

# **The Italian approach to asylum: System and core problems**



**The Norwegian Organization for Asylum Seekers**

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## Foreword

Most of the information presented in this report was gathered during two research trips to Rome and Turin in 2010.

On the first trip in September 2010 the Norwegian Organization for Asylum Seekers (NOAS) cooperated with representatives from the Swiss Refugee Council (*Schweizerische Flüchtlingshilfe*) and JussBuss (Norwegian Law Students' Free Legal Aid Organization). In December 2010, NOAS returned to Turin and Rome to perform additional research.

During the trips to Italy, a number of representatives from various NGOs, the Italian authorities, and the refugee community were interviewed (see list page 39). NOAS wish to express deep gratitude to those who took the time to meet and patiently help us collect the information to this report.

The report has been written by Ingvald Bertelsen with the support of Lixian Cheng, who has improved the language in addition to providing useful comments on the content. Comments have also been provided by other staff members of NOAS.

The other participants of the first research trip, Muriel Trummer and Cristina von Günten (Swiss Refugee Council), and Ida Jordal and Maria Pitz Jacobsen (JussBuss), have contributed by sharing notes, comparing drafts, and providing comments. Susanne Bolz, head of the protection section of the Swiss Refugee Council, has offered useful suggestions. Felicina Proserpio, an Italian lawyer working in Switzerland, also participated on the first trip, contributing translation and valuable insight. NOAS would like to thank the representatives of the Swiss Refugee Council and JussBuss for their cooperation before, during and after the joint research trip.

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# Contents

Purpose, conclusions and recommendations.....	5
<b>1. Context.....</b>	<b>7</b>
1.1. Asylum seekers in Italy – a brief overview .....	7
The overall migration situation .....	7
Asylum seekers in Italy during the last two decades .....	7
The emergence of an asylum system in Italy .....	8
The integration problem .....	9
1.2. Returnees .....	10
The Dublin regulation.....	10
Leaving Italy.....	10
Dublin-case or not? .....	11
<b>2. Procedure .....</b>	<b>12</b>
2.1. Registration of applications.....	12
2.2. Assessment.....	13
2.3. Rejections and appeals.....	14
2.4. Permits and renewals .....	15
2.5. Unaccompanied minors.....	16
<b>3. Reception and integration .....</b>	<b>17</b>
3.1. Reception and services offered during the procedure.....	17
Before registration as an asylum seeker .....	17
Reception centers.....	17
SPRAR .....	18
CARA.....	19
Returnees with Dublin cases .....	20
3.2. Reception and integration measures offered after receiving a residence permit .....	21
SPRAR .....	21
Metropolitan centers .....	22
Local projects.....	23
The situation for returnees .....	23

3.3. Reception of vulnerable persons: Mentally ill and unaccompanied minors.....	24
Persons with mental illness.....	24
Unaccompanied minors .....	25
3.4. Funding projects .....	26
<b>4. Coping in the Italian society.....</b>	<b>28</b>
4.1. Habitual residency .....	28
4.2. Work opportunities .....	29
4.3. Accommodation opportunities .....	30
4.4. Health care .....	32
<b>5. Concluding remarks.....</b>	<b>33</b>
5.1. Italian central authorities' approach to asylum seekers and refugees .....	33
5.2. Legal perspectives .....	34
The EU Reception Directive.....	34
The European Convention for Human Rights.....	35
The Refugee Convention .....	35
5.2. Returns of vulnerable to Italy - Recommendations.....	36
Unaccompanied minors .....	37
Single parents with children.....	37
Persons with mental illness.....	37
Monitoring of transfers .....	38
List of interviewed during research September and December 2010 .....	39

## Purpose, conclusions and recommendations

### Purpose

Recent years have seen a substantial increase of persons applying for asylum in Norway, who have earlier been registered in Italy. Due to the Dublin regulation, this has made Italy the primary country to which Norway returns asylum seekers. In 2010, Norway sent back 895 persons to Italy.<sup>1</sup>

The Norwegian media has brought to public attention individual cases involving returns of vulnerable asylum seekers and refugees to Italy, whose basic needs have not been fulfilled upon their return. In April 2010, the sudden deportation of a heavily traumatized Somali single mother and her six-year-old son sparked particularly intense debate. Mother and son spent several days on the streets of Genoa without receiving any form of assistance or accommodation.<sup>2</sup>

Such cases demand increased knowledge of the asylum situation in Italy. The main purpose of this report is to better understand the asylum seekers and refugees’<sup>3</sup> motives for choosing to leave Italy for other countries, as well as finding out more about the situation they face upon return.

### Conclusions

During the last decade, Italian authorities have responded to the measures towards a common European asylum system by introducing initiatives and reforms to improve the asylum mechanism in Italy. However, the basic well-being of asylum seekers and refugees is far from properly secured.

The most striking characteristic of the Italian asylum system is the lack of support, in terms of accommodation and integration, for the majority of those granted a permit. The situation leaves thousands of refugees – including many considered vulnerable<sup>4</sup> – without proper means for taking care of themselves. The statements collected during the interviews for this report indicate that the lack of reception and integration opportunities is the main reason as to why an increasing number of asylum seekers and refugees choose to leave Italy for other European countries.

The dramatic current events of northern Africa have caused a new wave of migrants to Italy, making the situation even more pressing. Other European states, in light of

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<sup>1</sup> Norwegian Immigration Police Unit

([https://www.politi.no/politiets\\_utlendingsenhet/statistikk/aktuell\\_statistikk/](https://www.politi.no/politiets_utlendingsenhet/statistikk/aktuell_statistikk/))

<sup>2</sup> <http://www.newsenglish.no/2010/03/27/rejected-asylum-seeker-cant-return/>

<sup>3</sup> “Asylum seeker” will in this report denote persons that are in the process of applying for asylum (applicants), while the term “refugee” will denote persons who have received a residence permit, including refugee status or subsidiary or humanitarian protection.

<sup>4</sup> “Vulnerable groups” will in this report be used in accordance with the specification in the EU Reception Directive (Council Directive 2003/9/EC), art.17: “minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence”

their commitment to EU directives, the rulings of the European Court of Human Rights and the Refugee Convention of 1951, must seriously re-evaluate their policies in regards to the return of asylum seekers and refugees to Italy.

## **Recommendations**

Based on our findings, we recommend the following measures for securing the basic welfare of asylum seekers and refugees who have left Italy:

- In light of the current situation caused by the dramatic influx of refugees to Italy from Africa, other European countries should initiate a coordinated stop of returns of asylum seekers to Italy until it is proven that Italian authorities are capable of providing proper reception facilities.
- Individual countries should continually evaluate their return practices to Italy of asylum seekers who have left Italy without applying for asylum or during the asylum process, with regards to Italian authorities' ability to provide proper accommodation for this group.
- Irrespective of their legal status in Italy, transfers of vulnerable asylum seekers and refugees (like unaccompanied minors, single mothers and individuals with mental illness) should not be enforced unless there is sufficient evidence that proper caretaking of the specific individuals will be provided.
- In order to detect vulnerable individuals, countries receiving asylum seekers and refugees from Italy should undertake careful screening of these persons, including:
  - psychological tests, to check for symptoms of mental illness
  - careful evaluations of the physical and psychological state of parents, to ensure that they are capable of taking sufficient care of their children
  - reliable age assessment tests of all unaccompanied minors. If a minor is found to be underage, but registered in Italy as an adult, the receiving state should take over the responsibility for the case unless Italian authorities can guarantee the asylum seeker will be treated as a minor.

# 1 Context

## 1.1. Asylum seekers in Italy – a brief overview

### The overall immigration situation

It is important to understand the situation of asylum seekers in Italy in the larger context of immigration to the country. With its central location, Italy receives large quantities of foreigners both from the south and east. Of its total population of 60 million, more than four million inhabitants of Italy are migrants with a stay permit.<sup>5</sup> Concerning irregular migrants (*clandestini*), there are no official figures regarding the number residing, but as of 2008 the estimated figure was approximately one million.<sup>6</sup>

In this perspective, the number of asylum seekers with refugee status in Italy, approaching 60 000, is not only modest when compared to the total number of regular and irregular foreigners in the country, but also when measured against the situation in other large European countries, such as Germany, which hosts ten times as many refugees.<sup>7</sup> This relative marginality of asylum seekers and refugees in the broader picture of immigration has been mirrored by a relative absence of public concern and discussion about this category of immigrants as such, both in the political sphere, the media and among people in general.<sup>8</sup>

### Asylum seekers in Italy during the last two decades

The relative marginality of asylum seekers and refugees in Italy owes partly to the fact that the phenomenon is relatively new in the country. Until 1990, the country was only open for European asylum seekers,<sup>9</sup> with a few refugees arriving by the assistance of UNHCR. Italy then opened for receiving non-European asylum seekers, but during the following years the asylum procedure was disorganized and reception conditions poor. In this period Italy was more or less a transit country, with most refugees travelling onward to other countries.<sup>10</sup> Hence, the numbers of registered asylum applicants were modest, with yearly rates somewhere between 680 and 2590 in the period of 1992-1997.<sup>11</sup>

The turning point came in the second half of the decade, as the European Union was in the starting phase of the development of a common asylum system. In 1997, the Dublin Convention (see 1.2) came into effect, making Italy responsible for a much greater portion of asylum seekers entering the country. During the ten year period that

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<sup>5</sup> [http://www.istat.it/salastampa/comunicati/non\\_calendario/20101012\\_00/testintegrale20101012.pdf](http://www.istat.it/salastampa/comunicati/non_calendario/20101012_00/testintegrale20101012.pdf)

<sup>6</sup> Sara Cuko: *The Human Rights of refugees: The Italian solution*, Aalborg University 2010

<sup>7</sup> UNHCR statistical yearbook 2009

<sup>8</sup> Luca Bicocchi: *Political Asylum in Italy: A picture of the policies and the evolution of the phenomenon*, 2006

<sup>9</sup> Signatories of the Geneva Convention of 1951 have the option to only accept asylum seekers from Europe. In Italy, this practice only ended with the introduction of the so-called Martelli law (39/1990).

<sup>10</sup> Luca Bicocchi: *Political Asylum in Italy: A picture of the policies and the evolution of the phenomenon*, 2006

<sup>11</sup> Application numbers: UNHCR Statistical Yearbooks

followed, the directives of the European Union concerning asylum issues influenced the Italian jurisprudence considerably: In 2005, the Reception Directive (2003/9/EC) was implemented in Italian legislation, followed by the Qualification Directive (2004/83/EC) and the Procedure Directive (2005/85/EC) in 2008.

The introduction of the Dublin system in 1997 caused the number of registered asylum applications to increase dramatically, from 1890 in 1997 to 13 100 the following year. In 1999, the Kosovo crisis created an exceptional situation, with asylum seeker numbers surpassing 30 000. In the following years, however, asylum numbers hovered around 15 000 before dropping to approximately 10 000, in accordance with asylum trends in the rest of Europe. In 2007, the numbers started to rise again, and continued to rise the following year with more than 30 000 asylum seekers registered.

In the summer of 2009, Italy and Libya implemented an agreement that allowed the Libyan coast guard to intercept immigrants approaching Italy by boat, under the stated purpose of halting illegal immigration. However, no efforts were made to identify asylum seekers, despite the fact that boats previously arriving in Italy had contained large amounts of asylum seekers, many of whom had been considered entitled to protection. This policy elicited criticism from both concerned Italians and the international community, who accused the Italian government of denying asylum seekers their fundamental right to seek protection.<sup>12</sup>

The agreement between Italy and Libya greatly reduced the number of asylum applicants to Italy. By autumn 2009 asylum figures were down to 2777, compared to 10 166 during the same period the previous year. The total asylum applicants in 2009 amounted to 17 600, with numbers continuing to sink to 10 050 in 2010.<sup>13</sup> During the time of this report's writing, however, revolutions and revolts in northern Africa have brought on a massive new wave of immigration that is causing asylum application numbers in Italy to rise again.

### **The emergence of an asylum system in Italy**

Around the turn of the century, the combination of the impact of the new European legal framework and the increased numbers of asylum applications led Italian authorities to recognize the need to establish a national asylum system. In 2001 a national program was launched, incorporating measures for organizing the legal procedure, providing accommodation, and facilitating integration for asylum seekers. In 2005, the so-called "Bossi-Fini" law (189/2002) came into effect, introducing a general reform of Italian immigration law and effecting important changes and modifications to regulations concerning asylum seekers and assessment of their applications.

*Asylum procedure:* The Italian asylum procedure had previously been centralized, with all interviews taking place in Rome. Because of the insufficient accommodation

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<sup>12</sup> See for example Human Right Watch: *Pushed back, pushed around, Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers*, September 2009

<sup>13</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-QA-11-001/EN/KS-QA-11-001-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-11-001/EN/KS-QA-11-001-EN.PDF)

for asylum seekers, this created a chaotic situation for both the authorities and those seeking asylum. Many asylum seekers did not have fixed addresses, making contact difficult. Close to half of the applications in 2002-2005 remained without a verdict because applicants could not be traced. For those able to go through the entire procedure, the waiting time for the decision was often long, averaging 18 months. In 2005, the new reform spread the responsibility of processing asylum cases to seven (later ten) different territorial commissions, improving significantly the system's efficiency and asylum seekers' access to asylum procedure.<sup>14</sup>

During this period the percentage of applications leading to residence permits increased significantly. In the beginning of the 2000s, below 25 % of asylum seekers received permits. By 2008, the rate had risen to over 50 %, with the vast majority receiving refugee status or the newly established subsidiary protection status.<sup>15</sup> In 2010 the rate went down to approximately 38 %.<sup>16</sup>

*Reception:* Before the establishment of the national reception system in Italy, it remained to a large extent arbitrary whether asylum seekers would receive a place to stay. The majority failed to receive this opportunity: Rome was overloaded, there existed only a few governmental housing initiatives for asylum seekers, and while some NGOs tried to contribute to a solution, they had only limited resources at their disposal<sup>17</sup>. In 2001, influenced by the large number of asylum seekers coming from Kosovo, a new project called the National Plan for Asylum (PNA) was introduced. PNA decentralized the asylum reception system by spreading asylum seekers throughout the country. This later developed into SPRAR, the current national system of accommodation, serving both asylum seekers in the asylum process, as well as those granted permits<sup>18</sup>.

### **The integration problem**

With the number of asylum applicants in Italy decreasing after 2009, more focus on the problem of integrating refugees became possible. The underdeveloped social security system in Italy makes individuals with little or no income dependent on informal structures. Thus integration projects for refugees focus on providing language skills, work experience, and understanding of the Italian society and system in order to compensate their lack of network and resources. However, as we will point out in this report, the majority of refugees do not receive sufficient help of this kind, and therefore many are left without realistic opportunities to access regular work and proper accommodation.

While this gap between needs and capacity of services is recognized, the will and ability to act is influenced heavily by political concerns and budgetary priorities. Another major problem stems from the distribution of responsibility for refugees in

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<sup>14</sup> Luca Bicocchi: *Political Asylum in Italy: A picture of the policies and the evolution of the phenomenon*, 2006

<sup>15</sup> European Migration Network (<http://emn.intrasoft-intl.com/>)

<sup>16</sup> <http://www.cir-onlus.org/Eurostat%20dati%202010.htm>

<sup>17</sup> Caritas Roma, meeting September 2010

<sup>18</sup> Luca Bicocchi: *Political Asylum in Italy: A picture of the policies and the evolution of the phenomenon*, 2006

Italy: the initiation of integration projects are to a large extent left to local authorities that differ considerably with regard to financial means and political priorities. Together, these factors make Italy a place of great uncertainty for the individual seeking protection.

## 1.2. Returnees

### The Dublin regulation

The Dublin agreement originally took form as a convention, signed in 1990 by the then 12 EU member states, but was in 2003 revised and adopted as a regulation (“Dublin II”), a binding law for the participating nations. In addition to the EU member states, the regulation encompasses Norway (involved since September 2003), Iceland (2003), and Switzerland (January 2009).

The regulation expands two fundamental principles of the convention. Firstly, it ensures that only one asylum application for each individual is submitted and assessed in the area of the participating states. Secondly, it secures the asylum seekers right to have his or her case considered in at least one country, in order to avoid an “in orbit” situation. An important instrument for deciding which country is responsible for processing a case is the Eurodac, a system of registration and identification of fingerprints, which has been an integrated part of the Dublin procedure since its establishment in 2003.

The Dublin system implies that the individual asylum seeker who has moved between European countries should be transferred back to the first country of entry, or the country determined responsible in processing his or her application. However, in reality a number of asylum seekers are not returned.<sup>19</sup> This is often due to the disappearance of the applicant. In some cases, the second country ends up taking over responsibility for the processing of a case, either because the authorities have failed to meet the deadline for return of the applicant, or because of a deliberate decision, usually based on humanitarian concerns.<sup>20</sup>

### Leaving Italy

There is large discrepancy between asylum seekers entering Italy regarding awareness of how the Dublin system works. Those who are well-informed will typically try to avoid being detected by police at the border if they are determined to apply for asylum in another country. People who are caught will often file an application if they understand that the alternative is most likely expulsion.<sup>21</sup>

For those choosing to leave Italy, the main destinations are Switzerland, the Nordic countries of Norway and Sweden, the Netherlands, and the larger European countries

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<sup>19</sup> See for example survey in: Italian Refugee Council (CIR) and various: *Dubliners Project - Final report*, 2010 (<http://helsinki.hu/dokumentum/dublinerCORRETTO%20definitivo.pdf>)

<sup>20</sup> Cf. articles 3-2 and 15 of the Dublin regulation.

<sup>21</sup> Save the Children Italy, interview September 2010

of Germany, France and the United Kingdom.<sup>22</sup> The choice of country is influenced by a number of factors such as the presence of friends, family, or a large number of immigrants of one's nationality in a specific country, work opportunities, and a country's reputation concerning generosity in the granting of permits. The decision is also limited by the asylum seekers' means of financing the trip.<sup>23</sup>

According to statistics provided by Eurostat, in 2008, the registered number of return requests from other European countries to Italy was 4666.<sup>24</sup> In 2009, the number was 8031. This increase in Dublin requests can be attributed to the increase in asylum applications in Italy in 2007 and 2008, but also to the fact that Switzerland entered the Dublin agreement for the first time in 2009, and was the country sending the most return requests (2266 in total) to Italy. Again, however, the number of actually transferred individuals remained considerably lower than the number of requests.

Return requests are divided into cases in which asylum seekers applied in Italy before they left the country ("take back requests"), and cases in which they have not applied ("take charge requests"). In 2008, 2169 take back requests to Italy was registered in Eurostat<sup>25</sup>, while in 2009 the number was 5439.<sup>26</sup> This seems to indicate an increasing rate of asylum seekers leaving Italy after having applied for asylum.

### **Dublin-case or not?**

Only a minority of the asylum seekers having left Italy for other European countries are registered with negative decisions in Italy.<sup>27</sup> Regarding the remaining take back cases, the Eurodac data does not make a distinction between those who have already received a permit and those who are still in the procedure with a pending case. According to representatives of the Norwegian Dublin Unit, investigations concerning status in Italy indicate a majority of the applicants in this category has received some kind of residence permit by Italian authorities.

In Norway, as in most other countries, persons applying for asylum that already have a residence permit elsewhere, are generally not regarded as being in need of protection. These cases do not fall under the Dublin Regulation, which is only relevant for asylum seekers, or those who have had their applications rejected. This is regarded as a problem for the Dublin Units, who often must use time to find out whether a case should be treated according to the Dublin procedures or not.<sup>28</sup>

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<sup>22</sup> Numbers in this section: European Commission/Eurostat (<http://epp.eurostat.ec.europa.eu>)

<sup>23</sup> Ufficio Pastorale Migranti, Turin, interview September 2010

<sup>24</sup> Outgoing request numbers from Poland are missing

<sup>25</sup> Outgoing request numbers from four countries are missing: Belgium, Denmark, Poland and Norway

<sup>26</sup> Outgoing request numbers from four countries are missing: Belgium, Denmark, Greece and Norway

<sup>27</sup> Cases in this category registered in Eurostat number 167 in 2008 and 892 in 2009.

<sup>28</sup> Dublin Unit, Norwegian Directorate of Immigration, meeting November 2010

## 2 Procedure

Lawyers, representatives of organizations and representatives of authorities interviewed during the research regard the recent reform of the registration and assessment of asylum applications as a significant improvement. However, there are still important parts of the asylum process that are questioned and criticized.

### 2.1. Registration of applications

The intention to apply for asylum can be stated to border police at all Italian borders and airports. In border areas, especially in the south, there are centers for the first reception of asylum seekers. In periods of low capacity, some might be directed to other parts of Italy. However, persons who have crossed the border without being registered, or have entered Italy with a valid travel document, may approach directly the headquarters of the territorial state police, which are present in every province. These administrative bodies, called *Questura*, have the responsibility for receiving and formally registering asylum applications.

The impression left from interviews conducted during the research is that asylum seekers in general have access to the Italian asylum procedure. However, asylum seekers and their legal representatives have reported various difficulties related to accessing the Questuras, such as communication problems with police officers guarding the buildings, or even straightforward refusals in which asylum seekers have been told to go elsewhere or even to leave the country.<sup>29</sup> However, the extent and recurrence of these kinds of problems are difficult to estimate.

A well documented and recurrent problem, especially in the larger cities, is how the number of asylum seekers showing up at Questura offices is bigger than the few personnel are equipped to receive. This means that it is often not possible for applicants to perform the initial registration the first time they go there. While in many cases they do get an appointment to register at a later date, during certain periods and particularly in the larger cities, applicants may have to wait several days for this appointment.<sup>30</sup>

Delays like this are problematic in terms of access to procedure, because asylum seekers are not entitled to any accommodation or financial support before they are formally registered. This presents various practical problems that make the process of applying difficult, especially for vulnerable asylum seekers.

The authorities also require that an asylum seeker provide an address in order to be registered. In some places, such as Rome, organizations have received permission to let asylum seekers register themselves using the organization's office address.<sup>31</sup> This is, however, only allowed in a limited number of municipalities, and even where it is

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<sup>29</sup> Mosaico Organization, Turin, meeting September 2010

<sup>30</sup> Questura of Rome, interview September 2010

<sup>31</sup> Examples in Rome are the church related organizations St. Edigio and Centro Astalli

possible, there remain recurring problems with regard to informing asylum seekers about these arrangements.

Fingerprints and photographs are taken during the initial registration, after which a new appointment for an official, formal registration (*verbalizzazione*) is made. In 2010 the time between these appointments could last from a few weeks to two months, depending on the number of applicants and capacity of the Questura. In 2008 and 2009, waiting times could even be extended to up to six months, causing significant problems for the many asylum seekers not offered any accommodation.<sup>32</sup>

In addition, further problems have been caused by differing praxis and arbitrary behavior of police after the initial registration. For example, in cases where there have been no reception centers in the area, some Questuras have paid for the asylum seekers' travel expenses to reach a reception centre, while others have not. Even more distressing are reported incidents of asylum seekers failing to be informed about the importance of showing up at the reception centre on the specific date appointed. Failure to appear can result in an annulment of the application.<sup>33</sup>

*Returnees:* Most asylum seekers returned to Italy arrive at airports, primarily in Rome but also in Malpensa, near Milan. Asylum seekers who originally left Italy without having applied for asylum are given the opportunity to apply at police stations in the airports. Here they also receive information and advice from independent organizations appointed by the authorities, working in close proximity to the police.<sup>34</sup>

Incidents have been reported of returnees not being given appointments with the Questura, which they need in order to register their applications. During our research period, we met asylum seekers sent back from Norway to Italy who claimed that they had simply been told to leave after giving their fingerprints. According to reports from lawyers, this is a recurrent problem<sup>35</sup>.

## 2.2. Assessment

The period from when the application is registered to the date of the interview at the responsible commission is not supposed to last longer than 30 days, but in some cases it can take several months, up to eight months have being reported. However, during the period after the decrease in the number of asylum seekers starting in 2009, the total waiting time for most asylum seekers was reduced down to a few months.<sup>36</sup>

*Returnees:* If a person leaves Italy after having applied for asylum, but before the interview with the commission, and returns before a decision is made, he or she upon return will usually again gain access to the procedure and be able to be interviewed by

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<sup>32</sup> Questura of Rome, interview september 2010

<sup>33</sup> Luka Bicocchi: *Political Asylum in Italy: A picture of the policies and evolution of the phenomenon*, May 2006 <http://www.dssg.unifi.it/GMGD/Relazioni/BICOCCHI.pdf>

<sup>34</sup> Currently the organizations responsible are Arci con Fraternalita at Fiumicino (Rome), and Caritas at Malpensa (Milan).

<sup>35</sup> Lawyer Salvatore Fachile, interview december 2010

<sup>36</sup> Italian Refugee Council (CIR), interview september 2010

the territorial commission.<sup>37</sup> The organizations at the airports help asylum seekers connect with the Questura they are supposed to re-register with, as well as provide assistance with finding accommodation.<sup>38</sup>

The commission in charge decides whether it will recognize the applicant as a refugee, or give subsidiary protection. If the commission rejects the application, it can recommend to the respective Questura that the applicant should instead be given a permit on humanitarian grounds. This recommendation is usually accepted.<sup>39</sup>

### 2.3. Rejections and appeals

If the application is rejected, an appeal must be presented within 15 or 30 days, depending on whether or not the applicant is staying in a reception center. Appeals must be presented by a lawyer to the Civil Court, where a tribunal re-examines the case. The asylum seeker will receive free legal aid from the state should he or she be considered unable to cover the costs.<sup>40</sup>

Asylum seekers who have travelled legally to Italy before applying for asylum will be given suspensive effect automatically if the negative decision is appealed. However, in most cases, suspension is not automatically granted but must be applied for, as most asylum seekers enter Italy illegally. Suspensive effect is neither granted automatically to asylum seekers who have left a reception center without permission. If suspensive effect is not granted and the time limit to submit an appeal against the decision has expired, the asylum seeker will receive an expulsion order.<sup>41</sup>

*Returns:* If an asylum seeker leaves Italy *before* the interview, and returns after a decision has been made, not all relevant information has been considered, and the decision will often be negative. In this situation, the asylum seeker can either ask for a reopening of the case, or submit an appeal. In order to reopen the case, the asylum seeker must give a reason for not showing up to the first appointment. In these cases it usually is important to contact an independent organization to be referred to qualified legal assistance. If this can be arranged, it is usually not a problem to have the case reopened and get a new interview. But without this assistance, reopening the case often becomes difficult.

If the asylum seeker leaves Italy after the interview, and comes back to a negative decision, he or she will usually have the opportunity to appeal the decision within the time limits set by Italian authorities.<sup>42</sup>

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<sup>37</sup> Lawyer Salvatore Fachile, interview December 2010

<sup>38</sup> Arci con Fraternita, interview December 2010

<sup>39</sup> UNHCR, interview September 2010

<sup>40</sup> ELENA Survey on Legal Aid for Asylum Seekers in Europe, 2010 ([http://www.ecre.org/resources/Policy\\_papers/1657](http://www.ecre.org/resources/Policy_papers/1657))

<sup>41</sup> UNHCR, interview September 2010

<sup>42</sup> Lawyer Maria Cristina Romano, interview September 2010

## 2.4. Permits and renewals

Asylum seekers may be granted refugee status, subsidiary protection, or a permit based on humanitarian reasons. Until 2008, only refugee status and humanitarian permits were granted, but after the implementation of the EU qualification directive the status of subsidiary protection was integrated into the legislation. Those with permits for humanitarian reasons issued prior to the new procedure could convert their permits into permits for subsidiary protection.<sup>43</sup>

Attaining refugee status implies a residence permit valid for five years. The refugee is entitled to a travel document that allows travel outside of Italian territory. Refugees receive the same rights as Italian citizens with regard to employment, vocational and educational opportunities, apprenticeships, and health and social assistance. The refugee is also entitled to family reunification with spouses, children, and parents, without having to meet income or housing requirements.

The beneficiaries of subsidiary protection are granted a residence permit valid for three years. They are allowed a travel document only when there are grounds to believe that the person is unable to apply for a passport to the authorities of his or her country of origin. As in the case of refugee status, recipients of subsidiary protection receive the same treatment as Italian citizens with regard to employment, education, health care, and social assistance. They also have the right to family reunification, but only if they meet specific income and housing requirements.

A permit based on humanitarian grounds is valid for one year. Recipients may apply for travel documents, but these applications are usually rejected and recipients instead told to apply for travel documents with the authorities of their countries of origin. It is neither possible to apply for family reunification. Because of its limitations, this permit has been characterized as not a real status, but rather a “simple residence authorization”.<sup>44</sup>

If a person is recognized as a refugee, the permit is renewable upon expiration. If there are changes in conditions in the country of origin or one of the reasons given in article 1 C of the Geneva Convention occurs, the permit can be withdrawn. Subsidiary protection status and permits on humanitarian grounds are also renewable, but only if the conditions upon which they were first granted persist.

*Returnees:* Renewing permits can be problematic for those leaving Italy after receiving a permit and returning after the deadline for renewal. This is especially the case for those with permits based on humanitarian grounds. It is in general difficult to predict if such permits can be renewed on return, as renewal is based on many factors such as the length of time the applicant has been away, the quality of legal assistance provided, and the manner in which the police and courts in Italy choose to handle the situation. Although NGO representatives and lawyers interviewed indicated that

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<sup>43</sup> European Migration Network: *The practices in Italy concerning the granting of non-EU harmonized protection statuses*, 2009 (<http://www.emnitaly.it/download/rs-01-02.pdf>)

<sup>44</sup> European Migration Network: *The practices in Italy concerning the granting of non-EU harmonized protection statuses*, 2009 (<http://www.emnitaly.it/download/rs-01-02.pdf>)

Italian authorities in general are quite liberal in their dealing with these issues, the situation remains unpredictable.<sup>45</sup>

In any case, a major precondition for renewing a permit is applying at the Questura responsible for the specific case. It is important to bring the original permit document. This poses a problem for many returnees, who often have left their documents in Italy before moving on to a second country. If it can be documented that the permit has been lost or stolen, it is possible to receive a new one. In general, however, the authorities have a restrictive approach in respect to missing permits in order to prevent misuse of the documents.<sup>46</sup>

## 2.5. Unaccompanied minors

Unaccompanied minors in Italy face specific problems connected to accessing the asylum procedure as minors. These difficulties are partly related to the risk of not being recognized as minors either because of unreliable age assessment tests or the minors declaring themselves to be adults. Some minors also choose to avoid or escape the asylum system in order to work or travel, despite the risks and dangers these options may entail.

Age assessment tests are usually performed in local medical centers and are based primarily on bone testing of the wrist, with supplementary testing of teeth, hair, and genitals. Testing is usually performed by regular doctors rather than specialists. The test methods used have been criticized for being inaccurate, partly because they do not take into account the exceedingly different conditions the children tested have grown up in. This is considered a major problem in Italy by lawyers and NGOs.<sup>47</sup>

Lawyers and organizations point out that a number of minors, particularly of Eritrean and Somali origin, choose to declare themselves as adults in order to receive a resident permit quicker. They then move on to another European country where they apply again, this time hoping to receive a residence permit as a minor. This strategy is directly related to the long case processing times of unaccompanied minors in Italy. In order to apply for asylum, underage applicants must first wait for a guardian to be appointed, which in some regions might take months.<sup>48</sup> According to lawyers and NGOs, this is a major reason as to why a number of minors in Italy possess status as adults. There is therefore also reason to believe that there are minors in the detention centers, even though these centers are not permitted to house minors.<sup>49</sup>

Some minors arriving in Italy avoid seeking asylum upon arrival. Minors from countries like Somalia and Eritrea are often aware of the Dublin system, and try to avoid registration in order to head directly to northern countries. In addition, many of the minors (particularly Afghanis) who arrive in the south run away after being registered and placed in orphanages.<sup>50</sup> (see also 3.3.)

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<sup>45</sup> Lawyer Salvatore Fachile, interview December 2010

<sup>46</sup> Arci con Fraternita, meeting September 2010

<sup>47</sup> Caritas Rome, meeting September 2010

<sup>48</sup> Save the Children Italy, interviews September and December 2010

<sup>49</sup> Lawyer Maria Cristina Romano, interview September 2010

<sup>50</sup> Save the Children Italy, interview December 2010

### 3 Reception and integration

As discussed, many leaving Italy to seek asylum in other European countries already have an Italian residence permit. This strongly indicates the increasing number of departures to other European countries is connected to reception conditions and lack of integration opportunities in Italy.

Even though the reception of asylum seekers in Italy has developed during the last ten years, the system is far from covering all needs. The problems include both a general shortage of capacity and substandard quality of much of the existing accommodation.

A large part of the accommodation offered is in centers intended for shorter stays, established for dealing with emergency situations with high volumes of applicants. These provisional centers are generally not suitable for promoting integration during the asylum procedure. The more developed centers neither have sufficient capacity for asylum seekers in the procedure nor those who have received a permit. Many asylum seekers and refugees are therefore left to manage very difficult living conditions.

#### 3.1. Reception and services offered during the procedure

##### **Before registration as an asylum seeker**

As described in 2.1., because of the shortage of capacity at most Questuras, asylum seekers often fail to be registered the first time they arrive. In most cases, they receive an appointment to come back and leave the fingerprints. After this initial registration, the police may need time to check if the person is entitled to a place in a center.<sup>51</sup>

The period from when the asylum seeker first approaches the police to receiving an offer of accommodation can take anywhere from a few days to several months. During this period, the asylum seekers are left to find their own food and shelter. This is the situation for many asylum seekers in Milan, Turin and Rome. Local municipalities, NGOs or church organizations may offer emergency places in dorms as a part of general services for the homeless, but capacity is limited.<sup>52</sup>

##### **Reception centers**

Italian law implements the EU reception directive, and guarantees the provision of accommodation for asylum seekers during the asylum procedure. The law gives the prefecture the responsibility to provide accommodation for asylum seekers considered unable to manage on their own, which is the situation for the great majority.

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<sup>51</sup> Questura of Rome, interview September 2010

<sup>52</sup> The situation is verified by various sources interviewed, like UNHCR, CIR and Il Punto di Domande, Turin (interview September 2010)

Asylum seekers are not allowed to work while staying in a center during the asylum procedure. However, if the case is not completed within 6 months, and they have to leave, they are, if considered capable of working, entitled to a work permit instead of accommodation.

The state accommodation system for asylum seekers consists mainly of two different center networks. The prefecture will first look for a place in a center that is included in the *SPRAR* network, consisting of small decentralized units in various municipalities around the country. A central service in Rome (*Servizio Centrale*) coordinates the distribution of individuals to these centers. If there are no places available in this system, the common situation, the alternative is usually a place in a center in the *CARA* network. *SPRAR* and *CARA* are further discussed in the following sections.

The prefectures try to find accommodation in the area where the asylum seeker has applied, as the case will most often be processed here. This, however, is often not possible because of limited capacity or limitations connected to the coordination between offices on the local level. There may also be some places in local centers outside the state system that are run by local municipalities or NGOs, but these are rarely available for asylum seekers in the procedure.<sup>53</sup>

Asylum seekers suspected of using false identification are to be held in detention camps, *Immigrants Identification and Detention Centers (CIE)*. These centers also house rejected and expelled asylum seekers.<sup>54</sup>

## **SPRAR**

*The system of protection for asylum seekers and refugees (SPRAR)* was implemented in 2002. *SPRAR* is a network based on cooperation between the Ministry of Interior, the Association of Municipalities (ANCI) and different independent NGOs, such as the Italian Refugee Council (CIR) and Caritas, and various local organizations. The Ministry is in charge, ANCI runs the administration, while the individual projects are for the most part administered by the NGOs. The projects are co-financed by the National Fund for Asylum Policies and Services (80%) and local authorities (20%).<sup>55</sup>

In December 2010, there were 103 municipalities (of a total of 8 094) and 17 provinces participating in the network. There were at total of 158 units, of which 31 were dedicated to vulnerable asylum seekers and refugees. The main idea of *SPRAR* is to have small, decentralized centers. Typically, there are around 30 persons in each centre.

In total there are 3500 places in the *SPRAR* network. 500 of these are reserved for persons regarded as vulnerable, but in reality, vulnerable persons make up a much

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<sup>53</sup> Municipality of Turin, Immigration Office, interview September 2010

<sup>54</sup> The controversial detention practices in Italy are outside the scope of this report. For an introduction to the CIE camps, see Global Detention Project: *The Privatization of Immigration Detention: Towards a Global View*, pg. 8-10.

([http://www.globaldetentionproject.org/fileadmin/docs/GDP\\_PrivatizationPaper\\_Final5.pdf](http://www.globaldetentionproject.org/fileadmin/docs/GDP_PrivatizationPaper_Final5.pdf))

<sup>55</sup> *SPRAR* numbers: Servizio Centrale, Rome, meetings September and December 2010

larger part of the total capacity. The maximum time for staying in a SPRAR center is six months, although this can be prolonged, which is usually the case with vulnerable residents.

SPRAR was originally set up for accommodating asylum seekers in the asylum procedure. Now, however, the majority of the places are given to people who have acquired residence permits, as the 2008 reform of the asylum process shortened case processing times. Asylum seekers in the procedure are still regarded as having priority to the centers, especially when the prefectures request spaces for them. However, at present only 35 % percent of SPRAR inhabitants (approximately 1000 people), are in this category.

A large portion of the asylum seekers are categorized as vulnerable, and the majority of the prefecture requests for places in the SPRAR system are concerning individuals in this category. Pregnant women and single mothers form a large group. This implies that only a very small amount of “regular” asylum seekers (many of these single young men) get access to these centers.

## **CARA**

CARA (*Centri Accoglienza Richiedenti Asilo*) is a category of reception centers run by the government. The facilities were established in 2008, as a modified version of the former *Centro di Identificazione* (CID). Most of the units are located in southern Italy, particularly in the regions Sicily, Puglia and Calabria. In April 2011, according to the Ministry of Interior’s website, there were ten CARA centers in operation (equaling approximately 2000 places). For the initial reception of immigrants arriving by boat in the south there are also large centers in the category *Centra di Accoglienza* (CDA), with a total capacity of approximately 4000 places. Many asylum seekers are first housed in these centers, before transferred to CARA centers.<sup>56</sup>

According to the Italian decree law 25/2008, CARA centers are set up for asylum seekers during the first phase of the procedure, during identification and the completing of the application. The intention expressed by the law is that this period should last a maximum of 35 days. After the formal registration (*verbalizzazione*), asylum seekers should theoretically be offered a place in the SPRAR system, but because of SPRAR’s limited capacity, most are offered to continue their stay in a CARA.<sup>57</sup>

The general rule is that asylum seekers are allowed to stay in a CARA center until they have received a decision on their asylum application. If they then have no place to go, they may be allowed to stay some longer, if there is capacity. The maximum time is six months from the formal asylum registration. However, in some cases prolongations have been made for vulnerable asylum seekers.<sup>58</sup>

CARAs are “half open”: The asylum seekers may leave during daytime, but must stay overnight, should they keep their beds. They may, however, request special

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<sup>56</sup> <http://www1.interno.it/mininterno/export/sites/default/it/temi/immigrazione/sottotema006.html>

<sup>57</sup> Servizio Centrale, Rome, meeting December 2010

<sup>58</sup> Caritas Rome, meeting September 2010

permission to leave. If a person leaves the center without permission, the place is permanently lost.<sup>59</sup>

In the CARA centers, asylum seekers are offered legal support and some initial integration measures. These services include Italian courses, cultural mediation and basic information. The asylum seekers are also to be provided social assistance and health services, including psychological help.<sup>60</sup>

*Criticism:* The efficiency of the integration measures in the CARA centers has been criticized, with particular regard to the quality of the language courses and information given. The location of the centers also present severe limitations: The centers are typically located in rural areas, in large establishments such as former airports and military camps. They are also usually located in small communities, where the asylum seekers outnumber the local population. These limitations make initiating an integration process difficult. This imply that a person who receive a residence permit after some months in a CARA center, usually is far from sufficient equipped for coping in society.<sup>61</sup>

Further criticism is directed towards substandard health services in the CARA centers, and the lack of specialized treatment of vulnerable asylum seekers (see 3.3).

### **Returnees with Dublin cases**

Dublin returnees with pending cases are supposed to be offered accommodation like other asylum seekers. As this group has been relatively small, it has usually been possible to find spaces for them in the CARA centers when they arrive in Rome<sup>62</sup>. Dublin returnees arriving at Malpensa, have usually been offered a place to stay if they have a pending case.<sup>63</sup> The current situation with large number of refugees coming from northern Africa, however, presents challenges in terms of the overall capacity of reception centers, which probably also will affect the capacity to accommodate returnees from other European countries.

As discussed, persons that have left a center without permission, permanently lose their right to a place. Because of this, many returnees are in the situation of not being offered accommodation throughout the procedure period.

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<sup>59</sup> Questura of Rome, meeting September 2010

<sup>60</sup> Caritas Rome, meeting September 2010

<sup>61</sup> UNHCR, interview September 2010

<sup>62</sup> Arci con Fraternita, meeting September 2010

<sup>63</sup> Caritas Malpensa, interview December 2010

### 3.2. Reception and integration measures offered after receiving a residence permit

Most asylum seekers do not receive a place in the SPRAR network, due to the limited number of SPRAR centers. The integration measures offered in the CARA centers have fundamental limitations, and the asylum procedure is in any case too short to allow for proper integration into society. The large majority of refugees with permits are therefore in need of further assistance in order to find work and accommodation.

Providing accommodation and general welfare for asylum seekers during the asylum procedure is the responsibility of the state. After a person has received recognition, however, the task of providing services to the individuals is handed over to local authorities. Regional authorities have the responsibility of making laws regarding the integration of immigrants.<sup>64</sup>

Concerning the situation for refugees, there are large differences between the Italian regions. In the richer northern regions, the services are in general better developed. The city of Turin is regarded as a forerunner concerning social services and integration programs in Italy. Rome is usually described as a special and extreme case because of the situation of large numbers of immigrants in the city at any given time. The regions in the south are in general characterized as offering little help to refugees.<sup>65</sup>

At the same time, there can be considerable discrepancies between municipalities in the same region. There is no set standard; instead, much depends on specific local initiatives and the manner in which local authorities collaborate. Together this contributes to the uncertain situation for refugees in Italy.<sup>66</sup>

Most of the accommodation offered for those who have acquired a permit consists of places in centers belonging to the SPRAR system. In addition there are some state-initiated projects, and various independent local projects, initiated by local authorities and/or NGOs.

#### **SPRAR**

The SPRAR system was originally established to serve asylum seekers during the asylum procedure, but has evolved into a network mostly supporting the integration of persons who have received residence permits. Asylum seekers will normally first be placed in a CARA center before, if they are lucky, receiving a place in SPRAR after obtaining a residence permit. 65 % of those residing in SPRAR centers have received their spaces after receiving permits. 74 % of these persons are considered vulnerable.<sup>67</sup>

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<sup>64</sup> UNHCR Italy, interview September 2010

<sup>65</sup> Save the Children Italy, Rome, interview September 2010

<sup>66</sup> Municipality of Turin, interview December 2010

<sup>67</sup> Servizio Centrale, Rome, meeting December 2010

Many returnees from other European countries are considered vulnerable, with single mothers forming a particularly large group. In addition, there are many returnees suffering from mental illness; their mental conditions often only worsen with their movement between countries. However, due to lack of capacity, many individuals are not able to get a place in SPRAR even if they are considered vulnerable.

The core concept of SPRAR is “integrated reception”, implying a focus on the needs of each individual. The aim is to aid the integration process and help the individual achieve socio-economic inclusion and independence. Central aspects include social assistance, familiarizing the individual with his or her local surroundings and services, Italian language instruction, educational and work opportunities, legal aid and housing help.

The maximum time for an individual to reside in a SPRAR center is set to six months, but in special cases (particularly regarding vulnerable persons), the center can apply to prolong an individual’s stay for up to an additional six months. For this reason, vulnerable persons on average stay for close to one year, while “ordinary” refugees tend to stay for just under six months.

Six months in SPRAR is insufficient for most refugees. According to Servizio Centrale, integration of SPRAR participants has not increased since 2007. In 2008, 3519 people left the program; of these, 47.5% had achieved a point of self-reliance both in regards to work and accommodation. Unfortunately, this state is not often permanent, as many of the jobs received, for example, are based on temporary contracts. One of SPRAR’s new strategies is therefore to give more “regular” inhabitants the opportunity of staying an extra six months, in order to better facilitate the integration process. However, as the total number SPRAR places will not be increased, even fewer individuals will be able to access the centers.

In late 2010, the waiting list for a place in SPRAR was around 1500 persons. This number does not include requests from the prefectures, which *Servizio Centrale* is obliged to answer within two days. Just a limited portion of those on the waiting list will receive a place, as certain individuals, such as Dublin returnees considered as vulnerable, have priority.

Even for those who are offered a place, accepting can often be problematic as individuals tend to receive offers after two to three months, and to SPRAR centers away from their current places of residence. By this time, they have often begun to adjust to their local environments. Accepting a place in SPRAR is of course voluntary, but a refusal will make it impossible to regain a place later.<sup>68</sup>

### **Metropolitan centers**

In recent years the Ministry of Interior has through the program *Progetto Morcone* program financed some large projects in a few of the big cities, in order to supplement and reduce some of the pressure on the local authorities there.

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<sup>68</sup> Mosaico, Turin, meeting September 2010

The cities of Milan, Rome, Firenze and Turin have in this way made agreements with the government, enabling new centers to be established, paid by special funds. These centers can be regarded as supplementing the SPRAR centers, housing both asylum seekers in the procedure and persons who have acquired a residence permit. So far 1100 places have been financed in this manner.

The largest center in this category is *Centro Enea* in Rome, founded in 2007, with 320 spaces. These are reserved for persons who have already been in a local centre in Rome (see below), and are not available for those who have been in the SPRAR system. Similar to the SPRAR concept, this center focuses on integration, aiming to make the immigrant more independent.<sup>69</sup>

### **Local projects**

In some areas there are established local centers outside the SPRAR network. Two examples from Rome and Turin:

*Municipality-financed centers: Rome.* In Rome there is a local system of 21 centers for those with protection status. These centers are partly run by NGOs, but receive financial support from the municipality. Together, the centers offer 1200 places. As in the SPRAR centers, inhabitants can stay for six months, with an additional six months available dependent on the individual meeting certain requirements.<sup>70</sup> In September 2010 the waiting time for getting a place was reported to be approximately three to four months.<sup>71</sup>

*Independent NGO projects: Turin.* An example of NGO-initiated projects outside the state framework is found in Turin. In 2008, the city experienced a dramatic situation with a growing number of homeless refugees occupying empty buildings. As a response to this, a co-operation between various NGOs was established to figure out effective solutions and provide necessary support. They managed to initiate projects to help refugees who had been forcibly removed by the police. Some of the organizations involved received money from the European Refugee Fund for a project to house 130 vulnerable refugees in 30 different municipalities in the Piemonte region. The project has had good results in terms of stimulating integration and providing work opportunities.<sup>72</sup>

### **The situation for returnees**

In the Centro Enea centre there are 80 places reserved for Dublin returnees who arrive at the Fiumicino airport. Those who get access are allowed to stay for a maximum of two weeks while they wait for a place in the SPRAR system. However, if such a place is not available, they usually are allowed to continue the stay, which in some cases can last several months. Vulnerable asylum seekers are given priority for these 80 places. However, new Dublin returnees arrive every day, meaning that there are far

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<sup>69</sup> Prefecture of Rome, meeting September 2010

<sup>70</sup> Prefecture of Rome, meeting September 2010

<sup>71</sup> Centro Astalli, Rome, interview September 2010

<sup>72</sup> Ufficio Pastorale Migranti, Turin, interview September 2010

from enough spaces. Previously, hotel rooms in Rome could be arranged as temporary solutions, but this is no longer possible due to lack of financing.<sup>73</sup>

The case is often that individual returnees are simply directed to their respective areas and told to approach local authorities there, before any kind of reception services have been arranged. If a person has previously left a local project, it can be difficult to regain access to social services. This can lead to situations where individuals considered vulnerable are left on their own for varying periods of time.<sup>74</sup>

### 3.3. Reception of vulnerable: Mentally ill and unaccompanied minors

#### Persons with mental illness

In recent years, there has been growing awareness of the problems facing mentally-ill persons. 10 % of the SPRAR places meant for the vulnerable are reserved for this group. In addition, it has been decided to establish more places in smaller, specialized units with staff trained in dealing with mental illness. However, there are far from enough places to cover the need. During the asylum process, many suffering from mental illness can only access help through the CARA centers in which they reside. Servizio Centrale regularly receives calls from CARA staff requesting help with mentally-ill residents, but does not have the capacity to provide support. They can make agreements with specialists in the areas surrounding the centers, but only in exceptional cases.<sup>75</sup>

In 2009, Doctor without Borders Italy monitored the health services offered in the CARA, CDA and CIE reception centers. Their conclusions are presented in the report *On the other side of the wall* (January 2010).<sup>76</sup> One of the main findings of the report is the lack of services available for the large group of inhabitants with mental problems.

The CARA centers are large units, where opportunity for individual care is limited. Overcrowding and lack of space create an environment far from suitable for vulnerable refugees of this category, as well as make conditions very difficult for CARA employees.

One central problem is the lack of appropriate screening in order to identify people with mental illness. There are rarely guidelines set in place to distinguish these individuals, and should staff lack competence it is practically impossible to help vulnerable people in this category.<sup>77</sup> In addition to this, there are not enough

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<sup>73</sup> Arci con Fraternita, meeting September 2010

<sup>74</sup> Arci con Fraternita, interview December 2010

<sup>75</sup> Servizio Centrale, Rome, meeting December 2010

<sup>76</sup> <http://www.doctorswithoutborders.org/press/2010/MSF-On-the-Other-Side-of-the-Wall-report-summary.pdf>. The following quotes are taken from this summary.

<sup>77</sup> “The staff (...) almost always come short of the numbers and needs of the users: they have no indications to identify vulnerable persons and, in some cases, find themselves in huge, overcrowded centers where objective environmental factors complicate their work (...)”

translation services available, making the provision of appropriate health care difficult.<sup>78</sup>

Doctor without Borders also points to the lack of efficient monitoring and transparency. Health services are not monitored by independent public health authorities; instead, the centers report directly to the Ministry of Interior, which does not have the professional qualifications to evaluate health standards. This leaves the centers without outside evaluation and “*left to the goodwill and skills of the individual managing bodies and staff*”.<sup>79</sup>

After receiving a residence permit, asylum seekers are supposed to approach the local authorities of the area where they are registered and the services available there. Besides the offers from the SPRAR centers, there are some local institutions dedicated to serving refugees of this category, but the amount of places is far from enough. For example, in Rome at present there are only four projects dedicated to the treatment of mental illness among asylum seekers and refugees. The majority of individuals in this category are left to deal with their problems on their own. Many are not even informed about the services offered.<sup>80</sup>

### **Unaccompanied minors**

According to the Italian law, unaccompanied minors are not allowed to stay in CARA centers for more than 24 hours. They will then be transferred to an orphanage, where they stay while waiting for their asylum decision. In SPRAR centers there are only a total of 130 places dedicated to unaccompanied minors, so the majority is taken care of by local social services. These provide accommodation in different orphanages connected to various local projects, which usually are not specifically dedicated to refugees. The unaccompanied minors may therefore live in houses together with many different types of children.<sup>81</sup>

Italian law secures the rights of the minors, and in general those registered with the authorities are given priority and a place to stay. However, the quality of services is again dependent on the financial situation of the municipality. The central government only finances the first period before minors receive a guardian, but from there, the responsibility is handed over to local authorities. The situation is not monitored by state authorities, and therefore the quality of all institutions in the different regions cannot be guaranteed.<sup>82</sup>

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<sup>78</sup> “*In these places the distance between the accommodation facilities and those where the services are provided makes it difficult for the inmates to access targeted, effective and comprehensible information, especially for those who have developed a tendency to isolate themselves, withdrawing into non-communication due to previous traumatic experiences.*”

<sup>79</sup> “*The centers for immigrants seem to function like islands separated from the outside world, with their own living relations, dimensions and rules, there being no outside control or quality indicators to respect*”.

<sup>80</sup> Cittadini del Mondo, interview September 2010

<sup>81</sup> Associazione Virtus Italia Onlus, Rome, interview September 2010

<sup>82</sup> Save the Children Italy, Rome, interview September 2010

According to the Italian law every minor must be appointed a guardian. In Italy, being a guardian is a voluntary position, and recruitment is often difficult. The problem with recruiting guardians often causes minors to be dependent on the help they get from the staff in the orphanages, who often are not trained to deal with the specific problems minors may have as refugees.<sup>83</sup>

The quality of the institutions is important for reducing the risk of minors leaving orphanages in order to find their own way in the big, unsafe cities. Numbers show that many newly arrived minors arriving in the south, especially Afghans, have run away after being registered. During a period of research in Sicily Save the Children found 70 % of the minors left the orphanages.

Often, the goal of minors is to work and send money to their families. Going to school or waiting for a guardian may therefore be considered wasted time. They therefore try their luck in the big cities in order to earn money by working illegally. Many of these minors go to Rome, partly because many of their fellow countrymen live there, and partly because the police in Rome are perceived as slightly more lenient. After a while some of these minors may eventually seek out social services and ask for assistance. In many cases, however, it is difficult for social workers to convince these minors to choose to register themselves again in the system.<sup>84</sup>

Save the Children estimates there are a few thousand irregular minors on the streets in the big cities, and more than one thousand in Rome alone. These children are obviously vulnerable for exploitation, and many are controlled by adults. Italian police are obliged to intervene if they discover a minor without a permit or registration, but this is a difficult situation to control.

### **3.4. Funding projects**

The total capacity of accommodation, through SPRAR, metropolitan centers and local centers, is clearly insufficient compared to the total number of refugees with residence permits. The number of places in SPRAR has neither increased in SPRAR's plan for the coming period (2011-13).<sup>85</sup> Therefore the current situation will only continue.

The discrepancy between needs and measures must be connected to a general tendency in Italy to disregard the idea of direct state responsibility for the reception of asylum seekers and refugees. The responsibility of the state on this issue has never been clearly defined, either politically or economically. The state provides funding to accommodation and integration projects such as SPRAR through the National Fund for asylum services and policies, but it is up to local authorities to start their own projects using this money. Local authorities, however, are not obligated to do this. This voluntary system therefore contributes to the highly insufficient number of SPRAR centers for asylum seekers and refugees.<sup>86</sup>

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<sup>83</sup> Save the Children Italy, Rome, interview December 2010

<sup>84</sup> Save the Children Italy, Rome, interview December 2010

<sup>85</sup> Servizio Centrale, Rome, meeting December 2010

<sup>86</sup> Luca Bicocchi: *Political Asylum in Italy: A picture of the policies and the evolution of the phenomenon*, 2006

During the decrease of new asylum applications in Italy 2009-10 some hoped that integration programs would be improved. However, the current political consensus in Italy about a restrictive approach to immigration deeply influences the funding made available for the integration of refugees. Political concerns create visible differences between how various local authorities, regions and municipalities handle the refugee question. A local election can have decisive consequences for the situation of refugees in the area. In a period of general economic restraints, political priorities have powerful impact: In the 2011 state budget there were deep cuts to municipal funding which greatly influence the financial means made available for local-level immigration projects.<sup>87</sup>

This situation also affects the sustainability of individual SPRAR projects, as municipalities provide 20 % of project financing. Reimbursement from municipalities to the NGOs that actually run the projects is often delayed. But this may be a result of both economic limitations and lack of political will.<sup>88</sup>

This financial uncertainty makes it difficult to establish sustainable programs because of the limited periods of financing. NGOs that desire to do something about the situation are therefore often forced to look for funding alternatives outside the state system. Regardless of the source of funding, however, many of these projects function under high degrees of uncertainty regarding the future of their financing.<sup>89</sup>

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<sup>87</sup> Region Piemonte, Immigration department, Turin, interview December 2010

<sup>88</sup> Luca Bicocchi: *Political Asylum in Italy: A picture of the policies and the evolution of the phenomenon*, 2006

<sup>89</sup> Ufficio Pastorale Migranti, Turin, interview September 2010

## 4 Coping in the Italian society

An asylum seeker granted a residence permit in Italy is free to move and decide where he or she will live in the country. However, he or she can usually only get access to the services of the municipality where registered as a resident. In most cases, asylum seekers will be registered where they submit their asylum application. Asylum seekers staying in a center in another area during the process are afterwards expected to go back and seek help in the municipality where the process began.

Most asylum seekers who have just received a residence permit have been through a relatively short asylum procedure of 2-3 months, and are therefore in great need of further assistance in order to integrate into society. Unless they are one of the lucky few to get access to a place in a program like SPRAR, they are dependent on what is offered them by local authorities. However, as discussed, the local authorities often have limited means and/or will to finance programs for the integration of refugees. Especially in the southern regions, resources are sparse, and providing services for immigrants does not have high priority. Therefore, even if the local offices formally are the ones responsible for the refugee, it is very common for them to simply distribute a train ticket to Rome or northern Italy.<sup>90</sup>

However, refugees usually face great difficulties when trying to settle somewhere else in Italy. Local authorities in the places they move to have no obligations and usually are unwilling to provide services, as they fear that they will be need to take charge of future social responsibilities.<sup>91</sup> This is the decision of the local municipalities; they cannot be forced by authorities on a higher administrative level. This creates a situation which some call a “small Dublin” inside Italy, because people are often directed back to the region where they applied and are registered as residents.<sup>92</sup>

### 4.1. Habitual residency

In Italy, the legal principles connected to residency registration in local communities represent a major obstacle for refugees trying to settle and integrate. Both refugee status and subsidiary protection status give refugees most of the same rights as Italian citizens (see 2.4.). In order to exercise these rights, however, it is a prerequisite to be registered as a *habitual resident* in a municipality. This registration is not to be confused with the provisional residency registration (*domicile*) acquired during the process of applying for asylum, which in some cases imply being provided a fictive address by an independent organization.<sup>93</sup> (see 2.1.)

In order to be registered as a resident of a municipality, one needs to reside at an address inside the territory. Applying for this is done by providing required documents and filling out a form at the local registry (*Anagrafe*). Persons living in a reception center can usually register like this if they have lived a minimum of three months there, and bring a signed confirmation of residence. For others, the application

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<sup>90</sup> Prefecture of Turin, interview September 2010

<sup>91</sup> Municipality of Turin, Immigration Office, interview September 2010

<sup>92</sup> Mosaico Organisation, Turin, meeting September 2010

<sup>93</sup> Municipality of Turin, Immigration Office, interview September 2010

is formally registered after a city guard has visited the given address and checked whether the person actually lives there.<sup>94</sup> If the person found not to be living at the registered address after repeated checks, the residency registration will be deleted from the register.<sup>95</sup>

Being registered as a habitual resident is fundamental for several administrative formalities, such as enrolment in the Servizio Sanitario Nazionale (National Health Service) (see 4.4.), social assistance, the right to apply for public housing projects, access to schools, job agencies and job training, and even for the issuing of a drivers license.<sup>96</sup> The implication is that if a refugee fails to obtain a habitual residency registration in a municipality, accessing many of the rights coming with a permit becomes difficult, if not impossible.

In order to gain access to the same services as other inhabitants of the city, refugees must reach a level of financial independence and stability such that they are able to move to their own place. In order to achieve this, it is usually necessary to be able to pay the rent, and for most people this requires income from work. The number of asylum seekers who reach this level of independence in Italy is not known, but was estimated by the representative of the immigrant office in the Piemonte region as “not that many”.<sup>97</sup> The main problem facing refugees is the lack of work opportunities.

## 4.2. Work opportunities

In Italy, the current unemployment rate is 8.7 %.<sup>98</sup> Finding regular work is difficult even for Italian citizens, and for a refugee who has stayed less than half a year in a CARA center, the chances are of course much lower. Even the privileged few who have spent time in the better developed SPRAR system, of which job training and vocational placement forms an integral part, have problems finding a job.<sup>99</sup>

Public offices are often not much help to refugees looking for jobs. Refugees who are not registered in the municipality where they reside can neither access the municipality’s public employment agencies. Some local authorities try to counteract this problem by giving permission to use temporary agencies.<sup>100</sup>

However, only a small percentage of jobs in Italy are found through employment agencies. Most Italian citizens that for longer or shorter periods live without income, find work through their personal network, family members or friends. They also of course have the advantage of knowing the language and how the system works. This is very often not the case with refugees, who usually do not have the same social connections, language skills and knowledge of society.<sup>101</sup>

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<sup>94</sup> The Italian Ministry of Interior: *Staying in Italy Legally* ([http://www.interno.it/mininterno/export/sites/default/it/assets/files/14/0554\\_initaliainregola\\_English.pdf](http://www.interno.it/mininterno/export/sites/default/it/assets/files/14/0554_initaliainregola_English.pdf))

<sup>95</sup> Municipality of Turin, Immigration Office, interview September 2010

<sup>96</sup> The Italian Ministry of Interior: *Staying in Italy Legally*

<sup>97</sup> Region Piemonte, Immigration department, Turin, interview December 2010

<sup>98</sup> <http://www.oecd.org/dataoecd/14/22/45603888.pdf>

<sup>99</sup> Servizio Centrale, Rome, meeting December 2010

<sup>100</sup> Region Piemonte, Immigration department, Turin, interview December 2010

<sup>101</sup> UNHCR Italy, interview September 2010

This forces refugees to seek out different types of part-time work or temporary employment, or enter the huge black labour market, where they compete with a large proportion of irregular immigrants.

The work available for refugees is to a large extent temporary manual labor. Many go to the south of Italy during summer to work on farms. The economic exploitation and poor accommodation of refugees and irregular migrants in this kind of seasonal work is well documented.<sup>102</sup>

Female refugees often end up working in the health care sector, particularly with the elderly. Many working in this sector are given accommodation in the same house as their patient, meaning that accommodation and work become interdependent, and the employee becoming even more vulnerable for exploitation.

Most refugees arriving in the south will seek opportunities for livelihood in the wealthier northern regions. There they hope to find more opportunities and possibly receive support from others of their same ethnic group.

For refugees, the right to unemployment benefits is the same as for Italians. The extent of support is determined by the numbers of years of regular work the person has had. It is also a requirement to have worked a minimum of three months during the previous year. These regulations make it extremely difficult for most refugees to access such benefits. This is both because the jobs available are most likely to be in the black economy and therefore not registered, and are often of too short a duration. Even Italian citizens find it difficult to access unemployment benefits.<sup>103</sup>

The lack of opportunities and constant struggle for survival that refugees face in Italian society expose them also to the threat of entering criminal activities and prostitution. Trafficking is a huge problem in Italian cities, and an increasing number of female asylum seekers arriving Norway from Italy are trafficking victims threatened by criminal organizations in Italy. An increasing number of these women arrive either pregnant or with children.<sup>104</sup>

### 4.3. Accommodation opportunities

The shortage of work opportunities, combined with the lacking social welfare provided by the state, makes finding a place to live an extremely difficult task for many refugees. Even for those who manage to earn some money, finding accommodation can be a problem because of a general reluctance to rent out apartments to immigrants.<sup>105</sup>

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<sup>102</sup> See Doctors without Borders Italy: *A Season in hell: MSF report on the conditions of immigrants employed in agriculture in the regions of Southern Italy*, 2008 ([http://www.aerzte-ohne-grenzen.at/fileadmin/data/pdf/reports/2008/MSF\\_Report\\_A\\_Season\\_In\\_Hell\\_2008.pdf](http://www.aerzte-ohne-grenzen.at/fileadmin/data/pdf/reports/2008/MSF_Report_A_Season_In_Hell_2008.pdf))

<sup>103</sup> Municipality of Turin, Immigration Office, interview September 2010

<sup>104</sup> Rosa-senteret, Oslo (emergency care center dedicated to victims of trafficking): *Yearly report 2010* ([http://www.rosa-help.no/pdf/ROSA\\_aarsrapport-2010.pdf](http://www.rosa-help.no/pdf/ROSA_aarsrapport-2010.pdf))

<sup>105</sup> Region Piemonte, Immigration department, Turin, interview December 2010

Because of the limited places in homeless shelters, where refugees must “compete” with homeless Italians and other persons, many asylum seekers are left to find shelter on their own, causing them to live under very bad conditions. Squatting has become common in the larger cities such as Rome, Turin, Milan, Napoli and Firenze.<sup>106</sup>

Some of the larger occupied houses are buildings with many floors, for example schools and hospitals that are no longer in use, and which generally are not suitable for habitation. These squats often contain around 300-400 people; at times the numbers even reach up to 700. The majority of squatters typically have a residence permit. People who share the same national or ethnic background tend to live together. Many East Africans such as Eritreans, Ethiopians, Somalis and Sudanese have established communities in this way.

Although occupying houses is a better alternative to living on the street or under bridges, the conditions are usually extremely poor. Access to water is often limited, and toilet facilities exceptionally few. Floods and fires are often reported. Electricity may be cut off for months, even during wintertime.<sup>107</sup>

Such large numbers of people living in the same building under such primitive conditions often creates tensions that can result in violence. When the research team visited one of these squats in Rome, it was told of one such incident, which resulted in a person being thrown out of a fourth-floor window. The police had been watching from the outside without interfering. Other refugees have reported similar incidents.

The majority of the houses occupied are owned by public institutions, but some constitute intrusions of private property. There is variation between how local authorities choose to handle these situations. In Milan, for example, the approach has been militant, with the police simply emptying the houses and leaving people on the streets. In Turin, the tendency has instead been to tolerate occupations for a limited period while trying to work out viable solutions in conjunction with organizations and starting a dialogue with the occupants.<sup>108</sup>

The housing situation also influences emigration connected to seasonal changes. Many refugees in the northern regions go to the south during summer to work on farms; after returning to the north after summer, they face the cold winter which can make a situation with subpar accommodation intolerable. Resultantly, there have been cases of refugees moving on to other countries during the winter season, with full awareness that they will be sent back to Italy.<sup>109</sup>

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<sup>106</sup> The conditions in Rome is described and illustrated in a recent report from ProAsyl, Germany: Maria Bethke and Dominik Bender: *Zur Situation von Flüchtlingen in Italien*, 2011 ([http://www.proasyl.de/fileadmin/fm-dam/q\\_PUBLIKATIONEN/2011/Italienbericht\\_FINAL\\_15MAERZ2011.pdf](http://www.proasyl.de/fileadmin/fm-dam/q_PUBLIKATIONEN/2011/Italienbericht_FINAL_15MAERZ2011.pdf))

<sup>107</sup> Cittadini del Mondo, Rome, interview September 2010

<sup>108</sup> Sara Cuko: *The Human Rights of refugees: The Italian solution*, Aalborg University 2010

<sup>109</sup> Ufficio Pastorale Migranti, Turin, interview September 2010

#### 4.4. Health care

Health services for asylum seekers living outside centers are often provisional and based on local arrangements. In Rome, asylum seekers who have received a confirmation of their initial registration as applicants have the right to free health care during the procedure period. To access health services, one needs an insurance card and registration with the National Health Service. In order to register, one must go to the Local Health Unit (*Azienda Sanitaria Locale – ASL*) and submit documentation proving residency in the municipality. A *Tesserino Sanitario* (Personal Healthcare Card or “little card”) is then issued, providing free or partly-subsidized health services, along with access to a personal doctor. However, asylum seekers are not popular as patients, and finding a doctor for this group can be very difficult.<sup>110</sup>

In this way, local authorities have the option to accept provisional, fictive addresses for people staying in the community without stable accommodation, in order to provide them with health services. Registration based on a fictive address, however, is not accepted in every city, and even where accepted, may not be an available option due to a lack of organizations providing such addresses.<sup>111</sup>

In many municipalities, local authorities are restrictive to give provisional residency as they do not want to make the area attractive to refugees. But in some cases, provisional residency is temporarily granted in order to solve acute problems. As earlier mentioned, Turin recently experienced a sharp increase of refugees squatting in abandoned buildings with terrible sanitary conditions (see 3.2.). The minister of health of the Piemonte region thus made it possible for refugees to be registered as “residents” of the local health unit, an arrangement that provided access to free health services for a limited period. In December 2010, the regulation was still in effect, but was not expected to be renewed by the new government of the region.<sup>112</sup>

If a fictive address is not available and the refugee not in a position to be granted a habitual residence registration in the municipality, their only option is emergency health care centers. They are then in a situation similar to that of irregular migrants.

In order to access more specialized health care and advanced medical examination such as radiology, a *Tessera Sanitaria*, the health card only available to those registered as habitual residents, is usually a prerequisite. However, there are organizations in some cities that offer medical examinations without demanding this card, in order to help the homeless.<sup>113</sup>

In addition to these obstacles, making asylum seekers and refugees aware of their rights and how to access them is a constant challenge. Information provided by local public offices and social services has been criticized as insufficient, as interpreters and translated brochures are often unavailable. Informing and helping refugees access health care is therefore to a large extent left to independent organizations, who struggle with this difficult and challenging task.<sup>114</sup>

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<sup>110</sup> Cittadini del Mondo, Rome, interview September 2010

<sup>111</sup> Municipality of Turin, Immigration Office, interview September 2010

<sup>112</sup> Region Piemonte, interview December 2010

<sup>113</sup> MEDU, Rome, interview September 2010

<sup>114</sup> Save the Children Italy, interview September 2010

## 5 Concluding remarks

### 5.1. Italian central authorities' approach to asylum seekers and refugees

The main problem in Italy concerning asylum seekers and refugees is the lack of reception and integration measures. Italian authorities are not providing individuals granted residence permits the tools needed for becoming a productive part of society. Instead thousands of refugees, most of them young persons, experience years of lost opportunities. This human misery causes desperate individuals to leave Italy, clinging to a small hope of being accepted in another European country.

A striking feature of the Italian central authorities' approach to asylum seekers and refugees is the low level of state responsibility:

- The impression given is that the Italian asylum system has primarily been developed as a response to the European community, while the recognition of the needs of refugees has been a secondary consideration.
- The agreement with the Libyan regime of 2009 manifested a will to ignore asylum seekers' potential claims for protection, by treating them as illegal immigrants.
- The lack of accommodation offered in the period before the formal registration as asylum seeker, and the insufficient capacity concerning accommodation and integration measures for those granted protection.
- The provisional character of the reception system. This is both reflected by the extended use of CARA centers for accommodating asylum seekers throughout the procedure, and the way the insufficient number of places in the SPRAR centers increasingly are taken by a growing number of vulnerable persons.
- Integration of refugees is dependent on voluntary initiatives from local authorities, who generally are restrained financially.

Even if there has been established a functioning asylum procedure and asylum seekers are given residence permits in Italy, the living conditions for this specific group are only to a minor degree regarded as a responsibility on a national level. Instead this responsibility is largely handed over to local authorities, who often will not or are not able to offer sufficient measures. Concerning financing projects, the guiding principle is "by the available funds", not "according to the needs".

The unwillingness of Italian authorities to fully finance necessary assistance for refugees in the country is mirrored by the foreign policy. The prevalent notion in Italy is that it is impossible for the country to handle every refugee arriving from the south and the east, and that other European countries must take a larger part of the responsibility. The Dublin system is not popular.

The struggle over responsibility for refugees is on the one hand going on between Italian authorities on different levels, on the other hand between Italy and the other European nations. The losers are of course the individuals left without a future in Italian cities.

## 5.2. Legal perspectives

Is the Italian treatment of asylum seekers and refugees a violation of international obligations? Is returning them to Italy in breach of the same laws and conventions?

The scope for this report does not include a comprehensive discussion of these legal perspectives. We will here just very briefly mention three legal frameworks that must be considered relevant for this discussion: The EU Reception Directive, the European Human Rights Declaration and the Refugee Convention. With the current situation in Italy in mind, our general recommendation is that the prescriptions given in these sources of law must be considered carefully by states considering transferring asylum seekers and refugees back to Italy.

### **The EU reception directive**

The Council directive 2003/9/EC<sup>115</sup> lay down minimum standards for the reception of asylum seekers, or applicants in the procedure, “to ensure them a dignified standard of living”. The General rules on material reception conditions and health care (art 13, paragraph 2), state that “Member States shall make provisions on material reception conditions to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence.”

Italy has to a varying degree been able to provide reception to all applicants in this manner. During the influx in 2007-08 many were left without shelter in the big cities. During the period 2009-2010, after the decrease in applicants, there were usually at least enough spaces in the CARA centers to provide a bed for everyone. But with the new, massive increase of applicants arriving in early 2011, the situation concerning accommodation is yet again unstable and unclear, and should be closely studied by other European States when considering returning asylum seekers to Italy.

A second question is the situation for vulnerable asylum seekers. The Directive (Art. 13, paragraph 2) states “Member States shall ensure that the standard of living is met in the specific situation of persons who have special needs”. The facilities and measures in Italy applied for certain categories of vulnerable persons should be questioned, like traumatized residing inside CARA centers, and unaccompanied minors.

A third problem related to the Reception directive, is how Italy in many cases do not offer assistance from the moment the asylum seekers approach the police in order to make an application (see 2.1. and 3.1.). The directive (art. 13, paragraph 1) states

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<sup>115</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>

“Member States shall ensure that material reception conditions are available to applicants when they make their application for asylum”. In Italy, it has been common to provide accommodation only after the formal registration (*verbalizzazione*), causing an interval of weeks or even months before any assistance is made available. The question is then the meaning of the phrase “when they make their application” in the Directive. It seems reasonable to assume that the directive prescribes accommodation from the wish to apply for asylum is stated, as this also seems to be the common interpretation in other European countries.

### **The European Convention for Human Rights**

In January 2011, case 30696/09 of The European Court of Human Rights in Strasbourg (*M.S.S. v Belgium and Greece*)<sup>116</sup>, established that the transfer of an Afghan asylum seeker from Belgium to Greece constituted a breach of the European Convention on Human Rights. An aspect of the decision relevant to the situation in Italy is the way the court considers the living conditions in Greece in accordance with the article 3 in the European Convention for Human Rights: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Article 254 of the judgment states: “(...) He allegedly spent months living in a state of the most extreme poverty, unable to cater for his most basic needs: food, hygiene and a place to live. Added to that was the ever-present fear of being attacked and robbed and the total lack of any likelihood of his situation improving. (...)”. In Article 263 the Court considers this situation in light of ECHR Article 3: “The Court considers that the applicant has been the victim of humiliating treatment showing a lack of respect for his dignity and that this situation has, without doubt, aroused in him feelings of fear, anguish or inferiority capable of inducing desperation. It considers that such living conditions, combined with the prolonged uncertainty in which he has remained and the total lack of any prospects of his situation improving, have attained the level of severity required to fall within the scope of Article 3 of the Convention.”

There are clear similarities between the documented facts of this case and the situation experienced by many asylum seekers and refugees in Italy. The Strasbourg ruling clarifies that deportations without effective safeguards are not in accordance with the European Convention for Human Rights. Immigrant authorities of other European States should therefore closely consider the situation for asylum seekers in Italy in terms of human rights obligations, before enforcing returns to Italy. Especially the situation upon return for those considered vulnerable should be evaluated closely in this light.

### **The Refugee Convention**

Many of those leaving Italy for other European countries have already acquired a residence permit in Italy. These asylum seekers will normally not be considered by the “receiving states” as entitled to residence permits, since they already have obtained protection through their permits in Italy. This approach must be seen as

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<sup>116</sup> <http://www.statewatch.org/news/2011/jan/echr-judgment-mss-v-belgium-greece.pdf>

formally correct, as the Refugee Convention of 1951<sup>117</sup> does not give any possibilities for “asylum shopping”.

However, Chapter IV of the Convention outlines how refugees are entitled to welfare requirements, amongst them access to housing (art 21), public relief (art 23) and social security (art 24). The levels of obligation for state authorities on the reception of refugees are expressed by the terms “as favorable as possible” (art 21) and “as is accorded to nationals” (art 23 and 24).

Concerning this welfare aspect the Convention give refugees in Italy equal rights as Italian nationals. But as discussed, in the Italian context, where benefits are dependent on the ability to work, formal rights are without much use as long as no help with integration is provided. The situation for many refugees in Italy shows how the concept of protection must include the possibility of acquiring the skills necessary for adjusting to society, in order to reach a level of autonomy comparable to nationals.

Living conditions for refugees in Italy should therefore be carefully considered in light of the Refugee Convention. This also points to the general issue of integration in Europe as a common responsibility for the countries committed to the development of a common European asylum system.

### 5.3. Returns of vulnerable to Italy - recommendations

The existing system for accommodation of asylum seekers and refugees in Italy give priority to persons with special needs. But as discussed, even for persons belonging to the categories of vulnerable the needs are not covered by places available in centers. This is shown by the provisional use of CARA centers for accommodation of asylum seekers, and by the insufficient capacity of the SPRAR system for those having received a residence permit, leaving many outside the system.

The Italian Dublin Unit admits to be overloaded and not able to handle all requests about returnees from other European countries in time<sup>118</sup>. The result is insufficient preparation before transfers are conducted, causing cases with individuals not being offered any services in the local community they are directed to. This creates a risk of harmful situations and is of course alarming in cases involving vulnerable individuals, like families with children and persons with a bad health condition.

The current situation in Italy, with the dramatic influx of new asylum seekers from the south, calls for an even greater focus on the specific situation of the individual asylum seeker and refugee when returns are considered. This implies careful investigations of the circumstances individuals will face upon return.

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<sup>117</sup> <http://www.unhcr.org/3b66c2aa10.html>

<sup>118</sup> Statement by Vice-Prefect Antonella Dinacci, Head of the Italian Dublin-Office at the Italian Ministry of Interior at a conference organized by the Consiglio Italiano per i Rifugiati in Rome on 27 April 2010.

## **Unaccompanied minors**

Even though Italian authorities give priority to children, being an unaccompanied minor seeking asylum in Italy is a condition of uncertainty. This is partly due to problems relating to age assessment, but also the strategy of some minors to apply as an adult. The age of young asylum seekers pretending to be adults are often not checked. In addition there is the unsafe situation for minors in general, caused by the environment in the cities. Conceptions in the different ethnic communities about the lack of opportunities in the Italian society may convince minors to leave safe accommodation centers for unstructured and unsafe living conditions, with the dangers entailed.

### **Recommendations:**

- Transfer of unaccompanied minors should not be enforced unless there is sufficient evidence that proper caretaking of the individual will be provided.
- In order to clarify the status of those arriving from Italy and applying as an unaccompanied minor, age assessment tests should be undertaken. If a minor is found to be underage, but registered in Italy as an adult, the receiving state should take over the responsibility for the case unless Italian authorities guarantee the asylum seeker will be treated as a minor.

## **Single parents with children**

As discussed, cases are registered with single mothers with children not being offered assistance and accommodation during periods of various lengths after returning to Italy from Norway. There are a number of institutions of high quality dedicated to the task of caring for the welfare of this group in Italy. However, the general unpredictability connected with the transfer procedures, combined with the challenges of organizing places to stay in an Italian system under pressure, causes risks for exposing families with small children to unsafe conditions.

### **Recommendations:**

- Returns involving small children should not be enforced unless there is sufficient evidence that proper caretaking will be provided in Italy. The situation for the children, connected to the family situation and the material conditions after return to Italy, should be carefully examined.
- When considering cases with families with children, the health situation of the parents should be carefully checked, in order to discover mental illness and evaluate their ability to take proper care of their children.

## **Persons with mental illness**

In later years Italian authorities have been increasingly aware of the problems of the many asylum seekers and refugees with mental illnesses. It is recognized that the current capacity and measures for this group is far from sufficient. Many are traumatized by experiences in their country of origin and/or on their often difficult and dangerous travels to Europe, and may have had their problems enlarged by the hardship in Italian society. Moving between European countries often makes their

situation even worse, and returnees with mental problems have become a big challenge for Italian authorities.

Recommendations:

- Careful psychological screening should be provided for asylum seekers arriving from Italy, in order to discover symptoms of mental illness.
- Transfers should not be enforced unless there is sufficient evidence that proper caretaking of the specific individual will be provided in Italy.

### **Monitoring of transfers**

There is a need for heightened awareness about the security and the welfare of the individual asylum seekers and refugees transferred between European countries. Cases where transfers to Italy have led to dangerous and humiliating situations for vulnerable individuals and families show how the communication between authorities in different countries needs to improve. The situation with returns to Italy therefore shows the need for developing procedures which in a better way secure the rights and security of the individuals.

Such procedures may contribute to the safety of the individual asylum seeker and refugee, but also to improve the way participating states handle these cases. In order to secure neutrality, monitoring should be carried out by independent organizations.

Recommendations:

- In order to secure the rights and welfare of the individual returnee, the countries taking part of the Dublin regulation should develop efficient systems of monitoring the transfers. The responsibility should be left to associations independent of national state bodies, preferably trusted NGOs.

## List of interviewed during research September (s) and December (d) 2010

### Rome

- Arci con fraternita (Fiumicino Airport): **Valentina Tortorella** (s+d) (legal counsellor) and **Salih Haj** (interpreter)(d)
- Association of Juridical Studies on Immigration (ASGI) (d): **Salvatore Fachile** (lawyer)
- Asinitas organization (s): **Alessandro Triulzi** (leader) and various
- Associazione Virtus Italia Onlus (Org. for minors) (s): **Viviana Violante** (psychologist)
- Caritas Rome (s): **Ngô Lê Quyên** (leader), **Caterina Boca** (legal advisor)
- Centro Astalli (Jesuit Refugee Service) (s): **Donatella Parisi** (communication advisor)
- Centro Enea (reception center)(s): **Rosa Perrotta**
- Cittadini del Mondo (s): **Donatella D'Angelo** (doctor)
- Civico Zero (street center) (s): **Rodolfo Mesaroli** (psychologist) and **Fabiola Impronta** (jurist)
- Doctors without Borders Italy (d): **Rolando Magnano** (head of mission Italy)
- Dublin Unit of Norway (s): **Siv Jacobsen** (advisor)
- Embassy of Norway (s+d): **Arne Gjermundsen** (minister counsellor)
- Italian Refugee Council (CIR) (s): **Maria de Donato** (leader), **Daniela di Rado** (legal counsellor)
- Medici per i diritti umani (MEDU)(Doctors for Human Rights) (s): **Rosely Petri** (coordinator)
- Questura of Rome, Immigration office (s): **Franca Zappacosta** (chief superintendent)
- Save the Children Italy: **Lara Olivetti** (legal counsellor) (s), **Stefania De Nicolais** (attorney) (d)
- Servizio Centrale: **Lucia Iuzzolini** (s+d), **Lucio Bartalotta** (s+d) and various (s)
- UNHCR Italy: **Jürgen Humburg** (senior protection assistant)

### Turin

- Associazione di animazione interculturale (ASAI) (d): **Sergio Durando** (president), **Elena Rossetto** and **Danila Lusso** (project leaders), and various volunteers
- Cooperativa Orso (d): **Simona Sartori**
- Il Punto di Domande (Refugee Guidance Centre, UPM project): **Mirtha Sozzi**, **Laura Braga** and **Silvia Pescivolo** (counsellors)
- Mosaico organisation: **Berthin Nzonza** (president, cultural mediator) (s), **Zahra Osman Ali** (cultural mediator) (s), **Kibeida Yagoub** (cultural mediator) (s+d), **Edwin Ogiesoba** (cultural mediator) (s), **Michelle Manocchi** (assistant) (s+d), **Elena Evangelisti** (assistant)(s), **Magda Bolzoni** (assistant)(s+d)
- Municipality of Turin, Foreigners' office (s): **Roberto Samperi** (head of office)
- Prefecture of Turin (s): **Marita Bevilacqua** (vice-prefect, in charge of immigration policies)
- Questura of Turin (d): **Raffaella Fassone** (responsible for Expulsion procedures)
- Region of Piemonte, Immigration Department (d): **Carla Martoglio** (policy maker)
- Ufficio Pastorale Migranti (s): **Cristina Molfetta** (cultural anthropologist)
- Various: **Abbas Ali** (interpreter)(s), **Mr Mehdi** and **Mr Sadegh** (Afghani refugees)(d)

### Milan

- Association of Juridical Studies on Immigration (ASGI) (s): **Maria Christina Romano** (lawyer)
- Caritas Milan Ambrosiana, Servizio Accoglienza di Immigrati (SAI) (s): **Luca Bettinelli**, **Daniela Varisco** and **Giuditta Oppizzi**
- Caritas Milan Ambrosiana, Malpensa airport: **Daniela Varisco** (counselor)(d)
- Naga-har (Refugee Guidance Centre): **Elisa Morellini** (s)

### Oslo

- Norwegian Directorate of Immigration, Dublin Unit: **Anita Fjeldsæter** (unit leader) and **Siv Jacobsen** (counsellor) (November 2010)