management institutions and the relevant government authorities has weakened the impact of this work. It is recommended that the provision of technical support for the development of such procedures be prioritised in the current phase of the project.

#### *Unaccompanied children*

82. UNHCR project staff (particularly in Sicily) have played an important role in identifying deficiencies in the system for hosting unaccompanied asylum-seeking children and the procedures for determining their asylum claims, and proposing improvements. In particular, extensive work was done in partnership with IOM in Sicily during the second year of the project.

83. Problems identified during monitoring in 2007 included overcrowding in homes for unaccompanied children (which should not accommodate more than ten children) and lengthy delays in the process of having the court appoint a guardian, an essential step before an asylum application could be registered. It was noted that the system for financing the support for unaccompanied children was more favourable in relation to those for whom guardians had not been appointed (for which the source of financial support is the prefecture) than afterwards (when responsibility shifts to the municipal authorities, with fewer funds available). This was therefore acting as a disincentive for those managing the homes to pursue the appointment of a guardian, and therefore acted as something of a block to the asylum process.

84. Through UNHCR's advocacy with the prefecture, immigration authorities and tribunal judges, the system for appointing guardians was significantly accelerated and monitoring of centres by the prefecture improved. During the period when the volume of arrivals was at its peak, and transfers from Lampedusa were taking up to two weeks, a system was also introduced whereby unaccompanied asylum-seeking children could formalise their asylum requests whilst still on Lampedusa, and arrangements were made to transfer them direct to SPRARs for asylum-seeking children. Arrangements were also made with the immigration offices

in Sicily to facilitate the provision of appointments for unaccompanied children and to enable an outline of the asylum claim to be provided in advance.

85. This engagement also enabled UNHCR Rome to contribute substantively to the process through which the inter-ministerial directive on unaccompanied asylum-seeking children was adopted in 2007. This covers a range of critical areas, such as the provision of information and identification of asylum-seeking children, assistance in making an application and their timely transfer to a SPRAR for unaccompanied minors. Since April 2008, Save the Children has played an important role, particularly in establishing monitoring systems and working on institutional capacity-building.

#### *Victims of torture and trauma*

86. As already noted, the support services available to victims of torture, sexual and gender-based violence (SGBV) and trauma are extremely limited. UNHCR project staff have nonetheless played an important role in ensuring that such persons are identified and followed post-transfer, and where possible, are referred to SPRARs where specialist support can be provided. Follow-up is also made with medical staff and social workers to enable appropriate reports to be prepared for the Territorial Commission hearings. The evaluation team was informed that these nonetheless vary significantly in quality, and that the practice in different centres as to whether or not they are provided is inconsistent. Where appropriate, UNHCR project personnel have also highlighted such cases directly to the Territorial Commissions, in order that appropriate procedures (including expedited and/or trauma-sensitive interviews) may be applied.

87. As part of efforts to enhance the quality of support provided to victims of torture and other forms of trauma, a series of seminars for health professionals, psychologists and cultural mediators were held in reception centres in Bari, Foggia, Sicily and Lampedusa in February 2009.

88. Nevertheless, the absence of effective support services for traumatised individuals means that whilst UNHCR has played an important role in identifying such persons, such referrals are of limited effectiveness.

#### *Trafficking*

89. Italian law provides for a system of social protection for victims of trafficking, including a residence permit for an initial period of six months and rehabilitation and social integration programme.<sup>17</sup> IOM has taken primary responsibility for work on trafficking within the *Praesidium* project, providing information on the issue to migrants and asylum-seekers, delivering training to centre operators and making appropriate referrals in the event that cases are identified.

90. The sharp rise in the number of female asylum seekers and migrants (particularly Nigerian nationals) arriving in Lampedusa in 2008, many of whom applied for asylum, nonetheless led to increased concerns that this route may be

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<sup>17</sup> Article 18 of Legislative Decree no. 286 of 25 July 1998



exploited by traffickers, and some of those interviewed expressed concerns that in the absence of a more robust and comprehensive system for the identification and protection of victims of trafficking, and the provision of solutions, many who are not in fact in need of international protection may be resorting to the asylum channel.

91. All *Praesidium* partners provide details of the system of protection for trafficked persons in the information sessions conducted on Lampedusa and elsewhere. On UNHCR's recommendation, leaflets with the free telephone number to call for assistance for trafficked persons (the '*numero verde*') are also provided by some Territorial Commissions at the end of eligibility interviews. In practice however, the number of women or others coming forward to declare themselves as having been trafficked is very low.

92. A number of staff interviewed suggested that this may be because during this early period following their arrival, victims of trafficking may not yet be aware of the degree of exploitation they are likely to face. One project staff member recalled being contacted a year after her initial meeting with one Nigerian asylum seeker, asking her for help in escaping her trafficker. It is however noteworthy whilst the majority of field officers are female, neither UNHCR nor IOM employ female interpreters or cultural mediators on Lampedusa or Sicily.

93. There is some evidence that traffickers may seek to exploit the asylum channel as a potential way of securing entry into Italy (at least temporarily) for their victims. In 2008 there were a number of incidents of prostitution outside reception centres, and in some locations a large number of women left the reception centres without permission or prior notice. The number of those who make a formal declaration that they have been trafficked and seek protection under the legal and social protection programme referred to above (an '*article 18 declaration*') or who advance trafficking-related reasons as a basis for an asylum claim is nonetheless extremely low. In some locations UNHCR staff have facilitated good working relationships between centre managers and local NGOs, who provide information and assistance to potential trafficking victims.

94. The topic featured heavily in discussions at a UNHCR protection staff coordination meeting in late 2008, and a number of action points were developed, including the translation of UNHCR's eligibility guidelines on trafficking into Italian and the development of appropriate case law. UNHCR has also facilitated a number of technical meetings on trafficking in centres such as in Bari and Foggia, involving local authorities and centre operators, and has developed good contacts with local NGOs working on trafficking.

95. It was nonetheless clear that a more comprehensive strategy is required, which should be developed in conjunction with the Ministry of Interior and other partners, including prefectures and centre operators. This should also be linked with a broader strategy to prevent and respond to sexual and gender-based violence (SGBV) and other forms of exploitation within reception centres. UNHCR's SGBV guidelines have now been translated into Italian, and a large number of print copies made available. These should help to form a basis for these discussions. UNHCR should also continue to strengthen its engagement on trafficking in partnership with IOM.

### *Training and capacity-building*

96. Whilst a number of training sessions have been conducted under the project, in practice the demands of direct engagement in operational activities under the project have taken precedence over the organisation of formal training events and the development of training modules (which was envisaged in the first year of the project but not completed). Some training has however been organised under the project, often together with other project partners (for example, for cultural mediators in 2006 and 2007, and seminars for the coastguard, tax and customs police and centre operators in Sicily and Lampedusa in 2008). As noted above, seminars have also been organised on psycho-social support for victims of torture and other forms of trauma, and UNHCR project staff have also provided extensive 'on the job' training to service providers at reception centres. Importantly, the project has been complemented by the *Informazione* project described above, which started in 2007, and by other training activities conducted by UNHCR protection staff members outside the *Praesidium* project.

97. In practice, owing to the demanding nature of the day to day activities in which the project staff were engaged, particularly during the increase in arrivals in 2008, when the project was effectively working in 'emergency' mode, it proved difficult to combine these with the development of training modules and the design and delivery of training courses. In the future, for projects in which a training component is envisaged, it is recommended that dedicated staff be assigned to develop training modules and to design and facilitate training, effectively incorporating the *Informazione* activities directly into the *Praesidium* model.<sup>18</sup> Whilst this would clearly have budgetary implications, such activities are critical to ensuring that UNHCR's interventions have a lasting impact.

### *Analysis and sharing of information*

98. In the course of the project, a wealth of information has been gathered on the routes and experiences of asylum seekers who have embarked on the dangerous journey from their home countries, across the Sahara to Libya, and from Libya by boat to southern Europe. Asylum seekers and refugees interviewed in the course of the evaluation mission provided detailed and moving accounts of their motivations and experiences, including deprivation and hardship on the route across the Sahara, detention and exploitation in Libya, and initial failed attempts to reach Europe by boat. They also spoke compellingly of close relatives, friends and acquaintances who had perished during the journey. One refugee interviewee had gathered extensive video testimony from those who had undergone such experiences, and extensive reports of sexual violence against women and girls during the journey have also been gathered by project staff. The *Presidium* project has also yielded much information on the profile and numbers of migrants and asylum-seekers arriving in Italy.

99. There would appear to be considerable scope for in-depth analysis of the information gathered in the course of the project, and for the systematic sharing of this with UNHCR offices in North Africa and other parts of Europe, as well as with external partners. It is strongly recommended that effort be devoted to this in the

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<sup>18</sup> See further below at Chapter 6.

current phase of the project, particularly when the number of arrivals in Lampedusa and Sicily is low. In order to ensure that maximum value is drawn from the privileged access to information enabled through the Praesidium project, RO Rome is also encouraged to liaise with the Office in Libya to identify lines of questioning for future use which would be of particular value for UNHCR's engagement in Libya.

100. Given the high level of external interest in the project, it might also have been useful to have had more regular and systematic analysis of the profile and numbers of those arriving, and of the specific challenges the project was facing, which could be shared with external interlocutors in Brussels and elsewhere.

### *Sustainability*

101. The analysis set out above indicates UNHCR's engagement through the *Praesidium* project enabled it to make a significant positive contribution to the improvement of arrangements for the reception of asylum seekers and their access to procedures, within a broader protection-sensitive framework for the reception of those arriving irregularly by sea. UNHCR's direct operational role has enabled it to make a significant contribution in this respect.

102. The question of the sustainability of UNHCR's contribution is more complex. On the one hand, UNHCR's presence and direct operational engagement at a critical stage in the development of the Italian asylum system has enabled it to play an important role in establishing good practices, enhancing the expertise of those engaged in the process, and addressing blockages within the system. It has also informed the Office's advocacy and engagement on policy issues at a national level, at a time when the Italian legislative framework was undergoing significant changes.

103. It is noteworthy that the project was developed, not on the basis of a detailed needs assessment and a long-term strategy, but essentially as a response to an immediate crisis. Despite this, it was an effective and appropriate response, and has been further developed in its successive phases in a coherent and logical manner, with each phase building on the last.

104. However, more focused attention is now needed on the issue of sustainability, and on ensuring that the positive improvements achieved can be maintained in the future even beyond UNHCR's involvement. A number of suggestions in this regard have already been made under the various activities discussed above.

105. In addition, it is recommended that resources be invested in completing the work already undertaken in partnership with the other *Praesidium* partners in developing a manual of standard operating procedures (the *manuale operativo*), which as well as documenting and concretising good practices, could also inform the development of similar projects elsewhere outside Italy.

106. The wider question of sustainability and impact can of course not be disengaged from the changed policy context in which the project is currently operating, which has had a dramatic impact on the number of arrivals in Lampedusa and Sicily. However, the success of the project as an operational tool for supporting the protection-sensitive management of a high number of irregular arrivals by sea

should not be measured by reference to broader policy shifts, shaped by external factors which are not directly influenced by the project itself. In essence, the *Praesidium* experience has showed that through effective partnerships, it is possible to put in place a working protection-sensitive entry system which is capable of responding to fluctuating numbers of arrivals.

## 4. Partnerships

107. One of the key elements shaping the *Praesidium* project has been the collaboration between three (and later four) partner agencies with complementary roles. In addressing situations of mixed migration, for which no one organisation has a comprehensive mandate, such partnership is critical to building a coherent strategy and delivering an effective response.

108. To a large extent, interviewees agreed that the relationships between the project partners have been constructive and effective, both at the policy level in Rome, as well as in terms of operational cooperation on the ground. Despite these very positive relations, however, the team observed some potential for enhancing the joint nature of the project and strengthening overall collaboration between the agencies involved.

109. In general, the collaborative relationships developed under the project have functioned well, due to good working relations in the field and in Rome. Several interviewees praised in particular the partners' pragmatic approach to dividing their respective tasks in order to maximise existing capacities and avoid overlaps. For example, team members from the different organisations alternated their working shifts during peak boat arrival times or distributed and communicated respective information in geographic areas where the other organisations are not present. In general, it appeared that a solid team spirit had developed between staff of the partner agencies.

110. Nonetheless, the roles assigned to project partners have not always been as distinct and clearly-defined as they could have been. IOM and UNHCR have largely complementary roles, focusing on information and access to migration and asylum procedures respectively, whilst Save the Children has a clear mandate in relation to child protection. The role of the Italian Red Cross was somewhat less clear to the evaluation team. Ostensibly designed to ensure adequate health services and focus on vulnerable groups, such as women and children, it nonetheless does not appear to play a direct role in the provision of health care and is not part of medical protocols. At the same time, all agencies involved seemed to be playing a role in relation to the referral of vulnerable cases.

111. Whilst overall, working relations were good, there was nonetheless some evidence of inconsistent referral practices and insufficient information sharing. Much of the coordination between agencies at field level is to some extent *ad hoc* and informal. Standard operating procedures, which have been in draft for some time, would have assisted in the clarification of responsibilities, as would a more formal coordination system, with documentation of agreed actions.

112. Relations between all the partners and counterparts at the Ministry of Interior appeared mutually supportive and constructive. The Ministry supports and strongly welcomes the project.

### *Joint nature of the project*

113. The evaluation team observed that whilst there is a strong degree of complementarity between the activities of the project partners, and in general, good coordination, the project nonetheless lacks some of the characteristics of a truly joint programme. Within an overall agreed framework, each partner develops its own activities, and reports separately to the Ministry of Interior. There is no joint matrix of objectives, indicators and workplan. However, the team was advised that for *Praesidium IV*, there was a much higher degree of collaboration in defining a joint strategy for the project. It would nonetheless appear that there is some scope for enhancing joint efforts, in particular with regards to forging a common vision, joint planning, shared reporting and combined public information activities.

114. It was also noted that there is little joint reflection and reporting on the progress of the project. The partners each submit separate annual reports to the Ministry of Interior, and there is no systematic sharing of these between partners. Consequently, there is no formal end-of-project appraisal that could provide a further opportunity for joint reflection on the lessons learnt and the strategy for the subsequent phases of the project.

115. The achievement of a joint advocacy platform has also been only partly realised, owing in part to the differing mandates of the agencies and clearance procedures for public statements. This represents something of a missed opportunity, particularly in a changing policy context and in an environment of public concern around irregular migration, where the delivery of clear messages is extremely important. As one *Praesidium* partner pointed out, having a joint position does not mean that every partner need sign up to every statement, and on some issues a more discreet approach or alternative methods of may be appropriate. However, advocacy activities should be complementary and mutually reinforcing.

116. Likewise, the majority of the presentations and information documents available display only the logo of the respective organisation instead of presenting the project visually as a combined effort. This reinforces the impression that partners consider *Praesidium* as a coordination effort of separate smaller projects rather than a shared endeavour.

117. There was nonetheless some evidence that within *Praesidium III* and *IV* this situation has evolved, and that partners are pursuing an increasingly joint approach. Work is currently being undertaken to finalise the draft standard operating procedures (*manuale operativo*) which document the roles of each partner and the practices which have been developed, and coordination arrangements in Sicily, where all partners are present, have become more formalised. It is strongly recommended that project partners prioritise the completion of the *manuale operativo*, and that efforts be focused on recording lessons learned for future projects of a similar nature.

118. It is also recommended that at an early stage, project partners convene a workshop to review the development of the project to date, the lessons that have been learned, and to discuss future strategy.

### *Other institutional partnerships*

119. The vast majority of public officials interviewed (including immigration officials, representatives of the Prefecture, members of the Territorial Commissions, the coast guard, and tax and customs officials) expressed a high degree of appreciation for the work of UNHCR. The organization's proactive engagement throughout the emergency phase and its practical operational role on the ground was seen as evidence of its credibility and commitment.

120. The team observed, however, that not all of those interviewed were able to distinguish the specific roles of the project partners, particularly at the point of disembarkation. This may be to some extent due to the regular turnover of some officials posted in Sicily and Lampedusa, and reinforces the need for regular information and briefing sessions with interlocutors.

### *Reception centre management*

121. UNHCR's relations with the different organizations in charge of the management of respective reception centres are somewhat complex and vary between centres. Since these organizations are not part of the project and manage the centres under agreements with the Prefecture, under the overall supervision of the Ministry of Interior, the level of engagement and transparency with UNHCR depends on the individual centre management entities, and is variable. At the same time, overall cooperation with UNHCR was described as positive by the majority of interviewees. UNHCR's referral and monitoring efforts in particular in ensuring a formal follow-up of vulnerable cases were considered as contributing to effectively establishing a link between the different centre management organizations.





## 5. Staff capacity

122. A key factor in the success of UNHCR's engagement in *Praesidium* has been the professionalism, motivation and expertise of the consultants employed under the project. The majority of the field officers had either previous field experience elsewhere (with UNHCR or other agencies) or experience in providing legal advice on migration and asylum issues in Italy. Without exception, their commitment and expertise, together with that of the cultural mediators with whom they worked, was truly impressive. Even those who had not previously worked with UNHCR had a strong grasp of its mandate and role, and represented the agency in a highly professional manner.

123. Equally, the field-based personnel spoke highly of the strong support they had received from Rome-based colleagues. This fruitful relationship between the central and the field level has contributed to the exceptional team spirit visible among project personnel. The evaluation team nonetheless found that their performance would have been further enhanced by additional tools and support.

### *Guidance materials and tools*

124. The *Praesidium* personnel have been resourceful and proactive in finding and using appropriate tools and guidance material, some of which has been translated into Italian.<sup>19</sup> The manual on RSD interviewing skills was cited by a number as being particularly valuable. Some field staff nonetheless expressed that additional guidance, particularly on monitoring and the identification and referral of vulnerable cases, would have been helpful. At the project coordination level, staff would also have benefited from specific training in drafting EU project proposals to facilitate the submission and reporting process.

### *Prioritization of operational activities*

125. At certain points, project personnel, particularly in Lampedusa and Sicily, found themselves working effectively in 'emergency' mode. The demands of working extremely long hours day and night, dealing with large numbers of people, who were often traumatized and in need of immediate assistance following their long and strenuous journeys, put an enormous strain on the two-person teams on the ground. Although the teams performed in an outstanding manner despite being overstretched, the staff capacity dedicated to the project during the periods of high numbers of arrival was insufficient. The addition in 2009 of a second consultant in Sicily, and efforts to rotate project personnel, are therefore positive initiatives.

126. As explained elsewhere in this report, the training and capacity building objectives envisaged in the *Praesidium* project were to some extent de-prioritized due

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<sup>19</sup> UNHCR guidance documents available in Italian include the Manual on Procedures and Criteria for the Determination of Refugee Status (1979), the Emergency Manual, the Guide to International Refugee Protection issued in partnership with the International Parliamentary Union, the Guidelines on Prevention and Response to Sexual and Gender-based Violence, guidelines on Rescue at Sea issued with the IMO, and the 10-Point Plan of Action.

to the pressing operational needs. In order to ensure that these were accorded appropriate weight, operational staff might have been complemented with dedicated personnel for the development of written procedures, training tools, information and guidance materials. These functions were subsequently developed in the context of the *Informazione* project, but might more appropriately have been built into the design of *Praesidium* from the outset.

#### *The role of cultural mediators*

127. A further element contributing to the success of the project was the role of the cultural mediators. Their job descriptions centre on support to the field officers by providing information and counselling to potential asylum seekers with a view to removing the linguistic and cultural barriers between staff and beneficiaries. Beyond translation and interpretation, this function proved extremely valuable in ensuring that an adequate level of mutual understanding and an environment of trust were established, and the cultural mediators brought a considerable level of expertise to the project. Unlike in many operations, where interpreters are not considered an integral part of the team, the cultural mediators also played a full role in the implementation of the project and participated in planning and coordination meetings at field level and in Rome.

128. While the present incumbents boast very valid personal and professional experience, language skills and cultural knowledge, there is a lack of diversity among the cultural mediators within the project. The most notable aspect is that currently only one of the project partners, the Red Cross, employs a woman. Additional languages and cultural backgrounds, such as a Somali speaker and a female Nigerian team member would enhance engagement with a broader range of beneficiaries.

#### *Psychological support*

129. In particular in Lampedusa, personnel operated in extremely difficult physical and emotional conditions, where boat arrivals took place day and night during peak periods, and staff sometimes received distress calls on their mobile phones. The impact of this was also aggravated by the somewhat schizophrenic situation of addressing compelling humanitarian needs in a tourist location. Given the size and isolated location of the island, there is no possibility of distraction. Laudable efforts were made to enable consultants to exchange locations temporarily, to provide some respite, although this was initially hindered by administrative rules around the payment of subsistence allowances. Regrettably, however, access to counselling and staff welfare mechanisms has not been provided. An urgent review of this issue to ensure adequate counselling and access to staff welfare mechanisms for the consultants on the project is strongly recommended.

## 6. Coherence with UNHCR's Italy programme

130. Throughout the mission the team encountered consistent appreciation of UNHCR and its role as an impartial guardian of international refugee protection. The organization's international standing as a United Nations agency with global operational presence, experience and expertise lent it credibility and authority in its engagement in *Praesidium*.

131. Despite their very different motivations and interests, government institutions, non-governmental organizations (NGOs), organizations managing the centres, as well as asylum seekers and refugees expressed consistent support for UNHCR's role in Italy, and within the *Praesidium* project. Indeed, a number of interviewees referred to the organization as the 'glue' that brings and holds all stakeholders together in the context of the asylum system. UNHCR is thus seen as successfully connecting a diverse group of players within a decentralised system and often highly politicised climate.

132. UNHCR's direct operational engagement in *Praesidium* has contributed to reinforcing the organisation's reputation and standing. The agency's willingness to engage, and not to be seen simply as a critic operating from a distance, was positively viewed by those interviewed. One government staff member said, 'The presence of international organisations was very important in addressing the challenges we faced... we worked together with intellectual honesty.'

133. Representatives of civil society in particular appreciated the organization's independent nature. Owing to its international visibility and standing, UNHCR is considered as a powerful guarantor of rights at the national level. UNHCR chairs an extended working group on asylum that brings together the Italian NGO community working on refugee issues (the *Tavolo Asilo*). This forum has fostered dialogue among a diverse group of national non-governmental organizations and been influential in forging common advocacy positions and strategies. UNHCR's strong advocacy role has also underscored its public function as an advocate for and guardian of the rights of asylum seekers and refugees.

134. Refugees and asylum seekers equally welcomed UNHCR's direct engagement. The agency's presence at the disembarkation stage in Italy is particularly important for many asylum seekers after their often long and traumatising journeys.

135. Some stakeholders also described UNHCR's role in *Praesidium* as that of a 'mediator' between the various actors in the complex and decentralised Italian system - for example, between the various entities that manage the reception centres, and to some extent, asylum seekers and the immigration authorities and centre managers. Through its presence at different stages in the process, and at both national and sub-national level, it is seen by many as facilitating a smoother functioning of the process.

*Balancing operational engagement and supervisory responsibilities*

136. The challenge for UNHCR is, however, to balance its strong direct engagement against the risk of substituting for national organizations in the longer term. Some of those interviewed also questioned whether the degree of UNHCR's direct operational engagement in *Praesidium* as an implementing partner of the Italian government is consistent with its supervisory responsibilities under Article 35 of the 1951 Convention, and whether such an arrangement might undermine the independence needed to exercise this supervisory role effectively.

*The risk of substitution*

137. The risk of substituting for national actors emerged at a number of points in the evaluation. The evaluation team was nonetheless of the view that UNHCR's direct engagement, at the request of the government, at a time in which the asylum system (and particularly the system for reception of arrivals by sea) was at an important stage of development, has been appropriate and valuable. However, as highlighted in Chapter 3, particular attention is now needed to ensure that the achievements of the project are sustained and that UNHCR's role shifts to focus primarily on monitoring and strengthening the capacity of national actors.

138. Care should also be exercised to ensure that UNHCR does not fill operating space which should be occupied by NGOs. Whilst NGOs expressed a high level of appreciation for the organisation's work, some concerns in this respect were identified in the course of the evaluation. Despite this, and although there are a number of strong Italian NGOs and associations with legal expertise on asylum and migration issues, such as ASGI and CIR, those interviewed were of the view that in the context of *Praesidium*, UNHCR's standing as an international agency enabled it to play a role which could not have been filled in the same way by another entity.

139. One interviewee pointed out that, while NGOs strongly support UNHCR's presence, impartial role and advocacy efforts, it should be careful not to undermine NGO capacity by competing for funding from the same sources or drawing on NGO staffing resources. To date, the Office has chosen to limit the sources to which it has applied for funding for this reason, and this approach should be maintained.

*Balancing operational and supervisory responsibilities*

140. Article 35 of the 1951 Convention sets out the terms of cooperation of states with UNHCR, and outlines the Office's supervisory responsibilities with regards to the application of the Convention. In the context of *Praesidium*, however, UNHCR operates effectively as an implementing partner for the Italian government, particular in *Praesidium IV*, which is entirely funded by the Ministry of Interior. Some of those interviewed suggested that this might not be entirely consistent with UNHCR's advisory and scrutiny role with regards to the government's international obligations.

141. Nevertheless, the evaluation team concluded that there was no evidence that this arrangement had undermined UNHCR's independence or the exercise of its supervisory responsibilities. Indeed, the commitment and financial support of the Italian government has been an impressive expression of its transparency and

willingness to support UNHCR's monitoring role and to engage with it in ensuring access to asylum procedures. UNHCR's engagement in *Praesidium* has also been complemented by its strong role in pursuing its protection mandate through interventions and engagement at the central level. A high level of visibility owing to its public information and advocacy role and the fact that the project is embedded within UNHCR's broader programme priorities have maintained its independence.

142. For future projects in other countries, UNHCR should consider exploring a range of funding sources. The engagement of the European Commission in the first three phases of the *Praesidium* project was extremely valuable. Diversification of funding and the expression of international solidarity that this represents are an important means of strengthening the foundations of such a project.

#### *Synergy between policy and operations*

143. The Regional Representation in Rome has successfully maintained strong synergies between its interventions at the policy and the operational levels. The achievements under the *Praesidium* project have been complemented by engagement on broader policy issues, at a time when asylum instruments developed at EU level were being transposed into Italian national legislation. As outlined in Chapter 2, UNHCR provided advice on the national legislation transposing the Qualification and the Procedures Directives. Its contribution and expertise in the consultative process through which the legislation was developed generated goodwill and credibility and thus reinforced its operational activities. Similarly, its strong advocacy role and profile at central level also added additional weight to its engagement in the field.

144. Correspondingly, UNHCR's direct operational engagement in Italy also reinforced its engagement at national level. As already noted, the presence of UNHCR staff at the major boat arrival points and reception centres demonstrated commitment and ability to deliver on the ground. Moreover, its operational presence provided it with first-hand knowledge of issues that informed and enriched its engagement on policy matters. Its direct involvement through *Praesidium* enabled it to follow up on a number of problems concerning the reception, guardianship and access to asylum procedures of unaccompanied children, and through subsequent advocacy work it was able to influence the development of the directive on unaccompanied asylum-seeking children that was adopted in 2007.

145. This mutual reinforcement of its different roles has provided UNHCR strategic leverage, weight and credibility and therefore contributed to achieving its project-specific objectives under *Praesidium*, and to its broader goal of strengthening national protection capacity.

#### *Links between Praesidium and UNHCR's broader programme in Italy*

146. Whilst the initiation of the *Praesidium* project was largely externally-driven, arising from the request of the Ministry of Interior that UNHCR and the other *Praesidium* partners establish a presence on Lampedusa, the project that was designed and subsequently evolved formed part of a coherent strategy for UNHCR engagement in Italy. It was consistent with UNHCR's broader goals with regard to

strengthening national asylum capacity, and was also solidly in line with the Office's stated strategy in Western Europe, namely to work "[...] to preserve asylum space within the broader migration context by upholding protection standards, searching for durable solutions and seeking resources for global refugee protection".<sup>20</sup> In Chapter 3, a number of examples were given of linkages between *Praesidium* project and UNHCR's broader programme in Italy, including advocacy and training activities in relation to rescue at sea and the *Informazione* project. Some further linkages are explored below.

#### *UNHCR's role in the asylum procedure*

147. As noted in Chapter 2, UNHCR continues to play a direct operational role in the Italian asylum procedure. Since 2005, with the decentralisation of the refugee status determination procedure, it has become a direct voting member of the Territorial Commissions established under the new system, with funding provided by the Italian government. There are currently ten commissions and four temporary sub-commissions, established to address the increased number of asylum applications in 2008. The Territorial Commissions are chaired by a Prefect and comprise also a Senior Police Official and a representative of the local administration. UNHCR also plays an advisory role to the National Commission for the Right of Asylum, which is responsible for overseeing and promoting consistent approaches between the Territorial Commissions, and determining the backlog of cases lodged prior to 2005.

148. The evaluation team had the opportunity to interview a number of UNHCR and non-UNHCR Territorial Commission members during the mission. UNHCR plays a significant role in the adjudication process, promoting adherence with UNHCR eligibility guidelines, advising on country of origin information (much of which is available only in English) and providing technical support on refugee law and procedural standards. Owing to the frequent turnover of Territorial Commission members, and the fact that for some, their participation is part-time, UNHCR plays an important role in promoting continuity and consistency throughout the system.

149. Whilst care has been taken to maintain the independence of the UNHCR members, their presence has nonetheless enabled *Praesidium* personnel to draw to the attention of the Territorial Commissions cases concerning victims of torture or other vulnerable categories for consideration for accelerated processing or special interview arrangements. A joint coordination meeting held in October 2008, in which UNHCR *Praesidium* personnel and Territorial Commission staff members participated, provided a fruitful opportunity for an exchange of information and ideas.

#### *Public information and advocacy*

150. UNHCR's engagement in *Praesidium* has been complemented by a strong public information and advocacy strategy which has ensured that the issue of asylum

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<sup>20</sup> UNHCR Sub-Regional Operations Profile – Western Europe <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e996> [last accessed 30 September 2009]

has remained high on the public agenda. These efforts have made major contributions to the organisation's reputation and visibility in Italy.

151. With regards to tackling xenophobia, the Office initiated and was a key player in the drafting of the 'Rome Charter', a code of conduct for guiding the media on how to report on asylum and migration issues adopted by the Italian Federation of Journalists in 2008, and participated in a number of national awareness campaigns, including most recently on racism and intolerance. UNHCR at both Headquarters and country level has also engaged in extensive advocacy on policy issues related to asylum, with a strong media relations component.

#### *Overall assessment*

152. In conclusion, there have been important synergies both between UNHCR's operational engagement through *Praesidium* and its work at a policy level, and between the project and its wider activities in Italy. The office has also to a large extent succeeded in balancing its operational involvement and its supervisory responsibilities. Efforts should continue to ensure that it avoids the risk of substituting for the responsibilities of national actors.





## 7. Coherence with UNHCR's global strategy

153. The development of the *Praesidium* project coincided with the elaboration by UNHCR of the *10-Point Plan of Action*, which defined ten key areas for engagement by UNHCR in response to mixed migratory flows.<sup>21</sup> The plan focuses on the establishment of protection-sensitive entry and reception systems which enable those potentially in need of international protection to be identified and channelled into appropriate procedures, and others to be directed into migration management procedures. The plan is premised on effective partnership between UNHCR, host country authorities, NGOs and international organisations such as IOM, and also includes elements such as data collection and analysis, information campaigns in countries of origin, durable solutions for refugees, strategies to address secondary movements, and the return of those determined not to be in need of international protection.

154. The *Praesidium* project is squarely in line with the 10-Point Plan, and the UNHCR staff interviewed believed that it had formed a useful framework for their work. In particular, the partnerships forged in the context of the project and its effectiveness in securing access to protection-sensitive entry and reception mechanisms and referral to appropriate procedures constitute an important model for future engagement with mixed migratory flows.

155. However, a number of components of the 10-Point Plan, which go beyond the immediate remit of the *Praesidium* project, have remained underdeveloped. As such, the broader impact of the project has arguably been weakened. These are discussed further below.

### *Solutions for refugees*

156. The integration prospects for those granted international protection in Italy are extremely limited, and this remains one of the most problematic areas of the Italian asylum system. There is no national structure responsible for supporting the integration of refugees, and this is dealt with through a network of projects administered by the Association of National Municipalities. The resources available for such support are extremely limited, and many refugees face considerable problems in establishing dignified and productive lives which would facilitate their social, economic and cultural integration.

157. Many of the refugees interviewed during the mission described the difficulties they had experienced in securing accommodation and employment, and some described exploitative practices by employers. Some have ended up occupying abandoned buildings or other sub-standard accommodation. The limited integration prospects contribute both to onward movement to other European states (a number of those interviewed indicated their intention to travel irregularly for work elsewhere, or had already done so) and to marginalisation, exclusion and even criminality as refugees remain outside the social and economic fabric of society. This

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<sup>21</sup> *Refugee Protection and Mixed Migration: A 10-Point Plan of Action*, UNHCR, revision 1, January 2007

in turn contributes to negative perceptions of asylum seekers and refugees and to an environment which facilitates restrictive policy approaches to refugee protection.

158. UNHCR Rome has engaged in significant advocacy efforts on this issue, engaging with a range of actors at national and municipal level, and sitting on the committee which evaluates integration-related projects, chaired by the Ministry of Interior. Whilst more direct operational engagement by UNHCR would not be appropriate, efforts should be redoubled to highlight the damaging consequences of a failure to provide adequate integration support.

159. The issue of durable solutions is also linked to that of responsibility-sharing. The idea of inter-EU relocation of those granted international protection was proposed in Pact on Immigration and Asylum of October 2008, and endorsed by the governments of Italy, Greece, Cyprus and Malta in a joint paper issued in January 2009 (the '*Quattro*' paper). UNHCR has expressed its support for further exploration of such a proposal, and has suggested that those rescued at sea might be one of the categories who should benefit from such an arrangement.<sup>22</sup>

#### *Return of non-refugees and alternative migration options*

160. A number of those interviewed during the evaluation highlighted the challenges the Italian government had faced in securing the removal of those who did not have valid claims to remain on Italian territory under migration laws, or who entered the asylum process but were ultimately determined not to be in need of international protection. As noted above, the effective implementation of re-admission agreements, for example with Algeria and Tunisia, has proven extremely challenging. Whilst no direct link can be established between this state of affairs and the shift to more restrictive policies on search and rescue and interception, difficulties in enforcing removal should nonetheless not be ruled out of this equation. The issue was addressed at length in the *Quattro* paper, which urged that the conclusion and effective implementation of re-admission agreements with non-EU countries should form a key component of the relationships between the European Commission and those states.

161. In order to maximise its effectiveness, the *Praesidium* model must be linked both to a fair and efficient asylum process and to an effective system for migration management. In Italy, the difficulties in securing effective enforcement action against those determined not to be entitled to international protection or whose status is not regularised under migration law, has arguably had a damaging impact.

162. Whilst the return of irregular migrants and those determined not to be in need of international protection is essentially an issue which can only be resolved between states, UNHCR should nonetheless seek to play a supporting role where appropriate. ExCom Conclusion 96 sets out some parameters for engagement by UNHCR, such as counselling, providing 'good offices' for discussions with countries of origin, and return monitoring.

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<sup>22</sup> UNHCR non-paper: *The challenges of mixed migration, access to protection and responsibility-sharing in the EU*, 16 June 2009

163. UNHCR should continue to advocate in support of the effective implementation of re-admission agreements for nationals, including in its engagement with EU institutions. Such engagement should continue to be shaped by protection considerations, and UNHCR should continue to discourage readmission arrangements facilitating the removal of migrants to transit countries in North Africa which would leave those returned stranded and without durable solutions.

164. It should also be noted that the obstacles to re-admission of rejected asylum seekers and irregular migrants are often rooted in the political unwillingness of countries of origin to accept back their own nationals, and in the bilateral political and economic relations between the countries concerned. As such, it should be recognised that UNHCR's capacity to influence readmission policies will often be limited.

#### *Addressing secondary movements*

165. As noted above, the evaluation mission did not cover Libya or other countries through which those arriving in Italy had transited *en route*. Telephone interviews were nonetheless conducted with UNHCR staff in Libya, and headquarters staff working on the North Africa and sub-Saharan Africa regions were also interviewed. Together with the interviews conducted with asylum seekers and refugees in Italy, these enabled some preliminary conclusions to be drawn on the issue of addressing secondary movements, one of the elements of the 10-Point Plan.

166. Among those interviewed by the evaluation team in Italy were a number of Eritreans and Somalis who had been granted refugee status or subsidiary protection. The majority reported having travelled through refugee camps in Eastern Sudan (Eritreans) or Kenya (Somalis) before undertaking the long and treacherous crossing across the Sahara to Libya's south-eastern borders, and from there to Europe.<sup>23</sup> Whilst a small number had spent periods of 1-2 years in the camps, and had been registered as refugees, the majority of those interviewed had chosen not to register there and instead to embark on the journey to Europe.

167. For those interviewed, whilst they had left their own countries for refugee-related reasons, a key motivating factor in their decisions to move onwards from the camps was to enable them to contribute to supporting their families (either in the camps or in the country of origin) through remittances, and many already had family members abroad who financed their travel, transferring money to them at various stages in the journey through unofficial money transfer networks.

168. Some, particularly the young Eritreans interviewed, attributed their decision to leave their country to repressive government policies which they believed would condemn them to indefinite military service and effectively deny them a future. They described their despair on arrival in Eastern Sudan, seeing Eritrean refugees who had lived there for more than two decades and had failed to establish productive and meaningful lives with a measure of self-reliance. Their decision to move onwards appeared to have been as much linked to the lack of prospects for durable solutions as to a failure of protection in Sudan.

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<sup>23</sup> For a detailed description of conditions of desert crossings, see Hamood, Sara: *EU-Libya Cooperation on Migration: A raw deal for refugees and migrants?* [2008] 21 IJRL Vol 1 at p19

169. Interviewees provided detailed descriptions of the appalling conditions in which they crossed the desert, on overloaded pick-up trucks which often broke down, with limited food and water. Some had witnessed the deaths of family members and fellow travellers. They also described their experiences of hostility and ill-treatment in Libya, including detention and exploitation by fellow nationals and Libyans (including prison officials and police) involved in smuggling networks. Lastly, they told the team of the fear they underwent during the precarious journey across the Mediterranean, during which several hundred people are known to drown each year.

170. To date, UNHCR has not developed a comprehensive strategy to address the onward movement of refugees through the routes described above, although an internal task force has recently been established at Headquarters to analyse available data on the movement of these groups and to develop a joint action plan.

171. Cooperation between the MENA and Europe Bureau, and between UNHCR offices in Libya and Italy, has also developed over the last 2-3 years, since the introduction of a small pilot resettlement programme for around 40 detained female refugees from Libya to Italy in 2007, and has been reinforced since May 2009. The Department of International Protection Services (DIPS) has also played a role in facilitating inter-regional cooperation through the work of its mixed migration focal point. Periodic information-sharing, particularly on conditions in detention centres in Libya has also taken place, but has not been systematised. Cooperation with the Africa Bureau is much less well developed.

172. In parallel with the development of the *Praesidium* project, UNHCR's engagement in Libya has also been strengthened. However, this should be viewed in the context of an overall protection environment which remains extremely weak. Whilst the Office has recently established procedures for direct access by urban asylum-seekers and has substantially augmented its RSD interviewing capacity, only a minority of those who wish to apply for refugee status are able to access these procedures.

173. Even those recognised as refugees under UNHCR's mandate do not have access to asylum in Libya, and their protection situation remains insecure. Libya is not a party to the 1951 Refugee Convention, does not have national asylum legislation, and UNHCR's presence is still not officially recognised. As such, prospects for local integration for mandate refugees remain limited (at least for non-Arabs), and the quotas granted by resettlement countries have been disappointing.

174. Access to asylum seekers (or potential asylum seekers) held in detention also remain problematic. Whilst UNHCR's access to detention centres has expanded, this has remained restricted to a limited number of centres (until now, seven at most at any one time), and access has not been consistent or reliable even in these centres. Securing the release of detained asylum-seekers remains extremely challenging.

175. UNHCR has nonetheless pursued a partnership-based approach to addressing mixed migration in Libya, and together with IOPCR, ICMPD and the Italian Refugee Council (CIR) has established a joint project for capacity-building on effective protection-sensitive migration management, funded by the EC. A joint action plan has also been developed together with IOM.

176. UNHCR staff interviewed in both Libya and Italy emphasised the need to strengthen engagement in Libya still further, including through enhanced RSD processing capacity, and to ensure to the extent possible real alternatives for refugees other than embarking on the dangerous sea journey to Europe. They nonetheless urged that this be de-linked from 'externalisation' policies, including that of 'pushbacks' from Italy.

177. The evaluation team was also of the view that strengthened engagement in Libya, with a view to enhancing national protection capacity and pursuing a range of durable solutions including resettlement is warranted. Advocacy with resettlement countries for increased quotas from Libya should also be reinforced. However, this should be part of a comprehensive approach which does not focus on 'screening' and resettlement alone, and should be linked to a broader strategy for expanding protection space in Libya.

178. The accounts of refugees also highlighted that in many respects, one of the most hazardous elements of their journey, and where they encountered extremely serious protection risks, was the desert crossing in Sudan. Here the link between protracted refugee situations, in which refugee populations become effectively trapped in limbo with little prospect of solutions, and secondary movement within mixed migratory flows, becomes concrete. Secondary movement from camps in Kenya and Sudan is essentially a manifestation of the failure to provide durable solutions for refugees.

179. These findings underscore the importance of developing a comprehensive strategy to understand and address the onward movement of refugees along the routes described in this report, building on the work already under way through the task force referred to in paragraph 170. This should focus not only on strengthened protection mechanisms in Libya, but should include engagement by UNHCR, host governments and the international community at an earlier stage, in the refugee camps from which many of those who arrive in Libya and Italy depart, as well as in countries of origin. Consideration might be given to convening an inter-regional workshop including UNHCR operations in Europe, North Africa, first countries of asylum in sub-Saharan Africa and countries of origin with the aim of developing such a strategy.

180. Crucially, however, it should be clearly understood and communicated that such efforts in no way diminish the responsibilities of asylum states in the European Union to provide access to territory and to ensure a fair asylum procedure for those who end up in the effective control of those States.

#### *Information strategy*

181. The 10-Point Plan also provides for the development of information campaigns in countries of origin, transit and destination. In interviews with refugees in Italy, many of them stated that had they genuinely appreciated what they would be exposing themselves to, they would never have undertaken the journey to Europe. One Somali refugee reported that he was compiling video testimony from Somali refugees recording their experiences, and the evaluation team also had the opportunity to view a documentary film, *Come un Uomo sulla Terra*, which highlights

the harrowing experiences of those travelling to Italy in search of international protection, which has been shown in a number of locations throughout Italy.<sup>24</sup>

182. UNHCR and its partners are currently engaged in a number of public awareness campaigns on the dangers of migration by sea (for example in *Somaliland* and *Puntland*), however there would appear to be scope for more direct partnership between offices in receiving countries and those in countries of origin and transit, and for more direct information-sharing on the profile and numbers of arrivals, in order that information activities may be better targeted.

#### *UNHCR engagement in the Mediterranean*

183. The *Praesidium* project and UNHCR's engagement in Italy should be contextualised within the broader phenomenon of irregular migration by sea in the Mediterranean region, and national and EU responses to this phenomenon. In this respect, UNHCR's engagement within *Praesidium* can be assessed as a coherent component of a wider UNHCR strategy of engagement at EU level on the challenges of ensuring access to protection within mixed migratory flows, and associated issues such as rescue at sea and responsibility-sharing. The non-paper issued in June 2009 is a recent contribution by UNHCR to these debates.

184. Similarly, UNHCR has undertaken extensive engagement on the issue of rescue at sea, including collaboration with the International Maritime Organisation on the elaboration of guidelines, which have been used in training of coastguard and border police in Italy. The issue of responsibility for search and rescue operations in the Mediterranean, and the appropriate port for disembarkation of those rescued, remains a point of contention between Italy and Malta, and UNHCR continues to engage in significant advocacy efforts on this issue.

185. A number of UNHCR staff and others interviewed nonetheless expressed concerns about a lack of consistency in UNHCR's engagement in the southern Mediterranean, contrasting its direct operational engagement in southern Italy through the *Praesidium* project with its limited engagement in, for example, Malta and arrival points in Greece. Since 2008, UNHCR has nonetheless also been working with national and local authorities in Greece, within the framework of the *Aegeas* project, to strengthen reception capacity in the islands of Lesbos, Chios and Samos and in the Evros area of northern Greece.<sup>25</sup> UNHCR's presence in Malta has also recently been reinforced.

186. The findings of this evaluation would suggest that the *Praesidium* model is one which indeed could be applied in other locations, and has proven to be an extremely effective operational tool. It is recommended that efforts be continued to

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<sup>24</sup> For further information, see <http://comeunuomosullaterra.blogspot.com/> (last accessed 30 September 2009).

<sup>25</sup> The *Aegeas Project for enhancing reception capacity for migration flows at border areas of Greece (external EU maritime and land borders)* began in February 2008. This has amongst its objectives the creation of a model response structure to mixed flows, improvements in reception and detention conditions, enhanced screening mechanisms for the identification of asylum seekers and vulnerable groups and the processing of asylum claims, legal support, referral and support systems for vulnerable groups and capacity-building for local authorities on asylum and migration.

explore the possibility of introducing a similar model elsewhere in the southern Mediterranean, building on the enhanced capacity currently being established.





## 8. Conclusion

187. The *Praesidium* project formed part of an innovative model for the reception of those arriving irregularly by sea, based on partnership between national authorities, multilateral agencies and national non-governmental institutions. It proved to be an effective operational model, enabling the provision of information to those who arrived and the identification of appropriate channels for their reception and access to appropriate legal and administrative procedures. Crucially, it was designed around a framework enabling the rapid transfer from the point of initial reception to centres in other parts of Italy, within the mainstream asylum and migration system.

188. Perhaps the most significant impact of the project was through the presence of international agencies such as IOM and UNHCR at the point of arrival, contributing technical expertise and providing a visible expression of the commitment of the Italian authorities to addressing the phenomenon of mixed migration by sea in an effective and rights-based manner, in line with international standards. For many of those interviewed during the evaluation, including asylum seekers and refugees, UNHCR's role became that of a 'guarantor' or a 'mediator' within the challenging reception process, which often took place under highly demanding emergency-type conditions, particularly during the summer months.

189. UNHCR's role within the project has centred primarily on the provision of information to potential asylum-seekers, the identification and referral of vulnerable individuals, and monitoring and strengthening reception arrangements and access to asylum procedures. This role has been discharged in a highly effective and professional manner by a team of committed consultants, with strong support from regular staff based in Rome. The expansion of the project to Sicily, and later to a number of locations in south-eastern Italy, was a logical and appropriate extension. The presence of UNHCR personnel at a range of stages in the reception process enabled consistent follow-up on individual cases and the coherent dissemination of best practices.

190. The evaluation team nonetheless identified a number of areas in which engagement could have been strengthened. In general, the early elaboration of defined frameworks for monitoring and the identification and referral of vulnerable cases, as well as standard operating procedures defining the respective roles of implementing agencies, would have provided greater clarity and enhanced the sustainability of the project. The balance between direct engagement and efforts to strengthen the capacity of other actors could also have been adjusted at an earlier stage, with an eye on eventual phase-out of the project, ideally with a dedicated staff member focusing on training and the development of information and other tools. In some respects, the partnership with other *Praesidium* partners also fell short of a collective joint vision and strategy, and for some external interlocutors, the respective roles of each partner agency were unclear.

191. Importantly, there were significant synergies between the *Praesidium* project and UNHCR's broader engagement in Italy, encompassing activities such as advocacy on legislative and policy development, UNHCR participation in the

Territorial Commissions responsible for adjudicating asylum claims, public information, and collaboration with national partners on training and information projects. As such, UNHCR's operational engagement through *Praesidium* was a coherent part of a broader strategy, and enabled UNHCR to contribute with added authority on policy-related issues.

192. Correspondingly, UNHCR's international standing and its strong voice at an international and national level enhanced the authority and credibility of personnel operating in the field. Those interviewed, including government officials, asylum seekers and refugees, NGOs and reception centre operators, expressed consistent appreciation for UNHCR's engagement, describing its role as that of an impartial guardian of refugee protection with international standing, credibility and expertise.

193. Some questions were raised in the course of the evaluation about the appropriateness of UNHCR's direct operational role through the *Praesidium* project. In particular, concerns were expressed that UNHCR may be substituting for national actors, undertaking functions which might more appropriately be undertaken by others, including government institutions and NGOs. It was also suggested that there might be tensions between such direct operational engagement as an implementing partner of the Italian government and UNHCR's supervisory responsibilities under Article 35 of the 1951 Convention.

194. The evaluators were nonetheless of the view that the Office had succeeded in finding an appropriate balance between direct operational engagement and its monitoring and supervisory role. UNHCR's presence on Lampedusa and southern Italy at a time when the system for reception of asylum seekers (particularly those arriving by sea) was being elaborated and strengthened enabled it to make an extremely positive contribution to this process, and UNHCR's standing as a multilateral international agency played a critical role in this respect. There was no evidence that UNHCR's independence had been in any way undermined by such engagement.

195. As noted above, an earlier focus on sustainability (including through the systematisation of procedures), capacity-building and future draw-down of UNHCR's involvement would have been advisable, and should be borne in mind for future projects of a similar nature elsewhere. Continued attention is also needed to ensure that UNHCR does not occupy operating space which should be filled by NGOs, and does not compete for funding from the same sources.

196. One gap in the project was its limited scope, in that it covered only those arriving irregularly by sea at unofficial border entry points, and not at official international ports or irregular arrivals on the Adriatic coast. Despite the presence of information services operated by the Italian Refugee Council and other NGOs, their access to stowaways detected at these ports is uneven, and the issue of returns to Greece, including of unaccompanied children, under a bilateral agreement and outside the Dublin II framework, remains a serious concern.<sup>26</sup>

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<sup>26</sup> The *Praesidium* project initially sought to draw on the system of information provision by NGOs at official border points developed in the early 1990s, and to expand and build on this by filling the gap in reception arrangements for those arriving irregularly at non-official arrival points. Over time, with the application of more restrictive admission policies at the Adriatic ports and limitations on NGO access,

197. A key conclusion of this review is that the value of a model such as *Praesidium*, which focuses on protection-sensitive entry and reception systems, is fundamentally linked to the effectiveness of the broader administrative and legislative framework to which it is connected. An important element which should condition UNHCR's engagement in similar projects elsewhere is that the immediate reception of irregular arrivals and identification of potential asylum seekers should be linked to a broader system of support to asylum seekers whilst their claims are determined, and fair and transparent asylum procedures which afford access to protection and the prospect of durable solutions.

198. The effectiveness of a project such as *Praesidium* is nonetheless also linked to the wider migration management framework to which it connects. In Italy, significant unresolved challenges concerning migration management, in particular relating to the return of those determined not to be in need of international protection (or otherwise entitled to remain in Italy) and to the enforcement of expulsion orders may, alongside a complex range of other factors, have contributed to the climate of concern around irregular migration which has undermined the enabling environment which made *Praesidium* possible.

199. Although the proportion of irregular migrants who enter Italy by sea is relatively low (around 15%), the visibility of arrivals by sea and the 'Lampedusa model' has meant that recent measures to tackle irregular migration have focused on this entry point. The practice since May 2009 of interception of vessels before they enter Italian territorial waters and the 'pushback' of those on board to Libya, together with more restrictive approaches to search and rescue operations, are examples of these developments. Whilst conceived as measures to tackle illegal migration, they nonetheless have a disproportionate impact on asylum seekers, some 70% of whom are estimated to enter Italy by sea. UNHCR has expressed concerns about the impact of this new policy which, in the absence of adequate safeguards, can prevent access to asylum and undermines the international principle of *non-refoulement*.

200. The *Praesidium* model is nonetheless essentially an operational tool – no more, no less. An enabling policy environment is an essential precondition of its effectiveness, but in the absence of evidence of unforeseen negative impacts, the project should not be assessed with regard to its impact on broader policy developments, which are shaped by a range of factors largely independent of the model itself.

201. The *Praesidium* experience has to a large extent validated the framework for UNHCR engagement set out in the 10-Point Plan, and has provided an important precedent which may be replicated elsewhere in situations where asylum seekers and refugees are moving within mixed migratory flows. It represents an operational model which has been shown to work, and should be actively pursued by UNHCR and its partners. In this respect, efforts should be made to promote consistency in approaches within and between regions. However, as already noted, the *Praesidium* approach is not a panacea, and its effectiveness will be conditioned by the extent to which it is situated within an enabling policy environment and linked to a broader asylum and migration management framework.

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the situation has effectively reversed, and UNHCR is currently effectively promoting the 're-export' of the *Praesidium* model to the official border points.

202. The findings of this evaluation have also reinforced the importance of a comprehensive approach to UNHCR's engagement with mixed migratory flows, and have highlighted the important synergies between UNHCR's operational engagement in Italy, its engagement with the European Union on asylum policy, and its operations in Libya and in countries at an earlier point in refugee journeys. Whilst significant strides have been made in recent years towards more consistent and coordinated approaches, there is still much work to be done in this respect.

203. Finally, *Praesidium* is more than Lampedusa. Despite the more restrictive policy environment in which the project is currently operating, UNHCR still has an important monitoring role to play within the system for reception of asylum seekers, and continues to make a significant positive contribution within the still-evolving national asylum framework. As such, UNHCR's continued engagement in *Praesidium* is strongly recommended.

## Annex: Terms of reference

### Review of UNHCR's operational role in mixed migration flows to Italy

#### 1) Background

This review is one of a series being conducted by UNHCR's Policy Development and Evaluation Service in 2009, examining UNHCR's operational involvement in a number of mixed migration situations. A pilot review was conducted in Spain (Canary Islands) in March 2009, and reviews are also planned for Yemen, Morocco, Mexico and the Caribbean, South Africa and one location in Asia. A synthesis report summarising generic findings and highlighting key lessons will be prepared following completion of the individual country reviews.

The reviews are a result of a commitment made at the High Commissioner's Dialogue on Protection Challenges in December 2007, to 'review the effectiveness of (UNHCR's) interventions in the area of international protection and mixed migration, in order to learn lessons from its experience and to ensure that they are incorporated in its policymaking and programming processes.' A Steering Committee has been established to oversee the review process.

The overall purpose of the reviews is to assess how UNHCR has exercised its mandate for refugee protection and solutions in such situations and whether and how the Office has supported States in managing mixed movements in a humane and rights-based manner. The evaluation will address the following key question: What operational role has UNHCR undertaken in responding to mixed migration and how relevant and effective has this engagement been?

#### 2) Scope

In Italy, the review will focus primarily on UNHCR's operational engagement since 2006 in the framework of the Praesidium project, an inter-agency initiative co-funded by the Ministry of Interior and the European Commission, engaging UNHCR, IOM and the Italian Red Cross in a joint effort to enhance Italy's response capacity to mixed migration flows. Save the Children Italy has also been a project partner since May 2008. The project was initiated in Lampedusa and subsequently extended to Sicily in June 2007 and to the South of Italy in 2008. The co-funded project ended on 28 February 2009, but will continue for an additional year with funds provided by the Ministry of Interior.

During 2008 a total of 35,655 migrants and asylum seekers arrived on Italy's shores, of which 30,978 arrived in Lampedusa - an increase of more than 150% from the previous year. Almost all arrivals in Lampedusa were the result of search and rescue (SAR) operations conducted by Italian naval forces. Eleven per cent of those arriving in Lampedusa were female, and 8% were unaccompanied minors, with Tunisians, Nigerians, Somalis, Eritreans and Moroccans representing the main nationalities. It is estimated that some 75% of those arriving irregularly by sea to Italy in 2008 applied

for asylum. The percentage of asylum seekers granted refugee status or subsidiary protection currently stands at around 50%.

UNHCR's operational engagement within the framework of the Praesidium project has centred on ensuring a protection-sensitive reception and referral system which ensures access to asylum procedures. UNHCR's operational presence at key arrival points has been central to this. Key functions include liaising with the Italian coastguard on SAR operations, receiving new arrivals, providing information and counseling on the asylum system and monitoring, training and advocacy activities. UNHCR also participates in the Territorial Commissions which determine applications for international protection, and plays an advisory role at the appeal stage.

In the first half of 2009 the operation of the project in Lampedusa encountered significant challenges, owing to a surge in the number of arrivals and a decision by the Italian Government to introduce changes to the reception arrangements. These led to the conversion of the transit reception facility into a closed centre for the identification and expulsion of migrants (who were subsequently held on Lampedusa rather than being transferred to the mainland as previously) and the opening of an additional reception centre for asylum seekers with limited facilities. This resulted in overcrowding and deterioration in the overall conditions in which migrants and asylum seekers were being accommodated. Those rescued at sea are currently being disembarked in Sicily rather than Lampedusa, and the number of migrants and asylum seekers on Lampedusa has therefore diminished significantly in recent months. In parallel, there has been an increasing focus by the Italian authorities on interception and interdiction, including joint Italian-Libyan patrolling in Libyan territorial waters, and a more restrictive approach to the question of the appropriate port of disembarkation for those rescued at sea. This has entailed heated discussions with Malta (most notably, during the *Pinar* incident in April 2009) and disembarkation of some rescued migrants and asylum seekers in Libya.

### **3) Key questions**

The focus of this review will be to undertake a retrospective assessment of UNHCR's engagement in addressing mixed migration in the context of the Praesidium project, and to analyse the extent to which this has been a relevant and effective means of securing protection and solutions for those in need of international protection.

While the review will focus on the Praesidium project, it will place this in the context of the overall protection environment in Italy, including recent challenges to the operation of the project.

Specific questions to be examined in relation to the operation in Italy will be:

#### *Context*

- How has the overall operating context shaped UNHCR's engagement?
- What enabling factors and/or challenges have been encountered?

### *Policy*

- Have UNHCR's overall goals and strategy in engaging with mixed migration flows to Italy been clearly defined? What are they?
- Are these appropriate and relevant to the country context and to UNHCR's mandate?
- Are they in line UNHCR's mandate and with global policy guidance on mixed migration, in particular, the 10-point Plan of Action?

### *Implementation*

- What have been the key activities undertaken by UNHCR in responding to mixed migration in Italy in the context of the Praesidium project?
- How effective have these been in advancing UNHCR's country-level goals and contributing to strengthened protection and solutions for persons of concern to UNHCR in Italy?
- To what extent have they incorporated an age, gender and diversity mainstreaming approach?
- Were there additional activities in which UNHCR should have engaged?
- To what extent have UNHCR's activities contributed to collective efforts to ensure an effective, humane and rights-based approach to the management of mixed migration flows to Italy, including responding to victims of trafficking, unaccompanied minors and other potentially vulnerable migrants ?
- To what extent has UNHCR's engagement resulted in a better understanding of the dynamics of mixed migration flows?
- To what extent has UNHCR been able to effectively combine a direct implementation role with its monitoring responsibilities under Article 35 of the 1951 Refugee Convention?

### *Cooperation with partners*

- To what extent was the Praesidium project the result of a broad inter-agency assessment and planning process involving the government and other key stakeholders?
- Has UNHCR established effective partnerships with national and local government authorities, NGOs and other relevant stakeholders?
- Do external partners see UNHCR's engagement as bringing added value?

### *Capacity-building*

- Have UNHCR's activities contributed to strengthening national capacity to address mixed migration, and facilitating the admission of persons in need of international protection?

### *Internal cooperation UNHCR*

- To what extent has there been effective cooperation between RO Rome and offices in sending and/or transit countries (Libya, Tunisia), and between the relevant Regional Bureaux?
- Was effective support provided by Headquarters (including DIPS)?
- Is there potential for more or better internal collaboration?

*Future prospects*

- What are the future prospects for the Praesidium model in Italy?
- To what extent is it sustainable?
- How can UNHCR best position itself to continue to promote protection and solutions for persons of concern?

**4) Methodology**

The review will be based on a triangulation of methods including:

- a) A desk review of relevant documents;
- b) Interviews with key informants at Headquarters;
- c) A mission to Italy to include visits to Rome, Lampedusa, Sicily and Crotona (Calabria). Interviews including with UNHCR staff, national and local government officials, IOM, NGO partners, migrants and asylum seekers. Visits to reception centres and centres for identification and expulsion will be conducted.

The review will be conducted in accordance with the UN Evaluation Group Norms and Standards, and UNHCR's Evaluation Policy (2002). Each country-specific report and the synthesis report will be placed in the public domain.

PDES

16 July 2009