

Italy

## Strengthening NGO involvement and capacities around EU 'hotspots' developments

Update on the implementation of the hotspots in Greece and Italy



## Content

Summary .....	3
New hotspots established Hotspots: Lampedusa, Trapani, Pozzallo and Taranto. ....	3
The legal framework for the functioning of hotspots .....	3
New legislation 1. ....	3
Hotspots function and procedures .....	6
Key agencies and other relevant actors.....	6
Fingerprinting.....	7
Reception conditions .....	8
The provision of information and interpretation services; specialised assistance.....	9
The presence of NGOs and international organizations, and their services .....	9
The transfer to other reception areas for asylum seekers and relocation candidates.....	10
Asylum procedure.....	10
Relocation .....	11
The procedures followed, and access to effective remedy.....	11
The role of national authorities, EASO, and MS Liaison Officers.....	11
The selection criteria applied by Member States, the prioritisation of vulnerable groups, the rejections and the waiting times and delays.....	11
The presence of NGOs and international organisations regarding relocation.....	12
Returns.....	13
Statistics .....	15
A. Arrivals.....	15
B. Asylum requests .....	16
C. Accommodation .....	16
D. Detention & return.....	17
E. Relocation .....	18



## Summary

### New hotspots established

Hotspots: Lampedusa, Trapani, Pozzallo and Taranto.

Regional Hubs: Villa Sikania, Bari, Crotone and Mineo. The latter has been converted into Regional Hub with 800 places available<sup>1</sup>.

In December 2016, EASO announced that eight additional hotspots were in preparation: Messina, Crotone, Reggio Calabria, Cagliari, Vibo Valentia, Palermo, Augusta and Mineo. In March 2017, Prefect Gerarda Pantalone, Head of the Department for Civil Liberties and Immigration, presented to the Parliamentary Commission of Inquiry on "reception system and identification and expulsion centres as well as on detention conditions and public resources invested." He informed about: the establishing of new hotspots in Messina and Palermo (Sicily) with respectively 300 and 150 places.); disembarkation areas to provide 1.600 places in Corigliano Calabro, Crotone and Reggio Calabria; In Sardinia, new mobile hotspots in agreement with the Sardinia Region. Additionally, that the the Ministry of Interior (Moi) will dedicate the centre of Mineo to people with special needs, in particular UASC and families, instead of using it as a hotspot as previously announced<sup>2</sup>.

## The legal framework for the functioning of hotspots

### New legislation

1.

On 29 March 2017, the Chamber of Deputies approved the Law n. 47/2017 concerning protection measures for unaccompanied minors, introducing a series of changes to the current legislation in order to strengthen procedural safeguards in favour of UASC and to ensure uniform application of the rules on reception throughout the country.

The new law specifies measures for the reception of UASC and introduces a ban on border rejections and return for this vulnerable group.

The text also modifies the rules governing the ban on UASC expulsion which can only be waived for reasons of public order and security, further establishing that, in any circumstances, the expulsion orders may be adopted only where there is "no risk of serious harm to the child". It also specifies that the decision of the Juvenile Court must be promptly taken, within 30 days.

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<sup>1</sup> *EASO Operating Plan for Italy, Valletta Harbour and Rome, Dicembre 2016, p. 3*

<sup>2</sup> <http://bit.ly/2tqPsRa>

## Strengthening NGO involvement and capacities around EU 'hotspots' developments

Concerning reception, the text introduces amendments to the provisions from the Reception Decree 142/ 2015, in particular:

- The maximum period of stay of children in the first reception facilities is reduced from 60 to 30 days;
- A maximum time limit of 10 days is set for identification;
- The principle of the specificity of reception facilities for minors is generally introduced.

The new law establishes the National Information System for UASC at the Ministry of Labour and Social Policies. Access to the SPRAR protection services for asylum seekers and refugees is fully extended to all unaccompanied minors, including those who do not seek international protection.

In order to enhance the effectiveness of protection for unaccompanied minors, the reforms address further elements of the procedure aimed at reinforcing individual rights already granted to UASC.

In particular:

- Promoting a list of voluntary legal guardians at each Juvenile Court for the purpose of promoting and easing the appointment of legal guardians;
- Extending health care to unaccompanied minors by providing for their entry to the National Health Service, even in the absence of a permit of stay;
- Introducing specific measures that can be implemented by schools and training institutes accredited by the eligible regions in order to facilitate compulsory schooling and training;
- Implementing procedural safeguards for the protection of the minor by recognizing the right of the child to be heard in the concerned proceedings, by ensuring psychological assistance, by stressing the right of the child to be informed about the opportunity to avail him/herself of free legal aid at every stage of the procedure. In order to choose the lawyer he/she trusts, UASC can avail themselves of the help of the legal guardian or the responsible hosting community;
- Improving the age assessment in a child-sensitive manner to avoid invasive medical examinations, when unnecessary, and promoting greater procedural safeguards, including the presence of cultural mediators during the assessment.

Finally, some provisions introduce special protection measures for specific categories of unaccompanied minors, such as unaccompanied minors who are victims of trafficking. This reform represents a first important step in the direction of protecting thousands of children and teenagers who arrive in Italy alone.

2.

On 13 April 2017, the Parliament finally adopted the converting Decree Law n° 46/2017 for accelerating the procedure for the recognition of international protection and counteracting irregular migration.

The new law converts with amendments the Legislative Decree 17 February 2017, n. 13 (so-called "Minniti-Orlando Decree") modifying the current asylum system at different stages of the procedure by:

- Introducing 26 specialized sections for immigration, international protection and free movement of EU citizens, one for each Civil Court, where there is a Court of Appeal in Italy. Judges will be trained for these tasks. Specialization and training may have a positive impact on the quality of judicial decisions on international protection, also in terms of speediness;
- Reducing one level of appeal. Against the negative decision of the Territorial Commission, the person concerned can appeal to the specialized section of the Civil Court. The reform establishes new procedures, based on a written examination (rito camerale) that limits the circumstances for oral examination. Accordingly, the decision to hear the appellant is based on the discretion of the Judiciary. The proceeding has to be finalized in 4 months instead of 6 as previously provided. It is possible to lodge an appeal to the Judicial decision with the Court of Cassation regarding points of law. The judicial decision, based on written examination, risks undermining the level of procedural guarantees previously afforded in terms of right to be heard and counter-argument. Both represent paramount rights to be ensured especially to people with special needs;
- Envisaging 250 additional specialists on asylum to be deployed in the Territorial Commissions for the recognition of international protection and in the National Commission of the Right to Asylum (Ministry of Interior) in order to reduce the waiting time for the asylum procedure. Such a provision could inter alia alleviate frustration caused by long waiting times.
- Foreseeing video-recording of personal interviews before the TC that can, however, be omitted by a formal request submitted by the interested person if justified. Such a record is available to the Court during the appeal procedure;
- Increasing the number of Return Centres (Centro Permanente per il Rimpatrio) to be set up across the Italian territory, preferably in areas outside the main urban centres, with a limited capacity each. Considering the low rate of returns effectively carried out, transfers to CPR should be the extrema ratio, used when less coercive alternative measures cannot be adopted. Moreover, there are groups of people for whom detention in CPR is pointless. For instance, prisoners that have completed their prison period should be identified and returned directly on their release from prison; those who do not fulfil the requirement for the permit of stay anymore should never be transferred to CPR; (i.e. people who lost their job and as a consequence do not have ground for renewal of work permit)
- Promoting (on a voluntary basis) social work for asylum seekers in favour of local communities. In principle, such a provision could help the asylum seekers to recover from their disorientation by putting them in contact with local communities;
- Introducing explicit references to the hotspots that have been set up on existing reception centres. By law, information about international protection, including relocation and assisted voluntary return, as well as consequences of refusal to release

fingerprints, has to be ensured. Mentioning the hotspot in the new law is a positive step forward, however, the present act seems to be limited to providing a picture of the current situation - already defined by the practice - not clarifying, nor standardizing, a procedure at legislative level. For instance, the new law does not take a clear position on the dichotomy between the hotspot as a reception (open) centre or as identification and expulsion (closed) centre<sup>3</sup>.

- Providing legal provisions on persistent refusal to release fingerprints. According to the new law, "persistent refusal" is now considered "risk of absconding" leading to the possible transfer to CPR and stays up to 30 days; according to the Questor's measures adopted on individual basis.

However, the law provides neither legal definition of persistent refusal grounding reasons for administrative detention nor what will happen once the Questor's measure has expired and the fingerprints have not as yet been registered<sup>4</sup>. Moreover, the bargaining process between police officers and third country nationals, aimed at reaching the person's consent, has remained at the policy level (SOPs), instead of being envisaged in a comprehensive legal procedure.

## Hotspots function and procedures

### Key agencies and other relevant actors

EASO31 has increased its presence in Italy with:

- 2 Member State experts in Lampedusa
- 4 Member State experts in Pozzallo (in March 2016 there were 2 MSE);
- 3 Member State experts in Taranto (in March 2016 there were 2 MSE);
- 2 Member State experts in Trapani (in March 2016 there were 2 MSE).

A roving team up to 10 experts is available in Rome to be deployed in in Bari, Crotona, Mineo, Milan, Rome, Trapani, Villa Sikania and any other location according to the emerging needs.

Under the project "Access" 2017-2019 starting from 2017, UNHCR will deploy 7 teams comprised of one legal associate and one cultural mediator each, mainly based in Catania, Lampedusa, Agrigento, Bari and Crotona. A further two teams will be based in Milan and deployed at the official entry port.

Under the project "Relocation" (November 2015-September 2017) UNHCR can deploy up to 26 staff. At present UNHCR has deployed 25 people (9 legal officers, 14 cultural mediators

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<sup>3</sup> Interview with the National Guarantor for the Rights of persons detained or deprived of their Liberty, 03 May 2017

<sup>4</sup> Interview with the National Guarantor for the Rights of persons detained or deprived of their Liberty, 03 May 2017

## Strengthening NGO involvement and capacities around EU 'hotspots' developments

and 2 field coordinators) for both projects, available in Sicily, Apulia, Calabria, Rome and Milan.

UNHCR and IOM have recently drafted a new leaflet to be distributed at the moment of disembarkation or at the entry into the hotspot that includes information for Unaccompanied Minors. The EASO tool for vulnerable groups is still not used in a systematic way and is not available in Italian.

Since January 2017, the Italian Council for Refugees is present in the Trapani hotspot, providing legal orientation to people just landed and transferred to the hotspot.

- The waiting times
- The equipment available

Five containers were installed in Trapani Hotspot and in the Regional Hubs of Bari and Villa Sikania to improve the space conditions for the local Immigration Office and EASO team. Another container will be installed in Augusta Port to support EASO teams and the Immigration Office during disembarkation. EASO has now an office in Rome to coordinate its activities in Italy<sup>5</sup>.

Frontex<sup>6</sup> has almost doubled its presence in comparison to same period last year with:

- 26 Member State experts in Lampedusa (in March 2016 there were 16 MSE);
- 25 Member State experts in Pozzallo (in March 2016 there were 15 MSE);
- 12 Member State experts in Taranto (in March 2016 there were 4 MSE);
- 24 Member State experts in Trapani (in March 2016 there were 15 MSE).

### Fingerprinting

The fingerprinting rate has reached almost 95% of those people who passed through the hotspot<sup>7</sup>. Emphasis on identification and security issues in the hotspot, and in other disembarkation areas, may override first reception and assistance needs<sup>8</sup> as well as prevent timely identification and referral of vulnerabilities. Massive presence of Frontex officers in comparison with EASO's officers and the absence of the Fundamental Rights Agency, highlight how the hotspot focus has shifted from migration management to relocation.

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<sup>5</sup> EASO Operating Plan to Italy – Valletta Harbour and Rome, December 2016

<sup>6</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_hotspots\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_hotspots_en.pdf)

<sup>7</sup> National Guarantor for the Rights of persons detained or deprived of their Liberty, Report to the Parliament, March 2017, p.88

<sup>8</sup> Interview with the National Guarantor for the Rights of persons detained or deprived of their Liberty, 03 May 2017



## Reception conditions

Since September 2016, a new managing body has been appointed in the hotspot of Pozzallo that now guarantees psycho-social services. Also, the quality of food has improved. Two additional containers now allow for a playroom and a space for listening. Frontex and the Immigration Office are now located in separate container, allowing for the accommodating of newcomers. An enlargement of the facility, presently underway, creates a space for UASC (around 50 places). Several CAS facilities for unaccompanied children have been established, impacting positively on the average stay in the hotspot. Hot water and toilets have been restored. Despite these improvements, they will still not be sufficient, considering the regular of landings of 500-600 people.

During the visit of the new National Guarantor for the Rights of persons detained or deprived of their Liberty (here in after NG) on 17 January 2017, only 240 places were available in Pozzallo, due to the maintenance work<sup>9</sup>.

There is no harmonization in the use of detention among the hotspots. In Taranto and Pozzallo the situation has recently improved, indeed people once identified and fingerprinted are provided with a pass that allows them to leave the hotspots during the day<sup>10</sup>. However, it seems that in Taranto this provision only applies for adults, whereas UASC have no permission to leave the centre during the day. One worrying result of this situation is that false age declarations are presented, so as to be allowed to exit<sup>11</sup>. In Taranto, the municipality (that directly manages the hotspot) has provided a shuttle service to facilitate the connection with the city centre. Nonetheless, the hotspot of Taranto consists of tents and, less than the other hotspots, it would be suitable for long stay. However, when the Senate Commission was visiting the hotspot of Taranto the average of stay was well beyond 72 hours<sup>12</sup>.

On 25 April 2017, the NG has visited the hotspot of Trapani reporting improvements concerning people exit from the centre. Indeed, the managing body has initiated a proposal for free transfer to city centre<sup>13</sup>.

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<sup>9</sup> National Guarantor for the Rights of persons detained or deprived of their Liberty, Report to the Parliament, March 2017

<sup>10</sup> Council of Europe, Report of the fact-finding mission to Italy by Ambassador Tomas Bocek, special representative of the Secretary General on Migration and Refugees, p.4

<sup>11</sup> Commissione straordinaria per la tutela e la promozione dei diritti umani, rapporto sui centri di identificazione ed espulsione in Italia, update January 2017, p. 25

<sup>12</sup> National Guarantor for the Rights of persons detained or deprived of their Liberty, Report to the Parliament, March 2017, p.88

<sup>13</sup> Interview with the National Guarantor for the Rights of persons detained or deprived of their Liberty, 03 May 2017

## Strengthening NGO involvement and capacities around EU 'hotspots' developments

In Lampedusa, reception conditions are still unsatisfactory: compounds and toilets are dilapidated, there are no common areas, not even a dining room. Stay of unaccompanied minors (girls) has exceeded one month. Information provided before pre-identification is insufficient and the kit for food and clothes as well as basic needs are only provided following fingerprinting<sup>14</sup>. A positive development in the hotspot is the presence of INMP (Istituto Nazionale per la promozione della salute delle Popolazioni Migranti) that applies a multidisciplinary approach for the age assessment.

The Hub of Villa Sikanìa (AG) is often used as a hotspot for landings taking place in Porto Empedocle. For that reason the centre is overcrowded. Toilets have no hot water and the showers are separated only by curtains. Asylum seekers eligible for relocation stay in the Hub for a long period of time, due to the slow pace of relocation transfers.

### The provision of information and interpretation services; specialised assistance

Lack of cultural mediators remains a major issue. Even if IOs and authorized NGOs had access to every hotspot, large groups of arrivals may lack critical information because cultural mediators are neither present nor available.

Shortage of interpreters is even more evident in the medical sector. On the 15 November 2016, the World Health Organization set up the "Knowledge Hub on Health and Migration", with the financial support provided by the Regional Health Council of Sicily. It will act as a learning platform for all stakeholders working in the field of migration and health, including policy-makers, health professionals, social workers, managers of migration centres and first-line responders.

The Hub also has the aim to share and systematize those good practices that emerged in the frame of the Sicilian contingency plan on the medical assistance to migrants; put in place since 2014 and that has provided an example to other regions of Italy.

In February 2017 the Prefecture of Trapani launched the European project "Silver" aimed at providing psycho-social assistance to migrants with traumas linked to the journey, or the stay, in Libya. The Local Public Health Unit of Trapani is the leading agency of the project, in cooperation with several Local Public Health Units in the regions, other private partners and the World Health Organization. The service will be provided in reception centres through mobile units adopting a multidisciplinary approach.

### The presence of NGOs and international organizations, and their services

With regards to the presence of NGOs, it is important to highlight that, since January 2017, in the hotspot of Trapani, CIR is regularly present with up to three legal operators and its own

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<sup>14</sup> National Guarantor for the Rights of persons detained or deprived of their Liberty, Report to the Parliament, March 2017, p.203

## Strengthening NGO involvement and capacities around EU ‘hotspots’ developments

cultural mediators who provide legal orientation for those people transferred to the hotspot. They also provide individualized information sessions for people with special needs; referred by the managing body or by the IOs in loco. CIR offers legal information on the day following disembarkation, in addition to the information provided by the IOs and the relevant managing body. As already advocated, information may have a lower impact for those people traumatized by the journey, or by their stay in Libya. Thus, the availability of information is crucial in the days following disembarkation<sup>15</sup>.

In Pozzallo Emergency, Terres des Hommes and Doctors for Human Rights are regularly present for health and psycho-social services<sup>16</sup>. In the hotspot of Taranto the association “Noi e Voi” provide legal information through the delivery of a leaflet<sup>17</sup>.

### The transfer to other reception areas for asylum seekers and relocation candidates

Available places in dedicated centres for people with special needs are difficult to find. However, there are some reception centres that have started organizing themselves for receiving particular cases of vulnerability. Nonetheless, local authorities responsible of transferring people from the hotspot to the reception centres are not provided with a map of such centres and the work of identification and referral made in the hotspot is very often lost once the person leaves the area. Moreover, transmission of health-related data between the hotspot/disembarkation areas and reception centres is not ensured.

## Asylum procedure

Recently, in the Rome Police Headquarters a bad practice has been registered regarding the access to the procedure for undocumented families. The latter ones do not receive the appointment for the interview before territorial Commission unless they submit DNA test result proving their family link. Such a practice is of concern among Civil Society Organizations, more so considering that DNA tests are very expensive for asylum seekers who remain in a limbo for an indefinite period of time. CIR, together with other members of the National Roundtable for Asylum, is advocating for the change of that and other bad practices detected across all the Immigration Offices in Italy.

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<sup>15</sup> Council of Europe, Report of the fact-finding mission to Italy by Ambassador Tomas Bocek, special representative of the Secretary General on Migration and Refugees, p.4

<sup>16</sup> Council of Europe, Report of the fact-finding mission to Italy by Ambassador Tomas Bocek, special representative of the Secretary General on Migration and Refugees, p.4

<sup>17</sup> Commissione straordinaria per la tutela e la promozione dei diritti umani, rapporto sui centri di identificazione ed espulsione in Italia, update January 2017, p. 25

## Relocation

EASO is drafting a new leaflet for relocation as well as other information material about reception conditions, including videos about successful relocation transfers in liaison with EU Member States (so far Portugal and Lithuania)<sup>18</sup>. According to the European Commission, EASO is on the verge of adopting a matchmaking tool for increasing the number of applications to be processed at the same time<sup>19</sup>.

### The procedures followed, and access to effective remedy

In the past months, Italy has been making efforts to enable relocation for UASC. On the 28 March 2017, at the Liaison officers meeting held in Rome, the Dublin Unit announced that a first request of relocation for UASC has been submitted to a MS of relocation and that several relocation requests for unaccompanied minors are under process<sup>20</sup>.

### The role of national authorities, EASO, and MS Liaison Officers

EASO has provided the Italian Dublin Unit with 20 computers in order to speed up the pending procedures for relocation. Technical equipment has been provided with five working stations available in each registration Hub and in the Questura of Rome<sup>21</sup>. For those people entering from Eastern borders, and accommodated in the Friuli Venezia Giulia region, the competent interviewing authority dealing with eligible asylum seekers for relocation is the Prefecture<sup>22</sup>. Arrangements with EUROPOL have been agreed to allow security interviews asked by Member States of relocation. A first request has been satisfied in February 2017 through a joint meeting between Norway and Italy’s officers, following the security interview carried out by Europol<sup>23</sup>.

### The selection criteria applied by Member States, the prioritisation of vulnerable groups, the rejections and the waiting times and delays

Considering the large number of Eritreans arrived in Italy from the launch of the Relocation programme, and the low number of transfers carried out, asylum seekers eligible for relocation are increasingly scattered across the Italian territory. Lack of centralization

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<sup>18</sup> Report from the Commission to the European Parliament, the European Council and the Council – Eleventh report on relocation and resettlement, Brussels, 12.04.2017 COM(2017) 212 final, p.8- 9

<sup>19</sup> Report from the Commission to the European Parliament, the European Council and the Council – Eleventh report on relocation and resettlement, Brussels, 12.04.2017 COM(2017) 212 final, p. 6

<sup>20</sup> Report from the Commission to the European Parliament, the European Council and the Council – Eleventh report on relocation and resettlement, Brussels, 12.04.2017 COM(2017) 212 final, p.10

<sup>21</sup> Communication from the Commission to the European Parliament, the European Parliament, the European Council and the Council – Eight report on relocation and resettlement.

<sup>22</sup> ASGI, Aida Country Report Italy – update 2016, p. 54

<sup>23</sup> ASGI, Aida Country Report Italy – update 2016, p. 55

## Strengthening NGO involvement and capacities around EU 'hotspots' developments

contributes to the delays in relocation transfers, thus posing obstacles for notification to the applicants, pre-departure information and administrative formalities. Dispersion of relocation applicants hampers coordination between all the actors involved (reception centres, Immigration Offices, EU and international agencies) also including double checks and controls<sup>24</sup>. The average time between acceptance by the Member State of relocation and the transfer from Italy is 37 days<sup>25</sup>.

Uncertainty among asylum seekers is increased by the lack of (reliable) information about time and procedure, considering that NGOs are not involved in the process. (i.e. in which Police headquarters EASO deployed experts are present, how to get an appointment for applying for relocation, information about the legal status in case of transfer to the MS of relocation, etc.)<sup>26</sup>. The applicant is not informed about the status of his/her relocation process nor of the reasons for refusal. Also, notification of the transfer could be provided a few hours before departure<sup>27</sup>. Uncertainty and delays impact on the asylum seekers decision to leave the hosting reception centre without authorization unauthorized with the concrete risk of losing the right to reception. During the EC meeting with NGOs (including CIR) held on 2 February 2017, it was reported that Italian Authorities intended to set up a Hub with a large capacity (more than 2.000) for those asylum seekers eligible for relocation.

## The presence of NGOs and international organisations regarding relocation

NGOs are still not involved in the relocation process. Civil Society Organizations play a key role in information sharing and developing trusting relations with potential applicants for relocation, and acting as a bridge between asylum seekers and other relevant actors<sup>28</sup>. CIR, together with other organizations participating in the Baobab experience in Rome, are providing legal information to people eligible for relocation who are outside the reception system. From 1 January 2017 to 15 April 2017, the Baobab network has ensured 80 hours of

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<sup>24</sup> Directorate General for Internal Policies - Policy Department C: Citizens' Rights and Constitutional Affairs Civil Liberties, Justice And Home Affairs - Implementation of the 2015 Council Decisions establishing provisional measures in the area of international protection for the benefit of Italy and of Greece – Study for the LIBE committee, March 2017, p. 39

<sup>25</sup> Report from the Commission to the European Parliament, the European Council and the Council – Eleventh report on relocation and resettlement, Brussels, 12.04.2017 COM(2017) 212 final, p.8

<sup>26</sup> Directorate General for Internal Policies - Policy Department C: Citizens' Rights and Constitutional Affairs Civil Liberties, Justice And Home Affairs - Implementation of the 2015 Council Decisions establishing provisional measures in the area of international protection for the benefit of Italy and of Greece – Study for the LIBE committee, March 2017, p. 41

<sup>27</sup> ASGI, Aida Country Report Italy – update 2016, p. 55

<sup>28</sup> Directorate General for Internal Policies - Policy Department C: Citizens' Rights and Constitutional Affairs Civil Liberties, Justice And Home Affairs - Implementation of the 2015 Council Decisions establishing provisional measures in the area of international protection for the benefit of Italy and of Greece – Study for the LIBE committee, March 2017, p.69

legal assistance through volunteers (legal operators and cultural mediators) in favour of 80 transiting migrants, mainly from Eritrea. According to information from the people assisted, the network estimates that almost 50% of them had not received any information about relocation, even if they passed through the hotspot, in first reception centres and CAS.

Several third country nationals eligible for relocation have sought asylum in Italy, unaware of the possibility to be relocated to another EU Member States. In Rome Police Headquarter the number of appointments per day is still insufficient to cover the number of requests, thus hindering the access to relocation.

## Returns

In November 2016 the NG was involved in a two-week training for those Police officers escorting forced returnees to their country of origins, both as an external observer body and as a trainer. The NG focused on fundamental rights compliance during return operations and on its role as a preventing and monitoring body, in view of a future national monitoring system regarding such a procedure<sup>29</sup>. The NG is so far the only independent entity publishing reports on forced return flights.

Since March 2016 to October 2016 14.576 people passed through the hotspot of Taranto. However, only 5.048 were arriving by sea, the rest were transferred from the northern part of Italy (Ventimiglia, Como and Milan) for identification purposes and to lessen pressure at the borders<sup>30</sup>. In these mass transfers there were many asylum seekers with valid permits of stay. It remains unclear on which grounds the transfers were carried out. In the beginning of 2017 the NG informally met the Italian Ministry of Interior to raise this issue. No concrete answer emerged<sup>31</sup>. On the contrary, the New Law covers that practice, stating that "third country nationals found irregularly present on the national territory crossing the internal or external borders can be led to the hotspot together with those rescued at sea in need of first assistance<sup>32</sup>".

From January 2016 to 15 September 2016, 3.737 people have been returned, of which only one out of four was detained in a CIE before departure. Many returns have been carried out

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<sup>29</sup> National Guarantor for the Rights of persons detained or deprived of their Liberty, Report to the Parliament, March 2017, p. 117.

<sup>30</sup> Commissione straordinaria per la tutela e la promozione dei diritti umani, rapporto sui centri di identificazione ed espulsione in Italia, update January 2017, p. 27-28

<sup>31</sup> Interview with the National Guarantor for the Rights of persons detained or deprived of their Liberty, 03 May 2017

<sup>32</sup> Converting Decree Law n. 46/2017 art. 17 p.1.1

## Strengthening NGO involvement and capacities around EU 'hotspots' developments

directly from the hotspots areas as a consequence of deferred rejection decrees issued by the Questura, following identification<sup>33</sup>.

In this regard, in February 2017, ASGI lodged an appeal before the European Court of Human Rights based on lack of information about the asylum procedure as a pre-condition for accessing the procedure<sup>34</sup>.

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<sup>33</sup> National Guarantor for the Rights of persons detained or deprived of their Liberty, Report to the Parliament, March 2017, p. 87

<sup>34</sup> ASGI, Aida Country Report Italy – update 2016, p. 19-20

## Statistics

### A. Arrivals

During 2016, 52.000 of 181.000 people disembarked and were transferred to the hotspot, with under 30% of those arriving by sea in Italy<sup>35</sup>. 60.200 people disembarked from 1 January 2017 to 31 May 2017, representing a 25,72% increase from the same period in 2016 (47.883), out of which 6.242 (19 of May 17) are UASC<sup>36</sup>:

Augusta	11.100
Catania	7.385
Trapani	4.442
Pozzallo	3.954
Reggio Calabria	3.702
Vibo Valentia	3.656
Messina	3.183
Palermo	3.059
Cagliari	2.647
Salerno	3.355
Lampedusa	2.317
Crotone	1.821
Napoli	1.443
Taranto	802
Porto Empedocle	699
Corigliano Calabro	565
Bari	249

Nationalities declared at the moment of the landing<sup>37</sup>:

Nigeria:	13%
Bangladesh:	11%
Guinea:	9%
Ivory Coast:	9%
The Gambia:	6%
Senegal:	6%
Morocco:	5%
Mali:	4%
Pakistan:	3%
Sudan:	3%
Others:	31%

<sup>35</sup> Ministry of Interior, Cruscotto statistico giornaliero, 31 December 2016

<sup>36</sup> Ministry of Interior, Cruscotto statistico giornaliero, 31 May 2017

<sup>37</sup> Ministry of Interior, Cruscotto statistico giornaliero, 31 May 2017



## Strengthening NGO involvement and capacities around EU ‘hotspots’ developments

Fingerprinting rate<sup>38</sup>:

60% in 2015

97% in 2016

### B. Asylum requests

Number of asylum requests between 1 January 2017 to 17 March 2017 was 32.872 of which 1.864 were unaccompanied minors; being an increase of 62% to 18 March 2016 (20.254 asylum requests lodged). Number of pending asylum requests as of 17 March 2017 was 120.813 of which 4.563 were unaccompanied minors<sup>39</sup>.

18.292 asylum applications were examined from the beginning of 2017 to 17 of March 2017 of which 1.266 were unaccompanied minors: 1606 people were granted refugee status (9%); 1.731 were recognized beneficiaries of subsidiary protection (9%), 4.297 were released with a permit of stay for humanitarian grounds (24%), 868 results absconded (5%), 9.758 were denied protection (53%)<sup>40</sup>.

Rejected asylum requests has seen year by year increases: e.g. in 2014 39%, in 2015, 58% and in 2016, 60%<sup>41</sup>. In 2015 the number of detainees in administrative detention centres (former CIE, now CPR according to the current law) that lodged an asylum application under detention were 1.356 out of 5.242 (around 25%)<sup>42</sup>.

### C. Accommodation

As of 31 March 2017, of the 176.523 asylum seekers and beneficiaries of protection in the Italian reception system, 137.855 are accommodated in temporary reception centres (CAS)<sup>43</sup>.

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<sup>38</sup> EU response to the refugee crisis: the ‘hotspot’ approach”, p. 40

<sup>39</sup> National Commission for the Right of Asylum. Figures provided by Parliamentary Commission of Inquiry on “reception system and identification and expulsion centres as well as on detention conditions and public resources invested”, 23 March 2017

<sup>40</sup> National Commission for the Right of Asylum. Figures provided by Parliamentary Commission of Inquiry on “reception system and identification and expulsion centres as well as on detention conditions and public resources invested”, 23 March 2017

<sup>41</sup> Ministry of Interior, i numeri dell’asilo:  
[http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/riepilogo\\_dati\\_2015\\_2016\\_0.pdf](http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/riepilogo_dati_2015_2016_0.pdf)

<sup>42</sup> Commissione straordinaria per la tutela e la promozione dei diritti umani, rapporto sui centri di identificazione ed espulsione in Italia, update January 2017, p.10

<sup>43</sup> Ministry of Interior, Cruscotto statistico giornaliero, 31 March 2017

## Strengthening NGO involvement and capacities around EU 'hotspots' developments

As of 13 March 2017 only 23.867 people (of which 1.913 were UASC) were accommodated in the SPRAR center<sup>44</sup> - second level reception - whereas 13.385 were accommodated in governmental first reception centres<sup>45</sup>.

As of 31 April 2017, 9.657 unaccompanied minors were present in Italy, of which 6.142 are accommodated in Sicily. 5271 UASC of the whole number left the centres and have disappeared<sup>46</sup>.

### D. Detention & return

CIE/CPRs currently functioning are those of Brindisi, Caltanissetta, Rome and Turin with 574 places of which 359 are available. As of 30 December 2016, 288 people were detained in CIE/CPRs<sup>47</sup>.

From January 2016 to 15 September 2016, 3.737 people have been returned; only one out of four was detained in a CIE/CPRs before departure<sup>48</sup>. From January 2016 to 15 September 2016, 1.968 people have passed through a CIE/CPRs of which 876 have been effectively returned (44%)<sup>49</sup>.

Third country nationals found to be irregularly present in Italy from 1 January 2017 to 15 March 2017 numbered 8.949 of which:

- 4.317 effectively removed (2.825 rejected at borders; 347 readmitted in Third countries),
- 1.145 returned (753 expelled and escorted at the borders; 185 expelled by judiciary measure; 128 rejected by the Questor, of which 14 availed voluntary return);
- 4.632 were not effectively returned.

In particular, with regard to the hotspots, from 1 January 2017 to 15 March 2017:

- Agrigento Police headquarters (competent for the hotspot of Lampedusa) has issued 64 removal orders of which 41 people were effectively returned;

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<sup>44</sup> SPRAR Central Service. Figures provided by Parliamentary Commission of Inquiry on "reception system and identification and expulsion centres as well as on detention conditions and public resources invested", 23 March 2017

<sup>45</sup> Ministry of Interior, Cruscotto statistico giornaliero, 31 March 2017

<sup>46</sup> Ministry of Labour and Social Policy. <http://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Documents/Report-MSNA-mese-aprile2017-30042017.pdf>

<sup>47</sup> Commissione straordinaria per la tutela e la promozione dei diritti umani, rapporto sui centri di identificazione ed espulsione in Italia, update January 2017, p.12

<sup>48</sup> National Guarantor for the Rights of persons detained or deprived of their Liberty, Report to the Parliament, March 2017, p. 87

<sup>49</sup> Commissione straordinaria per la tutela e la promozione dei diritti umani, rapporto sui centri di identificazione ed espulsione in Italia, update January 2017, p.13

## Strengthening NGO involvement and capacities around EU 'hotspots' developments

- Ragusa Police headquarters (competent for the hotspot of Pozzallo) has issued 40 removal orders of which one person has been effectively returned;
- Trapani Police headquarters has issued 320 removal orders of which 10 people were effectively returned;
- Taranto Police headquarters has issued 257 removal orders of which 10 people were effectively returned<sup>50</sup>.

### E. Relocation

Relocation from Italy as of 31 May 2017<sup>51</sup>:

- Number of people relocated: 6.193 of which 3 are UASC
- Number of pending cases for approval by the receiving MS: 1.1.178 of which 10 are UASC
- Number of pending cases waiting for transfer: 1.007, of which 1 is UASC
- Rejections: 16 (9 Finland, 3 The Netherlands, 2 Norway) (31 of April 2017)
- Requests to be sent to the MS to be identified: 171 out of which 9 are UASC
- Renounced requests or of Italian competence: 242 (31 of April 2017)
- Absconded: 555(31 of April 2017)

In 2015-2016 registered average time (expressed in days) in the hotspot is beyond one week, in particular 8,2 for adults and 12,6 for UASC.

- Trapani - 5,5 (adults), 5 (UASC);
- Pozzallo – 2,5 (adults), 17,5 (UASC);
- Taranto – 10 (adults), 13 (UASC);
- Lampedusa – 15 (adults), 15 (UASC)<sup>52</sup>

Average waiting time for completion of the C3 form may change according to the Immigration Office of the different Police headquarters. In Trapani, Taranto and Pescara asylum seekers are able to formalize their request on the same day or immediately after having expressed the intention to seek international protection. In some other police headquarters the same process could last for months: e.g. Agrigento, Palermo, Siracusa, Ragusa, Rome, Milan up to 2 months; Verona, Trieste, Treviso, Trento, Ascoli Piceno, Livorno, La Spezia up to 3-4 months; Pisa, Piacenza, Pesaro, Cuneo, Catania over 3 months; Naples over 6 months<sup>53</sup>. Average time from the lodging of the asylum request to the release of the permit of stay is 83 days<sup>54</sup>.

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<sup>50</sup> Ministry of Interior, Public Security Department. Figures provided by Parliamentary Commission of Inquiry on "reception system and identification and expulsion centres as well as on detention conditions and public resources invested", 23 March 2017

<sup>51</sup> Ministry of Interior, Cruscotto statistico giornaliero, 31 May 2017

<sup>52</sup> Open Migration. <http://openmigration.org/infografiche#all>

<sup>53</sup> ASGI, Aida Country Report Italy – update 2016, p. 24

<sup>54</sup> Poliziamoderna "esserci sempre", April 2017, p. 29