

# Temporary Protection Italy

2023 Update

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Italy](#).

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## Temporary Protection Procedure

### A. General

Italy incorporated the Temporary Protection Directive (TPD) in its legislation with the adoption of the Legislative Decree of April 7th 2003, n. 85.

Title (EN)	Original Title (XX)	Web Link
Legislative Decree of 7 April 2003, n. 85	Decreto Legislativo n. 85 del 7 aprile 2003	<a href="https://bitly.cx/68Jm">https://bitly.cx/68Jm</a>
D.P.C.M. (Decree of the President of the Minister's Council) of 8 March 2022	Decreto del Presidente del Consiglio dei Ministri dell'8 marzo 2022	<a href="https://bitly.cx/6Yb6">https://bitly.cx/6Yb6</a>

After the Russian invasion of Ukraine on 24 February 2022, the European Commission identified a risk that the standard asylum system could be struggling to cope with the demand stemming from the arrivals of displaced persons, risking a negative impact on the efficiency of said asylum system, as stated in the 2001/55/EC Directive, due to the massive numbers of displaced Ukrainian citizens fleeing the country's territory without being able to return. Following a call from the Home Affairs Ministers of EU countries, on 2 March 2022, the Commission proposed to activate the Temporary Protection Directive. On 4 March 2022, the Council unanimously adopted decision 382/2022, giving those fleeing the war in Ukraine the right to access temporary protection.

Transposing Directive 2001/55/EC, Italy issued LD no. 85 of 7 April 2003. According to Article 4 of LD 85/2003, if the conditions of the directive are met, the President of the Council of Ministers, in agreement with the regions and local authorities, establishes by decree the welfare measures to implement. This is also done through the involvement of associations and entities providing voluntary work, including those focusing on housing, social and health assistance, access to the educational system for minors on par with Italian citizens, as well as for access to vocational training or internships.<sup>1</sup>

On 28 February 2022, the Government declared the state of emergency until 31 December 2022 and entrusted the organisation and implementation of emergency relief and assistance interventions to the population fleeing from Ukraine to the Head of the Civil Protection Department, who regulates these matters with ordinances.<sup>2</sup>

Italy implemented the directive by adopting D.P.C.M. (Decree of the President of the Minister's Council) of 8 March 2022, and through several Head of Civil Protection Department Ordinances.<sup>3</sup>

From 11 March 2022, Questure were entitled to release receipts for those coming from Ukraine who request temporary protection. These receipts, free of charge, immediately indicate a tax code, give access

<sup>1</sup> Legislative Decree no. 85 of 7 April 2003, Article 4 (1 g).

<sup>2</sup> Resolution of the State of emergency, 28 February 2022, published on 10 March 2022, available at: <https://bit.ly/3uN1bbl>.

<sup>3</sup> OCDPC OF 4 march 2022, published on 12 march 2022, which provided urgent dispositions to ensure the rescue, hosting and assistance of population displaced as a consequence of the events in Ukraine, available at: <http://bitly.ws/AVt6>; OCDPC of 13 march 2022, published on 19 march 2022, which contains directions on special public transport concessions for displaced persons from Ukraine and appoints an extraordinary Commissioner for unaccompanied minors, available at: <http://bitly.ws/AVv2>; OCDPC n. 881 of 29 march 2022, published on 1 April 2022, with measures to increase the widespread hosting capacity for displaced persons from Ukraine and financial measures to ensure that displaced persons who find a private accommodation receive a financial contribution, available at: <http://bitly.ws/AVUQ>; OCDPC of 24 May 2022, published on 30 May 2022, which (among other financial provisions) establishes the possibility to enter into agreements with UNHCR for humanitarian activities regarding displaced persons from Ukraine, available at: <http://bitly.ws/AVV7>; OCDPC n. 926 of 22 September 2022, published on 3 October 2022, which establishes an agreement with IOM (available at: <http://bitly.ws/AVWM>).

to the national health service and allow work.<sup>4</sup> The permit to stay includes the wording “Prot. Temporanea Emerg. Ucraina” and was initially valid for one year.<sup>5</sup>

According to the Prime Ministerial Decree signed on 28 March 2022,<sup>6</sup> temporary protection was recognised for people who were residing in Ukraine before 24 February, escaped from Ukraine on or after 24 February and :

- ❖ Are Ukrainian;
- ❖ Are family members of Ukrainian nationals, which includes the partner, spouse, and underage and unmarried children, including the children of the spouse. Parents and adult children can also be entitled to temporary protection in case they were totally or partially dependent on their Ukrainian relatives’ assistance;
- ❖ Are refugees or stateless persons and held a permit to stay in Ukraine, as well as their family members;
- ❖ Are third country nationals who were permanent residents in Ukraine.

In case holders of temporary protection also applied for international protection, their request was suspended in order to be examined only after the expiring date of their temporary protection permit to stay.

The Prime Ministerial Decree also stated that beneficiaries of international protection cannot ask for temporary protection or for the related benefits.<sup>7</sup>

In terms of access to the labour market, Decree Law 21/2022 provided for a derogation from the discipline of the recognition of professional health qualifications, stating that public or private health structures can hire with fixed-term contracts Ukrainian doctors, nurses and OSS resident in Ukraine before 24 February 2022 and in possession of the European Qualification passport for refugees.<sup>8</sup>

The following table summarises the content of the European directive and that of the Italian decrees, highlighting the differences between EU and national provisions:

Content of temporary protection	
European Directive	Decree of the President of the Council of Ministers and Ordinances of the Head of Civil Protection department
1. Release of a permit of stay allowing the holder to stay regularly in the territory of the country for all the duration of protection	<ul style="list-style-type: none"> <li>❖ Right to enter Italian territory as a tourist (with visa exemption)</li> <li>❖ Right to travel free of charge for the first 5 days of presence on Italian territory to reach their destination (as per Obligation to issue a declaration of presence (dichiarazione di presenza) within 8 days from arrival, to border authorities or police authorities of the area of destination</li> <li>❖ Right to stay on Italian territory for 90 days without formalities as a tourist</li> </ul>

<sup>4</sup> Ordinance of the Head of Civil Protection department no. 872 of 4 March 2022, available in Italian at: <https://bit.ly/3k7njY2>.

<sup>5</sup> Mol - state police Department, Circular no. 20815 of 10 March 2022 and Article 2 of the Prime Ministerial Decree of 29 March 2022. According to the MOI circular the permit to stay cannot exceed the date of 4 March 2023.

<sup>6</sup> Article 1 of the Prime Ministerial Decree of 28 March 2022, published on 15 April 2022, available at: <https://bit.ly/38Wxyfw>.

<sup>7</sup> Ibid. Article 3.

<sup>8</sup> Article 34 DL 21 of 21 March 2022.

	<ul style="list-style-type: none"> <li>❖ Right to a residence permit for Temporary protection (1-year validity, issued without costs or taxes, electronic badge, validity extended every 6 months after 1st expiration date)</li> </ul>
2. Right to work (subordinate or self-employed)	<ul style="list-style-type: none"> <li>❖ Right to work (subordinate or self-employed) granted also to holders of the receipt certifying the permit application, waiting for the issuance of the permit</li> <li>❖ Facilitated access to sanitary professions</li> <li>❖ Right to convert the permit of stay for temporary protection to a permit of stay for work, if all the requirements provided by the law are met (introduced with L. 213/2023, art. 1, par. 395-396)</li> </ul>
3. Right to access education and professional training for adults	<ul style="list-style-type: none"> <li>❖ The holder of temporary protection in Italy has access to adult education, as well as professional training.</li> </ul>
4. Right to access education for children	<ul style="list-style-type: none"> <li>❖ Minors who are TP holders have access to the education system on par with Italian citizens</li> </ul>
5. Right to adequate housing or to receive financial help to get adequate housing	<ul style="list-style-type: none"> <li>❖ The Council of Ministers approved the proclamation of a state of national emergency<sup>9</sup> and entrusted the Head of the Department of Civil Protection with the role of Extraordinary Commissioner of the Government with a coordination task.</li> <li>❖ The Department established specific rules for the reception of TP beneficiaries, providing different forms of support, which complement those already provided for asylum seekers and refugees.</li> <li>❖ Each Region sets up a coordination structure which works in conjunction with private ones and, if present, local representatives of the Ukrainian community.</li> <li>❖ It is up to the Prefectures responsible for the area to verify the availability of accommodation in the ordinary network of CAS (Extraordinary Reception Centres for asylum seekers) and SAI (reception and integration system).</li> <li>❖ People displaced from Ukraine have the right to access: <ul style="list-style-type: none"> <li>a) First reception centres for asylum seekers;</li> <li>b) Extraordinary reception centres (CAS);</li> <li>c) Reception structures of the Reception and Integration System (SAI);</li> <li>d) Independent accommodation in private lodgings. The support contribution provided in these situations amounts to EUR 300 per month for each displaced adult beneficiary of temporary protection, who has found independent accommodation; the adult who is the guardian or custodian of minors under the age of 18 is also entitled to a contribution of EUR 150 per month for each minor. The contribution is paid for a maximum of 90 days, starting from the date of submission of the temporary protection request.</li> </ul> </li> </ul>
6. Right to social care, means of subsistence and access to healthcare	<ul style="list-style-type: none"> <li>❖ The platform of the Civil Protection Department, which has been online since 2 May 2022, allows people fleeing the war in Ukraine</li> </ul>

<sup>9</sup> The state of emergency has been extended until 31 December 2024 by L. 213/2024, art.1 par 389.

	to apply for a subsistence grant for oneself, for one's children, and for minors of whom one has legal guardianship.
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The invasion of Ukraine has not only caused the displacement of Ukrainian citizens or residents. After the beginning of the war, many Russian nationals started to flee their country due to the increasingly harsh measures taken by the Russian government to limit freedom of expression and free speech by political opponents, at every level. According to data provided by Ministry of Interior in response to a FOIA request sent by ASGI, in the year 2023, 224 asylum requests from Russian citizens were examined.<sup>10</sup> Many Russian asylum seekers, in the experience of ASGI lawyers, were dissidents since long before the beginning of the war, or were of half-Ukrainian heritage, or LGBTIQI persons with a long history of harassment from Russian authorities or police. The invasion was a trigger for their decision to leave the country. They obtained refugee status. In 2023, arrivals from Russia continued. International protection is granted in the majority of cases.<sup>11</sup> In some cases, protection was denied, for example the case of a very young Russian female student. She chose to go back to Russia and not appeal the decision.<sup>12</sup>

Regarding the number of beneficiaries of protection in the country, in 2023 the total number of residence permits for Temporary protection issued from in the same period was 21,395. Disaggregated data on requests sorted by nationality was not provided for 2023.<sup>13</sup>

## B. Qualification for temporary protection

Temporary protection applies to the following groups of persons in the national context:

- a) citizens of Ukraine residing in Ukraine before 24 February 2022, who fled the country starting from 24 February 2022;
- b) stateless persons and nationals of third countries other than Ukraine who enjoyed international protection or an equivalent national protection in Ukraine before 24 February 2022;
- c) family members of the persons referred to in letters a) and b).
- d) stateless persons and nationals of third countries other than Ukraine who can prove that they stayed in Ukraine before 24 February 2022 on the basis of a permanent residence permit issued in accordance with Ukrainian law and which cannot return in safe and stable conditions to their country or region of origin.

People unable to provide proof/evidence of having entered the country after 24 February are not eligible for temporary protection. Police authorities follow this rule when deciding whether someone is eligible for temporary protection, following a restrictive interpretation of national legislation as described in the previous paragraphs. Ukrainian citizens (or residents) who, solely on these grounds, are not eligible for temporary protection, and not excluded for the causes provided by the Directive, are usually granted special protection (Art. 19 of T.U.I.), if they choose not to apply for international protection.

The Civil Court of Bologna recently ruled on the case of a Moroccan man holding a Ukrainian permit of stay of 5 years for study, who fled Ukraine and came to Italy, where he had acquaintances, immediately after the beginning of the invasion. Not being eligible for TP, he applied for special protection, which the Questura of Bologna refused to grant him, following the negative decision of the local Territorial Commission for international protection. On appeal the Court granted him special protection, on the grounds of his positive integration process in Italy rather than due to the situation in the country of his last habitual residence.<sup>14</sup>

<sup>10</sup> Figures and charts provided by the Ministry of Interior at the request of ASGI by FOIA public access on 17 and 18 April 2023.

<sup>11</sup> Data provided by MOI – National Asylum Commission on 4 march 2024: in 2023 59% of Russian asylum seekers obtained refugee status; 1% obtained subsidiary protection; 24% obtained special protection and 16% of the requests were rejected

<sup>12</sup> Practice-based observation by ASGI, December 2023

<sup>13</sup> Data provided by Eurostat, available at: <https://bitly.cx/DZz1h>.

<sup>14</sup> Civil Court of Bologna, Decision no. 14313/2022.

When compared to the scope of TPD, additional categories are covered in the national framework, in particular:

- a) stateless persons and nationals of third countries other than Ukraine who enjoyed international protection or national protection equivalent in Ukraine before 24 February 2022;
- b) family members of Ukrainian citizens or stateless persons and third countries nationals.

The scope of TPD in Italy is not restricted compared to the Council Decision, except with regard to displaced people who cannot prove they left Ukraine after 24 February 2022 through official documentation such as passport stamps or equivalent documents. The Council Decision (para. 14) encourages MS 'to consider extending temporary protection to those persons who fled Ukraine not long before 24 February 2022 as tensions increased or who found themselves in the territory of the Union (e.g. on holidays or for work reasons) just before that date and who, as a result of the armed conflict, cannot return to Ukraine'. However, the date of 24 February 2022 is being used as a strict time limit by Italian authorities as far as temporary protection is concerned.

TCN and stateless persons are included under the scope of the temporary protection, if holders of a permanent permit of stay in Ukraine or holders of international/national protection in Ukraine. Family members are those included in the definition of family members eligible for family reunification according to art. 29 of T.U.I. (parents, spouse, minor children or unable to provide for themselves in case of serious incapacity/invalidity).

Special protection under article 19.1 and 19.1.1 of T.U.I. is available for people fleeing Ukraine who do not fall under the scope of the temporary protection regime (for example, people who cannot provide evidence that they left Ukraine after 24 February 2022). Special protection has been significantly modified by law decree n. 20/2023 converted by law n. 50/2023. The new law provisions do not allow requesting special protection directly to Police authorities and this form of protection can be granted as a residual form of protection, only within the international protection procedure, when requirements for international protection are not met.

The Court of Rome established the right of a Ukrainian citizen, not eligible for temporary protection, to obtain special protection, having applied directly to the local Questura, after the entry into force of Law Decree n. 20/2023 but before entry into force of Law of Conversion n. 50/2023 that cancelled this possibility.<sup>15</sup>

The Court of Bologna recognised the right of a Moroccan student, who had fled Ukraine after the beginning of the war but was not eligible for temporary protection being holder of a temporary permit in Ukraine, the right to obtain special protection according to art. 8 of ECHR, considering "*the situation of the country of origin, which he left almost eight years ago, and especially for his personal experience in Ukraine, where he had settled and lived for some time now*".<sup>16</sup>

Ukrainian citizens who are not eligible for temporary protection often choose to apply for international protection.<sup>17</sup>

The duration of temporary protection was of one year, starting from 4 March 2022. The residence permits issued expired on 4 March 2023, but could be extended every 6 months for another year. The first extension expired on 31 December 2023 (Council of Ministers deliberation of 23 February 2023, published 10 March 2023). L. 213/2023, art. 1 par. 389 granted a second extension until 31 December 2024, as well as the extension of the state of emergency until the same date.

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<sup>15</sup> Court of Rome, 14 February 2024, n. 37931/20123 available at: <https://bitly.cx/ft3uGàò>.

<sup>16</sup> Court of Bologna, 7 December 2023, n. 8176/2023.

<sup>17</sup> Practice – based observations by ASGI, January 2024.

## C. Access to temporary protection and registration

### 1. Admission to territory

There were some reports of restrictions on admission to Italian territory in 2023. For example, a Ukrainian citizen, mother of Ukrainian citizens holders of temporary protection in Italy, was denied access to Italian territory in Marco Polo airport in Venice, because she was not in possession of a biometric passport. Border police held her and wanted to deport her until she applied for international protection with the help of a colleague who was already helping the family in Italy, which led to her decision to go back to Ukraine.<sup>18</sup>

Ukrainian citizens could already travel with a visa exemption before the war, being granted the right to enter the country for 90 days for tourism. The EU Decision states that, in the first 90 days after entering EU territory, they have freedom of movement and can choose in which Member State they want to apply for temporary protection. Volunteers have been organising transport from the Ukrainian border to Italy with private means of transport.

### 2. Freedom of movement

Individuals entitled to temporary protection who do not hold a biometric passport, or a biometric travel document did not experience any issues in moving within the territory or when attempting to continue their journey towards other European countries.

Under the EU Council Decision, once temporary protection has been obtained, the holder has the right under EU law to temporarily reside in another EU Member State for 90 days over a period of 180 days, without prejudice of the obligation to possess a passport or travel document equivalent. The Italian legislation, however, was more restrictive, providing that a holder of temporary protection cannot leave the national territory (art. 10, legislative decree 85/2003).

The only exceptions to the rule are any 'bilateral agreements with another Member State, or in case of voluntary transfer between Member States' or 'prior authorisation of the Authority that issued the residence permit'. Art. 10 forbids holders of TP from leaving the Italian territory, but it is not clear what the consequences would be if a temporary protection beneficiary decided to leave anyway and whether their permit for temporary protection could be revoked for this reason.

In 2023 a Ukrainian citizen holder of a temporary protection permit issued by Austria, who later joined his mother, holder of a long-term residence permit in Italy, had his request to obtain temporary protection in Italy rejected by local police authorities. He then decided to become an asylum seeker in Italy.<sup>19</sup>

### 3. Registration under temporary protection

Police authorities (Questure, i.e. provincial police headquarters) are responsible for registering temporary protection applications after the declaration of presence submitted by Ukrainian citizens in the municipality of domicile as mentioned above. The applicants have their fingerprints taken and are issued a receipt certifying that the procedure has been started. After a certain period of time (between one month and two months, on average) an electronic permit of stay is issued.

Specific time limits to apply for TP were not laid down in the DPCM.

In terms of evidence required for registration, applicants are required to show proof of their Ukrainian nationality or resident status and of the date they left the country (mainly through exit passport stamps).

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<sup>18</sup> Practice – based observations by ASGI, October 2023.

<sup>19</sup> Practice – based observation by ASGI, April 2023 – April 2024.



In fact, those who fled without being able to get an exit stamp (due to dangerous conditions, coming from areas under attack, etc.) are often denied temporary protection and offered alternatives such as special protection if they do choose to not apply for international protection.

After completing the declaration of presence, the applicant is provided with a copy of the declaration containing their personal details, domicile, and a photo. Immediately after registration for temporary protection at the Questura, the applicant is given a receipt certifying that the request has been submitted and is pending.

One practical problem common to all areas of the country is the time needed to issue the permits (for TP, treated with priority, at least 3-4 months). It should be noted, however, that basic rights such as housing and health care are provided also to holders of the receipt of application, partially solving the issues related to the waiting time.

Applicants who are refused temporary protection have the right to appeal such decisions before Administrative Courts, as stated in art. 9 of Legislative Decree n. 85 of 2003.

However, due to the formulation of the rule prior to the jurisprudential and regulatory evolution that took place in Italy regarding the judicial protection of international and national protection, and the fact that temporary protection can be classified as a subjective right, the competence to decide in cases of this kind could be assigned to the ordinary judge. In 2022 and 2023, however, no cases of appeal were reported to ASGI.

#### 4. Legal assistance

Free legal assistance for persons entitled to TP is provided through general legislation granting free legal aid for nationals and residents who do not have sufficient resources (D.P.R., 30/05/2002 n° 115). The income limit is currently fixed at EUR 12,838 annually per household. Under this threshold, access to free legal aid is granted and covered with State funds (through the Ministry of Justice). However, the Italian legislative framework ensures it only for the – eventual – judicial phase and not for the administrative steps. Therefore, people displaced from Ukraine applying for temporary protection cannot benefit from this aid until the judicial appeal.

TP holders who enter hosting programmes for asylum seekers and holders of international protection (C.A.S. and S.A.I.) have access to legal assistance and legal counsel concerning the procedure for obtaining TP and on the territory. Such assistance is funded through hosting programmes.

People privately accommodated can benefit from legal support provided by some International organisations, such as IRC, Save the Children, UNHCR and by some NGOs that have received *ad hoc* funding.

In particular, the Intesa San Paolo bank financed 10 Italian associations, including the Italian Refugee Council (CIR), to offer free legal aid to Ukrainian citizens and legal support to unaccompanied minors and single-parent families.<sup>20</sup>

#### 5. Information provision and access to NGOs

According to Article 8 LD 85/2003, TP beneficiaries are delivered a document which illustrates their rights, duties and the rules relating to temporary protection either in a language which they are presumed to understand, or in English, French, Spanish or Arabic.

In practice, at the check points set up for the emergency – from March 2022 until December 2022 – on the Italian-Slovenian border (Ferneti border) and on the Italian-Austrian border (Ugovizza - Tarvisio),

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<sup>20</sup> Linkiesta “Intesa Sanpaolo dona 10 milioni di euro per aiutare il popolo ucraino”, 2 September 2022, available at: <https://bit.ly/3KG1nSo>.

while the police carry out checks of new arrivals and the Civil Protection provided primary goods, the organisations present at the so called “bluedots” provided psychosocial support and legal information. Bludots were implemented by UNHCR and UNICEF with implementing partners Save the Children, Arci, D.i.r.e, Stella Polare (only in Ferneti), Terres des Hommes (only in Ugovizza -Tarvisio).

At the same borders, UNHCR and Save the Children provided a brochure in Ukrainian, Russian and English informing about the right to asylum and to temporary protection.

These information points have not been active in 2023.

No information sheets were distributed by the authorities; instead, an information sheet prepared by the MOI and EEUA was available in Italian and Ukrainian and is present on the Civil protection website.<sup>21</sup>

In general, from the beginning of the emergency, on national territory and depending on the region or municipality, some organisations provided information to people fleeing from Ukraine. Some of these organisations are still providing information and support, even if the flow of Ukrainian citizens has significantly slowed down. Information is also provided by the Italian government through a dedicated website,<sup>22</sup> which links to a written booklet on temporary protection and the rights of people fleeing from Ukraine in Italy.

#### D. Guarantees for vulnerable groups.

By March 2024,<sup>23</sup> 3,970 Ukrainian minors were present on Italian territory. During 2023, however, there has been a sharp decrease in the arrivals of Ukrainian minors, whose number went from 7,107 minors arriving in 2022 to just 207 in 2023.<sup>24</sup>

According to the provisions of L 47/2017 (the Zampa Law), minors arriving from Ukraine without their parents, even in the presence of referent adults, were considered unaccompanied minors.<sup>25</sup>

On 13 March 2022, the Head of the Department for Civil Liberties and Immigration of the Ministry of the Interior was appointed Deputy Commissioner for the coordination of assistance measures for unaccompanied minors from Ukraine.<sup>26</sup>

On 13 April 2022, the Ministry of Interior issued the Plan for unaccompanied foreign minors, reaffirming the need to apply to minors fleeing from Ukraine all the guarantees provided by the Zampa Law for the identification, reception and protection of foreign minors.<sup>27</sup> Then, in order to address specific cases emerging after the outbreak of the conflict, an addendum published on the same day established specific procedures and reports in cases of transfers of minors promoted by associations or other organisations operating in Italy.<sup>28</sup>

The plan provides that the Ministry of Interior’s Departments of civil protection, civil liberties and immigration and public security are informed of the transfer at least 10 days in advance. The Departments also receive information on the personal details of the minors and the reception measures they will have access to. It The also established that the territorially competent Prefecture should immediately activate

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<sup>21</sup> Information sheet available in Italian and Ukrainian at: <https://bit.ly/3LzngDb>.

<sup>22</sup> See the booklet at: <https://bit.ly/3oRDoHf>.

<sup>23</sup> Ministry of Labour, Monthly data on MSNA (latest update). Monthly updated dashboard available at: <https://bitly.cx/pneR>.

<sup>24</sup> Ministry of Labour, Monitoring report on unaccompanied foreign minors, 31 December 2023, available at: <bit.ly/4bM9XKD>.

<sup>25</sup> Article 2 L. 47/2017

<sup>26</sup> Article 2 Ordinance of the Head of the Civil Protection Department no. 876 of 13 March 2022

<sup>27</sup> The Plan, published on 13 April 2022, available at <http://bit.ly/42oiCgX>, was issued as provided by the Ordinance of the Civil Protection no. 876/2022.

<sup>28</sup> Addendum to the Plan, available at: <http://bit.ly/40MUsew>.

coordination with the local institutions concerned, including the school office, the health authority and the Juvenile Court for the orderly access to reception measures.<sup>29</sup>

Many Juvenile Courts recalled the need to respect the age assessment procedures and the procedure to name the guardians dictated by the Zampa law.<sup>30</sup>

According to ASGI's experience, in 2023, procedures related to Ukrainian minors were treated with priority, often skipping the appointment of a temporary external legal guardian in favour of relatives already on the Italian territory who were available to take care of the minor. On the other hand for children of other nationalities an external temporary legal guardian is usually appointed while the territorial social services verify that the relative available on the Italian territory is adequate and can qualify to be appointed legal guardian for the child

On 6 April 2022, the Juvenile Court of Bolzano rejected the request to proceed with the appointment of a guardian for seven minors coming from Ukraine where they were housed in an orphanage, deeming that the presence of the Head of the orphanage, who was their legal guardian in Ukraine, should be taken into consideration and that her role as guardian should also be recognised in Italy without proceeding with the appointment of further guardians.<sup>31</sup>

In September 2022, ASGI received information on the decisions to authorise repatriation, issued by the Juvenile Court of Venice, concerning some Ukrainian unaccompanied minors. These decisions were taken based on the wishes expressed by the representatives of the communities where the children lived in Ukraine and upon request of the Ukrainian embassy, without hearing the guardians or the minors themselves. The minors had not been able to access the temporary protection measures as no one had started the procedure on their behalf. After the intervention of a solicitor, appointed by some of the guardians, the minors were heard, but the Court confirmed the decision as all the minors expressed their willingness to return to Ukraine.

Ukrainian women have been considered at high risk of being trafficked. The National anti – trafficking plan<sup>32</sup> recommends an increased level of attention to the Ukrainian case, also through a specific project focused on Ukrainian citizens at risk of trafficking. An article published in November 2023 highlights how an increasing number of women is caught in trafficking networks operating along the main migratory routes from Ukraine and through social networks. The article is based on data provided by I.O.M. and U.N.O.D.C. referring to the years 2021 and 2022.<sup>33</sup>

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<sup>29</sup> Plan for unaccompanied minors, Ukraine emergency, Prot. 4070 of 13 April 2022.

<sup>30</sup> See for example, the letter sent by the Juvenile Court of Milan to all the municipalities of Milan district, to Questure of Lombardy, to the border police of Lombardy, and to Prefectures of Lombardy, available at: <http://bit.ly/3J9Vjzg>. Also, the note issued by the Juvenile Court of Brescia, available at: <https://bit.ly/3nfQwFx>, the Juvenile Court of Genoa, available at <http://bit.ly/42aueUB>, and the Court of Turin, available at <http://bit.ly/41Klxk4>.

<sup>31</sup> Juvenile Court of Bolzano, decision of 6 April 2022, available in Italian at: <https://bit.ly/41Mt5C>.

<sup>32</sup> Piano nazionale d'azione contro la tratta e il grave sfruttamento 2022-2025, available at: <https://bit.ly/3x680Jq>.

<sup>33</sup> Available in Italian at: <https://bitly.cx/D2ZXD>.

## Content of Temporary Protection

### A. Status and residence

#### 1. Residence permit

##### Indicators: Residence permit

- |  |                                   |
|--|-----------------------------------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection?   | One year with 6 months extensions |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2023? | 164,070                           |

The procedure for granting a residence permit is started by a direct request to the police authorities (which can be submitted by email, certified email, or in person at the front desk of an immigration office). Following the request, an appointment is given where the applicant is fingerprinted and given a receipt certifying that the application has been submitted and is pending. After some time (2 months or more, average), an electronic permit is issued.

The Ministry of Interior is the authority responsible for the procedure, through Questure (Provincial Police Headquarters) located in every provincial capital city/town. Delays and blockages in the release and renewal procedures have been experienced in many areas throughout the country in 2023, due to lack of personnel and poor organisation of the responsible police offices. This also affected the procedures of request and issuance of TP permits. In any case, the sole possession of the receipt proving the submission of the request for TP gives the holder access to basic fundamental rights.

The duration of the TP residence permit is of one year. L. 213/2023, art. 1 par. 389 has granted a second extension until 31 December 2024, as well as the extension of the state of emergency until the same date. The possibility to enjoy certain rights to which TP holders are entitled is directly connected to the permit. Such is the case for:

- ❖ Facilitated access to sanitary professions
- ❖ Access to adult education, as well as professional training

L. 213/2023, art. 1, par. 396 established the right to convert the permit for temporary protection into a work permit, for those who meet the requirements provided by the Consolidated Immigration Act.<sup>34</sup>

All other rights connected to the temporary protection status (e.g. employment, school, healthcare, etc) can be enjoyed directly upon receiving the receipt upon registration.

According to the information sheet arranged by the Civil Protection, if temporary protection beneficiaries move to another EU Member State, they can request and receive TP in the State where they move but, will as a consequence lose temporary protection in Italy.<sup>35</sup> There is no available information as to a procedure to be followed by the beneficiaries to end their status in Italy when obtaining status elsewhere in the EU.

#### 2. Access to asylum

Access to asylum for holders of temporary protection is regulated by art. 3 of DPCM 28 March 2022:<sup>36</sup> according to this provision, the holder of a residence permit for temporary protection has the right to submit, at any time, an application for international protection. The examination and decision on the application for international protection, submitted by the holder of TP, are deferred to the expiration date of the permit for temporary protection.

<sup>34</sup> L. 213/2023, art. 1, par. 396, available at <https://bitly.cx/MRGtN>

<sup>35</sup> Protezione civile, Opuscolo informativo, available at: <https://bit.ly/3LzngDb>.

<sup>36</sup> Available at: <https://bitly.cx/wPM>.

The application for international protection submitted in Italy by a person entitled to temporary protection belonging to categories listed in art. 1 of DPCM 28 March 2022 does not preclude the possibility of submitting the application for temporary protection.

In case of recognition of temporary protection, the Questore (head of Questura, Chief of provincial police department) immediately communicates with the Territorial Commission for the recognition of international protection for the purposes of deferment. These provisions apply also, where compatible, to the application for special protection.

Recognition of international protection precludes access to temporary protection.

Questore had treated these situations in two different ways:

- ❖ Some register the application of international protection and suspend it until the end of temporary protection;
- ❖ Some refuse to register the application and postpone registration until the end of temporary protection (thus violating the DPCM provision).

In 2023, 1,653 decisions were issued to Ukrainian asylum seekers (not holders of temporary protection). 77 obtained refugee status; 1,398 obtained subsidiary protection; 29 obtained special protection; 149 were denied any form of protection.<sup>37</sup>

In a case related to the asylum request submitted by a Ukrainian conscientious objector who had refused to perform military service in Ukraine, the Court of Cassation decided that the applicant had to be granted refugee status because the conscription, due to the armed conflict in place throughout the entire territory, entailed a high risk of involvement, even indirectly, in the commission of war crimes and crimes against humanity. In this case, the Court specified that the penal sanction envisaged by the foreign legal system for evading military service constitutes an act of persecution, pursuant to Article 7, (2 e) of the Qualification Decree and of Article 9 (2(e)), of Qualification Directive, as interpreted by the CJEU in the judgement *Shepherd v. Germany* (case C-472/13), regardless of any consideration related to the proportionality of the penalty.<sup>38</sup> On the same grounds, in 2023 other Italian courts granted the refugee status to Ukrainian citizens who refused to fight in the war. The Court of Naples granted refugee status to a Ukrainian citizen who had withdrawn from military service in his country to avoid being sent to fight in war zones with Russia, establishing that if the applicant refused to enlist, he would face recently imposed penalties which, irrespective of their proportionality, would integrate persecutory acts.<sup>39</sup>

On April 2022, the Civil Court of Salerno recognised the refugee status to an Ukrainian citizen who was HIV positive, suffering from hepatitis C e addiction to narcotic substances, believing that the appellant, in the event of repatriation, would have been exposed to the risk of suffering persecutory acts, including the intentional refusal of life-saving treatment, in reason for belonging to the social group of HIV-positive people and to that of drug-addicted people, within a context of systemic discrimination by the society to these categories of people.<sup>40</sup>

## B. Family reunification

Transposing the Directive 2001/55/EC, Italy issued LD no. 85 of 7 April 2003, whose Article 6 governs family reunification for TP holders. The DPCM of 28 March 2022 also made clarifications with respect to the use of the procedure as applied to temporary protection holders.

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<sup>37</sup> Figures and charts provided by the Ministry of Interior (National Asylum Commission) at the request of ASGI by FOIA public access on 4 March 2024.

<sup>38</sup> Court of Cassation, decision no. 18626 of 9 June 2022.

<sup>39</sup> Civil Court of Naples, 27 February 2023, n. 34170/2018.

<sup>40</sup> Civil Court of Salerno, 20 April 2022, available at: <https://encr.pw/FZksF>.

Family members covered under the procedure are:<sup>41</sup>

- ❖ unseparated spouses and stable partners
- ❖ the minor unmarried children of the sponsor or of their spouse, without distinction as to whether they were born in or out of wedlock or adopted as well as minors entrusted or under guardianship;
- ❖ parents, who lived together as part of the family unit at the time of the events leading to the mass influx, who were wholly or mainly dependent on the sponsor at the time, and who are living outside the territory of the EU Member states, if they have no other adult children in the country of origin or of provenance or, if over 65 years old, if the other adult children are unable to support them for documented serious health reasons;
- ❖ the adult children of the TP beneficiary who lived with them as part of the family unit at the time of the events leading to the mass influx, who were wholly or mainly dependent on the sponsor at the time, if they cannot for objective reasons provide for their livelihood due to their state of health leading to total disability. They are admitted for purposes of family reunification if they are living outside the territory of an EU Member State.<sup>42</sup>

Italian law has used of the possibility provided for by Article 15 (2), second part of the Directive to allow family reunification in cases where the separate family members enjoy temporary protection in different Member States.<sup>43</sup>

The reunification procedure is the same as for ordinary family reunification (see [AIDA Country Report, section on Family Reunification](#)) and is thus divided into: request for authorisation from the competent prefecture, and issuance of the family visa at the Italian embassy where the family member is located.

Reunited family members obtain a residence permit for temporary protection whose duration is the same as that of the TP holder.<sup>44</sup> They enjoy all the rights recognised to TP beneficiaries.

### C. Movement and mobility

There are no national territorial restrictions for beneficiaries of temporary protection, and freedom of movement within the State is granted.

There are reports of restrictions on movement to and from other Member states: in one case a Ukrainian citizen holder of a permit for temporary protection issued by Austria decided to join his mother, a long-term resident in Italy. The local police authorities denied him the access to temporary protection based on art. 10, leg. Decree n. 85/2003; the Ukrainian citizen chose to apply for international protection (still pending)

Beneficiaries of temporary protection are allowed to return in Ukraine and to subsequently re-access the Italian territory, provided they are in possession of a valid travel document. In ASGI's experience, people who returned to Ukraine did not experience difficulties in re-accessing national territory but did in some cases when leaving Ukraine for the second time if holding an expired passport.

ASGI lawyers were contacted regarding the case of a Ukrainian young mother who left Italy to go back to Ukraine to apply for benefits granted to new-born children by Ukrainian law, as the procedure can be started only on Ukrainian territory. At the moment of publication of this report, she had not yet obtained permission to leave the country (despite holding a valid Italian permit of stay for temporary protection) as her passport expired and she was unable to renew it.

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<sup>41</sup> Article 6 Legislative Decree no 85/2003 and DPCM of 28 March 2022.

<sup>42</sup> DPCM of 28 March 2022, Article 1 (5).

<sup>43</sup> DPCM DPCM of 28 March 2022, Article 1 (5).

<sup>44</sup> Article 6 (3) LD no. 85 of 7 April 2003.

## D. Housing

### Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres?  
At least for the duration of Temporary Protection
2. Number of beneficiaries staying in reception centres as of 12/23  
11,175 in temporary reception centres  
2,121 in structures of the Reception and Integration system
3. Number of beneficiaries staying in private accommodation as of 12/23  
An unknown accommodation places are currently occupied out of the 5,332 offered by local communities

Beneficiaries of temporary protection have the right to access different forms of accommodation:

- a) First reception centres for asylum seekers;
- b) Temporary reception centres (CAS);
- c) Reception structures of the Reception and Integration System (SAI);
- d) A specific form of reception in local communities (*accoglienza diffusa*).

In 2022 an economic contribution was provided in case of independent accommodation in private lodgings, with a support of EUR 300 per month for each displaced adult holder of temporary protection, who has found independent accommodation; an adult who is the guardian or custodian of minors under the age of 18 is also granted a contribution of EUR 150 per month for each minor.

In 2023 it is still possible to request the contribution; note that the extension of the state of emergency provided by L. 213/2023 came with a financial provision of 274 million euros for 2024.

Transposing the Directive 2001/55/EC, Italy issued LD no. 85 of 7 April 2003. According to Article 4 of LD 85/2003, if the conditions of the directive are met, the President of the Council of Ministers, in agreement with the regions and local authorities, establishes by decree the welfare measures to implement, also through the involvement of the associations and entities providing voluntary work, including those for housing, social and health assistance, access to the educational system for minors on par with Italian citizens, as well as for access to vocational training or internships.<sup>45</sup>

On 28 February 2022, the Government declared the state of emergency until 31 December 2022 and entrusted the organisation and implementation of emergency relief and assistance interventions to the population fleeing from Ukraine to the Head of the Civil Protection Department who regulates these matters with ordinances.<sup>46</sup>

After the outbreak of the conflict and the decision to implement the 2001/55/EC Directive, the Government issued some decrees, detailed by the civil protection ordinances.

The planned interventions were mainly of two types: on one hand, it was planned to increase the places within the asylum reception system (first governmental, CAS and SAI facilities); on the other, alternative forms of reception in local communities (*accoglienza diffusa*) and economic support were foreseen.

Moreover, for further reception needs, the possibility to use the structures already set up for COVID-19 fiduciary isolation was foreseen; for further needs not covered by other measures, the presidents of the

<sup>45</sup> Legislative Decree no. 85 of 7 April 2003, Article 4 (1 g).

<sup>46</sup> Resolution of the State of emergency, 28 February 2022, published on 10 March 2022, available at: <https://bit.ly/3uN1bbl>.

Regions, appointed delegated commissioners, are allowed to request Prefectures to prepare further housing solutions, especially for people in transit.<sup>47</sup>

### *Expansion of the reception system*

DL 16 of 28 February 2022 established that people fleeing from Ukraine could access the reception system even without having submitted an asylum request.<sup>48</sup>

It also established the *ad hoc* creation of 3,000 additional SAI places, the possibility for people fleeing from Ukrainian's war to access SAI places that had been increased for Afghans<sup>49</sup> and the financing for the management, activation and rental of the reception centres of an additional 54,162,000 euros for the year 2022, corresponding, as specified by a following circular<sup>50</sup> to about 5,000 CAS places.

By ordinance of 5 October 2023 the Civil Protection department (responsible for additional hosting programmes for holders of temporary protection) extended funding for hosting programmes in hotels and similar structures, limiting the funding to 33 euros per day, per person.<sup>51</sup>

By ordinance of 29 December 2023 the Civil Protection department extended the hosting of 2,168 holders of temporary protection in the SAI system for three months.<sup>52</sup>

Article 5 quarter of DL14/2022 modified by the conversion L 28 of 5 April 2022 – and to which the DL 16/2022 provisions on accommodation were transposed - provided that the above-mentioned resources should be used as a matter of priority for the reception of vulnerable people<sup>53</sup> coming from Ukraine.

It also provided for the transfer of the beneficiaries (both Ukrainians and Afghans) from the first reception and CAS facilities to the SAI facilities progressively activated, within the limit of available places.

A MOI communication regarding the start of the procedure for expanding the SAI network to face the Ukrainian emergency,<sup>54</sup> published on 16 March 2022, announced the opening of the procedure to activate 3,530 additional SAI places,<sup>55</sup> to be dedicated with priority to the reception of families, including single parents, with a deadline for the applications made by 19 April.

However, as also affirmed by the Prime Ministerial Decree of 28 March 2022, published on 15 April 2022, accommodation was ensured only within the limit of available places and relevant resources as implemented by Article 31 DL 21/2022.<sup>56</sup>

DL 50 of 17 May 2022 has provided for the funding of a further 8,000 SAI places.<sup>57</sup>

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<sup>47</sup> Ordinance of the Head of the Civil Protection no. 872 of 4 March 2022, Article 2 (1 lett b), Article 3 (2), and Article 3(4) available at: <https://bit.ly/3k7njY2>. See also Mol Circular, no. 0015709 of 8 march 2022, available at: <https://bit.ly/3s2XBs2>.

<sup>48</sup> DL 16/2022, Article 3, then repealed and transfused in the DL 14/2022, Article 5 quater as modified by the conversion Law n. 28 of 5 April 2022, without prejudice to all effects, acts and measures adopted in the meantime on the base of DL 16/2022.

<sup>49</sup> 3,000 places increased by Article 7 (1) DL 139/2021, converted into L 205/2021, as modified by Article 5 quater (5) DL 14/2022 converted into L 28/2022 and also 2,000 places according to Article 3(4) DL 16/2022, modifying Article 1 (390) L 234/2021, later transposed in DL 14/2022 as modified by Article 5 quater (6) DL 14/2022 converted into L 28/2022.

<sup>50</sup> MOI Circular, 2 March 2022 available at: <https://bit.ly/3OiV7zt>.

<sup>51</sup> See: <https://encr.pw/s15nZ>.

<sup>52</sup> See: <https://11nq.com/Upv5k>.

<sup>53</sup> It refers to Article 17 (1) of the Reception Decree, LD 142/2015.

<sup>54</sup> MOI communication about the start of the procedure for expanding the SAI network for the Ukrainian emergency, 16 March 2022, available at: <https://bit.ly/37ICDxF>.

<sup>55</sup> The number also includes SAI places first foreseen to be reserved for Afghans.

<sup>56</sup> Article 5 of the Prime Ministerial Decree, 28 March 2022, published on 15 April 2022, available at: <https://bit.ly/38Wxyfw>.

<sup>57</sup> In detail, the decree has provided for funding of 50 million and 500 thousand euros to the Ministry of the Interior for this purpose, Article 44 (1 c-bis), DL 50 of 17 May 2022.



It also established the increase in SAI places, due to the 2022 *ad hoc* funding, should be intended as mainly directed at granting reception for people who fled the Ukrainian conflict and to Afghan evacuees.<sup>58</sup>

Later, DL 115 of 9 August 2022 increased by further 8,000 the places in SAI again specifying that the increase was intended to give priority to the reception needs of people who fled from Ukraine and Afghanistan.<sup>59</sup>

#### *Alternative forms of accommodation for people fleeing from Ukraine and asking temporary protection*

DL 21 of 21 March 2022, later converted by L. 51 of 20 May 2022, at Article 31 (1) (a), established:

- ❖ The establishment of further forms of reception in local communities (*accoglienza diffusa*), different and additional respects to the governmental first accommodation centres and the temporary centres (CAS) to be implemented in agreement with the Municipalities, and through non-profit organisations, volunteer service centres, selected organisations and associations registered at the Presidency of the Council of Ministers<sup>60</sup> and religious bodies recognised according to national law, in substantial homogeneity of services and costs with the reception system facilities (CAS and first governmental facilities), for a maximum of 15,000 units, later increased by the DL n. 50 of 17 May 2022 that included 7,000 additional places;<sup>61</sup>
- ❖ To establish additional forms of support and assistance to persons entitled to temporary protection who have found autonomous accommodation, for a maximum duration of 90 days from the moment the temporary protection was requested and up to 60,000 units, later increased by the DL 50 of 17 May 2022 by 20,000 additional units and, in September, extended by 40,000 additional units;<sup>62</sup>
- ❖ To recognise, in proportion to the number of people accommodated in each region and up to a limit of 152 million, a flat-rate contribution for access to the National Health Service to the regions and provinces of Trento and Bolzano, up to 100,000 units, later integrated by DL 50 of 17 May 2022 by 27 million up to further 20,000 units;<sup>63</sup>

The Ordinance issued by the Head of the Civil Protection Department on 29 March 2022 better detailed these provisions. Regarding the financing of accommodation projects, it informed about the publication of notices to collect expressions of interest to the reception measures for people fleeing Ukraine.<sup>64</sup>

On 11 April 2022, the MOI Civil Protection Department published the first notice according to which each organisation offering its services had to make at least 300 places available, with a maximum of 30,000, also in associated form, and to prove an experience of at least 3 years in the reception of migrants or social and work integration activity.

The cost per capita was set at a maximum of EUR 33 per day.

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<sup>58</sup> Article 44 (3 bis) DL 50 of 17 May 2022, converted by L. 91 of 15 July 2022.

<sup>59</sup> Article 26, LD. 9 August 2022, no 115, converted with amendments by L 142 of 21 September 2022.

<sup>60</sup> This is the register referred to in article 42 of the TUI where selected associations and organisations dealing with migration themes can be registered in order to promote activities for foreign people and allowed to file appeals before the administrative Courts for the annulment of illegitimate acts.

<sup>61</sup> Article 44 (1 a) DL 50 of 17 May 2022 converted by L. 91 of 15 July 2022.

<sup>62</sup> Civil protection ordinance no. 921 of 15 September 2022 - Further urgent civil protection provisions to ensure, on the national territory, the reception, rescue and assistance to the population as a result of the events taking place in the territory of Ukraine, in implementation of article 44, paragraph 2, of the legislative decree 17 May 2022, no. 50, converted, with amendments, by law 15 July 2022, n. 91. The ordinance acknowledged that as of 15 August 2022, a total of 99,772 economic contribution transfers were authorised, referring to 61,485 individuals; a total of 37,248 supplementary contributions were also disbursed for minor children.

<sup>63</sup> Article 44 (1 c) DL 50 of 17 May 2022 converted by L. 91 of 15 July 2022.

<sup>64</sup> Ordinance from the Head of the Civil Protection Department no. 881 of 29 March 2022, available at: <https://bit.ly/3LH2VJ0>.

The document highlighted that within the limit of 15,000 units, priority in terms of funding would be given to projects located in places with the greatest request for hospitality by people fleeing from Ukraine and then to the projects in places gradually closer.<sup>65</sup>

The notice requested the submission of proposals for reception places but determined the time limit to send the proposals would be 22 April 2022.

The strict time limit and the need to offer at least 300 places made it difficult to submit such proposals for many organisations.

Of the 48 proposals presented, 29 were approved, for a total of 17,012 places offered<sup>66</sup> but the first conventions were then only signed in early August.

By December 2022, only 12 entities signed agreements for the reception in local communities (*accoglienza diffusa*) for a total of 5,332 places. They were in detail:

Caritas	1,489
ARCI	840
Apulia Anolf	310
Apeiron	501
Comunità Papa Giovanni XXIII	171
CSV Monza Lecco Sondrio	297
CSV Vicenza	180
Dimora D'Abramo	340
Esculapio	352
Gea	527
San Marco	119
Umana Solidarietà	206

As of 15 February 2023, the distribution was the following: 11,149 people displaced from Ukraine were hosted in CAS (temporary reception centres); 2,402 were hosted in structures of the Reception and Integration System (SAI); 3,266 people were accommodated in hotels; 2,162 persons in local communities (*accoglienza diffusa*).<sup>67</sup>

On 29 March 2024, the Ministry of the Interior published two financing decrees for the continuation until the end of 2024 of the SAI projects (Reception and Integration system) and of the places in the reception system already financed through the funds reserved to the so-called "Ukraine emergency".

<sup>65</sup> Civil Protection Department, Notice for the acquisition of expressions of interest for the reception activities for people fleeing from the war in Ukraine, 11 April 2022 available at: <https://bit.ly/3KKYpJv>.

<sup>66</sup> See overview provided by the Civil Protection website, Emergenza Ucraina. Dashboard accoglienza diffusa, available at: <https://bit.ly/3Aw6G0C>.

<sup>67</sup> Redattore Sociale, Accoglienza ucraini, quel "modello nuovo" frenato da ritardi e troppa burocrazia", 22 February 2023, available in Italian at: <http://bitly.ws/DvxZ>.

These decrees follow up on what was already provided for in the previous decrees (DM no. 419368 and DM no. 419569, both of 30.1.2024), concerning the continuation of the aforementioned projects for the first months of 2024.

In particular:

The Ministerial Decree n. 3196 of 29 March 2024<sup>70</sup> provides for the continuation - from 1 April to 31 December 2024 - of 1,221 places, activated by 54 new SAI projects originally financed with Ministerial Decree no. 35312 of 26.9.2022, subsequently expired on 31.12.2023 and continued as per the Ministerial Decree of 30.1.2024.

The Ministerial Decree n. 3195 of 29 March 2024<sup>71</sup> provides for the continuation of the expanded positions originally financed with Ministerial Decree no. 30147 of 23.8.2022, subsequently expired on 31.12.2023 and continued as per Ministerial Decree 01.30.2024.

The Ministry of Interior established the financing of:

- ❖ 748 places distributed among 38 SAI projects, for the period from 1 April to 31 December 2024.
- ❖ 359 places distributed among 22 SAI projects, for the period from 1 March to 30 April 2024. In this case the Ministry decided to finance only one additional month.

These places have been subsequently financed again until 30.06.2024 through Ministerial Decree n.25596 of 07.06.2024.

The Decree Law no. 16 of 2 March 2023 established the continuation of the provision of reception in local communities (accoglienza diffusa) until 31 December 2023 and up to a maximum of 7,000 places.<sup>72</sup>

Article 1, par. 390 of L. 213/2023 extended the state of emergency to 31 December 2024 and Article 1, par. 388 of L. 213/2023 allocated the amount of 7,650,000 euros to ensure the extension of the hosting programs already in place. The provision of reception in local communities (accoglienza diffusa) is extended, up to a maximum of 7,000 places, until 31 December of 2024. Existing agreements about access to public health care and economic support are also extended until 31 December 2024.<sup>73</sup>

The same law, Article 1, par. 389 authorised the expense of 274 million euros for the year 2024 for the continuation of the reception agreements existing in 2022-2023 at the same conditions.<sup>74</sup>

Regarding economic support to persons entitled to temporary protection who have found autonomous accommodation, the Ordinance of Civil protection of 29 March 2022 stated that they would receive an economic contribution of EUR 300, plus EUR 150 per child for up to three months from the date of the temporary protection receipt.<sup>75</sup> On 30 April 2022, the online platform through which to apply for the contribution was opened.<sup>76</sup> Even if on 9 May 2022, a Civil Protection Note specified that the economic contribution could be asked only up to 30 September 2022,<sup>77</sup> although the online platform was still opened and usable for all 2022. L. 213/2023 ensured the continuation of provision of economic support for people privately accommodated.<sup>78</sup>

L. 213/2023, article 1, par. 391 also allocated the sum of 40,000,000 euros to improve social services in the municipalities that host a significant number of holders of Temporary Protection.<sup>79</sup>

<sup>68</sup> Ministerial Decree n. 4193 of 30.1.2024 available at <https://bitly.cx/EUBm>

<sup>69</sup> Ministerial Decree n. 4195 of 30.1.2024 available at <https://bitly.cx/lx6JL>

<sup>70</sup> Ministerial Decree n. 3196 of 29 march 2024, available at <https://bitly.cx/svbDY>

<sup>71</sup> Ministerial Decree n. 3195 of 29 march 2024, available at <https://bitly.cx/4f2>

<sup>72</sup> DL 16 of 2 March 2023, Article 1 (1) a) and b).

<sup>73</sup> L. 213/2023, art. 1, par. 392 a) available at: <https://bitly.cx/MRGtN>.

<sup>74</sup> See: <https://bitly.cx/HVzMe>.

<sup>75</sup> Ordinance issued by the Head of the Department of Civil Protection, no. 881 of 29 March 2022, available at: <https://bit.ly/3LH2VJ0>.

<sup>76</sup> Department of Civil Protection, communication available at: <https://bit.ly/3vtsLLy>.

<sup>77</sup> Department of Civil Protection, Note no. 30457 of 9 May 2022.

<sup>78</sup> L. 213/2023, art. 1, par. 392 lett b).

<sup>79</sup> L. 213/2023, art. 1, par. 391, available at <https://bitly.cx/MRGtN>.

According to ASGI's experience, TP holders requesting to access reception measures are given accommodation. They are also able to maintain their places in the facilities even when they need to leave the accommodation for a short period of time (this usually is not the case of asylum seekers or holders of international or special protection, see [AIDA Country Report on Italy - 2022 Update](#)).

However, the existing offer of places is severely limited; 173,900 people fleeing the war in Ukraine reached Italy in 2023,<sup>80</sup> and state-sponsored reception (CAS, SAI and widespread reception) could only ensure accommodation measures for 20% of those arriving.

Finally it should be mentioned that the Ordinance of the Civil Protection no. 937 of 20 October 2022<sup>81</sup> ordered to cease, within 30 days from its entry into force, the use of temporary housing solutions in hotel structures.<sup>82</sup> The Ordinance established that this solution can be used only as a provisional and temporary measure for a maximum period of 30 days, exclusively in case of new arrivals of people escaping from Ukraine or in favour of people whose forms of spontaneous assistance by associations or families are no longer sustainable, when no immediate possibility of housing in other forms of reception can be guaranteed by the state.

## E. Employment and education

### 1. Access to the labour market

Right to work (subordinate or self-employed) is granted to beneficiaries of temporary protection, and to holders of the receipt certifying the permit application, waiting for the release of the permit.

Access to sanitary professions is facilitated according to art.34 of Decree Law 21/2022, which provided for a derogation from the discipline of the recognition of professional health qualifications, stating that public or private health structures can hire with fixed-term contracts Ukrainian doctors, nurses and OSS resident in Ukraine before 24 February 2022 and in possession of the European Qualifications Passport for Refugees.<sup>83</sup> The facilitation was extended also for 2024.<sup>84</sup>

TP beneficiaries also have access to professional training or apprenticeships in companies.<sup>85</sup>

A report of the Ministry of Labour and Social Policies is available for the first semester of 2022.<sup>86</sup> The report shows a higher rate of employment compared to other communities in Italy (64.1% vs. average 58.4%), and underlines a higher level of education of the Ukrainian community, but doesn't analyse the consequences of the massive flow of Ukrainian citizens in the first months of 2022 on the job market.

On 30 December 2023, Law 213/2023 allowed beneficiaries of temporary protection to convert the permits to stay into work permits to stay.

According to the data provided by the Government after a public access request, from 30 December 2023 up to 7 March 2023, 303 requests of conversion had been submitted.<sup>87</sup>

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<sup>80</sup> Source: UNICEF, available at <https://bitly.cx/qoZ9z>.

<sup>81</sup> Ordinance of the Civil Protection no. 937 of 20 October 2022, Article 1 and 2.

<sup>82</sup> As was established by Articles 2 and 3 Ordinance of the Civil Protection no 872/2022.

<sup>83</sup> Article 34 DL 21 of 21 March 2022.

<sup>84</sup> Article 1, par. 395 -396 of L. 213/2023.

<sup>85</sup> Article 4 letter g of LD no. 85/2003.

<sup>86</sup> Ministry of Labour and Social Policies, La comunità Ucraina in Italia, 2022, available at: <https://bit.ly/3RgXuGa>.

<sup>87</sup> Response to a Foia access submitted by Asgi, 2024.

## 2. Access to education

TP status gives the right to access education. In this regard, the DPCM of 28 March 2022, Article 2, grants minor TP holders access to the education system on par with Italian citizens.

The Ministry of Education ensured that minors who fled the war in Ukraine and entitled to TP would have a place in Italian schools. The Ministerial Notes n. 381 of 4 March 2022 'School reception of Ukrainian exile students - Initial indications and resources' and n. 576 of 24 March 2022 'Refugee students from Ukraine - Contributions to pedagogical and didactic reflection' reaffirmed the need for schools, through immediate and concrete didactic-training interventions, to ensure the fulfilment of the training obligation and full integration into the services of Italian education.

To support the integration process of these minors, in a particular state of fragility or emotional shock, it is requested to foster relations between those displaced by the war and the Ukrainian communities permanently inserted in Italy, in order to avoid any form of isolation. The possibility of organising psychological support courses to help these minors is also foreseen within the schools.

As an emergency measure, the Ministry of Education allocated an initial loan of one million euros to be allocated to educational institutions significantly involved in the reception and integration of Ukrainian minors.<sup>88</sup>

As regards access to the University, nothing was specified in the DPCM.

## F. Social welfare

I.N.P.S. (National Institute of Social Providence) is the national entity responsible for social welfare provisions, through its local offices and Social services of Municipalities. Foreign nationals holding a residence permit with a duration of more than a year are granted access to social welfare under the same conditions as Italian citizens. Some specific categories of aid however require having been a resident in the country for a certain period before applying (for example, "assegno unico" – unified family aid – requires a previous residence period of 2 years). These requirements, unless they are considered discriminatory by courts, exclude holders of temporary protection from access, not on the grounds of the type of permit but depending on other requirements (for example, previous residence).

However, through circular no. 41 of 4 July 2023, I.N.P.S. specified that, "in agreement with the Ministry of Labor and Social Policies", TP holders are entitled to receive "assegno unico".<sup>89</sup>

Thus, residence is the main issue when it comes to social welfare (see [AIDA Country Report, Content of Protection, Housing](#)).

## G. Health care

Access to health care is guaranteed to people fleeing the war in Ukraine since the presentation of the declaration of presence, which gives access to the STP system (Temporary Present Foreigner), which is usually granted to undocumented migrants who need to access national health care. Registration in the national healthcare system is guaranteed from the issuing of the application receipt. All medical treatments are free of charge (*regime di esenzione*).

TP holders do not appear to experience particular issues regarding access to healthcare. Some sanitary districts have put in place measures to overcome language barriers through a service of cultural

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<sup>88</sup> Ministry of Labour, report on unaccompanied minors, December 2022, available at: <http://bit.ly/3kol1b5>.

<sup>89</sup> See ASGI: Circolare INPS sull'Assegno Unico Universale: anche chi è titolare di protezione temporanea ne ha diritto" available at: <https://bit.ly/43h9ivZ>.

mediation. In the country, public health care is managed at regional level, so practical measures may vary significantly depending on the territory and on the regional administration.

Pursuant to the DPCM of 28 March 2022,<sup>90</sup> TP holders' access to health care is guaranteed on the national territory, with equal treatment compared to Italian citizens, subject to registration in the sanitary offices of the place where they live. They can ask for a general doctor and for a paediatrician. Until the application for the residence permit is submitted, health care is in any case guaranteed in emergency cases (Article 35 of TUI) by registering as temporarily present third-country nationals (STP-code).

The civil protection ordinance no. 895 of 24 May 2022 established that the TP holders have access to healthcare in the regime of exemption from participation in health care costs, if they do are not employed.<sup>91</sup>

Medical treatments remained free of charge for all the duration of the first permit of stay (until 4.3.2023). As all the permits have been extended automatically until 31 December 2023, the exemption from medical fees is extended as well, though it is reported that some districts are not providing an automatic extension but are, instead, requesting holders of TP to present a specific extension application (which is then granted). The new extension to December 2024 covers also access to healthcare; the exemption from medical fees is extended as well.

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<sup>90</sup> Article 5 (3) DPCM of 28 March 2022.

<sup>91</sup> O.c.d.p.c. no. 895 of 24 May 2022 'Further urgent civil protection provisions to ensure, on the national territory, the reception, relief and assistance to the population as a result of the events taking place in the territory of Ukraine'.