



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Italy

Planning Year: 2006

COP 2006 ITALY

Part I: Overview

Introduction

In the context of the process of office regionalization launched by the Europe Bureau whereby UNHCR offices are being grouped into regions or hubs, the Regional Representation in Rome will become the center of the Mediterranean Hub in 2006. As other hubs, the Mediterranean Hub will be created to bring together UNHCR offices with similar goals and objectives, and permit a more rational use of resources, including human resources.

While the Regional Representation in Rome is currently responsible for UNHCR activities in Italy, San Marino, the Holy See and Malta, it will expand in 2006 to perform regional functions of policy harmonization, administrative and operational support and co-ordination in respect of the UNHCR offices in Cyprus, Greece, Spain and Portugal. As the content of these functions has only begun being defined, this COP only reflects the regionalization process in terms of staffing and the budget. It has otherwise been structured as a one-country plan, as has the Malta COP, which has been written as a separate document.

1. Protection and socio-economic operational environment

Italy's geographical position at the center of intersecting migration routes along which tens of thousands of immigrants and asylum-seekers travel every year from and through North-Africa, the Middle-East and the Balkans, is a key-element in the Italian authorities' perception of migratory flows and of Italy as a country of transit and increasingly, in the last fifteen years, as a country of destination.

Although the perception of Italy as a country of transit persists among asylum-seekers, an increasing number among them have come to regard Italy as a country of destination; this has had a number of important consequences. In 1990, Italy lifted the geographical reservation to the 1951 Convention, and gave itself the first Alien's and Asylum Act, which contained one article dealing with asylum. An Act of limited scope, it reflected the relatively limited incidence of the phenomenon of asylum in a country mostly used as a jumping board towards more desirable destinations. Since 1990, while applications for refugee status have increased from a few hundreds to some 18,000 to 20,000 a year, a significant number of applicants continue to use Italy as a transit country on their way to other European countries. In any case, and regardless of applicants' preference for Italy or elsewhere, those who apply for asylum in Italy, many of whom appear to be unaware of EURODAC, have outstripped the Italian's system's capacity to provide protection and assistance during the currently prolonged processing period.

In the year 2002, Italian legislators passed a landmark albeit controversial Immigration Law (189/2002) with two - out of a total of thirty-eight - articles on asylum. The provisions on asylum included in the Law were initially intended primarily to avoid actual or perceived abuse of the asylum procedures, but in fact, the two articles effectively resulted in redesigning the asylum procedure: the "implementing regulations" relative to the articles on asylum, though adopted only in December 2004, will lead in the second quarter of 2005 to the replacement of the previously centralized asylum procedure by a decentralized system operating through seven Territorial

Commissions in which UNHCR is a full member. The creation of this system is an opportunity to establish a speedier and more efficient processing of cases.

Upon presenting the 2002 Immigration Law, the Government declared that while the passing in Parliament of a law combating illegal immigration was an urgent need, the adoption of a comprehensive law on asylum would be postponed until the completion of the first phase of the “Harmonization Process” which was launched in 1999 with the Treaty of Amsterdam. Formally, this aimed at avoiding the need to amend the national law shortly after incorporating the Directives of the European Union. In early 2003, the parliamentary debate on previously submitted draft proposals for a comprehensive Law on asylum resumed with a discussion in the Commission of Constitutional Affairs of the Lower House in early 2003.

It has advanced very slowly since then, in a political climate characterized by the difference in approach between the government parties (who tend to focus on the “security threats” posed by aliens and also asylum-seekers) and the opposition parties (who tend to focus on the human rights of asylum-seekers). Hence, despite strong lobbying by various actors, including UNHCR, a key element of the Italian asylum system, namely comprehensive asylum legislation continues to be lacking. Lack of a comprehensive legal frame-work explains the continued weaknesses evident in the asylum system, concerning access to the territory and to the asylum procedure, concerning the processing of cases, concerning the assistance provided to asylum seekers during the processing of their cases, concerning opportunities for integration.

2. Operational Goals and Potential for Durable Solutions in 2006

2.1 Goal 1: continued lobbying for a Comprehensive Asylum Law

In view of the slow pace at which revisions of a comprehensive law on asylum have progressed, and given the current political environment, it is not clear when the law will be adopted. However the passing of such a law in line with UNHCR standards remains a priority, and UNHCR will continue to lobby for it.

2.2 Goal 2: strengthening of the asylum system (Goal I of the Agenda for Protection).

UNHCR will continue to seek to strengthen the asylum system. Admission to the territory, access to the asylum procedure, quality of RSD-decisions, assistance for asylum seekers and eligibility are the key factors in this context.

2.2.1 Admission to the territory

UNHCR will continue to seek to improve conditions for admission to the territory, which remains one of the main protection problems in Italy.

The establishment of information and assistance centers at main border points as foreseen in the 1998 Immigration Act is now almost completed, with UNHCR being closely involved in the drafting of the administrative regulations and the setting up of operational criteria. There are currently 12 information centers: in the main international airports (Rome, Milan, Florence, and Bologna); in areas close to the border with Slovenia (Trieste and Gorizia), Switzerland (Como)

and France (Imperia) and most of the relevant sea-ports (Brindisi, Venice, Bari, Trapani, Ancona).

UNHCR will liaise cooperate with these centres and their competent authorities and explore the possibility of improving the monitoring of admission practices in those border areas not considered as official border points and hence not covered by the above-listed information centres (e.g. the south-eastern coast of Puglia and Calabria, Sicily and the island of Lampedusa). This may be possible through agreements established by the National Asylum Programme with relevant NGOs which could monitor the situation of various different unofficial border points.

2.2.2 Monitoring of Identification Centres

UNHCR will continue to seek to improve conditions in the identification centres. According to Law 189/2002 (Bossi-Fini), once admitted to the territory, asylum seekers will be held in an identification centre. Various aspects of these identification centres will be closely monitored in 2005 including the physical condition of the premises, the services provided to asylum-seekers and most importantly the limitation of asylum seekers' freedom of movement. The monitoring will be conducted both directly and through NGOs to ensure that the stay at the identification centre is in line with the EU Directive on Reception Conditions. It should be noted, however, that this Directive has not yet been transposed into the national legislation at the time of writing.

2.2.3. Monitoring responses to the special needs of refugee women and children

While Security (Goal four of the Agenda for Protection) does not play a major role regarding the protection of asylum seekers and refugees, the special protection needs of refugee women and of refugee children (in particular of separated children) will continue to receive attention, particularly through NGOs directly dealing with vulnerable cases.

2.2.4 Actions geared to improve the RSD procedure

UNHCR will maintain its efforts to improve the RSD procedure in the context of the creation of a new RSD structure. Law 189/2002 (Bossi-Fini) stipulated that the RSD procedure operating through the current Central Eligibility Commission would be transformed into a decentralized system consisting of seven Territorial Commissions operating under the guidance and coordination of a National Commission. The same law further established that UNHCR would play a consultative role in the National Commission, and would participate in the first instance decision-making process as a full-member of the seven Territorial Commissions with full voting rights (while under the previous centralized system, UNHCR sat in the Central Eligibility Commission in a consultative role); the law also mentions UNHCR participation in the review of rejected cases.

In order to ensure its participation, UNHCR recruited eight consultants in March 2005: seven eligibility officers (who will sit in the seven Territorial Commissions) and a co-ordinator who are being funded by the Italian Government and who will be supervised by the Head of the UNHCR Protection Unit.

2.3 Goal 3: capacity building concerning the reception and protection of refugees (Goals two and three of the Agenda for Protection) .

Considering that Italy still remains the only EU Member State without a comprehensive asylum law, capacity building regarding reception and protection of refugees, continues to be an

important objective for UNHCR in Italy. The groups targeted include: the Border Police, operators of the Information Centres, officials in Provincial Police Headquarters and Provincial Administrations, local NGOs and members of Territorial Commissions.

2.4 Goal 4: Promoting Durable Solutions (Goal 5 of the Agenda for Protection)

2.4.1. Promoting the creation of resettlement opportunities in Italy

The Italian authorities appear to have put on hold the possibility of becoming a resettlement country. In 2006, UNHCR will continue to lobby for the establishment of a resettlement quota in Italy. Also it will maintain its efforts so that Italian authorities to assume its full responsibility in the family reunification procedure, which has so far taken place with important UNHCR support.

2.4.2. Promoting the creation of integration opportunities in Italy

Continued support will be provided to the Integ.ra Project: in 2006 it is expected that the second phase of the Integ.ra Project will be implemented. The first phase which was completed in early 2005, established basic services in 7 Italian municipalities aiming at promoting the integration of refugees. It is expected that in 2006 the services will be consolidated and the number of municipalities actively involved in the project will increase. This will be done in coordination with the Central Services.

Continued support will be provided to the Central Services: UNHCR will continue to give support to the Central Services in coordination with the MOI and the National Association of Municipalities (ANCI). An agreement between the MOI and ANCI, established in consultation with UNHCR, has given ANCI the responsibility for the management of all available funds in the Services.

In the absence of an adequate and explicit asylum legislation, the National Asylum Program (NAP) now referred to as the Central Service, was institutionalized by the 189/2002 Immigration Law (Bossi-Fini). The Central Service currently operates under the MOI, and its functions are defined by the 189/2002 law as follows: (a) monitoring the number of asylum seekers, refugees and foreigners with humanitarian permits in the country; (b) creating a data base concerning measures implemented locally level in favour of asylum seekers and refugees; (c) fostering the dissemination of information on these initiatives; (d) providing technical assistance to local bodies concerning the reception of asylum seekers, the protection of refugees and foreigners receiving other forms of humanitarian protection; (e) in agreement with the Ministry of Foreign Affairs, promoting the implementation of repatriation programmes through the IOM or other national or international bodies of humanitarian character.

2.5 Goal 5 : Public Information and Public Awareness activities

- To ensure that the general public is continually informed of (a) refugee and asylum issues in Italy and Malta and of related UNHCR's actions and positions (b) of refugee issues world-wide, including of UNHCR's activities in major international refugee crises.
- To gain media support for refugee matters.
- To maintain asylum-related and refugee issues alive among carefully selected audiences (including operators of the asylum system) and locations (including areas with known

concentrations of asylum-seekers) by taking part in debates about human rights, immigration and Italian or EU asylum legislation.

- To provide important support to the Protection Unit, by ensuring that protection issues and UNHCR positions on them get media coverage.
- To provide support to the PSFR Unit by producing relevant information and material and organise specific media missions aimed at raising the visibility of specific field operations. The support is particularly important when major humanitarian crises occur, and when special events such as concerts are organised to benefit specific UNHCR operations.
- To continue strengthening UNHCR's Italian web-site
- To organize events for the World Refugee Day, including conferences and cultural events, producing ad hoc material in Italian and briefing the media on the year theme.

2.6 Goal 6 : Private Sector Fund-Raising goals

- To recruit new donors, ideally persons who agree to make regular contributions immediately or who can be converted into regular givers or at least agree to make a second contribution.
- To convert existing donors to regular giving schemes.
- To upgrade existing regular donors to higher giving levels.
- To increase the number and donation value from middle and major donors.
- To reactivate lapsed donors.
- To increase the number and value of donations from active one-off donors.

To achieve these goals, PSFR Unit will strategically use and develop techniques such as special themed appeals, emergency appeals (if there is a relevant emergency), telemarketing, e-mailing and Face-to-face donor recruitment (to test or roll-out depending on developments in 2005). The donor communication programme including welcome approaches, newsletters and thank you letters will be a vital element to improve donor loyalty. New Media should also be developed including email communication, donation web pages and SMS. The database will be utilised more and analysis should inform management decisions. In addition, initiatives with the corporate sector will be explored.