INTERNATIONAL PROTECTION PROCEDURE IN ITALY

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



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

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

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

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

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



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

Italian competence



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

Other State competence

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



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

4. Accelerated cases

2. Ordinary cases

Ordinary Procedure

30 days after the TC receives the application

3. Priority cases

Manifestly well-founded claims

No Interview * Recognition of refugee status.

Only when the TC deems to have sufficient information to take a positive decision

Vulnerable and UASC applicants

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

interview

certified

- Applicants in CIE;

elusive (art. 28-bis).

- Manifestly unfounded, reiterated or elusive applications

Accelerated Procedure 7 days after the TC receives the application. The duration is doubled if the application is manifestly unfounded, reiterated or

5. Subsidiary priority cases

People coming from one of the countries listed by the National Commission for the Right of Asylum (art. 5 of LD 25/2008).

No Interview Recognition of subsidiary protection.

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

Interview

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



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Decision of the Territorial Commission

Discussed and adopted collectively by the TC for each case. The TC can consult experts about medical, cultural, religious, gender or minors issues and it can request medical examination with the consensus of the applicant.

When?

Ordinary, priority and subsidiary priority procedure: **3 working days** from the interview, extendible up to 18 months (6 months for the investigation + 9 months for complex cases + 3 exceptional months).

Accelerated procedure: 2 working days from the interview extendible to 6 months.

Positive

Refugee Status

(5 years, automatic renewal)

Subsidiary protection

(5 years, renewable upon examination)

Humanitarian protection

(2 years, renewable upon examination)

Negative

- Rejection;
- Rejection as manifestly unfounded application.

Suspension

When the applicant leaves the reception centre without authorization (art. 23-bis DL 25/2008). Suspension for 12 months. Extinction. In case of request after extinction, priority examination by the President of the TC in order to assess the admissibility of the request (art.29, 1-bis).

Appeal against the decision of the TC

The lodging of the appeal **suspends automatically** the decision of the TC except in the following cases: the applications declared inadmissible by the TC, the requests of applicants detained in a CIE, the manifestly unfounded, reiterated or elusive applications. In the case listed above, the applicant can request the Court to suspend the proceeding. The appeal will never suspends the decision if the TC has declared the application as reiterated inadmissible for the second time (art. 19 of LD 150/2011).

The asylum seekers can request the **free legal assistance**, sponsored at the cost of the state government.

Ordinary court, 30 days halved for cases listed in Art. 28-bis, para 2, of LD 25/2008 and in case of applicants detained in CIE.

(Art. 35 para 2 of LD 25/2008: Art. 19 para)

(Art. 35 para. 2, of LD 25/2008; Art. 19, para. 3, of LD 150/2011 as modified by Art. 27 para. 1, Lett. b) of LD 142/2015).

Court of appeal, 10 days to lodge the appeal and 6 months to deliver the ruling.

Supreme Court of Cassation, 30 days to lodge the appeal and 6 months to deliver the ruling.

Medical assistance and first aid

First aid and assistance centre (CPSA), for the time necessary for identification, registration of the request and medical assistance (Art. 8, par. 2 of LD 142/2015)

First Line Reception

- Government's reception centre, for the time necessary for identification, registration of the request and medical examination (Art. 9 of LD 142/2015);
- Emergency reception centre (CAS), in case of temporary insufficiency of available places in Government's reception centre (Art. 11 of LD 142/2015).

Second Line Reception

- Protection system for asylum seekers and refugees (SPRAR), in case of insufficient economic resources evaluated by the Prefecture based on the annual amount of the social security check (Art. 14 of LD 142/2015);
- Emergency reception centre (CAS), in case of temporary insufficiency of available places in SPRAR (Art. 11 of LD 142/2015).

Detention

Identification and Expulsion Centre (CIE), on the basis of an individual assessment made by the Questore (Local Police Commissioner) through а written decision in the cases listed in article 6 of LD 142/2015 (up to a of maximum 12 months).

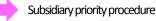


Ordinary procedure

Priority procedure



Accelerated procedure





Possible phases